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Swearing-In of Clarence Thomas 10/18/91 [OA 8330] [4]

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October 16, 1991

MEMORANDUM FOR TONY SNOW

FROM: MICHELE NIX

SUBJECT: CLARENCE THOMAS SWEARING-IN CEREMONY

Here's some preliminary research for the Thomas swearing-in ceremony.

I've included the following:

- Past swearing-in remarks for Souter, Kennedy, Scalia, and O'Connor
- Thomas's remarks yesterday after the confirmation vote
- Some NEXIS articles -- one has some color about Thomas that you might use if you want to refer to his upbringing
- A quote by Thomas that I jotted down while listening to the hearings this past weekend
- The nomination announcement remarks
- An article from Policy Review -- A June 1987 speech Thomas gave before The Heritage Foundation about the black conservative

## Supreme Court Nominations, 1789-1983

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<i>Name</i>	<i>Nominated by</i>	<i>Service</i>
John Jay	Washington	1789-1795
John Rutledge	Washington	1789-1791
William Cushing	Washington	1789-1810
Robert H. Harrison	Washington	(D, 1790)
James Wilson	Washington	1789-1798
John Blair	Washington	1789-1796
James Iredell	Washington	1790-1799
Thomas Johnson	Washington	1791-1793
William Paterson	Washington	(W, 1793)
William Paterson <sup>a</sup>	Washington	1793-1806
John Rutledge <sup>b</sup>	Washington	(R, 1795)
William Cushing <sup>b</sup>	Washington	(D, 1796)
Samuel Chase	Washington	1796-1811
Oliver Ellsworth	Washington	1796-1800
Bushrod Washington	J. Adams	1798-1829
Alfred Moore	J. Adams	1799-1804
John Jay <sup>b</sup>	J. Adams	(D, 1801)
John Marshall	J. Adams	1801-1835
William Johnson	Jefferson	1804-1834
H. Brockholst Livingston	Jefferson	1806-1823
Thomas Todd	Jefferson	1807-1826
Levi Lincoln	Madison	(D, 1811)
Alexander Wolcott	Madison	(R, 1811)
John Quincy Adams	Madison	(D, 1811)
Joseph Story	Madison	1811-1845
Gabriel Duval	Madison	1811-1835
Smith Thompson	Monroe	1823-1843

<i>Name</i>	<i>Nominated by</i>	<i>Service</i>	<i>Name</i>	<i>No.</i>
Robert Trimble	J. Q. Adams	1826-1828	Joseph P. Bradley	Gra
John J. Crittenden	J. Q. Adams	(P, 1829)	Ward Hunt	Gra
John McLean	Jackson	1829-1861	George H. Williams	Gra
Henry Baldwin	Jackson	1830-1844	Caleb Cushing	Gra
James M. Wayne	Jackson	1835-1867	Morrison R. Waite	Gra
Roger B. Taney	Jackson	(P, 1835)	John M. Harlan	Hay
Roger B. Taney <sup>a</sup>	Jackson	1836-1864	William B. Woods	Hay
Philip P. Barbour	Jackson	1836-1841	Stanley Matthews	Hay
William Smith	Jackson	(D, 1837)	Stanley Matthews <sup>a</sup>	Gar
John Catron	Jackson	1837-1865	Horace Gray	Artl
John McKinley	Van Buren	1837-1852	Roscoe Conkling	Artl
Peter V. Daniel	Van Buren	1841-1860	Samuel Blatchford	Artl
John C. Spencer	Tyler	(R, 1844)	Lucius Q. C. Lamar	Clev
Reuben H. Walworth	Tyler	(W, 1844)	Melville W. Fuller	Clev
Edward King	Tyler	(P, 1844)	David J. Brewer	Hari
Edward King <sup>a</sup>	Tyler	(W, 1845)	Henry B. Brown	Hari
Samuel Nelson	Tyler	1845-1872	George Shiras Jr.	Hari
John M. Read	Tyler	No action	Howell E. Jackson	Hari
George W. Woodward	Polk	(R, 1846)	William B. Hornblower	Clev
Levi Woodbury	Polk	1846-1851	Wheeler H. Peckham	Clev
Robert C. Grier	Polk	1846-1870	Edward D. White	Clev
Benjamin R. Curtis	Fillmore	1851-1857	Rufus W. Peckham	Clev
Edward A. Bradford	Fillmore	No action	Joseph McKenna	McK
George E. Badger	Fillmore	(P, 1853)	Oliver W. Holmes	T. R
William C. Micou	Fillmore	No action	William R. Day	T. R
John A. Campbell	Pierce	1853-1861	William H. Moody	T. R
Nathan Clifford	Buchanan	1858-1881	Horace H. Lurton	Taft
Jeremiah S. Black	Buchanan	(R, 1861)	Edward D. White <sup>b</sup>	Taft
Noah H. Swayne	Lincoln	1862-1881	Charles E. Hughes	Taft
Samuel F. Miller	Lincoln	1862-1890	Willis Van Devanter	Taft
David Davis	Lincoln	1862-1877	Joseph R. Lamar	Taft
Stephen J. Field	Lincoln	1863-1897	Mahlon Pitney	Taft
Salmon P. Chase	Lincoln	1864-1873	James C. McReynolds	Wilso
Henry Stanbery	Johnson	No action	Louis D. Brandeis	Wilso
Ebenezer R. Hoar	Grant	(R, 1870)	John H. Clarke	Wilso
Edwin M. Stanton <sup>c</sup>	Grant	1869	William H. Taft	Wilso
William Strong	Grant	1870-1880		

<i>Nominated by</i>	<i>Service</i>
J. Q. Adams	1826-1828
J. Q. Adams	(P, 1829)
Jackson	1829-1861
Jackson	1830-1844
Jackson	1835-1867
Jackson	(P, 1835)
Jackson	1836-1864
Jackson	1836-1841
Jackson	(D, 1837)
Jackson	1837-1865
Van Buren	1837-1852
Van Buren	1841-1860
Tyler	(R, 1844)
Tyler	(W, 1844)
Tyler	(P, 1844)
Tyler	(W, 1845)
Tyler	1845-1872
Tyler	No action
Polk	(R, 1846)
Polk	1846-1851
Polk	1846-1870
Fillmore	1851-1857
Fillmore	No action
Fillmore	(P, 1853)
Fillmore	No action
Pierce	1853-1861
Buchanan	1858-1881
Buchanan	(R, 1861)
Lincoln	1862-1881
Lincoln	1862-1890
Lincoln	1862-1877
Lincoln	1863-1897
Lincoln	1864-1873
Johnson	No action
Grant	(R, 1870)
Grant	1869
Grant	1870-1880

<i>Name</i>	<i>Nominated by</i>	<i>Service</i>
Joseph P. Bradley	Grant	1870-1892
Ward Hunt	Grant	1872-1882
George H. Williams	Grant	(W, 1874)
Caleb Cushing	Grant	(W, 1874)
Morrison R. Waite	Grant	1874-1888
John M. Harlan	Hayes	1877-1911
William B. Woods	Hayes	1880-1887
Stanley Matthews	Hayes	No action
Stanley Matthews <sup>a</sup>	Garfield	1881-1889
Horace Gray	Arthur	1881-1902
Roscoe Conkling	Arthur	(D, 1882)
Samuel Blatchford	Arthur	1882-1893
Lucius Q. C. Lamar	Cleveland	1888-1893
Melville W. Fuller	Cleveland	1888-1910
David J. Brewer	Harrison	1889-1910
Henry B. Brown	Harrison	1890-1906
George Shiras Jr.	Harrison	1892-1903
Howell E. Jackson	Harrison	1893-1895
William B. Hornblower	Cleveland	(R, 1894)
Wheeler H. Peckham	Cleveland	(R, 1894)
Edward D. White	Cleveland	1894-1921
Rufus W. Peckham	Cleveland	1895-1909
Joseph McKenna	McKinley	1898-1925
Oliver W. Holmes	T. Roosevelt	1902-1932
William R. Day	T. Roosevelt	1903-1922
William H. Moody	T. Roosevelt	1906-1910
Horace H. Lurton	Taft	1909-1914
Edward D. White <sup>b</sup>	Taft	1910-1921
Charles E. Hughes	Taft	1910-1916
Willis Van Devanter	Taft	1910-1937
Joseph R. Lamar	Taft	1910-1916
* Mahlon Pitney	Taft	1912-1922
James C. McReynolds	Wilson	1914-1941
Louis D. Brandeis	Wilson	1916-1939
* John H. Clarke	Wilson	1916-1922
William H. Taft	Harding	1921-1930

<i>Name</i>	<i>Nominated by</i>	<i>Service</i>
George Sutherland	Harding	1922-1938
Pierce Butler	Harding	1922-1939
Edward T. Sanford	Harding	1923-1930
Harlan F. Stone	Coolidge	1925-1946
<b>Charles E. Hughes<sup>b</sup></b>	Hoover	1930-1941
John J. Parker	Hoover	(R, 1930)
Owen J. Roberts	Hoover	1930-1945
Benjamin N. Cardozo	Hoover	1932-1938
Hugo L. Black	F. Roosevelt	1937-1971
Stanley F. Reed	F. Roosevelt	1938-1957
Felix Frankfurter	F. Roosevelt	1939-1962
William O. Douglas	F. Roosevelt	1939-1975
Frank Murphy	F. Roosevelt	1940-1949
<b>Harlan F. Stone<sup>b</sup></b>	F. Roosevelt	1941-1946
James F. Byrnes	F. Roosevelt	1941-1942
Robert H. Jackson	F. Roosevelt	1941-1954
Wiley B. Rutledge	F. Roosevelt	1943-1949
Harold H. Burton	Truman	1945-1958
<b>Fred M. Vinson</b>	Truman	1946-1953
<b>Tom C. Clark</b>	Truman	1949-1967
Sherman Minton	Truman	1949-1956
<b>Earl Warren</b>	Eisenhower	1953-1969
John M. Harlan	Eisenhower	1955-1971
William J. Brennan Jr.	Eisenhower	1956-
Charles E. Whittaker	Eisenhower	1957-1962
Potter Stewart	Eisenhower	1958-1981
Byron R. White	Kennedy	1962-
Arthur J. Goldberg	Kennedy	1962-1965
Abe Fortas	Johnson	1965-1969
<b>Thurgood Marshall</b>	Johnson	1967-
<b>Abe Fortas<sup>b</sup></b>	Johnson	(W, 1968)
Homer Thornberry	Johnson	No action
<b>Warren E. Burger</b>	Nixon	1969-
Clement Haynsworth Jr.	Nixon	(R, 1969)
G. Harrold Carswell	Nixon	(R, 1970)
Harry A. Blackmun	Nixon	1970-
Lewis F. Powell Jr.	Nixon	1971-
William H. Rehnquist	Nixon	1971-

<i>Name</i>	<i>Supreme Nominat</i>
John Paul Stevens	Ford
Sandra Day O'Connor	Reagan

<sup>a</sup> Earlier nomination not confirmed.

<sup>b</sup> Earlier Court service.

<sup>c</sup> Died four days after confirmation.

Boldface type indicates nomination as chief justice.

(D) Declined

(P) Postponed

(R) Rejected

(W) Withdrawn

SOURCES: Leon Friedman and Fred L. Israel, eds., *T. States Supreme Court, 1789-1969* (New York: R. R. Bow Journal of the U.S. Senate, 1789-1975; *Guide to the U.S. Supreme Court* (Washington, D.C.: Congressional Quarterly Inc., 1979

<i>Nominated by</i>	<i>Service</i>
Harding	1922-1938
Harding	1922-1939
Harding	1923-1930
Coolidge	1925-1946
Hoover	1930-1941
Hoover	(R, 1930)
Hoover	1930-1945
Hoover	1932-1938
F. Roosevelt	1937-1971
F. Roosevelt	1938-1957
F. Roosevelt	1939-1962
F. Roosevelt	1939-1975
F. Roosevelt	1940-1949
F. Roosevelt	1941-1946
F. Roosevelt	1941-1942
F. Roosevelt	1941-1954
F. Roosevelt	1943-1949
Truman	1945-1958
Truman	1946-1953
Truman	1949-1967
Truman	1949-1956
Eisenhower	1953-1969
	1955-1971

*Name*

John Paul Stevens  
Sandra Day O'Connor

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*Nominated by*

Ford  
Reagan

*Service*

1975-  
1981-

## FACING HEARINGS

Supreme Court nominee Clarence Thomas pauses for thought during visit to Capitol Hill, where confirmation hearings open Tuesday. The story of his gutsy climb from the poverty and racism of the segregated South has been a powerful theme stressed by supporters.



RAY LUSTIG — THE WASHINGTON POST

# Thomas: Growing Up Black in a White World

First of two articles (8-8-91)

By John Lancaster  
and Sharon LaFraniere  
Washington Post Staff Writers

The gathering was a friendly one, high school classmates getting together at a restaurant a few months after their graduation. But Clarence Thomas had something he wanted to get off his chest.

As his classmates listened uncomfortably, Thomas bitterly unburdened himself of the slights and humiliations he had suffered as the first black to graduate from their small Catholic boarding school near Savannah, Ga.

He reminded his dinner companions of the slights and racial gibes and of the classmates

who at mealtime acted as if he had a contagious disease, recalled Mark Everson, now a child psychologist in North Carolina. But perhaps Thomas's most poignant recollection was of a subtler shade of racism.

"He had a pair of shoes that were much more fashionable than we had, and we would tease him about those shoes, which were something more acceptable in a black school," Everson said. "And he commented about how hard it was to try to fit in with his black friends one way and then at [school], where we would tease him for the way he dressed."

Everson said Thomas's revelations left him deeply moved. "We were products of a certain time and generation in Georgia," he said. "I was saddened that we had been that way."

If there was one constant in the early life of Clarence Thomas, whose confirmation hearings for a seat on the Supreme Court begin Tuesday, it was his knowledge of how his skin color set him apart.

Racism affected Thomas in ways both large and small, dictating his choice of schools, barring him from the James Bond movies he yearned to see and even earning him taunts from fellow black children, who mocked his exceptionally dark complexion. Once it got him ejected from a Shakey's pizzeria. Ultimately it helped drive him off the path to the priesthood.

But if Thomas knew firsthand the pain of racial injustice, he also suffered from its

See THOMAS, A20, Col. 1

I called the Supreme Court Public Affairs Office for the lighter side of things:

- The junior justice is responsible for getting up and answering the door should anyone knock during a meeting of the nine justices.
- Thomas will be driving himself to work.
- The justices are active people -- some play tennis, some play golf, one plays bridge.
- Thomas will have one of the smaller offices.
- Thomas will be the only southerner on the court; all the others are from the west, midwest, and New England areas.

October 16, 1991

MEMORANDUM FOR TONY SNOW

FROM: MICHELE NIX

SUBJECT: CLARENCE THOMAS SWEARING-IN CEREMONY

Here's some preliminary research for the Thomas swearing-in ceremony.

I've included the following:

- Past swearing-in remarks for Souter, Kennedy, Scalia, and O'Connor
- Thomas's remarks yesterday after the confirmation vote
- Some NEXIS articles -- one has some color about Thomas that you might use if you want to refer to his upbringing
- A quote by Thomas that I jotted down while listening to the hearings this past weekend
- The nomination announcement remarks
- An article from Policy Review -- A June 1987 speech Thomas gave before The Heritage Foundation about the black conservative

Oct. 6 / Administration of George Bush, 1990

**Message to the House of Representatives Returning Without Approval a Resolution Providing Funding for Continued Government Operation**

October 6, 1990

*To the House of Representatives:*

I am returning herewith without my approval H.J. Res. 660—a resolution making continuing appropriations—which would extend funding for the Federal Government through October 12, 1990. In providing for such funding, H.J. Res. 660 would also suspend the sequester that is required by the Gramm-Rudman-Hollings law. The sequester would be suspended even though the Congress has failed repeatedly to act in any meaningful way to reduce the Federal deficit. Under these circumstances, I simply cannot approve H.J. Res. 660.

When the Budget Summit Agreement was announced by the Bipartisan Leadership on September 30th, I indicated that I would not sign a continuing resolution until a satisfactory budget resolution was passed. The Congress failed to pass such a budget resolution during the past week. I have made the difficult political decisions that are required to achieve a meaningful reduction in the Federal deficit. Responsible congressional action to reduce the deficit can be delayed no longer. It is time for the Congress to act responsibly on a budget resolution—not time for business as usual.

I urge the Congress to concentrate its energies on passing a satisfactory budget resolution to clear the way for approval of another short-term continuing resolution, and the enactment of meaningful deficit reduction legislation no later than October 19th.

I note that H.J. Res. 660 would also increase the Federal debt limit until October 12th. If it becomes clear that the Congress cannot pass a satisfactory budget resolution by October 9th, I urge that it enact a clean bill extending the debt limit so that the U.S. Government will not default on its obligations on October 11th. The latest date by which action on a debt limit extension is needed to avoid default is October 9th, so that the Treasury can auction securities on

October 10th and settle them on October 11th.

George Bush

The White House,  
October 6, 1990.

**Remarks at the Swearing-In Ceremony for David H. Souter as an Associate Justice of the Supreme Court of the United States**

October 8, 1990

*The President.* Thank you all, and good afternoon. Mr. Chief Justice, and members of the Court; Members of the United States Congress that are here today, Senate and House; members of the Cabinet; Mr. Vice President: It is truly an honor to greet you all here at the White House and particularly to welcome the friends of this extraordinary Justice to Washington.

Today's ceremony is historic for many reasons. It is, of course, the first Supreme Court appointment of this Presidency. More importantly, it serves as another occasion to celebrate the 200 years of the Constitution of the United States and the independent judiciary it launched.

We meet on Columbus Day, birthplace of a modern hemisphere and an auspicious date for any new beginning. Elsewhere around the world, the origins of many countries are almost lost in time, their roots unclear, unknown. Not so in America. We know exactly where and exactly when our modern history began. But we often forget that back in 1492, Christopher Columbus was searching not for a new world but a new way—a passage to the riches of the Far East. In fact, Columbus was so confident he carried a letter from Queen Isabella to be delivered to the Emperor of China. This marked history's first known case of mail getting lost on its way—[laughter]—across America.

But if our modern history began with a search for earthly treasure, it was a search for something more elusive that actually gave birth to the United States: a search for freedom, a search for justice and self-government, a search that produced the Constitution of the United States.



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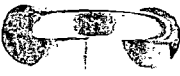
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In ancient China, the word "wisdom" was formed by a combination of the ideograms for wind and lightning—wind and lightning. And years before the American Revolution, Benjamin Franklin lofted a kite upon the wind and seized lightning from the sky. And at age 81, he did it again. For 4 sweltering months in the summer of 1787, 55 delegates met in Philadelphia, debating a wonderful, audacious, unsettling idea. Washington called the Constitution "little short of a miracle." It was—with wind and lightning—a nation inventing itself.

One of those 55 delegates was James Wilson, the son of a Scottish farmer and the Pennsylvania lawyer who shared responsibility for writing the Constitution's first draft. A fervent advocate of the sovereignty of the people, Wilson fought for a strong national judiciary and was one of the first to envision the principles of judicial review. Today Wilson's idea stands as one of the cornerstones of our republic and one of America's greatest gifts to the world.



Tomorrow morning, Justice David Souter—sounds good, doesn't it, David—[laughter]—assumes a distinguished seat on the Supreme Court. It was first held by that very same James Wilson, one of the five men that President George Washington first appointed to the Supreme Court in 1789. His successor was Bushrod Washington, a nephew of the President, soldier in the Revolutionary War, and a founding member of one of the many organizations that has recognized David Souter for his intellect—namely, Phi Beta Kappa.

Thirty-four years ago this distinguished seat became open during the Presidency of one of my personal heroes, Dwight D. Eisenhower. And Ike filled that seat with a jurist who was to become one of the most personally beloved and respected members of the Court, Justice Brennan. Will you stand up? I guess you can tell that all of us wish you a most pleasant and active retirement. And thank you for your service, sir.



Like his predecessor, Justice Souter comes to the Court with a distinguished record of judicial service. And I'm grateful that many of the fine judges with whom he has served are able to be with us today. During the recent hearings, Justice Souter clearly demonstrated the superb education, training, and experience that grace his

record. But even more important, he once again demonstrated his lifelong devotion to principle—a simple, straightforward, and enduring principle, a principle quite familiar to Justice James Wilson and the other framers of the Constitution. And the principle is this: The role assigned to judges in our system is to interpret the Constitution and lesser laws and not to make them.

And on this issue of principle I also want to congratulate and thank the Judiciary Committee and the full Senate for the prompt and faithful exercise of their own constitutional responsibilities. Chairman Biden is with us and Senator Thurmond and others, and we are grateful to you for your role in this procedure.

Like many Americans, I was particularly moved by Justice Souter's opening comments at his hearings. "The first lesson," he said, "simple as it is, is that whatever court we're in, whatever we are doing, at the end of our task some human being is going to be affected. Some human life is going to be changed by what we do." And he added, "And so we had better use every power of our minds and our hearts and our beings to get those rulings right." Now, those are the sentiments of a very thoughtful and caring man.

And just down the street, as the autumn twilight descends on Washington, an underground vault holds America's founding papers, the birth certificate of a nation. The paper is a deep yellow, but the writing is still strong and distinct: "We the People of the United States." And the Constitution is not just a symbol but a living idea, the world's greatest experiment in freedom and self-government, four handwritten pages that promise freedom and justice before the law. Unlike other nations, Americans cannot look to a common heritage of culture or blood. Americans come from every corner of the world, linked only by this—an idea—a nation that invented itself.

