

# Clarence thomas



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BUSTER**

In 1991, the prestigious Supreme Court Justice Thurgood Marshall announced his retirement (“ Clarence Thomas”, pg. 2). Justice Marshall set the precedent for racial equality in America, putting Clarence Thomas at the opposite end of Marshall’s liberal agenda. At this time, Clarence Thomas was working on the U. S. Circuit Court of Appeals, a common “ stepping stone” to the U. S. Supreme Court (Clarence Thomas, pg. 2). President Bush had been eager to nominate Thomas to the court, and on July 1, 1991, he afforded him the opportunity (“ Clarence Thomas”, pg. ). This was a chance of a lifetime for Thomas.

Once Thomas was nominated concerns began to surface. Would there be backlash from Civil Rights committees for his criticism of the Brown v. the Board of Education (Abramson and Mayer, pg. 117)? The Bork hearings had recently ended, and the politics in the air ran thick. The “ war over the Supreme Court” within the last twenty years was never more intense than at Clarence Thomas’ confirmation hearings (“ Clarence Thomas”, pg. 2).

Learning from the Bork experience, the political strategies would be coming from inside and outside the beltway. If successful, the campaign would deflect attention from Thomas’s record and qualifications, showing him as nothing less than the people’s choice (Abramson and Mayer, pg. 122). A prominent outsider to lead the battle was political consultant, Kenneth Duberstein. Duberstein knew that the way to play the game was to use Thomas’s hard knocks background, creating what was called the “ Pin Point Strategy” (Abramson and Mayer, pg. 123).

Duberstein arranged to have multiple murder boards with Thomas. Questions were raised on past rulings and speeches, and when it came down

to his opinions on minority rights and abortion he was told to say nothing definitive (Abramson and Mayer, pg. 128). On September 10, 1991, Thomas and his team sat with the Senate Judiciary Committee, chaired by Joseph Biden (“ Clarence Thomas”, pg. 2). Going into the hearings his team was confident that he had already secured 60 votes, including some of the Judiciary members themselves (Abramson and Mayer, pg. 133).

During the first set of hearings, Thomas was rigid and terribly stiff. Biden raised the issue of Thomas’s thin legal experience because the American Bar Association had given him the tepid rating as “ qualified”, with the minority voting to rate him as “ unqualified”. This was the lowest rating the group had ever given a Supreme Court nominee (Clarence Thomas, pg. 2). An aide from Biden’s camp, who was vastly educated in confirmation hearings and proceedings later said: “ At the end of Souter, you knew a little more about his philosophies than before it started.

But with Thomas, at the end you knew less. It showed that the process had been reduced to a game” (Abramson and Mayer, pg. 141). As the confirmation hearings were coming to an end, speculation and rumors had emerged of a woman claiming sexual harassment of the former EEOC chairman (Clarence Thomas, pg. 3). On Friday morning, September 27, the day of the committee vote, the liberal constitutional scholar Laurence Tribe, a longtime advisor to Biden, surprised the chairman and other committee members by calling out the serious allegations of Anita Hill.

In fact, a sworn affidavit had just been faxed to all the senators that morning (Abramson and Mayer, pg. 144). The committee members, a majority of whom had been expected to recommend Thomas, were split on an even vote

of 7-7 (Clarence Thomas, pg. 3). A tie meant sending the nomination on to the Senate with no recommendations, a sign that the confirmation of Thomas was not in the bag, as everyone at the White House had hoped (Abramson and Mayer, pg. 147). By the following Sunday morning, the whole world would know Anita Hill's name and the media frenzy would begin.

As soon as the allegations were printed, Thomas's team new without a shadow of a doubt, that they would have to discredit Hill, no matter the cost (Abramson and Mayer, pg. 149). While Thomas anguish was enormous, it was matched by his anger to launch an all-out last ditch campaign to win. He was quoted as saying, " Don't get mad. Don't get even. Get confirmed" (Abramson and Mayer, pg. 151). On the other hand, the Democrats believe that they were impartial " fact finders", and not Hill's advocates (" Clarence Thomas", pg. 3).

They knew, as the White House did, that the Supreme Court nominations were no longer intellectual debates or cozy inside-the-club deliberations; they were national political campaigns (Abramson and Mayer, pg. 153). In Thomas's opening speech, his voice more forceful than that of his first hearings, went on to absolutely deny all allegations of misdeeds regarding Anita Hill and was truly disparaged by the erroneous claims (" Clarence Thomas", pg. 3). He formally apologized to anyone he may have offended throughout the years.

It was obvious to the White House that Hill's testimony damaged Thomas, but it was unclear where the blow was a lethal one or not (Abramson and Mayer, pg. 156). Subsequently, the Republicans had been adamant to Biden that they wanted Thomas to get back on the television in the hearing rooms,

as soon as Hill was finished with her testimony. Thomas began to blast the proceedings, calling them “ High tech lynching for uppity blacks” (Abramson and Mayer, pg. 157).

As the polls showed the next day, playing the race card was a brilliant strategic move (Clarence Thomas, pg. ). His approval ratings went up, in fact, most Americans believed Thomas over Hill (“ Clarence Thomas”, pg. 3). Throughout the hearings, both sides had corroborating witnesses, otherwise playing a “ he said, she said” format. After enduring what some might later say as a mauling of Hills creditability, the next afternoon Hill agreed to take a polygraph test, which would show that she was not being deceptive (Abramson and Mayer, pg. 164). Thomas’s team thought this wouldn’t be wise.

Duberstein said his client was too emotional and upset by the hearings, and Thomas himself was quoted as saying: “ it was just further degradation, and he had nothing of his own humility left” (Abramson and Mayer, pg. 166). Biden hammered the gavel down at 2: 03 a. m. Monday October 14, 1991. The members of the Senate had 48 hours to vote (“ Clarence Thomas”, pg. 3). By the end, Thomas was portrayed as an exemplar of proper employment practices and had walled himself off from every question regarding his personal life (Clarence Thomas, pg. 3).

Conversely, Hill been forced to testified under the committees about the most humiliating sexual conduct she had ever experienced. She had to be subjected to ill-reputed characterizations of her private sexual behavior as “ pathetic, bizarre, and insane” (Abramson and Mayer, pg. 168). It was as if, a trial was being heard and terminated after the prosecution’s case but before

the defense was allowed to make its arguments. The trial was not about the truth but about who had the best political maneuvers (Abramson and Mayer, pg. 170). As Biden saw it, he had just been trying to be fair to Thomas.

Moreover, he believed in the sanctity of privacy, which he argued extended to a Supreme Court nominee (Abramson and Mayer, pg. 170). The final count was 52-48, the most negative votes ever cast for a successful Supreme Court Judge (Clarence Thomas, pg. 3). With scathing rumors still floating in the Washington Community, the White House, with so much at stake, took no chances (Abramson and Mayer, pg. 177). Eight days after the confirmation vote and nine days ahead of schedule, Clarence Thomas was sworn in on October 23, 1991 by Chief Justice Wm.