EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials
Antonia Hernandez Interview, 03/22/2007

Robert A. Martin, Research Director

Miller Center Documents[1]

- Antonia Hernandez Fact Sheet.
- Presidential Politics Timeline: 1978-1982.
- Robert Bork Nomination Timeline.
- Clarence Thomas Nomination Timeline.

Secondary Source Materials

- Antonia Hernandez bio, *Biography Resource Center*.
- *1979 Congressional Staff Directory* (Mount Vernon, VA: Congressional Staff Directory, 1979) p. 194.
- "Extension of Remarks: Honorable Lucille Roybal-Allard Honoring the Public Service of Antonia Hernandez, (www.house.gov) 03/31/2004.
- "Few Women, Minorities Added to Bench," *1981 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1981) pp. 410-411.
- "Congress Grapples with Immigration Issues," *1981 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1981) pp. 422-423.
- T.R. Reid, "Kennedy to Declare Nov. 7 in Boston," *The Washington Post*, 10/30/1979.
- Michael Pertschuk and Wendy Schaetzel, *The People Rising: The Campaign Against the Bork Nomination* (NY: Thunder's Mouth Press, 1989) pp. 286-287.
- Antonia Hernandez, "Statement on Behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) by Antonia Hernandez, President and General Counsel, before the Committee on the Judiciary, U.S. Senate, in Opposition to the Confirmation of Clarence Thomas as an Associate Justice of the U.S. Supreme Court," pp. 1-5, 28-29.

[1] These are original documents created by Miller Center researchers for the Edward M. Kennedy Oral History Project. Please acknowledge credit for any use of these materials.

Oral History Interviews

- Ralph Neas interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/26/2006.

Antonia Hernandez (1979-1981)
Positions w/ EMK:

- Staff counsel to Senate Judiciary Committee, specializing in immigration and human rights issues
- Staff on EMK's 1980 campaign committee in Southwest U.S.

Other relevant positions:

- 1981-1983 is regional counsel in Washington, D.C. to Mexican-American Legal Defense and Educational Fund (MALDEF)
- 1984-2004 is VP then president & general counsel of MALDEF

Issues that came up during her time in EMK's office:

- 1979 EMK decides to take chairmanship of the Judiciary Committee
- 1980 Stephen Breyer Circuit Court Nomination
- 1980 Protection of Rights of Institutionalized Americans
- 1980 Mental Health Systems Act
- 1980 Fair Housing bill
- Early work on 1982 VRA extension?

Issues she worked on w/ MALDEF:

- 1982 VRA extension
- Simpson-Mazzoli immigration bill
- Bork nomination
- Thomas nomination
- 1992 VRA extension (language minorities)

PRESIDENTIAL POLITICS TIMELINE (EXCERPTED)

Prepared by Rob Martin and Ethan Sribnick
Miller Center, University of Virginia, 09/05/2005

1978

April In a meeting at the White House, EMK and Carter reach an agreement on the general principles of NHI and aim for passage of legislation no later than 1980. (*The New York Times*, 04/07/1978)

May A Gallup poll finds that Democrats favor EMK over Carter by 13 points as the presidential nominee in 1980. (Clymer, p. 268; *The New York Times*, 05/07/1978; *The Boston Globe*, 05/12/1978)

June EMK criticizes the NHI plan favored by Carter's economic advisors as inadequate. (*The Washington Post*, 06/10/1978)

July EMK publicly breaks with Carter over proposals for NHI but says that he still expects to support Carter for president in 1980. (*The New York Times*, 07/29/1978; *The Washington Post*, 07/29/1978)

September In an ABC News-Harris survey, EMK pulls ahead of Carter 40 to 21 percent amongst Democrats and Independents for the 1980 Democratic presidential nomination. Many analysts speculate that EMK will not enter the race unless another prominent Democrat has already challenged the sitting president. ("Chapter 3: Why Do You Want to Be President")

December In a speech at the Democrats' midterm convention in Memphis, EMK assails Carter for proposing cuts in domestic spending while increasing spending on defense. "Sometimes a party must sail against the wind," EMK argues, as he pledges his support for "decent quality health care" for all Americans. "We cannot heed the call of those who say it is time to furl the sail." Following his performance, rumors begin that EMK will challenge Carter for the 1980 nomination. EMK continues to deny that he will run. (Clymer, pp. 276-277; *The New York Times*, 12/10/1978; *The Washington Post*, 12/10/1978)

1979

February With "Draft Kennedy" movements continuing to pick up steam across the country, EMK meets with family and advisors at his home in McLean, Virginia to discuss whether to challenge Carter in 1980. The meeting includes Steve and Jean Kennedy Smith, Joe Kennedy, Paul Kirk, David Burke, Richard Burke, Carey Parker, Larry Horowitz, Arthur Schlesinger, John Seigenthaler and Ted Sorensen. ("Chapter 3: Why Do You Want to Be President")

March EMK meets with Carter at the White House on the 21st to give his "tentative support" to Carter's re-nomination in 1980. (Clymer, p. 279; *The New York Times*, 06/14/1979)

May Carter, on the advice of his Attorney General Griffin Bell, refuses to appoint Archibald Cox to the First Circuit Court of Appeals. EMK had strongly supported Cox's appointment. (Clymer, p. 281)