In just a few moments we will all bear solemn witness to the oath of office of America's newest Supreme Court Justice. And so, let me conclude with Justice Souter's own description of the task ahead: "It is the responsibility to join with eight other people to make the promises of the Constitution a reality of our time, and to

preserve that Constitution for the generations that will follow us after we are gone from here."

And now I would invite the Chief Justice, William Rehnquist, with the assistance of Erin Rath, to administer the constitutional oath of office to Justice David Souter. And I also understand that Judge Souter would like Senator Rudman and Tom Rath to join us up here also. So, Mr. Chief Justice, if you will do it, sir.

[At this point, Justice Souter was sworn in.]

**Justice Souter.** Mr. President, Mr. Vice President, Mr. Chief Justice and members of the Court, members of the leadership, Chairman Biden, Senator Thurmond, and members of the Judiciary Committee, all Members of the Congress, and my friends—new and old.

It is exactly 11 weeks to the hour since I stood next to the President in another room in this house, facing about the same number of people. I'm sure that you remember, if you saw films of that afternoon, that I was in a state of virtual shock. And I'm glad that I can say that in the 11 weeks since then I've at least advanced in the direction of some degree of composure. I have not, however, in the 11 weeks, got myself to the point this afternoon where I really am capable of saying what is on my mind. What I would like to try to say something about—I think I can explain to you if I tell you a story about what happened later that afternoon 11 weeks ago.

After the President's news conference, I was immediately taken into Governor Sununu's office and the planning process began. And this went on for I guess about an hour. And at the end of that hour the Governor came in, and he said that the President believed I could probably stand some refurbishing. And I thought, well, the President finally got it right this afternoon. [Laughter] So, I was taken upstairs to where the President and Mrs. Bush were watching the news, and the President gave me a drink to compose myself. And after a couple of minutes of conversation, Mrs. Bush said to me, "How is your mother taking this?" I told her that I called my mother on the phone and I could report that the mother was taking things a lot better than the son was. And the President

said, "What's her phone number?" So, I gave him her phone number, and he called my mother on the phone.

And he said—as best I can recall the conversation, he said, "Now, look, Mrs. Souter," he said, "I want you to know he's okay." [Laughter] He said, "We've got him up here and we're watching the news, and he's having a drink. And we'll look after him, and he's going to be all right." [Laughter]

That is a phone call, although it did not come to me, that I will never forget, and no one in my family will ever forget. And it epitomizes for me the reason why my sense of gratitude to the President goes so far beyond anything that could be called simply "official." And that same sense of gratitude extends not only, of course, to my mother, who took the call that afternoon, but to virtually everyone who has dealt with me in those 11 weeks.

It certainly extends to the Judiciary Committee of the Senate, which used me with consummate fairness, and to all the Members of the Senate who reviewed their recommendation. It extends to the members of the Supreme Court, who, even before today, have done their best to make me feel welcome and have repeated their efforts to me this afternoon. It extends to the ABA [American Bar Association] committee, the standing committee on the judiciary, which reviewed my credentials; and most particularly, to the subcommittee which worked so long on me.

And I wish I could also thank adequately the counselors that I've had, right from that first bit of advice from Governor Sununu so shortly after the nomination to Kenneth Duberstein and to Frederick McClure, who have counseled me in extraordinary ways these last couple of months, to Boyden Gray and to the members of his office, particularly to Fred Nelson, who was sort of my guide through these weeks and proved a wonderful guide.

My thanks certainly go to the Attorney General and to the members of his office who helped me on research chores and were fastidious in drawing a line between what was appropriate for the Justice Department and what was appropriate for the nominee. And my thanks certainly extend to the attorney general of New Hampshire

and to his office, which I think would have been facilitated by the efforts of Erin Rath and a biographer [laughter]—did not see me on July 23d as it later see

And, of course, if I think of the people who have supported me up and given me the race that I have run in 11 weeks, to my mother and to my friends both old and new. And I stand here and I think to you, how can I thank everyone in this room for what they have really done for me. We can never thank the people who do us good and what we try to do and to make the gift come to us a kind of going on traveling.

And I think the afternoon is that that I do. I will try to pay it back. Most important on the constitutional received this afternoon as best I can according to what gives me. And in due time I will pass it to another in I have received it from Justice Brennan. And I will try to refresh—to another American republic of us all.

**The President.** It is my hope that Justice Souter is from New Hampshire that without a lot of large But I think we all know that I would like to see the Court and the Vice of the Cabinet and the Judiciary Committee and the Congress and then ever in a receiving line with Justice Souter how happy to meet you out here.

*Note: The President was sworn in in the East Room at the White House to Erin Rath, the daughter of a friend of Justice Souter's.*

and to his office, which but for their competence would have been rendered dysfunctional by the efforts to construct a paper trail and a biography for me, which—[laughter]—did not seem as apparent on July 23d as it later seemed to be.

And, of course, if I could, I would thank the people who have supported me and shored me up and given me the spirit for the race that I have had to run these past 11 weeks, to my neighbors and to my friends both old and new.

And I stand here saying to you, or asking to you, how can I thank you? And I think everyone in this room knows that I cannot really. We can never recompense the people who do us good. What we can do, and what we try to do instead, is pass it on and to make the gifts and kindnesses that come to us a kind of human currency that goes on traveling.

And I think the most that I can say this afternoon is that that is what I will try to do. I will try to pass on what I have received. Most importantly, I will try to pass on the constitutional authority that I have received this afternoon. I will try to use it as best I can according to the light that God gives me. And in due course I will try to pass it to another in as vigorous condition as I have received it this afternoon, as it were, from Justice Brennan. I will try to preserve it. And I will try to transmit it—I hope refreshed—to another generation of the American republic which is the inheritance of us all.

*The President.* It is not because Mr. Justice Souter is from strict Yankee tradition in New Hampshire that the reception will be without a lot of largess in there. [Laughter] But I think we all know the circumstances. But I would like to ask the members of the Court and the Vice President and members of the Cabinet and members of the Judiciary Committee and other Members of Congress and then everybody else to join us just in a receiving line so we can all tell Justice Souter how happy we are. So, let's go. We'll meet you out here.

*Note: The President spoke at 5 p.m. in the East Room at the White House. He referred to Erin Rath, the daughter of Tom Rath, a friend of Justice Souter. Justice Souter re-*

*ferred to John H. Sununu, Chief of Staff to President Bush; Kenneth M. Duberstein, former Chief of Staff to President Reagan; Frederick McClure, Assistant to the President for Legislative Affairs; C. Boyden Gray, Counsel to the President; Frederick D. Nelson, Associate Counsel to the President; Attorney General Dick Thornburgh; and John Arnold, New Hampshire attorney general.*

### Statement on Signing a Resolution Providing Funding for Continued Government Operation

October 9, 1990

I am today signing H.J. Res. 666, a temporary continuing resolution, providing funds for the Government to operate through October 19, 1990.

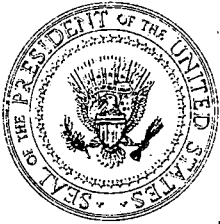
In vetoing the previous continuing resolution, I said I would not sign any such resolution until the Congress had passed a budget resolution. I want to thank the Members of the Congress who voted to sustain my veto.

The Congress has now passed a budget resolution which, if fully implemented, would reduce the Federal deficit by \$500 billion over the next 5 years. If achieved, this would be the largest deficit reduction program in history. While I am not fully satisfied with the budget resolution, it does provide a framework within which the committees of the Congress can now work to provide substantive law that comes close to fulfilling the letter—and that does fulfill the spirit—of the Bipartisan Budget Summit Agreement announced on September 30, 1990.

The next step in implementing the budget resolution is the passage of a budget reconciliation bill. Its component parts are to be submitted to the budget committees of the Congress by October 12th.

There is, unfortunately, no assurance that the congressional committees will, in fact, produce a fully satisfactory reconciliation bill. But I repeat: I will not accept business as usual.

I am obliged to make clear that the reconciliation bill now called for:



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# The White House Office of Public Affairs

## Presidential Wire

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### Supreme Court Nominee Judge Clarence Thomas

Excerpts from President Bush's address  
at the National Night Out Against Crime ceremony

August 6, 1991

"Our nominee for the U.S. Supreme Court -- let me just say a word about him -- Judge Clarence Thomas. He not only has lived the values that we hold dear, he's promoted them through his distinguished career in public service. And his personal story -- when you meet him you can't help but be impressed -- in my case, deeply moved. It impresses everybody, everybody that's fair and open-minded.

"And I nominated him because he has the brains, he has the record and he has the personal decency that Americans should expect in a Justice of the Supreme Court -- a fidelity to the Constitution and the rule of law.

"Judge Thomas has tremendous support from a broad section, a cross-section of America. And that across-the-board support includes minority communities, overwhelmingly supported in minority communities, I might add, and is now manifesting itself in measurable ways. So when you hear about opposition to Judge Thomas from one beltway group or another, it's clear that they are simply out of touch with mainstream America.

"Look at today's piece in The Washington Post by Margaret Bush Wilson, a former chairman of the NAACP's National Board of Directors for nine years, and she's known Judge Thomas for 17 years, known him personally. In supporting the Judge, she said, 'I know that as a Supreme Court Justice, Clarence Thomas will continue to defend and protect the rights of the needy. He does not permit anyone to think for him and he is intellectually honest.' Maybe some of these groups out there could take a lesson from that distinguished civil rights advocate and look at the facts and the record instead of engaging in ideological attacks.

"As we talk today about values and about taking responsibility for building a better future, Clarence Thomas comes to mind. He certainly exemplifies the very attitudes we want all Americans to adopt as they build better, safer communities."

Drug Enforcement Agency Auditorium  
Arlington, Virginia

For further information call the White House Office of Public Affairs at  
202/456-2483.

## COMMENTS IN SUPPORT OF JUDGE CLARENCE THOMAS

*Gregory K. Washington, Chairman of the Maryland Black Republican Council,  
The Evening Sun, August 1, 1991*

"The nomination of Judge Clarence Thomas to the U.S. Supreme Court pushes the federal government forward in the spirit of President's Bush's All-American agency. Judge Thomas is an honorable and courageous man who has risen from Southern poverty to stand above others as an inspirational role model for the black youth today. In developing a philosophy of self-reliance, he emphasizes his belief that any person of any race is capable of achieving anything he or she wants."

". . . President Bush did not seek to fill a quota, but to maintain diversity on the top court, and by doing so he selected a fiercely independent thinker with a staunch structural interpretation of the Constitution. . ."

"As an African American, I am proud of Judge Clarence Thomas and what he stands for. Clearly, he deserves confirmation."

\* \* \*

*Margaret Bush Wilson, an attorney in St. Louis,  
chaired the National Board of Directors of the National  
Association for the Advancement of  
Colored People from 1975 to 1984.  
The Washington Post, Tuesday August 6, 1991*

"Recently, the NAACP National Board took action opposing Judge Thomas's nomination. I wish it had withheld judgement until after the hearings, because the Clarence Thomas I have been reading about often bears little resemblance to the thoughtful and caring man I have known over the years.

"Judge Thomas reflects the diversity and complexity of African-American thinking, but his views are not nearly as radical as his critics suggest. . . He seeks a climate where African-Americans and other minorities feel empowered to compete equally with their counterparts of other races, with rational support from government programs."

". . . To rise above the dual curses of poverty and discrimination requires tremendous individual effort from a special kind of person, help from others and luck. All these have been present in Judge Thomas's career.

"Throughout the history of the U.S. Supreme Court, I don't believe any other nominee can claim to have come so far. In point of fact, Judge Thomas's unique perspective belongs not only

on the Supreme Court but in legislature, in the work place, at a city hall and on our campuses.

"No one can deny that Judge Thomas would differ with Justice Thurgood Marshall on some issues. I don't always agree with the justice myself. I do believe that both men show a common, fundamental belief in the inherent worth and rights of the individual. At one of his four previous Senate confirmation hearings, Judge Thomas said, 'The reason I became a lawyer was to make sure that minorities, individuals who did not have access to this society, gained access. . . I may differ with others on how best to do that, but the objective has always been to include those who have been excluded.'

". . . Judge Thomas has been . . . looking out for the vulnerable and victimized on the job, in the community and at the court. I know that as a Supreme Court justice Clarence Thomas will continue to defend and protect the rights of the needy. He does not permit anyone to think for him, and he is intellectually honest."

\* \* \*

For further information call the White House Office of Public Affairs at 202/456-2483.

# THE EVENING SUN

DATE: 8/1/91  
PAGE: A13

## Judge Thomas is proof blacks can make it

The nomination of Judge Clarence Thomas to the U.S. Supreme Court pushes the federal government forward in the spirit of President Bush's All-American agency. Judge Thomas is an honorable and courageous man who has risen from Southern poverty to stand above others as an inspirational role model for the black youth of today. In developing a philosophy of self-reliance, he emphasizes his belief that any person of any race is capable of achieving anything he or she wants. All people are capable of fulfilling their own "American Dream," but only if they possess a willingness to work hard enough for it.

Good government is comprised of the individual, and each person's ability, dignity, morality and responsibility as demonstrated within this system must be honored and recognized. This is what George Bush has done for Judge Thomas. He has drawn him into the spotlight to undergo the scrutiny of his peers and the American people. President Bush did not seek to fill a quota, but to maintain diversity on the top court, and by doing so he selected a fiercely independent thinker with a

staunch structural interpretation of the Constitution. He chose an individual who will represent all Americans on the highest court of the land in the most objective, responsible and knowledgeable way.

Judge Thomas is a man who has continuously overcome adversity, placing no blame on society or what it represents. Rather, he recognized it, pulled himself up by his bootstraps and succeeded in elevating himself both within the Republican Party and the United States government.

As an African American, I am proud of Judge Clarence Thomas and what he stands for. Clearly, he deserves confirmation.

Gregory K. Washington  
The writer is chairman of the  
Maryland Black Republican  
Council.

*Margaret Bush Wilson*

## The NAACP Is Wrong on Thomas

The young man standing at my door that summer day in 1974 looked like an African prince. "Hello, I'm Clarence Thomas," he said. "I know," I replied. "I've been expecting you." And so began a friendship with someone I think of fondly as a second son.

I first heard of young Thomas (then almost 26) from his employer-to-be, Sen. John Danforth (R-Mo.), who was attorney general of Missouri at the time. Mr. Danforth told me he had just hired a bright young law graduate from Yale and asked if I knew of a place the young man could live for the summer while studying for the Missouri bar. My own son, Robert, was then a law student with plans to work that summer in Washington. I invited young Clarence to stay in my son's empty room.

I don't recall seeing another young person as disciplined as Clarence Thomas. First thing, every day, he would exercise with my son's weights and then be off to his studies. I asked of him only one thing: I would prepare dinner, and he would show up on time. We would eat together every night, often with one or two friends or relatives and talk about any and all of the problems of the world.

We didn't always agree (Clarence was "conservative" even then), but I was impressed continually with one so young whose reasoning was so sound. I must also admit that his arguments, both legal and logical, forced me to rethink some of my own views. I know I sometimes made him see things differently, too, because Clarence Thomas knew how to listen as well as talk.

Across the years, I have kept in touch with Judge Thomas, and to this day I respect his

integrity, his legal mind and his determination. Even when we disagree, I have found him to be a sensitive and compassionate person trying to do what is right, working to make the world a better place.

Back then I sensed that he would one day be in a position to have a larger impact, but I had no way of knowing that this determined young man might one day have the chance to tackle some of our country's problems on this nation's highest court.

Recently, the NAACP National Board took action opposing Judge Thomas's nomination. I wish it had withheld judgment until after the hearings, because the Clarence Thomas I have been reading about often bears little resemblance to the thoughtful and caring man I have known over these years.

Judge Thomas reflects the diversity and complexity of African-American thinking, but his views are not nearly as radical as his critics suggest. He has pushed for a new frontier in civil rights, and heaven knows we need one when one-third of African Americans are still in poverty as we approach the 21st century. He seeks a climate where African Americans and other minorities feel empowered to compete equally with their counterparts of other races, with rational support from government programs.

Some have said that despite his chairmanship of the Equal Employment Opportunity Commission for eight years, he has not been a champion of civil rights. Those people obviously don't know Judge Thomas or the real facts about his tenure with the EEOC. His record will speak for itself and will impress those willing to listen and look

beyond misinformed rhetoric. On a personal level, he knows the struggle and hardship blacks and the impoverished of every race grapple with daily—not to mention the plight of most families, since in my judgment the central issue of our time is that some 82 percent of the families in these United States have no discretionary income after bills and taxes are paid.

We didn't talk much about Judge Thomas's background that summer 17 years ago, so it is only recently that I have learned about his humble beginnings. The cramped house with no plumbing in rural Georgia, his wise but not learned grandparents, the Catholic nuns and the rest have only recently come into full view for me. To rise above the dual curses of poverty and discrimination requires tremendous individual effort from a special kind of person, help from others and luck. All these have been present in Judge Thomas's career.

Throughout the history of the U.S. Supreme Court, I don't believe any other nominee can claim to have come so far. In point of fact, Judge Thomas's unique perspective belongs not only on the Supreme Court but in the legislature, in the work place, at city hall and on our campuses.

No one can deny that Judge Thomas would differ with Justice Thurgood Marshall on some issues. I don't always agree with the justice myself. I do believe that both men show a common, fundamental belief in the inherent worth and rights of the individual. At one of his four previous Senate confirmation hearings, Judge Thomas said, "The reason I became a lawyer was to make sure that minorities, individ-

uals who did not have access to this society, gained access. . . . I may differ with others on how best to do that, but the objective has always been to include those who have been excluded."

As young Clarence Thomas left my home at the end of the summer, he asked how much he owed for his stay. I told him that he owed me nothing, but I did want a promise from him. I asked him to promise that if he were ever in a position to reach out and help others that he would do it, just as some had done for me and as I had done for him.

He promised he would, and Judge Thomas has been keeping his word ever since, looking out for the vulnerable and victimized on the job, in the community and at the court. I know that as a Supreme Court justice Clarence Thomas will continue to defend and protect the rights of the needy. He does not permit anyone to thank for him, and he is intellectually honest.

When the history of these times is written, it will be interesting to see how historians view the position of the National Board of the NAACP—an organization committed to advancing colored people, which is opposed, on ideological grounds, to this nomination of a black man to the U.S. Supreme Court.

Let the record show that the NAACP's former national board chair respectfully disagrees with its position.

*The writer, an attorney in St. Louis, chaired the National Board of Directors of the National Association for the Advancement of Colored People from 1975 to 1984.*

8/7/91 10:30 a.m.

**U.S. Supreme Court Nominee Judge Clarence Thomas  
Association and Organization Endorsements**

*National Small Business United Urges Support for Thomas Nomination  
8/6/91*

". . . During his career, Judge Thomas has shown a clear understanding of business issues and the benefits of our free enterprise system," stated John Galles, Executive Vice President of NSBU.

Galles cited Judge Thomas' tenure as chair of the Equal Employment Opportunity Commission, wherein he worked to increase compliance by working cooperatively with the business community, as an example of his understanding of small business. "Judge Thomas was compassionate toward those very small businesses who wanted and needed to comply with the law, but required assistance in interpreting the manifold complexities in the regulations," he said.

Gallas further stated that Judge Thomas' background and upbringing inspire confidence that he understands the meaning and importance of hard work, discipline and entrepreneurship.

"These are all things that small business owners are committed to and care deeply about; they form the major pillars of a general outlook on life," he said.

"Judge Thomas' rise from humble beginnings to such prominence is a living embodiment of those ideals, and NSBU is pleased that a nominee to this country's highest court would both exemplify and subscribe those key ideals."

*National Jewish Coalition Supports Thomas Nomination  
8/5/91*

. . . Judge Thomas will bring to the highest court in the land an intense concern for individual liberty and equal opportunity. He has been commended by jurists, legal scholars and others for his insight into the law, his scholarship and his moral courage.

The NJC welcomes the nomination of Judge Thomas, whose life is a testament to hard work, discipline and integrity. Judge Thomas has overcome poverty, discrimination, and family hardships. He has struggled for equality and respect not for himself, but for all Americans, through his service on the Equal Employment Opportunity Commission and his legal work on civil rights issues prior to becoming a judge.

Judge Thomas has also been sensitive to issues of religious liberty, and has worked to protect the individual's rights to appropriate religious expression in the workplace according to Title VII of the Civil Rights Act of 1964. The NJC was pleased to learn that Judge Thomas has strongly condemned anti-Semitism, and has disassociated himself from the anti-Semitism of the Reverend Louis Farrakhan. . .

*Central State University President Arthur Thomas Endorses Judge Clarence Thomas  
for Supreme Court  
(8/1/91)*

Dear President Bush: . . . Because of Central State University's long and rich tradition of educating and graduating students from all walks of life, I was encouraged to learn of your nomination of this African American for the U.S. Supreme Court. Many of these students now enjoy rich careers in the public sector, private business and other fields of endeavor. I have always advocated the need for. . . African American youth to have positive role models as they go throughout critical periods of their development.

The nomination of Judge Thomas to serve on the highest judicial bench in this land will have a positive impact on our African-American youth regardless of Philosophical and ideological differences that are currently under discussion. . .

*Cook County Republicans Endorse Thomas For Supreme Court  
7/31/91*

. . . Most fair minded and unbiased Americans who are willing to observe, will discover Clarence's outstanding life-long dedication and service to the causes of social justice, economic progress, quality education, and whose mission has been to achieve equitable representation of a multi-cultural society, in a diverse way. . .

*Joshua I. Smith, Chairman of Commission On Minority Business Development and Maxima Corporation, Holds Rally In Support of Judge Clarence Thomas  
(7/31/91)*

". . . Nearly every African-American I have spoken to has emphasized we must give Clarence Thomas a chance. This rally was a demonstration that blacks are thinking for themselves and will not be stamped into a counter-productive reaction."

