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Clarence Thomas Nomination [3]

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## TALKING POINTS

### JUDGE CLARENCE THOMAS CHAIRMAN OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Judge Clarence Thomas "made the EEOC. He built it into a first class-law enforcement agency. We took three times as many cases, got more relief for more people than any other time in history."

-- R. Gaull Silberman, Vice Chairman of the EEOC when Thomas was chairman.

- o In 1982 Judge Clarence Thomas was appointed Chairman of the Equal Employment Opportunity Commission (EEOC); he was reappointed in 1986 and served there until he was named to the federal bench in 1990.
- o The EEOC, an agency that employs 3,100 people and has an annual budget of \$180 million, enforces Title VII of the Civil Rights act of 1964, which prohibits discrimination based on race, color, religion, sex or national origin. The EEOC also enforces laws against discrimination based on age or disability.
- o Judge Thomas compiled an outstanding record at the EEOC: while seeking tougher penalties against discriminatory businesses, he pushed for improved voting rights and a strong civil rights agenda.
- 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 nearly 3000 legal actions in U.S. District Courts. In 1983, the Commission filed 195 lawsuits, by 1990 that 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 and revitalized the systemic/pattern and practice program. In 1981 the Commission had only one broad pattern and practice case 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 which 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 quality, effectiveness and efficiency.
- 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 \$370.7 million in benefits under the ADEA;
  - filing 781 ADEA lawsuits;
  - filing pattern and practice/class action lawsuits that annually comprised no less than one third and as many as three quarters of 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 Congress but ultimately codified in the Older Workers Protection Act.
- o In addition to his work at the EEOC, Thomas, 43, served as Assistant Secretary for Civil Rights at the Department of Education (1981) and is presently a U.S. Court of Appeals Judge for the District of Columbia. He was confirmed by the United States Senate for each of these positions.

 **Anti-Defamation League**

823 United Nations Plaza, New York, NY 10017 (212) 490-2525 FAX: (212) 867-0779

**BARBARA WALDEN**  
Director, Communications Division**FOR IMMEDIATE RELEASE**

New York, NY, July 12...The Anti-Defamation League today said that Supreme Court nominee Clarence Thomas's statement repudiating anti-Semitism "was welcome, but unfortunately did not go far enough."

Thomas, responding to a The Dallas Times Herald report that he referred to Nation of Islam leader Louis Farrakhan in a 1983 text of a speech as "a man I have admired for more than a decade," said today he has "always been adamantly opposed to anti-Semitism and bigotry of any kind, including by Louis Farrakhan." He added that "while I support the concept of economic self-help, I have never supported or tolerated bigotry of any kind."

In a statement issued here, Abraham H. Foxman, ADL's national director, said:

"It is not possible to separate Farrakhan's message from Farrakhan the messenger. We hope that Judge Thomas, who has always eschewed bigotry, will publicly acknowledge the danger in attempting to distinguish elements of a bigot's program which might be considered positive from an overt message of vicious racism and anti-Semitism. Failure to acknowledge this only legitimizes Farrakhan's overall message of hate."

ADL has been monitoring Farrakhan's activities since the early 1970's and has published a series of reports on the Nation of Islam leader's anti-Semitism and racism.

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THE WHITE HOUSE  
WASHINGTON

**Date:** July 12, 1991

**TO:** GOVERNOR SUNUNU

**FROM: DORRANCE SMITH**  
**Assistant to the President for Media Affairs**  
**West Wing, x1660**

## JUDGE CLARENCE THOMAS - QUALIFICATIONS

### Holy Cross College - Class of 1971

- Ran free breakfast program for black school children
- Tutored in local schools

### Yale Law School - Class of 1974

- Also worked New Haven Legal Assistance providing legal aid to disadvantaged

### Assistant Attorney General - Missouri (1974 - 1977)

- Responsible for several hundred court cases at the trial and appellate level

### Monsanto Company - Counsel (1977 - 1979)

- Advised corporate managers on issues; special emphasis on environment

### Legislative Assistant to Senator John Danforth (1979)

### Assistant Secretary for Civil Rights - Department of Education (1981)

- Supervised office that is responsible for enforcing anti-discrimination laws in educational institutions which receive federal funds

### Chairman of Equal Employment Opportunity Commission (1982 - 1990)

- Enforcing federal laws against discrimination in the workplace

### Judge - United States Court of Appeals for District of Columbia Circuit (1990 - Present)

- Participated in over 140 decisions
- Confirmed by Senate four times
  - 1981 - Assistant Secretary for Civil Rights
  - 1982 - Chairman of EEOC
  - 1986 - Chairman of EEOC
  - 1989 - Judge - U.S. District Court of Appeals

### **Judge Clarence Thomas**

Judge Clarence Thomas was born June 23, 1948, in Pinpoint, a rural community near Savannah, Georgia. His father left the family when Thomas was still a small child. For the first years of his life, Thomas lived in a house with no indoor plumbing, moving at one point to a cramped tenement in Savannah.

At the age of seven, Thomas went to live with his maternal grandparents, Myers and Christine Anderson. His grandfather, though barely literate, owned and managed an ice and fuel oil delivery business, in which Thomas worked after school. Anderson was also active in the local chapter of the NAACP. It was largely from his grandparents that Thomas learned the importance of hard work and discipline -- lessons that he has applied throughout his life.

The Andersons sent Thomas to all-black schools in Savannah, where he was taught by Franciscan nuns. The educational standards were very high. Thomas has said of the nuns: "They most assuredly taught us Christian values, but they taught us to be self-sufficient individuals first." The nuns underscored his grandparents' teaching about the importance of education.

In 1964, Thomas transferred to St. John Vianney Minor Seminary near Savannah, where for most of the next three years he was the only black student in his class. He excelled in his studies and was quarterback of the football team.

At this point in his life, Thomas intended to become a priest. However, after spending several months at Immaculate Conception Seminary in Missouri, he changed his mind and transferred to Holy Cross College in Massachusetts. He supported his education through a combination of scholarships, loans, and jobs. He worked in the Free Breakfast Program and tutored in the local community. He graduated with honors in 1971.

Thomas then went to Yale Law School. While a law student, he worked summers for New Haven Legal Assistance and for a small law firm in Savannah. He graduated from law school in 1974.

Throughout his life, Thomas has seized opportunities that the American system offers. As Judge Thomas said on being nominated by President Bush, "Only in America could this have been possible," for a child born in poverty and segregation to be nominated to the Supreme Court. In the President's words, Thomas defines "the endless possibilities of the American dream." Georgia State Senator Roy Allen, a classmate, said that Thomas "represents the dream that African-Americans want to achieve."

Thomas' legal career contributes to his long record of accomplishment. Much of that career has been dedicated to service of the nation. In 1974, John C. Danforth, then the Attorney General of Missouri, hired Thomas as an Assistant Attorney General. Thomas practiced principally in the areas of criminal and tax law, arguing several cases before the Missouri Supreme Court. In 1977, he joined the legal staff of the Monsanto Company, where he was involved in matters relating to contracts, antitrust law, and products liability. In 1979, he became a legislative assistant to Senator Danforth.

Four times the United States Senate has confirmed Judge Thomas' appointment to high-ranking government positions. In 1981, Thomas was appointed Assistant Secretary for Civil Rights in the United States Department of Education. One year later, he was appointed Chairman of the Equal Employment Opportunity Commission; he was reappointed in 1986. The EEOC, an agency that employs 2,850 persons 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 EEOC also enforces laws against discrimination based on age or disability. Thomas' tenure as chairman was the longest in the history of the Commission.

On April 30, 1990, Thomas assumed his present position as a judge on the United States Court of Appeals for the District of Columbia Circuit, to which he was appointed by President Bush. During his time on the bench, he has written opinions in areas such as criminal law, antitrust law and trade regulation, constitutional law, and administrative law.

Throughout his distinguished career, Thomas has championed the principle that individuals should be judged on the basis of abilities and character, not on skin color. He believes that every American should have the same opportunity to stand up and be judged on his or her own merits. He has lucidly explained his views on a variety of issues, legal and otherwise, in his judicial decisions and in articles and speeches. He has been described in the press as smart, tough, a man who "speaks powerfully about overcoming racism and poverty in the deep South" and who "embodies the ideal of personal achievement rather than reliance on government programs for a leg up." As Senator Hatch has observed, Thomas "came up the hard way" and "understands the sting of oppression." Senator Danforth made a similar point when he observed that Thomas "is a person who knows discrimination. He has a real commitment to fighting injustice."

In announcing his nomination of Judge Thomas to the Supreme Court, President Bush described him as "a delightful and warm, intelligent person who has great empathy and a wonderful sense of humor." The President observed that Judge Thomas is a "fiercely independent thinker with an excellent legal mind, who believes passionately in equal opportunity for all Americans."

Senator Bob Dole applauded the nomination, citing Thomas' "impeccable credentials" and calling Thomas "a man whose very life exemplifies the American dream." Senator Danforth has described Thomas as "outstanding in every respect" and observed that Thomas is "a compassionate kind of conservative, not rigid or ideological in his views. . . . In a very real way, he'll be the people's justice."

In 1987, Thomas married Virginia Lamp, an official at the Department of Labor. His son from his first marriage, Jamal, lives with the family in Alexandria, Virginia. Thomas occasionally jogs, lifts weights, and enjoys country music.



# **The White House Office of Public Affairs Presidential Wire**

## **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 Presidential Wire**

## **Excerpts from President Bush's Speeches on Supreme Court Nominee Clarence Thomas**

**"Our new Supreme Court nominee, Judge Clarence Thomas, has said it best: 'As a child, I could not dare to dream that I would ever see the Supreme Court, not to mention be nominated to it. Only in America could this be possible.'"**

**July 3, 1991**

**Mount Rushmore, South Dakota**

**"And I saw a sign back here about another man who is well-known to Missouri. I would also say, then, that you can find that same character in self-made Americans like our nominee to the Court, Judge Clarence Thomas. A man especially well-known to your great Senator, Senator Danforth; and to Governor Ashcroft and also to Kit, Judge Thomas says that when he was growing up -- and here were his exact words -- God, school, discipline, hard work and right from wrong were of the highest priority.**

**You know, he spent a lot of his life in Missouri -- first going to school here, then working as an Assistant Attorney General, as counsel to the Monsanto Company and later as an aide to your Senator, Senator Danforth, before he went on to a distinguished career as a jurist.**

**So let me just simply say, in response to the sign, in response to the feelings of many people in this great state, Clarence Thomas is a man of character and impeccable credentials -- a model for all Americans. You see, he will be a great Justice on the Supreme Court of the United States."**

**July 4, 1991**

**Marshfield, Missouri**

**"Our new nominee for the Supreme Court, Judge Clarence Thomas, offers what I think is a very stirring testament to what people can do when they refuse to take no for an answer; when through sheer determination they overcome obstacles that others have placed in their way. This man -- it was very emotional for me up there at our house in Maine when we announced his appointment -- because he outdistanced poverty and racism; because he possessed the greatest treasures of all, the love of family, the faith of teachers -- remember what he said about teachers -- and then the belief in himself."**

**July 8, 1991**

**Washington, D.C.**

**"Q** Mr. President, Senator Mitchell said a couple of days ago that he thought that you believed in quotas for everyone but yourself and everyone but Supreme Court nominations - he was referring to your nomination of Judge Thomas to the Supreme Court. And his remark seems to reflect some widespread disbelief that Judge Thomas's race had nothing to do with [t]his choice. And I wondered if you might take another crack at that question, sir.

**"THE PRESIDENT:** I was trying to think if Senator Mitchell -- where he was when Lyndon Johnson put Marshall on the Court. I can't remember whether he accused Lyndon Johnson of a quota. I think he was in Congress then, but it would be interesting to go back and look at it in history. I don't think he said it was a quota. In my view, this isn't a quota appointment. I said up there in Maine, and I still feel -- I feel more strongly than ever that it is the right thing at the right time, to use an expression that Lyndon himself used. . . I have an innate confidence that this man will be confirmed. And the reason he will be is that he deserves to be confirmed. And I'll tell you the -- I don't want to take too much time on this answer -- but out there when I mentioned this in Missouri the other day, on the 4th of July, there was a unanimous response from the people in terms of support. . . support for this man. So I think it will be well-received -- is well-received.

**Q** Well, quota or not, sir, can you really say that his race had nothing to do with the selection?

**"THE PRESIDENT:** I think I indicated up in Maine that so much the better. But I'm not going to say it's a quota appointment. I don't believe that one seat should be assigned to one group of any kind."

July 10, 1991  
Press Conference, The White House

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

## TALKING POINTS

### SUPREME COURT NOMINATION OF JUDGE CLARENCE THOMAS

**"Judge Thomas' life is a model for all Americans, and he's earned the right to sit on this nation's highest court."**

**President Bush nominating Judge Thomas  
July 1, 1991**

- o Judge Thomas was nominated by the President to be a Supreme Court Justice because of his fidelity to the Constitution and the rule of law. These qualities, coupled with his education and experience, will make him an exemplary Justice of the Supreme Court.
- o 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."
- o The U.S. Senate has already confirmed Judge Thomas four separate 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. He graduated from Holy Cross College with honors in 1971 and Yale Law School in 1974.
- o As Judge Thomas 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."
- o He believes firmly in the rights of the individual: that government's role is to protect the rights of the individual without advancing the interests of any particular lobbying group.
- o Thomas would bring to the Court a wealth of experience in government.
- o He compiled an outstanding record at EEOC: while seeking tougher penalties against discriminatory businesses, he pushed for improved voting rights and a strong civil rights agenda.

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JUDGE THOMAS  
TALKING POINTS

- o Senator John C. Danforth has called Judge Thomas "conservative, but a compassionate kind of conservative, not rigid or ideological in his views. His every motive is that he empathizes with ordinary people, he's one of them."
- o R. Gaull Silberman, Vice Chairman of the EEOC when Thomas was chairman, said, "This man made the EEOC. He built it into a first-class law enforcement agency. We took three times as many cases, got more relief for more people than any other time in history."
- o According to Alan Keyes, President of Citizens Against Government Waste, on the basis of Thomas' constitutional philosophy and his character, "it would have been difficult for Mr. Bush to find anyone more qualified than Judge Thomas. Throughout his public career, he has displayed the intellectual honesty, integrity and moral courage that are crucial but all too rare ingredients of great public service."
- o When Thomas was nominated to the court of appeals, Robert G. Dowd, the Presiding Judge of the Missouri Court of Appeals, wrote that "Mr. Thomas has an outstanding civil rights record and has demonstrated leadership and excellence as Chairman of the Equal Employment Opportunity Commission. He added that he "sincerely believed that Mr. Thomas would bring honor, excellence, and scholarship to the appellate court."
- o The nomination is not dictated by Judge Thomas' race; it is not dictated by his ideology; it is dictated by his first-rate intellect, his varied legal experiences, his outstanding character, and his commitment to the Constitution and individual rights.
- o The President recently said that Judge Thomas "offers what I think is a very stirring testament to what people can do when they refuse to take no for an answer, when through sheer determination they overcome the obstacles that others have placed in their way."

### QUOTES FROM CLARENCE THOMAS

#### On Civil Rights:

I wasn't alone. There are those of you here today who have my memories -- who knew the same hurt, and who have shared the same satisfaction in seeing the changes brought about by the Civil Rights movement.

That movement has brought about enormous societal changes in the United States. To name just a few, there has been a host of civil rights laws, including the Civil Rights Act of 1964; dual public school systems were eliminated; fair housing laws were passed; colleges and universities once closed to minorities opened their doors; and equal employment laws were passed. In short, measures affecting every one of the fundamental aspects of daily life -- housing, jobs, education, the right to participate in a democratic government -- were enacted.

These new laws changed the entire way of life for many Americans. They continue to do so. And they are basic to the very functioning of our system of government.

I believe in the vigorous enforcement of civil rights laws and have pledged to do everything I can to pursue such enforcement by the EEOC. There are some who claim that this administration has turned its back on civil rights enforcement, that it has no civil rights policy, that it is satisfied to watch the clock get turned back in civil rights areas. Those who make this claim are wrong. I will have no part in turning back the clock, or in seeing past progress undermined by current laxness.

June 3, 1982  
D.C. Chapter of the Industrial  
Relations Research Association

### On the NAACP:

The NAACP has a history of which we can all be proud. From its inception in 1909 til today, the work this organization has done in the area of civil rights is unmatched by any other such group. At each turn in the development of blacks in this country, the NAACP has been there to meet the many challenges. In the past, those challenges ranged from voter registration drives to fighting injustices in the legal system. In each situation the NAACP has fought hard and has won many battles. But the battles are not over. There are many still to be fought and hopefully many will be won. But winning these battles will require new strategies and creative thinking on your part. The name "The Crisis", selected as the name of the official publication of the NAACP, was taken from a poem "The Present Crisis", written by James Russell Lowell. The words are as applicable to the problems of today as they were in 1909. Three lines from that poem are especially appropriate today:

New occasions teach new duties: Time makes ancient  
good uncouth;

They must upward still, and onward, who would keep  
abreast of truth;

Lo before us gleam her camp-fires! We ourselves  
must Pilgrims be.

At the EEOC, we recognize our "new duties" and we are beginning to develop these new strategies and to truly fulfill our role as protectors of the rights of all. Our role is that of federal enforcer. The role of the NAACP, of course, is that of advocate. I realize, that as an advocate for our race, our efforts have been unsurpassed. As a true advocate, it is imperative that you carry the same energy you have used in the past into the 1980's to meet the new challenges. However, the new challenges require more than the energy of the past. The new challenges require you to be "Pilgrims" as you face the future. While the NAACP's history is one of countless accomplishments, you can not afford to rest on that history.

October 23, 1982  
Maryland Conference of NAACP

### On Civil Rights:

It has been nearly nineteen years since Title VII was incorporated in the Civil Rights Act of 1964, since equal employment opportunity became the law of the land. Since those days when we, who had been locked out of the American dream for centuries, rejoiced, knowing hope, at last, was on the way.

And, the federal government must continue to pave the way in civil rights. The federal government has always had both a profound moral obligation and a constitutional duty to protect individual rights. Increasingly that ideal has gained the force of the law. But, in the words of Frederick Douglass, "Power concedes nothing without a demand." And, even the government did not move decisively until the thunderous demand of protest against injustice could, no longer, be ignored.

For in one of the most compelling and glorious events in this nation's history, a vast cross-section of this nation's population was on the march -- a march for justice -- a march to turn this nation from its schizophrenic posture between its stated beliefs, the ideals on which it was founded, and the reality of its existence. A nation, founded on the principles of liberty and justice, began to see that its anthems and credos had a hollow ring. A nation which had averted its eyes by playing hide and seek with the stranger knocking at the door. And, as the poet Dylan says, "He was wearing the clothes that you once wore."

A nation long deaf to the pleas of the impoverished heard the sound of marching feet, marching to Birmingham, to Selma, to Jackson. It heard that the bank of liberty had, as Dr. Martin Luther King, Jr. said, "insufficient funds" to right the wrongs America had heaped upon its minority citizens.

The eyes of the world turned on America. No longer could the champion of freedom and justice abroad continue to be the bastion of separate but equal at home. No longer could people who, for 300 years, had contributed mightily to the development of this nation be denied a full partnership in its destiny. No longer would this country be allowed to turn its back on so many among us who had suffered so long from the denial of the American dream.

The spirit of the Declaration of Independence, reborn in the civil rights movement, became embodied in the laws of the land. And the Equal Employment Opportunity Commission was created to make certain these laws would be enforced.

December 6, 1983  
EEOC Seminar  
Pittsburgh, PA

### On Civil Rights:

My grandparents, who raised me, are perfect examples of what discrimination can do ... Early in life, as I watched them toil away, I realized that their efforts would be seriously impeded by something beyond their control -- racial discrimination. They had overcome the lack of formal education, the Great Depression and an assortment of other adversities. But, 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. As individuals who have received the benefit of an education which was probably denied your fathers and mothers, and in some cases sisters and brothers, you must devise a plan for a civil rights movement for the 1980s.

1983  
Integrated Education  
Volume 21

So again I find myself challenging you. This time with the words of Dr. Martin Luther King, Jr. "It is time for the Negro 'haves' to join hands with the 'have-nots' and, with compassion, journey into the other country of hurt and denial. It is time for the Negro middle class to rise up from its stool of indifference, to retreat from its flight into unreality and to bring its full resources -- its heart, its mind and its checkbook -- to the aid of the less fortunate brother."

August 5, 1983  
Inroads, Inc.  
Knoxville, TN.

On Discrimination:

Through my radical days, through my days at New Haven Legal Assistance, through the summer working under a grant from the Law Student's 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 the EEOC, I cannot and will not forget. I can never forget the agony of discrimination -- the humiliation of prejudice.

Like many blacks, I have lived without indoor plumbing; without electricity; without adequate heating. I have eaten Kelloggs Corn Flakes with water and Pet Milk. I have eaten the edges trimmed from breads used to make "hors d'oeuvres" for white people. I was born and raised in a segregated society -- separate libraries, movies, water fountains, separate parks.

I have mowed lawns, plowed, and cut hay, stripped fodder, cleaned sewers, ground sugar cane and made syrup. These were things my grandfather told me I had to learn to survive. But he also imparted values which I retain to this day. Among them is honesty. Another is personal integrity. I have no intention of sacrificing my principles to accommodate others or because it would be expedient.

I am an American -- a black American. Nothing hurts me so much as the sufferings of my race. I firmly believe that the sufferings and the problems we face are so great that all who recognize them must look for solutions. We need new ideas in our arsenal of weapons to fight discrimination. At no time must we allow ourselves to believe that we must agree on every issue. We are not robots -- we are a creative, resilient race. Just as we are different we have different ideas and different opinions.

We cannot -- no, we must not believe that we must all think alike anymore than we believe we all look alike. And we must not give up the struggle.

March 24, 1984  
Holy Cross College

On Brown v. Board of Education:

It has now been thirty years since the Supreme Court, for the first time since Reconstruction, began to transfer into reality the creed of our Declaration of Independence. It has been thirty years since the Supreme Court took that first brave but fragile step into making America truly one nation -- a nation bound and governed by one set of laws for all. It has been thirty years since the much heralded soul of this nation, first crept from beneath the veneer of hypocrisy. Three decades ago, nine men of the law moved to make the creed of America reality for all.

Although the Brown decision over-turned the Plessy v. Ferguson doctrine of "separate but equal" in the area of education only, it marked the beginning of an era of at least an overt consensus that segregation and racial injustice were illegal and morally wrong - a consensus that opened the floodgates to an era of reform considered by many to be the second Reconstruction.

April 23, 1984  
Temple University  
School of Law

On Segregation:

Was it the great migration with its sudden concentration of blacks in the urban North and the new beginning of black political awareness that had begotten a change in the name of the political game?

Or the surge of pride which black folks felt as they huddled around their ghetto radios to hear Joe Louis preaching equality with his fists, or hear Jesse Owens humbling Hitler with his feet?

Was it A. Phillip Randolph, mobilizing 100,000 blacks ready to march on Washington in 1941 -- and FDR hurriedly signing Executive Order 8802 banning discrimination in war industries and apprenticeship programs?

Or the 99th Pursuit Squadron, trained in segregated units at Tuskegee, flying like demons in the death struggle high over Italy? or black soldiers storming up beaches called Anzio and Normandy?

Was it Rosa Parks who said "No" she wouldn't move; and Daisy Bates who said "Yes", black children would go to Central High School?

Or the arrival of black leaders at the United Nations building in New York and on Embassy Row in Washington -- men like Kwame N'Krumah and Sekou Toure -- who blew forever the myth of Mumbo Jumbo, King of the Congo?

Or the three men who had been the black man's embodiment of Blitzkrieg -- the most phenomenal legal brains ever combined in one century for the onslaught against injustice -- Charles Houston, William Hastie, Thurgood Marshall?

Was it Martin Luther King and Malcolm X who posed the question of evolution or revolution?

Or a group of students who said, "We've had enough. I mean, what's so sacred about a sandwich, Jack?"

Or men named Warren, Frankfurter, Black, Douglas who read the Bill of Rights and believed?

But whatever -- it was on -- in the streets, at the lunch counters, on the buses. And though the North tried hard to keep attention focused on the South, it was as plain as a ghetto that Messrs. Mason and Dixon had not defined the boundaries of ugliness and injustice.

Brown marked the turn in the tide. If segregation in education was unlawful, was it legal in public accommodations, in employment, in housing? The world waited to hear America's answer.

White America, for the first time since the Republican domination of Reconstruction was being forced to deal with the unjust plight of its "invisible" race. Blacks and their often newly-found white allies stormed the Jericho of segregation -- and the walls came tumbling down.

April 7 1984  
Yale Law School  
Black Law Students  
Association Conference

On Dr. Martin Luther King, Jr.:

Last month, we celebrated the birthday of a man who articulated and dramatized what my day-to-day heroes taught us. Holidays such as Dr. King's birthday should be occasions when we can see what we have in common with each other, rather than dwell on what divides us.

Martin Luther King, the man who spoke of having a dream, reflected that the Declaration of Independence speaks of not some men, but of all men.

Dr. King described the Declaration of Independence and the Constitution as "a promissory note to which every American was to fall heir." But despite the bad check America had written black Americans, Dr. King refused to believe that the "Bank of Justice" was bankrupt. He knew that the resources of America were great. He imagined a nation where his children would be judged not "by the color of their skin but by the content of their character" and that this was "deeply rooted in the American dream."

I still believe that today. And the Equal Employment Opportunity Commission strives to bring our reality closer to that dream.

March 1, 1988  
Presidential Classroom for  
Young Americans

## **Comments in Support of Supreme Court Nominee Judge Thomas**

"Praise of the praiseworthy can be problematic when the person praised is a Supreme Court nominee. Come September, Clarence Thomas should be confirmed. . . . If Bush was right to nominate Thomas, it is right to defend the nomination forthrightly on the ground that Thomas believes this: Courts have been cavalierly rendering result-oriented decisions, basing conclusions on personal moral preferences rather than legal reasoning, short-circuiting democratic processes in order to achieve by judicial fiat ends that are essentially political and properly achieved only by processes of persuasion."

George F. Will  
Newsweek, July 15, 1991

"The more one learns about Clarence Thomas, the more compelling he becomes as a nominee to the Supreme Court -- and as a fresh hope in breaking America's paralyzing deadlock over race. . . . Thomas believes that under natural law (and America's Declaration of Independence), all men and women are created equal, and that the U.S. Constitution provides legal guarantees. Government's role is to protect the rights of the individual but not to advance the interests of any group, black or white; it is up to the individual to make it on his own."

David Gergen  
U.S. News & World Report, July 15, 1991

"Thomas is a champion of what made America great and, if confirmed, he will seek to restore the source of that greatness he outlined in a 1987 speech: 'My household was strong, stable and conservative. . . . The most compassionate thing [our grandparents] did for us was to teach us to fend for ourselves and do that in an openly hostile environment.' It will be amusing to watch the civil rights establishment try to oppose him on such a clearly all-American agenda."

Cal Thomas  
St. Louis Post-Dispatch, July 5, 1991

"How many other senators will want to be in the awkward position of opposing a man for not saying how he would rule on [abortion] or any other issue? How many will want to vote against a black nominee when they know the next nominee will be as conservative and as likely to oppose *Roe v. Wade*, but will not be black? . . . For the

hapless national Democratic Party, Thomas' nomination represents more than a threat to civil rights, privacy rights -- or abortion rights. . . . If Thomas is confirmed, he could be a magnet for the best and brightest blacks to consider turning Republican."

Thomas J. Brazaitis  
Cleveland Plain Dealer, July 7, 1991

"Mr. Bush has chosen well. Judge Thomas' record seems to promise that he will not seek to expand the discredited policies of dependency that serve only the civil rights leaders and congressional liberals. At the same time, his entire life refutes any suggestion that he is in any way insensitive to the condition of minorities. . . . The important consideration, for Congress and for the country, is the quality of the man, not his feelings on a single issue. And in Judge Thomas, Mr. Bush has obviously selected a man . . . qualified and prepared by a life of struggle to be a passionate defender of justice."

Durwood McAlister  
Atlanta Constitution, July 7, 1991

"The appointment of a black conservative. . . helps the American public understand that there is just as much diversity of political opinion within the black community as there is within the white community. If Judge Thomas makes it onto the court, he immediately becomes one of the most influential voices on fundamental issues facing our society. The mainstream press will have a hard time ignoring [his] views. His appointment and (hoped for) confirmation. . . could be a hopeful sign that we can begin pulling this society together again."

Tom Pauken  
Dallas Times Herald, July 7, 1991

"When Thomas stepped onto the national stage last Monday. . . cheers erupted at the EEOC (Equal Employment Opportunity Commission). . . . That longtime employees of the often beleaguered commission cheered Thomas' nomination. . . is a story in itself. . . . Clarence does not uncritically accept orthodoxy of any stripe. He questions cliches like 'color-blind society,' knows full well that color and race are facts of life, factors in life. . . . Thomas' confirmation hearings present a historic opportunity to reassure people of this country that the American dream lives."