EMK unveils a comprehensive "womb-to-tomb" NHI plan for all Americans and calls for Carter's support. The plan is unveiled in the Senate Caucus Room, where JFK and RFK had each launched their bids for the presidency. EMK staffers tell reporters that the plan is meant to pressure Carter to move on NHI – not to signal an EMK presidential campaign. (*Newsweek*, 05/28/1979)

EMK meets with family and advisors at Stephen and Jean Kennedy Smith's New York apartment to discuss whether to enter the 1980 presidential election. Concerns are reportedly raised concerning Chappaquiddick and EMK's relationship with Joan, who is living separately in a Boston apartment and recovering from alcoholism. (Laurence Leamer, *The Kennedy Women*, New York: Villard Books, 1994, pp. 704-705; Clymer, p. 283-284)

June At a White House dinner with members of Congress, Carter says, "If Kennedy runs, I'll whip his ass." EMK replies, "If I were to run, which I don't intend to, I would hope to win." (Clymer, pp. 280-281; *The Washington Post*, 06/13/1979)

Carter unveils his $24 billion national health care plan, which is to be phased-in over time and tied to inflation. EMK charges that the plan falls short of meeting the needs of the American people. Some commentators argue that Carter's and EMK's proposals are very similar and that EMK's plan is only more ambitious because he is not constrained by federal budget problems. (*The New York Times*, 06/24/1979; *Newsweek*, 05/28/1979)

July In a televised speech, Carter discusses "a crisis of confidence" as a critical problem facing the nation. Carter's address, quickly dubbed the "malaise" speech, leads to a short-term increase in his popularity. The firing of four cabinet members three days later, however, renews public doubts about Carter. (Clymer, pp. 283-284)

August Carter sends a message to EMK through Doherty signaling that, if EMK enters the race, Carter will not drop out early like LBJ in 1968. ("Chapter 3: Why Do You Want to Be President")

Late Summer EMK decides to challenge Carter for the 1980 Democratic presidential nomination. Before making a final decision, EMK had first addressed his children's concern for his safety and his concern for a campaign's impact on his wife, Joan. EMK arranges for his aide and close friend, Larry Horowitz, to talk

with his family. Horowitz convenes a panel of medical experts to determine whether the campaign would put an undue strain on Joan. They find that Joan's health should not be a deterrent to EMK's candidacy. (Clymer, pp. 283-284; Leamer, pp. 704-705)

September On the 7th, EMK informs Carter at a White House lunch that he will run for president. (Clymer, p. 284; *The New York Times*, 09/12/1979)

EMK announces that Joan and Rose Kennedy no longer object to his running for president in 1980. ("Chapter 3: Why Do You Want to Be President")

Fall EMK sends Smith and Doherty to Chicago to secure Mayor Jane Byrne's support in EMK's bid for president. ("Chapter 3: Why Do You Want to Be President")

October On the 20th, EMK and Carter appear together at the dedication of the John F. Kennedy Library in Boston. (Clymer, pp. 289-290)

On the 29th, EMK authorizes the formation of "Kennedy for President," an exploratory committee to be headed by Stephen Smith. Kirk will serve as national campaign director for overall campaign planning. Carl Wagner, the senior EMK political aide who had replaced Kirk on EMK's staff in 1978, is named national campaign director for field operations. Rick Stearns, an experienced Democratic field operative, will specialize in delegate selection. Steve Robbins will conduct candidate scheduling. Other campaign members will include Morris Dees, an Alabama civil rights lawyer, former EMK press secretary Richard Drayne, current EMK press secretary Thomas Southwick, and speechwriter Robert Shrum. (Clymer, p. 291; *The New York Times,* 10/30/1979)

November On the 4th, EMK's interview with Roger Mudd is broadcast on *CBS Reports*. EMK fails to provide clear answers to questions on Chappaquiddick, his relationship with his wife, and why he wants to be president. The reaction to the interview in the press is very negative. (Clymer, pp. 285-287, 291; *The Washington Post*, 11/07/1979; *Wall Street Journal*, 11/09/1979)

EMK appears at Faneuil Hall on the 7th to declare his candidacy for president. "It's the political leadership," not the American people, EMK argues, "that's in a malaise." (Clymer, p. 292-294; *The New York Times*, 11/08/1979; *The Washington Post*, 11/08/1979)

December EMK draws heavy criticism during the hostage crisis for suggesting that the deposed shah "ran one of the most violent regimes in the history of mankind." (*The New York Times*, 12/04/1979) Both Democrats and Republicans attack EMK's comments as showing support for Ayatollah Ruholah Khomeini. EMK responds that his remarks were not meant to weaken Carter's efforts to gain safe release of the hostages. (Clymer, p. 295)

On the 20th, Joseph Crangle, the Erie County Democratic chairman, joins Kirk and Wagner as a national campaign director. Crangle will take over many of Kirk's duties at headquarters while Kirk travels with EMK. (*The New York Times,* 12/21/1979)

On the 28th, Carter withdraws from a debate with EMK and California Governor Edmund G. "Jerry" Brown, Jr. (Clymer, pp. 289-299)

1980

January EMK attacks Carter's grain embargo on the Soviet Union as a weak action that will punish U.S. farmers. (*The Washington Post*, 01/06/1980)

On the 21st, Carter wins the Iowa caucuses with 59 percent of precinct delegates. EMK comes in second with only 31 percent of the delegates. Despite the extent of the loss, EMK pledges to continue his campaign. EMK briefly considers dropping out but then decides to cut expenses and to sharpen his differences with Carter. (Clymer, pp. 300-301)