"I am amazed and appalled at the actions of the Executive Committee of the NAACP.

"I find it particularly shocking that this organization with its longstanding commitment to African Americans has rejected one of our own as a nominee to the Supreme Court although they made no comments on the last three nominees to the Court who shared Judge Thomas' ideology, but not his race."

"I don't know if it is "sour grapes" over the fact that Clarence Thomas has succeeded in life outside the political agenda of many NAACP leaders, or if it is because he is a Republican. But, I do know that Judge Thomas was discriminated against because his is black! That is the tragic irony of Wednesday's action."

*Women For Judge Thomas Announce Nationwide Support  
(7/30/91)*

At a news conference announcing the initial 150 members of the bipartisan organization. . . Labor Secretary Lynn Martin said, "Clarence Thomas understands -- he knows the inequities, the indignities, the insensitivity. That is why I, and why women across this nation, should support Clarence Thomas' nomination to the Supreme Court."

Citing Thomas' long and distinguished record during his 8-year chairmanship of the U.S. Equal Employment Opportunity Commission (EEOC), Martin said "The fact that Clarence Thomas has lived his life as a minority certainly has sensitized him to many of the issues he and women both face. For difference reasons, he has come up against the same barriers many of us in this room have met.

"I don't need to know how Clarence Thomas will vote on any one given court case. My litmus test is much simpler, much broader: Does he understand what it is like to start off life at an immediate disadvantage? Does he understand what it is like to have to fight for a place at the table? Does he understand that despite our staunch belief in the principles enshrined in our 'Declaration of Independence' that all men are created equal, all men, all women, are not always treated equally?" Martin said.

*U.S. Chamber of Commerce Endorses Clarence Thomas for Supreme Court  
(7/29/91)*

. . . Chamber President Richard Leshner called Thomas superbly qualified for the Supreme Court. Citing Judge Thomas' diverse background as a corporate counsel, a legislative assistant to Sen. John Danforth, chairman of the Equal Opportunity Employment Commission, and judge on the U.S. Court of Appeals, Leshner stated he was confident Thomas would be an excellent Supreme Court Justice.

"I also have the pleasure of knowing Clarence Thomas personally," Leshner said. "Clarence Thomas is a fine person who overcame great personal adversity through perseverance and hard work to reach great heights. His nomination to the Supreme Court is a reaffirmation that the American dream is alive and well."

*Republican National Lawyers Association Supports Thomas Nomination  
(7/26/91)*

. . . We believe that Judge Thomas' qualifications as a lawyer are of the highest order. In addition, he has a distinguished record of public service. Finally, he will bring an unmatched range of experiences and diversity which we believe are essential to the Court's deliberations. In short, Judge Thomas exemplifies the best in the legal profession.

*U.S. Mexico Foundation Supports Nomination of Judge Clarence Thomas to Supreme Court  
(7/22/91)*

. . . Throughout our 20 years of existence, we have honored numerous key individuals, who like Clarence Thomas, have risen above negative circumstances to be a success in their fields of endeavor. Through his inspiring hard work, education and perseverance, Judge Thomas has overcome adverse situations to rise to a high level of excellence, an accomplishment which should be emulated not only by minorities, but by all races. He left a legacy while he was Chairman of the Equal Employment Opportunity Commission. He revitalized the agency, emphasizing its law enforcement mission. Judge Thomas sought tougher penalties against discriminatory businesses and instituted policies which protected the rights of American workers while opening up opportunities for women, older Americans and minorities.

*The U.S. Hispanic Chamber of Commerce Endorses Thomas  
(7/22/91)*

The board of directors of the U.S. Hispanic Chamber of Commerce (USHCC) today unanimously voted in favor of supporting Judge Clarence Thomas' nomination to the U.S. Supreme Court.

"The USHCC is a business advocate group concerned with economic rights. As such, we strive to make the market place an even playing field for Hispanic businesses and minority enterprise at large. We believe in economic empowerment of individuals, justice and equal opportunities for all Americans. We value hard work, discipline, moral courage, self-reliance and entrepreneurship. For all these reasons, we support Thomas's nomination."

*The National Catholic Educational Association Endorses Thomas  
(7/22/91)*

". . . It can not be denied that he [Clarence Thomas] embodies the best and brightest of the American dream. Against all odds, he overcame a disadvantaged and challenging youth to attain a distinguished education; to reach high public office and to gain the respect and gratitude of the leaders of our country.

"We believe Mr. Thomas has the qualifications to serve on the Supreme Court and are confident that his accomplishment in achieving this post will stand as an incentive to all young people in America that -- despite all odds -- they have a chance at a better life through learning and self-initiative."

*Cuban American National Foundation Endorses Thomas  
(7/19/91)*

"We are confident that the confirmation of Judge Thomas will be a victory for

all persons who value the democratic principles that have served to preserve and strengthen this nation throughout its history. Judge Thomas' presence on the high court will not only reaffirm the Administration's commitment to assure the progress and protection of minorities, but will also bring a range of experience and diversity essential to the court's delicate deliberations."

*The Republican National Hispanic Assembly Endorses Thomas  
(7/19/91)*

The Republican National Hispanic Assembly (RNHA), the official Hispanic auxiliary of the RNC, commends President George Bush on his decision to nominate Judge Clarence Thomas to the U.S. Supreme Court.

"This nomination is not dictated by Judge Thomas' race, it is not dictated by his ideology, it is dictated by his first-hand intellect, his varied legal experiences his outstanding character and his commitment to the Constitution and individual rights."

"The President nominated him for his fidelity to the Constitution and rule of law. These qualities, coupled with his education and experience, will make him an exemplary Justice of the Supreme Court."

*National Coalition for Self-Reliance Endorses Thomas  
(7/18/91)*

Robert L. Woodson  
President, National Center for Neighborhood Enterprise  
&  
Co-Chair, Coalition for Self-Reliance

Reverend Buster Soaries  
Pastor, First Baptist Church of Lincoln Gardens  
Somerset, New Jersey  
&  
Co-Chair, Coalition for Self-Reliance

Honorable Nate Bush  
Vice President, District of Columbia Board of Education

Kimi O. Gray  
President, National Association of Resident Management Corporations

Mabel Haden  
President, National Association of Black Women Attorneys

Nathan Wright Jr., Ph.D.  
Founding Member, AOIP (a consortium representing 94 Black-led organizations)

Fred Brown  
Chairman, National Black Republican Council

Tony Brown  
Syndicated Journalist

Mildred Hailey  
Executive Director, Bromley Heath Tenant Management Corporation  
Boston, Massachusetts

Juan A. Scott  
Chairman, Connecticut Black Republican Council

Calvin Rolark  
President, United Black Fund

*Agudath Israel to Support Bush Supreme Court Nomination*  
(7/17/19)

Agudath Israel of America, the nation's largest grassroots Orthodox Jewish movement, today announced its intention to support President Bush's nomination of Judge Clarence Thomas for the U.S. Supreme Court.

"Judge Thomas has impressive credentials, both professionally and personally. He has compiled a strong record of distinguished service -- as a judge in the U.S. Court of Appeals for the D.C. Circuit, and, prior to that, as the chairman of the Equal Employment Opportunity Commission. He has displayed great sensitivity to the cause of religious liberty. He has articulated a vision of equal opportunity for all Americans that will help move the U.S. toward a society in which people are judged on the basis of their qualifications rather than their race, gender, religion or any other extraneous characteristic. He has overcome personal adversity and discrimination in his own life through his steadfast commitment to such basic principles as hard work and intellectual integrity.

*The National District Attorney's Association Supports Thomas*  
(7/16/91)

"Be it resolved that the National District Attorneys Association urges the Senate Judiciary Committee and the United States Senate to confirm without delay, President Bush's nomination of Judge Clarence Thomas to the United States Supreme Court."

*Catholic Golden Age Endorses Thomas as Next Supreme Court Justice*  
(7/15/91)

"The Board of Directors of Catholic Golden Age, the national non-profit organization of Catholics over 50, fully endorses Judge Clarence Thomas as the next U.S. Supreme Court Justice.

"We have no doubt about Judge Thomas' commitment to civil rights or his ability to serve on the highest court in the land."

*The National Tax Limitation Committee Endorses Judge Clarence Thomas for Supreme Court*  
(7/15/91)

"The NTLC normally does not endorse Judicial nominees. However, in the wake of the Missouri vs. Jenkins decision last year, when, on a 5-4 vote, the Court decreed that federal judges could order local governments to impose taxes, it has become clear that taxpayers have a decided interest in the Judiciary.

"On that and other issues...we believe the Court will be finer, fairer and more sensitive to the rights of individuals, including taxpayers, if Clarence Thomas has the opportunity to serve."

*Students for America Statement of Support for Judge Clarence Thomas*  
(7/12/91)

"We. . . state our support for the nomination of Judge Clarence Thomas to serve as the 106th Associate Justice of the United States Supreme Court.

"Judge Thomas has served the United States with distinction for over 17 years, as a Federal Appellate Justice, Chairman of the U.S. Equal Employment Commission and as U.S. District Attorney in Missouri.

"Judge Thomas embodies the values that many young Americans believe so strongly in, and the traditional American values that our forefathers embedded into the foundation of this great country. With Judge Thomas on the bench we can be assured that the Court will not legislate its decisions, but will interpret the Constitution as it is written."

*Polish American Congress Support Nomination of Judge Clarence Thomas*  
(7/10/91)

. . . We. . . have carefully considered Judge Thomas' background and experience and we believe that he is uniquely qualified to serve on the highest court of our land.

We are particularly impressed by Judge Thomas' emphasis on self-reliance, hard work and the importance of family. These values are cherished by Polish Americans.

*Black Republican Group Endorses Clarence Thomas Nomination*  
(7/2/91)

"The Council of 100, a national organization of Black Republicans announced its support of President Bush's nomination of Clarence Thomas for Associate Justice of the Supreme Court. An early supporter of Thomas, the Council sent a letter to President Bush prior to the public announcement requesting Bush to consider Thomas for the nomination to the nation's highest court."

"Mr. Thomas is a legal scholar who having recently passed Senate confirmation

before his current appointment, is already well known to the Administration. Most importantly, he has the moral [fortitude], the breadth of experience, and regard for conservative construction of constitutional issues needed for a Supreme Court Justice."



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# The White House Office of Public Affairs

## Presidential Wire

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### Opening Statement By President Bush Announcing The Nomination Of Judge Clarence Thomas To The Supreme Court

"I am very pleased to announce that I will nominate Judge Clarence Thomas to serve as Associate Justice of the United States Supreme Court.

Clarence Thomas was my first appointee to the U.S. Court of Appeals for the District of Columbia, where he served for over a year. And I believe he'll be a great justice. He's the best person for this position.

Judge Thomas compiled an excellent record at Holy Cross. He graduated from Yale Law School and served with distinction in the Missouri Attorney General's Office in the Reagan-Bush administration and in our administration -- my administration. He's a native of Pinpoint, near Savannah, Georgia, where he was raised by his grandparents. His background includes a strong emphasis on education as the key to a better life. And he attended rigorous Catholic schools where he excelled. After spending a year at the Immaculate Conception Seminary in Conception Junction, Missouri, Clarence transferred to Holy Cross College in Worcester, where he supported himself through loans and scholarships and jobs, and graduated with honors in 1971.

After graduation from Yale Law School, he worked for then Missouri Attorney General John Danforth, and spent two and a half years litigating cases of all descriptions. In 1977, Judge Thomas practiced law in the private sector, and in 1979, he rejoined Senator Danforth as a legislative assistant in the U.S. Senate. In 1981, President Reagan appointed him Assistant Secretary for Civil Rights in the Department of Education. From 1982 to 1990, he served as President Reagan's Chairman of the Equal Employment Opportunity Commission. And I appointed him to the U.S. Court of Appeals for the District of Columbia in 1990.

I have followed this man's career for some time, and he has excelled in everything that he has attempted. He is a delightful and warm, intelligent person who has great empathy and a wonderful sense of humor. He's also a fiercely independent thinker with an excellent legal mind, who believes passionately in equal opportunity for all Americans. He will approach the cases that come before the Court with a commitment to deciding them fairly, as the facts and the law require.

Judge Thomas' life is a model for all Americans, and he's earned the right to sit on this nation's highest court. And I am very proud, indeed, to nominate him for this position, and I trust that the Senate will confirm this able man promptly."

Kennebunkport, Maine  
July 1, 1991

For more information, please contact the White House Office of Public Affairs at 202/456-2483.



# The White House Office of Public Affairs Administration Wire

EXCERPTS FROM VICE PRESIDENT QUAYLE'S PREPARED SPEECH  
TO THE ASSOCIATION FOR A BETTER NEW YORK

New York City  
July 12, 1991

"I certainly am proud to say that I know Judge Thomas, and have for some years. By now, Americans everywhere are familiar with Judge Thomas's background. He was born in poverty 43 years ago, and raised by his hardworking grandparents. His upbringing was one of strong values: faith, compassion, hard work, self-reliance.

"Judge Thomas excelled in high school, at Holy Cross College, and Yale Law School. He has served in state government, and in all three branches of the federal government. And he has never forgotten his roots, or the aspirations of less fortunate Americans. In his words, 'The reason I became a lawyer was to make sure that minorities, individuals who did not have access to this society, gained access. Now, I may differ with others as to how best to do that, but the objective has always been to include those who have been excluded.'

"Today Judge Thomas sits on the second highest court in the land -- the U.S. Court of Appeals for the District of Columbia Circuit. The Senate confirmed him last year, with only two senators in opposition. On top of that, Judge Thomas was confirmed by the Senate three other times in the 1980s for positions in the executive branch.

"Unfortunately, some people are ignoring Judge Thomas's credentials, his character, and his successful life. Instead, because they don't believe he shares their political views, they've set out to attack him personally.

"The long knives have been drawn. It will be a bitter, tough, but successful confirmation fight."

"The confirmation process won't be easy for Judge Thomas. But he's been through tough times before. Remember: he started at the very bottom in the segregated south.

"Some years back, Judge Thomas considered resigning as Chairman of the Equal Employment Opportunity Commission when his opponents were attacking him. He went to his grandfather for advice. And his grandfather told him to 'stick up for what you believe in.' That, I am sure, is what Judge Thomas will do. And I believe he will be confirmed."

For more information, please contact the Office of Public Affairs at 202/456-2483.

07/17/91

DRAFT/SUGGESTED SPEECH INSERT

In Judge Thomas, President Bush has picked a jurist who is deeply concerned with the individual rights of all people. I'm please to note that Senator Sam Nunn has announced he'll be lending his support to Judge Thomas. This is an important endorsement and reflects the broad base of support Judge Thomas has received since the President announced his appointment just two weeks ago.

Judge Thomas outlined his commitment to minorities best himself, when he told the Senate Judiciary Committee, "The reason I became a lawyer was to make sure that minorities, individuals who did not have access to this society, gained access. Now, I may differ with others as to how best to do that, but the objective has always been to include those who have been excluded."

As President Bush said, Judge Thomas "is a fiercely independent thinker with an excellent legal mind, who believes passionately in equal opportunity for all Americans. He will approach the cases that come before the Court with a commitment to deciding them fairly, as the facts and the law require."

Clarence Thomas will bring a new perspective to the court. This is a man born to a humble and poor family who has risen to extraordinary heights in government, and he is an inspiration to all Americans. As a youth, Clarence Thomas worked his way through school, helping his grandfather in his delivery business. His grandparents were disciplined, deeply religious people who instilled the values of hard work, compassion, and self-reliance in their grandson, who has applied those values throughout his life.

Judge Clarence Thomas has worked in all three branches of government and has already been confirmed by the Senate four times: as Assistant Secretary for Civil Rights at the Department of Education in 1981, twice as Chairman of the EEOC in 1982 and 1986, and most recently as U.S. Court of Appeals Judge for the District of Columbia in 1990.

This whole confirmation process will be another struggle for Clarence Thomas. But this is a man who has stood up to adversity in the past and overcome it. I believe he will be confirmed again, this time to a lifetime appointment to the highest court in the land.

07/16/91

JUDGE CLARENCE THOMAS  
CHAIRMAN OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**"The EEOC is Thriving"**

**"Under the quiet but persistent leadership of Chairman Clarence Thomas, the number of cases processed has gone from 50,935 in fiscal 1982 to 66,305 last year."**

**-- Washington Post Editorial  
August 1, 1987**

- o In 1982 Clarence Thomas was appointed Chairman of the Equal Employment Opportunity Commission (EEOC); he was reappointed in 1986 and led the agency until he was named to the federal bench in 1990.
- o The EEOC, an agency that employs 2,850 people and has an annual budget of \$202 million, enforces Title VII of the Civil Rights act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin; the Equal Pay Act; the Age Discrimination in Employment Act; and the Americans with Disabilities Act.
- o Judge Thomas compiled an outstanding record at the EEOC. He revitalized the agency, emphasizing its law enforcement mission. Thomas sought tougher penalties against discriminatory businesses and instituted policies that protect the rights of American workers and expand opportunities for women, older Americans and minorities.
- o Under Thomas, the EEOC vigorously enforced laws against religious discrimination. Thomas' efforts were recognized with the Union of Orthodox Jewish Congregations of America's annual Humanitarian Award for his "commitment to the rights of all Americans to live free from discrimination based on race, religion, or national origin."
- o The EEOC achieved a remarkable record under the leadership of Judge Clarence Thomas. Under Thomas, the Commission:
  - secured over a billion dollars in relief for victims of discrimination;
  - filed more than 3,000 legal actions in U.S. District Courts during his tenure. In 1983, the Commission filed 195 lawsuits, by 1990 that annual figure had more than tripled to 640;
  - instituted policies to ensure that every charge filed is fully investigated and litigated with full relief sought for victims of discrimination;

- restructured the systemic/pattern and practice program. In 1981 the Commission had only a handful of broad pattern and practice cases in litigation; in 1988, 103 cases were investigated and 16 were in active litigation. Of the \$131 million in relief obtained in FY 1988, over \$48 million was awarded in large class action/pattern practice cases;
  - established outreach programs for previously underserved areas and for small and medium-sized employers;
  - professionalized the agency and established a management infrastructure by taking a finance system the General Accounting Office had reported was in shambles and implemented a sound financial management system that in 1984, met GAO's standards for the first time;
  - transformed a work environment the Office of Personnel Management described as "beset by acrimony, improper employee conduct, poor performance and favoritism" and a case processing system that GAO concluded was in a state of "complete chaos" to an agency which the Office of Management and Budget commended for improved management quality.
- o Under Clarence Thomas' leadership the EEOC vigorously enforced the Age Discrimination in Employment Act (ADEA). Under Thomas the EEOC championed the rights of older workers by:
- fully investigating and prosecuting charges of age discrimination;
  - securing a total of \$389.7 million in benefits under the ADEA from 1982 - 1990;
  - filing 781 ADEA lawsuits from 1982 - 1990;
  - filing pattern and practice/class action lawsuits that represented annually between one-third and three-fourths total ADEA lawsuits; and
  - approving policies to mandate pension accrual for employees working past normal retirement age; and establishing standards to protect older workers who wished to waive their ADEA rights in return for enhanced (often collectively bargained) separation benefits. That rule was suspended by the Congress, but ultimately codified in the Older Workers Protection Act.



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# The White House Office of Public Affairs Administration Wire

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July 17, 1991

## Supreme Court Nominee Judge Clarence Thomas

*Excerpts from remarks by EPA Administrator William Reilly to the National Association of Counties on July 16, 1991*

"This nominee has a life story that has provided him with a distinctive perspective on our history, its problems and its possibilities. He has a philosophy which is serious and considered and deserves a hearing by the open-minded.

"And he has character that shows fiercely in his public recognition of the role others have played in his success. You know, if ever there was an individual who might reasonably have been expected to lay claim to the title, "self-made man," it is Clarence Thomas.

"But he does not claim to have made it alone. He recognizes his grand parents, his mother and his teachers for having shaped his values, instilled discipline and taught him the value of hard work.

"Now, as he is pilloried for his philosophy and even for his religion, it strikes me that there is a rush to judgement that preempts the confirmation process. One wonders whether there will be an open mind anywhere when the Senate finally gets around to asking detailed questions of Clarence Thomas.

"The President, Judge Thomas and the country all deserve better."

*Excerpts from remarks by Transportation Secretary Samuel K. Skinner to the Federal Bar Association on July 12, 1991*

"As lawyers, the issue most on our lips today is the vacancy on the Supreme Court left by the retirement of Thurgood Marshall."

"Judge Thomas came up the hard way. He was born and raised in a house that didn't have electricity or indoor plumbing. He spent much of his youth working on his grandfather's farm, and on an oil truck. His father left home when young Clarence was just a toddler. Fortunately for Clarence, his grandfather scraped together enough money to enroll him in a Catholic school, and he went on to graduate from Holy Cross and Yale Law School."

"When Judge Thomas was a child, segregation was sanctioned in Georgia, and he experienced all the indignities that came with it: separate lunch counters, separate bathrooms, separate schools, even separate libraries."

Administration Wire  
July 17, 1991  
Page 2

"...I did not originally intend to discuss judicial philosophy, but I can't help but mention that Judge Thomas is being criticized because he won't be a judicial activist in the tradition of Justice Marshall, and for believing in judicial restraint. What's wrong with that?"