R. Gaull Silberman  
Los Angeles Times, July 7, 1991

"Will Judge Thomas make a good Supreme Court justice? No one knows the future. . . but Thomas has done a good job every place he has been, and there is no

reason to think that he will do less than his best on the Supreme Court. . . . If minority individuals can defy the minority establishment viewpoint, as Thomas has done, and still advance, this will be a crucial sign that blacks, for example, do not have to 'come by' [NAACP President] Ben Hooks and get his seal of approval."

Thomas Sowell  
Detroit News, July 8, 1991

"Those who are suggesting that there is a kind of stereotypical black view of black interests to be met by a Supreme Court justice are, as usual, out of date and missing the point. The white world has been slow to grasp the scorn felt by able blacks like Thomas for hackneyed affirmative action formulas that assume special black disabilities, but which are as much based on demeaning stereotypes of black character and capacity as Jim Crow at its worst. . . . Thomas is entitled to be judged, of course, not on his race or views or experience but on the basis of his character, his temperament and his ability."

Edwin Yoder  
St. Louis Post-Dispatch, July 8, 1991

"Bush has accomplished something quite other than bringing to the Supreme Court someone who appears to be a promising jurist. He has done more in one day to remind the nation and above all to remind black Americans that it is incorrect to think of the black population as a monolith. Blacks tend to vote the way they do because the Democratic Party has perfected instruments of seduction that tend to attract, dealing as they do in victimology. . . . It is quite wrong to suppose that the situation is frozen, that blacks are immovable on the subject."

William F. Buckley, Jr.  
Boston Herald, July 6, 1991

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

# How to Judge a Judge



Judicial confirmation hearings should not require moral exhibitionism about 'sensitivity'

**P**raise of the praiseworthy can be problematic when the person praised is a Supreme Court nominee. Come September, Clarence Thomas should be confirmed. Between now and then, the drama of his life will elicit much praise. Too much.

To be sure, his ascent, by dint of will and courage, from grinding poverty to his current eminence has been dramatic and heartwarming and speaks well of America and him. However, Thomas's life story should be of only minor relevance to the debate about his fitness to shape the life of the law for three or more decades. To think otherwise is to partake of pernicious thinking, about the Constitution and courts, that Thomas presumably opposes.

Two rationales for his nomination are in tension. One is that President Bush believes Thomas has the sort of judicial temperament that candidate Bush promised to seek. If so, Thomas is comfortable with the discipline of keeping his moral preferences hermetically sealed from his acts of judging. But the second reason some people praise Thomas's potential as a justice is that his humble origins presumably have given him the "sensitivity" to empathize with individuals and groups whose disadvantages deserve redress. Here, then, is the rub: The best reason for nominating him is that he believes that redressing grievances is usually the responsibility of the political branches of government, legislative and executive, and that courts cannot step in merely because other agencies have not.

If Bush was right to nominate Thomas, it is right to defend the nomination forthrightly on the ground that Thomas believes this: Courts have been cavalierly rendering result-oriented decisions, basing conclusions on personal moral preferences rather than legal reasoning, short-circuiting democratic processes in order to achieve by judicial fiat ends that are essentially political and properly achieved only by processes of persuasion.

Because Thomas is such a sympathetic figure, and has such slight judicial experience (16 months on the bench), the nomination of him may look like capitulation to the anti-intellectual, anti-constitutional, anti-judicial tenor of the anti-Bork campaign. The lyricism of Thomas's life largely immunizes him against the sort of tendentious and demagogic attacks that defeated Bork. Unable to match wits with Bork, critics abandoned philosophic argument in favor of moral assault. The moral vanity of contemporary liberalism manifests itself in constant bragging about "sensitivity." Bork's critics said they had cornered the market on it. And they were murky about how "sensitiv-

ity" of the sort they so admire in themselves is supposed to serve in the work judges do.

Lawyers have a saying: When you have the law on your side, argue the law; when you have the facts, argue the facts; when you have neither, pound the table. Liberal senators and their allies in the civil rights lobby, reduced to table-pounding about the judicial nominees of conservative presidents, resort to the charge of insufficient "sensitivity." The coming discomfiture of the sensitivity-mongers is going to be delicious. We have the remainder of the summer to savor in anticipation the September spectacle of Senators Kennedy and Metzenbaum tutoring Thomas in "sensitivity" about poverty and racism.

Thomas's supporters may be tempted to take the politically easy and intellectually undemanding path, emphasizing his exemplary life rather than his jurisprudence. He is indeed intimately acquainted with the rough edges of American life. But judges do not have a mandate to decree social ameliorations; they are not licensed to wield power on behalf of whoever is not getting full justice from the political system. The severe ethic of judging requires practitioners of that craft to keep their moral sensibilities on a short leash. Courts do not exist to right all the wrongs that other government agencies have, for whatever reasons, refused to right. Neither the adjective "unwise" nor even "unjust" is a synonym for "unconstitutional" when modifying the noun "law."

**Austere self-denial:** Judges wear robes to efface personal attributes. Robes affirm the fact that judging, properly pursued, requires an austere self-denial—literally, denial of the self. Judges must ensure, by acts of will, that their personalities and politics are irrelevant to their decisions. True, to some irreducible extent, character is destiny even for judges. But the best judges stringently reduce the extent.

An admirable biography is no substitute for, or reliable indicator of, a sound judicial philosophy. A judge with a truly judicial temperament should try to expunge from his or her reasoning all influences other than legal arguments. Social origins, be they Holmes's on Beacon Hill in Boston or Thomas's in Pin Point, Ga., should not influence judicial reasoning. Such reasoning is about precedents, and the text of a law as the words were understood by intelligent people at the time of its enactment, and the law's legislative history. Concerning constitutional questions, proper reasoning is about the text and structure of the document as seen in such light as is shed by whatever is known of the Framers' intentions.

If Thomas and his supporters flinch from asserting the virtues of his philosophy rather than of his character, they will be truckling to the Senate Judiciary Committee's "political correctness," which is packed into the word "sensitivity." Courts are degraded and constitutional law is distorted when judicial nominees are required to turn their confirmation hearings into an exercise in moral exhibitionism, stressing their "sensitivity" about this or that social problem rather than their understanding of the judicial function.

Thomas's confirmation hearings would be a good time to affirm what the opponents of Robert Bork denied—that mind matters more than moral preening when choosing judges. Otherwise we shall have the kind of Court Roman Hruska suggested. In 1970, Senator Hruska, a Nebraska Republican, was desperate to devise a reason for supporting Nixon's nomination of Judge G. Harrold Carswell. Hruska said: So what if Carswell is mediocre. So are lots of people, and they deserve representation on the Court.

Oh no they don't.

# THE BRIEF ON CLARENCE THOMAS

**T**he more one learns about Clarence Thomas, the more compelling he becomes as a nominee to the Supreme Court—and as a fresh hope in breaking America's paralyzing deadlock over race. In recent days, his life story has already been turned into the stuff of legend: a young man who lifted himself from the hardscrabble of rural Georgia, so dark-skinned that other blacks in Savannah called him ABC ("America's Blackest Child"); nurtured by a grandfather who could barely read, but knew enough to instill the old values of hard work, self-reliance and religious faith; taught by nuns, but taunted by classmates in an all-white high school; persevering up the ladder through Yale Law School, onto the staff of John Danforth in Missouri, then to Washington, and always, always, a lonely, personal struggle to be his own man.

Yet Thomas offers far more than inspiring biography. "What Clarence is all about," says his friend, Republican Senator Danforth, "is that in this country you should have the freedom to think what you want to think, whether you're black, white, or anything else." Just as he has cut his own career path, he has plowed his own mental furrow, catching hell from all sides. Many civil-rights groups believe he betrays blacks because he refuses to march in lock-step with their agenda. From his days running the Equal Employment Opportunity Commission, when he opposed racial quotas, they dismiss him as a black conservative doing the white man's bidding. In truth, Thomas doesn't fit into any political box; he is, as Washington political writer Juan Williams described him four years ago in *The Atlantic*, "ideologically *sui generis*."

Drawing heavily upon his life and his readings, Thomas believes that under natural law (and America's Declaration of Independence), all men and women are created equal, and that the U.S. Constitution provides legal guarantees. Government's role is to protect the rights of the individual but not to advance the interests of any group, black or white; it is up to the individual to make it on his own. Yes, whites tilted the game unfairly in their direction for generations, but rather than compensating blacks for past sins, government should start

the game over, ensuring that it is now played with absolute fairness. To insist upon preferences or quotas for blacks may grant them temporary gain but cost them their own self-confidence and white respect. Stop robbing us of our manhood, he says angrily.

Thomas does not walk away from disadvantaged blacks; indeed, he has invested years trying to help them. But he thinks the proper role for government is to clear away the hurdles of *all* poor people—the drugs, crime and malnutrition that plague inner cities—without regard to race. Nor is he a lackey for white bigots. At the EEOC, he sought much tougher penalties against whites who discriminate: He wanted to fine them heavily and toss them in jail. As a Reagan appointee, he attacked the administration for dragging its feet on voting rights, for granting a tax exemption to all-white Bob Jones University, and for failing to offer a positive vision to blacks. He is not even certain about the merits of integration. Just to sit next to a white child in school solves nothing, he believes. First, the black child must learn to believe in himself.

In donning judicial robes, Thomas has pledged that his personal views will not matter. So strong is his allegiance to law and precedent that his closest admirers believe he is more likely to fit the Felix Frankfurter than the William Rehnquist mold, refusing to join conservative activists eager to strike down rulings from the Warren court. We won't know for sure how he will come out on abortion, school prayer or crime until he actually sits on the court.

What we do know is that, as George Bush said, this new nominee is "fiercely independent," and in today's climate, his voice is welcome. America has wound up in a terrible cul-de-sac over race: Most whites, blacks and browns now believe in equality, but we are hung up in arguments and in government programs that aren't working to bring it about. Too many black activists insist that all blacks are victims and need special preferences throughout life; too many whites have given up trying to find answers and suspect a black underclass will be with us forever. Now comes Clarence Thomas insisting that if both races shape up, blacks can still make it on their own. He should know. ■

*'He believes  
government's role  
is to protect the  
individual, not to  
advance the  
interests of any  
one group.'*



FRIDAY, JULY 5, 1991

CAL  
THOMAS

## All-American Agenda Of Clarence Thomas

WASHINGTON

**S**upreme Court nominee Clarence Thomas is the ultimate self-starter. He rejects the notion that the only way to deal with the economic plight of poor Americans is through civil rights legislation. He wants to look forward to how opportunity can empower minorities, not backward to what discrimination has done.

In a revealing interview with William Raspberry in 1983, Thomas wondered how he and his sister could turn out to be so different. "We come from the same place, the same genes, same circumstances. My brother and I graduated from college. My sister? AFDC (Aid to Families With Dependent Children). Four kids." Thomas attributes the difference to lack of will on his sister's part. He also praises efforts of his grandfather (his sister lived with other relatives after his father left the family), who believed that hard work, faith in God and moral values could overcome any adversity.

His differences with the civil rights establishment could lead to the strongest opposition to his Supreme Court nomination. Already, Democratic National Chairman Ron Brown has said the nomination "appears to be yet another step in the ideological hijacking of the Supreme Court by the radical right wing of the Republican Party."

No, the hijackers were the liberal Democrats. It is conservative justices who seek to liberate the country from their occupation.

On Jan. 18, 1988, Thomas wrote an article for *The Washington Times* that gave an overview of his concept of law. He said it is only a belief in a higher law (which he defined as "God's law") "that guaranteed our natural rights (and) enabled us to reaffirm the existence of these rights even as we were being prevented from exercising them."

"Our current explosion of rights — welfare rights, animal rights, children's rights and so on — goes to the point of trivializing them. Furthermore, economic rights are considered antagonistic to civil or human rights — the former being materialistic and dirty while the latter are lofty and noble."

Thomas believes economic and property rights are as important as human rights, and he quotes James Madison, who wrote in *The Federalist* No. 10 that the first object of government is the "protection of different and unequal faculties of acquiring property." Madison, notes Thomas, did not say that government should protect the already existing, unequal distribution of property. "In the past," wrote Thomas, "a right meant the freedom to do something; now, when freedom is not enough, right has come to demand and receive some benefit which someone else is obligated to provide."

Thomas is a champion of what made America great and, if confirmed, he will seek to restore the source of that greatness he outlined in a 1987 speech: "My household was strong, stable and conservative. . . . God was central. School discipline, hard work and right-from-wrong were of the highest priority. Crime, welfare, slothfulness and alcohol were enemies. . . . The most compassionate thing [our grandparents] did for us was to teach us to fend for ourselves and do that in an openly hostile environment." It will be amusing to watch the civil rights establishment try to oppose him on such a clearly all-American agenda.

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THOMAS J. BRAZAITIS



COMMENTARY

## Thomas nomination a win-win situation

WASHINGTON

**W**hy is President Bush smiling? With the nomination of Clarence Thomas to the Supreme Court, the president once again has painted his political enemies into a corner.

Bush has presented the Democratic majority in the Senate with a take-it-or-leave-it nomination of a staunch conservative, who happens to be black.

This, to borrow one of Capitol Hill's favorite clichés, is a win-win situation for the president. If the Senate approves Thomas nomination after confirmation hearings in the fall, the court's conservative majority will become a juggernaut. If the Senate rejects Thomas, Bush can say that Democrats don't practice what they preach about civil rights.

At a social gathering in Washington one night last week, an exchange between an elderly black man from Chicago and his daughter illustrated just how brilliant, if somewhat cynical, the president's strategy is.

The elderly man, a pharmacist by profession, said he was happy to hear that a black had been nominated to succeed Thurgood Marshall, the first and only black to serve on the court. He said he was going to give Bush "another look next election" because of it.

His daughter, a college professor, protested. "But, daddy, he's a black Bork. You wouldn't be for him if he were white."

The reference was to Robert Bork, the arch-conservative federal judge whose 1989 nomination to the high court was rejected by the Senate because Bork's views on the right to privacy and other issues were portrayed as far outside the mainstream of American thinking.

The man agreed he probably wouldn't be for Thomas nomination if Thomas were white. But Thomas isn't white, he said. And it would be wrong for other blacks to join a lynch mob intent on hanging Thomas for his views.

Results of a poll published in USA Today showed the Chicago pharmacist's opinion is shared by a majority of blacks. The poll showed 54% of blacks approved of Thomas nomination; only 17% disapproved, and the rest didn't know. This vote of confidence came against a backdrop of 52% of blacks who said Thomas does not reflect the views of most blacks.

Half the black respondents said Thomas, who emerged from stark poverty in rural Georgia to become a federal appeals court judge, is a good role model.

Jesse Jackson immediately urged the Senate to reject Thomas nomination. But, for the most part, black politicians and civil rights leaders have been restrained in their criticism of Thomas' statements expressing opposition to affirmative action and to busing to achieve school desegregation.

Virginia Gov. Douglas Wilder, the nation's highest ranking black official, had to apologize for saying of Thomas, who was raised a Catholic, "My question is: How much allegiance does he have to the pope?" Wilder, a Democrat who may run for president, nonetheless revived the anti-Catholic bias that John F. Kennedy faced three decades ago.

For the record, Thomas, who tearfully praised the nuns who educated him at an all-black Catholic school in the then-segregated South, is divorced and remarried and attends an Episcopalian church, according to published reports.

The National Abortion Rights Action League claims to have found proof that Thomas would vote to overturn the Roe vs. Wade decision legalizing abortion. The evidence offered is a 1987 speech in which Thomas strongly praised an article that asserted that a fetus has an "inalienable right to life."

The White House said it would not respond to this or any other attempt to claim that Thomas has expressed a view on the constitutionality of abortion. And Vice President Dan Quayle said Thomas has the right to remain silent on the issue during his confirmation hearings.

Sen. Howard M. Metzenbaum, D-O., said he will oppose Thomas nomination if Thomas does not state a view in favor of Roe vs. Wade. Well-intended or not, this comes across as selectively prejudicial from a senator who has voted to confirm three other justices who didn't express their views on the issue and are considered part of the anti-abortion majority on the court.

How many other senators will want to be in the awkward position of opposing a man for not saying how he would rule on this or any other issue? How many will want to vote against a black

July 7, 1991

2.

### Cleveland Plain Dealer

nominee when they know the next nominee will be as conservative and as likely to oppose Roe v. Wade, but will not be black.

To defeat Thomas, the Democratic majority has to show that he is an extremist whose views give average Americans reason to question his judgment. But chances are a very large number of citizens will agree with Thomas' positions, especially his view that affirmative action does a disservice to minorities and that the only honorable way to really make it is on one's own, not as a ward of the government.

It may be said that Thomas benefited from the quota system he abhors. After all, he has been nominated for the "black seat" on the court. But by all accounts Thomas overcame great obstacles to put himself in a position to be the beneficiary of history's timing.

For the hapless national Democratic Party, Thomas' nomination represents more than a threat to civil rights, privacy rights — or abortion rights, which are bound to be restricted no matter who gets this appointment. If Thomas is confirmed, he could be a magnet for the best and brightest blacks to consider turning Republican.

No wonder Bush is smiling.

# The Atlanta Journal

## THE ATLANTA CONSTITUTION

SUNDAY JULY 7 1991

### Judge Thomas should be approved by acclamation

President Bush's nomination of federal appeals Judge Clarence Thomas to the U.S. Supreme Court, criticized by liberals and civil rights leaders, needs to be examined against the background of two important facts.

First, Mr. Bush's conservatism was overwhelmingly endorsed by the electorate in direct confrontation with the policies and programs pushed by those critics. It would be unthinkable for the president to choose a nominee whose views openly reflect those rejected, failed policies.

Second, the appointment by any president of a Supreme Court justice is an act of faith. The choice is permanent. Any power or influence the president might hope to exercise dissolves the moment the nominee is confirmed. Lifetime tenure guarantees independence.

Given those facts, Mr. Bush has chosen well.

Judge Thomas's record



seems to promise that he will not seek to expand the discredited policies of dependency that serve only the civil rights leaders and congressional liberals.

At the same time, his entire life refutes any suggestion that he is in any way insensitive to the condition of minorities. Born in a legally segregated state, he has lived — and triumphed — through turbulent times of change. As he, himself, puts it: "I am the product of hatred and love."

He has seen, firsthand, the corrosive effect of welfare dependency in his own family; and he has experienced, in his own

life, the rewards of self-reliance and personal pride.

This man, who rose from the poverty of Pinpoint, Ga., to his present situation, is no Uncle Tom. He is a powerful role model for young blacks who should be hailed by civil rights leaders as a hero, not denigrated for the sake of petty politics.

Other critics, with a different agenda, suggest that, because Judge Thomas is a Catholic, taught by nuns, he will certainly come down on the side of anti-abortionists in critical cases still to come before the court.

As a matter of fact, there is nothing in Judge Thomas's record to indicate where he stands on abortion. And it is worth noting that Sen. Edward M. Kennedy (D-Mass.), himself a Catholic, is a leader of the pro-choice forces in Congress.

Another pro-choice leader, Sen. Howard M. Metzenbaum (D-Ohio), has vowed that he will

insist that Judge Thomas declare his intentions on abortion during confirmation hearings, saying he would vote against anyone who "remains silent" on the issue.

He may as well cast his "nay" vote now. The selection of a Supreme Court justice cannot — must not — be based on his position on a single litmus-test issue.

If confirmed, Judge Thomas will likely serve well into the 21st century. The important consideration, for Congress and for the country, is the quality of the man, not his feelings on a single issue.

And in Judge Clarence Thomas, Mr. Bush has obviously selected a man of courage and independence, a thoughtful judge, confident, qualified and prepared by a life of struggle to be a passionate defender of justice.

He ought to be confirmed by acclamation.

# Justice Thomas a wise appointment

**T**he sudden retirement of Thurgood Marshall from the U.S. Supreme Court has given President Bush the opportunity to make his second appointment to the highest court in our land. The president wasted no time in nominating Judge Clarence Thomas, who currently serves on the District of Columbia Court of Appeals, for this high honor.

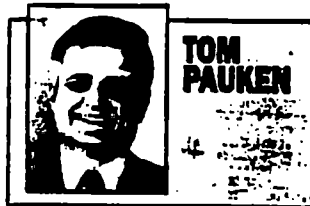
Assuming that he is confirmed by the United States Senate, Judge Thomas' appointment to the Supreme Court may well turn out to be one of the two or three most lasting achievements of the Bush presidency. From this vantage point, the president has chosen wisely.

Clarence Thomas combines a first-rate intellect with a common-sense appreciation of the strengths and weaknesses of our political system, rare qualities for a public figure these days. He will be more than just a vote on the Supreme Court. Thomas will be an active participant in the lively debate that takes place among the justices behind closed doors as they wrestle intellectually with fundamental questions concerning the meaning and intent of the Constitution.

Judge Thomas is a disciple of the late Justice Felix Frankfurter, who believed that "political questions" generally should be decided by the legislative branch of government.

At the same time, Clarence Thomas recognizes that the Constitution is based on a set of moral principles rooted in what Thomas refers to as the "natural law" or "higher law." Thomas Aquinas, one of the great theologians and philosophers of Western civilization, obviously has had an influence on the thinking of Judge Thomas.

In light of his writings and judicial opinions, it is likely that Justice Thomas would hold that controversial political issues such as abortion should be decided by the legislative branch of government. That viewpoint as well as Judge Thomas' oft-stated opposition to racial quotas ("I don't believe in quotas. America was founded on a philosophy of individual rights,



not group rights.") will ensure that his nomination will be strongly opposed by liberal activists who have viewed the Supreme Court as their political fiefdom ever since the Warren Court established a liberal majority.

Clarence Thomas' appointment to the Supreme Court is the right one for a number of reasons. Thomas will likely join those justices who seek to bring to an end the "legislating from the bench."

As a person who comes to this high honor from a humble background, Thomas understands the awesome power that judges have over people's lives ("That's not a responsibility I take lightly.") Finally, the appointment of a black conservative such as Clarence Thomas to the court helps the American public understand that there is just as much diversity of political opinion within the black community as there is within the white community.

If Judge Thomas makes it onto the court, he immediately becomes one of the most influential voices on fundamental issues facing our society. The mainstream press will have a hard time ignoring the views of Supreme Court Justice Clarence Thomas.

His appointment and (hoped for) confirmation to the Supreme Court could be a hopeful sign that we can begin pulling this society together again. We need more leaders like Clarence Thomas in positions of responsibility during these difficult times who share his appreciation of our Constitution system: "I believe in the American proposition, the American dream because I've seen it in my own life."

*Tom Pauken of Dallas is a businessman.*

# Los Angeles Times

SUNDAY, JULY 7, 1991

## 'He Is Nothing If Not an Independent Thinker'

### PERSONAL PERSPECTIVE

By R. Gail Silberman

WASHINGTON

**W**hen Clarence Thomas stepped onto the national stage last Monday in Kennebunkport, Me., cheers erupted at the Equal Employment Opportunity Commission, the agency he headed for eight years. That longtime employees of the often beleaguered commission cheered Thomas' nomination to the Supreme Court is a story in itself.

Immediately after President George Bush introduced Thomas, members of the press started calling the commission "Who is this Clarence Thomas?"

For those of us who were his colleagues, the answer is quite simple. He is dignified, reflective, direct, careful, courageous—a friendly, funny man with a hearty laugh. The Clarence Thomas you see is the Clarence Thomas you get.

Everyone at the EEOC remembers that his arrival in May, 1982, aroused a good measure of skepticism from a staff weary of uncertainty and leery of this Reagan-appointed black man. They, too, asked, "Who is this Clarence Thomas?"

This past week, I've been reminiscing with some of the men and women of the EEOC about then-Chairman Thomas. One theme stands out: Thomas profoundly influenced the commission and the men and women who work for it. At his renomination hearings in 1987, the line to get into the committee room wound around the corridors of the Dirksen Building, so many commission employees had taken annual leave to go down and support their leader.

And lead he did. Clarence challenged his staff to do better, convinced them that he and the agency needed their best. He told them that tough times were ahead (he was right), that they were going to have to break some crockery but, together, they would pick up the pieces and create a revitalized agency of which they could all be proud. And he did just that—when he left the commission, the new building for which he had fought so hard was named the Thomas Building.

There were cheers that day as well.

Clarence loves to tell the story of the day he arrived at the EEOC. His predecessor had left him the title of "chair," but when he finally gained admittance to his office—he had trouble convincing the guard that he, Clarence Thomas, was the new chairman of the EEOC—no chair sat behind his desk. Neither chair, system, nor semblance of organization was to be found. Clarence got himself a chair and a Classic Cola, put his grandfather's and his son's pictures on his desk (it at least remained) and went to work.

Much has been written about Myers Anderson, Clarence's grandfather, the most profound influence on his life. When I first came to the commission in late 1984, Anderson had only died recently. When Clarence talked about him, his eyes welled up. Anderson's injunctions to his grandson to "make something of yourself," that "Mr. Can't is dead, I helped bury him" became the rallying cries for an agency in which "Mr. Can't" had been

very much alive.

The men and women of the EEOC love Clarence because, in a real sense, he is one of them.

In the early days of his chairmanship, he would go down to the finance section so often that he

had his own chair there. The supervisors were not sure that the chairman's frequent, unannounced visits were necessarily a good thing. But as staffer Mary Stringer remembered this week, "We closed the books on Sept. 30th and if we were here 'til two in the morning, Clarence was here."

"Pop" Tate, once janitor, now roving EEOC jack-of-all-trades, is keeping a scrapbook of everything that's being written about his friend, Judge Thomas. "Pop" never quite understood how anyone who lived in Washington could root for the Dallas Cowboys, but Clarence is nothing if not an independent thinker.

Clarence does not uncritically accept orthodoxy of any stripe. He questions clichés like "color-blind society," knowing full well that color and race are facts of life, factors in life. You can make them a plus, make them a minus, but you can't erase them.

Clarence publicly questioned the Reagan Administration's seeming reluctance to broaden the Republican Party. He insisted that his party had room for people of all colors, faiths, conditions and classes. That's why he was an inspiring head of the EEOC. His liberating message to all who know him is: You count because of who you are and what you do, not because of what goods you possess or to what race (or religion) you belong.

And that's the significance of his appointment. Clarence Thomas' confirmation hearings present a historic opportunity to reassure the people of this country that the American dream lives. The men and women of the United States Equal Employment Opportunity Commission are getting ready to cheer again. □



MONDAY, JULY 8, 1991

## Quotas or no, Thomas is best choice

One of the remarkable things about President Bush's nomination of Judge Clarence Thomas to become a Justice of the U.S. Supreme Court was the applause that followed Judge Thomas' brief and moving speech. The President himself commented that he had never heard applause at a press conference before.



THOMAS  
SOWELL

That applause was more than a reaction to the speech itself. It was a reaction to Clarence Thomas, who has been around Washington in various roles for more than a decade now. Not all the people who respect him agree with him, but they have come to know him as a man of honor, intelligence, decency and courage. Those privileged to know him personally also know that he is a man of humor, who could never be one of those judges who confuse themselves with God.

Will Judge Thomas make a good Supreme Court Justice? No one knows the future — especially the future of the Senate confirmation process — but Clarence Thomas has done a good job every place he has been, and there is no reason to think that he will do less than his best on the Supreme Court of the United States. He will be a worthy addition to the high court if the Senate Judiciary Committee lets him get there.

Already there are political threats, ironically from Benjamin Hooks of the National Association for the Advancement of Colored People (NAACP). No one epitomizes the advancement of black Americans more so than Clarence Thomas. Born in poverty during the era of Jim Crow in the South, Thomas confronted all the barriers and overcame them all.

Everyone must now recognize that the NAACP played an historic role in challenging the system of racial segregation and state-mandated discrimination in the South. The tragic irony is that today they seem determined to discredit and destroy all blacks who do not kow-tow to their more recent party line in favor of racial preference and quotas.

Clarence Thomas opposed them on this when he was chairman of the Equal Employment Opportunity Commission during the Reagan administration, so they may try to get back at him by publicly opposing his confirmation and by mobilizing their political allies in Congress and the media against Judge Thomas. If so, it will be a sad example of what Winston Churchill once called the past trying to sit in judgement on the present — with the future being lost as a result.

More is involved than a political vendetta. The waning political influence of the various civil rights organizations has been increasingly apparent in recent years.

The defeat of the Civil Rights Act of 1990 and the slow going of this year's civil rights legislation are symptoms of a changing climate in the country, in which preferences and quotas can no longer be disguised under the label "civil rights."

Not only are white voters less susceptible to the rhetoric and tactics that once carried the day, but among blacks, Hispanics and other minorities, many new voices have arisen to challenge the assumption that yesterday's prescriptions will cure the very different ills of today. If minority individuals can defy the minority establishment viewpoint, as Clarence Thomas has done, and still advance, this will be a crucial sign that blacks, for example, do not have to "come by" Ben Hooks and get his seal of approval.

Considering that clout and turf are at stake, we can expect a desperate, and perhaps even dirty, fight to block Judge Thomas' confirmation to the Supreme Court. But that media applause after his little speech at Kennebunkport suggests that it may not be so easy to get even the liberals in the press and on the air to cooperate in a smear or in an attempt to depict Judge Thomas as some kind of ogre.