On the 29th, EMK gives a speech at Georgetown University that reveals a change in campaign strategy. In addition to attacking Carter's foreign policy towards Iran and the Soviet Union, EMK emphasizes more liberal themes such as wage-price controls and regulation of oil. EMK's return to liberal themes is reportedly an attempt to justify EMK's challenge to Carter, and was worked out by Smith, Kirk, speechwriters Robert Shrum and Carey Parker, and policy advisers Jan Kalicki and Peter Edelman. (Clymer, p. 301; *The New York Times,* 01/30/1980)

February Carter defeats EMK in the New Hampshire primary on the 26th. Democratic National Committee (DNC) Chairman John C. White calls Dudley, the principal organizer of EMK's campaign there, and congratulates him on the campaign. White continually makes attempts to mend fences between the Carter and EMK campaigns, and calls EMK campaign aides after each primary or caucus to congratulate them and discuss the importance of party unity. (*The New York Times*, 02/27/1980, 06/3/1980)

March On the 1st, Smith announces that the struggling EMK campaign will dispatch some of its Washington staff to Illinois and New York, where EMK will face his next two primary challenges against Carter. Wagner and Paul Tully will run the campaign in Illinois, and will be joined by Ron Brown, John Howes, and Southwick. Drayne will oversee the press operation in New York. Kirk will be traveling with EMK all the time, as will old hand Eddie Martin. Smith also announces that former Governor of Wisconsin Patrick Lucey will serve as the Washington-based spokesman for the campaign. (*The Washington Post,* 03/01/1980)

On the 4th, EMK wins the Massachusetts primary but loses to Carter in Vermont. (*The New York Times*, 03/05/1980)

Carter wins the Illinois primary on the 18th, taking 155 delegates to EMK's 11. Commentators speculate that Chicago Mayor Jan Byrne's endorsement may have been a liability for EMK. EMK's chief delegate counter, Rick Stearns, tells EMK that he cannot win enough delegates in the remaining primaries to take the nomination. (Clymer, pp. 303-304; *The New York Times*, 03/19/1980)

On the 25th, EMK overcomes a recent string of losses to win the New York and Connecticut primaries. (Clymer, pp. 305-307; *The New York Times*, 03/26/1980)

April On the 1st, Carter wins a landslide victory in Wisconsin. Brown subsequently withdraws from the race. (*The New York Times*, 04/02/1980)

On the 22nd, EMK edges out the Pennsylvania primary. (Clymer, p. 309)

May EMK wins the District of Columbia primary but loses in eleven states. EMK offers to release his delegates if Carter will agree to a debate. (Clymer, p. 310)

On the 2nd, DNC Chairman White declares the party's presidential contest resolved and says he will direct DNC efforts under the assumption that Carter will be the nominee. EMK's campaign challenges White's assertion that the contest is resolved and calls for White's resignation. (*The New York Times,* 05/02/1980)

June On the 3rd, the final day of primaries, EMK wins in New Jersey, California, South Dakota, New Mexico, and Rhode Island. However, Carter's victories in Ohio, West Virginia, and Montana clinch the nomination. (Clymer, p. 312; *The New York Times*, 06/05/1980)

During a White House meeting on the 5th, EMK tells Carter that he would consider releasing his delegates if Carter would agree to a debate. Carter tells EMK he would have the opportunity to present minority planks at the convention. After the meeting, EMK declares that he is still "a candidate for the nomination." (*The Washington Post*, 06/06/1980) Carter reportedly decides the next day to agree to a debate with EMK, but is talked out of it by his aide Charles Kirbo. (Clymer, pp. 313-314)

August EMK meets with Representative John B. Anderson (R-IL), who is running as an independent, to ask if he would drop out were EMK to win the nomination. (*The Washington Post*, 08/08/1980)

At the Democratic National Convention, EMK loses a procedural vote that would have permitted delegates to switch their vote on the 11th, effectively ending his campaign. On the 12th, EMK gives a rousing speech defending the liberalism of the Democratic Party and calling for a $12 billion jobs program. While Carter

refuses to support this plank, he announces an economic recovery program that would create new jobs. Subsequently, EMK announces that he will work for the re-election of the president and formally releases his delegates. (Clymer, pp. 316-318; *Newsweek*, 08/25/1980; *The New York Times*, 08/16/1980)

In his first speech after the convention on the 21st, EMK urges the American Federation of Teachers to support Carter. After some wrangling, the union agrees to EMK's request. (*The New York Times*, 08/22/1980)

On the 25th, EMK meets with Carter at the White House and announces his support for the president's new economic program. EMK also agrees to campaign for Carter. (*The Washington Post*, 08/26/1980)

September Aides to EMK and Carter negotiate for EMK to make approximately six campaign appearances on behalf of the president. EMK's campaigning is expected to help Carter in Pennsylvania, New Jersey, and New York, which are all industrial states where EMK has strong support. EMK also agrees to appeal to Mexican-Americans to support Carter in Texas and to join Carter at a fundraiser in Los Angeles. In exchange for these appearances, Carter will urge Democrats to help EMK pay off his campaign debt. (*The New York Times*, 09/12/1980)

October EMK makes several television and radio ads in support of Carter and campaigns for him throughout the month. (*The Washington Post*, 10/16/1980)

November On the 4th, Ronald Reagan defeats Carter in the presidential election. Carter wins only 42 percent of the popular vote and 49 electoral votes. (Clymer, p. 319)

1981 Horowitz replaces Richard Burke as EMK's chief of staff after Burke suffers a nervous breakdown. EMK instructs Horowitz, until he hears otherwise, to proceed as if EMK is going to run for president in 1984. (Clymer, p. 328, 338)

EMK sets up the Fund for a Democratic Majority to raise money for Democratic candidates for Congress.

