

A10 FRIDAY, OCTOBER 11, 1991 ...

Thomas's View Of Harassment Said to Evolve

His Record at EEOC Is Source of Dispute

By Paul Taylor
Washington Post Staff Writer

During his 7½ years as chairman of the Equal Employment Opportunity Commission, the federal agency charged with enforcing job discrimination laws, Clarence Thomas appears to have concluded that sexual harassment was a more serious workplace problem than he once thought.

Before taking over at the EEOC, Thomas was part of a Reagan administration transition team that criticized a sexual harassment standard the EEOC issued under the Carter administration, arguing it encouraged "trivial" complaints and was unenforceable.

But five years later, when that same standard came under review in a Supreme Court case, then-EEOC Chairman Thomas was responsible for a Reagan administration friend-of-the-court brief urging that it be upheld.

Meantime, Thomas's record as an agency head, dealing with sexual harassment cases as a personnel matter, remains a source of dispute among supporters and critics.

Dolores L. Rozzi, director of the office of federal operations at the EEOC, said she remembers Thomas issuing a tough warning on sexual harassment to the staff when he demoted a male employee two grade levels for a sexual harassment offense.



CLARENCE THOMAS
... demoted worker for harassment

Rozzi said she had appealed to Thomas on behalf of the employee for a lesser punishment, but recalled that Thomas was hard-nosed. "He thought it was egregious that any woman would have to work under those conditions," said Rozzi, who has helped organize a rally of women employees of the EEOC in support of Thomas scheduled for today. "He was a real strait-laced, buttoned-down guy. We never told dirty jokes in front of Clarence Thomas. We wouldn't even use curse words."

However, Thomas's handling of what was probably the most notorious allegation of sexual harassment at the EEOC during his tenure continues to be a matter of controversy.

The case involved allegations that Earl Harper Jr., a regional attorney in the EEOC's Baltimore office, had made "unwelcome sexual advances" to several women on his staff—advances that then-EEOC general counsel David Slate concluded, after a lengthy internal investigation, had the effect of creating an "intimidating, hostile and offensive working environment."

On Nov. 23, 1983, Thomas wrote Slate a memo urging that Harper be fired. His memo said a staff recommendation for a lesser sanction was "much too lenient."

Slate did eventually recommend dismissal, but Thomas, who had the authority to fire Harper, never acted. Eleven months later, Harper, who had denied the allegations and retained a private attorney, retired—making the dismissal recommendation moot.

Reggie Welch, an EEOC spokesman, said yesterday that "when private attorneys get involved, things can drag on forever." He speculated Harper's retirement may have been part of a de facto settlement to get him out of the agency.

"It was a whitewash," countered Susan Silber, a lawyer who represented one of the women who accused Harper of sexual harassment and who won back pay from the EEOC in a civil suit. "It was highly unusual" that a recommendation for firing was not carried out, she said.

In late 1980, as a member of president-elect Ronald Reagan's transition team, Thomas joined in a report that said recently formulated EEOC guidelines on sexual harassment—defined as unwelcome sexual attention, whether verbal or physical, that affects an employee's job conditions or creates a hostile working environment—were so broad that they "undoubtedly led to a barrage of trivial complaints against employers around the nation."

The transition team report, co-written by Thomas, continued: "The elimination of personal slights and sexual advances which contribute to an 'intimidating, hostile or offensive working environment' is a goal impossible to reach. Expenditure of the EEOC's limited resources in pursuit of this goal is unwise."

But in 1985, when these same guidelines came before the Su-

preme Court in the case of *Meritor Savings Bank v. Vinson*, Thomas urged then U.S. Solicitor General Charles Fried to submit a friend-of-the-court brief supporting the guideline. He did, and the high court upheld the standard.

"He made a strong and very persuasive argument that sexual harassment is properly considered a form of discrimination because as a practical matter it seriously interferes with equal opportunities for women in the workplace," Fried wrote in a letter that the office of Sen. John C. Danforth (R-Mo.) solicited and then released.

While women's groups generally applauded the administration's 1985 brief in the *Vinson* case, they noted that on the issue of an employer's civil liability in sexual harassment cases, it advocated a stricter standard that the court adopted.

They also noted that during Thomas's tenure, the EEOC was about twice as likely to dismiss complaints of all forms of job discrimination—sexual, racial and age-based—as it had been during the Carter administration years. "I wouldn't exactly call the EEOC under Thomas a beacon of aggressive enforcement," said Marcia Greenberger, co-president of the National Women's Law Center.

Staff writers Howard Kurtz, Jim McGee and Barbara Vobejda and researcher Ralph Galliard Jr. contributed to this report.

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Thomas-Hill disputes

The record on nine factual disputes on the credibility of Clarence Thomas and his accuser, Anita F. Hill:

1. Did Judge Thomas ask Ms. Hill for a date in 1981?

Ms. Hill's version: Judge Thomas asked her out socially and he refused to accept her explanation that it was inappropriate to go out with the boss. (National Public Radio, Oct. 6)

What Judge Thomas may have told the FBI: Unnamed congressional sources have been quoted as saying that Judge Thomas acknowledged asking Ms. Hill out for a date, but that he said he dropped the matter when she declined. (NPR, Oct. 6, and *New York Times*, Oct. 10)

Judge Thomas to Senators: Judge Thomas "denied that he had ever asked her for a date." (Sen. Arlen Specter, R-Pa., McNeil-Lehrer, Oct. 7)

2. Did Judge Thomas discuss pornography with Ms. Hill in 1981?

Ms. Hill: "He [Judge Thomas] spoke about acts he had seen in pornographic films involving such things as women having sex with animals and films involving group sex or rape scenes." (NPR, quoting unpublished Hill affidavit, Oct. 6)

Thomas defender: "He says . . . that none of the alleged salacious expressions were made by him to her." (Sen. John C. Danforth, R-Mo., press conference, Oct. 7)

3. If Ms. Hill was sexually harassed, why did she follow Mr. Thomas from the Education Department to the Equal Employment Opportunity Commission in 1982?

Ms. Hill: "If I quit, I would have been jobless. I had not built a resume such that I could have expected to go out and get a job. And you'll recall that in the early '80s, there was a hiring freeze in the federal government. (Press conference, Oct. 7)

Thomas defender: There was "no rational reason for her not to believe that she could have stayed" at the Education Department. When Mr. Thomas asked her to follow him to EEOC, "she was excited, flattered and gushing with enthusiasm about continuing to work with Clarence Thomas." (Andrew S. Fishel, who worked with both Ms. Hill and Judge Thomas at both the Education Department and the EEOC, *New York Times* interview, Oct. 9)

4. Did Ms. Hill know co-worker Phyllis Berry while they were both at the EEOC?

Thomas defender: Ms. Berry, who says she worked with both Ms. Hill and Judge Thomas as congressional liaison officer for the EEOC, told a reporter that Ms. Hill's allegations resulted from her disappointment and frustration that Judge Thomas had shown no sexual interest in her. (*New York Times*, Oct. 7)

Ms. Hill: "Well, I don't know Phyllis Berry and she doesn't know me, and so I don't have anything else to say to that." (Press conference, Oct. 7)

5. How did Ms. Hill get her first legal teaching job at Oral Roberts University in Oklahoma after leaving the EEOC in 1983?