The appointment of a black nominee to take the place of retiring Justice Thurgood Marshall opens the Bush administration to the charge of engaging in the kind of racial quota which they claim to oppose. But that is a political problem of the Bush administration, not something that is relevant to the Senate's determining Judge Thomas' qualifications, much less something for Judge Thomas himself to be concerned about.

Back in the early 19th century, there was a "Jewish seat" on the London stock exchange which was filled by the great economist, David Ricardo. There is no evidence, either in Ricardo's public statements or in his private correspondence, that he let that fact worry him or interfere with his doing his job well. In the end, he became highly respected by Jews and gentiles alike.

That is also what we can expect from Judge Clarence Thomas if Senate confirms his nomination to the Supreme Court.

As for a permanent "black seat" on the U.S. Supreme Court, two appointments do not make a lasting tradition. There was once thought to be a "Jewish seat" on the Supreme Court but no Jewish justice has been on the Court for more 20 years now. With Clarence Thomas being so young — only in his early forties — it should be many years before his replacement will have to be nominated. By then, we can certainly hope that any idea of racial quotas will be long forgotten.

■ Economist Thomas Sowell's column appears every Monday in The News.

MONDAY, JULY 8, 1991

EDWIN  
YODER

## Affirmative Action Can Show Scorn For Blacks

WASHINGTON

**A**t first glance, the new Supreme Court nominee would seem to embody the American myth of the self-made man, conquering unimaginable handicaps and, in Horatio Alger fashion, bidding others to go and do likewise. The difference is that Clarence Thomas is black and a child of the rigidly segregated Georgia of the 1940s. His is one variety, and a fascinating one, of the experience of growing up black in America.

My guess is that Thomas will be confirmed; my feeling is that he should be. But successful or not, the nomination of so passionate and articulate a critic of the conventional liberal approach to racial advancement is an event of note. It is also as much a sign of the times as the recent publication of Nicholas Lemann's mastery report on black poverty and migration, "The Promised Land."

Lemann's odyssey of black experience explodes stereotypes. His account of the migration of displaced farm workers in the last half century between Clarkdale, Miss., and inner-city Chicago shows the perverse, sometimes devastating, impact of a number of high-minded causes. Extending the federal minimum wage to agriculture, for example, made herbicides cheaper than human labor on the cotton plantations and rendered thousands of people unemployable. Lemann also shows, however, how the Lyndon Johnson anti-poverty program worked in unexpected ways to bring mobility and change. The real lesson is that nobody has a final answer to any of these difficult challenges.

Thomas is blessed with the attractive trait of loyalty. He remembered, in moving words, to thank his stern, proud grandfather and the Catholic nuns who taught him, perhaps at some risk, in the segregated Georgia of the 1950s and 1960s. Self-reliance and independence are, he contends, a more reliable ladder than government help.

What has this to do with Thomas's qualifications for a Supreme Court seat? Nothing directly; perhaps, and this stern, unbending individualism isn't for everyone, perhaps. But those who are suggesting that there is a kind of stereotypical black view of black interests to be met by a Supreme Court justice are, as usual, out of date and missing the point. The white world has been slow to grasp the scorn felt by able blacks like Thomas for hackneyed affirmative action formulas that assume special black disabilities, but which are as much based on demeaning stereotypes of black character and capacity as Jim Crow at its worst.

This scorn, occasionally running to bitterness and exasperation, has drawn many black intellectuals toward the new conservatism. Men like Thomas affirm that the black achievement of excellence, too solid to be doubted, can be clouded or devalued by affirmative action programs which Alan Keyes calls "affirmative apartheid." You needn't agree with that view to see its obvious importance; and Bourbon liberals, who forget no history and learn nothing from it, should take note.

Clarence Thomas is entitled to be judged, of course, not on his race or views or experience but on the basis of his character, his temperament and his ability. Unless some ideological litmus test is to be imposed, however, it is hard to imagine his being denied confirmation.

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**WILLIAM F. BUCKLEY JR.**

## Thomas: Beyond the black monolith

**T**he 24 hours after the nomination of Clarence Thomas were great fun, with everybody in sight speaking in the Aesopian mode, their mouths saying one thing, their eyes something a little different. And our dear president was no exception.

George Bush said that the race of Clarence Thomas was "not the factor" in his selection, which is a little like saying that Cleopatra's body was not a factor in her selection by Antony. The president went further: "He is the best man."

We have got to assume that there is one other lawyer in America, maybe even two, who are "better" than Judge Thomas, according to generally acknowledged criteria — experience, learning, intelligence. Moreover, said Bush, Thomas is a "fiercely independent thinker."

That phrase, for reasons that don't come readily to mind, is supposed to be a high compliment. I don't know why. Hitler was a fiercely independent thinker; so was John Brown. I prefer the maxim that goes: If it's true, it's not new. If it's new, it's not true.

And then, among the instant critics of the choice of Thomas, Eleanor Holmes Norton was everywhere. National Public Radio, PBS — I am certain she was talking about the shortcomings of Judge Thomas to the sleepy bartender at 5 in the morning.

Her line is very interesting. You see, what we should want, in a black Supreme Court justice, is someone who has had the experience of an American black.

But isn't this exactly what Clarence Thomas has had? A very poor boy, deserted by his father? The only routine experience of an American black he hasn't had is a crush on Jesse Jackson.

Well, yes, but the point is that he hasn't had the kind of experience that led him to thinking like Thurgood Marshall or like Eleanor Holmes Norton. If you see what I mean, and Jim Lehrer did see what she meant when he said to her, "Would you rather have a white liberal on the court than a black conservative?" to which she answered, "Of course!" — releasing us from the logjam of her strictures about the ideal background for an American black going to the court.

Alan Keyes, the brilliant black intellectual who served as an assistant secretary of state for Ronald Reagan, punctured the quota argument. This was a little twist the liberals had been playing with, beginning at the presidential press conference at

which Thomas was launched.

It goes like this: A is opposed to quotas. A nominates a black to succeed a black on the court. Therefore, A is actually in the quota business. The distinction, said Keyes, is between representation and quotas. There is nothing un-American (or unconstitutional) in seeking variety, when the time comes to staff a government agency. It is perfectly rational to say, for example, that women are under-represented in Congress. It is something quite different to say that Congress ought to be 51 percent female. The explanation need go no further than exactly that.

Bush has accomplished something quite other than bringing to the Supreme Court someone who appears to be a promising jurist. He has done more in one day to remind the nation and above all to remind black Americans that it is incorrect to think of the black population as a monolith. Blacks tend to vote the way they do because the Democratic Party has perfected instruments of seduction that tend to attract, dealing as they do in victimology.

Black leaders like Benjamin Hooks and Jesse Jackson are constantly engaged in stressing the black race's helplessness in the hands of the oppressive white race. But it is quite wrong to suppose that the situation is frozen, that blacks are immovable on the subject. Gov. Thomas Kean had the support in New Jersey of the majority of the state's blacks. New York Rep. Charles Rangel told me one night with impish glee how lucky the Democrats were that George Bush hadn't named another vice-presidential candidate: "If he had named Colin Powell, the Democrats could have kissed the black vote goodbye."

Bush has picked a black man of true distinction, forever to divide the political monolith.

The point was best made in an op-ed piece appearing in the Los Angeles Times in 1983: "There seems to be an obsession with painting blacks as an unthinking group of automatons, with a common set of views, opinions and ideas. Anyone who dares suggest that this may not be the case or has a viewpoint that disagrees with the 'black viewpoint' is immediately cast as attacking the black leadership or as some kind of anti-black renegade. We certainly cannot claim to have progressed much in this country as long as it is insisted that our intellects are controlled entirely by our pigmentation." Those words were written by Clarence Thomas.

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

**"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**

**". . . 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**

**"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**

**"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**

**"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**

**"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**

**"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**

**"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**

**"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**

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

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 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.

# 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, "I chose to, a welcome and much needed sensitivity on issues of race and poverty."

# 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.

Tuesday, July 2, 1991

## 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.

WEDNESDAY, JULY 3, 1991

## Unqualifiedly qualified

**I**n 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.

# 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?

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.



JUDGE THOMAS

## 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 orthodoxy. 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 Biddens and the Peoples 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.

FINAL EDITION

# The Miami Herald

WEDNESDAY JULY 26, 1991

## 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.

## Judging the Thomas nomination

**P**oliticians 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.

## 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.

WEDNESDAY, JULY 10, 1991

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## 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.

OFFICE OF THE VICE PRESIDENT

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Delivered Friday, July 12, 1991 -- New York, New York

EXCERPTS FROM PREPARED REMARKS BY THE VICE PRESIDENT

ASSOCIATION FOR A BETTER NEW YORK BREAKFAST

WALDORF-ASTORIA HOTEL

The nation's largest teacher's union, the NEA, met down in Miami last week, and I'll share with you some of their concerns. They came out in support of RU-486, the so-called "abortion pill"; they denounced the American military because it doesn't allow homosexuals; they came out for gun control; and they expressed "grave concern" about the nomination of Judge Clarence Thomas.

I wish the teacher's union and the educational bureaucracy would spend more of their time working with us to provide every American child with a quality education. But really, think of it: teachers taking on Clarence Thomas, a man who is a living example of the value of education, and the American dream. They ought to be proud of this outstanding American.

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. And in recent days

we've gotten a preview of the battle:

- o Columnist Carl Rowan said that "If you gave Thomas a little flour on his face, you'd think you had David Duke talking."
- o Congressman John Conyers said that a "black conservative is a contradiction in terms." Maybe he should have a talk with Judge Thomas's mother. As she puts it, "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."
- o A pro-abortion leader said that confirming Judge Thomas would "set this country back 150, 200 years."
- o Derrick Bell, a professor at Harvard Law School, said that Judge Thomas "looks black" and "thinks white."
- o A leader of the National Organization for Women vowed, "We're going to 'Bork' him. We need to kill him politically."

When you hear these kinds of extreme statements, you can't help but think of the words of the late Senator Robert F. Kennedy: "What is dangerous about extremists is ... that they are intolerant. The evil is not what they say about their cause, but what they say about their opponents."

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 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.

# # #

## 5:00 P.M. NEWS UPDATE

**THOMAS** (AP) -- Sen. Mitchell said that President Bush's nomination of Judge Thomas showed the President was "against quotas for every position except the Supreme Court." Bush has denied that race was the reason he chose Thomas. But Mitchell said that contention was, "to put it charitably, overstating the case." "Mr. Thomas may well be qualified and I may well vote for him but I think it is manifest on its face that was a criteria, a factor, in the nomination," Mitchell said. He said Bush opposed the use of quotas by "everybody but himself." Meanwhile, the White House formally submitted Thomas' nomination to the Senate; Thomas began calling on key senators who will be voting on his confirmation.

(Reuter) -- A member of the U.S. Civil Rights Commission urged the Senate to reject the nomination of Clarence Thomas to the Supreme Court, calling it an insult to those who fought in the civil rights movement. Mary Frances Berry, who was appointed to the commission in 1980 after serving as an assistant secretary of education in the Carter administration, said Thomas had been a "time server" when he was head of the department's civil rights office during the Reagan administration.

**ENERGY PLAN/GAO** (UPI) -- The administration has refused to disclose working papers used in developing its National Energy Strategy, raising questions about the soundness of the plan, congressional investigators said. The investigators said the credibility of President Bush's energy plan also has been thrown into doubt by clear evidence that the administration has overstated the environmental benefits of its energy policy recommendations. Specifically, they said the administration is claiming its energy plan will achieve environmental improvements that actually are expected to flow from the new Clean Air Act passed last year. "We believe that the administration and the Energy Department created appearances...that may hurt the credibility of the package that was developed," Judy England-Joseph, the GAO's associate director of energy issues, told a House small business subcommittee.

**LEBANON/ISRAEL** (Beirut/Reuter) -- Lebanese Prime Minister Karame said Beirut was counting on the international community to force Israel to withdraw from its self-proclaimed security zone in south Lebanon. Asked about statements by Israeli officials that the Lebanese army's crushing of Palestinian guerrillas in the south was not enough for an Israeli withdrawal, Karame told reporters: "Do you expect Israel to pull out from the south so easily? Israel tries to hold onto any land it enters."

(AP) -- The State Department called on Israel to abandon the security zone inside Lebanon that has kept Palestinian guerrillas from reaching their targets in Israel. The department said Israel and Lebanon would be better off if the Lebanese army took over the enclave. State Department spokeswoman Tutwiler said: "We believe the security and safety of all the people of south Lebanon and northern Israel can best be assured by a strong, effective central government in Beirut."

**S. AFRICA/NUKES** (Pretoria/Reuter) -- South Africa signed the Nuclear Non-Proliferation Treaty. ###

# THE DAILY OKLAHOMAN

## THE SUNDAY OKLAHOMAN

P.O. BOX 25125, OKLAHOMA CITY, OK 73125 (405) 232-3311

### ■ Your Views

## Selection Of Thomas Wise Move

### TO THE EDITOR:

I like your editorial, "Clarence Thomas: At the Crossroads," (July 3). President Bush indeed hit a home run, when he picked Thomas to fill the Supreme Court vacancy created by the resignation of Justice Thurgood Marshall.

I agree that Ted Kennedy would have a hard time denouncing the nominee as insensitive to the rights of women, when recent events concerning his nephew are still fresh on the public's mind.

How can Sen. Howard Metzenbaum lecture Thomas about commitment to the rights of minority Americans, when Thomas is a minority's minority, he's black, Catholic and Republican, how minority can you get?

And Sen. Patrick Leahy will be restrained about questioning Thomas' ability to understand the aspirations of non-white citizens, when Thomas grew up in a single parent home, poor, with odds of being successful in "White America" comparable to those of winning the California lottery.

And Joe Biden will think twice before questioning Thomas on his academic credentials when he graduated from Holy Cross College in Massachusetts, with honors.

The story about Thomas, in the July 2 issue of *The Oklahoman* entitled, "Supreme Court Nominee's Story Classic of Success" was truly inspirational to me. I think Americans who think the odds of success are against them because they are poor, black, brown, red or white, should read and re-read "Supreme Court Nominee's Story Classic of Success." It might change their lives.

Bush has made a wise choice in nominating Thomas.

Tom Waken, City

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Wednesday, July 10, 1991

Patrick B. McGulgan

The Daily Oklahoman  
July 11, 1991

## Judge Thomas: Skin Color &amp; the Law

CLARENCE Thomas believes Americans will never quite get over the reality of skin color, but that race does not preclude minority achievement in America. Further, he insists that the law itself must be color-blind.

After a career of distinction, he stands just outside the door of the U.S. Supreme Court. Standing in the door, between him and the bench, is the U.S. Senate, which in 1987 rejected the best legal mind of this generation, Robert Bork.

Last year, senators confirmed an amiable New Englander, a white Anglo-Saxon Protestant, to be sure — and a conservative, besides. But David Souter possessed the least distinguished pre-Supreme Court pedigree of any current justice other than Sandra Day O'Connor, who was confirmed unanimously in 1981.

So guess what Sen. George Mitchell, D-Maine, and allies say about Judge Thomas? Why, obviously, he is an example of a quota Mitchell, the Democrat Senate majority leader who is himself a former judge of some distinction, ought to take a careful look at that assertion the next time he is flying from Maine to Washington, D.C. at taxpayers' expense.

If this guy (Holy Cross undergraduate degree, Yale Law School, staff lawyer for a major American company, staffer in the legislative branch, head of an independent executive branch agency, a federal judge for 16 months more than Souter) is a quota, then apparently no person of color whose philosophy is to the right of George Mitchell, regardless of how distinguished a career they have fashioned, can ever measure up.

Judge Thomas responded briefly, in the July 1 press conference with President Bush, to assertions he was nominated because he is black: "I think a lot worse things have been said. I disagree with that, but I'll have to live with it."

His views are powerfully expressed and capable of nuances you'll never find in the writings of, say, Thurgood Marshall. The problem liberal partisans have with Judge Thomas is his advocacy of old-fashioned American values,

rather than the contemporary version of the liberal agenda. In a 1987 speech at the Heritage Foundation in Washington, D.C., he expressed a philosophy millions of Americans share:

"I thought my grandparents were too rigid ... (b)ut one of their oft-stated goals was to raise us so that we stand on our 'own two feet.' This was not their societal policy, it was their family policy — for their family, not those nameless families that politicians love to whine about.

"The most compassionate thing they did for us was to teach us to fend for ourselves and to do that in an openly hostile environment. In fact, the hostility made learning the lesson that much more urgent. It made the difference between freedom and incarceration; life and death; alcoholism and sobriety. The evidence of those who failed abounded, and casualties lay everywhere. But there were also many examples of success — all of whom, according to my grandfather, followed the straight and narrow path.

"I was raised to survive under

the totalitarianism of segregation, not only without the active assistance of government but with its active opposition. We were raised to survive in spite of the dark oppressive cloud of governmentally sanctioned bigotry. Self-sufficiency and spiritual and emotional security were our tools to carve out and secure freedom. Those who attempt to capture the daily counseling, oversight, common sense, and vision of my grandparents in a governmental program are engaging in sheer folly."

Neither David Souter nor Sandra Day O'Connor have ever written with such power and authority. And, neither Souter nor O'Connor had a preparation for the High Court comparable to Judge Clarence Thomas. Yet, they were confirmed easily, and Judge Thomas faces building opposition.

Why? Because he's black. Perhaps Judge Thomas was right — skin color will always matter. But right now, it matters more to the liberals in the Senate than to the conservatives.

Patrick B. McGulgan is chief editorial writer for *The Oklahoman*.

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PATRICK B. MCGUIGAN

# Clarence Thomas: An American Tale

**C**LARENCE Thomas — President Bush's nominee to the U.S. Supreme Court — remembers how clear his grandfather, Myers Anderson, was in explaining expectations that Clarence and his younger brother (also named Myers) had to obey the Franciscan sisters who taught them at St. Benedict's Grammar School in Georgia in the 1950s.

The lessons of those Roman Catholic nuns were reinforced at home. Judge Thomas once told me, "One day I came in complaining about something one of the nuns had said. He said to me, 'When it comes to your grandmother, and those nuns, you're always wrong. You're always wrong.' That was the end of that topic."

Indeed, "Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these." Clarence's grandmother, Christine, was a Baptist who supported her husband's regimen, but occasionally intervened to soften his strictness.

Clarence's education continued at St. Pius X High School. He transferred in 1964 to St. John Vianney Minor Seminary near Savannah. "At St. John's, he was the only black student in his class. ... One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: 'Blew that exam, only got a 98.'"

After studying for the priesthood for one year, he transferred to Holy Cross College in Massachusetts, graduating with honors.

When he interviewed for jobs with law firms during his third year at Yale Law School, he "confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher."

He interviewed with John C. Danforth, then attorney general of Mis-

souri, now a Republican U.S. senator from that state. Clarence was "impressed by Danforth's sincerity and honesty. ... (H)e promised Clarence that he would treat him the same as everyone in the office."

Clarence took the job Danforth offered in 1974, a lawyer's dream: "The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri."

Thus was Clarence Thomas started on the path that would lead to his nomination to the nation's highest court.

Fifteen months ago, women and men of every political and racial hue packed the U.S. Court House in Washington, D.C. They gathered in the ceremonial courtroom, be-decked with portraits of notable ju-

rists, for the swearing-in of Clarence Thomas as a member of the federal judiciary.

In brief remarks that were a study in classic understatement, Judge Clarence Thomas made sure to thank "my best buddy" — his teen-age son, Jamal — and his wife, Virginia (Ginny). The crowd grew still, as he introduced three of the nuns who had taught him. They were sitting there on the front row with his family (and each later would tell those who asked, "Clarence was always special").

He told the assembly it was a nearly-perfect day for him. There was only one thing: "I just wish my grandfather was alive to see this." Belief brought a later reflection: "I guess he can see it. I guess he can."

Patrick B. McGuigan is chief editorial writer for *The Oklahoman*. Some quotations above are from "The Clarence Thomas Story," an article McGuigan published while he served as editor of the Free Congress Foundation's Family, Law & Democracy Report.

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EDIT

## SATURDAY OKLAHOMAN & TIMES

E. K. GAYLORD (1873-1974)

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Saturday, July 6, 1991

### Workers, Jackson, Marshall, Thomas

**T**HE Rev. Jesse Jackson will do what he thinks is right, in the matter of Judge Clarence Thomas' nomination to the U.S. Supreme Court. But if Jackson opposes Thomas, Jackson will be wrong, even if he thinks he is right.

Jackson issued a statement the other day saying that retired Justice Thurgood Marshall's position on the U.S. Supreme Court should go to someone who has the same views as Marshall on affirmative action, civil liberties, women's rights and worker's rights.

Jackson says "Unless Judge Clarence Thomas' views have changed, he does not represent that tradition. The Senate ... must look for the standard and the heritage of Justice Thurgood Marshall to be protected." Jackson ob-

mate, Justice Marshall, on the subject of political use of compulsory union dues.

Committed to the rights of individual workers — not merely the rights of union leaders — Brennan wrote the majority opinion in the landmark Beck decision, which upheld the right of dissenting union members to obtain refunds of compulsory dues used for political ends not related to representation of members in negotiation with management.

No one knows Clarence Thomas' views on Beck, but that's not the point. The point is that Supreme Court justices draw fine lines, and make distinctions, every time they rule. Sometimes even philosophical allies disagree with one another. Generally those disagreements are friendly. Occa-

protected." Jackson objects to labels, but he is reacting to Clarence Thomas in the manner of any garden variety leftist Democrat.

Does Jesse want to turn back the clock, putting the U.S. Supreme Court of about 1968-82 (when Marshall wrote a lot of majority decisions) under glass, preserved inviolate for all time?

Jackson's desire merely to clone Marshall is dead wrong: In decisions over the years they served together on the high court (before his own retirement in 1990), former Justice William Brennan parted company with his friend and philosophical soul-

mates are friendly. Occasionally, the verbiage in conflicting judicial opinions can get rather heated.

The development of law is precisely about conflicting analyses. The law gains life from the blending of those views in majority opinions — and from dissenting opinions which sometimes become the basis for later majority opinions.

A friendly question for Jesse Jackson: If Bill Brennan and Thurgood Marshall could disagree on some things, isn't it permissible for Thurgood Marshall and Clarence Thomas to disagree on some things?

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Section A

July 7, 1991

## No Religious Test

**T**HINGS are getting nasty in the confirmation battle of Clarence Thomas to the Supreme Court. Virginia Gov. Douglas Wilder, who is black, admits Thomas, who is also black, is "qualified" and likely to get confirmed.

Wilder says the nominee should say how he will vote on abortion — but that would violate judicial ethics. Wilder's comments get worse: "He's indicated he's a very devout Catholic, and that issue is before us. The question is: How much allegiance does (Thomas) have to the pope?"

Wilder's comments are old-fashioned bigotry. There are diverse views among Catholics, just as in other faith communities. The church leadership is strongly pro-life. It also has argued against capital punishment and in favor of protection for the private sector jobs of even those employees who go

on strike.

In America, Catholic and other church leaders speak out on a variety of important social policy questions. This is appropriate and protected activity under the First Amendment of the Constitution.

Folks in the pews, in Catholic as in all denominations, often agree with religious leaders, and sometimes disagree. Catholics do not give up their right to agree or disagree with religious leaders when they enter public life.

Further, the U.S. Constitution in Article VI explicitly forbids the kind of questioning Wilder wants Senators to pursue: "(N)o religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

Wilder should be ashamed of himself.

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Wednesday, July 3, 1991

## Clarence Thomas: At The Crossroads

**P**RESIDENT George Bush hit a home run, going to the strength of the judicial line-up when he picked Judge Clarence Thomas to fill the Supreme Court vacancy created by the resignation of Justice Thurgood Marshall.

Perhaps the nation can be spared from Sen. Ted Kennedy, D-Mass., denouncing this nominee as insensitive to the rights of women. Perchance Sen. Howard Metzenbaum, D-Ohio, will not lecture Thomas about commitment to the rights of minority Americans. It is conceivable that Sen. Pat Leahy, D-Vt., will restrain questions about this man's ability to understand the aspirations of non-white citizens. Maybe Joe Biden, D-Del., will stop himself before questioning the Yale Law School graduate's academic credentials.

Maybe. But don't bet on it.

Clarence Thomas' problem is not that he is a judicial conservative with libertarian leanings. His problem with liberal Democrats in the U.S. Senate is that he is not a liberal, and that he thinks judges should judge, and legisla-

tics — male or female, black, brown, yellow, red or white — but insisted on handling each case individually, worthy of just resolution. Judge Thomas opposes racial quotas in any aspect of public policy, which raises the ire of some in the permanent Civil Rights Establishment.

When nominated to the bench in 1989, Thomas managed to attract the support of some liberals, and some elements of the civil rights community. Those individuals respected his intellect and commitment to government correctives when clear violations of equal employment opportunity had occurred.

Conservatives admire Thomas' climb to the pinnacle of the legal profession, and his commitment to the philosophy of judicial restraint held by Ronald Reagan's and George Bush's prior court nominees.

Americans with no particular judicial ax to grind may simply find inspiring the life story of a man born in poverty in Pinpoint, Ga., approaching now his own version of Robert Bork's "Bloody Crossroads" — where pol-

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should judge, and legislators should legislate.

Judge Thomas aggressively enforced individual rights during his tenure as chairman of the Equal Employment Opportunity Commission. He refused to treat citizens as statis-

crossroads — where politics and the law intersect.

God bless Clarence Thomas. God bless the man who nominated him, and the Senate which will confirm him. As he reaches the crossroads, he won't be alone.

Patrick B. McGulgan

Thursday, July 4, 1991 The Daily Oklahoman

# Grandfather Myers and Clarence

THE birthplace of Clarence Thomas — George Bush's nominee to replace Thurgood Marshall on the U.S. Supreme Court — is more urbanized than it was at the time his life began in 1948. "Drums and Shadows," a study of blacks in Georgia, describes the then-rural town of Pinpoint this way:

"Pinpoint, a Negro community about nine miles southeast of Savannah, is scattered over some twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

"Pinpoint has a church, a pavilion on the tidewater creek, and a crab cannery. The men and women who do not work as domestic servants at the nearby country places find employment in the crab cannery or fish and crab and shrimp for themselves. The life is quiet, soothed by the smell of salt marsh.

"The people are, almost without exception, black or dark skinned, proud, upstanding and loyal, suspicious of strangers but generous and trusting friends. ..."

Eventually, Clarence's mother took him, his big sister and younger brother to Savannah, where their environment was worse. In a story about his life published two years ago in the Family, Law & Democracy Report, the tenement where the family lived is described: "The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a love seat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20 every two weeks. She left early in the morning and returned at the end of the day."

In 1955, the impoverished single

mother sent Clarence and his brother, young Myers, to live with their maternal grandparents, Myers and Christine Anderson, who raised him. Grandfather Myers was a working man with three years of formal schooling, although "he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year." He did learn to read and write well enough to get by as an adult.

Growing up, Clarence heard stories that formed his character: "Clarence's grandfather often told stories of how they had to hunt, fish, farm, and do 'piece' work for nearby whites in order to survive. Myers Anderson's very hard life, without mother or father, no education, and in an era of segregation and Jim Crow laws, was a dominant influence on the way he raised his grandsons. They had to learn to work and to survive, no matter what happened in the world."

Legal and cultural separation of the races was the reality of Clarence's young world: One incident came "when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the rest room. The attendant said there was no 'colored' restroom. Clarence's grandfather loudly and forcefully told the attendant that if his wife couldn't use their rest room, he couldn't use their gas. And, they sped off and stopped at a gas station with a 'colored' restroom. This was the reality in which Myers and Christine Anderson were determined to raise two boys who could do for themselves."

Those years formed the character of Clarence Thomas. In the winter of 1957, his grandfather "decided to build a house on the family farm land that had lain fallow for quite some time. When he said he would build something, he meant exactly that. He had previously built the house in which they lived in Savannah and several of the houses which he owned in the neighborhood. Clarence and his brother were required to work closely with him to build the house carrying cinder blocks, mixing cement, etc. In the spring of 1958,

with the house completed, they began to farm. Each year they cleared more and more land to plant and cultivate. They also raised chickens, pigs, and cows. They built garages, barns and a wire fence around a hundred acres or so. Initially, their grandfather plowed with a horse and mule, with Clarence and Myers following him. Later he bought an old Ford tractor.

"Then Clarence and Myers began to do quite a bit of plowing at the age of 13 or 14. They also used the tractor to haul logs and to cut and rake hay. Aside from plowing with a tractor, the rest of the farm work was done manually. They worked from 'sun-up to sundown' with an hour to an hour and a half for lunch. The extended lunch breaks were necessitated by their grandfather's nap after lunch. Myers Anderson believed, to his grandson's chagrin, that the sun should not catch anyone still in bed. Everyone should start work as soon as there was enough daylight to see."

The emphasis was on plain, "old-fashioned" hard work. At times, "it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to 'raise them right' and teach them 'to do for yourselves.' To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world."

Christine Anderson, a Baptist, was the "quiet, saintly woman" married to this fierce, demanding black Catholic. Every morning, "she greeted them with their lunch, hot breakfast; and gospel music from the radio station. She, too, worked constantly." And, Christine supported her husband's decision to send Clarence to St. Benedict's Grammar School, a segregated Catholic school where the Franciscan nuns would round out the character formation Myers had started.