"...I believe strongly, as does the President, that the founding Fathers reserved political activism for Congress and the political process. Judge Thomas is a strict constructionist, and as such, I believe his political view, whatever they may be, will not influence his judicial decisions. We cannot know, and should not predict, how Justice Thomas will rule on arguments brought before the Court. If the judge were to ask my advice on how to handle questions about his philosophy -- which he hasn't -- I would encourage him to repeat something Abraham Lincoln once wrote: 'I have no eyes but constitutional eyes.'"

For more information, please contact the Office of Public Affairs at 202/456-2483.

OFFICE OF THE VICE PRESIDENT

Delivered Wednesday, July 17, 1991 -- Manchester, New Hampshire

EXCERPTS FROM PREPARED REMARKS BY THE VICE PRESIDENT

GREATER MANCHESTER CHAMBER OF COMMERCE BREAKFAST

HOLIDAY INN, MANCHESTER, NEW HAMPSHIRE

... All of us know the value of education. And I'll bet everybody in this room remembers the teachers that really got to them -- the teachers that changed their lives.

Remember who Judge Clarence Thomas thanked? The nuns at his school. They cared, and they helped give him a direction in life. I believe Judge Thomas is a living example of the value of education -- and the American dream. He's our next Supreme Court Justice -- President George Bush's second outstanding nominee. The first was Justice David Souter, of Weare, New Hampshire.

In the past year, Justice Souter has shown himself to be a very able and distinguished member of the Court -- sensible and even-handed. But you'll remember that some special interest groups lined up to oppose him. It was politics then, and it's politics now. You have some people lining up against Judge Thomas without even looking at his credentials, his character, and his experiences in life. Instead, because they don't believe he shares their political views, they've set out to attack him personally.

I am proud to say that I know Judge Thomas, and have for some years. In fact, he was in my office the day before yesterday. He gave me a copy of a recent edition of JET, a popular magazine that he remembers his grandparents reading years ago. And he was very touched by the warm article about his lifetime of achievement.

Judge Thomas was equally touched by the recent poll results in USA Today, which showed that more than half of all black Americans support him. They're proud of him, and they share his values: faith, compassion, hard work, and self-reliance.

Today Judge Thomas sits on America's second highest court -- the U.S. Court of Appeals for the District of Columbia Circuit. He was confirmed last year -- with only two senators in opposition. And he was confirmed three other times in the 1980s for positions in the executive branch. That's four Senate confirmations -- but, sadly, that doesn't matter to those lining up against him. And they've got their long knives ready.

In recent days we've gotten a preview of the way the critics

want to fight this nomination. Columnist Carl Rowan said that "if you gave Thomas a little flour on his face, you'd think you had David Duke talking." One Congressman said that "a black conservative is a contradiction in terms." A leader of the National Organization for Women said, "We're going to 'Bork' him. We need to kill him politically."

Even some people at distinguished law schools have gone overboard in fighting Judge Thomas. That's especially true at a certain university over in Massachusetts. Professor Laurence Tribe suggested in Monday's New York Times that Judge Thomas might not believe women have any legal rights. How's that for hysteria? And Tribe's colleague Derrick Bell said that Judge Thomas "looks black" but "thinks white."

Another professor from Washington argued the other day that "blackness" means more than just being black. According to this professor, it means you have to think a certain way -- and Clarence Thomas apparently doesn't measure up.

There is an assumption in some quarters that black Americans shouldn't be allowed to think for themselves. But I think Clarence Thomas's mother refuted this best: "Black people don't have to think alike, they don't have to look alike, they don't have to talk alike. And that Clarence, he always did have a mind of his own."

And so do all Americans. They have minds of their own, and they are fair. I served in the Senate for eight years; I believe my former colleagues will be fair to Judge Thomas. But some others are not being fair. And I believe the attacks, the insults, and the attempts to impose "racially correct thinking" ought to be rejected and denounced by every single Senator.

The confirmation process won't be easy for Judge Thomas. But he's been through tough times before. Remember: he started at the very, very bottom in the segregated South.

Some years back, Judge Thomas considered resigning as Chairman of the EEOC when his opponents were attacking him. He went to his grandfather for advice. And his grandfather answered: "Stick up for what you believe in." I know that's something that sounds familiar to you, because it's a way of life here in New Hampshire. And there's no better motto for every American.

# # #

# Climb the Jagged Mountain

DATE: 7/17/91  
PAGE: 281

Following are excerpts from a commencement speech that Clarence Thomas, President Bush's nominee to the Supreme Court, gave at Savannah State College on June 9, 1985.

By Clarence Thomas

I grew up here in Savannah. I was born not far from here (in Pinpoint). I am a child of those marshes, a son of this soil. I am a descendant of the slaves whose labors made the dark soil of the South productive. I am the great-great-grandson of a freed slave, whose enslavement continued after my birth. I am the product of hatred and love — the hatred of the social and political structure which dominated the segregated, hate-filled city of my youth, and the love of some people — my mother, my grandparents, my neighbors and relatives — who said by their actions, "You can make it, but first you must endure."

You can survive, but first you must endure. You can live, but first you must endure. You must endure the unfairness. You must endure the hatred. You must endure the bigotry. You must endure the segregation. You must endure the indignities.

I stand before you as one who had the same beginning as yourselves — as one who has walked a little farther down the road, climbed a little higher up the mountain. I come back to you, who must now travel this road and climb this jagged, steep mountain that lies ahead. I return as a messenger — a front-runner, a scout. What lies ahead of you is even tougher than what is now behind you.

That mean, callous world out there is still very much filled with discrimination. It still holds out a different life for those who do not happen to be the right race or the right sex. It is a world in which the "haves" continue to reap more dividends than the "have-nots."

You will enter a world in which more than one-half of all black children are born primarily to youthful mothers and out of wedlock. You will enter a world in which the black teenage unemployment rate as always is more than double that of white teenagers. Any discrimination, like sharp turns in a road, becomes critical because of the tremendous speed at which we are traveling into the high-tech world of a service economy.

There is a tendency among young, upwardly mobile, intelligent minorities to forget. We forget the sweat of our forefathers. We forget the blood of the marchers, the prayers and hope of our race. We forget who brought us into this world. We overlook who put food in our mouths and clothes on our backs. We forget commitment to excellence. We procreate with pleasure and retreat from the responsibilities of the babies we produce.

We subdue, we seduce, but we don't respect ourselves, our women, our babies. How do we expect a race that has been thrown into the gutter of socio-economic indicators to rise above these humiliating circumstances if we hide from responsibility for our own destiny?

The truth of the matter is we have become more interested in designer jeans and break dancing than we are in obligations and responsibilities.

Over the past 15 years, I have

watched as others have jumped quickly at the opportunity to make excuses for black Americans. It is said that blacks cannot start businesses because of discrimination. But I remember businesses on East Broad and West Broad that were run in spite of bigotry. It is said that we can't learn because of bigotry. But I know for a fact that tens of thousands of blacks were educated at historically black colleges, in spite of discrimination. We learned to read in spite of segregated libraries. We built homes in spite of segregated neighborhoods. We learned how to play basketball (and did we ever learn!), even though we couldn't go to the N.B.A.

We have lost something. We look for role models in all the wrong places. We refuse to reach back in our not too distant past for the lessons and values we need to carry us into the uncertain future. We ignore what has permitted blacks in this country to survive the brutality of slavery and the bitter rejection of segregation. We overlook the reality of positive values and run to the mirage of promises, visions and dreams.

I dare not come to this city, which only two decades ago clung so tenaciously to segregation, bigotry and Jim Crowism, to convince you of the fairness of this society. My memory is too precise, my recollection too keen, to venture down that path of self-delusion. I am not blind to our history — nor do I turn a deaf ear to the pleas and cries of black Americans. Often I must struggle to contain my outrage at what has happened to black Americans — what continues to happen — what we let happen and what we do to ourselves.

If I let myself go, I would rage in the words of Frederick Douglass: At a time like this, scorching irony, or convincing argument, is needed. Oh! Had I the ability, and could reach the nation's ear, I would today pour out a fiery stream of biting ridicule, lasting reproach, withering sarcasm, and stern rebuke. For it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind and the earthquake."

I often hear rosy platitudes about this country — much of which is true. But how are we black Americans to feel when we have so little in a land with so much? How is black America to respond to the celebration of the wonders of this great nation? In 1964, when I entered the seminary, I was the only black in my class and one of two in the school. A year later, I was the only one in the school. On a day passed that I was not ticked by prejudice. But I had an advantage over black students and kids today. I had never heard any excuses made. Nor had I seen my role models take comfort in excuses. The women who worked in those kitchens and waited on the bus knew it was prejudice which caused their plight, but that didn't stop them from working.

My grandfather knew why his business wasn't more successful, but that didn't stop him from getting up at 2 in the morning to carry ice, wood and fuel oil. Sure, they knew it was bad. They knew all too well that they were held back by prejudice. But they weren't pinned down by it. They fought discrimination under W. W. Law [a Georgia civil rights leader] and the N.A.A.C.P. Equally important, they fought against the awful

effects of prejudice by doing all they could do in spite of this obstacle.

They could still send their children to school. They could still respect and help each other. They could still moderate their use of alcohol. They could still be decent, law-abiding citizens.

I had the benefit of people who knew they had to walk a straighter line, climb a taller mountain and carry a heavier load. They took all that segregation and prejudice would allow them and at the same time fought to remove these awful barriers.

You all have a much tougher road to travel. Not only do you have to contend with the ever-present bigotry, you must do so with a recent tradition that almost requires you to wallow in excuses. You now have a popular national rhetoric which says that you can't learn because of racism, you can't raise the babies you make because of racism, you can't get up in the mornings because of racism. You commit crimes because of racism. Unlike me, you must not only overcome the repressiveness of racism, you must also overcome the lure of excuses. You have twice the job I had.

Do not be lured by sirens and purveyors of misery who profit from constantly regurgitating all that is wrong with black Americans and blaming these problems on others. Do not succumb to this temptation of always blaming others.

Do not become obsessed with all that is wrong with our race. Rather, become obsessed with looking for solutions to our problems. Be tolerant of all positive ideas; their number is much smaller than the countless number of problems to be solved. We need all the hope we can get.

Most importantly, draw on that great lesson and those positive role models who have gone down this road before us. We are badgered and pushed by our friends and peers to do unlike our parents and grandparents — we are told not to be old-fashioned. But they have weathered the storm. It is up to us now to learn how. Countless hours of research are spent to determine why blacks fail or why we commit crimes. Why can't we spend a few hours learning how those closest to us have survived and helped us get this far?

As your front-runner, I have gone ahead and taken a long, hard look. I have seen two roads from my perch a few humble feet above the maddening crowd. On the first, a race of people is rushing mindlessly down a highway of sweet, intoxicating destruction, with all its bright lights and grand promises constructed by social scientists and politicians. To the side, there is a seldom used, overgrown road leading through the valley of life with all its pitfalls and obstacles. It is the road — the old-fashioned road — traveled by those who endured slavery, who endured Jim Crowism, who endured hatred. It is the road that might reward hard work and discipline, that might reward intelligence, that might be fair and provide equal opportunity. But there are no guarantees.

You must choose. The lure of the highway is seductive and enticing. But the destruction is certain. To travel the road of hope and opportunity is hard and difficult, but there is a chance that you might somehow,

some way, with the help of God, make it.

# The New York Times

TUESDAY, JULY 16, 1991

## Court Nominee Defied Labels As Head of Job-Rights Panel

By ROBERT PEAR

WASHINGTON, July 15 — As head of the Federal agency responsible for enforcing the laws against job discrimination, Clarence Thomas was often at war with other Reagan Administration officials, with members of Congress, with civil rights groups and with himself.

Judge Thomas, President Bush's nominee for the Supreme Court, was chairman of the Equal Employment Opportunity Commission from May 1982 to March 1990, longer than any of his predecessors. A review of agency files for that period shows that he expressed complex, continually changing, often contradictory views, particularly on questions of affirmative action.

As a member of Ronald Reagan's transition team in 1980, he had written a memorandum challenging affirmative action. But as commission chairman in 1983, he defended the use of numerical hiring goals in several celebrated cases.

He abruptly switched his public position after the 1984 election and assailed such remedies for the next 20 months. Then in July 1986, at a confirmation hearing for his second term on the commission, he said the agency would once again advocate the use of goals and timetables, despite his personal opposition to them.

Trying to elucidate his shifting views on affirmative action, and acknowledging his personal reservations, the chairman once told a Congressional hearing, "I'll abide by the Supreme Court, whether I like it or not."

If confirmed for a seat on the High Court, Judge Thomas would shape the law by which others must abide. It is by no means certain that his judicial rulings would echo his views from the world of politics and policy. But for those searching for clues to his likely course on the Court, his record at the commission yields many clues to what he might do.

Judge Thomas, who has sat on the United States Court of Appeals for the District of Columbia Circuit since early 1990, declines to discuss his record with reporters, but the commission's files, including some of his speeches and correspondence, suggest he was often torn by conflicts inside himself and with others.

For instance, he said the "single most devastating event" of his tenure was the commission's failure to pursue thousands of age-discrimination complaints in a timely manner. He said the agency's performance was "embarrassing and inexcusable," and attributed the lapses in part to management problems in district offices. Congress eventually passed a law extending the statute of limitations for victims of age bias who would otherwise have lost the right to sue employers.

He had mixed results in his effort to improve the internal management of the commission, which he said was "teetering on the brink of self-destruction" when he took office. The agency

adopted many policies to increase the "certainty and predictability" of its law enforcement. Annual statistics compiled by the commission show that the number of lawsuits filed by the agency rose sharply during his tenure, to 640 in the fiscal year 1990 from 241 in 1982. But there was no increase in monetary benefits secured for the victims of discrimination.

Other Reagan Administration officials crusaded against the use of numerical goals for hiring blacks, women and Hispanic Americans; he shunned the flamboyant, confrontational tactics of officials like William Bradford Reynolds of the Justice Department. "We have a job to do," he often said, adding that he was "tired of rhetoric about quotas, about affirmative action."

In a 1985 speech, Mr. Thomas said, "My approach to doing my job has been more methodical, cautious and certainly less noisy and less well-publicized than others." Perhaps remembering his days as a seminary student, he said he had the personality and style of "a monastic recluse."

Judge Thomas contends that goals and quotas, a subject of endless political debate, "don't amount to a hill of beans" in practice, as he put it in a 1986 meeting with reporters, because they are rarely appropriate in cases brought before the commission.

In his memorandum for the transition team in December 1980, he said the commission had gone too far in encouraging affirmative action and should re-examine its policy. But in early 1983, he strongly supported an affirmative action plan under which the New Orleans Police Department was required to promote equal numbers of blacks and whites until blacks accounted for 50 percent of the officers at every rank.

The Justice Department adamantly opposed those goals, telling a Federal appeals court that they were illegal. Echoing the concerns of civil rights groups, Mr. Thomas complained in April 1983 that the Justice Department's position would "invalidate innumerable conciliation agreements, consent decrees and adjudicated decrees to which the commission is a party, as well as the commission's own published guidelines regarding appropriate affirmative action."

The commission had drafted a legal brief in the New Orleans case, but decided, under pressure from the White House, not to file it with the court. Mr. Thomas testified at a Congressional hearing in May 1983 that his agency would continue pressing for affirmative action, including "race-conscious relief" of the type abhorred by the Justice Department.

In October 1983, the commission signed a landmark agreement with the General Motors Corporation setting numerical goals for the hiring, training and promoting of thousands of blacks, women and Hispanic people. In July 1984, Mr. Thomas needed the Justice Department, saying that it was widely perceived as having "a negative rather than a positive agenda on civil rights."

His tone changed after President Reagan won re-election by a landslide in 1984. He indicated that the commission and the Administration were more likely to speak with one voice. He said that numerical goals and timetables were ineffective, and that the commission had overused statistical disparities as evidence of discrimination. In October 1985, the agency's general counsel told staff lawyers not to propose settlements including goals and timetables.

In a speech in February 1986, Mr. Thomas said preferences based on race or ethnic origin were "a ticking time bomb" that would "hasten the socio-economic demise of black Americans." But at the confirmation hearing for his second term, he promised to abide by Supreme Court decisions endorsing the use of numerical goals.

"Whatever reservations I have are purely personal," he testified. "They're subversive literature now." In the spring of 1987, in an article in *The Yale Law and Policy Review*, Mr. Thomas affirmed his "personal disagreement with the Court's approval of numerical remedies."

Since 1979, the commission has been responsible for enforcing the Age Discrimination in Employment Act, which protects people who are at least 40 years old. Mr. Thomas has said "bad management" was responsible for the agency's failure to act on thousands of complaints from older workers within the two-year statute of limitations.

In a separate case, the commission delayed action on rules requiring employers to make pension contributions for employees who work beyond the age of 65. Federal officials conceded that the delay could cost older workers \$450 million a year in lost benefits.

Ruling on a lawsuit filed here by the American Association of Retired Persons, Judge Harold H. Greene of United States District Court declared in 1987 that the delay was "entirely unjustified and unlawful." He said the commission itself had repeatedly acknowledged over the previous seven years that such contributions were required by the age discrimination law. "That agency has at best been slothful, at worst deceptive to the public," the judge said.

At a Senate hearing six months later, Mr. Thomas defended himself, saying, "To suggest that we are derelict in our duties is an ad hominem attack that impugns my integrity and the agency's."

The commission under Clarence Thomas filed many lawsuits charging that companies had discriminated against women in violation of a 1963 law that requires equal pay for equal work. But he resisted the doctrine of "comparable worth," which holds that men and women should be paid the same for different jobs if the jobs have the same intrinsic value.

Labor unions and women's groups embraced comparable worth as a way to reduce the differences in pay between jobs held mainly by women, like nursing and secretarial work, and those held mainly by men, like truck driving and warehouse work, which tend to pay more.

But in a 1985 case, Mr. Thomas said such pay disparities, by themselves, did not prove a violation of Federal law. "Congress never authorized the Government to take on wholesale restructuring of wages that were set by non-sex-based decisions of employers, by collective bargaining or by the marketplace," he said.

The E.E.O.C. chairman's first objective was to solve severe management problems at the commission, on the theory that "there was absolutely no way we could take care of the public's business if we couldn't take care of our own." He said he found financial records in chaotic condition and said there was too much emphasis on settling cases quickly, with little or no investigation, to eliminate a big backlog. He said he tried to establish the commission's "credibility as a law enforcement agency," contending that it had been a forum for "social activism" and arcane legal theories under some of his predecessors.

In its zeal to challenge a broad pattern or practice of discrimination, the chairman said, the commission sometimes overlooked individual "flesh-and-blood victims" of discrimination who came to its offices seeking help. He declared that "every case brought to the E.E.O.C., no matter how small, should be fully investigated and litigated, if necessary," to obtain jobs and back pay for victims.

In 1984, in a major policy change, the commission decided to consider filing a lawsuit in every case in which its staff had found discrimination and tried unsuccessfully to persuade the employer to correct the problem.

Mr. Thomas often asserted that the commission was getting record amounts of money for victims of discrimination through lawsuits, settlements and conciliation. But the agency's data show such monetary benefits were lower in 1989 and 1990 than in 1982. (The figures were \$128.7 million, \$98.9 million and \$134.7 million, respectively, with no adjustment of inflation.)

In 1988, the General Accounting Office, an auditing arm of Congress, said the commission was still closing many cases without full investigations. In many cases closed with no finding of discrimination, "critical evidence was not verified" and "relevant witnesses were not interviewed," the auditors reported.

Mr. Thomas disputed the criticism, saying at the time that the report "trivializes civil rights enforcement to a level commensurate with widget-making."

## EDITORIAL SUPPORT FOR JUDGE CLARENCE THOMAS

"The Constitution is vague about the Senate's role in dealing with presidential nominations to the Supreme Court. . ."

"They [U.S. Senators] can and should examine his public record, including his judicial opinions and other writings."

"As they do so most will be pleased -- but some undoubtedly will be disappointed -- to find a jurist who loves America.

"'I have felt the pain of racism, as much as anyone else,' he said a few years ago. 'Yet I am wild about the Constitution and the Declaration [of Independence]. . . . I believe in the American proposition, the American dream, because I've seen it in my own life.'

"Such a man can't be insensitive or indifferent or recklessly ideological. Such a man could be a distinguished justice."

July 7, 1991

The Cincinnati Enquirer

Sunday, July 7, 1991

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# Judge Thomas

## Senators will hurt themselves if they ignore propriety

The Constitution is vague about the Senate's role in dealing with presidential nominations to the Supreme Court. It simply requires that the Senate confirm appointments to the federal judiciary. As the Senate and its Judiciary Committee prepare to pass on President Bush's nomination of Judge Clarence Thomas to fill the seat vacated by the retirement of Justice Thurgood Marshall, it's clear that some senators have an extraordinary view of their function. If the senators go beyond propriety in their forthcoming inquiry into Judge Thomas' qualifications, they risk injuring themselves more than they injure Judge Thomas.

Ohio's Sen. Howard Metzenbaum, for one, is determined to learn how Judge Thomas might rule on an abortion case.

Sen. Patrick Leahy, D-Vt., is determined to ask Judge Thomas, "What do you think of settled law?"

Other members of the Judiciary Committee seem appalled by the upcoming inquisition. Said Sen. Arlen Specter, R-Pa., "I do not think it is appropriate to ask a nominee the ultimate question as to how he is going to decide a specific case."

Adds Sen. Orrin Hatch, R-Utah, "Literally nobody nominated for the Supreme Court should give his or her views with regard to cases that might

come up in the future."

Wise heads, such as Senators Specter and Hatch, however, are unlikely to prevail. And Judge Thomas is probably going to find himself in the shoes of a candidate for the Hamilton County Municipal Court who is asked during the campaign what he's going to do about drunk drivers. The prudent respond that they will uphold law; the grandstanders promise to throw the book at them.