Ms. Hill: "I interviewed for that job. And at that time, after the interview took place, after I had been assured that I would get the job, I went to him [Judge Thomas] and said, 'Would you write a recommendation?' And that came only because the process at Oral Roberts University required some kind of letter from a former employer." (Press conference, Oct. 7)

Thomas defender: Charles Kothe, then dean of the law school, said Judge Thomas played a more important part in her hiring than she has acknowledged. Mr. Kothe said he first met Ms. Hill when she accompanied Judge Thomas to Tulsa, Okla., so he could hold a seminar as EEOC chairman. (*New York Times*, Oct. 9)

6. Did Ms. Hill voluntarily stay in touch with Judge Thomas after the alleged sexual harassment, and if so, why?

Thomas defender: Handwritten phone logs kept in Judge Thomas' office show 11 calls received from Ms. Hill between 1983 and 1990. "Needs your advice in getting research grants," a secretary noted in an Aug. 29, 1984, entry. Another entry said "wanted to congratulate you on marriage." (Logs released by Senator Danforth, Oct. 8)

Ms. Hill: "If there are messages to him from me, these are attempts to return calls. . . . I never called him to say hello. I found out about his marriage through a third party. I never called to congratulate him." (*Washington Post* interview, Oct. 9)

7. Did Ms. Hill call Judge Thomas in 1990 and ask him to make a speech at the University of Oklahoma?

Thomas defender: Judge Thomas says Ms. Hill telephoned him in November 1990, they chatted for 10 to 15 minutes, and she asked him if he would be receptive to an invitation to speak at the University of Oklahoma Law School. (Senator Danforth press conference, Oct. 7)

Ms. Hill: "No, I did not invite him. The enrichment committee sent an official letter to him inviting him. The chairman of that committee came to me and said would you follow up to see, make sure he's got that letter and that he's going to pay some attention to it. At that time, I stated very clearly to the chairman of the committee that I did not want him to come here. And I, however, did make a phone call. . . ." (Press conference, Oct. 7)

Thomas defender's rebuttal: The Thomas phone logs will disclose that Ms. Hill made the call "many days before" the invitation letter went out, not afterward as Ms. Hill said. (Sen. Alan Simpson, R-Wyo., Senate floor speech, Oct. 8)

8. What was Ms. Hill's reaction when Judge Thomas was nominated to the Supreme Court?

Ms. Hill: "I was very disturbed. I have been very disturbed throughout this process. This has been a very painful process for me." (Press conference, Oct. 7)

Thomas defender: Carlton Stewart, an Atlanta lawyer who was special assistant to Judge Thomas at the EEOC, said Ms. Hill expressed delight at the Thomas nomination in a conversation with him at the American Bar Association convention. (Quoted in *Washington Post*, Oct. 8)

9. Did Ms. Hill provide the Senate committee a sworn statement in 1991?

Thomas defender: "She did not furnish an affidavit. An affidavit is something sworn to and then sealed. She chose to give a statement, a four-page statement." (Senator Simpson, speech to Senate, Oct. 8)

Ms. Hill: She gave a sworn affidavit to the FBI on Sept. 23. (Written statement to press, Oct. 7)

Stark Conflict Marks Accounts Given by Thomas and Professor

By MICHAEL WINES
Special to The New York Times

WASHINGTON, Oct. 9 — Judge Clarence Thomas and Anita F. Hill disagree not just on the basic question of whether he sexually harassed her.

On several fine points — from whether he sought to date her, to the nature of their telephone conversations in later years — the accounts of Judge Thomas, President Bush's nominee for the Supreme Court, and Ms. Hill, a former aide and an Oklahoma law professor, are in stark and seemingly irreconcilable conflict.

When the Senate Judiciary Committee reopens hearings into Judge Thomas's nomination on Friday, the lawmakers will scrutinize those differences as closely as the larger dispute over whether harassment actually took place.

Whose version proves credible may

Contradictions occur in both versions.

will determine whether Judge Thomas's denials are believed, and whether, in the end, he wins appointment to the Supreme Court.

Test Has Begun

The test is already well under way. Professor Hill's assertions are being scoured for inconsistencies and a Republican supporter of Judge Thomas, Senator Strom Thurmond of South Carolina, said this week that she had provided differing public and private versions of a climactic final confrontation with Judge Thomas in 1983, when she was an aide of his at the Equal Employment Opportunity Commission.

Judge Thomas's account may also be at odds with itself on one point: he is said to have given the Federal Bureau of Investigation and his Republican supporters in the Senate conflicting accounts of whether he asked Professor Hill for a date when they worked together in the early 1980's. In one case he said he had asked her out and been turned down, and in another he stated that he had never asked her out.

A supporter of Judge Thomas also made public information today that may reflect on a central facet of Pro-

fessor Hill's complaint: that he had given her vivid and unwanted descriptions of pornographic movies that he had seen.

The supporter and friend, Lovida H. Coleman Jr., issued a statement in response to questions about stories circulating in the capital that Judge Thomas had often been a patron of X-rated movie houses while a student at Yale Law School in the early 1970's. Ms. Coleman, also a student at Yale at the time, said that Judge Thomas "at least once humorously described an X-rated film to me and other colleagues." Elaborating beyond the statement, she acknowledged that this had occurred more than once.

None 'Offended'

But she also said that neither she nor other students "were offended by his amusing accounts."

Ms. Coleman, now a lawyer in Washington, continued, "Indeed, we would have been hypocrites to have been offended since very few of us failed to attend one or more similar films that were shown on the Yale University campus while we were in school."

Professor Hill's and Judge Thomas's sides have said, in strikingly similar words, that they eagerly anticipate a public test of the truthfulness of the statements by third parties.

"I want an official resolution of this," Professor Hill said in a news conference on Monday. "My integrity has been called into question, and by people who have never spoken to me."

On Tuesday, Senator John C. Danforth, the Missouri Republican who is Judge Thomas's chief patron on Capitol Hill, gave the Senate an account of Judge Thomas's request for vindication.

"They have taken from me what I have taken 43 years to build: my reputation," Senator Danforth quoted him as saying. "I want to clear my name."

Even though Ms. Coleman said Judge Thomas had an interest in pornographic films, she was also trying to help him clear his name. She called him "particularly sensitive and caring regarding the professional and personal concerns of the women he knows and with whom he has worked," and said she seriously doubted that he harassed Professor Hill.