Patrick B. McGulgan is chief editorial writer for The Oklahoman. Unless otherwise noted, all quotations above are from "The Clarence Thomas Story," an article McGulgan published in 1989, while serving as editor of the Free Congress Foundation's Family, Law & Democracy Report.

Tuesday, July 2, 1991

THE DAILY OKLAHOMAN

# Supreme Court Nominee's Story Classic of Success

**EDITOR'S NOTE:** This article is adapted from an essay which appeared in the October 1989 issue of the Free Congress Foundation's Family, Law & Democracy Report. The Oklahoman's chief editorial writer, Patrick B. McGuigan, was editor of the newsletter at the time.

Many will consider the life of Judge Clarence Thomas, President George Bush's nominee for the U.S. Supreme Court, the classic rags-to-riches American success story.

Clarence Thomas was born on June 23, 1948, in a small wood-frame house outside Savannah, Ga. The house was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. Clarence's father left while he was still a toddler. Clarence would see him only once during his childhood, at age 9.

For the first 6½ years of his life he lived in that same house in Pinpoint with his mother, her aunt and uncle, together with his older sister and younger brother, Myers. Although development threatens the existence of Pinpoint today, in the late '40s and early '50s it was indeed rural.

The house in which he and his family lived was simple, but always neat and pleasant.

Thomas started the first grade in September 1954 at segregated Haven Home School. Brown v. Board of Education was decided that same year. About midway through the school year, Thomas'

They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. Thomas completed the first grade at Florence Street School. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice-delivery and fuel oil business. Their grandmother had a sixth-grade education and their grandfather had gone to the third grade. He learned how to read and write a little after he became an adult.

Thomas' grandfather was a proud, disciplined man who believed that everyone who could work should work. He never knew his father, and his mother died when he was 9 years old. He had lived with his grandmother, who according to him was freed from slavery as a young girl.

Clarence and his brother worked with their grandfather on the oil truck or at whatever he was doing when there was no need to deliver oil. During the school months, they were required to be dressed and ready for work by 8 p.m. School ended at 2:30 p.m. There was always work to be done: in the yard, on old houses that their

the weary.

Myers Anderson believed strongly in the maxim "early to bed, early to rise." He usually went to bed between 8 and 9 p.m. and rose between 2 and 4 a.m. If his grandsons occasionally were fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Thomas' grandparents were honest, hard working and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: "Yes, ma'am"; "Yes, sir"; "Miss Gladys"; "Cousin Bee." At no time was a child permitted to debate an adult.

Christine Anderson was a quiet, saintly woman. She would often intercede with her husband on behalf of their two grandsons. Her most constant instruction to her grandsons was, "Say your prayers."

Myers and Christine enrolled Clarence and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous. Franciscan nuns taught them. Education was the number one priority. No excuses.

The nuns stressed the inherent equality of all people, and pushed the students to excel at

From 1962-64, Thomas attended St. Pius X High School for the ninth and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Thomas transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967.

For 1967-68, his freshman year in college, Thomas attended Immaculate Conception Seminary in Missouri. He transferred to Holy Cross College in Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, and served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and summers of 1971 and 1972.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, and had a child and student loans, he reluctantly interviewed with law firms.

Ultimately, John C. Danforth, then attorney general of Missouri, offered Clarence a job in his office. Clarence sat for the Missouri bar in the summer of 1974.

In August of 1974, Clarence and his family moved to Jefferson City, Mo. The job in the attorney general's office was

brother and their young cousin accidentally burned their house down. As a result, Thomas and his brother moved to Savannah to live with their mother.

old houses that their grandparents owned, maintaining the trucks and car, painting, roofing, plumbing, etc.

On Saturdays, if there was no oil to be delivered, the car had to be washed, the lawn cut, the hedges trimmed, the yard cleaned, shoes polished, and so forth. To Clarence and young Myers, there seemed to be no rest for

students to excel. At home, at school, and at church, Clarence was constantly pushed and encouraged to perform and achieve — no matter what the odds were.

Extended Page 3.1  
ney general's office was everything it had been billed to be. Clarence Thomas was started on the path that would lead him to a nomination to the U.S. Supreme Court, the nation's highest judicial panel, and the summit of the legal profession.

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*A World of Difference*

The Boston office of the Anti-Defamation League in conjunction with ADL's national office today cautioned those commenting on the nomination of Judge Clarence Thomas to stick to the issues and avoid irrelevant allusions to his religious beliefs.

In a statement issued in New York, Abraham H. Foxman, ADL's national director rejected suggestions that Thomas's ability to judge fairly and impartially has been tainted by virtue of his Catholic upbringing.

Mr. Foxman noted that abortion and the constitutional right to privacy will be key issues in the upcoming Senate judiciary Committee confirmation hearings.

"We believe it fitting and appropriate to examine in detail Judge Thomas's views on these and other controversial issues," the ADL leader said. "But references to his religion as reflecting upon his qualifications can only be viewed as an invitation to religious prejudice which must be rejected out of hand."

ADL New England Regional Director, Leonard Zakim stated that, "whatever questions or differences individuals and organizations may have openly with Judge Thomas' record and views on any or all subjects and the ADL has them, should not automatically include or provoke a "knee-jerk" suspicion of his credentials, views or worthiness because he is a Catholic. He should neither be supported or opposed because he is Catholic."

Repeated allusions to his faith by some in the media, politics or others as a cause of concern, in and of itself, must be firmly rejected and condemned as rooted in insensitively anti-Catholic bigotry. Virginia Governor Douglas Wilder's questioning of how much allegiance does Thomas have to the Pope smacks of such bigotry and sentiments like this should not only offend Catholics but all Americans.

## TALKING POINTS

### SUPREME COURT NOMINATION OF JUDGE CLARENCE THOMAS

91 JUL 10 PM 7:05

**"Judge Thomas' life is a model for all Americans, and he's earned the right to sit on this nation's highest court."**

**President Bush nominating Judge Thomas  
July 1, 1991**

- o Judge Thomas was chosen because of his fidelity to the Constitution and the rule of law. These qualities, coupled with his education and experience, will make him an exemplary Justice of the Supreme Court.
- o As Judge Thomas 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."
- o Judge Thomas was appointed by President Bush in 1989 to the United States Court of Appeals for the District of Columbia. Prior to that he served under President Reagan as the Chairman of the Equal Employment Opportunity Commission from 1982 to 1986. He also served as Assistant Secretary for Civil Rights at the Department of Education in 1981. He was graduated from Holy Cross College with honors in 1971 and Yale Law School in 1974.
- o According to Alan Keyes, on the basis of Thomas' constitutional philosophy and his character, "it would have been difficult for Mr. Bush to find anyone more qualified than Judge Thomas. Throughout his public career, he has displayed the intellectual honesty, integrity and moral courage that are crucial but all too rare ingredients of great public service."
- o Senator Danforth has called Judge Thomas "conservative, but a compassionate kind of conservative, not rigid or ideological in his views. His every motive is that he empathizes with ordinary people, he's one of them."
- o He believes firmly in the rights of the individual: that government's role is to protect the rights of the individual without advancing the interests of any particular lobbying group.
- o Thomas would bring to the Court a wealth of experience in government.

- o He compiled an outstanding record at EEOC: while seeking tougher penalties against discriminatory businesses, he pushed the Reagan administration to work toward improved voting rights and a strong civil rights agenda.
- o His emphasis at the EEOC was on prosecuting cases rather than burdening employers with new regulations. Actions filed against discriminators rose from less than 250,000 a year in 1982 to over 560,000 a year under Judge Thomas. In a two-year period before he took over the commission (1980-1982), the EEOC collected \$320 million in fines from employers who were involved in racial discrimination. From 1984 to 1986, the EEOC under Judge Thomas brought that figure up to \$381 million.
- o R. Gaull Silberman, Vice Chairman of the EEOC when Thomas was Chairman, said, "This man made the EEOC. He built it into a first-class law enforcement agency. We took three times as many cases, got more relief for more people than any other time in history."
- o When Thomas was nominated to the court of appeals, Robert G. Dowd, the Presiding Judge of the Missouri Court of Appeals, wrote that "Mr. Thomas has an outstanding civil rights record and has demonstrated leadership and excellence as Chairman of the Equal Employment Opportunity Commission. He added that he "sincerely believed that Mr. Thomas would bring honor, excellence, and scholarship to the appellate court."
- o The nomination is not dictated by Judge Thomas' race; it is not dictated by his ideology; it is dictated by his outstanding scholarship and his commitment to the Constitution and individual rights.
- o The President recently said that Judge Thomas "offers what I think is a very stirring testament to what people can do when they refuse to take no for an answer, when through sheer determination they overcome the obstacles that others have placed in their way."

**MEMORANDUM**

**CLARENCE THOMAS MEETING**  
**JULY 11, 1991**  
**Roosevelt Room - 10:00 a.m.**

**CONFIRMED INVITES:**

Gary Bauer  
Family Research Council  
President  
5-4-46

Hubert Beatty  
The Associated General Contractors of America  
Executive Vice President  
11-16-34

Ray Evans  
Hallmark Cards, In.  
Vice President of National Affairs  
5-9-48

Max Friedersodorf  
The Association of Retired Americans  
Chairman, Advisory Board  
7-7-29

Charles James  
National Family Institute  
President  
12-25-48

Kay James  
One to One Partnership  
Executive Vice President, CCO  
6-1-49

Marvin Jacob  
Orthodox Union  
Chairman, Law & Legislative Committee  
2-4-35

Tom Jipping  
Free Congress Foundation  
Director, Center for Law and Democracy  
7-30-61

Elizabeth Kepley Law  
Family Research Council  
Director of Government Relations  
8-1-60

Richard Leshner  
U.S. Chamber of Commerce  
President  
10-28-33

W. Allen Moore  
National Solid Waste Management Association  
President  
1-25-45

John Motley  
National Federation of Independent Business  
Vice President of Federal Government Relations  
4-23-44

Levi Rabinowitz  
Ways and Means Company (represents Hassidic Jewish Community)  
8-4-48

Joshua Smith  
MAXIMA Corporation, Chairman and CEO  
Chairman, Commission on Minority Business Development  
4-8-41

Wayne Valis  
Valis Associates; representing Trade Association Legislative  
Council  
President  
6-14-44

Claudia Woods  
Heritage Foundation  
Deputy Director of Special Projects  
2-28-60

David Zwiebel  
Agudath Israel of America  
Director of Government Relations  
12-29-52

# Coalitions for America

Paul M. Weyrich  
National Chairman  
Eric Light  
President  
Library Court  
Social Issues  
Stanton  
Defense & Foreign Policy  
Kingston  
Budget & Economic Policy  
721 Group  
Judicial & Legal Policy  
Siena Group  
Catholic Coalition  
The Omega Alliance  
Young Activist Coalition  
Resistance Support Alliance  
Freedom Fighter Policy  
Jewish/Conservative Alliance

721 Second Street  
Capitol Hill  
Washington, D.C. 20002  
(202) 546-3003

THE CHIEF of STAFF  
has seen

*J. Thomas*  
To: Hon. John Sununu  
From: Paul M. Weyrich  
Date: June 11, 1991

Tom Jipping told me of your thoughtful call the afternoon of the nomination and of your request that he meet directly with you as soon as possible. That was very encouraging because, as you know, I have felt that at least a key leader and organizer in Tom's position should be included rather than kept at arm's length.

He said yesterday, however, that it appears the mechanism has now shifted to the public liaison office and broadened to be a general meeting with representatives from various groups. This concerns me because that kind of "loop" serves different purposes than the kind of inner circle strategizing that we need to be directly involved in. This is, of course, no slight to the public liaison staff, but they cannot be involved in lobbying and really are not prepared or able to participate directly in the kind of effort that we are conducting.

I think your original conversation with Tom was right on - he needs to be meeting directly with you and the people at the core of the actual decisionmaking and strategic planning. I think you know by now how he works and what we can do in this crucial battle.

THE WHITE HOUSE

Office of the Press Secretary  
(Kennebunkport, Maine)

For Immediate Release

July 1, 1991

PRESS CONFERENCE BY THE PRESIDENT

Walker's Point  
Kennebunkport, Maine

2:00 P.M. EDT

THE PRESIDENT: 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.

And now, Judge Thomas, if you'd like to say a few words. And then what we'll do is questions for either of us, and then if you finish those, then I'll be glad to stay and take questions on a wide array of subjects.

JUDGE THOMAS: Thank you, Mr. President. I'm honored and humbled by your nomination of me to be an Associate Justice of the

MORE

Supreme Court of the United States.

As a child, I could not dare dream that I would ever see the Supreme Court, not to mention be nominated to it. Indeed, my most vivid childhood memory of a Supreme Court was the "Impeach Earl Warren" signs which lined Highway 17 near Savannah. I didn't quite understand who this Earl Warren fellow was, but I knew he was in some kind of trouble.

I thank all of those who have helped me along the way and who helped me to this point and this moment in my life, especially my grandparents, who are -- especially my grandparents, my mother, and the nuns -- all of whom were adamant that I grow up to make something of myself. I also thank my wonderful wife and my wonderful son.

In my view, only in America could this have been possible. I look forward to the confirmation process and an opportunity to be of service once again to my country, and to be an example to those who are where I was and to show them that, indeed, there is hope.

Thank you again, Mr. President. (Applause.)

THE PRESIDENT: Now, either of us will take questions. As you can understand, Judge Thomas -- the next important step for him is going up for confirmation. And as with every predecessor for the Supreme Court, I'm sure you'll understand if he won't take questions on specific issues or philosophy or things of that nature. But if you have any for him or for me about this appointment or matters relating to the Court, I'll be glad to respond -- I know he would. And then, as I say, it's been a while, and we want to go ahead and just have a general press conference on any other subjects that come to mind.

Q Mr. President, how will you answer concerns stemming from Judge Thomas' days as Chairman of the EEOC, that in that post he was somewhat insensitive to the concerns of the elderly and civil rights advocates, and that he didn't aggressively pursue their complaints?

THE PRESIDENT: Well, obviously, that complaint, if it was even raised in his confirmation hearings for the second highest court in the land, were satisfactorily answered. It is my view that the complaints are unfounded, of course, but I doubt if anybody strongly felt that, that he would have been confirmed for his present position.

Q Mr. President, last year you vetoed the civil rights bill, saying it could lead to quotas. Today you've made a nomination that could be easily seen as quota-based. How do you explain this apparent inconsistency?

THE PRESIDENT: I don't even see an appearance of inconsistency, because what I did is look for the best man. And Clarence Thomas' name was high on the list when the previous nominee went forth -- Judge Souter -- Mr. Justice Souter now. And so I don't accept that at all. The fact that he is black and a minority has nothing to do with this in the sense that he is the best qualified at this time. And we had a very thorough screening process then; we had one now that we put into forward gear very fast. But we didn't have to start from square one.

So Clarence Thomas, seasoned now by more experience on the bench, fits my description of the best man at the right time, or the best person at the right time because other -- women were considered as well.

Q But do you see how it could be perceived so?

THE PRESIDENT: No, I can't see it.

Q Was race a factor whatsoever, sir, in the selection?

THE PRESIDENT: I don't see it at all. The fact that he's a minority -- you heard his testimony to the kind of life he's had, and I think that speaks eloquently for itself. But I kept my word to the American people and to the Senate by picking the best man for the job on the merits. And the fact he's minority, so much the better. But that is not the factor, and I would strongly resent any charge that might be forthcoming on quotas when it relates to appointing the best man to the Court. That's the kind of thing I stand for, not opposed to.

Q If I could ask the question --

THE PRESIDENT: Yes.

Q Was race a factor whatsoever, though, sir?

THE PRESIDENT: Well, I tried to answer it just then as best I could. Nice try for the second go-around.

Q If I could follow up. There are many people who felt that, in fact, that was a plus. Not that it was a factor or a quota, but that, in fact, since the Court represents all the people, there ought to be a minority member. Did you at all feel that way, that this was the best --

THE PRESIDENT: Oh, yes, but I don't feel he's a quota; I don't feel that I had to appoint -- nominate a black American at this time for the Court. I expressed my respect for the ground that Mr. Justice Marshall plowed, but I don't feel there should be a black seat on the Court or an ethnic seat on the Court, if that's what your question is. I would reiterate, I think he's the best man. And if credit accrues to him for coming up through a tough life as a minority in this country, so much the better. So much the better.

I love what he said at the end -- it proves he can do it, get the job done. And so that does nothing but enhance the Court, in my view. But I just really want you to know, we looked at this list with an idea of really finding the best, and I think that's what we did.

Yes, Charles.

Q I wonder if I could ask a question of Judge Thomas, Mr. President.

You made reference, sir, to Chief Justice Warren -- the Warren Court known as a liberal court, but one that advanced a lot of things in the way of civil rights and on behalf of minorities. How do you feel about that Court vis a vis the very conservative Court that you seem to be joining?

JUDGE THOMAS: Well, I think that many of the questions that I will be asked during my confirmation process will perhaps bring that comparison out, and I think, out of respect for that process, I'll have to refrain from making that sort of comparison at this time.

Q Not even a personal reflection, sir, on what the Warren Court did for minorities?

JUDGE THOMAS: Not even a personal reflection.

Q Judge, a question for you. What do you say to critics who say the only reason you're being picked is because you're black?

JUDGE THOMAS: I think a lot worse things have been said. I disagree with that, but I'll have to live with it.

THE PRESIDENT: Refer them to the President. (Laughter.) How about that for an answer?

JUDGE THOMAS: Well, I'll also say I didn't make the selection. (Laughter.)

Q Mr. President, civil rights groups, in particular Ben Hooks, has signaled that you're in for the "mother of all confirmation hearings" if you nominated Judge Thomas. What do you have to say about that?

THE PRESIDENT: Well, one, I find that very surprising from a man that's as fair as Ben Hooks, so -- and I learned something in this job that some of the others that cover us regularly here understand, and that is that I don't like to comment on a statement attributed to somebody until I've actually read it. But I think, when you go back and look at the support that Judge Thomas had for the bench that he now serves on, that that in itself will take care of any arguments that someone -- I just don't want to feel that Ben Hooks said that. I know him, I respect him, and I don't think that he would say that about Judge Thomas. I'll be honest with you.

Q At his confirmation hearings before, it was said that if -- he was accepted to the bench, but if you brought him back for the Supreme Court, that they didn't feel that he would be ready for that.

THE PRESIDENT: Well, he's not President and he isn't the Attorney General, nor the General Counsel to the President, nor the Chief of Staff, nor those of us who screened this nomination. It is our judgment he will. I think you're going to find many senators that disagree with the fact he's not ready.

Look, I'm not suggesting there will be no opposition, but you've put it on quite a personal one with Ben, and I just can't believe he would make a statement like that. I've differed with him on a lot of things and agreed with him on many, but I simply do not want to accept that until I see it. I'm not questioning your motives or challenging your authenticity of the statement, but please let me just defer until I take a look at it.

Q Mr. President, when you selected Judge Souter your aides very clearly put out the word that Edith Stone of Houston was the runner-up and likely would be the nominee if another vacancy came up. What happened to change the equation this time?

THE PRESIDENT: Well, she's a very able justice -- judge. She was given consideration then and now. And I just felt that Judge Thomas, with his seasoning now, is best prepared to serve. It was that. It was not a demeaning or putting down of anybody else, because there were some very good names brought to my attention.

And I might say -- you know, this just happened last week, and some will be saying, well, was the screening process thorough? And the point I want to make is that I have met several times since Judge Souter's sending to the bench to discuss what would happen if a Supreme Court justice stepped down, with no one particularly in mind, but just to be ready. So consideration was given to a wide array of candidates, but we'd already done a lot of homework.

But you ask about Edith, who comes from my hometown, and I have nothing but high regard and high esteem for her. But I decided on the advice of people that I trust that this is the way to go.

Q Mr. President, the appointments made by President Reagan and you have put the Court on a conservative road. Is that what you would like to see for the next 10 or 15 years, to reverse some of the more liberal rulings in the past 20 years?

THE PRESIDENT: Look, I don't know how Judge Thomas, when he becomes Mr. Justice Thomas, will come down on every issue. And, indeed, I didn't discuss specific issues with him. I didn't discuss

them with Judge Souter before he became Mr. Justice Souter. But I did look at this: would he faithfully interpret the Constitution and avoid the tendency to legislate from the bench? And that's a broad consideration, but that was certainly in his favor in my view. And I don't know whether he'll agree with positions that our administration takes or overthrow decisions or change positions that we think are right. But that doesn't matter. What matters is that he faithfully interpret the Constitution, and I am 100-percent convinced that that's exactly what he'll do.

So we're not trying to put a philosophical balance on this Court. We're not trying to philosophically affect it. I want -- and I said this long ago, long before I became President, that the main consideration in addition to excellence and qualification is this concept of interpreting the Constitution and not legislating from the federal bench.

Q In the last several weeks you or you and your White House Counsel have had to act to tighten the restrictions on travel of your subordinates. During this period of time has Governor Sununu come to you at all and expressed any apology for any embarrassment that this might have caused you?

THE PRESIDENT: John, I'll take your question in one second, but have we done the Supreme Court questions? Because I don't want to get Clarence Thomas, on the eve of his hearings, caught up in a lot of domestic questions of one kind or another, including this one which I'll be glad to respond to. But if you'd let me come back to you as soon as I ask him to go into the cool office that is behind us. But if there's any -- a couple more on this, and then we'll move on to Mr. Mashek.

Q Could I ask Judge Thomas his feelings about quotas?

JUDGE THOMAS: I would give you -- again, I'd give you a similar answer. When I was in a policy-making role, I said what I had to say about quotas. As a judge, I have not had an opportunity to rule on that issue. But to the extent that I have any additional comments, I think, again, out of respect for the advice and consent process, I'll have to leave it for that moment.

Q Would that also apply to questions involving whether or not there's a constitutional right to privacy?

JUDGE THOMAS: Yes.

Q Can I have another question for the President? (Laughter.) Did your list of possible candidates include anyone with known pro-choice views or any candidate whose views on abortion you were unsure of?

THE PRESIDENT: Probably. Because I don't know, I didn't ask about that.

Q Mr. President, there was a lot of talk about the possibility of an Hispanic being named --

THE PRESIDENT: Yes.

Q -- and, indeed, Judge Garza was interviewed.

THE PRESIDENT: He was.

Q Could you tell us what your thinking on that was -- why it was that you turned to Clarence Thomas instead of an Hispanic?

THE PRESIDENT: Well, I think experience in government, experience on the higher court figured into this, but listen, that should not degrade Judge Garza at all. The man is a very well-qualified individual. Indeed, he flew up and had a conversation with Boyden Gray and with the Attorney General. And I just had to make a very tough call, and I did it. But he's a good man.

Q Mr. President, when did you make this decision in your own mind and when did you call Judge Thomas to --

THE PRESIDENT: Well, I called him yesterday and told him I was getting very, very close. And keeping the faith with those who were at the golf course, I called him after I came back from the golf course. (Laughter.) But -- and then I closed the deal today. I had one or two points that I wanted to make to him to see that he felt comfortable with them. I wanted to be sure that he knew from me that there was no litmus test involved. I told him, if it's not violating a privacy, that he ought to do like the umpire -- call them as you see them. And I'm satisfied he will.

But I guess I could say the final decision was made sitting in our living room, but it was pretty well-established when I talked to him yesterday afternoon that that's what I wanted.

Q Did you talk to any other candidates personally?

THE PRESIDENT: No, I did not.

Q Mr. President, do you feel as though this appointment will have any effect on your ability to get a civil rights bill through the Congress?

THE PRESIDENT: I don't think it has anything to do with it at all.

Q Do you anticipate any problems in the confirmation hearing?

THE PRESIDENT: Nope. Not if everyone is as fair as I think they will be. I think that there will be questions raised. I would hope that there would not be political considerations. But, look, you've seen confirmation hearings before and you know that different people come in with a wide array of different questions, many of them philosophical. But I'm satisfied that this man will pass muster.

Got it?

I don't want to keep you, get you messed up in domestic politics here, Judge, so good luck, and I'll see you in a few minutes. (Applause.)

May I duly note that that's the first press conference my family has attended and the first one at which there's been any applause. (Laughter.) I hope this will continue.

John.

Q Well, the question is, sir, over the last several weeks you or you and the White House Counsel acting together have been forced to tighten the restrictions on travel regarding your subordinates. Has Governor Sununu come to you during any of this time and apologized to you for any embarrassment this may have caused?

THE PRESIDENT: Yes. He's told me right from the heart that he regretted very much any controversy and anything that this may have done to diminish the ethical standards of this presidency. And I told him, look, I understand this. He went into the staff with essentially the same message. He said it publicly.

And very candidly, no laws having been violated, I think we ought to move on to something more important. And in this instance, it gives me a chance to express my full confidence in him as we work some very complicated issues through the Congress. I respect him. I value his advice and counsel. And I'm hoping that this matter is laid to rest.

I think John said, "if mistakes were made, I made them." What more can a man be asked to say? And so I'd like to see this matter laid to rest.

Q But at the very outset of your administration you cautioned against even the appearance of impropriety, which you said this brought into --

THE PRESIDENT: That's why I think he came in and we had a good heart-to-heart talk, more than one, about it. I'll be very honest with you. My heart aches for his family because they've been through a lot on some of the stories unrelated to this -- kind of what I refer to as a "piling on" syndrome. So I'm glad this matter came up because I'd like to try to clear the air, get it behind us and move on.

But he's done the right things in terms of expressing his own personal feelings to me and to our staff and to others. And I made a mistake once -- let's see, it was back in 1970-something or other; I can't remember exactly. (Laughter.)

Q Mr. President, what's the point of meeting President Gorbachev at the G-7 summit if all you're apparently willing to offer is moral support and technical advice, which are things that have been offered before?

THE PRESIDENT: You mean his coming to the summit? Well, I think it's quite important now that ground rules are getting worked out that he come and present his case for reform to the G-7. And I feel comfortable with what's been worked out by Prime Minister John Major and Mr. Gorbachev. I look forward to having a one-on-one with President Gorbachev there, and we've got a lot to talk about, a lot of things that aren't related to the arms control agenda. And then I think there's going to be a bigger meeting with all seven that night after the formal part takes place. So I think it will be a good chance to narrow down the differences, to see where we stand -- the Soviet Union and Western Europe and Canada, the United States and Japan. And so I'm looking forward to it.

On our one-on-one talk, if that's what you're referring to, I don't think we'll have that much time. I think we've got a couple of hours set aside. And, Bob -- a couple of hours. But there's some issues that I need to talk about -- global issues. And we've got a lot of things that we look at identically. And we can go back and talk about those, such as the United Nations action against Iraq's aggression and things like that.

But I think it's appropriate now. There was some -- you know, you read a lot of stories that Gorbachev was coming there hat in hand, asking for a big check. That was never his intention, I'm assured of that. And I don't think that did him a lot of good by even the speculation on that in some quarters -- in the United States, for example. But I think the ground rules or at least the broad parameters are now set out, and I look forward to hearing what his plans are for a vigorous reform and the continuation of perestroika -- glasnost being all but a given these days.

Q Doesn't his mere presence in London raise expectations that are unlikely to be realized?

THE PRESIDENT: Well, yes, some might argue that. And some might say, well, his mere presence would indicate that if he didn't get something, that the meeting would be a failure. I don't view it that way. There is so much change taking place. The economic problems in the Soviet Union -- and elsewhere -- are so enormous that it's very important that we get as close together in agreement. But, yes, I can see where some might suggest that, but I wouldn't view it that way. I would not view it -- and I'll be resisting it if people say that. We've got an awful lot of consultation before concrete economic programs can be agreed to.

Q On Iraq, there's news that the U.N. team went out

looking again for that equipment and couldn't find it. Are you anticipating taking any action?

THE PRESIDENT: Well, we're anxious to see what this inspection, this two-person team gets when they come back. But let me say this: Everybody -- everyone knows that the man was cheating and lying. Everyone knows that he did that which the resolutions say not to do. And he should give unfettered access to these inspectors. He didn't do that. He surreptitiously moved the equipment. We've presented the evidence to certain parties. And all I'd say is he'd better get on with keeping his word and he better get on with total, free, open inspection.

And I said the other day -- perhaps you missed it -- that we are not foreclosing, nor putting on the table any options at this point. We have a lot of diplomacy to do. We want to be sure that world opinion is as strong as I'm convinced it will be. Because this isn't a unilateral U.S. problem; this is a problem now of which the United Nations has seized, you see.

Q Have you talked to any of the allies -- the leaders in the past days?

THE PRESIDENT: No, but others have been talking. I've not gone to the chiefs of state. I anticipate -- maybe I indicated this the other day -- that I will be doing that. This is a very -- high-level diplomatic decisions will be called on -- or diplomatic initiatives will be called on and decisions might follow.

Q Mr. President, on Iraq, the other day as we came to Kennebunkport, you were in a sort of highly agitated mode talking about -- hinting of possible renewal of military action, although you also stressed diplomacy. But in the interim, has there been any news on this nuclear situation or anything that has caused you to think that maybe the situation is calming down there, or are you still saying that we have all options out there?