Judge Thomas

The Senate and the nation needn't buy a pig in a poke. They can and should ask Judge Thomas about his judicial philosophy. They should examine his public record, including his judicial opinions and his other writings.

As they do so most will be pleased — but some undoubtedly will be disappointed — to find a jurist who loves America.

"I have felt the pain of racism, as much as anyone else," he said a few years ago. "Yet I am wild about the Constitution and the Declaration [of Independence]. . . . I believe in the American proposition, the American dream, because I've seen it in my own life."

Such a man can't be insensitive or indifferent or recklessly ideological. Such a man could be a distinguished justice.

**COMMENTS IN SUPPORT OF JUDGE CLARENCE THOMAS**

"The Clarence Thomas I know is a self-made man who has worked enormously hard to get where he is today. He will serve the Supreme Court well. . . . through his own strength of character, perseverance and strong belief in the American dream. I should know -- I have known him for almost 20 years."

"While some in the civil rights movement contend that they are not convinced that Mr. Thomas is the right choice, I say he is. I think the main issues should be his ability to interpret the law fairly, follow it through and judge with compassion. There is no doubt that Clarence Thomas will be a fair and equitable Supreme Court justice.

"President Bush could not have made a more sound decision than to nominate Clarence Thomas for the next Supreme Court justice."

Alphonso Jackson,  
The Dallas Morning News, July 14, 1991

"The Clarence Thomas I know is a caring, decent, honest, bright, good-humored, modest and thoughtful father, husband and public servant who has already come farther in 43 years than most of us will in a lifetime."

"People throughout the agency [Equal Employment Opportunity Commission] sing Thomas's praises -- his dedication, his professional standards, his extraordinary sensitivity to and support of the 'little people,' and his inspiration to employees at all levels."

Allen Moore,  
The Washington Post, July 16, 1991

"For too long, debate in the United States has been dominated by self-appointed group spokesmen. Thomas' presence on the high court would open debate by focusing new attention on individuals who don't think like their group 'leaders' say they should, and then emboldening them to become part of the political process.

"The liberals should be apprehensive; with more issues returned to the American people to be decided through democratic means, and the political process opened up to debate from new and different voices, many liberals will find themselves without 'groups' to speak for."

Betsy Hart,  
The Evening Sun, July 12, 1991

"Just as Justice Marshall was the man for his time, leading the essential charge for civil rights for black Americans in a nation where racial discrimination was official policy, so now Judge Thomas is the right man for this time, when official policies of racial preference -- promoted in part by Justice Marshall -- threaten the essential fabric of racial integration and harmony."

"Judge Thomas stands as living proof that in a colorblind society that the Rev. Dr. Martin Luther King preached, even the poorest black Americans can rise by the sheer quality and character of his life, out of a Savannah, Ga., sharecropper neighborhood to the highest court in the land. He has also vindicated Thurgood Marshall's original struggle for equality before the law. His appointment has breathtaking symbolic as well as substantial value. Just as Thurgood Marshall was a man for his time, Clarence Thomas appears to be heaven-sent for this one."

Warren Brooks,  
The Washington Times, July 12, 1991

# My friendship with Thomas tells me he is a good choice



**ALPHONSO JACKSON**

While thumbing through newspapers and listening to television since President Bush nominated Clarence Thomas to the U.S. Supreme Court, I have been quite offended by the unwarranted labeling,

outrageous charges and ludicrous judgments made against the appeals court judge.

The Clarence Thomas I know is a self-made man who has worked enormously hard to get where he is today. He will serve the Supreme Court well. Not through "Uncle Toming," buying his way to the top or being a "token," as some have suggested; but through his own strength of character, perseverance and strong belief in the American dream. I should know — I have known him for

almost 20 years.

Clarence and I were introduced in the early '70s by John C. Danforth, then the Missouri attorney general and now the state's senior U.S. senator. Since that time, he and I have become good friends. Most of our earlier moments together were spent in St. Louis with our good friend Larry Thompson, now a partner at King & Spalding in Atlanta.

Later, our political careers took us to Washington, where Clarence became chairman of the federal Equal Employment Opportunity Commission and I headed the district's Department of Public and Assisted Housing. There we spent countless hours debating politics and disagreeing on issues; but, through the years, we remained loyal friends and philosophically in tune.

That is why I am convinced the allegations being made against Clarence Thomas are merely quick and simplistic judgments of the real man behind the

robe and gavel, and oversimplified speculations of what he might do once in office.

Some are saying Mr. Thomas has allowed himself to be used as an instrument to push African-Americans back from the fight for racial justice; I say never. The Clarence Thomas I know remembers the pain of discrimination.

From our many private and public discussions, I recall him saying, "I never forget the agony of discrimination — the humiliation of prejudice. Through summer work at the New Haven Legal Assistance Clinic, under a grant from Law Students' Civil Rights Research Council, I did not forget. Through Holy Cross and Yale, I did not forget. As assistant attorney general and assistant secretary, I did not forget. As chairman of EEOC, I cannot and will not forget."

Others are saying Mr. Thomas opposes affirmative action and does not support civil rights. I say the Clarence Thom

know strongly supports civil rights. In an appearance at Holy Cross College, I was proud to hear him say:

"My grandparents, who raised me, are perfect examples of what discrimination can do. No matter what efforts they made, race was a roadblock to taking full advantage of the benefits of this country. As a result of living through this experience and other experiences, I have strong views about civil rights. Many of us have walked through doors opened by the civil rights leaders; now you must see that others do the same."

While some in the civil rights movement contend that they are not convinced that Mr. Thomas is the right choice, I say he is. I think the main issues should be his ability to interpret the law fairly, follow it through and judge with compassion. There is no doubt in my mind that Clarence Thomas will be a fair and equitable Supreme Court justice.

President Bush could not have made a

more sound decision than to nominate Clarence Thomas for the next Supreme Court justice. Mr. Thomas is a man who believes that justice must be colorblind, just as the late Dr. Martin Luther King believed when he, during the march on Washington in 1964, stated that one day, he hoped that his children would be judged by the content of their character, not the color of their skin.

The Clarence Thomas I know is capable, competent and compassionate. His credentials speak for themselves and are above reproach. I firmly believe he will be capable of recognizing racism when it comes before him on the Supreme Court, competent to fairly judge critical issues and compassionate to rule on each case according to facts, not politics.

Isn't that what we really want from a Supreme Court justice?

*Alphonso Jackson is executive director of the Dallas Housing Authority.*

Allen Moore

# The Clarence Thomas I Know

I have been reading and hearing a lot about Clarence Thomas these days. Some of it makes me wonder: Can this be the same Clarence Thomas who worked for me in Jack Danforth's office 12 years ago and has been my friend ever since?

The man I read about has been called an "arch-conservative" who has "forgotten where he came from," who believes "affirmative action is like heroin," whose seven years as chairman of the Equal Employment Opportunity Commission were "the most retrograde in its history," whose first marriage ended in a "messy divorce that deserves scrutiny," whose "opposition to abortion is well-known," whose "allegiance to the pope" should be examined, whose actions are "guided by political calculation," and who is "harshly judgmental and self-righteous rather than compassionate and empathetic."

The Clarence Thomas I know is a caring, decent, honest, bright, good-humored, modest and thoughtful father, husband and public servant who has already come farther in 43 years than most of us will in a lifetime.

The president did his nominee no favor when he said race was not a factor in the nomination. Of course it was, and Thomas readily admits it, just as he acknowledges that race played a role in

his selection for other jobs along the way. He has never denied his indebtedness to, or admiration for, those, such as Justice Thurgood Marshall, who helped open such doors. He does not blindly oppose the notion of taking race into consideration for hiring, promotion or admissions decisions. What he does oppose are rigid numerical goals and quotas, which he considers divisive and unfair.

When he gets a chance to fully explain his views in Senate hearings, he will challenge his listeners to think beyond platitudes and conventional orthodoxy. Clarence Thomas has always supported the idea of giving preferential treatment to the truly disadvantaged, especially minorities, rather than to those from middle- or upper middle-class backgrounds who happen to be members of a targeted minority group. To do otherwise risks stigmatizing those favored—to make it appear as if they are incapable of competing fairly. It also can put the unprepared in situations where they are destined to fail. "God helps those who help themselves," Clarence might say, encouraging self-help and self-reliance. Martin Luther King Jr., Malcolm X, and Jesse Jackson have stressed such themes.

Regarding his feelings about the pope, I believe Clarence stopped being a practicing Catholic

when he left the seminary almost 25 years ago. In recent years, he has attended a Methodist church, a Christian church and, most recently, Episcopal church.

I don't know how he feels about abortion, but would be very surprised if he didn't have an opinion on *Roe v. Wade*. Many liberals and conservatives on both sides of the abortion issue acknowledge the vulnerability of that decision purely legal grounds, but I personally would bet the ranch on how he would come down on the issue.

I know something about Thomas's first marriage because I spent many hours talking with him as it broke apart. He was tormented by about breaking his wedding vows and about the impact of the divorce on his young son. I sought me out for advice because I was a divorced father with two well-adjusted children. His divorce was handled amicably, with Clarence given undisputed primary custody of his son. Both parents have played a major role in upbringing, and all parties have great respect for each other.

Clarence's record as EEOC chairman deserves close scrutiny, just as it did when he was renominated and reconfirmed for a second term.

as chairman, and just as it did when he was nominated and confirmed to his seat on the D.C. Circuit Court of Appeals. The record will speak for itself, but someone should also look inside the agency to find out how people feel about Thomas the man and the leader.

Evan Kemp, his successor as chairman, marvels at what Thomas did with a historically underfunded agency that saw its budget cut nine out of 10 times in the 1980s. (Usually Congress cut the president's request, then beats up the agency for its budget-related shortcomings.) Clarence Thomas inherited a poorly managed, dispirited agency whose employees were embarrassed to admit where they worked. His legacy, according to Kemp, is that employees are now proud to work at the EEOC and even named the new headquarters building after him. Nonetheless, says Kemp, "Clarence won't get the credit that is his due; I will." People throughout the agency sing Thomas's praises—his dedication, his professional standards, his extraordinary sensitivity to and support of the "little people," and his inspiration to employees at all levels.

The suggestion that his actions have been politically motivated is laughable. This is not a political animal. His passionate, behind-the-scenes

battles with the White House and Justice Department conservatives during the Reagan years were hardly politic. In addition, several times through the years, I strongly advised him to approach his detractors both on and off the Hill. "They attacked me without knowing the facts," he would say, "and it would be hypocritical to approach them." This is a man who advanced in a political environment in spite of, not because of, his political skills.

Perhaps the most absurd charge leveled at Thomas is that "he forgot where he came from." Thomas's professional and personal life, not to mention his conscience, wouldn't permit him to forget his roots if he wanted to. Neither would the world around him: After lunch a few weeks ago, he and I were strolling around downtown Washington. He suddenly realized he was late for an appointment and asked me (I'm white) to hail him a cab.

"I have trouble getting a cab downtown, and it's virtually impossible in Georgetown," he said, jumping into the taxi I had flagged down as the driver mouthed an obscenity in my direction.

*The writer was principal policy adviser to Sen. John C. Danforth (R-Mo.) for 11 years.*

# The Evening Sun

Baltimore, Friday, July 12, 1991

## Fear and loathing of Clarence

### Thomas A 11

**P**RESIDENT Bush's nomination of Judge Clarence Thomas to the U.S. Supreme Court has prompted vehement, sometimes reckless denunciations from the political left.

Patricia Ireland, executive vice president of the National Organization for Women (NOW), labeled Thomas an "extremist." Harvard law professor Derrick Bell accused

**Betsy  
Hart**

Bush of "gross tokenism in the appointment of a black who is a conservative and shares the views of upper-class whites." Ellen Convisser, president of NOW's Massachusetts chapter, and Virginia Gov. Douglas Wilder expressed serious concern that Thomas might be too Catholic. Feminist attorney Flo Kennedy said of Thomas, "We must kill him politically," and Arthur Kropp, president of People for the American Way, said he "could hardly imagine a more troubling choice" for the high court.

What may trouble Kropp and company most is the fact that Thomas was born black and poor in the heart of the segregated South. Yet without benefit of quotas, set-asides or special privileges, he rose above it. But why are the liberals hurling such attacks at Thomas, a man who humbly said when accepting Bush's nomination to the court, "As a child, I never dreamed I would see the Supreme Court, much less be nominated to it?"

The answer lies not in the fact that Thomas would drastically change the direction of the court. After three landslide elections of presidents who promised to put conservative justices on the Supreme Court, a majority committed to upholding the Constitution and letting the democratic process decide political issues already is in place. No, the real reason activist liberals oppose Thomas is because he affirms those values they have attacked for the last 30 years, standing firmly against the dehumanizing racial politics of quotas, affirmative action and other "group remedies" sponsored by the left.

Indeed, with Thomas on the high court, the political debate might fundamentally change in the United States. We might, after all, be able to rise above the divisive politics of race and gender and debate such fundamentals as individual liberty vs. gov-

ernment power and personal responsibility vs. group entitlements.

Though Thomas would join a conservative majority already on the court, he would add one entirely new dimension: He would challenge the "moral monopoly" the left has exercised over blacks, other minorities and women. The monopoly view is to classify people according to their alleged group "victimization" status, and then present each group as a monolith in its thinking, allowing for no differences or debate.

The left seems to think that no one, except a white male, is capable of succeeding on his or her own, so it demands that group members be awarded rights and handouts based only on their group membership, not on any individual initiative or merit. The civil rights and feminist establishment base their political agendas on such views.

The problem for the left is that Thomas threatens to expose such follies. Soon, an African-American of humble origins might be sitting on the highest court in the land, interpreting, upholding and honoring the Constitution — proclaiming, if his previous writings are any indication, that the best

way to overcome discrimination and bias is not to advance it through race-based government action, but to apply the law equally to all individuals. The left is afraid that Thomas has escaped from the liberal plantation and will now shed light on the lies used to keep minorities and women enslaved there.

For too long, debate in the United States has been dominated by self-appointed group spokesmen. Thomas' presence on the high court would open debate by focusing new attention on individuals who don't think like their group "leaders" say they should, and then emboldening them to become part of the political process.

The liberals should be apprehensive; with more issues returned to the American people to be decided through democratic means, and the political process opened up to debate from new and different voices, many liberals will find themselves without "groups" to speak for.

*Betsy Hart is director of lectures and seminars at the Heritage Foundation in Washington.*

7/31/91

## **Editorial Support for Supreme Court Nominee Judge Thomas**

"No one should count any chickens just yet, but the prospects that Clarence Thomas will get a new job in the fall are looking up."

". . . Indeed, while it's gone largely unreported, the NAACP's Benjamin Hooks pretty much endorsed the nominee in a news conference in Des Moines Tuesday.

"Judge Thomas is, Mr. Hooks said, 'not completely without some good points.' He elaborated, 'When it comes to individual discrimination, his record is pretty clear.' Indeed, 'if a black or woman has been individually discriminated against or mistreated he'll go to the ends of the earth to correct it.'

"Mr. Hooks went on to say that his group believes strongly that 'there ought to be a black on the Supreme Court.' . . ."

"As we've said, Judge Thomas is an excellent nominee quite aside from his race, and the court's deliberations do benefit from a diversity of backgrounds. As 43, he would also be the first representative on the court of the new generation of intellectual conservative legal scholars. Some interest groups might not like it, but it looks to us as if President Bush summed up the matter pretty well with a photo-op quote yesterday, 'There was a kind of flurry of outrage and predictable smearing of the man. But as people get to see him, they get to know his record, they get to know his background. I have a feeling this country is strongly behind him.'"

July 25, 1991

The Wall Street Journal

"It's already starting to look as if the opponents of Clarence Thomas' nomination to the Supreme Court are clutching at straws. The man's personal story is inspiring. His conduct in public office has been exemplary. He obviously holds himself to high moral and ethical standards. These things, combined with his record on the bench, have translated to 52 percent white support and 57 percent black support for his nomination, according to the latest polls.

"All of which makes the latest attempt to assassinate Judge Thomas' character seem almost laughable. . . ."

"Here's a prediction: The more such obviously politically motivated attacks on Judge Thomas get bandied about, the more Americans will rally to support him."

July 24, 1991

The Washington Times

"Whatever the eventual verdict on his nomination, many Americans who dare to be 'different' may discover they owe a debt of gratitude to Clarence Thomas, chosen by President George Bush for a vacancy on the United States Supreme Court."

". . .As a black who grew up in economic deprivation, Thomas decided as an adult to embrace a so-called 'conservative' attitude toward this nation and government's responsibilities to Americans. The approach insists that citizens assume more responsibility for their lives and government less.

"To hear some of his critics tell the tale, you would think Thomas has no right to believe that way. As if a die had been cast demanding that African Americans accept certain ideological precepts, Thomas is being skewered for daring to insist that opportunity exists for every American willing to pursue it."

July 22, 1991  
The Cedar Rapids Gazette

"There is every reason for American blacks to welcome the new diversity that the appearance of a black conservative intelligentsia represents. Not only does it afford a choice between political parties and the policies they endorse, but it opens a new horizon for opportunity. . . . If [black conservatism] starts spreading and blacks increasingly discover that the answer for poor people is not welfare, public housing, quotas and special treatment, the people who peddle, vote for and administer these programs will find themselves in very serious trouble."

July 10, 1991  
Washington Times

"The Constitution is vague about the Senate's role in dealing with presidential nominations to the Supreme Court. . . ."

"They [U.S. Senators] can and should examine his public record, including his judicial opinions and other writings."

"As they do so most will be pleased -- but some undoubtedly will be disappointed -- to find a jurist who loves America.

"I have felt the pain of racism, as much as anyone else,' he said a few years ago. 'Yet I am wild about the Constitution and the Declaration [of Independence]. . . . I believe in the American proposition, the American dream, because I've seen it in my own life.'

"Such a man can't be insensitive or indifferent or recklessly ideological. Such a man could be a distinguished justice."

July 7, 1991  
The Cincinnati Enquirer

"This week, the former Savannahian [Clarence Thomas] got the prized nomination to fill the vacancy created by Justice Thurgood Marshall's retirement. The president couldn't have made a finer choice.

"Judge Thomas has a long list of professional credentials in several branches of government that would serve him well on the high court. He worked as an assistant attorney general in Missouri for three years. He served as chairman of the Equal Employment Opportunity Commission during the Reagan and Bush administrations. He has served on the U.S. Circuit Court of Appeals in the District of Columbia since March of 1990, winning the respect of his colleagues."

"But the written resume of Clarence Thomas only tells half of the story. The other half, as many people in Savannah already know and the rest of the country is finding out, is just as impressive, if not more so.

"'Only in America could this have been possible.' Judge Thomas said shortly after his nomination. It was a fitting remark for someone who was born in a house without plumbing in the Pinpoint community 43 years ago and knew what it was like to sit in the back of the bus and not be able to find a job at any Atlanta law firm after getting out of Yale Law School. Yet he had the courage, conviction and support not to let poverty or racism stand in the way of his dreams.

"Thus, those who question where Judge Thomas stands on civil rights actually come close to insulting him. He doesn't have to be told how important it is that every man be judged by the content of his character, not the color of his skin. He's lived it.

"President Bush is predicting that his nominee will win Senate confirmation. All things being equal, he should."

July 5, 1991  
Savannah Morning News

"Instead of viewing Judge Thomas' conservative philosophy in wonderment, we should wonder why traditional civil rights leaders have abandoned it. . . . Since when are blacks Uncle Toms for espousing the bedrock values of their grandparents? . . . Attempting to deny blacks the diversity of political thought that whites take for granted is itself racist. Clarence Thomas brings old-time, African American values of survival and determination to the highest court in the land."

July 3, 1991  
Atlanta Journal

"In tapping Clarence Thomas to fill the Supreme Court seat of Thurgood Marshall, President Bush has chosen one of the most promising jurists in the nation. Despite his relatively youthful 43 years, Mr. Thomas already has shown that he possesses a brilliant legal mind and a commitment to public service in the best sense of that term. . . . President Bush has picked the right person. The Senate should move quickly to confirm Clarence Thomas."

July 3, 1991  
The Washington Times

"His nomination acknowledges the political diversity, often overlooked, among black Americans. . . . With the exception of the hearings over the nomination of Bork, the Judiciary Committee has taken too much refuge in the pieties of Presidential privilege of nomination and of protection of judicial 'independence,' avoiding issues of personal philosophy. . . . The Senate has the constitutional charge to examine his fitness. And notwithstanding his commendable life experience, the Senate should examine him with great thoroughness."

July 3, 1991  
Miami Herald

"Thomas' legal training and political experience appear to qualify him for a seat on the nation's highest tribunal. . . . Senator Metzenbaum is surely correct in hoping to pin Thomas down on this sensitive area [right to privacy] of interpreting the Constitution. Nonetheless, senators will labor under the same limitation as they did during the Souter hearings: It would be wrong for senators to ask point-blank questions about how Thomas would vote on a Roe v. Wade appeal. . . . Senators should stick to asking Thomas about his constitutional reasoning, not his desired result."

July 3, 1991  
Cleveland Plain Dealer

"President Bush has made a superb choice in selecting Federal Appellate Judge Clarence Thomas. . . . In Thomas, the President has chosen a highly capable jurist who has led an extraordinary and exemplary life. . . . [But] liberals don't believe blacks have the same rights to adhere to whatever views they happen to espouse as do white Americans. Democrats see blacks like Thomas as an affront to their firm faith that they -- even if white -- 'know what's best for blacks.' . . . The Clarence Thomases of America are believed to owe the nation an explanation as to why they oppose liberal orthodoxies. . . . Thomas owes no one anything simply because he's black."