Determining whose account of the relationship between Judge Thomas and Professor Hill is accurate is difficult, because both have made pub-

The Hearings On Television

The Senate Judiciary Committee hearings on Judge Clarence Thomas's nomination to the Supreme Court, starting at 10 A.M. Friday, will be broadcast on four channels. The coverage will continue on Saturday and Monday if required.

The Public Broadcasting Service will have gavel-to-gavel coverage with no commercial interruptions.

The Courtroom Television Network, which will start its coverage at 9 A.M., will only broadcast commercials when there is a break in testimony. The Cable News Network will have what it describes as extensive coverage, starting at 10 A.M.

C-Span will cover the hearings after a 10 A.M. House meeting until the end of the session. The channel will also replay the day's entire hearing beginning at 8 P.M.

None of the news divisions of the three major commercial networks had decided yesterday whether to cover the hearings.

lic statements on the matter. Those descriptions that exist come largely from anonymous sources who have seen confidential statements by Professor Hill — or from defenders of Judge Thomas who have personally heard or read his own confidential responses.

The starkest differences between the two center on two issues. One is Professor Hill's contention that Judge Thomas tried to date her while she worked at the Department of Education and the Equal Employment Opportunity Commission.

The other is Judge Thomas's claim, documented by what Senator Danforth called phone logs made public on Tuesday, that Professor Hill made several calls to his office after she left the Government and became a law professor in Oklahoma.

An initial news account of the issue, broadcast on National Public Radio

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last week, cited details of Professor Hill's charges included in a sworn affidavit that she had provided the Senate Judiciary Committee last month. In it, the N.P.R. account stated, Professor Hill alleged that when she was hired as Judge Thomas's personal assistant at the Education Department, "Thomas soon began asking her out socially and refused to accept her explanation that she did not think it appropriate to go out with her boss."

That same news report quoted Senate officials as saying that Judge Thomas had told the F.B.I. in late September that "he had asked Hill to go out with him, but when she declined, he said he dropped the matter." Last weekend, congressional officials confirmed that account of the F.B.I. interview.

Senators' Account Differs

Still, two of Judge Thomas's foremost supporters, Senator Danforth and Senator Arlen Specter, Republican of Pennsylvania, said this week that Judge Thomas had told them flatly that he had never asked Professor Hill for a date.

"He says he did not ask this person for a date, and none of the alleged salacious expressions were made by him to her," Senator Danforth said on Monday after talking to Judge Thomas. "He denies ever having asked her out or talked to her about anything like that," Senator Specter also said the same day.

Professor Hill has indicated that she eventually left her job with Judge Thomas in 1983 because the harassment did not stop, and that she maintained only a distant relationship with him in the following years. That was challenged on Tuesday. Senator Danforth produced telephone logs from Judge Thomas's years at the Equal Employment Opportunity Commission that he said showed that Professor Hill carried on a friendly and frequent relationship with her old boss by telephone.

The logs record 10 telephone calls to Judge Thomas's office from Professor Hill from 1984 to 1990, and an 11th call from an associate of Professor Hill calling at her suggestion. Notations made by Thomas's office indicate the calls involved such matters as "advice on getting research grants" and "congratulate you on your marriage." They do not indicate whether Professor Hill had initiated the calls or returned previous calls from Judge Thomas.

On Tuesday, Professor Hill told The

Washington Post that the logs were "garbage," and denied initiating any telephone calls to Judge Thomas.

"If there are messages to him from me, these are attempts to return telephone calls," she told The Post. "I never called him to say hello. I found out about his marriage through a third party. I never called him to congratulate him."

Reached later on Tuesday, Professor Hill declined to discuss the calls.

Professor Hill also gave National Public Radio a detailed account of what she said was her last meeting with Judge Thomas before leaving the Government in 1983 — a meeting in which she quoted him as telling her that any future disclosure of his harassment "would be enough to ruin my career."

That rendition was publicly disputed this week by Senator Thurmond. In remarks on the Senate floor, he said that Professor Hill's confidential account of her charges to the Judiciary Committee was different in that she said that Judge Thomas told her the disclosure of the incidents would ruin her career, not his.

Today, a supporter of Judge Thomas also sought to cast doubt on another aspect of Professor Hill's allegations, that she followed Judge Thomas only reluctantly from her job at the Education Department to a similar job at the equal employment commission.

Professor Hill has said that she stayed with Judge Thomas because she was only 25 years old and feared that he would be unable to find another job if she quit. She also said that Judge Thomas had stopped harassing her at the time of the move and that she believed that the incidents would not resume.

Today, Andrew S. Fishel who worked with Judge Thomas and Professor Hill at both the Education Department and the Equal Employment Opportunity Commission, said that Professor Hill expressed delight at the time at the prospect of following Judge Thomas to the E.E.O.C.

Mr. Fishel, who said he "unequivocally" supports Judge Thomas's nomination, said that there "was no rational reason for her not to believe that she could have stayed at the Office of Civil Rights" in the Education Department had she expressed a wish to do so.

"My recollection is that she was excited, flattered and rushing with enthusiasm about continuing to work with Clarence Thomas," Mr. Fishel said.



Associated Press

Prof. Anita F. Hill, who has accused Judge Clarence Thomas of sexual harassment, being escorted by a University of Oklahoma police officer yesterday

into the law school in Norman, Okla. Professor Hill was there to be photographed for magazines before departing for Washington.

CONFLICT EMERGES OVER A 2D WITNESS

Thomas Panel to Hear Woman — White House Protests

By ADAM CLYMER
Special to The New York Times

WASHINGTON, Oct. 10 — Despite a White House complaint, the Senate Judiciary Committee is prepared to hear a new witness against Clarence Thomas, the Supreme Court nominee, as the committee prepares for crucial public hearings Friday on a sexual harassment accusation against him.

The new witness is Angela Wright, a former press secretary at the Equal Employment Opportunity Commission, when Judge Thomas was chairman of the commission, a Senate aide said. Anita F. Hill has accused Judge Thomas of sexual harassment, and the Senate aide said Ms. Wright's report would be about the same general topic but gave no details.

Importance Is Denied

The White House issued a statement tonight critical of the committee's action, saying it had neglected the "normal practice" of first seeking an investigation by the Federal Bureau of Investigation. But it said Judge Thomas "will deal with the allegations in the course of the hearings."

Senator Alan K. Simpson, Republican of Wyoming, a Thomas supporter, said he had seen Ms. Wright's deposition and did not regard it as significant.

The nationally broadcast hearing will begin at 10 A.M., and one key issue in dispute was who would testify first, Professor Hill, who first brought the accusation of sexual harassment, or Judge Thomas. Senator Simpson said

an agreement was developing that Judge Thomas who has been on the defensive all week, would get the chance to go first. He said it was not clear if Professor Hill would come immediately after him.