THE PRESIDENT: No, Rita, to be honest with you, I haven't seen anything that makes me think it's calming down. I'm not sure I would have used the word agitated, but certainly concerned. And what we've got to have is evidence that full inspection on challenge will be granted. And I don't want to mislead you, I'm very concerned about this situation. This is a fundamental part of what the United Nations resolutions is about. So there's still a feeling out there, on my view anyway, and I'm sure it's true of the neighbors, that he has to make this right and satisfy us or we'll figure out what else happens.

Q Is there still a possibility of renewed military action by the U.S.-led coalition?

THE PRESIDENT: Well, again, I just keep resisting saying what we will do or what we won't do. But you've seen speculation and I'll just steer you that it's not all warrantless. But on the other hand, I'm not saying what I will be -- what will be recommended that I do as President of the United States. I'm very interested in getting the views of other world leaders, and the diplomacy leading up to that has already started.

Q Mr. President, this fall Israel intends to ask the United States to guarantee \$10 billion in loans to build housing for Jewish refugees from the Soviet Union. Could you tell us how you feel about linking approval of these loan guarantees with some pledge from Israel to decrease the building of new settlements in the occupied territories?

THE PRESIDENT: Well I don't think it ought to be a quid pro quo. What I do think -- and I've said this over and over again -- that it is against U.S. policy for these settlements to be built. So I'll leave it right there and avoid the linkage that you understandably ask about, but say that the best thing for Israel to do is to keep its commitment that was given at one point not to go in

and build further settlements. It is counterproductive to the peace process. Now, having said that, I want to be fair: there are other things and by other countries that are counterproductive to the peace process. I'd love to see direct talks between these countries.

But we have not changed our position on sanctions and we're not going to change -- I mean on settlements -- and we're not going to change our position on settlements. So please, those in Israel, do what you can to see that that policy of settlement after settlement is not continued. It is counterproductive. And having heard the Secretary of State say that and seen what followed on, I will promptly add, as he has, that we want to be sure that others move forward in the peace process, too. But it's not constructive to getting these parties to come together and work for a peace that I think the entire world wants and that all of them want. So we'll keep working it, but we're not giving one inch on the settlements question.

Q Mr. President, the Courter Commission has made its recommendations, as you know, on base closings, subject to your review. Isn't it highly unlikely, though, that you would overrule any of those decisions, given the amount of time that the commission put into it?

THE PRESIDENT: Yes, with one exception. Yes, it is highly unlikely, but I will rely heavily on what Secretary Cheney tells me after he reviews the base closing recommendations, has a chance to talk to them with General Powell and the Joint Chiefs. Because what I'm interested in, one, saving the money that we've said we'll save; two, being sure -- and this comes first actually -- that we have a proper structure from which to conduct military action that we might be called upon to conduct in the future. And so it would be unlikely, but I just would suggest, John, that I would like very much to sit down with the Secretary of Defense and say, Dick, are you happy with these; do you see something that ought to be changed? And that's the way I'll conduct it.

But I'm not going to go in there and override some decision on a political basis. These are tough calls. This commission, I am satisfied, is approaching it without politics in mind. I was in the Congress, I know the old rule about cutting it out, but cutting it in the other guy's district. And we simply cannot approach something as sensitive and as important to our national security as base closing in that manner. And so I will resist -- I won't participate in any political call, but I will -- I do reserve the right upon receipt of the commission's report -- I think it comes directly to me -- to discuss it with the Secretary of Defense after he's had an opportunity to talk to the Chiefs about it.

Q Can you talk a bit about your mother and what she's taught you and why you chose her birthday to announce your nominee? (Laughter.)

THE PRESIDENT: Well, maybe it's fortuitous. Life goes on. Mother's 90 years old; been an enormous influence in my life and the lives of everybody that's in our enormous family. And I noted from Clarence Thomas what he had to say about the importance of family in his life. So if there's some symbolism there, one, it was unintended; but, two, I think it might be appropriate. Different backgrounds, but the same sense of strength of family. And I think there's a message not just for Clarence Thomas's family or our family, but for families all across the country.

And as we celebrate Mother's 90th birthday, she's not all that well, but she is our moral leader; was since I was old enough to walk on this marvelous point of land here in Kennebunkport, which was just -- from my days as an infant. And everyone in this family, young and old, direct or indirect relations, looks up to her. But I have a feeling that that's still true of a lot of families in this country.

Q I wanted to follow on John's question as to whether

you might be suggesting that the base closing commission could have gone farther and deeper?

THE PRESIDENT: No, I didn't intend to say that because, literally, I have not gone into the details of the base closing commission.

Q Could I ask you separate then, are you and the Attorney General going to discuss the crime bill, as you suggested you ought to?

THE PRESIDENT: Yes.

Q What's your sense of direction on that?

THE PRESIDENT: Well, I want to get a good crime bill. We would like to have it all come down together, and options are open here. But we've gotten -- in fact, Dick told me now we've gotten roughly in form we want four of our five major objectives -- the exclusionary rule did not come the way we wanted in the Senate. But I'll defer on more detail on that because it has to go to a conference and then we'll see. But I want a comprehensive crime bill. There are some very good things in the Senate bill. And I thank Senator Biden and, of course, Senator Thurmond and others for that. And I'll just wait and see what comes to my desk. And I urge that it be comprehensive, broad, and then we'll take some things that I like and maybe some things that I don't like, because it is important to get on with the crime bill. But it better come down, I think in fairness to the American people, in a broad form, not nickel by nickel, dime by dime.

Q Was he a little premature yesterday in suggesting it was close to acceptable?

THE PRESIDENT: Well, I didn't see the story but, as I say, there are many good things in it. But my problem on answering it is I don't know what's going to happen in relation to the House of Representatives out of the conference.

Q Thank you, sir. At the beginning of the -- as the Gulf war got closer you sensed that Saddam Hussein wasn't getting enough information that our threat was real. There have been reports now, as you were talking about, about potential military action again. Do you think he's in the dark still?

THE PRESIDENT: I don't know on this question. But you're right. I was reminiscing here as I hit Walker's Point a couple of days ago that there were two points that I still am convinced of as the pre-battle period went on: one, that he didn't think that we were for real on this; and secondly, that he thought he could prevail at least enough to have a standoff in the desert and be the hero of certain parts of the world over there. He was wrong on both counts. And if he assumes that he can get away with this kind of thing, he's just as wrong today as he was on August 2nd when he sent his forces into Kuwait.

Q You don't consider him a very smart man, do you?

THE PRESIDENT: I don't consider him a very bright man to have done what he's done, if that's an answer to it, because I can't conceive of why you would directly think you could hide, given the sophistication of technology today, and secondly, why you'd think you could get away with it. So there is some parallel there. I don't want to overdraw it.

Q Mr. President, you spoke a bit ago about everyone in the Middle East wanting peace. Yet the Israelis seem to have stiff-armed your proposals, the Syrians don't seem to like the terms either. Is there more here than meets the eye?

THE PRESIDENT: Probably more than meets the eye, but not as much as I'd like to see meet the eye. I mean, in other words, I

think I'd like to see the process further along, but there are a few things that I think offer hope. In fact, in my last communication from President Shamir of Israel was a commitment to try to work for peace. There are some broad commitments, but, frankly, I'd like to see us further along on some of the details. And please don't press me on what those details are. But I'm not going to give up hope on this, and I don't think the Secretary is. But we need to have more progress and we need to have it sooner.

I am told that the credibility of the United States for being the catalyst for peace is still very, very strong and very good; not only in Israel but in the Arab countries as well. So that is an ingredient that wasn't there before, that's still there, that I hope will lead to peace.

Q It's been suggested that the United States might just call a peace conference and see who shows up. Is that an option?

THE PRESIDENT: Well, I don't want to go into options, but, yes, I've seen suggestions of that nature. And at some point, I think I owe the American people my view of the details I'm not willing to discuss right now. And that wouldn't bother me one bit -- to get up and say here's what we've been trying to do. So there's no time frame on anything of that nature. But I think there's a lot of people that are wondering what in the world is going on. And I've invoked quiet diplomacy and the need for confidentiality, but I can't do that forever; I just simply can't do it. I owe it to the American people, and I think the people around the world, to say, hey, here's what the United States thinks is a good formula.

Q Mr. President, in reminiscing about the war, can I ask your comments about, your feelings about what's happened in Kuwait since the end of the war with the atrocities there? Your feelings about it and do you think there's any reason to believe that democratic reforms will take place.

THE PRESIDENT: Well, let me say this, and I hope it doesn't come out wrong. The war wasn't fought about democracy in Kuwait. The war was fought about aggression against Kuwait. Having said that, the Kuwaitis have said that they want to move towards the democratic process, and I hope they do -- and they should. This would be good. I think one of the things that concern people were the trials. There are different standards for law in all countries, but we want to see fair trials, open trials.

A friend of mine in our government, who's quite knowledgeable on history, reminded me of what it was like in France after the liberation of France in World War II. I remember some of it, although I was in the Pacific theater. And the people that were liberated did not take kindly to those that had sold out to the Nazis. I think we're expecting a little much if we're asking the people in Kuwait to take kindly to those that had spied on their countrymen that were left there, that had brutalized families there and things of that nature.

Having said that, I believe and I've recommended this to the Kuwaitis, the most open, fair trial, free justice system is the best. It works best. It gets confidence back in your country. So I can understand the outrage.

I'll give you one other example. Martial law. We had some problems, you know, why martial law. And it was explained to me many citizens over there against the law have weapons. Many of them that were in opposition to the Kuwaiti regime, threatening, using the weapons, showing the weapons when the Iraqis were in power now keeping the weapons. And they told me that martial law was essential if they were going to go in and disarm the people that had been helping the enemy.

I can understand that. Again, what I'd like to see is as much respect for what we see as legal principles as possible.

This guy hasn't had one. One, two and that's it, unless you appeal.

Q Back to the G-7 for a minute. Are you at all concerned in all the publicity with Mr. Gorbachev that the plight of the Eastern European countries is not going to get enough attention here? And do you feel any obligation on the part of the Western Democracies to guarantee to them the same aid, whatever it is, that Gorbachev walks away with --

THE PRESIDENT: You mean the Eastern European --

Q In light of the fact that they have already done the sorts of things that he's only beginning to think about.

THE PRESIDENT: I think we've got two different questions. But we must not, we must not send a signal to Eastern Europe, hey, we're neglecting you, you're on your own, figure it out for yourselves, we're going to turn our attention to Moscow. I don't think it has to be an either-or choice. The Eastern European countries are moving. They need certain kinds of assistance; they're getting some. They're making some progress; they still have problems.

But I think your question raises to me a very good point. We don't want to send a signal of neglect or that we think that they should be cut loose to fend for themselves. But there are many things we can do and are doing in Eastern Europe. And they should not be reduced as we work together to try to figure out how to get the Soviet market, how to get the Soviet economy, how to get the Soviet system moving along the same lines as the Eastern Europeans. This is a world problem, it's not a United States problem.

You know, it comes up -- I don't want to get too philosophical out here in the sun -- but it comes up in another context, because people in South America are saying, with this major goal of helping reform in the Soviet Union and, to some degree, in Eastern Europe, are you going to neglect us? And one of the reasons we're having these, I think, very important appearances and a lot of diplomacy going along with it is that we want to reassure the democracies in this hemisphere, which is all but one country from being a totally democratic hemisphere, that we're not going to neglect them.

So you raise a good point. We are not going to neglect Eastern Europe, but we are going to work with the others. And everyone knows that we're dealing at this juncture with limited resources. We are in this country. We've got enormous deficit problems. Other countries have economies that have done worse than ours. So we've got to be realistic and find ways to help move these people towards market economies, open political systems when our advice is sought. And that's what we're trying to do.

Q Thank you. Some weeks ago you said you were very close to a decision on MFN for the Soviet Union. Have you made that decision? Do you expect to do it before London? Is it tied up in the SALT negotiations?

THE PRESIDENT: No, it's not tied up in SALT, it's tied up on a trade agreement. And I think that's the only remaining problem, a trade agreement. And maybe, Bob, come help me on that. When do we think that will be resolved?

DEPUTY NATIONAL SECURITY ADVISER GATES: There are a couple of minor technical problems in the trade agreement because of laws that have been passed subsequent to its signature by the Soviet legislature. They're technical problems. We think they are being worked out and it shouldn't be too long.

THE PRESIDENT: It's not caught up in the other.

Last one.

Q Mr. President, did you consult with anyone else outside of your administration about your Supreme Court nominee? And did I understand you correctly to say that you made your final decision, was it last night in your living room here or this morning?

THE PRESIDENT: Actually, when I say final, the I was dotted and the T crossed up here just a little bit before lunch. But I'd -- just to be very candid about it -- all but made my mind up when I invited Judge Thomas up here. As I thought of any hypothetical things that could go wrong -- I couldn't think of any. So much so that I don't think he felt confident enough after our conversation yesterday. I don't think he told his wife, for example, that he was to be the nominee. And on your first part of your question, no, I stayed with the recommendatory process because many others talk to others.

And I must say, if you'll let me off without telling you who I talked to, when this all came up at the time of Judge Souter, I think I did talk to one or two people in confidence that I respect that are outside of this so-called screening process. But I put all the emphasis on this one on our screening process. And yet, I am confident that as this process has unfolded, Boyden Gray and our Chief of Staff and the Attorney General and the Attorney General's staff have gotten a wide array of views from others. It's better if the President doesn't do this because if I get out there and talk to somebody, then I think it is much more prone to open discussion and speculation and I don't think that's helpful when you're trying to reach a decision.

This is the last one.

Q There were some suggestions from a published report -- I suspect that you've seen it, from Jack Kemp that there's not enough attention within his own administration, your administration, on domestic social issues. And I was wondering if you could respond to that.

THE PRESIDENT: I didn't read the Kemp story. I've talked to Jack plenty, and he, I think, has referred to this administration and, very generously, to this President as the empowerment President and one that wants to see growth in this economy and, thus, have everybody have a better shot at opportunity. So we're not apart on that. And again, having not -- I understand there was a story in today's paper -- I haven't read it and -- I probably will. But I don't think we've got any differences with Jack Kemp on this. I salute him for what he's done. He takes a good, strong message out to the communities -- home ownership, tenant management --

Q But from the article, he suggested the administration has not been as forceful as he has been.

THE PRESIDENT: Well, that may be true. He's a real zealot out there. And he's got all the time in the world to do it. That's what his job is about -- pushing that envelope, as we say in the space age, forward to include home ownership. And I think if it hadn't been for his zeal, we never would have gotten through the Congress, the House, anything on home ownership or tenant management -- and we did. So I give him great credit. So if he's got more zeal on this, I think perhaps -- I don't think he feels more strongly in his heart about it -- but he is a salesman. He is out there going to places where a lot of Republicans have never been. And I've been at his side a time or two on that. And it's darn good, and I'm proud he is a part of our administration. So if you want me to say something bad about Jack Kemp, no way.

Last one, really.

Q Does a two-hour lunch with Gorbachev make it less urgent to go to Moscow by the end of July?

MORE

THE PRESIDENT: You can't cover everything in two hours. But maybe we'll be able to move the START process forward. I don't know whether we will at a lunch of that nature. But, no, it doesn't, in my view, make it less urgent. I want to sit down over a period of time with him to really in-depth discuss issues. It is most important.

And a lot of the talk would be philosophical talk, intentions. What do you think our intentions are towards the Soviet Union? I think there's still some misunderstanding in the Soviet military about that, for example.

And I'm no Jack Kemp in terms of my salesmanship perhaps, a little inarticulate and sometimes too prudent, but I think I can convince Gorbachev that their military has nothing to fear from us. So let's take a look. Let's have them do what we're doing in terms of defense spending. I think we can't do it in just a luncheon. But my respect for him is such that I find when we can sit down and talk over a reasonable period of time, you can get into a lot of subjects which I'm sure we can't do at a two-hour lunch.

Q Could that summit still happen by the end of July?

THE PRESIDENT: Yes, yes, it could.

Hey, listen, thank you all very much. No. Come on, Susan.

END

2:45 P.M. EDT

# Withdrawal/Redaction Sheet

## (George Bush Library)

| Document No.<br>and Type | Subject/Title of Document                                                     | Date   | Restriction                     | Class. |
|--------------------------|-------------------------------------------------------------------------------|--------|---------------------------------|--------|
| 01a. Memo                | From Leigh Ann Metzger to John Sununu<br>Re: Supreme Court Nomination (1 pp.) | 7/3/91 | <del>P/2</del> , <del>P/5</del> |        |

**Collection:**

**Record Group:** Bush Presidential Records  
**Office:** Chief of Staff, White House Office of  
**Series:** Sununu, John, Files  
**Subseries:** Issues Files  
**WHORM Cat.:**  
**File Location:** Clarence Thomas Nomination [3]

Open on Expiration of PRA  
 (Document Follows)  
 By [Signature] (NLGB) on 10/28/05

|                                        |                                |
|----------------------------------------|--------------------------------|
| <b>Date Closed:</b> 1/5/2005           | <b>OA/ID Number:</b> 29172-008 |
| <b>FOIA/SYS Case #:</b> 1998-0004-F[2] | <b>Appeal Case #:</b>          |
| <b>Re-review Case #:</b> 2005-0426-S   | <b>Appeal Disposition:</b>     |
| <b>P-2/P-5 Review Case #:</b>          | <b>Disposition Date:</b>       |
| <b>AR Case #:</b>                      | <b>MR Case #:</b>              |
| <b>AR Disposition:</b>                 | <b>MR Disposition:</b>         |
| <b>AR Disposition Date:</b>            | <b>MR Disposition Date:</b>    |

### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P-1 National Security Classified Information [(a)(1) of the PRA]
- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-3 Release would violate a Federal statute [(a)(3) of the PRA]
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information

## THE WHITE HOUSE

WASHINGTON

July 3, 1991

MEMORANDUM FOR GOVERNOR SUNUNU

THE CHIEF of STAFF  
has seenTHROUGH: DAVID DEMAREST *AD*  
ASSISTANT TO THE PRESIDENT FOR COMMUNICATIONSFROM: LEIGH ANN METZGER *lam*  
SPECIAL ASSISTANT TO THE PRESIDENT FOR PUBLIC  
LIAISON

SUBJECT: SUPREME COURT NOMINATION

As you may know, on Tuesday delegates to the 1.6 million member United Church of Christ's General Synod voted to oppose the President's nomination of Clarence Thomas to the U.S. Supreme Court. This marks only the second time in its history the UCC has voiced outright opposition against a nominee.

Other mainline Protestant denominations may discuss and comment on the nomination during summer conventions as well.

The Episcopal Church begins its annual convention on July 11th in Phoenix. While the nomination might be discussed, a resolution seems unlikely for several reasons. First, this would have to pass both "houses" of its governing body before passage. Opponents may choose to work within smaller, unofficial church groups instead of fighting a lengthy legislative process on this nomination. Second, the church has an unwritten policy against commenting on nominees -- it did not comment on Bork or Souter and may feel it inappropriate to voice its opinion now.

However, a telephone call from the President to the Presiding Bishop might be a good idea: Bishop Browning is a leader within the ecumenical movement, and the Episcopal convention will attract national attention due to debates on several public policy issues.

Most mainline churches -- including the Evangelical Lutheran Church of America, the United Methodist Church, and the Presbyterian Church (USA) -- has historically remained silent on political appointments. However, the National Council of Churches (NCC), the ecumenical group that represents these and other mainline denominations, strongly opposed the Bork nomination, even testifying before the Senate. The NCC may consider organizing a similar campaign on this, and we will be following this closely.

# Withdrawal/Redaction Sheet

## (George Bush Library)

| Document No. and Type | Subject/Title of Document                                                                                                         | Date   | Restriction                  | Class. |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------|--------|
| 01b. Memo             | From Leigh Ann Metzger to POTUS<br>Re: Supreme Court Nomination [home phone number redacted] [FOIA RESTRICTIONS REDACTED] (1 pp.) | 7/3/91 | <del>P-2, P-5</del> , (b)(6) |        |

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**Record Group:** Bush Presidential Records  
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**Series:** Sununu, John, Files  
**Subseries:** Issues Files  
**WHORM Cat.:**  
**File Location:** Clarence Thomas Nomination [3]

Open on Expiration of PRA  
(Document Follows)

By JP (NLGB) on 10/22/05

|                                        |                                |
|----------------------------------------|--------------------------------|
| <b>Date Closed:</b> 1/5/2005           | <b>OA/ID Number:</b> 29172-008 |
| <b>FOIA/SYS Case #:</b> 1998-0004-F[2] | <b>Appeal Case #:</b>          |
| <b>Re-review Case #:</b> 2005-0426-S   | <b>Appeal Disposition:</b>     |
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| <b>AR Disposition:</b>                 | <b>MR Disposition:</b>         |
| <b>AR Disposition Date:</b>            | <b>MR Disposition Date:</b>    |

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

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AC/ER

THE WHITE HOUSE  
WASHINGTON

July 3, 1991

MEMORANDUM FOR THE PRESIDENT

THROUGH: DAVID DEMAREST *AD*  
ASSISTANT TO THE PRESIDENT FOR COMMUNICATIONS

FROM: LEIGH ANN METZGER *LAM*  
SPECIAL ASSISTANT TO THE PRESIDENT FOR PUBLIC  
LIAISON

SUBJECT: SUPREME COURT NOMINATION

On Tuesday delegates to the 1.6 million member United Church of Christ's General Synod voted to oppose your nomination of Clarence Thomas to the U.S. Supreme Court. Other mainline Protestant denominations may discuss and comment on the nomination during summer conventions as well.

Of special interest to you, the Episcopal Church begins its annual convention on July 11th in Phoenix. A telephone call to the Presiding Bishop might be a good idea, since he is a leader within the ecumenical movement, and the Episcopal convention will attract national attention due to debates on several public policy issues.

Until noon on Friday, July 5th, Bishop Browning can be reached in New York at (w) 212-867-8425 or 212-922-5322 or (h) [REDACTED] (b)(6)

[REDACTED] From the evening of July 5th through the end of the conference, Bishop Browning will be at the Hyatt Hotel in Phoenix at 602-252-1234. Father Chang is his administrative deputy and may answer if the Bishop is out.

✓ cc: Governor Sununu

*Clarence Thomas, a black,  
is Ronald Reagan's chairman of the  
Equal Employment Opportunity Commission.  
He walks a lonely road, not really agreeing  
with conservatives or liberals*

# A QUESTION OF FAIRNESS

BY JUAN WILLIAMS

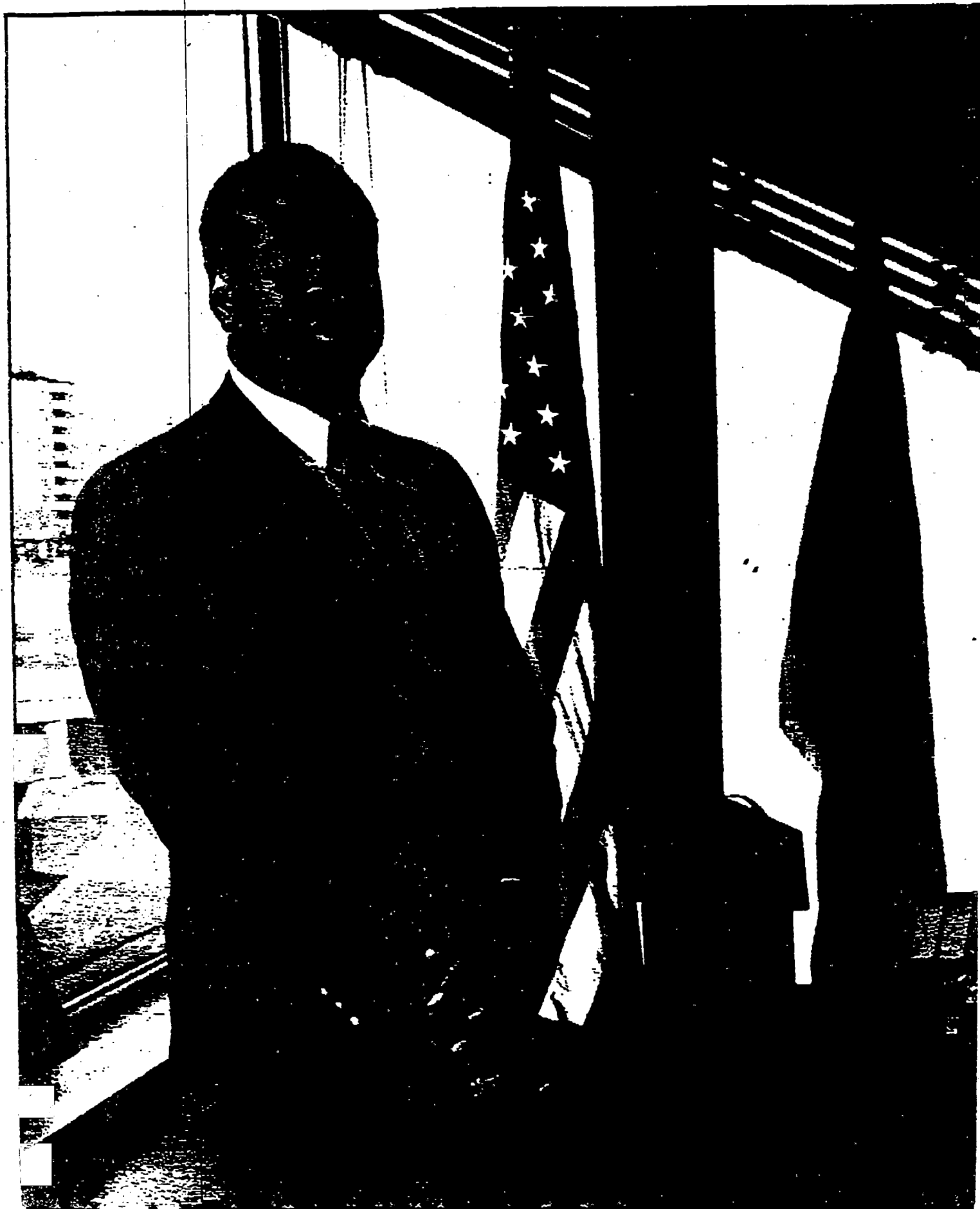


**A**S A CHILD IN THE 1950S, CLARENCE THOMAS WORE the ragged hand-me-downs familiar to many a poor black child in the segregated South. In the early 1960s, as the first black ever enrolled at St. John Vianney Minor Seminary, in Savannah, Georgia, he wore plain, neatly pressed shirts and slacks, along with an expression that bespoke a painful shyness. The goatee, the black leather jacket, and the solidarity with Malcolm X came at Holy Cross College, in Massachusetts, during the late 1960s. Yale Law School and corporate legal work in the 1970s finally brought Thomas a measure of real status and affluence. Now thirty-eight, and the chairman of the U.S. Equal Employment Opportunity Commission (EEOC), Clarence Thomas dresses in dark, elegant, conservative business suits. He earns \$71,000 a year and, when he is not being chauffeured in a government car, drives a Camaro IROC-Z. The desk in his Washington office is an impressive structure of polished oak. Behind his leather chair stand two flags, one the Stars and Stripes and the other bearing the legend "Don't Tread on Me." It is an apt motto for the head of an agency charged with ensuring that discrimination based on race, sex, age, religion, or national origin does not occur in the workplace, and that should it occur, appropriate steps are taken to seek redress.

The leaders of many civil-rights and women's groups wonder how seriously Clarence Thomas takes that motto. Indeed, some of them loathe Thomas. He is, after all, a member of the Reagan Administration—its second-highest-ranking black. He is the top federal official charged with curbing discrimination in the private sector. Every American company with more than fifteen employees must adhere to guidelines set by the EEOC on how to train, hire, and promote women, minorities, the elderly.

*Clarence Thomas in his Washington, D.C. office*

THE ATLANTIC MONTHLY



## THE ATLANTIC MONTHLY

and the handicapped. Thomas not only shapes and enforces those guidelines but helps to define Reagan Administration policies with respect to black America generally, policies that most blacks and white liberals abhor. Holding Carter III, an official in the Carter Administration and now a syndicated columnist, recently characterized Thomas's performance as similar to that of the "chicken-eating preachers" who gladly parroted the segregationists' line in exchange for a few crumbs from the white man's table."

And yet, as I discovered in a series of interviews spanning Thomas's nearly five years in office, Thomas does take seriously the stated responsibilities of his position. He simply wishes to change what the word *discrimination* means in the EEOC's official lexicon from what it has meant for more than two decades. And even though he is a committed supporter of President Reagan, Thomas brings to his job a view of race relations in the United States that Ronald Reagan probably does not suspect he harbors. The President's director of the EEOC is something of a black nationalist, as well as a sad, lonely, troubled, and deeply pessimistic public servant.

Ultimately, he said to me one day, turning away as if to avoid revealing some private hurt, it doesn't matter that black and white Americans are unlikely ever to see each other as anything but blacks and whites. It doesn't matter that a black man in America is only rarely judged on the basis of his character rather than that of his color. It does not really matter that the dream of racial integration—of uplift through education, of gradual absorption into the social and economic mainstream—has not worked for most black Americans, even for those who, like him, have leaped the boundaries of the ghetto and, it would seem, "made it" in a white world. For when you get right down to it, Thomas said, successful blacks don't particularly like the kind of integration that whites have crafted for them in the past thirty years. Increasing numbers of middle-class blacks see integration simply as window dressing: blacks may be present and visible, but only a few have any real power.