1982

February EMK attends a Democratic National Committee fundraiser at the Waldorf-Astoria in New York with other Democratic presidential contenders, including former Vice President Walter Mondale, Senators Gary Hart and John Glenn, and Governor John Y. Brown, Jr. (Clymer, p. 338; *The New York Times*, 02/02/1982)

June EMK is the closing speaker in the national midterm Democratic conference in Philadelphia. Interrupted by cheers and applause nearly 60 times in 35 minutes, he touches on the issues that the conference policy statements have established for the campaign, including Social Security, women's rights, the environment, and a nuclear weapons freeze. He also emphasizes the unity of the Democratic Party. (*The Washington Post,* 06/28/1982)

September EMK's new media advisor, Michael Kaye, launches a series of campaign ads featuring longtime friends of EMK talking about how the Senator has dealt with tragedy in his life. (*The New York Times*, 09/26/1982)

October The *Wall Street Journal* reports that EMK has hired new staff, including Bill Carrick, a Democratic official from South Carolina, Ranny Cooper, director of the Women's Campaign Fund, and Dick Sklar, a San Francisco political activist. (Clymer, p. 338; *Wall Street Journal*, 10/05/1982)

EMK debates his Republican challenger Raymond Shamie, a Walpole businessman. When EMK attacks Reagan's economic policies, Shamie responds, "You're not running against Ronald Reagan, not yet," and accuses EMK of being a "part-time senator." (*The New York Times*, 10/25/1982)

In his last radio address before the election, Reagan states that his economic policies are working and simply need time. EMK responds for the Democrats from the home of a recently unemployed General Motors worker in Massachusetts. He argues that Reagan's economic policies are ineffective, and accuses the Administration of having a secret plan to cut Social Security after the election. (*The Washington Post,* 06/28/1982)

November Polls in New Hampshire show that EMK's new ads have reduced people's concerns about his character. EMK's advisors see this as a major breakthrough in terms of the 1984 presidential election. (*The Washington Post*, 10/08/1982)

EMK defeats Shamie in the general election with 61 percent of the vote. Some argue the margin of victory signals EMK's viability as a presidential candidate in 1984. (*Congressional Elections 1946-96,* p. 127; *The Boston Globe*, 02/03/1982)

EMK meets with family members in Hyannis Port over Thanksgiving to make a final decision about the 1984 presidential race. Present at the meeting are EMK's children, Kara, Teddy, Jr., and Patrick, as well as Stephen and Jean Kennedy Smith, Patricia Kennedy Lawford, and his nephews, Joseph P. Kennedy II and Stephen Smith, Jr. Horowitz organizes the session. Following his children's wishes, EMK decides not to run. Robert Shrum prepares a withdrawal statement. (Clymer, p. 3-8)

December EMK formally announces that he will not run for president in 1984. While polling data indicates that he could win, EMK says he does not want to put his family through the stress of a campaign. (*The Washington Post*, 12/02/1982)

ROBERT BORK TIMELINE
Prepared by Anne Mariel Peters and Rob Martin
Miller Center, University of Virginia, 02/06/2007

1987

July On the 1st, Reagan announces his nomination of Federal Circuit judge Robert H. Bork to replace Powell. Bork has spoken out strongly against Supreme Court precedents important to liberals, including *Brown v. Board of Education*, *Griswold v. Connecticut*, and *Roe v. Wade*. EMK calls Archibald Cox to tell him that he will lead the fight against Bork, and asks Cox to help. Cox, whom acting Attorney General Bork had reportedly fired from his position as the first Watergate special prosecutor, declines; he does not want his opposition to Bork to seem like a personal vendetta. (Clymer, pp. 416-417)

Within an hour of the announcement, EMK delivers a controversial floor speech calling for the Senate to reject Bork's nomination. EMK claims, "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police would break down citizens' doors in midnight raids…" During the speech, EMK invokes two key arguments against Bork: his involvement in Nixon's Saturday Night Massacre and his "extremist" judicial interpretation, particularly with regards to civil rights. Although EMK is later criticized for the speech, none of Bork's proponents issue an immediate rebuke, assuming that the speech would be self-defeating. EMK claims that the statement had to "sound the alarm and hold people in their places until we could get the material together." Bork, who watched the speech from the White House, later wrote, "Not one line of that tirade was true…this was a calculated personal assault by a shrewd politician…As it turned out, Kennedy set the themes and the tone for the entire campaign." Former Judiciary Committee chief counsel Mark Gitenstein claims that EMK's "unqualified" attack forced undecided moderates to delay their opposition to Bork, as well as worrying civil rights leaders. Although Gitenstein claims that there is little evidence that the civil rights community had encouraged EMK's speech, he also notes that there is general agreement within and without the White House that EMK represents the civil rights and civil liberties community. (*1987 Congressional Quarterly Almanac,* Washington, D.C.: Congressional Quarterly, Inc., 1987, p. 271; Robert Bork, *The Tempting of America*, New York" The Free Press, 1990; Clymer, pp. 417-419; Mark Gitenstein, *Matters of Principle*, New York: Simon and Schuster, 1992, pp. 56, 70; Michael Pertschuk and Wendy Schaetzel, *The People Rising*, USA: Thunder's Mouth Press, 1987, pp. 26-27, 123-124)