An Unusual Move

The Senate agreed Tuesday to an unusual reopening of its confirmation process, a tense, drawn-out procedure that began July 1, when President Bush chose him to succeed Justice Thurgood Marshall who retired.

Despite strong opposition, he had seemed all but certain to win the Senate majority vote necessary for confirmation before Professor Hill's accusation was reported over the weekend.

Judge Thomas denied her sworn accusation in an affidavit he swore on Tuesday, but the Senate was stung by the charge that it had brushed off the charge without adequate inquiry and it arranged to put off the vote until next week and hear sworn testimony on the accusation.

Ms. Wright, now an assistant metropolitan editor at the Charlotte Observer, was still being interviewed by Committee aides tonight, said Senator Orrin G. Hatch, Republican of Utah. Jane Shoemaker, managing editor, "she has told me that I can share that she did not contact the committee and she was not seeking an audience with the committee. The committee sought her out and she is going to Washington in response to a subpoena."

Although the order of witnesses was not fully established, members of both parties on the committee announced plans for questioning intended to speed the proceedings, which are expected to take at least two days. Each party's senators are to ask questions for 30 minutes, then give way to the a senator from the other party.

Democrats planned to have Senators Joseph R. Biden Jr. of Delaware, the chairman, and Patrick D. Leahy of Vermont and Howell Heflin of Alabama do almost all of their questioning, while other committee members would generally sit and listen.

For the Republicans, Senator Hatch said he would question Judge Thomas and any witnesses called to support him while Senator Arlen Specter of Pennsylvania would interrogate Ms. Hill and her supporters.

Ms. Hill arrived in Washington today from Oklahoma and immediately began meeting with a hastily arranged volunteer team of lawyers.

Women Defend Thomas

President Bush defended his nominee when reporters questioned him briefly at the White House, saying: "I support him 100 percent, no fear of contradiction. I am strongly for him."

He said, "I'm simply not going to inject myself into what's going on in the Senate." He then urged: "Let's see the Senate get on with its business in a fair fashion and get this matter resolved." And when it's done in that manner, I am absolutely convinced that he will be confirmed and will be on the Supreme Court because in my view he deserves to be there."

As the hearing arrangements were being settled, Senator John C. Danforth, the Missouri Republican who has been Judge Thomas's leading Senate advocate, called a news conference to present 18 women who had worked with the nominee in Washington. The women said they were outraged about the accusation against him.

Pamela Talkin, his chief of staff at the Equal Employment Opportunity Commission, said: "It was Clarence Thomas's unequivocal and oft-repeated policy that sexual harassment, even in its most subtle forms, would not be tolerated at E.E.O.C. And it wasn't." She added, "He was adamant in demanding that all the women in the agency be treated with dignity and respect."

Helen Walsh, a manager at the agency, said she had worked with him at both the E.E.O.C. and the Department of Education, and there had never been any hint of impropriety about him at either place. "He has never even expressed anything that you would call off-color or sexist remarks," she said. "He has been open and nurturing of all of his employees."

The message of his former co-workers was that Judge Thomas could not have committed sexual harassment. Ricky Silberman, the commission's vice chairman, arranged the group meeting, saying that Mr. Thomas had fought to insure that "this noxious behavior not go on in the American workplace." Of the group, she said, "Outrage is, I believe, what we all feel."

Committee Action Defended

Senator Hatch held a news conference to complain that "some sleazy person" on the Judiciary Committee or its staff had told news organizations about Ms. Hill's accusation. He said the committee had behaved properly in agreeing to her request to not be named, and predicted that neither Professor Hill nor Judge Thomas "will come out with the reputations they had before."

Mr. Hatch also said he had not read the report on her accusation by the F.B.I. before voting for the nomination, but he said, "I knew what was in it." Asked why he had not read it, he said: "Well, I should have. There's no question about it."

According to a report on National Public Radio, Professor Hill gave this description of Judge Thomas's conduct: "He spoke about acts he had seen in pornographic films involving such things as women having sex with animals and films involving group sex or rape scenes. He talked about pornographic materials depicting individuals with large penises or breasts involved in various sex acts."

Professor Hill's volunteer lawyers include John P. Frank, a nationally known lawyer from Phoenix, Susan Deller Ross, a prominent professor at Georgetown University, Michele Roberts of Washington and Janet Napolitani, an associate of Frank's from Phoenix.

Louise Hilsen of Devillier Communications, a public relations agency, said several members of Professor Hill's family would accompany her to the hearings. "She has a brother who is coming in from Kansas City and a brother is coming in from New York. Her parents are coming in. She's got a fairly large extended family, they're going to see who is available."

WASH. POST
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Charlotte Woman Details Thomas's Conduct

Ex-Employee Alleges He Asked Her Breast Size, Came to Her House

By Karen Garloch
Charlotte Observer

CHARLOTTE, N.C., Oct. 10—A Charlotte woman who formerly worked for Supreme Court nominee Clarence Thomas told Senate investigators today that Thomas repeatedly asked her for dates, asked her breast size and showed up at her apartment uninvited.

Angela Wright, 37, an assistant metro editor for the Charlotte Observer, was subpoenaed by the Senate Judiciary Committee to testify Friday or Saturday at the reopened hearing into Thomas's nomination for the Supreme Court.

In an interview today, Wright said she never considered Thomas's advances sexual harassment and never considered filing a complaint.

"I'm not stating a claim of sexual harassment against Clarence Thomas," Wright said. "... It's not something that intimidated or frightened me. At the most, it was annoying and obnoxious." In 1985, Wright was fired by Thomas from a position at the Equal Employment Opportunity Commission.

But she said she thought about those advances earlier this week in light of allegations of sexual harassment against Thomas by another former aide, Anita Hill, a University

of Oklahoma law professor.

Hill, who worked for Thomas at the Education Department and the EEOC in the early 1980s, has alleged that Thomas frequently asked her out and when she refused, he described scenes from pornographic films he had seen.

Wright said she has never met Hill, but sympathized with her.

"I looked at this woman trying desperately to tell her story and be believed," Wright said. "... I know enough about the man to know he's quite capable of doing what she said he did."

A registered Republican, Wright
See WRIGHT, A12, Col. 1

Editor Outlines Thomas 'Inappropriate' Conduct

WRIGHT, From A11

was Thomas's director of public affairs at the EEOC from March 1984 to April 1985, when she was fired. Wright said that Thomas told her she was not aggressive enough in firing veteran EEOC employees. Thomas later gave Wright a positive job recommendation.

Wright said a Senate investigator called her Wednesday, and lawyers representing six senators interviewed her today for two hours by telephone.

During the year she worked for Thomas, Wright said, he repeatedly asked her to date him. At the time, Thomas was separated from his first wife. Wright is single.