On this point Clarence Thomas accurately captures the frustration of many middle-class blacks: people who are educated, employed in challenging and high-paying positions, and yet somehow still angry. The anger is usually inexplicable to their white friends and colleagues. The reason for it, quite simply, is race. "There is nothing you can do to get past black skin," Thomas said. "I don't care how educated you are, how good you are at what you do—you'll never have the same contacts or opportunities, you'll never be seen as equal to whites." In interviews and in polls middle-class blacks repeatedly come off as resentful about their lives in white America: angry at the pleasure some whites take in the progress made by blacks (even as black families continue to take in about fifty-nine cents for every dollar taken in by white families); angry, too, that blacks remain a negligible presence in the corporate world

mal networks among whites that facilitate advancement).

But while Thomas may share the resentment of other middle-class blacks, he does not share much else. He has his own ideas about how to deal with racism and discrimination, and those ideas have made him less a radical of the far right than ideologically sui generis. He does not, deep down, share the Reagan Administration's professed belief in a "colorblind" society, because he believes that such a society probably cannot be achieved. It is unlikely that whites will ever fully accept blacks as equals, in his opinion, and so blacks should prepare to do for themselves: by making black schools into rigorous training grounds, by investing in black businesses, by working for black corporations, and by living in black neighborhoods. Forget the traditional pressure tactics—demonstrations, boycotts, lobbying by civil-rights groups—that are meant to gain a share of power, wealth, and influence in white American institutions.

Thomas's ideas have come to Washington at a time when the United States is entering what might be called the post-Romantic period of the American civil-rights movement. Ronald Reagan has won two terms in the White House with little support from black voters. He owes nothing to the black electorate. He rarely speaks to black groups and never meets with civil-rights leaders. Yet Thomas's racial agenda suits the Reagan Administration's agenda just fine. Thomas is an opponent of busing, arguing that black children gain nothing from simply sitting next to whites and can do quite well in their own schools. He is a critic of the 1954 Supreme Court decision in *Brown v. Board of Education*, which declared the segregation of public schools to be illegal. Thomas thinks that the Court's ruling was based on the assumption that any all-black school had to be inferior to an integrated school. (Thomas, a single parent, sends his son to an integrated private school in the Washington suburbs but insists that whether the school is integrated, all-black, or virtually all-white is irrelevant, and that he chose the school he did only in the interest of obtaining the best education for his son.) Thomas is also against affirmative action to get more blacks into U.S. corporations, contending that affirmative action—meaning goals and timetables for employers who have hired few, or have never hired, blacks—not only is window dressing but also has failed to help the mass of poor black people get into the mainstream economy. Affirmative action, he believes, has primarily meant more money for a few qualified blacks, usually the scions of the already well-to-do. Thomas fights angrily against requirements that employers alter tests to allow as many blacks as whites to pass. These prescriptions strike him as "assuming that blacks lack intelligence" and that they "can't perform as well as whites." Lowering standards on tests, he says, may help a few blacks get a few good jobs, but it also puts the federal imprimatur on the idea that educated blacks can't compete, and therefore lends credence to it—a loss that isn't worth the gain. Thomas wants to create

(where such blacks as there are feel shut out of the infor-

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on black colleges and universities rather than press white

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schools to admit more blacks. White liberals, who want to end "dual" school systems in the South, should "leave black people alone."

Thomas stands in the tradition of Booker T. Washington, who argued against integrationists like W.E.B. DuBois earlier in this century. Washington contended that freed black slaves should remain in their own southern communities, work hard, and develop their own farms and businesses. Thomas favors strengthening black businesses in which employers can amass capital and employees can make it on their own without the stigma of being labeled "one of the blacks" in the firm. Thomas believes that the most significant progress made by the American civil-rights movement is due to the individual efforts of black men and women, standing firm in the face of overt racism and demanding their rights as Americans. Thomas puts little stock in rulings by the Supreme Court, decisions made in the White House, or even the good will of whites who support integration. Like Booker T. Washington, Thomas puts his faith in the ability of black people to use their minds and their muscles to do for themselves. He quotes from memory these words of Malcolm X: "The American black man should be focusing his every effort toward building his own businesses and decent homes for himself. As other ethnic groups have done, let the black people, wherever possible, however possible, patronize their own kind, hire their own kind, and start in those ways to build up the black race's ability to do for itself. That's the only way the American black man is ever going to get respect."

Clarence Thomas, in sum, is a man who does not see integration as the panacea for the problems of black America. The familiar integrationist agitation of black civil-rights leaders leaves him cold. He agrees with Reagan's characterization of the civil-rights leaders as old men fomenting discontent to justify their own "rather good positions." "The issue is economics—not who likes you," Thomas has told me. "And when you have the economics, people do have a way of changing their attitudes toward you. I don't see how the civil-rights people today can claim Malcolm X as one of their own. Where does he say black people should go begging the Labor Department for jobs? He was hell on integrationists. Where does he say you should sacrifice your institutions to be next to where needed?"

many Hispanics and women as well—Thomas refuses to see civil rights as a matter of corporate struggle and group equity. Are blacks, Hispanics, and women, as groups, victims of discrimination on the job, as evidenced by group statistics on hiring, promotion, and pay? Thomas is not very much interested in this question. What about an *individual* who claims discrimination? Here, and here alone, a black or a woman might find Thomas to be a friend in court.

CLARENCE THOMAS WAS SENT TO LIVE WITH HIS grandfather, Myers Anderson, when he was seven years old. His father had long before left for Philadelphia; his mother had remarried, and her new husband didn't want children from the previous marriage around.



Thomas, his mother, and brother had been living in a room off an alley in Savannah for about a year. Before that the children had lived in Pinpoint, a run-down town outside Savannah, with an aunt. Thomas remembers eating cornflakes several times a day, wandering the streets, playing hooky. Displayed prominently in Clarence Thomas's office is a photograph of Myers Anderson: a muscular older man in a white undershirt, standing ready to go to work. "When the civil-rights people indict me," Thomas said soon after his grandfather's death, in 1983, "the man they are indicting is that man. Let them call him from the grave and indict him."

When Thomas and his brother went to live with their grandfather in Savannah, in 1956, it was the first time that they had ever lived in a house with a bathroom. It was their first experience of three square meals a day. Their grandfather had built his own house, and, although he could barely read or write, he was a strong advocate of education. Clarence could no longer miss school. Anderson, a devout Catholic, paid \$30 a year for the Thomas boys to attend an all-black Catholic school, run by white nuns. Every afternoon at three it was straight home to change clothes and help Myers deliver ice and oil. In the evenings, after washing dishes, Thomas went, he remembers, to the library for blacks, which had been built by the Carnegies. (Blacks were barred from the Savannah Public Library.) "I used to run to the library to flip through the pages and dream. I just remember *The New Yorker*. You know, what did I know about New York? But I did. I did."

Above all—and perhaps this is the main reason why he is regarded with such disdain by so many blacks, and so

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to read this, be sophisticated enough to deal with these kinds of things." Although Myers Anderson was nearly il-

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literate, Clarence came to appreciate that his grandfather had not let segregation or a lack of schooling stand in the way of his living a decent life. His grandfather, a strong Democrat, had been involved in local efforts to get voting rights for blacks, and he voted religiously.

Clarence learned other lessons from his grandfather after a visit up North to see some relatives, who were now shelved in housing projects and living on welfare. "He'd say, 'Damn welfare, that relief!—Man ain't got no business on relief as long as he can work.'"

Southern society, both black and white, had another view of Clarence and his grandfather. Black Savannah society, Clarence Thomas recalls bitterly, knew him as ABC—America's Blackest Child ("and you have to remember that for someone to call you black in the sixties, that meant serious business"). He was ridiculed not only for his extremely dark complexion but also for his hair—they called it "nigger naps"—and thick lips. Thomas's grandfather endured worse. "I remember this lady came up to the house—Miss Morgan," Thomas told me one day. "Her husband was noted for being fairly mean. She drove up in one of those great big Buick Electras. Granddaddy was out in the field. You see a car driving up and you always wonder who it is, because we had a dirt road leading up to the house—you see all the dust and everything. She said, 'Myers, boy.' And you could see him seethe. He looked around and saw his little kids there. You could see him seethe. People say what kind of manhood does it take to yell back and get mad. But what must it have taken for him not only to take the insult but the stares from his kids seeing him being called a boy. The most significant things [in civil rights] were things that I saw day-to-day, not the protests downtown or in Washington."

Integration touched Thomas's life for the first time in tenth grade. His grandfather decided that he wanted Clarence, a good student, to attend an all-white Catholic boarding school, St. John Vianney Minor Seminary. Thomas was admitted without incident. He got excellent grades and was a star quarterback on the school's football team. His grandfather bragged that his grandson would become a priest. To Anderson, Clarence became a racial symbol. On vacations his grandfather would take him to the local NAACP meetings and have him read his grades aloud: "He thought I was living proof that black people were as good as white people."

In his own mind, however, Thomas was in a state of crisis. He had never been around many whites. Now he was living with them. He saw how many more possessions they had, how the other boys commanded respect as seminarians in a town where he was at best ignored. (Thomas remembers a quote from Richard Wright's *Black Metropolis*: "But the American negro, child of the culture that crushes him, wants to be free in a way that white men are free. For him to wish otherwise would be unnatural, unthinkable.") Most devastating of all were the racist jokes and slights that Thomas's fellow seminarians made at his expense.

ethical model. But, Thomas told me, "After lights out someone would yell, 'Smile, Clarence, so we can see you.' The statement wasn't the bad part, it was no one saying 'Shut up.'" On Thursday afternoons, when students went to town with their friends, Thomas was left alone. Movie theaters were still segregated; to eat at a restaurant with classmates would have caused a stir.

Thomas remembers a "self-hate" stage, where "you hate yourself for being part of a group that's gotten the hell kicked out of them." He tried to fit in. He avoided every form of stereotypical behavior attributed to blacks. He took pains to speak perfectly—not in slang, not loudly. He stressed academic achievement. But acceptance did not come. When he left the seminary, he held a conviction he has carried since: there is nothing a black man can do to be accepted by whites. Consequently, despite his anger at segregation, he does not automatically grant that integration is good for black people. Thomas wants to know in every instance what integration means for blacks. If it means losing the alternative of going to their own schools, running their own businesses, then he doesn't like it. He has too many scars from episodes in which, in the name of integration, he was the only black. Today he says, "The whole push to assimilate simply does not make sense to me."

Thomas's skepticism about integration was heightened in 1967, when he enrolled at Immaculate Conception Seminary in Missouri to continue his training for the priesthood. He stayed only eight months. Martin Luther King, Jr., was shot in April of 1968. As Thomas entered a room that day, he heard one white seminarian say, "Good. I hope the son of a bitch dies." That was the end of the seminary. Alienated from whites, alienated from the kids in his neighborhood as a result of having been away at school, and alienated, finally, from his grandfather over leaving the seminary, Thomas worked for a while and then went north to Holy Cross. He paid his tuition with a combination of scholarships, work-study (washing dishes in the kitchen), and loans. His militancy became pronounced. He led the free-breakfast program for black schoolchildren in Worcester, Massachusetts, dallied with the Black Panthers, and urged a black walkout at the college over the issue of investment in South Africa. All the while he kept up a near perfect academic record. Eventually Thomas decided he wanted to be a lawyer and he was accepted by Yale Law School.

At Yale, Thomas avoided his professors and sat in the back of the classroom. He did not want to be identified as a black student—one who perhaps had been admitted and must be coddled precisely because he was black. He shunned courses touching on civil rights, instead studying tax law, legal accounting, antitrust law, and property law. He remembers feeling the "monkey was on my back" because classmates believed that he and the dozen or so other blacks in his class were there to satisfy the school's social-policy goals, not because of their academic qualifications. Nevertheless, Thomas thrived academically.

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mously in the library, he earned good grades. He was less impressed by the hard-edged minutiae of the law than by the notion that he was competing successfully with the best white minds. Yale gave him renewed confidence even as he was, in effect, hiding his face to avoid calling attention to his race. Confusion and contradiction reigned in his life. He felt alienated from a system that was trying to open itself to him, and became more of a loner than he had been before.

Even as Thomas turned inward, he was being urged into a position of leadership by other black students, who were pressing Yale to accept more blacks. Thomas did not take the assignment. He saw that many of the blacks who started Yale Law School did not graduate. Most of those who did graduate were the sons and daughters of black lawyers, doctors, and teachers. Thomas could not justify leading protests to get more Yale law degrees for middle-class blacks. "If quotas help you, fine," he has told me. "If they make your life wonderful, fine. If they get you a BMW or Mercedes, say that is why you want quotas. Man, quotas are for the black middle class. But look at what's happening to the masses. Those are my people. They are just where they were before any of these policies."

At the end of law school Thomas felt no debt to whites at Yale for allowing a black man from a poor family to go to school there. The suggestion that his education is proof of the good done by affirmative-action policies, executed in good faith to end the harmful cycle of broken families, bad schools, and unemployment, angers him. "I don't think black people are indebted to anybody for anything. Nobody has done us any favors in this country, buddy. This thing about how they let me into Yale—that kind of stuff offends me. All they did was stop stopping us."

As Yale ended and job interviews began, Thomas found himself singled out again. Recruiters from top firms kept mentioning that their firms would allow him to do pro bono work. He bolted from some interviews in anger. White students told him pro bono work was not mentioned in their interviews. "I went to law school to be a lawyer, not a social worker. If I want to be a social worker, I'll do it on my own time." Thomas ultimately took a job with another Yale alumnus, John Danforth, now a U.S. senator but at the time Missouri's Republican attorney general. Danforth didn't mention pro bono work. He promised Thomas no special treatment because of his race. Thomas became counsel to the state department of revenue and the tax commission. He avoided work on any racial issues, insisting that he would be judged a second-rate intellect by people who would assume that he was involved only because he was black. "Danforth was a good guy," Thomas said once. "He ignored the hell out of me."

Thomas worked for the State of Missouri for almost three years, and then went to work for Monsanto, the chemical company. In 1979 he rejoined Danforth, in the Senator's Washington office, again working on non-civil-rights issues, such as energy and the environment. And he became a Republican.

A MONTH BEFORE RONALD REAGAN'S FIRST INAUGURATION Clarence Thomas paid his way to San Francisco for a conference of black conservatives. Reagan's overwhelming election victory, won with almost no black support, had put the spotlight on the few blacks who counted themselves in his camp. Except for Thomas Sowell, the economist, most of the black conservatives were, like Thomas, relatively unknown. They took gleefully to the sudden attention from the press. I was then an editorial writer for *The Washington Post*, and I flew to San Francisco to hear the policy arguments being made by Ronald Reagan's black admirers.

Thomas was the most interesting of a very self-important crowd, because he was so brutally candid. In discussing welfare policy he explained that his opposition to public assistance was an outgrowth of his sister's experience on welfare in Georgia. "She gets mad when the mailman is late with her welfare check," he said. "That is how dependent she is. What's worse is that now her kids feel entitled to the check too. They have no motivation for doing better or getting out of that situation." His frankness in reflecting on his own position as a black conservative is, in retrospect, touched by irony. "If I ever went to work for the EEOC or did anything directly connected with blacks, my career would be irreparably ruined. The monkey would be on my back to prove that I didn't have the job because I'm black. People meeting me for the first time would automatically dismiss my thinking as second-rate."

I wrote a column for the *Post* about Thomas that drew the attention of the Reagan transition team. Various jobs in the Administration were discussed. Thomas, however, was reluctant to move to the executive branch. The column had attracted as much criticism from the left as interest from the right. Thomas was uncomfortable. Finally, though, in May of 1981, despite his misgivings, he joined the Administration as the Department of Education's assistant secretary for civil rights. He kept a low profile and generally avoided the press. But he stirred controversy among civil-rights activists from the start. For example, he set out rather quickly to overturn the government's policy of pressing southern states to unify their separate white and black college systems, arguing that an end to the so-called dual system would mean an end to the historically black colleges that had educated a majority of the nation's black professionals. Civil-rights groups saw him as playing into the hands of southern white separatists. Thomas did not have time to ride out the storm. Eight months after he began his job at the Department of Education, the President nominated him to head the EEOC. He became the only black with any real power in the Reagan Administration on matters involving civil rights. (Clarence Pendleton, the chairman of the U.S. Civil Rights Commission, is empowered only to conduct studies and make recommendations.)

Soon after Thomas's nomination he and I began meeting regularly for informal conversations, most of them on the record. I was by then a White House correspondent.

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and Thomas thought that the conversations would be advantageous to him. Eventually we began to talk easily and at length. He was outspoken and frank in discussing his shifting thoughts on civil rights, his frustrations, and his worries about his status within the Administration.

The Equal Employment Opportunity Commission was created by the Civil Rights Act of 1964, as a means to enforce statutory prohibitions against job discrimination on the basis of race, sex, color, religion, or national origin. The commission has five members, who review every case recommended by the EEOC's general counsel as possible material for a lawsuit. All the members are political appointees. As the chairman, Thomas oversees the agency's lawyers and regulators—a significant source of influence. The EEOC's power is limited to investigating a charge and seeking a settlement with the employer. The agency can subpoena evidence, take testimony, and file suit on behalf of a defendant or a class of defendants. The EEOC cannot itself fine or penalize the employer any other way. The agency also has a congressional mandate to deal with employer discrimination on the basis of age, as well as to investigate violations of the Equal Pay Act (which requires that equal pay be given to persons doing the same job).

Should General Motors be prodded to train more women welders? Should companies, reasoning that older workers have pension income to make up for a loss of salary, be allowed to lay off the elderly first? Are secretaries being

paid less than janitors because secretarial work is a traditionally female occupation? Should a business be permitted to promote blacks who don't pass qualifying tests, on the grounds that five times as many blacks as whites fail such tests? These are the kinds of questions that come before the EEOC. For more than two decades an established part of American corporate life has consisted in trying to keep the EEOC at bay. Last year the commission processed 66,000 complaints. Whether the EEOC files a lawsuit in any particular case depends largely on Clarence Thomas's conception of fairness.

Thomas told me a story from his boyhood to illustrate what fairness means to him. He was on the back porch, playing blackjack for pennies with some other boys. As the game went on, one boy kept winning. Thomas finally saw how the cards were marked. The game was stopped. There were angry words. Cards were thrown. From all sides fast fists snatched back lost money. There could be no equitable redistribution of the pot. The strongest, fastest hands, including those of the boy who had been cheating, got most of the pile of pennies. Some of the boys didn't get their money back. The cheater was threatened. The boys who snatched pennies that they had not lost were also threatened. But no one really wanted to fight—they wanted to keep playing cards. So a different deck was brought out and shuffled, and the game resumed with a simple promise of no more cheating.

## LIKEWISE

The pond is like a mackerel skin tonight.  
the mackerel like a beaded evening bag.  
This is like that; that is like this, oh.  
let's call the whole thing off and take it straight:  
nothing is like anything else.  
Even the parrot and the apish ape  
mirror mimic, and do like—unmatched.  
To begin: algae, abalone, alewife—  
each the spitting image of itself.  
Likewise beetles (potato, scarab, and whirligig).  
Nothing even comes close to barrel cactus:  
nothing is more original than a bog,  
more rare than the cougar and crane  
save all the above named.  
I've never seen anything like it—dustbowls, deer,  
the descent of man and estuaries,  
flakes of snow (no two like), fire,  
fax, garnets, and gulls.

are unique—there is nothing like a dam.  
Ditto inbreeding, ice ages, industrialization,  
joshua trees, lagoons, and the law  
that to liken a lichen is tautological.  
Indeed, the rule of diminishing simile holds  
that all of these are idiosyncrasies:  
the Leakeys, legumes, maize, marsupials, and moose.  
Virtually nothing is extraneous here—  
not orchids, ooze, pampas, nor peat.  
This is the world of plenitude and power—  
every bit of it out of this world:  
the rain and rattlers, sperm, swamps, and swans.  
As we now inch toward an end—vectors  
and a winter that figures to be like no other,  
say the selfsame earth is to your liking  
and let us continue—yeast, yuccas, zoons,  
all things like, beyond compare.

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That story, Thomas said, is a lot like the story of race relations in America. Whites had an unfair advantage. But in 1964, with the passage of the Civil Rights Act, the government stopped the cheating. The question now is, Should the government return the ill-gotten gains to the losers—the blacks, the Hispanics, and the women who were cheated by racism and sexism? Does fairness mean reaching back into the nation's past to undo the damage? Is the son entitled to recompense if the mother was a brilliant businesswoman who could not find a bank that would lend her money? How about the grandson of a black doctor who never earned as much as white practitioners but lived the life of the elite among blacks? Should American businesses have to compensate for the legacy of slavery—the poor, undereducated blacks living in dreary, stultifying ghettos that perpetuate perverse values? How would society, especially the society of government and business, make amends, even if making amends were its fervent goal?

Thomas believes that government simply cannot make amends, and therefore should not try. The best it can do is to deal a clean deck and let the game resume, enforcing the rules as they have now come to be understood. "There is no governmental solution," Thomas said. "It hasn't been used on any group. And I will ask those who proffer a governmental solution to show me which group in the history of this country was pulled up and put into the mainstream of the economy with governmental programs. The Irish weren't. The Jews weren't. Use what was used to get others into the economy. Show us the precedent for all this experimentation on our race."

He returned to the idea of the cheater on the porch: "I would be lying to you if I said that I didn't want sometimes to be able to cheat in favor of those of us who were cheated. But you have to ask yourself whether, in doing that, you do violence to the safe harbor, and that is the Constitution, which says you are to protect an individual's rights no matter what. Once you say that we can violate somebody else's rights in order to make up for what happened to blacks or other races or other groups in history, then are you setting a precedent for having certain circumstances in which you can overlook another person's rights?"

Individuals who are proven victims of discrimination have Clarence Thomas's EEOC on their side in the fight. But people who argue that they are victimized in corporate life as part of historical, across-the-board discrimination against a group find little sympathy at his agency. It could be, Thomas says, that blacks and women are generally unprepared to do certain kinds of work by their own choice. It could be that blacks choose not to study chemical engineering and that women choose to have babies instead of going to medical school.

If an employer over the years denies jobs to hundreds of qualified women or blacks because he does not want women or blacks working for him, Thomas is not prepared to see a "pattern and practice" of discrimination. He sees

hundreds of local, individual acts of discrimination. Thomas would require every woman or black whom that employer had discriminated against to come to the government and prove his or her allegation. The burden is on the individual. The remedy is back pay and a job. "Anyone asking the government to do more is barking up the wrong tree," Thomas says.

Thomas has made it EEOC policy to shy away from class-action suits. He doesn't want to see blacks treated as numbers. So he favors aggressive attacks on employers only when they are proved to have discriminated against particular persons. "My view is that the most vulnerable unit in our society is the individual. And blacks, in my opinion being one of the most vulnerable groups, should fight like hell to preserve individual freedoms so people can't gang up on us. Blacks are the least favored group in this society. Suppose we did band together, group against group—which group do you think would win? We're breaking down everything, ten percent for the blacks, twenty-five percent for the women, two percent for the aged, everything broken out according to groups. Which group always winds up with the least? Which group always seems to get the hell kicked out of it? Blacks, and maybe American Indians.

"Playing the group game builds up racial conflict. That's what segregation was all about. But now blacks are out here raising all this Cain for group rights, and the ones who benefit the most, I think, would probably be white females, because they are the best-prepared group."

Clarence Thomas has resolved to play by the rules. Once again one sees the boy on the porch, the respect for method and procedure. Thomas is consistent. Because the courts in the past have mandated goals, timetables, and quotas, and because these are therefore the law of the land, Thomas's EEOC continues to enforce (though it may occasionally challenge) such decisions. This stance has sometimes left Thomas isolated within the Reagan Administration. But when it comes to new business before the commission, there is little in Clarence Thomas's record with which a right-wing Administration could find fault.

In "fiscal year" 1980 (October 1, 1979, to September 30, 1980) the EEOC was settling 32.1 percent of the cases that it closed, whereas the rate was 13.6 percent in the first half of 1986. The proportion of cases in which the EEOC finding was "no cause" (for a lawsuit) increased from 28.5 percent to 56.6 percent over the same period. A total of 22.3 percent fewer cases were filed in court in 1985 than in 1981. The decline in the number of cases pleased Thomas. He had turned the agency's attention away from cases based on statistical evidence of discrimination. Thomas was sensitive to reports that white managers often feel they cannot find enough qualified minority candidates. Perhaps an employer in the Southwest fires more Hispanics and women simply because he made an effort to hire them in the first place: the women and Hispanics who

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who can't do the job will be fired. To sue an employer because he keeps the door open to people who may be less educated and have little work experience would be to discourage him from giving those people a chance.

THOMAS'S TENURE AT THE EEOC HAS ALWAYS BEEN rocky, but it has been rocky for different reasons at different times. His first task was simply getting a hold on an agency with 3,100 employees and forty-eight local offices. By all accounts the agency Thomas inherited was administratively disheveled, with a long backlog of discrimination cases. Thomas seems to have been happy with unpublicized bureaucratic chores, happy to be left to himself. On his way into work every day he would have his driver stop at a Catholic church, where he would spend a few minutes alone in prayer. He does not attend church on Sundays. ("God is all right," he says. "It's the people I don't like.") Thomas rarely spoke with the press. He worked privately, almost anonymously, letting the Justice Department and the White House make political pronouncements on civil-rights policy. In the Administration, Thomas was often referred to as "the other Clarence," distinguishing him from the more visible Clarence Pendleton, at the Civil Rights Commission. As one of the very few prominent blacks in the Reagan Administration, he was criticized internally for his initial lack of a public role.

Once, during lunch at the White House mess, William Bradford Reynolds, the assistant attorney general for civil rights, was loudly urging him to be more aggressive. Thomas snapped back, "Don't tell me what to do, Brad. All I *have* to do is die and stay black."

If Thomas hoped to sit out the war of words between the Reagan Administration and the nation's leading civil-rights groups, he was only partially successful. Criticized by black leaders as an Uncle Tom, Thomas from time to time struck back. He publicly castigated civil-rights leaders who "bitch, bitch, bitch, moan and moan and whine" about the Reagan Administration. He characterized protests against apartheid in South Africa and against the Administration's policy of "constructive engagement" as less important than efforts at home to improve education for blacks and end poverty and drug abuse among them.

Meanwhile, Thomas found himself in occasional disagreements with other members of the Administration. Thomas freely blamed the Justice Department for setting a "negative agenda" on civil rights during the President's first term. He conceded to me that the Administration "blew it" by supporting tax-exempt status for a segregationist school, Bob Jones University. He stated frankly that he was working with racists, though he claimed that this hardly mattered, since, he said, there are some racists in every Administration. ("Yes, there are a lot of racists in the Administration. So what? There may be more here now,

with an out-and-out racist anyway to one who is racist behind your back.") He opposed Attorney General William French Smith when Smith refused to comply with a twelve-year-old federal law requiring federal agencies to submit annual statistical analyses of the number of minority-group members working in the executive branch. And, with mixed success, he has set himself against Justice Department attempts to overturn certain existing local quota plans for hiring and promotion. At one point in 1984 there was talk within the Administration of forcing Thomas's resignation, or at the very least of nominating a replacement when Thomas's term expired in 1985.

Though it was at first only dimly perceived, however, Thomas was transforming the nature of the EEOC—moving it firmly toward the Reagan right. The fundamental change was in the type of lawsuit that the commission was likely to bring. In the past the EEOC had brought a number of celebrated class-action cases against such major companies as AT&T and General Electric. The agency had alleged historical and widespread discrimination and sought changes in hiring practices, along with back pay for the victims. Those cases ended with multimillion-dollar settlements, and goals and timetables to govern future hiring. Now the EEOC focused on simply enforcing the law in cases brought by individuals who sought to prove specific acts of discrimination. The shift in emphasis fit Administration policy. Fewer class-action suits inevitably meant far less use of goals, timetables, and quotas to remedy findings of discrimination. It also meant fewer attempts to stop employers from giving tests, setting standards, or recruiting in a manner that caused disproportionately low numbers of blacks, women, and other minorities to get jobs.