On the 2nd, EMK hires Anthony Podesta, People for the American Way (PFAW) founding president and a veteran of EMK's 1980 campaign, to organize opposition to the Bork nomination. (Clymer, p. 420) He also calls prominent civil rights lawyer Bill Taylor to coordinate constitutional law scholars and law school deans that are opposed to Bork. Taylor is joined by Herman Schwartz of

American University, Laurence Tribe of Harvard, Walter Dellinger of Duke, Philip Kurland of Chicago, and PFAW's John Haber and Seidman. Although the ABA has given Bork its highest rating, the opposition to Bork within the legal community is strong, and many lawyers and scholars even take it upon themselves to organize against the nominee. This high level of participation stands in stark contrast to previous confirmation proceedings. (Pertschuk, pp. 189-190; Norman Vieira and Leonard Gross, *Supreme Court Appointments*, Carbondale: Southern Illinois University Press, 1998, p. 143)

On the 7th, the Bork nomination is received by the Senate. EMK, Metzenbaum, and Senate Judiciary Committee Chairman Biden decide to postpone the hearings until after August recess. Biden, who is running for president, tells civil rights groups that he, not EMK, is in charge, and that he will lead the fight against Bork. One year ago, Biden had said that while somebody like EMK would vote against someone like Bork, Biden would vote for him. Biden later explains that he would not oppose Bork to replace a more conservative justice, but that Powell's swing status is a complicating factor. (Clymer, p. 420; *The Washington Post*, 10/24/1987; Congressional Research Service, p. CRS-21)

On the 9th, *The New York Times* reports that "civil rights activists had been keeping files on Judge Bork in anticipation of this moment." (*The New York Times,* 07/09/1987)

On the 11th, NARAL holds it annual convention in Washington and maps out a national campaign against the Bork nomination. (Bork, p. 285)

On the 27th, Democratic Whip Alan Cranston (D-CA) decides that Bork opponents should abandon a filibuster strategy. EMK and Biden agree, and Neas tells the Leadership Conference on Civil Rights (LCCR) to stop talking about a filibuster. (Gitenstein, p. 276)

July/August At EMK's private meeting with Bork, Bork later writes in his book that EMK is accompanied by several aides and "seemed mildly depressed and was mostly silent… Every so often, Kennedy looked up at me –about three or four times, I suppose—and said, 'Nothing personal.'" (Bork, pp. 280-281)

Later in the summer, Senators Arlen Specter (R-PA), Biden, and EMK study Bork's writings and discuss them with law professors. Tribe plays Bork for EMK and Biden in mock-hearings. (Clymer, p. 421)

August Early in the month, EMK meets with twenty "Block Bork" coalition leaders to discuss strategy. They decide to "freeze the Senate" by urging no position on the Bork nomination until the end of the confirmation hearings. There is also a desire within the coalition to keep pressure low-profile to prevent undecided senators from bucking. EMK encourages the coalition members to hold weekly meetings with key Judiciary Committee staffers, something they had already been doing

since Powell's resignation. Pertschuk claims that although EMK welcomes the "Block Bork" coalition as trusted allies, some coalition members are concerned about being perceived as part of EMK's apparatus. The coalition consists of more than three hundred national organizations, including PFAW, the 190-member umbrella group of the LCCR and NARAL. LCCR lobbyists already have a close relationship with EMK and his chief counsel Carolyn Osolinik. PFAW has a close relationship with Judiciary Committee members, and PFAW's legal director, Ricki Seidman, later becomes an EMK aide and Labor Committee staffer. (Pertschuk, pp. 95-102, 125)

While vacationing in Massachusetts during the Senate recess, EMK makes hundreds of calls to black political leaders and ministers, particularly in the South, and directly lobbies his Senate colleagues with Bork briefing books and phone calls to their VIP constituents. The annual conferences of the NAACP and the National Education Association are subsequently used as anti-Bork platforms. EMK also calls each of thirty executive members of the AFL-CIO and holds a conference call with forty state labor leaders to organize opposition. According to Podesta, EMK worked harder at organizing the anti-Bork forces than he had for his 1980 presidential campaign. (Clymer, pp. 420-421; Pertschuk, p. 27; Bork, p. 283; *The Washington Post*, 10/24/1987)

In a press release, the AFL-CIO claims that Bork is "a man moved not by deference to the democratic process but by an overriding commitment to the interests of the wealthy and powerful in our society. He has never shown the least concern for working people, minorities, the poor, or for individuals seeking the protection of the law to vindicate their political and civil rights." (Bork, p. 286)

On the 12th, EMK sends a letter to 6,200 black political leaders reportedly arguing that Bork is an opponent of civil rights.