July 3, 1991  
New York Post

"When Clarence Thomas paused yesterday to look back over an improbable life that has taken him from poverty in the segregated South to the threshold of the Supreme Court of the United States, he was suddenly so overcome with emotion that he couldn't speak. It was a moment with deep emotional significance for the nation as well. . . . Bush could have found many nominees who could have counted on easier approval by the Senate. Thomas will probably require a harder fight, but there is reason to think he's worth it."

July 2, 1991  
Chicago Tribune

"It is said that the finest steel is tempered in the hottest fires. If true, Judge Clarence Thomas, President Bush's nominee for the U.S. Supreme Court, is a man of fine steel. A child of poverty reared by grandparents in a tenement lacking indoor plumbing, Judge Thomas, through strength of character and with the devoted help of his grandparents, has constructed for himself an exemplary life, a life that raises a standard to which future generations of Americans may repair. . . . President Bush has clearly found a nominee whose character, integrity and intellect equal those of Justice Marshall."

July 2, 1991  
Dallas Morning News

". . . even those who have disagreed with him on policy grounds will concede that his life, which began in extreme poverty, has been one of accomplishment. If confirmed, he would bring to the court a range of experience not shared by any other sitting justice."

July 2, 1991  
The Washington Post

"Judge Thomas is precisely the kind of jurist President Bush assured voters he would select. He would take the Constitution seriously and apply the laws equally. We eagerly await the beginning of many years of service by Justice Clarence Thomas."

July 2, 1991  
Wall Street Journal

For more information please contact the Office of Public Affairs at the White House 202/456-2483.

## Toward Justice Thomas

No one should count any chickens just yet, but the prospects that Clarence Thomas will get a new job in the fall are looking up. In particular, when the Black Caucus opposed the nominee, it seems, they spoke as Beltway politicians rather than as representatives of the black community.

The far-left groups will continue their Borking strategy of throwing up enough mud balls in the hope that some will stick to Judge Thomas. Norman Lear's People for the American Way issued a report slandering Mr. Thomas's tenure at the Equal Employment Opportunity Commission. The Association of the Bar of the City of New York, which nearly lost its charity-tax status for its lobbying against Robert Bork, is calling federal judges looking for dirt on Judge Thomas; one judge we know asked the caller from the group why the New York bar felt itself more important than the bar in Lubbock, Texas. The American Bar Association, which also ought to be cut out of any special place in the process, has yet to be heard from.

It appears, though, that if white television moguls and elitist lawyers want to do in Judge Thomas, they will have to do it without much help from black civil-rights groups. While the Urban League and NAACP would prefer a black of a different persuasion, they are holding their fire. Indeed, while it's gone largely unreported, the NAACP's Benjamin Hooks pretty much endorsed the nominee in a news

conference in Des Moines Tuesday.

Judge Thomas is, Mr. Hooks said, "not completely without some good points." He elaborated, "When it comes to individual discrimination, his record is pretty clear." Indeed, "if a black or woman has been individually discriminated against or mistreated he'll go to the ends of the earth to correct it."

Mr. Hooks went on to say that his group believes strongly that "there ought to be a black on the Supreme Court." If Judge Thomas is not confirmed, he said, the next nominee probably would not be black and would also be what Mr. Hooks called "unimpeachably conservative, far-right Genghis Khan." We're not sure if a Justice Khan would have practiced judicial restraint, but Mr. Hooks's bottom line sure sounds to us like a vote to confirm.

As we've said, Judge Thomas is an excellent nominee quite aside from his race, and the court's deliberations do benefit from a diversity of backgrounds. At 43, he would also be the first representative on the court of the new generation of intellectual conservative legal scholars. Some interest groups might not like it, but it looks to us as if President Bush summed up the matter pretty well with a photo-op quote yesterday, "There was a kind of flurry of outrage and predictable smearing of the man. But as people get to see him, they get to know his record, they get to know his background. I have a feeling this country is strongly behind him."

WEDNESDAY, JULY 24, 1991

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## Judge Thomas and the Puppy Chow caper

**I**t's already starting to look as if the opponents of Clarence Thomas' nomination to the Supreme Court are clutching at straws. The man's personal story is inspiring. His conduct in public office has been exemplary: He obviously holds himself to high moral and ethical standards. These things, combined with his record on the bench, have translated to 52 percent white support and 57 percent black support for his nomination, according to the latest polls.

All of which makes the latest attempt to assassinate Judge Thomas' character seem almost laughable. Supreme Court Watch, an arm of the radical Stalinoid publication the Nation, comes now to denounce him for failing to recuse himself from a puppy food case. In *Alpo vs. Ralston Purina*, Judge Thomas wrote an opinion that (among other things) set aside a \$10.4 million judgment against Ralston Purina related to a false advertising claim made by Alpo.

What, you may ask, was the heinous conflict of interest that should have required the judge to step aside? Well, according to the ethical reasoning of Supreme Court Watch, since Sen. John Danforth gave Judge Thomas his first government job and is a leader in his confirmation effort, and since Mr. Danforth owns stock in Ralston Purina, it therefore follows that Judge

Thomas demonstrated "flagrant disregard for common sense and legally encoded standards of judicial conduct" by ruling in the case.

This is an interesting new standard for ethical conduct, requiring, as it does, that would-be judges have no friends. In any case, Mr. Danforth is obviously baffled by the whole affair, since he and the judge never discussed the matter. Even the lawyers for Alpo, who have said they are satisfied with the ruling, seem mystified.

Actually, Judge Thomas' opinion in the case is yet another example of his scrupulous jurisprudence. The District Court's ruling against Ralston Purina mistakenly assigned all "profits" from the false advertising to Alpo. It should instead have computed the damages Alpo actually suffered. Moreover, the District Court, in an attempt "to encourage private attorneys general" in an area in which it felt federal enforcement efforts are lax, awarded attorneys' fees to Alpo. No go, wrote Judge Thomas. These can only be awarded where a court has found willfulness or bad faith, not on a judge's whim.

Here's a prediction: The more such obviously politically motivated attacks on Judge Thomas get bandied about, the more Americans will rally to support him.

## GAZETTE EDITORIALS

### Denial of rights

**W**HATEVER the eventual verdict on his nomination, many Americans who dare to be "different" may discover they owe a debt of gratitude to Clarence Thomas, chosen by President George Bush for a vacancy on the United States Supreme Court.

In this case, we are seeing Thomas branded as different because he has chosen not to conform with the image others would impose on him. As a black who grew up in economic deprivation, Thomas decided as an adult to embrace a so-called "conservative" attitude toward this nation and government's responsibilities to Americans. The approach insists that citizens assume more responsibility for their lives and government less.

To hear some of his critics tell the tale, you would think Thomas has no right to believe that way. As if



Molly's Yard

a die had been cast demanding that African Americans accept certain ideological precepts. Thomas is being skewered for daring to insist that opportunity exists for every American willing to pursue it. Certainly his convictions do not align with views held by many on the Senate Judiciary Committee, where his nomination for the high court will undergo its first major test. We can't predict Thomas' fate there, but we do know he should not be discarded merely because he has had the temerity to be black AND conservative.

How hypocritical we Americans can be. Some supposed human rights exemplars apparently have judged Thomas and found him wanting. At the same time they blast anyone who evaluates others solely on the basis of skin color. How appalling that his critics (individually and collectively) would presume to declare that because of his conservative philosophy, it follows Thomas has abandoned the cause of civil rights and therefore is unfit for Supreme Court duty.

What more direct assault on the ideals of individual rights could there be than to impose a philosophical litmus test on any American?

WEDNESDAY, JULY 10, 1991

## Mr. Thomas and black conservatives

Since President Bush's nomination of Clarence Thomas to the Supreme Court last week, American liberals have been jittery. They may or may not be able to stop the Thomas nomination, but they're beginning to realize that Mr. Thomas is not the only black conservative on the block, that the truth is that there are scads of American blacks who are conservatives and the emergence of conservative ideas among blacks is a major challenge to current social policies.

Ever since the advent of the civil rights movement, conventional wisdom has been that most blacks were liberals, and certainly voting patterns supported this idea. Democratic presidential candidates have routinely won 90 percent or more of the black vote, and virtually every prominent black spokesman in the country has been on the left side of the spectrum. Blacks have provided the Democrats with a major part of their electoral clout.

But in the past 10 years there has emerged a small but vocal band of black conservative intellectuals, of whom Mr. Thomas is one. They include names that are generally not as well known as those of Jesse Jackson, Benjamin Hooks, Coretta King, Andrew Young and other members of the civil rights establishment, but they've managed to get their ideas across.

The message of people like Jay Parker, Thomas Sowell, Walter Williams, Alan Keyes, Glenn Loury and The Washington Times' own late Lawrence Wade is that the chief victims of the welfare state that liberalism constructed have been the very people it was designed to help, black and white. They have documented and correlated the connection between dependence on the welfare state and the decline of the two-parent family, educational failure and the rise of crime. Along with other conservatives, they've found that reliance on the state hurts more than it helps.

There is every reason for American blacks to welcome the new diversity that the appearance of a black conservative intelligentsia represents. Not only does it afford a choice between political parties and the policies they endorse, but it opens a new horizon for opportunity for Americans who have often been the victims of experiments to try to prove the theories of politicians and bureaucrats.

For that very reason, some people find the rise of black conservatism incredible as well as threatening. If it starts spreading and blacks increasingly discover that the answer for poor people is not welfare, public housing, quotas and special treatment, the people who peddle, vote for and administer these programs will find themselves in very serious trouble.

Sunday, July 7, 1991

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# Judge Thomas

## Senators will hurt themselves if they ignore propriety

The Constitution is vague about the Senate's role in dealing with presidential nominations to the Supreme Court. It simply requires that the Senate confirm appointments to the federal judiciary. As the Senate and its Judiciary Committee prepare to pass on President Bush's nomination of Judge Clarence Thomas to fill the seat vacated by the retirement of Justice Thurgood Marshall, it's clear that some senators have an extraordinary view of their function. If the senators go beyond propriety in their forthcoming inquiry into Judge Thomas' qualifications, they risk injuring themselves more than they injure Judge Thomas.

Ohio's Sen. Howard Metzenbaum, for one, is determined to learn how Judge Thomas might rule on an abortion case.

Sen. Patrick Leahy, D-Vt., is determined to ask Judge Thomas, "What do you think of settled law?"

Other members of the Judiciary Committee seem appalled by the upcoming inquisition. Said Sen. Arlen Specter, R-Pa., "I do not think it is appropriate to ask a nominee the ultimate question as to how he is going to decide a specific case."

Adds Sen. Orrin Hatch, R-Utah. "Literally nobody nominated for the Supreme Court should give his or her views with regard to cases that might

come up in the future."

Wise heads, such as Senators Specter and Hatch, however, are unlikely to prevail. And Judge Thomas is probably going to find himself in the shoes of a candidate for the Hamilton County Municipal Court who is asked during the campaign what he's going to do about drunk drivers. The prudent respond that they will uphold law; the grandstanders promise to throw the book at them.



Judge Thomas

The Senate and the nation needn't buy a pig in a poke. They can and should ask Judge Thomas about his judicial philosophy. They should examine his public record, including his judicial opinions and his other writings.

As they do so most will be pleased — but some undoubtedly will be disappointed — to find a jurist who loves America.

"I have felt the pain of racism, as much as anyone else," he said a few years ago. "Yet I am wild about the Constitution and the Declaration [of Independence]. . . . I believe in the American proposition, the American dream, because I've seen it in my own life."

Such a man can't be insensitive or indifferent or recklessly ideological. Such a man could be a distinguished justice.

Friday, July 5, 1991 \* \* \* \*

# Savannah Morning News.

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## The Thomas Nomination

It was rumored that Judge Clarence Thomas was being groomed for the U.S. Supreme Court when President Bush chose him to fill a high-profile vacancy on the federal appellate court in Washington, D.C., last year.

This week, the former Savannahian got the prized nomination to fill the vacancy created by Justice Thurgood Marshall's retirement. The president couldn't have made a finer choice.

Judge Thomas has a long list of professional credentials in several branches of government that would serve him well on the high court. He worked as an assistant attorney general in Missouri for three years. He served as chairman of the Equal Employment Opportunity Commission during the Reagan and Bush administrations. He has served on the U.S. Circuit Court of Appeals in the District of Columbia since March of 1990, winning the respect of his colleagues.

In fact, those liberal critics who are sniping at Judge Thomas because of his past conservative leanings should listen to what Chief Judge Aubrey E. Robinson Jr. of the appeals court had to say about the nominee. He called him "a very hard-working person . . . He'll be very conscientious." And Judge Robinson is no right-winger. He's liberal. And like Judge Thomas, he's black.

But the written resume of Clarence Thomas only tells half of the story. The other half, as many people in Savannah already know and the rest of the country is finding out, is just as impressive, if not more so.

"Only in America could this have been possible." Judge Thomas said shortly after his nomination. It was a fitting remark for someone who was born in a house without

plumbing in the Pinpoint community 43 years ago and knew what it was like to sit in the back of the bus and not be able to find a job at any Atlanta law firm after getting out of Yale Law School. Yet he had the courage, conviction and support not to let poverty or racism stand in the way of his dreams.

Thus, those who question where Judge Thomas stands on civil rights actually come close to insulting him. He doesn't have to be told how important it is that every man be judged by the content of his character, not the color of his skin. He's lived it.

President Bush is predicting that his nominee will win Senate confirmation. All things being equal, he should. But given the politicization of the process, as well as the reluctance of some liberals to see the court become more mainstream, things could get a little rocky. Some senators plan to grill him on some hot-button issues, like abortion, in hopes of getting a response that would kill his chances and politically embarrass the president.

But the upper chamber of Congress should be reminded to judge him on his merits as a jurist. He shouldn't be evaluated by a litmus test that some politician concocts.

In any case, it's a honor just to be considered for a Supreme Court post, let alone be nominated. Judge Thomas, because of his professional and personal achievements and his demonstrated ability to grow in the positions he has held, deserves a fair hearing.

And if he gets one, Savannah will soon proudly boast that one of its own, a home boy from Pinpoint, is one of nine distinguished members of the highest court in the land.

# The Atlanta Journal

July 3, 1991

## Judge Thomas brings values that the nation can live by

Clarence Thomas, President Bush's nominee to the U.S. Supreme Court, was choked with emotion when he paid tribute to his grandparents, his mother and the nuns who taught him to jump over the hurdles that stand in life's way.

His story is dramatic. But it isn't extraordinary. Thousands of black Americans can speak of the stern, but caring parent or grandparent who instilled this important message: You must fend for yourselves.

Indeed, such messages help explain how black Americans survived slavery and Jim Crow: They were taught not just to endure indignities, but to rise above them.

Why, then, do we not hear the same messages of self-help and determination from the Ben Hookses of the world? Because such "leaders" have preferred to stress their status as victims rather than as strivers.

Clarence Thomas has instead accomplished an extraordinary feat: He has managed to bring with him the bedrock values and principles he learned as a child.

He did not discard them in the liberal halls of a faraway university. He didn't succumb to the fashionable ideology of his day. Instead he reached back into his grandfather's basket of values and said: The hard work and reliance on self that lifted me from poverty can lift millions more. Yes, there's discrimination out there. But it can be overcome.

Judge Thomas once said in an interview: "There's nothing you can do to get past black skin. I don't care how educated you are, how good you are at what you do."

His point was that discrimination might always be with us, so blacks should not waste time waiting for it to go away. The challenge is to overcome it, to work around it, to keep it from impeding success.

Blacks, he thinks, shouldn't accept the victim's mentality that "I'm black, therefore I can't," or "I'm black, therefore they won't let me." His guiding philosophy has been: "I'm black and I'm discriminated against but I won't let discrimination beat me down."

It's not a new philosophy: Martin Luther King Jr. expressed the same determination in his crusade against hatred, and thousands of grandparents like Judge Thomas's have instilled that life-guiding message in their grandchildren.

So instead of viewing Judge Thomas's conservative philosophy in wonderment, we should wonder why traditional civil rights leaders have abandoned it.

And we should wonder why so many people consider such messages — which have been basic to the survival of black Americans — "conservative" to the point of labeling Judge Thomas an "Uncle Tom." Since when are blacks Uncle Toms for espousing the bedrock values of their grandparents?

Neither should we be quick to label every black an Uncle Tom who challenges the priorities of the civil rights establishment. Attempting to deny blacks the diversity of political thought that whites take for granted is itself racist.

Clarence Thomas brings old-time, African-American values of survival and determination to the highest court in the land. They are values that will serve the nation well.

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WEDNESDAY, JULY 3, 1991

## Unqualifiedly qualified

In tapping Clarence Thomas to fill the Supreme Court seat of Thurgood Marshall, President Bush has chosen one of the most promising jurists in the nation. Despite his relatively youthful 43 years, Mr. Thomas already has shown that he possesses a brilliant legal mind and a commitment to public service in the best sense of that term.

Mr. Thomas' origins are humble. His family worked hard to enable him to go to college, and he worked hard as well. In his statement to the press after Mr. Bush announced his nomination, he choked with emotion as he thanked his grandparents, his parents and the nuns from his Catholic school days, "all of whom were adamant that I grow up to make something of myself."

That he did. He graduated from Holy Cross and went on to Yale Law School, and when finished he went to work for the Missouri attorney general, now Sen. John Danforth. He made a lasting impression. "I know him to be an absolutely first-rate lawyer, and beyond that, I know him to be a first-rate human being," Mr. Danforth has said. In 1977, Mr. Thomas left government to practice law in the private sector, for Monsanto Corp., before rejoining Mr. Danforth as a legislative assistant in Washington in 1979.

In 1981, the Reagan administration named Mr. Thomas to head the civil rights division of the Education Department. In 1982, he went on to head the Equal Employment Opportunity Commission, where in the course of eight years he compiled a distinguished record of aggressive enforcement of anti-discrimination laws in the workplace. In those years, he also developed a reputation as a forceful proponent of equality of opportunity. He championed the idea of a colorblind Constitution and opposed racial quotas and other devices that gave legal status to groups rather than indi-

viduals. He also forcefully opposed the intellectually fashionable 1980s doctrine of equal pay for "comparable worth," a notion that, had it prevailed, would have had judges setting pay scales for private and public enterprises throughout the United States.

In 1990, President Bush named Mr. Thomas to the Court of Appeals of the District of Columbia. He was widely seen at the time as a rising star and a likely contender for a Supreme Court seat. That, combined with his commitment to a colorblind society, meant he was subjected to an unusually high degree of scrutiny by political opponents. The American Bar Association twice undertook full background investigations and pronounced him "qualified." Senate Judiciary Committee Chairman Joseph Biden issued a demand for him to produce thousands of pages of documents from his EEOC years. If any of the senators were hoping to find something to derail his confirmation, they failed to do so.

Meanwhile, Democratic Sens. Sam Nunn and Charles Robb, convinced of his abilities, introduced him to the Judiciary Committee and endorsed his nomination. Mr. Thomas forcefully defended his record at the hearing, and the only Judiciary Committee member who opposed him was Sen. Howard Metzenbaum.

In his year and a half as an appeals court judge, Mr. Thomas has further distinguished himself. He has written firm opinions on criminal justice matters and is obviously sensitive to the proper role of the federal courts.

President Bush has picked the right person. The Senate should move quickly to confirm Clarence Thomas.

# The Miami Herald

WEDNESDAY, JULY 23, 1998

## Judge Thomas: On trial

**I**NSTEAD OF reaching for a "stealth" candidate such as David Souter, this time President Bush has nominated for the Supreme Court a man about whom public sentiments had crystallized over the last decade of his public career.

The symbolism of Clarence Thomas's nomination is rich. His life as a black man who overcame deep poverty and prejudice is a testament to the power of the individual, the historic strength of the extended family in the black community, and the discipline of Catholic education.

There, also, is the symbolism of maintaining minority representation on the nation's highest court. And because of Mr. Thomas's conservatism, his nomination acknowledges the political diversity, often overlooked, among black Americans.

However, to acknowledge the political diversity between Judge Thomas and the legend whom he would replace, Thurgood Marshall, is to acknowledge that politics and personal beliefs influence the Court's opinions. This Court has shown willingness, recently even glee, at its new majority's ability to modify or overturn its own precedents, to parse the Constitution in quest of its most constrained meaning.

This therefore puts a great burden on the Senate Judiciary Committee. Judge Thomas's judicial service began only in 1989. That's too short a record to show how he resolves conflicts between personal views and law, both statutory and precedent. He does have a seven-year record as chairman of the Equal Employment Opportunity Commission, and this record that should be examined minutely.

At the EEOC, he created a firestorm of controversy with statements deemed hostile to established civil-rights laws. Opponents accused him of not pressing investigations and of ignoring age-discrimination complaints. He denies that his EEOC tenure was less than vigorous; a full inquiry might

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*The Judiciary Committee has taken too much refuge in the pieties of Presidential privilege of nomination and of protection of judicial "independence," avoiding issues of personal philosophy.*

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reveal much about his attitudes toward laws with which he disagrees.

A full inquiry also must address Judge Thomas's attitudes toward the "unenumerated" Constitutional rights, the rights that Americans believe that they have but that are not spelled out. One is the right of privacy, which the Court previously has used to overturn laws against contraception and abortion, among other issues. The privacy issue goes to the heart of self-determination for women and to the power of government to intervene in decisions of a most personal and intimate nature.

With the exception of the hearings over the nomination of Robert Bork, the Judiciary Committee has taken too much refuge in the pieties of Presidential privilege of nomination and of protection of judicial "independence," avoiding issues of personal philosophy. The hearings on the nomination of Antonin Scalia were a case study in politeness, and the result has been nearly unbounded judicial activism.