"He would say, 'You will be going out with me,' or 'I'm going to start dating you,' or 'when I get around to dating you.' It was never, 'Will you go out with me?'" Wright said.

One night, shortly after she was hired, Wright recalled, she sat next to Thomas at an employment retirement banquet that she had arranged.

"He leaned over to me and said something like, 'This is really going well. You look good tonight, too. You're going to go out with me.'"

On another occasion, Wright said, Thomas "asked me what size my breasts were." He told her she looked nice and then, according to Wright, he said, "What size are your breasts?"

"I just said something like, 'Don't you think you ought to be familiarizing yourself with the speakers?'" she said. "I would usually ignore it and move on to the next level."

Wright said Thomas also showed up at her apartment in Washington one evening uninvited.

She said she asked him in and offered him a beer and they talked for about two hours. During that

time, she said he again asked her to go out with him and she again changed the subject.

"I pushed it in the back of my mind and moved on with my life," Wright said. "His comments were certainly unwelcome and inappropriate, but I never felt any threat from him. I just felt like he got a certain amount of pleasure out of saying certain things to women."

"I'm not saying now that this man threatened me or sexually harassed me," Wright said. "... My desire here is not to keep Clarence Thomas off the Supreme Court.

"But I'm knowledgeable of circumstances where Clarence Thomas was out of line and said things that were inappropriate. So, I believe Anita Hill... I'm saying I think this woman is credible and this is why I think she's credible."

Wright said her interview with Senate lawyers today seemed to indicate that Thomas supporters will try to discredit her testimony because Thomas fired her in 1985.

However, when an Observer editor called Thomas in January 1990 for a reference regarding Wright's work, Thomas said she had resigned.

Thomas called Wright an "excellent employee" who worked "very well under stress," according to notes taken by Mary Newsom, the Observer's special projects editor.

Wright, a Wilmington native and University of North Carolina-Chapel Hill journalism school graduate, joined the Observer as an assistant metro editor in February 1990 after two years as managing editor of the weekly Winston-Salem Chronicle.

Previously, she held several political jobs. In 1980 and early 1981, she was black media liaison for the Republican National Committee.

The New York Times

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DATE: 10/7
Thomas
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7 Oct Monday

Law Professor Accuses Thomas Of Sexual Harassment in 1980's

By NEIL A. LEWIS
Special to The New York Times

WASHINGTON, Oct. 6 — Two days before the Senate is scheduled to vote on his nomination to the Supreme Court, Judge Clarence Thomas was publicly accused today of sexually harassing a law professor at the University of Oklahoma Law Center during the two years that she served as his personal assistant in the Federal Government.

Anita F. Hill, a tenured professor of law at Oklahoma, charged in an affidavit submitted to the Senate Judiciary Committee last month that when she worked for Judge Thomas over a two-year period beginning in 1981, he frequently asked her out and when she refused he spoke to her in detail about pornographic films he had seen.

The allegation added an element of uncertainty to what had already been a turbulent confirmation process for Judge Thomas, who is President Bush's choice to succeed Justice Thurgood Marshall on the Supreme Court. Senator John Danforth, a Missouri Republican who is the 43-year-old nominee's principal supporter in the Senate, said today that Judge Thomas "forcefully denies" the allegations.

Senator Paul Simon, an Illinois Democrat who is a member of the Judiciary Committee, said today that because of the allegations, the vote should be delayed. But Senate aides said they ex-

pected the vote to go forward because a delay would require the consent of all 100 members. At least 54 Senators have declared their intention to vote to confirm Judge Thomas.

Nonetheless, as word of the allegations spread this weekend, the White House and Judge Thomas's supporters mounted a swift counterattack on several fronts, depicting him as the victim of a desperate final gambit by his opponents.

Professor Hill never filed a formal affidavit.

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Justices Return to Work

The Supreme Court opens its new term today, short one Justice but not lacking in high-profile cases that will test the dimensions of its conservative counter-revolution. Page A14.

The New York Times

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ARTHUR HAYS SULZBERGER, Publisher 1935-1961
ORVILLE E. DRYFOOS, Publisher 1961-1963

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complaint against Judge Thomas The accusations were first reported today by National Public Radio, which said Professor Hill had first made them to the Judiciary Committee the week of Sept. 10, while members of the panel were questioning Judge Thomas in public hearings.

In an interview broadcast this morning on NPR, Professor Hill said she intelligently decided she would not tell the committee of her charges, but changed her mind as the hearings were about to begin because she felt she had an obligation to tell what she believed to be true.

"Hill is a person who is in charge of protecting rights of women and other groups in the workplace and he is using his position of power for personal gain for one thing," she said. "And he did it in a very ugly and intimidating way."

Senator Joseph R. Biden Jr., the Delaware Democrat who is chairman of the Judiciary Committee, said in a statement today that when Ms. Hill first contacted the committee, on Sept. 12, she insisted that her name not be used and that Judge Thomas not be told of her allegations. He said this effectively tied the committee's hands.

Only on Sept. 23, Mr. Biden said, did she agree to allow the Federal Bureau of Investigation to investigate the alle-

gations. The White House today described the F. B. I. report as finding the allegations as "without foundation." But Congressional officials who have seen the report challenged that characterization, saying the bureau could not draw any conclusion because of the "he said, she said" nature of the allegation and denial.

By all accounts, the White House and the Senate Democratic leadership, including Senator Biden and Senator George J. Mitchell, the majority leader, were briefed about the accusation shortly after the F. B. I. completed its investigation.

At the time cited by Professor Hill, Judge Thomas headed the Office of Civil Rights in the Department of Education and she was his personal assistant. In her affidavit, Congressional officials said, Professor Hill said that typically after a brief discussion of work, Judge Thomas would "turn the conversations to discussions about his sexual interests." She described his remarks as vivid as he discussed sexual acts he had seen in pornographic films.

Professor Hill did not return repeated telephone calls seeking comment today. In a written statement to news organizations today, she said that she was first approached by the Judiciary Committee on Sept. 3 and was invited to provide background information on Judge Thomas because she had worked with him. She said that after "numerous discussions" with the committee's staff she decided to submit an affidavit. She said she discussed the matter publicly with the NPR reporter, Nina Totenberg, only because the reporter had a copy of the affidavit and she wanted to be able to respond to the information before it was made public.

In her affidavit, according to the Congressional officials, Professor Hill said that Judge Thomas, who was separated from his first wife at the time, dropped the subject when he began dating someone else. Since the remarks had stopped, she said, she accepted an offer to follow him as a personal assistant when he became chairman of the Equal Employment Opportunity Commission. He soon resumed his advances, she said.

"Feeling Without a Choice"

In an interview with NPR, Prof. Hill said Judge Thomas never attempted to touch her nor did he threaten her job. But she said that the age of 35 she felt vulnerable. *ch*

intimidated. "I felt as though I did not have choice, that the pressure was such I was going to have to submit to it pressure in order to continue get good assignments," she said in interview.