Between the 13th and the 17th, Boston pollster Thomas Kiley surveys voters on the Bork nomination for the American Federation of State County and Municipal Employees (AFSCME). He concludes that Bork is vulnerable on three grounds: civil rights, privacy and individual freedom, and big business versus the individual. Furthermore, he concludes that voters will be turned against Bork if they perceive him as not "fair-minded," and that the best way to increase voter skepticism is to attack Bork's record on civil rights. A Roper poll of voters in twelve southern states shows that fifty-one percent oppose confirmation. Bork opponents use these figures to help win over swing votes in the Senate—the Southern Democrats, who now represent large black constituencies. Focus groups have also indicated that the public is indifferent to Bork's role in Watergate. (Pertschuk, pp. 134, 142, 154; Vieira, p. 152; *The Washington Post,* 10/24/1987)

On the 31st, the American Civil Liberties Union (ACLU) sends a cable claiming that "Detailed research reveals Bork far more dangerous than previously believed… We risk nothing short of wrecking the entire Bill of Rights… His

confirmation would threaten our system of government… Time is short…" (Bork, pp. 287-288)

September On the 2nd, Biden releases a report on Bork attacking his record on civil rights and antitrust law. (Bork, pp. 287, 291)

On the 11th, EMK delivers a speech at Georgetown Law School, railing against Bork's argument that the *Griswold v. Connecticut* decision invented a right to privacy without a constitutional basis, in addition to attacking Bork's contempt for judicial precedent. Reagan deems attacks on Bork as "pure politics," defending Bork's commitment to individual freedom and equality. (Clymer, p. 422; *The Washington Post*, 09/12/1987)

On the 13th, *The Washington Post* reports that EMK has been urged not to repeat his initial outburst against the nomination during the confirmation hearings. It is also reported that three committee members are considered genuinely undecided: Senators Howell Heflin (D-AL), Dennis DeConcini (D-AZ), and Specter. Specter is considered the most likely to oppose the nomination, but Heflin, a former chief justice of the Alabama Supreme Court, is viewed as the most important vote by both sides. (*The Washington Post*, 09/13/1987)

Prior to and during the confirmation hearings, PFAW runs sixty-second televisions ads featuring actor Gregory Peck, who claims that Bork "defended poll taxes and literacy tests, which kept many Americans from voting." (Bork, p. 288)

On the 15th, confirmation hearings begin for Bork. *The Washington Post* calls the give and take between Bork and EMK "electrifying and instructive." (*The Washington Post*, 9/16/1987) EMK gives Bork a scathing greeting, not covered or re-capped by CBS, in which he portrays Bork as hostile to women and blacks, irreverent to judicial precedence, and the superiority of the executive to the legislative branch. EMK then jostles Bork until he admits having made an "intellectual mistake" by writing articles for *The New Republic* and the *Chicago Tribune* attacking civil rights. The exchanges frequently reach the level of "profound constitutional debate," but Bork's cold, technical discussion of essentially political issues is often overpowered by EMK's media-ready sound bites accusing Bork of being "an activist of the right" and "hostile to the rule of law." Biden passes EMK congratulatory notes throughout the questioning, but avoids berating or interrupting Bork himself. Clymer observes that the different approaches of EMK and Biden are complementary: EMK rallies the outside opposition, and Biden focuses on winning over senators on the committee. Others find Biden too restrained. (Clymer, pp. 422-424) In his account of his exchanges with Democrats and Specter, Bork claims, "Because I was, out of necessity, patient with him [Specter], a lot of people not versed in constitutional law got the impression that this was a serious constitutional discussion. Nor was there any serious discussion of the law with the Democratic senators. Kennedy kept insisting that I was against everybody's rights. He and Metzenbaum tried to

establish, but could not, that my discharge of Archibald Cox was illegal… It was left to Metzenbaum, however, to make some of the most egregious accusations about my attitudes toward women." (Bork, p. 306; Patrick McGuigan and Dawn Weyrich, *Ninth Justice: The Fight for Bork*, USA: Free Congress Foundation, 1990, p. 108; Congressional Research Service, p. CRS-21)

On the 17th, EMK focuses on Bork's conception of presidential power, referring to the myriad number of cases in which Bork had sided with the executive branch against Congress. Bork addresses each case individually, but not the broader issue: Bork's conception of presidential power. This issue is of particular importance to Byrd, who is still one of four undecided committee members. (Clymer, p. 425)

On the 18th, EMK challenges the sincerity of Bork's claims to the committee that he will not overrule precedent even if he thinks that the logic behind the precedent is incorrect. (Clymer, p. 425)

On the 21st, three prominent black leaders describe Bork as "too risky" while testifying at his confirmation hearings. William T. Coleman, Jr., Transportation Secretary under Ford, former representative Barbara Jordan (D-TX), and Atlanta Mayor Andrew Young claims that Bork has consistently opposed the expansion of minority rights. Jordan claims that she is "incredulous" at some of the more moderate claims Bork has made during his testimony, and that she would give "little weight" to them. (*The Washington Post*, 09/22/1987)

On the 23rd, Biden withdraws his candidacy for president under the weight of charges that he committed plagiarism as a law student. (Clymer, p. 427)

On the 26th, Bork visits the White House and requests that Reagan address the nation next week on prime-time television on his behalf. Bork claims, "I've been trying to do this on my own. You guys aren't doing everything you can. I need the President." Gitenstein claims that the White House's strategy from the beginning was to keep Reagan, who is suffering from Iran-Contra fallout, in the background of the confirmation proceedings. (Gitenstein, p. 11)

At the end of the month, Dole begins to visibly distance himself from Bork, incurring the wrath of right-wing organizations. (*The Washington Post*, 10/24/1987)