If confirmed, Judge Thomas, a mere 43, could well influence Americans' rights for the next 40 years. The Senate has the Constitutional charge to examine his fitness. And notwithstanding his commendable life experience, the Senate should examine him with great thoroughness.

# THE PLAIN DEALER

Wednesday/July 3/1991

## Judging the Thomas nomination

Politicians come and go with Washington's quick election cycles, but Supreme Court justices wield vast power for decades. Thus the Senate owes the nation a painstaking look at President Bush's controversial choice to join the Rehnquist Court: Clarence Thomas, a 43-year-old federal appeals-court judge who had served in sub-Cabinet roles in the Reagan administration.

Thomas' legal training and political experience appear to qualify him for a seat on the nation's highest tribunal. But the Constitution gives the Senate a solemn duty to "advise and consent" on lifetime appointments to the federal bench, and there is no need for a rush to judgment. The next Supreme Court session will not begin until the first Monday in October, leaving the Senate Judiciary Committee and then the full Senate ample time to weigh Thomas' credentials.

The nomination of Thomas, an ardent conservative, is sure to disappoint those who hoped to see Bush name a philosophical heir to retiring Justice Thurgood Marshall, a towering figure in modern liberalism. Even if Bush was sure to name a conservative to succeed Marshall, Thomas advocates a drastically different prescription for black Americans: up-by-the-bootstraps individualism. Marshall, by contrast, has championed group-based, race-conscious remedies to overcome America's history of racial discrimination.

Thomas was only five years old when Marshall argued and won this century's landmark case in civil-rights law, *Brown vs. Board of Education*, in 1954. Thomas' progress out of poverty, working his way through Holy Cross College and Yale University Law School, is a modern-day Horatio Alger story. But Thomas' political philosophy as well as personal history must come under Senate scrutiny.

As an aide in the Reagan-era Department of Education and as chairman of the Equal Employment Opportunity Commission, Thomas made no secret of his disdain for civil-rights traditionalists.

Thomas' aggressive anti-affirmative-action position antagonized most civil-rights activists, who admired Marshall's approach. Moreover, advocates for the elderly claim he ignored thousands of age-discrimination complaints to the EEOC. The Judiciary Committee must use its hearings to examine Thomas' hostility to affirmative action, exploring his readiness to reverse Supreme Court precedents.

Senators must also examine Thomas' views on the most sensitive issue on the next term's court docket: the right to privacy and the right that stems from it, the option of choosing safe, legal abortion. Like last summer's Supreme Court nominee, then-judge David H. Souter, Thomas has had only a brief tenure on the federal bench and has no widely known opinion on abortion rights.

Sen. Howard M. Metzenbaum of Ohio, who serves on the Judiciary panel, is surely correct in hoping to pin Thomas down on this sensitive area of interpreting the Constitution. Nonetheless, senators will labor under the same limitation as they did during the Souter hearings: It would be wrong for senators to ask point-blank questions about how Thomas would vote on a *Roe vs. Wade* appeal, which may arrive next term in challenges to the anti-abortion restrictions imposed by Pennsylvania and Louisiana. As they did in the hearings for Souter and then-judge Anthony Kennedy, senators should stick to asking Thomas about his constitutional reasoning, not his desired result.

The Supreme Court, as the adage asserts, *does* follow the election returns: Conservative Republican presidents, having won five of the last six elections, are exerting their power to shift the federal judiciary further to the right. But the Senate, empowered to reject any nominee who is far outside the mainstream of politics and the law, must ensure that Thomas has a well-reasoned reading of the Constitution.

# Clarence Thomas to the Court

President Bush has made a superb choice in selecting Federal Appellate Judge Clarence Thomas to fill the Supreme Court vacancy left by the retirement of Thurgood Marshall.

In Thomas, the President has chosen a highly capable jurist who has led an extraordinary and exemplary life; he has also designated a relatively young man, who should help shape Supreme Court decisions for a long time to come.

Thomas, of course, is black. Did his race have something to do with his selection?



JUDGE THOMAS

It's inevitable that this question be raised in a society that has become increasingly committed to the policy of counting by race. Moreover, we'd guess the answer is yes — in the best possible way.

In choosing Judge Thomas, it would seem the President was guided by original (pre-quota, pre-race-norming) principles on which the affirmative-action idea was based.

The President made sure that black (and Hispanic) applicants were included in the pool of potential nominees for Thurgood Marshall's seat. And why not take pains to see that blacks are considered for high-profile posts vacated by other blacks? This kind of affirmative action — which doesn't subvert existing standards of excellence or claim that such standards are irrelevant — is something we, and most Americans, have long favored.

## IMPRESSIVE RESUME

Is Thomas genuinely qualified? Well, Yale Law School; assistant attorney general of Missouri; assistant U.S. secretary of education for civil rights; chairman of the U.S. Equal Employment Opportunity Commission; U.S. circuit judge for the District of Columbia, along with private-sector legal experience and a stint as a legislative assistant on Capitol Hill — all by the age of 43? That sounds pretty good to us.

But Clarence Thomas' worldview was undoubtedly an even more central factor. Thomas shares with Bush a non-interventionist understanding of the role of the judiciary in American life. The nominee's manifest opposition to the notion that judges should legislate from the bench, his skepticism about the liberal agenda — particularly as it pertains to improving the lives of blacks in America — makes him a firm ideological compatriot of the President.

Thus, in every respect Thomas is a logical choice. Moreover, it's safe to say the American people want Thomas — or someone like him — on the court.

When President Bush was elected, it was widely assumed that he would have Supreme Court appointments to make — and presidents are expected to name judges who share their views. It would be quite strange, after all, if George Bush won election as a Republican-con-

servative and then nominated a liberal-left Supreme Court judge.

As it happens, polls show that Americans like the latest nomination — 54 percent deem Thomas himself a good choice, according to an ABC poll (most polled, not surprisingly, had never heard of him prior to the announcement; Federal judges don't have high profiles) and 60 percent are happy Bush chose a conservative.

So, all in all, Thomas' confirmation will be a breeze — right?

Wrong. It's already clear that the liberal/left will do everything it can to prevent Clarence Thomas from ascending to the high court.

## DOUBLE WHAMMY

As the confirmation fight over Robert Bork demonstrated, the Democratic Senate does not recognize the right of the President to appoint jurists to the Supreme Court simply because they are qualified. Some Democratic senators have already hinted that they will apply various ideological "litmus tests" to Judge Thomas.

And Thomas faces what might be called a double whammy. His nomination will be fought not just due to his ideology, but because he's black.

Liberals don't believe blacks have the same rights to adhere to whatever views they happen to espouse as do white Americans. Democrats see blacks like Clarence Thomas as an affront to their firm faith that they — even if white — "know what's best for blacks."

The Clarence Thomases of America are believed to owe the nation an explanation as to why they oppose liberal orthodoxies. Whites need not explain why they are conservative; that, however, does not apply to blacks.

Indeed, yesterday's New York Times made just this claim in an editorial: Thomas, said the Times, "owes the Senate and the public an explanation of why he differs so strongly with civil rights advocates about the right remedies for proven discrimination."

Well, we differ. Thomas owes no one anything simply because he's black. To suggest otherwise strikes us as demeaning to him and insidious to the social fabric.

## SENATE HEARINGS

Nevertheless, we look forward to the confirmation hearings. It will be fun to watch white, wealthy, liberal senators like Biden, Metzenbaum and Kennedy demand that Thomas — a black who's experienced the pain of discrimination first hand — "explain himself." It will be entertaining to watch these men intimate that they — and not he — "know" what's best for blacks.

Yes, we realize there will also be nasty attack ads like those aimed at slandering Robert Bork. But we suspect that this time, the Bidens and the People for the American Way will fail and embarrass themselves in the process.

In the meantime, we applaud President Bush and congratulate Judge Thomas on his appointment.

## A nominee with a mind of his own

When Clarence Thomas paused yesterday to look back over an improbable life that has taken him from poverty in the segregated South to the threshold of the Supreme Court of the United States, he was suddenly so overcome with emotion that he couldn't speak. It was a moment with deep emotional significance for the nation as well.

It reminded us all that, at its best, this country still stands for the belief that every person should be allowed to rise as high as his abilities will take him. That ideal has not been realized in full in American society, but Thomas' nomination symbolizes our continued commitment to make it a reality, despite serious and sincere disagreements about how to reach that goal.

Critics question whether the quota-bashing president has embraced his own quota for the Supreme Court, replacing a black with a black. They miss a crucial point about the Supreme Court, which is that it serves as guardian of our belief in "equal justice under law."

When Lyndon Johnson named the first black justice, Thurgood Marshall, in 1967, he provided something badly needed: visible proof that the court, and the law, are of, by and for the people—all the people. Today, sad to say, that fact still needs affirmation.

It was rumored that Bush would pick a Hispanic for the job instead—a choice that had obvious political attractions, since Republicans are far more likely to attract Hispanic votes than black ones. The Hispanic judges who were mentioned as possibilities most likely would have stirred little of the controversy that the independent-minded Thomas certainly will. It took courage for Bush to set these considerations aside.

There is much to be learned about the nominee in his Senate confirmation hearings, but he appears fully qualified for the job, bringing a wealth of experience in government unusual for someone of 43 years. A Yale Law School graduate, Thomas worked in the office of the Missouri attorney general and on Capitol Hill before joining the Reagan Education Department as assistant secretary for civil rights. In 1982 he became chairman of the Equal Employment Opportunity Commission, and since last year he has served on the U.S. Court of Appeals for the District of Columbia.

The coming controversy stems not from his credentials or his ability but his ideology. Thomas has been an unyielding opponent of racial preferences and of federal policies that he feels foster quotas. As head of the EEOC, he rejected the old policy of treating statistical disparities as proof of discrimination, while scorning racial adjustments in aptitude tests as assuming "some inherent inferiority of blacks, Hispanics and other minorities."

For these and other stands, he was attacked by liberal lawmakers and organizations. But his views, whether one agrees with them or not, were not formed without a full and deeply personal understanding of the plight of African-Americans. Senators and interest groups have every right to argue that Thomas is wrong on many racial issues; they would be unfair and ill-advised to suggest that he is indifferent to racial justice.

Bush could have found many nominees who could have counted on easier approval by the Senate. Thomas will probably require a harder fight, but there is reason to think he's worth it.

# STRONG CHOICE

Judge Thomas is a man of integrity, ability

It is said that the finest steel is tempered in the hottest fires. If true, Judge Clarence Thomas, President Bush's nominee for the U.S. Supreme Court, is a man of fine steel. A child of poverty reared by grandparents in a tenement lacking indoor plumbing, Judge Thomas, through strength of character and with the devoted help of his grandparents, has constructed for himself an exemplary life, a life that raises a standard to which future generations of Americans may repair.

Like the man he has been chosen to succeed, Justice Thurgood Marshall, Judge Thomas is black. Like Justice Marshall, he rose through great personal effort and in the face of obstacles that would have thwarted lesser men. Unlike Justice Marshall, Judge Thomas has developed a view of life and law that places greater emphasis on individual effort, individual responsibility and the sanctity of law above race. These beliefs have led him to oppose quotas and other affirmative action tools that grew out of the civil rights movement of the 1960s.

There will be an attempt by liberals who believe that individuals are victims of society's failings, and that special legal redress is essential to overcome discrimination, to cast him as an "Uncle Tom" who has adopted his conservative views from expediency, not conviction. No less an authority than Alphonso Jackson, director of the Dallas Housing Authority, asserts any such allegations would be pure bunk.

"Capable, competent and compassionate" are the words Mr. Jackson, a man who chooses his words with care, uses to de-

scribe his friend of 20 years, Judge Thomas. "Judge Thomas is a man who believes at the deepest level, justice must be colorblind," asserts Mr. Jackson. "He believes African-Americans should use their economic power to do for themselves rather than ask for something they feel they are owed."

While some might take issue with that philosophy, any detractors will find it difficult to take issue with Judge Thomas' legal abilities, his mental strength, his character or his judicial temperament.

It will be hard indeed for even those senators who most vigorously disagree with Judge Thomas' voluminous written record to fault a man who could climb from such abject poverty through a then all-white seminary school, through Holy Cross (on scholarships) and finally through Yale Law School. It will be hard for a Senate Judiciary Committee that voted 21 to 1 to confirm Judge Thomas for the 1st U.S. Circuit Court of Appeals to now find issues with which to reject him for the high court.

Although many justices have gone through a metamorphosis from one philosophy to another, Judge Thomas would begin his tenure on the high court as an acknowledged conservative. Many will find the stark contrast with Justice Marshall offensive. The goals of these two men, however, are not so different. They both believe deeply in justice. However different the roads they would take to attain that justice, President Bush has clearly found a nominee whose character, integrity and intellect equal those of Justice Marshall.

# The Washington Post

TUESDAY, JULY 2, 1991

## Judge Thomas's Nomination

JUDGE Clarence Thomas, who was nominated yesterday by President Bush to fill a vacancy on the Supreme Court, has been a well-known and sometimes controversial figure in the government for more than a decade. But even those who have disagreed with him on policy grounds will concede that his life, which began in extreme poverty, has been one of accomplishment. If confirmed, he would bring to the court a range of experience not shared by any other sitting justice.

Conservative black Republicans are a rare breed, and Judge Thomas's performance in high-visibility civil rights jobs in the Reagan and Bush administrations was watched carefully. His actions in these positions will surely be the focus of the Senate Judiciary Committee's inquiry, which will begin soon.

The terrain is not unfamiliar, however. Only 18 months ago he went before the same panel to be confirmed in his present position on the U.S. Court of Appeals for the D.C. Circuit. Sen. Howard Metzenbaum initiated a thorough investigation, listened to every group and individual with a grievance, sifted through thousands of documents and was nevertheless able to persuade only one

other senator to vote with him against the nomination. This time the stakes are higher and the questioning will go beyond his record in the government to his broader judicial philosophy. Groups that chose to sit out the last confirmation battle will surely be involved this time.

Judge Thomas is the first person nominated to the Supreme Court who was born after World War II. He is only the second black named to that position. But it is his personal background that would bring the most important element of diversity to the court. Justice Thurgood Marshall, the only black to have served on the Supreme Court, certainly knew discrimination and adversity, but he was the product of a stable, working-class family living in Baltimore. Judge Thomas was raised in rigidly segregated Georgia by grandparents who he says were functionally illiterate. Nevertheless, they managed to provide him an education, a disciplined and loving home and the encouragement necessary to convince him that he could succeed.

He said yesterday that he wanted to be "an example to those who are where I was." On the court, he could be more. He could add. . . : chose to, a welcome and much needed sensitivity on issues of race and poverty.

July 2, 1991

## Justice Thomas

Judge Thomas's life is a model for all Americans." President Bush said yesterday as he honored both the highest ideals of civil rights and the great principles of the emerging conservative jurisprudence. Clarence Thomas's record of achievement and his well-developed judicial philosophy make him more than qualified to join the Supreme Court. The combination of who he is and what he believes could make his nomination President Bush's most important domestic-policy accomplishment.

Judge Thomas's remarkable career began when he overcame the hurdles of a life that started in the poverty of segregated rural Georgia. His independence was clear when he graduated from Yale Law School intending to become a tax attorney, but refused to join the prestigious law firms that viewed him primarily as a black, not as a gifted legal mind. (As Dinesh D'Souza writes nearby, he instead went to work in government for John Danforth. One irony is that Judge Thomas's refusal to become a law-firm token means the American Bar Association may mark him down for failing to practice law long enough.)

Ralph Neas and People for the American Way claim to doubt Judge Thomas's commitment to racial equality. None of this will surprise Judge Thomas. He also endured sniping from the pro-quota lobbyists during his eight years as head of the Equal Employment Opportunity Commission. His years in the hothouse of political Washington will serve him well during the nomination process and later in adjudicating the political issues that inevitably come to the Supreme Court.

We would like to put everyone on notice that those who say Judge Thomas was nominated to fill a racial quota run the risk of being labeled racists. Opposition to quotas does not

mean that race is a wholly irrelevant consideration. As Mr. Thomas wrote in the Journal in 1987, "The Constitution, by protecting the rights of individuals, is colorblind. But a society cannot be colorblind, any more than men and women can escape their bodies." We would strongly oppose a law that mandates that one of the nine Supreme Court seats must be held by a black, but it is also desirable that a President nominate a black who is so clearly qualified for the job.

This is especially true here and now. Just as I nurtured and mobilized the generation that overcame Jim Crow, Justice Thomas would serve as a beacon for a troubled generation of minorities who deserve reminders of the importance of strong families and education. "In my view, only in America could this have been possible," Judge Thomas said yesterday in accepting the nomination to the post where he said he hoped to "be an example to those who are where I was, and to show them that indeed, there is hope."

Judge Thomas is another role model as well. Many talented minorities and women have experienced the double-edged sword of affirmative action. Judge Thomas signaled at yesterday's press conference that he can be stoic in the face of taunts by those who refuse to believe that his accomplishments are his own.

Unlike David Souter, this nominee has a long and distinguished paper trail. From his writings and actions, we have no doubt that Justice Thomas would join Antonin Scalia on the scholarly and sometimes libertarian wing of the conservative court. We would not be surprised if he gives the court a greater understanding of economic liberties as one of the Founding Fathers' more important civil rights.

Judge Thomas has made very clear that he is of the judicial-restraint school that abhors legislating

from the bench. He has written several important decisions, but we are especially impressed with his May 10 opinion in *Cross-Sound Ferry Services v. Interstate Commerce Commission*.

In it, he addressed the key question of standing—that is, when does a case raise the kind of controversy that courts are supposed to decide. "When federal jurisdiction does not exist, federal judges have no authority to exercise it—even if everyone—judges, parties, members of the public—wants the dispute resolved," Judge Thomas wrote. "The truistic constraint on the federal judicial power, then, is this: A federal court may not decide cases when it cannot decide cases, and must determine whether it can, before it may." Judicial restraint has rarely been so pithily expressed.

Judge Thomas is precisely the kind of jurist President Bush assured voters he would select. He would take the Constitution seriously and apply the laws equally. We eagerly await the beginning of many years of service by Justice Clarence Thomas.

**PROPOSED REMARKS IN SUPPORT OF JUDGE THOMAS  
FOR RADIO AMERICA COMMENTARY**

This is Bobbie Kilberg, Deputy Assistant to President Bush for Public Liaison.

As a lawyer and working mother of five, I'd like to tell you the truth about the President's nominee to the Supreme Court, Judge Clarence Thomas. I've known Clarence Thomas for many years and we both graduated from Yale Law School.

When President Bush picked Judge Thomas, he found an individual who is uniquely qualified. A judicial moderate. A man dedicated to the fidelity to the Constitution. A man who knows what it is like to fight discrimination and win.

However, there are some national groups and organizations - - the NAACP being one -- that believe a black Americans' fight from the impoverished and segregated community of Pin Point, Georgia, to the top posts of federal government and U.S. District Court, isn't enough.

It is enough and they are wrong. Let me set the record straight.

Judge Thomas represents the epitome of the American dream.

He grew up in a poor and humble family in segregated Southern Georgia. He worked his way through school, helping in his grandfather's delivery business. He rose through government service from Assistant Secretary for Civil Rights at the Department of Education to Chairman of the Equal Employment Opportunities Commission. And in 1990, President Bush appointed Thomas to the

U.S. Court of Appeals for the District of Columbia.

Judge Thomas believes in fairness for all Americans.

He told the Senate Judiciary Committee last year, "The reason I have become a lawyer was to make sure that minorities, individuals who did not have access to this society, gained access . . . to include those who have been excluded." Believe me, Thomas speaks from personal experience.

And Judge Thomas won't legislate from the bench.

I know he's a judge committed to the fidelity of the Constitution and judicial restraint. He has demonstrated that he will not legislate from the bench, but will interpret the Constitution as it is written.

Judge Clarence Thomas will no doubt bring a new perspective to the Supreme Court -- one that will enrich the nation in the long run.

I'm Bobbie Kilberg.

# DRAFT

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Draft One  
7/24/91  
AG.

PROPOSED PRESIDENTIAL REMARKS FOR PUBLICATION IN SETON HALL  
CONSTITUTIONAL LAW REVIEW

It is an honor to write this tribute on behalf of America's chief law enforcement officer, and my friend, Attorney General Dick Thornburgh.

Each year, the Seton Hall Journal recognizes a prominent individual of the legal profession. Most recently, Justice William Brennan, Jr., wrote about the accomplishments of the Honorable John J. Gibbons, who recently retired after a distinguished career as Chief Judge of the United States Court of Appeals for the Third District.

This year they honor another distinguished American, the Attorney General of the United States, Dick Thornburgh.

I have known and worked with Dick for a long time. He has led a notable and productive career in government service. And his challenge has been one of America's toughest: To retake our streets and make our neighborhoods decent and safe. His accomplishments have been, and continue to be, distinguished.

During his tenure as Attorney General, the Justice Department has made great strides in the prosecution of violent crime, drug trafficking, white collar crime, environmental crimes and civil rights violations.

One of Dick Thornburgh's success stories is the work of the Organized Crime Drug Enforcement Task Forces and the Asset Forfeiture Program. The number of defendants charged has increased

by 56 percent over the six-year lifetime of the task force, with convictions up by 64 percent. And \$1.36 billion in properties and cash were seized during 1990 -- \$200 million of it shared with state and local governments.

The A.G. also held an unprecedented crime summit, bringing together more than 650 federal, state and local law enforcement officials including judges, citizen organizations, correctional officials and victims' groups. Here, ideas were exchanged including "Project Triggerlock," an effort aimed at identifying armed violent offenders and prosecuting them to the maximum extent of the law. No probation, no parole and no plea bargaining. The results: indictments have been returned against 847 defendants in violent crime cases involving firearms, and seventy-six have been convicted.