Senator Biden said in a statement today that the allegations were investigated by the Federal Bureau of Investigation at the request of the Judiciary Committee. Judge Thomas told the bureau's investigators that he had as the woman out a few times and she declined eventually dropped all advances.

The White House today described as "without foundation." But Congressional officials who have seen the report challenged that characterization saying the bureau could not draw conclusion because of the "he said, she said" nature of the allegation and denial.

Senator Danforth said the charges were a desperate "eleventh-hour tack more typical of a political campaign than of a Supreme Court confirmation." In an effort to diminish Professor Hill's credibility, he said Judge Thomas flew out to Horn Okla., this spring to address her.



Associated Press
Anita F. Hill, law professor, who has accused Judge Clarence Thomas of sexual harassment.

The New York Times

Founded in 1851

ADOLPH S. OCHS, Publisher 1896-1953
ARTHUR HAYS SULZBERGER, Publisher 1953-1961
GUY L. STAYFOOT, Publisher 1961-1963

DATE: 6/7

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students at her invitation.

A White House official said that Ms. Hill's credibility was damaged by the fact that she did not make these allegations until very late in the confirmation process, nine years after the alleged acts occurred.

The White House provided reporters with the name of Phyllis Berry, who worked with both Ms. Hill and Mr. Thomas at the employment opportunity commission. In an interview, Ms. Berry suggested that the allegations were a result of Ms. Hill's disappointment and frustration that Mr. Thomas did not show any sexual interest in her. Ms. Berry, who was the commission's

Congressional liaison officer for five years, said that Judge Thomas was intensely aware that he had to conduct himself with acute propriety because he believed that as a black Republican he would be under special scrutiny.

Ms. Berry speculated that Ms. Hill might have wanted to develop a relationship with Mr. Thomas and that because Judge Thomas was "not able to respond to her in the way she expected or hoped, he might have hurt her feelings."

But a number of colleagues and friends of Ms. Hill said they could not imagine her fabricating such allegations.

"I've known Anita Hill for 14 years and she is a person of enormous integrity and spirituality," said Stephen L. Carter, a law professor at Yale University. Professor Carter, who attended Yale Law School with Professor Hill, added, "She is a person of great compassion and thoughtfulness and if she said something like that occurred it would have to be considered very seriously."

Prof. Harry F. Tepper Jr., a colleague of Professor Hill at the University of Oklahoma, issued a statement saying: "Anita is not part of any political plot I share the view of those who say that Judge Thomas has been sub-

jected to unfair criticism in the past, but that is not the case here. In my view, Anita's disclosures have nothing to do with partisanship or politics."

The allegations of sexual harassment involve a period when Judge Thomas was the chairman of the E.E.O.C., the agency that is charged with dealing with sexual harassment claims and he was, in effect, the nation's chief enforcement officer on the subject.

Courts have recognized two different varieties of sexual harassment, the overt sex for favors at the workplace kind and a more subtle type in which actions create an unwelcome or hostile environment.

In 1986 the Supreme Court ruled that sexual harassment may occur when there is unwelcome and pervasive conduct of a sexual nature and that could

include matters like remarks laced with innuendo.

In her interview with NPR, Professor Hill said that at the time she was being harassed she confided her uneasiness to another law school classmate, a woman who is now a state judge in the West. NPR said the woman confirmed Ms. Hill's account of the content and timing of their conversation on the condition that she not be identified.

In a statement today, Professor Hill said that she told the committee of the sexual harassment charges because: "My interest has been in fulfilling my responsibilities to the political process as I see them. That is to provide the Senate with information about a nominee. Allegations that my efforts are an attempt to disparage the character of Clarence Thomas are completely unfounded."

U.S. NEWS

See Page 4, infra

The crowning Thomas affair

A tormented man faces the test of a lifetime: Should he sit on the nation's highest court?

When white friends greet Clarence Thomas and ask, "How are you?" Thomas often replies, "Just trying to make it in your world." The words are said with a grin, but Thomas's good humor is wrapped around a core of complex emotions: confidence and insecurity, determination and resentment. George Bush's choice to succeed Thurgood Marshall on the Supreme Court has spent most of his 43 years proving that he is good enough to "make it" in the white world. But he has risen so fast—from a junior Capitol Hill staffer to Supreme Court nominee in just 10 years—that Thomas approaches his confirmation ordeal this week filled with anxiety that he may fail this final test. On the day he was named by Bush two months ago, Thomas called friends like Alex Neichvolodoff, a colleague from Capitol Hill, to say he had "this fear in the pit of my stomach."

If Thomas is afraid of losing the confirmation battle, he also worries about winning it. He has told colleagues on the U.S. Court of Appeals for the District of Columbia, where he has served barely 18 months, that he might not be ready for his new assignment and wishes it had come five years from now. At his confirmation hearing last year, Thomas admitted that he has "not had time to form an individual, well-thought-out constitutional philosophy."

One friend, who has talked at length with the judge, calls his legal views "a mishmash" and adds, "There aren't a lot of anchors there." The American Bar Association reflected such concerns when it rated him "qualified" for the high court. That is a passing grade but not the highest rating, and two panel members judged him "unqualified." Sen. John Danforth, Thomas's mentor, concedes: "He is a person who is evolving." Indeed,

supporters are trying to turn Thomas's inexperience to advantage, saying that his malleability means that he will not be a rigidly conservative vote on the court.

To the extent that Thomas does have a philosophical anchor, it is this: Individuals can, and should, help themselves. Government and programs often make matters worse by depriving the proponents of initiative. Race-based preference programs generate racial tensions, give blacks too many excuses for their failures and prevent people like him from getting credit for real achievement. His whole life embodies a single, thunderous idea: I am the author of my own story.

Divided soul. But as Thomas takes his seat in front of the Judiciary Committee, the picture he presents is riddled with contradictions. He is a black nationalist who divorced his black wife, married a white woman and lives in a white neighborhood, a foe of affirmative action who has been named to the court primarily because he is black, an individualist who feels uncomfortable with the leaders of both races and both parties.

There is meager evidence on Thomas's legal philosophy, but as an executive branch official he followed Supreme Court decisions even when he disagreed with them; thus, he might be slow to overturn established precedent. He has voiced support for natural law, the idea that individuals have "unalienable rights" not granted by government. And while some abortion-rights activists fear he would assign such rights to the unborn and oppose abortion, Thomas is more likely to cite natural law in defending individual rights—such as free speech—against government power.