Thomas held to his version of fairness: individual victims of discrimination should be helped by the government, but classes of people who theoretically were victimized by the nation's history of racism or sexism should not be helped. Indeed, Thomas viewed with deep misgivings any finding of discrimination based on broad statistics—once the most effective weapon wielded by the EEOC. The commission had for many years used statistics to put employers on the defensive for not hiring minorities or women in proportion to their numbers in the pool of qualified applicants. Statistics shifted the burden of proof from the individual, who was charging discrimination, to the company, which had to prove that it was *not* discriminating. Statistics had been employed vigorously by the EEOC ever since a favorable 1971 Supreme Court ruling in *Griggs v. Duke Power Co.*

Soon Thomas began to look at the use of statistics in the EEOC's own Uniform Guidelines on Employee Selection Procedure, which has been used by the courts as an authoritative interpretation of the Civil Rights Act of 1964. In September of 1984 Thomas led the five EEOC commissioners in a vote to review the guidelines, because, in his view, they had become too "rigid." The decision, in fa-

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garded the guidelines as a landmark in equal-opportunity law. It also had reverberations in the corporate world. Lawyers had become accustomed to the Uniform Guidelines as the one and only set of rules for playing the affirmative-action game—for avoiding race- and sex-bias lawsuits brought by the government. The guidelines require that any prerequisite for employment—a test, an interview, a physical standard, or a performance evaluation—result in a selection rate for any race, sex, or ethnic group within 20 percent of the selection rate for the group with the highest rate. If a hundred whites apply for a job and sixty are selected, that is a 60 percent hiring rate for qualified white applicants. An employer with forty qualified black applicants would have to hire twenty—a 50 percent hiring rate—to come up with a hiring rate for blacks that is within 20 percent of the hiring rate for whites.

In justifying the review of the guidelines, Thomas wrote that they were founded on the premise "that but for unlawful discrimination by an employer, there would not be variations in the rates of hire or promotion of people of different races, sexes, or national origins. . . . [The guidelines] also seem to assume some inherent inferiority of blacks, Hispanics, other minorities, and women, by suggesting that they should not be held to the same standards as other people, even if those standards are race and sex neutral." Last year the EEOC completed an internal review of the guidelines, but it has not yet acted on this report.

Thomas was roundly criticized by civil-rights groups for subjecting the guidelines to scrutiny. He cited the all-black basketball team at Georgetown University, a school with an overwhelmingly white student body, as an example of how statistics could mislead. Would anyone, he asked at a congressional hearing, charge that Georgetown was discriminating against white basketball players?

In newspaper interviews Thomas spoke freely of his disdain for the statistical basis of an ongoing EEOC suit, begun before Thomas joined the commission, against Sears, Roebuck & Co. The class-action suit claimed that Sears discriminated against women because it hired a far higher proportion of men than women for sales jobs, even though more women applied for the jobs. Sears, the EEOC claimed, also promoted fewer women than men to lucrative commissioned sales jobs. The government's suit did not have a single named plaintiff; it relied solely on statistics. Thomas told *The New York Times* that the statistics

didn't prove Sears guilty of discrimination. The disparity in hiring figures between men and women could, he said, be due to cultural differences between men and women, educational levels, commuting patterns, and other "previous events." Lawyers for Sears actually tried to have Thomas testify in their behalf, hoping he would damage his agency's case. However, the judge refused the motion to take his deposition, ruling that what Thomas believed, even as the head of the EEOC, was irrelevant. In February of 1985, to Thomas's satisfaction, the EEOC lost the case. But Thomas has agreed to have his agency file an appeal on the basis of what his lawyers have told him are mistakes made by the trial judge. Thomas told me that he decided to go along with the appeal because if he didn't, "the liberals would be all over me." He does not want it said that he didn't give the case every chance to succeed.

In June of 1985 Thomas removed another potential

source of controversy between employers and the government by leading the commissioners to reject the validity of the notion of "comparable worth": the idea that people who are doing different jobs should nevertheless be paid equally if their jobs require comparable effort, responsibility, skill, and training. Traditionally female occupations, such as teaching, could be made to pay the same wage as traditionally male occupations, such as construction.

Women's groups have contended that jobs that usually go to men pay more because of the old-fashioned idea that a man is supporting a family while a woman is merely working for pin money, or supplemental income. Thomas countered that Title VII of the Civil Rights Act outlawed disparities in pay only when an employer paid men and women different wages for doing the identical job. The agency's decision closed a potential avenue of redress for women for the remainder of the Reagan Administration.

In July of 1985 five congressmen and three senators, including Senator Edward Kennedy, the ranking Democrat on the Senate's Committee on Labor and Human Resources, asked the General Accounting Office to investigate the EEOC. They were "deeply concerned that the EEOC's ability to effectively attack discrimination in the workplace [had] been diminished by a recent shift in policy which may run counter to the intent of Congress in enacting these remedial statutes." They insisted that Congress "required an extensive and sustained" effort from the EEOC against the new wage structure. In July of 1985



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They complained that their mandate was "being flouted by the commission."

With the arguments between Thomas and his critics growing louder, the EEOC chairman suddenly found himself warmly received at the Justice Department and the White House. He worked closely with Attorney General Edwin Meese in pushing for a change in an executive order that requires federal contractors to show that they have made efforts to hire minorities and women. Meese and Thomas argued that the order amounted to quotas, because contractors who failed to hire minorities and women were given goals and timetables that had to be met under pain of losing government contracts. For the time being the executive order remains in effect, however, because Republican political strategists have judged that deleting all suggestion of quotas from the executive order carries too high a political price.

**L**AST SUMMER PRESIDENT REAGAN NOMINATED CLARENCE Thomas to a second term as chairman of the EEOC. On August 12, 1986, Thomas won Senate confirmation. The Senate's unanimous vote came a week after a 14-2 vote by the Labor and Human Resources Committee to recommend Thomas for a second term. The two senators who voted against Thomas in committee were Howard Metzenbaum, of Ohio, and Paul Simon, of Illinois. Metzenbaum said he opposed Thomas because "he has not brought [to the EEOC] a vigorous determination to enforce the law. . . . He has failed to show the kind of leadership which the civil-rights community is entitled to." The NAACP and the League of United Latin American Citizens said that Thomas was the key to a Reagan Administration plan to "roll back civil rights."

But the opposition lacked passion. In joint testimony representatives of other major civil-rights and women's-rights groups, ranging from the National Urban League to the NOW Legal Defense and Education Fund, said they did not know of any group involved with civil liberties that wanted Thomas reappointed. However, they said, "given this administration's record [we] have no illusions that a nominee committed to strong enforcement would replace [Thomas]. This Hobson's choice dilemma does nothing to quiet our concerns about the management and policy of the EEOC for the past five years." The civil-rights groups seemed reluctant to demand that Thomas be replaced even as they listed his faults. Their hesitancy carried the day and helped to assure Thomas's confirmation. And at the hearings, which were held in July, Thomas stole his opponents' thunder by telling the committee that he had

reversed his earlier position and ordered the EEOC's lawyers to resume using goals and timetables against employers found guilty of discrimination. "That's the law of the land, whether I like it or not," he said. When Metzenbaum asked about his personal view of affirmative action, Thomas replied, "Whatever reservations I have are purely personal. They're subversive literature now." When some Democrats suggested that Thomas might be merely saying expedient things on the record while off the record instructing his lawyers not to return to goals and timetables, Thomas privately promised, according to committee members, to send reports twice a year to the Senate on the number and types of cases in which the EEOC makes use of hiring and promotion goals and timetables. Despite such concessions, Thomas retains considerable power to push his agenda at the EEOC—an agenda that amounts to curbing federal intervention.

In mid-September, Attorney General Edwin Meese, Assistant Attorney General for Civil Rights Bradford Reynolds, and Senator Strom Thurmond, the former segregationist from South Carolina, came to the EEOC's offices to swear in Clarence Thomas. It was an unlikely sight—the three white men shaking hands and slapping backs with Thomas. Reynolds had days earlier attacked Supreme Court Associate Justice William Brennan as a man seeking "unlimited judicial power to further a personalized egalitarian vision of society" through racial preferences and a "liberal social agenda." Meese was about to give a speech encouraging politicians to disregard Supreme Court rulings if they felt the rulings were wrong. Clarence Thomas, in his moment of triumph, stood shoulder-to-shoulder with his Administration colleagues. None of the three stayed more than a few minutes at Thomas's celebration. But before he left, Reynolds raised his glass. "It's a proud moment for me to stand here," he said, "because Clarence Thomas is the epitome of the right kind of affirmative action working the right way."

Clarence Thomas flinched. Some of his aides looked down and shook their heads. After all Thomas had been through in defense of the Administration position on civil rights, Reynolds had implicitly dismissed him as an affirmative-action hire. And, worse, Reynolds had thought it a compliment. Thomas showed a look of cold hurt—a look of disgust. He folded his arms across his chest and looked away from Reynolds. By the time Meese had said a few words and Thurmond had sworn him in, an uneasy smile had returned to Thomas's face. A few days later, when I asked about his reaction to Reynolds's comment, Thomas waved his hand, as if swarting away the memory. "I can't pay no attention to Brad," he said. □

## INFORMAL BIOGRAPHY

Clarence Thomas was born on June 23, 1948, in a small wood frame house outside of Savannah, Georgia. The house in which he was born, as well as the bed, was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. His mother's name was Leola Thomas and is currently Leola Williams. His father's name is M.C. Thomas. The initials do not represent additional names. Clarence's father left while he was still a toddler, and has lived in Philadelphia most of Clarence's life. Clarence would see him only once during his childhood, at the age of nine.

For the first six and a half years of his life he lived in Pinpoint with his mother, her aunt and uncle, together with his older sister and a younger brother, Myers. They lived in the same wood frame house in which Clarence was born. The community of Pinpoint is one of many Black communities outside Savannah, Georgia. Although development threatens its existence today, in the late 40's and early 50's it was indeed rural. In Drums and Shadows - survival studies among the Georgia Negroes, Pinpoint is described as follows:

"Pinpoint, a Negro community about nine miles southeast of Savannah is scattered over some

twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

Pinpoint has a church, a pavilion on the tidewater creek, and a crab cannery. The men and women who do not work as domestic servants at the nearby country places find employment in the crab cannery or fish and crab and shrimp for themselves. The life is quiet, soothed by the smell of salt marsh.

\* \* \*

The people are, almost without exception, black or dark skinned, proud, upstanding and loyal, suspicious of strangers but generous and trusting to friends." (cites omitted).

The house in which Clarence and his family lived was simple, but always neat and pleasant. For lighting, they used kerosene lamps, and there were also several electric ceiling lights. They had no indoor plumbing, and shared an outhouse with several neighbors. They carried water from a common pump usually in water buckets. As alluded to in Drums and Shadows, supra, everyone worked. Women did "day" work, cleaning houses for the whites who lived nearby. They also shucked oysters and picked crabs. Kids would often scrub crab barks to earn spending money. The men were usually day laborers and/or they raked oysters, fished or crabbed. They also steamed crabs, which the women then picked. Clarence's mother was among the best crab pickers. His sister, until recently also picked crabs on a regular basis. As children, they played under the houses, or in the woods and marsh. They chased and caught fiddler crabs, and minnows, climbed trees, and played with makeshift toys.

Clarence started the first grade in September, 1954 at Haven Home School, which was segregated. Coincidentally, Brown v. Board of Education was decided that same year. About midway through the

school year, Clarence's brother and their cousin, Little Richard, accidentally burned their house down. As a result, Clarence and his brother moved to Savannah to live with their mother. They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a loveseat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20.00 every two weeks. She left early in the morning and returned at the end of the day. Clarence completed the first grade at Florance Street School. He attended afternoon classes. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice delivery and fuel oil business. Their grandmother had a sixth grade education and their grandfather had gone to the third grade, although he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year. He

learned how to read and write a little after he became an adult. Clarence's grandfather was a proud, disciplined man who believed that everyone who could work should work. He never knew his father, and his mother died when he was nine years old. He lived with his grandmother, who according to him was freed from slavery as a young girl. His grandmother died when he was twelve years old. He then went to live with his uncle, who was a hard man, with a family of about 16 children. Clarence's grandfather often told stories of how they had to hunt, fish, farm, and do "piece" work for nearby whites in order to survive. Myers Anderson's very hard life, without mother or father, no education, and in an era of segregation and Jim Crow laws, was a dominant influence on the way he raised his grandsons. They had to learn to work and to survive, no matter what happened in the world.

The world of Clarence's youth was the world of segregated Georgia. All of life was segregated, schools, libraries, movies, and lunch counters. There were separate water fountains and public restrooms for those who were "colored." Clarence recalls an incident when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the restroom. The attendant said there was no "colored" restroom. Clarence's

grandfather loudly and forcefully told the attendant that if his wife couldn't use their restroom, he couldn't use their gas. And, they sped off and stopped at a gas station with a "colored" restroom. This was the reality in which Myers and Christine Anderson were determined to raise two boys who could do for themselves.

Clarence and his brother worked with their grandfather on the oil truck or at whatever he was doing when there was no need to deliver oil. During the school months, they were required to be dressed and ready for work by 3:00pm. School ended at 2:30pm. There was always work to be done: in the yard, on old houses that their grandparents owned, maintaining the trucks and car, painting, roofing, plumbing, etc. On Saturdays, if there was no oil to be delivered, the car had to be washed; the lawn, cut; the hedges, trimmed; the yard, cleaned, shoes polished and so forth. To Clarence and his brother, there seemed to be no rest for the weary.

Clarence's grandfather believed that he could do just about anything. And when Clarence and his brother would say they couldn't do something, he would chastise them not to use the word "cant." "Old man can't is dead. I helped bury him," he would often say. For example, in the winter of 1957, he decided to build a house on family farm land that had lain fallow for quite

some time. When he said he would build something, he meant exactly that. He had previously built the house in which they lived in Savannah and several of the houses which he owned in the neighborhood. Clarence and his brother were required to work closely with him to build the house carrying cinder blocks, mixing cement, etc. In the spring of 1958, with the house completed, they began to farm. Each year they cleared more and more land to plant and cultivate. They also raised chickens, pigs, and cows. They built garages, barns and a wire fence around a hundred acres or so. Initially, their grandfather plowed with a horse and mule, with Clarence and Myers following him. Later he bought an old Ford tractor. Then Clarence and Myers began to do quite a bit of plowing at the age of 13 or 14. They also used the tractor to haul logs and to cut and rake hay. Aside from plowing with a tractor, the rest of the farm work was done manually. They worked from "sun-up to sun-down" with an hour to an hour and a half for lunch. The extended lunch breaks were necessitated by their grandfather's nap after lunch. Myers Anderson believed, to his grandsons' chagrin, that the sun should not catch anyone still in bed. Everyone should start work as soon as there was enough daylight to see.

Myers Anderson believed strongly in the maxim: early to bed, early to rise. He usually went to bed between 8 and 9 p.m. and rose between 2 and 4 a.m. If his grandsons occasionally were

fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought that they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Clarence's grandparents were honest, hardworking, and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: yes ma'am, yes sir, Miss Gladys, Cousin Bee. At no time was a child permitted to debate an adult.

Hard, honest work was the constant lesson. Sometimes it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to "raise them right", and teach them "to do for yourselves." To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world.

Myers Anderson was fiercely independent, and believed that his freedom depended on his ability to survive, without reliance on a hostile government and in an environment in which it seemed that Blacks only had privileges--not rights. Christine Anderson was a quiet, saintly woman. She would often intercede with her husband, on behalf of their two grandsons. Her most constant instruction to her grandsons was "say your prayers." And, each morning she greeted them with their lunch, hot breakfast, and gospel music from the radio station. She, too, worked constantly.

Clarence's grandparents enrolled him and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous.

Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence was appointed by President Bush to the U.S. Court of Appeals for the District of Columbia on March 6, 1990. He was President Bush's first appointee to that court.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.

THE WHITE HOUSE

Office of the Press Secretary  
(Kennebunkport, Maine)

For Immediate Release

July 1, 1991

PRESS CONFERENCE BY THE PRESIDENT

Walker's Point  
Kennebunkport, Maine

2:00 P.M. EDT

THE PRESIDENT: 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.

And now, Judge Thomas, if you'd like to say a few words. And then what we'll do is questions for either of us, and then if you finish those, then I'll be glad to stay and take questions on a wide array of subjects.

JUDGE THOMAS: Thank you, Mr. President. I'm honored and humbled by your nomination of me to be an Associate Justice of the

MORE

Supreme Court of the United States.

As a child, I could not dare dream that I would ever see the Supreme Court, not to mention be nominated to it. Indeed, my most vivid childhood memory of a Supreme Court was the "Impeach Earl Warren" signs which lined Highway 17 near Savannah. I didn't quite understand who this Earl Warren fellow was, but I knew he was in some kind of trouble.

I thank all of those who have helped me along the way and who helped me to this point and this moment in my life, especially my grandparents, who are -- especially my grandparents, my mother, and the nuns -- all of whom were adamant that I grow up to make something of myself. I also thank my wonderful wife and my wonderful son.

In my view, only in America could this have been possible. I look forward to the confirmation process and an opportunity to be of service once again to my country, and to be an example to those who are where I was and to show them that, indeed, there is hope.

Thank you again, Mr. President. (Applause.)

THE PRESIDENT: Now, either of us will take questions. As you can understand, Judge Thomas -- the next important step for him is going up for confirmation. And as with every predecessor for the Supreme Court, I'm sure you'll understand if he won't take questions on specific issues or philosophy or things of that nature. But if you have any for him or for me about this appointment or matters relating to the Court, I'll be glad to respond -- I know he would. And then, as I say, it's been a while, and we want to go ahead and just have a general press conference on any other subjects that come to mind.

Q Mr. President, how will you answer concerns stemming from Judge Thomas' days as Chairman of the EEOC, that in that post he was somewhat insensitive to the concerns of the elderly and civil rights advocates, and that he didn't aggressively pursue their complaints?

THE PRESIDENT: Well, obviously, that complaint, if it was even raised in his confirmation hearings for the second highest court in the land, were satisfactorily answered. It is my view that the complaints are unfounded, of course, but I doubt if anybody strongly felt that, that he would have been confirmed for his present position.

Q Mr. President, last year you vetoed the civil rights bill, saying it could lead to quotas. Today you've made a nomination that could be easily seen as quota-based. How do you explain this apparent inconsistency?

THE PRESIDENT: I don't even see an appearance of inconsistency, because what I did is look for the best man. And Clarence Thomas' name was high on the list when the previous nominee went forth -- Judge Souter -- Mr. Justice Souter now. And so I don't accept that at all. The fact that he is black and a minority has nothing to do with this in the sense that he is the best qualified at this time. And we had a very thorough screening process then; we had one now that we put into forward gear very fast. But we didn't have to start from square one.

So Clarence Thomas, seasoned now by more experience on the bench, fits my description of the best man at the right time, or the best person at the right time because other -- women were considered as well.

Q But do you see how it could be perceived so?

THE PRESIDENT: No, I can't see it.

Q Was race a factor whatsoever, sir, in the selection?

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THE PRESIDENT: I don't see it at all. The fact that he's a minority -- you heard his testimony to the kind of life he's had, and I think that speaks eloquently for itself. But I kept my word to the American people and to the Senate by picking the best man for the job on the merits. And the fact he's minority, so much the better. But that is not the factor, and I would strongly resent any charge that might be forthcoming on quotas when it relates to appointing the best man to the Court. That's the kind of thing I stand for, not opposed to.

Q If I could ask the question --

THE PRESIDENT: Yes.

Q Was race a factor whatsoever, though, sir?

THE PRESIDENT: Well, I tried to answer it just then as best I could. Nice try for the second go-around.

Q If I could follow up. There are many people who felt that, in fact, that was a plus. Not that it was a factor or a quota, but that, in fact, since the Court represents all the people, there ought to be a minority member. Did you at all feel that way, that this was the best --

THE PRESIDENT: Oh, yes, but I don't feel he's a quota; I don't feel that I had to appoint -- nominate a black American at this time for the Court. I expressed my respect for the ground that Mr. Justice Marshall plowed, but I don't feel there should be a black seat on the Court or an ethnic seat on the Court, if that's what your question is. I would reiterate, I think he's the best man. And if credit accrues to him for coming up through a tough life as a minority in this country, so much the better. So much the better.

I love what he said at the end -- it proves he can do it, get the job done. And so that does nothing but enhance the Court, in my view. But I just really want you to know, we looked at this list with an idea of really finding the best, and I think that's what we did.

Yes, Charles.

Q I wonder if I could ask a question of Judge Thomas, Mr. President.

You made reference, sir, to Chief Justice Warren -- the Warren Court known as a liberal court, but one that advanced a lot of things in the way of civil rights and on behalf of minorities. How do you feel about that Court vis a vis the very conservative Court that you seem to be joining?

JUDGE THOMAS: Well, I think that many of the questions that I will be asked during my confirmation process will perhaps bring that comparison out, and I think, out of respect for that process, I'll have to refrain from making that sort of comparison at this time.

Q Not even a personal reflection, sir, on what the Warren Court did for minorities?

JUDGE THOMAS: Not even a personal reflection.

Q Judge, a question for you. What do you say to critics who say the only reason you're being picked is because you're black?

JUDGE THOMAS: I think a lot worse things have been said. I disagree with that, but I'll have to live with it.

THE PRESIDENT: Refer them to the President. (Laughter.) How about that for an answer?

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JUDGE THOMAS: Well, I'll also say I didn't make the selection. (Laughter.)

Q Mr. President, civil rights groups, in particular Ben Hooks, has signaled that you're in for the "mother of all confirmation hearings" if you nominated Judge Thomas. What do you have to say about that?

THE PRESIDENT: Well, one, I find that very surprising from a man that's as fair as Ben Hooks, so -- and I learned something in this job that some of the others that cover us regularly here understand, and that is that I don't like to comment on a statement attributed to somebody until I've actually read it. But I think, when you go back and look at the support that Judge Thomas had for the bench that he now serves on, that that in itself will take care of any arguments that someone -- I just don't want to feel that Ben Hooks said that. I know him, I respect him, and I don't think that he would say that about Judge Thomas. I'll be honest with you.

Q At his confirmation hearings before, it was said that if -- he was accepted to the bench, but if you brought him back for the Supreme Court, that they didn't feel that he would be ready for that.

THE PRESIDENT: Well, he's not President and he isn't the Attorney General, nor the General Counsel to the President, nor the Chief of Staff, nor those of us who screened this nomination. It is our judgment he will. I think you're going to find many senators that disagree with the fact he's not ready.

Look, I'm not suggesting there will be no opposition, but you've put it on quite a personal one with Ben, and I just can't believe he would make a statement like that. I've differed with him on a lot of things and agreed with him on many, but I simply do not want to accept that until I see it. I'm not questioning your motives or challenging your authenticity of the statement, but please let me just defer until I take a look at it.

Q Mr. President, when you selected Judge Souter your aides very clearly put out the word that Edith Stone of Houston was the runner-up and likely would be the nominee if another vacancy came up. What happened to change the equation this time?

THE PRESIDENT: Well, she's a very able justice -- judge. She was given consideration then and now. And I just felt that Judge Thomas, with his seasoning now, is best prepared to serve. It was that. It was not a demeaning or putting down of anybody else, because there were some very good names brought to my attention.

And I might say -- you know, this just happened last week, and some will be saying, well, was the screening process thorough? And the point I want to make is that I have met several times since Judge Souter's sending to the bench to discuss what would happen if a Supreme Court justice stepped down, with no one particularly in mind, but just to be ready. So consideration was given to a wide array of candidates, but we'd already done a lot of homework.

But you ask about Edith, who comes from my hometown, and I have nothing but high regard and high esteem for her. But I decided on the advice of people that I trust that this is the way to go.

Q Mr. President, the appointments made by President Reagan and you have put the Court on a conservative road. Is that what you would like to see for the next 10 or 15 years, to reverse some of the more liberal rulings in the past 20 years?

THE PRESIDENT: Look, I don't know how Judge Thomas, when he becomes Mr. Justice Thomas, will come down on every issue. And, indeed, I didn't discuss specific issues with him. I didn't discuss

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them with Judge Souter before he became Mr. Justice Souter. But I did look at this: would he faithfully interpret the Constitution and avoid the tendency to legislate from the bench? And that's a broad consideration, but that was certainly in his favor in my view. And I don't know whether he'll agree with positions that our administration takes or overthrow decisions or change positions that we think are right. But that doesn't matter. What matters is that he faithfully interpret the Constitution, and I am 100-percent convinced that that's exactly what he'll do.

So we're not trying to put a philosophical balance on this Court. We're not trying to philosophically affect it. I want -- and I said this long ago, long before I became President, that the main consideration in addition to excellence and qualification is this concept of interpreting the Constitution and not legislating from the federal bench.

Q In the last several weeks you or you and your White House Counsel have had to act to tighten the restrictions on travel of your subordinates. During this period of time has Governor Sununu come to you at all and expressed any apology for any embarrassment that this might have caused you?

THE PRESIDENT: John, I'll take your question in one second, but have we done the Supreme Court questions? Because I don't want to get Clarence Thomas, on the eve of his hearings, caught up in a lot of domestic questions of one kind or another, including this one which I'll be glad to respond to. But if you'd let me come back to you as soon as I ask him to go into the cool office that is behind us. But if there's any -- a couple more on this, and then we'll move on to Mr. Mashek.

Q Could I ask Judge Thomas his feelings about quotas?

JUDGE THOMAS: I would give you -- again, I'd give you a similar answer. When I was in a policy-making role, I said what I had to say about quotas. As a judge, I have not had an opportunity to rule on that issue. But to the extent that I have any additional comments, I think, again, out of respect for the advice and consent process, I'll have to leave it for that moment.

Q Would that also apply to questions involving whether or not there's a constitutional right to privacy?

JUDGE THOMAS: Yes.

Q Can I have another question for the President?  
(Laughter.) Did your list of possible candidates include anyone with known pro-choice views or any candidate whose views on abortion you were unsure of?

THE PRESIDENT: Probably. Because I don't know, I didn't ask about that.

Q Mr. President, there was a lot of talk about the possibility of an Hispanic being named --

THE PRESIDENT: Yes.

Q -- and, indeed, Judge Garza was interviewed.

THE PRESIDENT: He was.

Q Could you tell us what your thinking on that was -- why it was that you turned to Clarence Thomas instead of an Hispanic?

THE PRESIDENT: Well, I think experience in government, experience on the higher court figured into this, but listen, that should not degrade Judge Garza at all. The man is a very well-qualified individual. Indeed, he flew up and had a conversation with Boyden Gray and with the Attorney General. And I just had to make a very tough call, and I did it. But he's a good man.

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Q Mr. President, when did you make this decision in your own mind and when did you call Judge Thomas to --

THE PRESIDENT: Well, I called him yesterday and told him I was getting very, very close. And keeping the faith with those who were at the golf course, I called him after I came back from the golf course. (Laughter.) But -- and then I closed the deal today. I had one or two points that I wanted to make to him to see that he felt comfortable with them. I wanted to be sure that he knew from me that there was no litmus test involved. I told him, if it's not violating a privacy, that he ought to do like the umpire -- call them as you see them. And I'm satisfied he will.

But I guess I could say the final decision was made sitting in our living room, but it was pretty well-established when I talked to him yesterday afternoon that that's what I wanted.

Q Did you talk to any other candidates personally?

THE PRESIDENT: No, I did not.

Q Mr. President, do you feel as though this appointment will have any effect on your ability to get a civil rights bill through the Congress?

THE PRESIDENT: I don't think it has anything to do with it at all.

Q Do you anticipate any problems in the confirmation hearing?

THE PRESIDENT: Nope. Not if everyone is as fair as I think they will be. I think that there will be questions raised. I would hope that there would not be political considerations. But, look, you've seen confirmation hearings before and you know that different people come in with a wide array of different questions, many of them philosophical. But I'm satisfied that this man will pass muster.

Got it?

I don't want to keep you, get you messed up in domestic politics here, Judge, so good luck, and I'll see you in a few minutes. (Applause.)

May I duly note that that's the first press conference my family has attended and the first one at which there's been any applause. (Laughter.) I hope this will continue.

John.

Q Well, the question is, sir, over the last several weeks you or you and the White House Counsel acting together have been forced to tighten the restrictions on travel regarding your subordinates. Has Governor Sununu come to you during any of this time and apologized to you for any embarrassment this may have caused?

THE PRESIDENT: Yes. He's told me right from the heart that he regretted very much any controversy and anything that this may have done to diminish the ethical standards of this presidency. And I told him, look, I understand this. He went into the staff with essentially the same message. He said it publicly.

And very candidly, no laws having been violated, I think we ought to move on to something more important. And in this instance, it gives me a chance to express my full confidence in him as we work some very complicated issues through the Congress. I respect him. I value his advice and counsel. And I'm hoping that this matter is laid to rest.

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I think John said, "if mistakes were made, I made them." What more can a man be asked to say? And so I'd like to see this matter laid to rest.

Q But at the very outset of your administration you cautioned against even the appearance of impropriety, which you said this brought into --

THE PRESIDENT: That's why I think he came in and we had a good heart-to-heart talk, more than one, about it. I'll be very honest with you. My heart aches for his family because they've been through a lot on some of the stories unrelated to this -- kind of what I refer to as a "piling on" syndrome. So I'm glad this matter came up because I'd like to try to clear the air, get it behind us and move on.

But he's done the right things in terms of expressing his own personal feelings to me and to our staff and to others. And I made a mistake once -- let's see, it was back in 1970-something or other; I can't remember exactly. (Laughter.)

Q Mr. President, what's the point of meeting President Gorbachev at the G-7 summit if all you're apparently willing to offer is moral support and technical advice, which are things that have been offered before?