But where the Justice Department has made gains keeping violent criminals off our streets, Congress has put up a roadblock: Their reluctance to pass my Crime Bill. It is difficult for the American people to understand why Congress can't pass a bill to fight crime. Today I say again, only with a crime bill can punishment for criminals be guaranteed and final.

In the area of white collar crime, Attorney General Thornburgh has made great advances in cracking-down on fraud in savings and loans, defense procurement, and HUD. Most impressive is that of 400 cases involving financial fraud, the Justice Department handed down 385 convictions. It has also been vigorous in its debt collection program -- recovering and returning to the Treasury over

\$3.9 billion since 1982.

Fighting environmental crime is also one of the AG's success stories. In 1990, he has brought 134 indictments against "midnight dumpers" and their white collar cohorts, and ordered Superfund toxic waste clean-up at various sites valued at more than \$1 billion.

And finally, the Attorney General is in part responsible for one of the most significant advances this country has made in Civil Rights: The Americans With Disabilities Act. He has also worked diligently to investigate hate crimes. Assisted by the passage of the Administration's Hate Crimes bill, the number of those prosecutions has nearly tripled in the last three years. And Dick Thornburgh worked with the White House to expose the 1990 Kennedy-Hawkins Civil Rights Act for what it was: Nothing short of a quota bill.

Dick Thornburgh has brought the same credibility and perspective to his role as America's highest-level law enforcement officer as my nominee for the Supreme Court will bring to the nation's highest court.

The law community knows Judge Clarence Thomas is a jurist who is deeply concerned with the rights of people of all races. Clarence Thomas is a man who has stood up to adversity in the past and overcome it. He is a man born to a humble and poor family who has risen to extraordinary heights in government. His grandparents were disciplined, deeply religious people who instilled on their grandson the values of hard work, compassion, and self-reliance.

Judge Thomas has worked in all three branches of government and has already been confirmed by the Senate on four different occasions: As Assistant Secretary for Civil Rights at the Department of Education in 1981, twice as Chairman of the EEOC in 1982 and 1986, and most recently as U.S. Court of Appeals Judge for the District of Columbia in 1990.

This nation will be enriched by his being confirmed again, this time to a lifetime appointment to the highest court in the land.

Thank you for this opportunity to honor Dick Thornburgh, a man who has met his challenge and whose leadership has put us out front in the fight against organized crime, drug trafficking and the deadly tide of violence that follows in its wake.

GEORGE BUSH



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# The White House Office of Public Affairs

## Administration Wire

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**EXCERPTS FROM VICE PRESIDENT QUAYLE'S PREPARED SPEECH  
TO THE ASSOCIATION FOR A BETTER NEW YORK**

**New York City  
July 12, 1991**

"I certainly am proud to say that I know Judge Thomas, and have for some years. By now, Americans everywhere are familiar with Judge Thomas's background. He was born in poverty 43 years ago, and raised by his hardworking grandparents. His upbringing was one of strong values: faith, compassion, hard work, self-reliance.

"Judge Thomas excelled in high school, at Holy Cross College, and Yale Law School. He has served in state government, and in all three branches of the federal government. And he has never forgotten his roots, or the aspirations of less fortunate Americans. In his words, 'The reason I became a lawyer was to make sure that minorities, individuals who did not have access to this society, gained access. Now, I may differ with others as to how best to do that, but the objective has always been to include those who have been excluded.'

"Today Judge Thomas sits on the second highest court in the land -- the U.S. Court of Appeals for the District of Columbia Circuit. The Senate confirmed him last year, with only two senators in opposition. On top of that, Judge Thomas was confirmed by the Senate three other times in the 1980s for positions in the executive branch.

"Unfortunately, some people are ignoring Judge Thomas's credentials, his character, and his successful life. Instead, because they don't believe he shares their political views, they've set out to attack him personally.

"The long knives have been drawn. It will be a bitter, tough, but successful confirmation fight."

"The confirmation process won't be easy for Judge Thomas. But he's been through tough times before. Remember: he started at the very bottom in the segregated south.

"Some years back, Judge Thomas considered resigning as Chairman of the Equal Employment Opportunity Commission when his opponents were attacking him. He went to his grandfather for advice. And his grandfather told him to 'stick up for what you believe in.' That, I am sure, is what Judge Thomas will do. And I believe he will be confirmed."

For more information, please contact the Office of Public Affairs at 202/456-2483.



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September 11, 1991, Wednesday, Final Edition

NAME: CLARENCE THOMAS

SECTION: FIRST SECTION; PAGE A1

LENGTH: 891 words

HEADLINE: Focusing on the Personal;  
Asked About Issues, Judge Talks of Family

SERIES: Occasional

BYLINE: Fred Barbash, Washington Post Staff Writer

BODY:

It was, for a time, bait and switch: They baited and he switched.

The senator asked about property rights. The Supreme Court nominee talked about his grandfather. The senator asked about entitlements. The nominee talked about the housing project in Savannah where his mother had lived. For her, "it was a move up in the world," he told the senator, "a steppingstone . . . before she could move to something better."

Natural law? It was a theory, said the nominee, and merely a theory, one that could tell us how "my grandfather could enjoy the fruits of his own labor. . . . You had people who had to work for \$ 3 a day. I told you what my mother's income was. By what theory do you protect that?"

"I have pages and pages of quotes where you talk about natural law," said Sen. Joseph R. Biden Jr. (D-Del.), delicately, and "not in the context of your grandfather, not in the context of race, not in the context of equality, but you talk about it in the context of commerce. . . ."

Well, Clarence Thomas said as Biden pressed him, "my interest in this area started with a simple question: By what theory do you end slavery and after you end slavery, by what theory . . . do you protect the rights of someone who was a former slave or someone like my grandfather, for example. . . ."

The first round: If it was a battle of sound bites, Thomas won it. If it was about symbols, he may have won that too. The senator who got a gentle lecture about entitlement programs ("I remember visiting my mother" in the project where she lived) was one who grew up in mansions, Sen. Edward M. Kennedy (D-Mass.).

It was uncertain whether the substance of Thomas's testimony -- or the lack of it -- will sway anyone who might be wavering. His testimony will continue today.

Throughout yesterday's first session of his confirmation hearings, Thomas and his backers on the Judiciary Committee played his strongest suit -- his personal background -- for all it was worth. It was, indeed, probably the most intensely personalized confirmation hearing since the modern turnover began at the court with the retirement of Justice Potter Stewart in 1981.



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If the mission of the opponents was to trip up Thomas on his law, they failed. *Sherbert v. Verner*. He knew it. *Moore v. East Cleveland* -- the one where the court said they couldn't throw a grandmother out of her home because she was housing her grandchildren -- he knew that too.

As a matter of fact, commented Thomas, "that would have had direct implications on my own family. . . ."

He obviously had boned up on the case law. Not so, apparently, on some of the controversial writings -- his own and others' -- that liberal senators wanted to question him about. There, on occasion, his memory failed. He couldn't remember a particular book, or a particular speech in its entirety, he said. He was sure nonetheless that he hadn't spoken approvingly of everything in it -- just parts of it.

And, in hindsight, he interpreted some of his earlier pronouncements differently than they sounded. Kennedy pressed him on comments he once made saying there was no need for a Department of Labor or a Department of Agriculture or for other regulatory agencies.

Thomas responded that he actually meant that "in a perfect world" there would be no such need. "But this is not a perfect world."

How Thomas's elaboration on past comments will play with swing Judiciary Committee votes such as Sens. Howell T. Heflin (D-Ala.) and Dennis DeConcini (D-Ariz.) remains to be seen.

Thomas's opening statement said virtually nothing about his judicial philosophy. It was mostly about Pin Point, Ga., where he skipped shells across the water and caught minnows and fiddler crabs. He later moved to Savannah, where he described living in a one-room tenement with a bathroom in the back yard -- "unworkable, unusable."

The matter of the outhouse was put to use by Thomas supporters in the hearing yesterday, as well. "I understand this," said Sen. Orrin G. Hatch (R-Utah), choking back tears. "I was born into a family and we didn't have indoor facilities. I'm so doggone proud of you I can hardly stand it."

"He grew up without material comforts," added Sen. Charles E. Grassley (R-Iowa). ". . . It wasn't until he was 7 years old that he lived in a home with indoor plumbing."

It was the obvious mission of most of the Republicans to steer the questioning away from specific substantive issues. They wanted the Souter Model of a hearing -- in which the nominee says little and stays out of trouble -- as opposed to the Bork Model, in which the nominee self-destructed in a blizzard of opinions.

Several noted that Thomas already had been confirmed by the Senate on four different occasions. No mystery man, he. The Senate has already accumulated 10 boxes of documents -- 36,000 pages -- of Thomas-related materials, Grassley added. Let us avoid "needlessly" lengthy hearings.

As is often the case, the nominee himself chose to answer some case-related questions and declined to answer others. No, he said, it would be wrong to



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comment on his views on abortion. But on other still-settling but less controversial issues -- such as sentencing guidelines -- he talked more freely.

While the senators, in their opening statements, sought to frame the ground rules for questioning, Thomas ultimately set his own.

GRAPHIC: PHOTO, JUDGE CLARENCE THOMAS

TYPE: ANALYSIS, NATIONAL NEWS, BIOGRAPHY

SUBJECT: SUPREME COURT; JUDGES; U.S. SENATE; CONFIRMATION

NAMED-PERSONS: EDWARD M. KENNEDY; HOWELL T. HEFLIN; ORRIN G. HATCH; JOSEPH R. BIDEN JR.; CLARENCE THOMAS

Tony --

Here's some additional info about the Thomas event.

- Expect an audience of 1,000 people
- Acknowledgements are up in air -- no confirmation as yet; although members of Congress and the Cabinet have been invited. Thomas has a lot of family who'll be there. I guess we can acknowledge them as a whole as well as mention his mother, Leola, his wife, Virginia, and son, Jamal. Sen. Danforth is another acknowledgement.
- The sequence of events, as scheduled thus far, include: invocation, anthem, remarks, and swearing-in by **XXXX**.

THE WHITE HOUSE  
WASHINGTON

August 13, 1991

TO: ADMINISTRATION OFFICIALS  
FROM: OFFICE OF PUBLIC AFFAIRS  
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# The White House Office of Public Affairs Administration Wire

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## Supreme Court Nominee Judge Clarence Thomas

Excerpts from Vice President Quayle's Speech to  
the American Bar Association

August, 13, 1991

"... When we think about the command of our Constitution's Preamble, to 'establish Justice,' we have to start at the doors to the courthouse, and keep them open to every American. We owe them a system in which they can resolve their conflicts promptly, effectively, and fairly. And from the hundreds of county courts throughout America, to the Supreme Court in Washington, we also owe it to the people to maintain the independence and excellence of the third branch of government.

"That is why we view it as so important that the Senate confirm President Bush's Supreme Court nominee, Judge Clarence Thomas. The ABA knows Judge Thomas. In fact, you've already considered his fitness to sit on the federal bench, and found him qualified just last year. And the Senate has confirmed him no less than four times for high positions in the federal government.

"As you know, there's been a bit of opposition to Judge Thomas's confirmation from some interest groups. But in spite of their ideological opposition, I'm confident that my former colleagues in the Senate will consider this nomination fairly and on the merits. I think the great majority of Senators will end up agreeing with the former national board chair of the NAACP, Margaret Bush Wilson, who wrote last week that Judge Thomas's 'record will speak for itself and will impress those willing to listen and look beyond misinformed rhetoric.' Ladies and gentlemen, Judge Clarence Thomas is an outstanding nominee. He deserves to be confirmed, and I believe he will be."

Annual Meeting of the American Bar Association  
Atlanta, Georgia

For further information please call the White House Office of Public Affairs at 202/456-2483.

THE VICE PRESIDENT'S OFFICE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE

AUGUST 13, 1991

THE PRESIDENT'S COUNCIL ON COMPETITIVENESS  
AGENDA FOR CIVIL JUSTICE REFORM IN AMERICA

FACT SHEET

"Overuse and abuse of the civil justice system has become a self-inflicted competitive disadvantage."

Vice President Dan Quayle, addressing  
the American Bar Association.

Vice President Dan Quayle today presented the recommendations of the Council on Competitiveness concerning Civil Justice Reform in America. The recommendations embody the Administration's comprehensive plan to streamline the American civil justice system. The Council's report proposes 50 specific reforms to help decrease the costs and time required to resolve legal disputes in the American court system. Many of the reforms incorporate market-type incentives into the procedural system and seek to encourage earlier settlement. None of the reforms would impair substantive legal rights or limit an individual's access to the courthouse. The Council believes that these changes are necessary to maintain America's competitiveness.

The Problem: An Overburdened Civil Justice System

The report highlights a growing explosion of litigation in American society:

- With 70% of the world's lawyers, Americans are much more likely to resolve disputes in courts than citizens of other countries.
- Federal district court filings have increased almost 300% over the last 30 years. State court filings increased by more than 1.6 million cases from 1986 to 1989.
- It takes over a year to resolve most lawsuits. Delays of 3 to 5 years are not uncommon, and the time required for resolution is increasing.
- Every year Americans spend an estimated \$300 billion on legal fees, court costs, and individual time and effort in litigation.
- Excessive litigation puts America at a competitive disadvantage internationally.

The cost of our litigious society is borne by:

- Consumers who pay higher prices for goods and services and insurance.
- Consumers also suffer when products are not available. Almost half of all U.S. manufacturers have withdrawn products from the market due to liability issues.
- Workers who lose their jobs. 1 out of every 7 companies indicates it has laid off employees because of liability issues.
- Businesses that have higher costs.

### Promote Justice for All Americans

The Council Report offers 50 recommendations for immediate reform of our civil justice system. These proposals are aimed at achieving the following goals:

- (a) Swifter Justice -- The proposals will facilitate more timely and efficient handling of cases, including speedier judicial intervention.
- (b) Reducing Costs of Litigation -- The proposals add new market incentives to the litigation process.
- (c) Expanded Opportunities to Protect Rights -- "Consumers" will be given a greater choice in the avenues for resolving disputes, including access to less expensive methods than civil trial.
- (d) Maintain the Integrity of the Justice System -- The proposals ameliorate features that ill-serve both the justice system and competitive goals, such as the present regime of punitive damages and the improper use of expert evidence.

### Major Reforms

Five areas were targeted for major reforms:

- (a) Discovery -- Approximately 80% of the time and cost of a lawsuit involves pre-trial investigation of the facts. The Council's reforms will discourage overuse and abuse of discovery.

- (b) Punitive Damages -- Limitless punitive damages discourage settlement by random awards unrelated to actual harm. The Council's proposals restore fairness to this area of the law by placing appropriate limits on punitive damages, bifurcating trials, and requiring clear proof of wrongdoing.
- (c) Modified English Rule -- The United States is one of the few countries where winners and losers alike pay their own legal fees. The Council's proposals will establish the mechanism in certain cases to make the prevailing party whole by compensating the winner for his or her legal fees.
- (d) Expert Evidence -- There has been an explosion of "junk science" in our courtrooms. The Council's recommendations will make certain that expert testimony is an objective aid to the courts' search for truth.
- (e) Multi-Door Courthouse -- Consumers will be given a choice to elect an effective alternative to court adjudication.

The Administration is committed to the fair, efficient, and early resolution of disputes. To demonstrate this commitment, the Administration will apply many of the suggested reforms to litigation conducted by federal agencies.

The Administration is also undertaking steps to implement the recommendations:

- (a) Legislation will be forwarded to Congress implementing the federal court reforms.
- (b) Proposed amendments to the Federal Rules of Civil Procedure and the Federal Rules of Evidence will be submitted through the Supreme Court.
- (c) Model statutes and rules will be proposed for adoption by the 50 states.

These recommendations were prepared by the Council's Working Group on Civil Justice Reform, chaired by Solicitor General Kenneth W. Starr. The Working Group was composed of experts from the Department of Justice, the White House Counsel's Office, the Office of Policy Development, the Office of the Vice President, the Departments of Commerce, Treasury, Energy, and Health and Human Services, the Office of Management and Budget, the Council of Economic Advisors, and the Environmental Protection Agency.

The Council on Competitiveness unanimously endorsed the 50 reforms and directed that this Report on Civil Justice Reform be transmitted to the President.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 18, 1991

REMARKS BY THE PRESIDENT  
AT CEREMONY FOR SWEARING IN OF CLARENCE THOMAS  
AS ASSOCIATE JUSTICE OF THE SUPREME COURT

The South Lawn

2:00 P.M. EDT

THE PRESIDENT: Welcome all to the White House. Mr. Vice President and Mrs. Quayle, a warm welcome. And, of course, to the members of the Supreme Court. And may I simply say that Barbara and I join with you and with all the nation in mourning the loss of Nan Rehnquist, the wife of the Chief Justice.

Let me also welcome the many members of the United States Congress that are with us today. Single out but a few -- Minority Leader Dole and Chairman Biden, and ranking member Thurmond of the committee, and so many others. Members of our Cabinet over here and so many friends of Clarence Thomas, who have worked with him here in Washington -- and, of course, I should especially single out Senator Jack Danforth, a man every American would be proud to call friend. (Applause.)

And of course, those special guests, the many members of Clarence Thomas's family here today: his wife, Ginnie, son Jamal here in the front row. And Clarence's mother, Mrs. Leola Williams; his sister, Emma Mae Martin; his brother, Myers. His cousins -- it reminds me of Pinafore -- his cousins, sisters, aunts. (Laughter.) But that's the way it ought to be. And all of you, some of whom drove all the way up -- I see a little advertisement over here from Pin Point, Georgia, to be here this afternoon. (Applause.) That's 600 long miles -- but I've got a feeling they might have driven 6,000 miles to be here today.

People from far and wide -- from all walks of life, all levels of education and income -- have come here today in testament to the character of Clarence Thomas. But what brought you here is also something more: the power of the American ideal -- the values of faith and family, of hard work and opportunity. These are the values that unite us all -- that give America meaning.

America is the first nation in history founded on an idea: on the unshakable certainty that all men are created equal. When we ask our Justices to uphold the Constitution, we entrust to them the laws that give life to our principles. Clarence Thomas now joins the distinguished ranks of jurists to whom we entrust this sacred task -- who, in the stark and simple phrase of Chief Justice Marshall, tell us "what the law is."

I said when I nominated Clarence Thomas that this man is a fiercely independent thinker, with an excellent legal mind, who believes passionately in equal opportunity for all Americans. Since then, the whole nation has learned that the passion and the intellect and the independence of mind all spring from a single source: an inner strength stamped on his character long ago, when he walked the dirt roads of Pin Point.

Clarence Thomas comes to the Supreme Court having worked in the private sector -- having served in state government and in

MORE

every branch of federal government. Each position will serve him well on the Court -- sharpening his vantage point on the many questions that come before him.

These are the man's qualifications. They are not the same as his experience.

Clarence Thomas knows firsthand the searing hate and sting of segregation. He knows the cold face of indifference -- the unthinking cruelty that tells some men and women that society expects little of them -- and offers even less.

But Clarence Thomas would not be here today if there were not more to his story. He's known his share of the joys of life: the love of family, the devotion of friends, the kind gestures from people committed to decency and fairness, to justice and to the American Dream.

Clarence Thomas has endured America at its worst -- and he's answered with America at its best. He brings that hard-won experience to the High Court, and America will be better for it.

So let me say to everyone here: Don't be overawed by the solemnity of this moment. Celebrate this day. See what this son of Pin Point has made of himself. See how he makes us proud of America -- proud of all that is best in us.

In just a few moments, we will bear witness as the oath of office is administered to our nation's newest Supreme Court Justice. Before we do, let me say on a personal level, America is blessed to have a man of this character serve on its Highest Court.

Clarence Thomas -- Mr. Justice Thomas, congratulations. And now I'd like to ask Justice Byron White to administer the oath. (Applause.)

(The oath is administered.)

JUSTICE THOMAS: Thank you all so much. This is wonderful.

Mr. President, Mrs. Bush, Mr. Vice President and Mrs. Quayle, Senator Dole, and all my friends and all the members of Congress, Justice White and my future colleagues, and all my wonderful family members, friends, supporters and those who helped. Even as I am joyful at this event, I am deeply saddened by the death of Mrs. Rehnquist, and I join in the heartfelt condolences to the Chief Justice and his family.

Since that bright, sunny day in Kennebunkport July 1, there have been many difficult days as we all went through the confirmation battle -- and I mean we all. But on this sunny day in October at the White House, there is joy -- joy in the morning. (Applause.)

I thank almighty God. I thank those who stood along the road of 43 years of my life from Pin Point to the Supreme Court, from 1948 to 1991. I thank my mother and my father; my wonderful, wonderful grandparents; the nuns; my relatives; my neighbors; my friends -- all who insisted that I make something of myself. And all who stood ready to help me do just that.

I thank America for the ideal, the opportunity and the reaffirmation of so much that is good about our great country. I thank my wonderful wife and my funny son. (Laughter.) My wife is my best friend, and over the past 110 days, we have been brought closer together, our love has been strengthened, and we have become better people.

Today, now, it is a time to move forward. A time to look for what is good in others, what is good in our country. It's a time to see what we have in common, what we share as human beings and as citizens. It is a time to look for solutions rather than exploit problems. In the words of Sir Winston Churchill, "Let us go forward together."

I close this process, this long and enduring process, as I began in Kennebunkport. Only in America could this day have been possible. I thank you all and may God bless you. (Applause.)

END

2:22 P.M. EDT