Thomas was pushed ahead so fast because Bush apparently felt compelled to pick a black American for the seat and thought no other candidate with proper-

U.S. NEWS

conservative credentials was available. Thomas was picked from a pool of one to fill a quota of one, and his selection as deeply divided the black community story, Page 33). To his supporters, Thomas is a role model of hard work and self-reliance. To his critics, he is a traitor to his race. The attacks wound him deeply, leaving him confused and isolated. As he told the newspaper *Legal Times* in 1984, "I don't fit in with whites, and I don't fit in with blacks. We're in a mixed-up generation—those of us who were sent out to integrate society." Yet Thomas revels in being contrary, and friends wonder if his fiery behavior borders on the impulsive. He plays country and eastern music, roots for the Dallas Cowboys in a city of rabid Redskins fans and displays a Georgia state flag on his desk that looks strikingly like a Confederate banner. "I think he's very alone," says a friend.

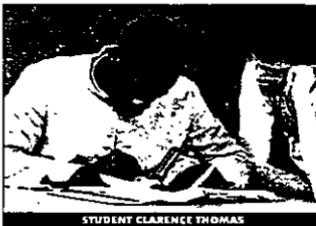
One criticism of Thomas is that he has "forgotten his roots," or at least drawn the wrong lessons from his incredible life. But he is very much a product of his past, of the "hated and love," as he puts it, that dominated his boyhood: the hatred of state-sponsored segregation and the love of family, neighbors and teachers. If anything, Thomas relies too heavily on his own experiences and does not fully understand that the world of his youth, in both its strengths and weaknesses, no longer exists. Government is no longer the despised enforcer of racial bias. And, a sad irony, the end of segregation has meant the demise of many institutions that nourished him, from black-owned businesses to a school run by Franciscan nuns for black children.

Fresh reminders. Thomas acknowledges that he is mourning a lost world, telling a commencement audience last spring, "My community is gone." But even his current world, as a judge in the second most powerful court in the land, yields up fresh reminders of prejudice. Recently, he was driving his car out of the garage at the federal courthouse, heading for a lunch date. As an old friend, Mark Edelman, recounts the story, Thomas paused at the garage entrance. Suddenly, a man opened the back door, climbed in and gave Thomas an address. He thought the judge, with his black skin and fancy car, must be a chauffeur.

Thomas was born on the marshy banks of Moon River, in the hamlet of Pin Point, Ga., on June 23, 1948. He was a toddler when his father deserted the

family, leaving his mother with two small children and a third on the way. "I made my living by picking crab for 5 cents a pound to raise three head of children," his mother, Leola Williams, told *US News*. "That was hard. I did the best I could." When the house on Moon River burned down, the family moved to Savannah, where Thomas's mother found

THE IDEAS



STUDENT CLARENCE THOMAS

"What our nuns gave us is what we need now: God, values, morality and education."

A TRIBUTE IN 1986

"In any multiethnic, multiracial society, race-conscious remedies generate severe racial conflicts."

INTERVIEW IN 1987

"I am appalled that there are greater penalties for breaking into a mailbox than for violating someone's basic civil rights."

SPEECH IN 1988

work as a domestic for \$15 a week, including bus fare. She dropped her children off with her parents, Christine and Myers Anderson, every morning before 7 and picked them up at night.

Eventually, the strain grew too great, and Clarence and his brother, Myers, moved in with their grandparents while their sister went to live with an aunt. "The kids knew how hard I was working," says Mrs. Williams. "They saw me many times in the ice and cold waiting for a bus. I was an example to them." Even at 62, she works two jobs, starting as a hospital aide at 4:30 a.m. and ending as a nursing home worker at 11 at night.

Some family friends wonder why Mrs. Williams, whose son makes \$132,700 a year, continues to work so hard, but she says, "I just love to work. It's the only way you can have something."

The dominant figure in Thomas's boyhood was his grandfather, a stern man who sold wood, coal and fuel oil from the back of a home-built pickup in the black neighborhoods of Savannah. The boys would change clothes when they came home from school and join Daddy, as they called him, on his rounds, picking up orders and making deliveries. Like Thomas's mother, his grandfather set an example of grit and discipline. "My dad didn't have to lay a hand on you," says Mrs. Williams. "He could look at you and scold you with his eyes." But Anderson did more than just scold his grandsons, according to Allen Moore, an old Thomas friend from Danforth's staff. "Clarence told me that he tasted the bell regularly."

Today, Thomas longs for the "very stable, disciplined environment" of his youth. In a recent speech, he described watching a woman unwrap a candy bar for a child, then toss the wrapper into the street. "I asked myself, what is wrong with this picture?" he recalled. "I can't remember how many times, as a child, I was made to pick up my candy wrappers and put them in my pocket until I found a trash can."

It was from his grandfather that Thomas absorbed a passionate resentment of welfare. Myers's maxim: "Man ain't got no business on relief as long as he can work." But Thomas's ferocity on the subject also flows from a deeper impulse. He is clearly ashamed at the number of blacks on welfare, and he is angry that they threaten his lifelong crusade to prove that his people are "as good as white people." This loathing helps explain one of the ugliest incidents in Thomas's life. In a meeting of black conservatives in 1980, he harshly attacked his sister, Emma Mae Martin, for being on welfare. "She gets mad when the mailman is late with her welfare check. That's how dependent she is."

He now voices regret for the comment, made perhaps to enhance his conservative credentials. It was clearly unfair to a woman who had her first job at age 7, scrubbing clam shells for 50 cents a barrel. His sister did go on welfare for a time in the 1970s, but only because she was caring for four children and an elderly aunt. Once the aunt died she went back to work as a hospital cook, starting some days at 3 a.m. and attending Bible classes on Tuesday nights. Martin told *US*

THE GUIDES

Clarence Thomas has learned much from the counsel of relatives, teachers and mentors. SEN. JOHN DAMFORTH, his first boss after law school, attracted him to the Republican Party and a life of public service. His mother, **LEOLA WILLIAMS**, set an example of self-reliance, taking grueling jobs as a domestic worker after his father left home.

His grandfather **MYERS ANDERSON**, who reared Thomas after the stress on his mother grew too great, emphasized the importance of independence and charity, running his own small business and leaving groceries for needy neighbors. His lessons were sometimes reinforced with a leather belt. The **FRANCISCAN NUNS** who taught Thomas in elementary school imparted such self-confidence, notes a classmate, that if they "told you that you could walk through a brick wall, you thought you could do it."



SEN. JOHN DAMFORTH, THE MENTOR GUIDING THOMAS'S NOMINATION



LEOLA WILLIAMS



THOMAS WITH THE NUNS AND HIS WIFE



MYERS ANDERSON

News that there is no lingering animosity between brother and sister, and that when Thomas comes home he puts on his overalls, argues with her about politics and eats the favorite foods of his childhood: deviled crab, deer, even raccoon.

The racism Thomas faced when he moved to Savannah remains a vivid memory: the James Bond movies he never saw because they did not come to the all-black movie theater; his grandfather's admonition that "you can never look a white woman in the eye"; the roadside sign saying, "Welcome to North Carolina—Ku Klux Klan territory." Today, Thomas's visceral suspicion of government can be traced partly to those boyhood experiences, when the state was a guarantor of inequality.