THE PRESIDENT: You mean his coming to the summit? Well, I think it's quite important now that ground rules are getting worked out that he come and present his case for reform to the G-7. And I feel comfortable with what's been worked out by Prime Minister John Major and Mr. Gorbachev. I look forward to having a one-on-one with President Gorbachev there, and we've got a lot to talk about, a lot of things that aren't related to the arms control agenda. And then I think there's going to be a bigger meeting with all seven that night after the formal part takes place. So I think it will be a good chance to narrow down the differences, to see where we stand -- the Soviet Union and Western Europe and Canada, the United States and Japan. And so I'm looking forward to it.

On our one-on-one talk, if that's what you're referring to, I don't think we'll have that much time. I think we've got a couple of hours set aside. And, Bob -- a couple of hours. But there's some issues that I need to talk about -- global issues. And we've got a lot of things that we look at identically. And we can go back and talk about those, such as the United Nations action against Iraq's aggression and things like that.

But I think it's appropriate now. There was some -- you know, you read a lot of stories that Gorbachev was coming there hat in hand, asking for a big check. That was never his intention, I'm assured of that. And I don't think that did him a lot of good by even the speculation on that in some quarters -- in the United States, for example. But I think the ground rules or at least the broad parameters are now set out, and I look forward to hearing what his plans are for a vigorous reform and the continuation of perestroika -- glasnost being all but a given these days.

Q Doesn't his mere presence in London raise expectations that are unlikely to be realized?

THE PRESIDENT: Well, yes, some might argue that. And some might say, well, his mere presence would indicate that if he didn't get something, that the meeting would be a failure. I don't view it that way. There is so much change taking place. The economic problems in the Soviet Union -- and elsewhere -- are so enormous that it's very important that we get as close together in agreement. But, yes, I can see where some might suggest that, but I wouldn't view it that way. I would not view it -- and I'll be resisting it if people say that. We've got an awful lot of consultation before concrete economic programs can be agreed to.

Q On Iraq, there's news that the U.N. team went out

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looking again for that equipment and couldn't find it. Are you anticipating taking any action?

THE PRESIDENT: Well, we're anxious to see what this inspection, this two-person team gets when they come back. But let me say this: Everybody -- everyone knows that the man was cheating and lying. Everyone knows that he did that which the resolutions say not to do. And he should give unfettered access to these inspectors. He didn't do that. He surreptitiously moved the equipment. We've presented the evidence to certain parties. And all I'd say is he'd better get on with keeping his word and he better get on with total, free, open inspection.

And I said the other day -- perhaps you missed it -- that we are not foreclosing, nor putting on the table any options at this point. We have a lot of diplomacy to do. We want to be sure that world opinion is as strong as I'm convinced it will be. Because this isn't a unilateral U.S. problem; this is a problem now of which the United Nations has seized, you see.

Q Have you talked to any of the allies -- the leaders in the past days?

THE PRESIDENT: No, but others have been talking. I've not gone to the chiefs of state. I anticipate -- maybe I indicated this the other day -- that I will be doing that. This is a very -- high-level diplomatic decisions will be called on -- or diplomatic initiatives will be called on and decisions might follow.

Q Mr. President, on Iraq, the other day as we came to Konnebunkport, you were in a sort of highly agitated mode talking about -- hinting of possible renewal of military action, although you also stressed diplomacy. But in the interim, has there been any news on this nuclear situation or anything that has caused you to think that maybe the situation is calming down there, or are you still saying that we have all options out there?

THE PRESIDENT: No, Rita, to be honest with you, I haven't seen anything that makes me think it's calming down. I'm not sure I would have used the word agitated, but certainly concerned. And what we've got to have is evidence that full inspection on challenge will be granted. And I don't want to mislead you, I'm very concerned about this situation. This is a fundamental part of what the United Nations resolutions is about. So there's still a feeling out there, on my view anyway, and I'm sure it's true of the neighbors, that he has to make this right and satisfy us or we'll figure out what else happens.

Q Is there still a possibility of renewed military action by the U.S.-led coalition?

THE PRESIDENT: Well, again, I just keep resisting saying what we will do or what we won't do. But you've seen speculation and I'll just steer you that it's not all warrantless. But on the other hand, I'm not saying what I will be -- what will be recommended that I do as President of the United States. I'm very interested in getting the views of other world leaders, and the diplomacy leading up to that has already started.

Q Mr. President, this fall Israel intends to ask the United States to guarantee \$10 billion in loans to build housing for Jewish refugees from the Soviet Union. Could you tell us how you feel about linking approval of these loan guarantees with some pledge from Israel to decrease the building of new settlements in the occupied territories?

THE PRESIDENT: Well I don't think it ought to be a quid pro quo. What I do think -- and I've said this over and over again -- that it is against U.S. policy for these settlements to be built. So I'll leave it right there and avoid the linkage that you understandably ask about, but say that the best thing for Israel to do is to keep its commitment that was given at one point not to go in

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and build further settlements. It is counterproductive to the peace process. Now, having said that, I want to be fair: there are other things and by other countries that are counterproductive to the peace process. I'd love to see direct talks between these countries.

But we have not changed our position on sanctions and we're not going to change -- I mean on settlements -- and we're not going to change our position on settlements. So please, those in Israel, do what you can to see that that policy of settlement after settlement is not continued. It is counterproductive. And having heard the Secretary of State say that and seen what followed on, I will promptly add, as he has, that we want to be sure that others move forward in the peace process, too. But it's not constructive to getting these parties to come together and work for a peace that I think the entire world wants and that all of them want. So we'll keep working it, but we're not giving one inch on the settlements question.

Q Mr. President, the Carter Commission has made its recommendations, as you know, on base closings, subject to your review. Isn't it highly unlikely, though, that you would overrule any of those decisions, given the amount of time that the commission put into it?

THE PRESIDENT: Yes, with one exception. Yes, it is highly unlikely, but I will rely heavily on what Secretary Cheney tells me after he reviews the base closing recommendations, has a chance to talk to them with General Powell and the Joint Chiefs. Because what I'm interested in, one, saving the money that we've said we'll save; two, being sure -- and this comes first actually -- that we have a proper structure from which to conduct military action that we might be called upon to conduct in the future. And so it would be unlikely, but I just would suggest, John, that I would like very much to sit down with the Secretary of Defense and say, Dick, are you happy with these; do you see something that ought to be changed? And that's the way I'll conduct it.

But I'm not going to go in there and override some decision on a political basis. These are tough calls. This commission, I am satisfied, is approaching it without politics in mind. I was in the Congress, I know the old rule about cutting it out, but cutting it in the other guy's district. And we simply cannot approach something as sensitive and as important to our national security as base closing in that manner. And so I will resist -- I won't participate in any political call, but I will -- I do reserve the right upon receipt of the commission's report -- I think it comes directly to me -- to discuss it with the Secretary of Defense after he's had an opportunity to talk to the Chiefs about it.

Q Can you talk a bit about your mother and what she's taught you and why you chose her birthday to announce your nominee? (Laughter.)

THE PRESIDENT: Well, maybe it's fortuitous. Life goes on. Mother's 90 years old; been an enormous influence in my life and the lives of everybody that's in our enormous family. And I noted from Clarence Thomas what he had to say about the importance of family in his life. So if there's some symbolism there, one, it was unintended; but, two, I think it might be appropriate. Different backgrounds, but the same sense of strength of family. And I think there's a message not just for Clarence Thomas's family or our family, but for families all across the country.

And as we celebrate Mother's 90th birthday, she's not all that well, but she is our moral leader; was since I was old enough to walk on this marvelous point of land here in Kennabunkport, which was just -- from my days as an infant. And everyone in this family, young and old, direct or indirect relations, looks up to her. But I have a feeling that that's still true of a lot of families in this country.

Q I wanted to follow on John's question as to whether

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you might be suggesting that the base closing commission could have gone farther and deeper?

THE PRESIDENT: No, I didn't intend to say that because, literally, I have not gone into the details of the base closing commission.

Q Could I ask you separate than, are you and the Attorney General going to discuss the crime bill, as you suggested you ought to?

THE PRESIDENT: Yes.

Q What's your sense of direction on that?

THE PRESIDENT: Well, I want to get a good crime bill. We would like to have it all come down together, and options are open here. But we've gotten -- in fact, Dick told me now we've gotten roughly in form we want four of our five major objectives -- the exclusionary rule did not come the way we wanted in the Senate. But I'll defer on more detail on that because it has to go to a conference and then we'll see. But I want a comprehensive crime bill. There are some very good things in the Senate bill. And I thank Senator Eilen and, of course, Senator Thurmond and others for that. And I'll just wait and see what comes to my desk. And I urge that it be comprehensive, broad, and then we'll take some things that I like and maybe some things that I don't like, because it is important to get on with the crime bill. But it better come down, I think in fairness to the American people, in a broad form, not nickel by nickel, dime by dime.

Q Was he a little premature yesterday in suggesting it was close to acceptable?

THE PRESIDENT: Well, I didn't see the story but, as I say, there are many good things in it. But my problem on answering it is I don't know what's going to happen in relation to the House of Representatives out of the conference.

Q Thank you, sir. At the beginning of the -- as the Gulf war got closer you sensed that Saddam Hussein wasn't getting enough information that our threat was real. There have been reports now, as you were talking about, about potential military action again. Do you think he's in the dark still?

THE PRESIDENT: I don't know on this question. But you're right. I was reminiscing here as I hit Walker's Point a couple of days ago that there were two points that I still am convinced of as the pre-battle period went on: one, that he didn't think that we were for real on this; and secondly, that he thought he could prevail at least enough to have a standoff in the desert and be the hero of certain parts of the world over there. He was wrong on both counts. And if he assumes that he can get away with this kind of thing, he's just as wrong today as he was on August 2nd when he sent his forces into Kuwait.

Q You don't consider him a very smart man, do you?

THE PRESIDENT: I don't consider him a very bright man to have done what he's done, if that's an answer to it, because I can't conceive of why you would directly think you could hide, given the sophistication of technology today, and secondly, why you'd think you could get away with it. So there is some parallel there. I don't want to overdraw it.

Q Mr. President, you spoke a bit ago about everyone in the Middle East wanting peace. Yet the Israelis seem to have stiff-armed your proposals, the Syrians don't seem to like the terms either. Is there more here than meets the eye?

THE PRESIDENT: Probably more than meets the eye, but not as much as I'd like to see meet the eye. I mean, in other words, I

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think I'd like to see the process further along, but there are a few things that I think offer hope. In fact, in my last communication from President Shamir of Israel was a commitment to try to work for peace. There are some broad commitments, but, frankly, I'd like to see us further along on some of the details. And please don't press me on what those details are. But I'm not going to give up hope on this, and I don't think the Secretary is. But we need to have more progress and we need to have it sooner.

I am told that the credibility of the United States for being the catalyst for peace is still very, very strong and very good, not only in Israel but in the Arab countries as well. So that is an ingredient that wasn't there before, that's still there, that I hope will lead to peace.

Q It's been suggested that the United States might just call a peace conference and see who shows up. Is that an option?

THE PRESIDENT: Well, I don't want to go into options, but, yes, I've seen suggestions of that nature. And at some point, I think I owe the American people my view of the details I'm not willing to discuss right now. And that wouldn't bother me one bit -- to get up and say here's what we've been trying to do. So there's no time frame on anything of that nature. But I think there's a lot of people that are wondering what in the world is going on. And I've invoked quiet diplomacy and the need for confidentiality, but I can't do that forever; I just simply can't do it. I owe it to the American people, and I think the people around the world, to say, hey, here's what the United States thinks is a good formula.

Q Mr. President, in reminiscing about the war, can I ask your comments about, your feelings about what's happened in Kuwait since the end of the war with the atrocities there? Your feelings about it and do you think there's any reason to believe that democratic reforms will take place.

THE PRESIDENT: Well, let me say this, and I hope it doesn't come out wrong. The war wasn't fought about democracy in Kuwait. The war was fought about aggression against Kuwait. Having said that, the Kuwaitis have said that they want to move towards the democratic process, and I hope they do -- and they should. This would be good. I think one of the things that concern people were the trials. There are different standards for law in all countries, but we want to see fair trials, open trials.

A friend of mine in our government, who's quite knowledgeable on history, reminded me of what it was like in France after the liberation of France in World War II. I remember some of it, although I was in the Pacific theater. And the people that were liberated did not take kindly to those that had sold out to the Nazis. I think we're expecting a little much if we're asking the people in Kuwait to take kindly to those that had spied on their countrymen that were left there, that had brutalized families there and things of that nature.

Having said that, I believe and I've recommended this to the Kuwaitis, the most open, fair trial, free justice system is the best. It works best. It gets confidence back in your country. So I can understand the outrage.

I'll give you one other example. Martial law. We had some problems, you know, why martial law. And it was explained to me many citizens over there against the law have weapons. Many of them that were in opposition to the Kuwaiti regime, threatening, using the weapons, showing the weapons when the Iraqis were in power now keeping the weapons. And they told me that martial law was essential if they were going to go in and disarm the people that had been helping the enemy.

I can understand that. Again, what I'd like to see is as much respect for what we see as legal principles as possible.

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This guy hasn't had one. One, two and that's it, unless you appeal.

Q Back to the G-7 for a minute. Are you at all concerned in all the publicity with Mr. Gorbachev that the plight of the Eastern European countries is not going to get enough attention here? And do you feel any obligation on the part of the Western democracies to guarantee to them the same aid, whatever it is, that Gorbachev walks away with --

THE PRESIDENT: You mean the Eastern European --

Q In light of the fact that they have already done the sorts of things that he's only beginning to think about.

THE PRESIDENT: I think we've got two different questions. But we must not, we must not send a signal to Eastern Europe, hey, we're neglecting you, you're on your own, figure it out for yourselves, we're going to turn our attention to Moscow. I don't think it has to be an either-or choice. The Eastern European countries are moving. They need certain kinds of assistance; they're getting some. They're making some progress; they still have problems.

But I think your question raises to me a very good point. We don't want to send a signal of neglect or that we think that they should be cut loose to fend for themselves. But there are many things we can do and are doing in Eastern Europe. And they should not be reduced as we work together to try to figure out how to get the Soviet market, how to get the Soviet economy, how to get the Soviet system moving along the same lines as the Eastern Europeans. This is a world problem, it's not a United States problem.

You know, it comes up -- I don't want to get too philosophical out here in the sun -- but it comes up in another context, because people in South America are saying, with this major goal of helping reform in the Soviet Union and, to some degree, in Eastern Europe, are you going to neglect us? And one of the reasons we're having these, I think, very important appearances and a lot of diplomacy going along with it is that we want to reassure the democracies in this hemisphere, which is all but one country from being a totally democratic hemisphere, that we're not going to neglect them.

So you raise a good point. We are not going to neglect Eastern Europe, but we are going to work with the others. And everyone knows that we're dealing at this juncture with limited resources. We are in this country. We've got enormous deficit problems. Other countries have economies that have done worse than ours. So we've got to be realistic and find ways to help move these people towards market economies, open political systems when our advice is sought. And that's what we're trying to do.

Q Thank you. Some weeks ago you said you were very close to a decision on MFN for the Soviet Union. Have you made that decision? Do you expect to do it before London? Is it tied up in the SALT negotiations?

THE PRESIDENT: No, it's not tied up in SALT, it's tied up on a trade agreement. And I think that's the only remaining problem, a trade agreement. And maybe, Bob, come help me on that. When do we think that will be resolved?

DEPUTY NATIONAL SECURITY ADVISER GATES: There are a couple of minor technical problems in the trade agreement because of laws that have been passed subsequent to its signature by the Soviet legislature. They're technical problems. We think they are being worked out and it shouldn't be too long.

THE PRESIDENT: It's not caught up in the other.

MORE

Last one.

Q Mr. President, did you consult with anyone else outside of your administration about your Supreme Court nominee? And did I understand you correctly to say that you made your final decision, was it last night in your living room here or this morning?

THE PRESIDENT: Actually, when I say final, the I was dotted and the T crossed up here just a little bit before lunch. But I'd -- just to be very candid about it -- all but made my mind up when I invited Judge Thomas up here. As I thought of any hypothetical things that could go wrong -- I couldn't think of any. So much so that I don't think he felt confident enough after our conversation yesterday. I don't think he told his wife, for example, that he was to be the nominee. And on your first part of your question, no, I stayed with the recommendatory process because many others talk to others.

And I must say, if you'll let me off without telling you who I talked to, when this all came up at the time of Judge Souter, I think I did talk to one or two people in confidence that I respect that are outside of this so-called screening process. But I put all the emphasis on this one on our screening process. And yet, I am confident that as this process has unfolded, Boyden Gray and our Chief of Staff and the Attorney General and the Attorney General's staff have gotten a wide array of views from others. It's better if the President doesn't do this because if I get out there and talk to somebody, then I think it is much more prone to open discussion and speculation and I don't think that's helpful when you're trying to reach a decision.

This is the last one.

Q There were some suggestions from a published report -- I suspect that you've seen it, from Jack Kemp that there's not enough attention within his own administration, your administration, on domestic social issues. And I was wondering if you could respond to that.

THE PRESIDENT: I didn't read the Kemp story. I've talked to Jack plenty, and he, I think, has referred to this administration and, very generously, to this President as the empowerment President and one that wants to see growth in this economy and, thus, have everybody have a better shot at opportunity. So we're not apart on that. And again, having not -- I understand there was a story in today's paper -- I haven't read it and -- I probably will. But I don't think we've got any differences with Jack Kemp on this. I salute him for what he's done. He takes a good, strong message out to the communities -- home ownership, tenant management --

Q But from the article, he suggested the administration has not been as forceful as he has been.

THE PRESIDENT: Well, that may be true. He's a real zealot out there. And he's got all the time in the world to do it. That's what his job is about -- pushing that envelope, as we say in the space age, forward to include home ownership. And I think if it hadn't been for his zeal, we never would have gotten through the Congress, the House, anything on home ownership or tenant management -- and we did. So I give him great credit. So if he's got more zeal on this, I think perhaps -- I don't think he feels more strongly in his heart about it -- but he is a salesman. He is out there going to places where a lot of Republicans have never been. And I've been at his side a time or two on that. And it's darn good, and I'm proud he is a part of our administration. So if you want me to say something bad about Jack Kemp, no way.

Last one, really.

Q Does a two-hour lunch with Gorbachev make it less urgent to go to Moscow by the end of July?

MORE

THE PRESIDENT: You can't cover everything in two hours. But maybe we'll be able to move the START process forward. I don't know whether we will at a lunch of that nature. But, no, it doesn't, in my view, make it less urgent. I want to sit down over a period of time with him to really in-depth discuss issues. It is most important.

And a lot of the talk would be philosophical talk, intentions. What do you think our intentions are towards the Soviet Union? I think there's still some misunderstanding in the Soviet military about that, for example.

And I'm no Jack Kemp in terms of my salesmanship perhaps, a little inarticulate and sometimes too prudent, but I think I can convince Gorbachev that their military has nothing to fear from us. So let's take a look. Let's have them do what we're doing in terms of defense spending. I think we can't do it in just a luncheon. But my respect for him is such that I find when we can sit down and talk over a reasonable period of time, you can get into a lot of subjects which I'm sure we can't do at a two-hour lunch.

Q Could that summit still happen by the end of July?

THE PRESIDENT: Yes, yes, it could.

Susan. Hey, listen, thank you all very much. No. Come on,

END

2:45 P.M. EDT

Clarence

## INFORMAL BIOGRAPHY

Clarence Thomas was born on June 23, 1948, in a small wood frame house outside of Savannah, Georgia. The house in which he was born, as well as the bed, was owned by Annie Crawford, his young mother's aunt. He was brought into this world by a midwife. His birth certificate reads simply that he was born in Pinpoint, Rural. His mother's name was Leola Thomas and is currently Leola Williams. His father's name is M.C. Thomas. The initials do not represent additional names. Clarence's father left while he was still a toddler, and has lived in Philadelphia most of Clarence's life. Clarence would see him only once during his childhood, at the age of nine.

For the first six and a half years of his life he lived in Pinpoint with his mother, her aunt and uncle, together with his older sister and a younger brother, Myers. They lived in the same wood frame house in which Clarence was born. The community of Pinpoint is one of many Black communities outside Savannah, Georgia. Although development threatens its existence today, in the late 40's and early 50's it was indeed rural. In Drums and Shadows - survival studies among the Georgia Negroes, Pinpoint is described as follows:

"Pinpoint, a Negro community about nine miles southeast of Savannah is scattered over some

twenty or thirty acres on a peninsula overlooking Shipyard Creek. Many of the small wooden cabins are neatly whitewashed and are half hidden by shrubbery and spreading oaks. Flowers and vegetables are planted in the most advantageous sunny spots near the houses and most yards are enclosed by picket fences, giving a cozy and pleasant privacy. The lawns, little more than wagon tracks, twist in and across the settlement. The informal and haphazard scattering of the houses, with high shrubbery bordering the lawns, gives an effect that is pleasing and unusual.

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Clarence started the first grade in September, 1954 at Haven Home School, which was segregated. Coincidentally, Brown v. Board of Education was decided that same year. About midway through the

school year, Clarence's brother and their cousin, Little Richard, accidentally burned their house down. As a result, Clarence and his brother moved to Savannah to live with their mother. They lived in one room of a tenement. There was a common kitchen. The kitchen floor consisted of old linoleum on the ground. There was an old gas stove that rarely worked and the old ice box in the upstairs hall rarely had ice in it. There was also a common toilet outside. The wooden structure had rotted, the toilet itself was always filthy and leaked sewage into the backyard. There was a small kerosene stove in the room for heat. Clarence usually slept on a loveseat while his brother slept in the bed with their mother. Their mother worked long hours as a maid, for \$20.00 every two weeks. She left early in the morning and returned at the end of the day. Clarence completed the first grade at Florance Street School. He attended afternoon classes. He had poor attendance and often wandered the streets of Savannah.

In the summer of 1955, Clarence and his brother went to live with their maternal grandparents, Myers and Christine Anderson. Their grandparents had an ice delivery and fuel oil business. Their grandmother had a sixth grade education and their grandfather had gone to the third grade, although he made it very clear that in those three years he learned nothing since he was only allowed to attend school for a small fraction of the school year. He

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The world of Clarence's youth was the world of segregated Georgia. All of life was segregated, schools, libraries, movies, and lunch counters. There were separate water fountains and public restrooms for those who were "colored." Clarence recalls an incident when they were traveling from Savannah to the farm in Liberty County. As was customary, they stopped for gasoline. His grandfather asked whether his wife could use the restroom. The attendant said there was no "colored" restroom. Clarence's

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fortunate enough to sleep surreptitiously until 7 or 8 a.m., he would observe that they must have thought that they were rich. And, he would lecture them that a poor man could not afford to sleep that late.

Clarence's grandparents were honest, hardworking, and deeply religious people. They believed that hard work and decency were indispensable. For example, at no time could the grandsons refuse to do an errand for any neighbor. Adults were to be addressed in a respectful manner: yes ma'am, yes sir, Miss Gladys, Cousin Bee. At no time was a child permitted to debate an adult.

Hard, honest work was the constant lesson. Sometimes it seemed harsh. Clarence's grandfather repeatedly warned his grandsons that if they didn't work they didn't eat. And, on almost a daily basis he would remind them that his goal was to "raise them right", and teach them "to do for yourselves." To his grandparents' way of thinking, their grandsons had to be self-sufficient, especially in an environment in which the odds all seemed to be against them. The objective often seemed to be learning how to live, without coming into contact with or relying on a hostile, segregated world.

Myers Anderson was fiercely independent, and believed that his freedom depended on his ability to survive, without reliance on a hostile government and in an environment in which it seemed that Blacks only had privileges--not rights. Christine Anderson was a quiet, saintly woman. She would often intercede with her husband, on behalf of their two grandsons. Her most constant instruction to her grandsons was "say your prayers." And, each morning she greeted them with their lunch, hot breakfast, and gospel music from the radio station. She, too, worked constantly.

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Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence was appointed by President Bush to the U.S. Court of Appeals for the District of Columbia on March 6, 1990. He was President Bush's first appointee to that court.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.

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Clarence's grandparents enrolled him and his brother in St. Benedict's Grammar School, a segregated Catholic school. Although the physical plant was old, the education was rigorous.

Franciscan nuns taught them. Education was the number one priority. No excuses. Myers and his brother were informed and reminded, as required, that in any disagreement with the teachers, they were always wrong and the teachers were always right. Clarence and his brother missed one-half day from school during the entire time they lived with their grandparents. Education was seen as the key to a better way of life. Clarence's grandfather felt that Catholic schools were better because there was corporal punishment, discipline, and uniforms. He didn't see how a child could be taught without these.

Clarence, his brother and their grandfather were members of St. Benedict's Catholic Church, where the two boys were altar boys. (Their grandmother attended a Baptist Church.) At St. Benedict's Grammar School, the nuns stressed the inherent equality of all people, and pushed the students to excel. At home, at school, and at Church, Clarence was constantly pushed and encouraged to perform and achieve--no matter what the odds were.

From 1962-64, Clarence attended St. Pius X High School for the 9th and 10th grades. St. Pius X was also segregated and also taught by the Franciscan nuns. In 1964, Clarence transferred to St. John Vianney Minor Seminary near Savannah. He repeated the 10th grade in order to take three years of Latin. He finished his high school education there in 1967. At St. John's, he was the only black student in his class. There was one other black student in the freshman class during Clarence's first year, however, he did not return for his sophomore year. Attending St. John's was Clarence's first regular contact with whites, other than nuns. At St. John's, Clarence redoubled his efforts to achieve. And, he did very well. One indication of what his classmates thought of his efforts can be gleaned from a statement which they placed under his yearbook picture: "Blew that exam, only got a 98."

From 1967-68, his freshman year in college, Clarence attended Immaculate Conception Seminary in Conception Junction, Missouri. He transferred to Holy Cross College in Worcester, Massachusetts for his sophomore year and graduated with honors in 1971. There, he helped found the Black Students Union, where he served as an officer for three years. He worked in the Free Breakfast Program and tutored in the Worcester community. Clarence was an excellent student who was considered by many to be a "grind." His college education was financed by a combination of scholarships, loans and work study. However, there always seemed to be well-intentioned persons who helped when times were most difficult. One such person was an anonymous donor of \$300.00 to finance a speed reading course for Clarence.

From 1971-74, Clarence attended Yale Law School with the intent of returning to Savannah. He worked for New Haven Legal Assistance during law school and the summers of 1971 and 1972. He worked for a small integrated firm in Savannah in the summer of 1973, financed, in part, by a grant from the Law Students Civil Rights Research Council.

During his third year in law school, Clarence decided not to return to Savannah as he had originally planned. Since he was married, had a child, and student loans, he reluctantly interviewed with law firms. In the process, he once again

confronted an old nemesis, racial discrimination. Though he had done well in law school, he was interrogated about his performance in college, high school and even grammar school. The interview process tended to be insulting and condescending. The obvious assumption was that Clarence was not as good as his white classmates, even if his law school grades were higher.

Ultimately, John C. Danforth, then Attorney General of Missouri, offered Clarence a job in his office. Clarence was first impressed by Danforth's sincerity and honesty. He first admitted to Clarence that he did not know how it was to be Black and poor since he was neither. Then he promised Clarence that he would treat him the same as everyone in the office.

Clarence sat for the Missouri bar in the summer of 1974. That summer would be most memorable not for the bar examination but for his two-month stay at the house of Margaret Bush-Wilson, who would later become Chairman of the Board of the NAACP. She allowed Clarence to live at her house, since he had no money and knew no one in Missouri. Her generosity, advice and counsel have influenced and remained with Clarence over the years.

In August of 1974, Clarence and his family moved to Jefferson City, Missouri. The job in the Attorney General's office turned

out to be everything that it had been billed to be. The work was endless, the staff was small, and there was no bureaucracy in the office. It was perfect for a young attorney. Three days after being sworn in as a member of the Missouri bar, Clarence argued his first case before the Supreme Court of Missouri. Over the next 2-1/2 years, he would represent the state in many cases before the trial courts, appellate courts, and Supreme Court of Missouri, in matters ranging from criminal law to taxation.

In 1977, Clarence left the Attorney General's Office and went to work in the law department of Monsanto Company, where he worked on general corporate legal matters such as antitrust, contracts and governmental regulations.

He rejoined now Senator Danforth in August of 1979 as a legislative assistant. During his 1-1/2 years on Capitol Hill, Clarence was responsible for issues involving energy, environment, federal lands and public works.

He was nominated in the spring of 1981 by President Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education. In the spring of 1982, he was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was sworn in on May 17, 1982. He was renominated and reconfirmed in 1986. Having been Chairman of EEOC for more

than seven years, he has served longer in that position than any of his seven predecessors.

Clarence was appointed by President Bush to the U.S. Court of Appeals for the District of Columbia on March 6, 1990. He was President Bush's first appointee to that court.

Clarence's first marriage ended in divorce. He has one son, Jamal, by that marriage, and has had custody of Jamal since 1983. For most of his tenure at EEOC he has been a single parent. Jamal is now 16 years old and a junior in high school.

Clarence remarried in May of 1987. His bride is the former Virginia Bess Lamp. Mrs. Thomas is a Senior Legislative Officer at the U.S. Department of Labor. Clarence, Virginia, and Jamal reside in northern Virginia.