The confirmation hearings end on the 30th, after EMK and Biden persuade Bork's eager opposition that their testimony would draw attention to the groups themselves and negatively affect their campaign in the Senate against Bork. (*1987 Congressional Quarterly Almanac,* p. 273; Clymer, p. 427)

October On the 1st, Senators David H. Pryor (D-AR), Terry Sanford (D-NC), and Bennett Johnston (D-LA) announce that they will vote against Bork. Later in the day, Specter also announces his opposition. (*The Washington Post*, 10/24/1987)

On the 5th and 6th, Citizens for America and We the People run full-page ads in *The Washington Post* and *USA Today* attacking the anti-Bork advertising campaign. The ad claims that some of the anti-Bork senators have "serious personal character flaws." Of EMK, the ads claim, "You always wondered how he ever made it from the Chappaquiddick incident or getting expelled from Harvard for cheating." (Gitenstein, p. 297)

On the 6th, the Judiciary Committee votes 9-5 against the Bork nomination; the Committee reports on the 13th. (Congressional Research Service, p. CRS-21)

On the 8th, Bork delivers a statement in the White House press room in which he admonishes the public relations campaign against him and states, "I harbor no illusions…If I withdraw now, that campaign would be seen as a success and I would be mounted against future nominees. For the sake of the federal judiciary and the American people that must not happen." (Bork, p. 314)

On the 13th, Reagan publicly acknowledges that Bork will probably not be confirmed by the Senate. Later in the day, at a meeting with the New Jersey Chamber of Commerce, Reagan attacks anti-Bork senators, claiming that they have turned Bork's confirmation battle into a "political joke." Reagan's words undermine White House chief of staff Howard Baker's attempts to tone down Reagan's remarks on the Bork nomination in order to devote time to finding a more acceptable nominee. (*The Washington Post*, 10/14/1987)

Senate debate on the Bork nomination begins on the 21st. Biden opens the debate by dismissing charges that Bork is the victim of "lynch mobs" as "nothing but a smokescreen to distract the Senate and the American people" from Bork's Judiciary Committee testimony. EMK calls the criticism of the confirmation process by Bork's defenders "preposterous and hypocritical." Bork's wife and son leave the Senate chamber when EMK speaks, and return after EMK is finished. (*1987 Congressional Quarterly Almanac*, p. 274; *The Washington Post*, 10/22/1987)

The Bork nomination is rejected 42-58 on the 23rd. EMK votes with the majority and warns Reagan not produce another nominee equivalent to Bork in judicial philosophy. (*1987 Congressional Quarterly Almanac*, p. 60-S; Clymer, p. 427; Congressional Research Service, p. CRS-21)

CLARENCE THOMAS TIMELINE

Prepared by Anne Mariel Peters and Rob Martin
Miller Center, University of Virginia, 02/06/2007

1991

Spring EMK's nephew, William Kennedy Smith, is charged with sexual battery in Palm Beach. EMK had been with Smith earlier on the night in question and is later called to testify. (Clymer, pp. 488-491; Edward M. Kennedy Biography, *Almanac of American Politics 2000*)

July On the 8th, Thomas is nominated by Bush to replace Marshall as Associate Justice. Thomas is the only African American on Bush's short list of conservative nominees, and Bush calls Thomas "the best qualified," despite a minimal legal experience in entry-level jobs and an unremarkable year on the appeals court. Thomas is strongly supported by Danforth. (Clymer, p. 493; *The New York* Times, 07/07/1991; U.S. Senate Homepage)

Also on the 8th, the NAACP delays its stance on Thomas at its annual convention, opting to meet with Thomas to discuss his views before coming to a decision. (*The New York Times*, 07/09/1991)

On the 21st, the National Urban League votes to take no position on the Thomas nomination. (*The New York Times*, 08/01/1991)

On the 31st, the NAACP and the AFL-CIO declare their opposition to Thomas in coordinated statements. The NAACP, which reveals that it met with Thomas to discuss his views earlier in the month, charges him with an inconsistent view of civil rights policy, and the AFL-CIO calls the nomination a "disgraceful" attempt to pack the Court with conservatives. The White House and Danforth play down the significance of the opposition. Specter, who has not yet announced his position, says that the NAACP's opposition is "not going to help." (*The New York Times*, 08/01/1991)

September The Conservative Victory Committee and Citizens United air a commercial questioning the ethics of Biden, Cranston, and EMK, who are all expected to oppose the Thomas nomination. The ad notes EMK's suspension from Harvard for cheating, Chappaquiddick, and the recent rape charges filed against EMK's nephew, William K. Smith. Danforth calls the commercial "sleazy" and the White House deems the personal attacks "reprehensible." (*The New York Times*, 09/04/1991)

On the 5th, EMK aide and Labor Committee staff member Seidman interviews University of Oklahoma Law Professor Anita Hill as part of a systematic review of Thomas's colleagues. When asked about rumors that Thomas sexually harassed

Hill while she was his colleague at the Department of Education and the Equal Opportunity Employment Commission, Hill indicates that she needs more time to decide whether she will discuss the issue. (*The New York Times*, 10/08/1991)

On the 9th, Hill tells Seidman that she is willing to discuss Thomas's allegedly inappropriate sexual advances. Osolinik and Blattner tell Seidman that this is not time for EMK to become involved in a sexual harassment case—both for his own sake and because such an accusation would not be credible coming from EMK. Seidman refers Hill to a second Labor Committee staff member, Jim Brudney. (Clymer, p. 496; *The New York Times*, 10/08/1991)

On the 10th, confirmation hearings for Thomas begin. Biden interrogates Thomas on his philosophy towards abortion and property rights. EMK then briefly questions Thomas on his views on sexual discrimination in the workplace. (*The New York Times*, 09/11/1991)

Also on the 10th, Hill tells Brudney her story. Metzenbaum is not interested, and tells his staff to pass it along to Biden. (Clymer, p. 496)

On the 11th, the Labor Committee passes Hill's allegations on to the Judiciary Committee with the recommendation that they contact Hill. The Judiciary Committee responds that Hill will have to contact them instead.

On the 12th, Thomas faces the toughest questioning yet from Democrats, who have become frustrated by Thomas's unwillingness to disclose his views on abortion and other social issues. Biden further grills Thomas on natural law and sexual relations between unmarried couples, and deems one of Thomas' hollow responses "the most unartful dodge that I have heard." (*The New York Times,* 09/13/1991)

Also on the 12th, Hill contacts the Judiciary Committee and speaks with Harriet Grant, the chief communications counsel. Hill requests that the allegations be kept secret from Thomas, but is told that the nominee must have a chance to respond. (*The New York Times*, 10/08/1991)

On the 16th, EMK chief of staff Ranny Cooper contacts Ellen Lovell, chief of staff to Leahy, reportedly concerned that nothing is happening with the Hill accusations.

On the 18th, the Judiciary Committee receives a call from a Hill associate who claims that Hill had complained to her about Thomas's behavior in the spring of 1981. (*The New York Times*, 10/08/1991)

On the 19th, Hill informs the Judiciary Committee that she wants the full committee to know of her concerns and asks to be apprised of her options. (*The New York Times*, 10/08/1991)

Also on the 19th, Leahy appeals to Biden to move on Hill's allegations, and Biden asks the FBI to investigate. Hill is unwilling to speak with the FBI. (Clymer, p. 496)

On the 23rd, Hill sends Biden a four-page account of Thomas's attempts to date her while she worked for him, his discussions of pornographic movies, and his admission that it would ruin his career if she ever told anyone. Biden informs the White House and Thurmond, the senior Republican on the Judiciary Committee, of Hill's willingness to testify, touching off a hasty FBI inquiry into Hill's allegations. (Clymer, pp. 496-497; *The New York Times*, 10/08/1991)

On the 25th, two days before the Judiciary Committee's scheduled vote on the nomination, the FBI reports its findings to the White House and Biden. (*The New York Times*, 10/08/1991)

Following Leahy's announcement of his opposition earlier in the week, Senator Herb Kohl (D-WI) and Heflin announce their opposition to Thomas on the 26th. All Democrats opposed to the nomination have not cited any single issue as a reason, but broad dissatisfaction with the quality of Thomas's responses, which they believe to be lacking in substance and rehearsed for specific audiences. Although they have not yet formally announced their intentions, Simon, Metzenbaum, and EMK are expected to oppose the nomination as well. Clymer states that EMK did not stake out an early position due to the delayed responses of rights groups and his current partnership with Danforth on a civil rights bill. (Clymer, p. 494; *The New York Times*, 09/27/1991)

On the 27th, the Judiciary Committee votes 7-7 on the Thomas nomination and sends it to the floor, even though a tie could have held the nomination in committee. (Clymer, p. 497)

October On the 5th, the Hill story is broken in the press. (Clymer, p. 497)

On the 7th, Hill holds a news conference in which she defends her accusation of sexual harassment against Thomas and assails the Judiciary Committee for giving her allegations short shrift. (*The New York Times*, 10/08/1991)

On the 8th, the full Senate vote on the Thomas nomination is postponed in favor of three additional days of Judiciary Committee hearings.

Additional Judiciary Committee hearings take place from the 10th to the early morning of the 14th. Hill discusses her allegations against Thomas in excruciating detail, yet Biden gives into the Republican offensive led by Specter, who accuses Hill of fantasy, resentment, political conspiracy, and later perjury. Although EMK has done some private negotiating for Hill witnesses, he has little to say but for a short defense of Hill's character on the 13th. EMK tells witnesses testifying on

behalf of Hill, "Some people just don't want to believe you." (Clymer, pp. 497-498; *The New York Times*, 10/14/1991)

On the 15th, the day of the full Senate vote, EMK denounces on the floor the Judiciary Committee's treatment of Hill. Specter hits back, saying, "We do not need characterizations like 'shame' in this chamber coming from the Senator from Massachusetts," and Hatch adds, "Anyone who believes that—I know a bridge up in Massachusetts that I'll be happy to sell them." Thomas is confirmed 52-48. EMK votes against the nomination. (*1991 Congressional Quarterly Almanac,* Washington, D.C.: Congressional Quarterly, Inc., 1991, p. 29-S; Clymer, p. 499)

EMK is criticized for not taking a more active role in attacking Thomas and defending Hill, and a post-confirmation Gallup poll finds that EMK has garnered only a twenty-two percent approval rating, whereas Specter receives a rating of forty-eight percent. A *Boston Globe* editorial speculates that EMK did not take a more definitive stand against Thomas due to his own reputation as a womanizer, and feminist columnist Anna Quindlen writes that EMK's behavior during the Thomas hearings proved that personal behavior does matter to political fitness. (Clymer, p. 499; *The New York Times*, 10/19/1991, 10/21/1991)