As practicing Catholics, Christine and Myers Anderson sent Thomas and his brother to a parochial school, St. Benedict's. There, they were taught by an extraordinary group of Irish nuns who continued the self-help ideal. At school, Thomas occasionally had time for fun, playing basketball with a flair that earned him the lifelong nickname "Cousy," after the Boston Celtic star Bob Cousy. But mainly school meant work, and the nuns saw their mission this way, according to Roy Allen, Thomas's boyhood friend and now a Democratic state senator: "There may be walls up now, but they will come down, and we want you to be ready."

The nuns taught racial equality by

deed as well as word. Living in the black section of town and refusing to accept privileges based on race, Allen recalls a class trip when the bus driver told the nuns they could sit in front, while the children had to sit in back. "Sister just said, 'Where my kids sit, I will sit,' and she came back and sat with us." Thomas absorbed the lesson well. Sister Mary Virgilius, his favorite teacher, remembers the youngster asking, "Why should we salute the flag and say, with liberty and justice for all when there isn't a liberty for black people?" In addition, the nuns were not above a little psychological warfare. "They were always telling us that the white kids thought they were smarter than we were," says Lester Johnson, an old friend and Savannah attorney. "I think they did it to make us competitive."

Growing discomfort. From St. Benedict's, Thomas went to high school at St. John Vianney Minor Seminary, a largely white boarding school for future priests, where he continued to overcome barriers. The yearbook for 1967 quotes a favorite Thomas comment: "Blew that test, only a 98." But the slights continued as well, with one classmate writing in that same yearbook, "Keep on trying, Clarence. Someday you'll be as good as us."

Thomas's discomfort with the church grew stronger at Immaculate Conception Seminary in Missouri, where he lasted only a year. White classmates would cross the street to avoid greeting him, and in an interview in 1984 with the *Hok*

Cross (his next school) alumni magazine, Thomas said of those days, "I was considered the black spot on the white horse." He recalled the day in 1968 that Martin Luther King Jr. was shot: "I was following this white seminarian up a flight of stairs, and I overheard him say, after he heard that Dr. King had been shot, 'That's good. I hope the SOB dies.' I think that was the last straw. I couldn't stay in this so-called Christian environment any longer." Thomas left the seminary, enrolling at Holy Cross in Worcester, Mass., as a sophomore, but the decision caused a deep rift with his grandparents that lasted for years.

When Thomas arrived at Holy Cross, the school was just admitting a sizable number of blacks for the first time. He feared flunking out and described life there as "like being in a cold, isolated foreign country." This chill led the blacks to form a Black Students Union, with Thomas as treasurer, and he also joined the popular causes of the day: protests against the Vietnam War, a feeding program for local black youngsters. But classmate Leonard Cooper remembers him more as a "moderate liberal" than as a militant. One incident in particular sums up Thomas's evolving view of the world. When the Black Students Union voted to have an all-black corridor in a dormitory, Thomas was the lone dissenter. Classmate Stanley Grayson, a former deputy mayor of New York City, still recalls Thomas's criticism: "It

THE INFLUENCES

as a small child, Clarence Thomas was seldom seen without a book under his arm, and many say his activist and thinkers have shaped his world view. Economist **THOMAS SOWELL** reinforced his young disenchantment with race-segregated programs. **MALCOLM X** intrigued the young Thomas with his black-power message, and the judge has collected most of Malcolm X's recorded speeches.

The works of novelist **RICHARD RIGHT** spoke to feelings of anger and isolation Thomas often had but pressed. The judge is also attracted to the novels of writers like **ATM JND** and **Louis L'Amour** because of gloriously heroic individuals overcoming great odds. Exposure to the slogan **THOMAS AQUINAS** helped open the judge's belief that natural law confers on an individual rights government can take away.



RICHARD WRIGHT



ATM RAND



MALCOLM X



THOMAS AQUINAS



THOMAS SOWELL, THE INTELLECTUAL GURU

as in the real world. The world forces you to mix and mingle with the white majority. But his strongest point was that he didn't want to make it easy for others to interact with him.

It was during these years that exposure to certain authors and activists took up Thomas's world view. Black novelist Richard Wright "woke me up," the judge says, by addressing his growing sense of racial identity and injustice. He Black Panthers appealed to "some of us who were young and hotblooded and ill-tempered," but Thomas rejected their emphasis on violence and Marxism-Leninism. The "Autobiography of Malcolm X" was assigned to all new students in 1968, and it struck a resonant chord in the angry young man, particularly its emphasis on self-reliance and black entrepreneurship. To this day, Thomas can quote from memory Malcolm's advice: "As other ethnic groups have done, let the black people, whenever possible, however possible, atomize their own kind, hire their own kind and start in those ways to build up the black race's ability to do for itself."

Affirmative action. Married to his first wife, Kathy, the day after graduating from Holy Cross, Thomas went on to Yale Law School. Critics argue that coming to Yale, he profited from the sort of affirmative action programs he now opposes, and James Thomas, the law school admissions officer for the past 22 years, generally agrees. "It's pretty

clear," Dean Thomas says, that Clarence was helped by Yale's vigorous recruiting of members of minority groups but he denies that standards were lowered significantly for those recruits.

The son of a woman who works 18-hour days is no stranger to long hours. He was at the dining hall when it opened for breakfast at 7, sometimes regaling other early risers with hilarious descriptions of the X-rated movies he liked to watch for relaxation. He never came to a party before 10, when the library closed. Even sports were played flat-out, full tilt, as classmate Lovida Coleman Jr. remembers. "I've never seen anybody who could overthrow his receiver by 30 or 40 yards the way Clarence could. I would not say he was a finesse player," says Coleman.

Some of Thomas's opposition to race-preference programs stems from experiences at Yale, where he saw affirmative action helping many more middle-class blacks than poor ones like himself. He was always strapped for money—wearing workman's overalls and shirts worn through at the elbows—and he grew close to classmates from similarly poor backgrounds: Frank Washington, the son of a laborer, and Harry Singleton, whose mother cleaned houses. "The notion of being responsible for your own place in life was a dominant theme for all three of us," says Washington, now a cable TV executive in California. Above all, Yale reinforced Thomas's belief that

affirmative action robs every black achievement and robs him of respect. As he told *Washington Post* reporter Juan Williams in 1980, "You had to prove yourself every day because the presumption was that you were dumb and didn't deserve to be there on merit."

Thomas and his classmates talked often about joining the legal mainstream and not being pigeonholed in "black" jobs. But though his specialty was tax law, and he had done well in school, Thomas found that firms in Atlanta asked "condescending and demeaning questions and wanted to talk mainly about charity work for poor clients. At that point, Dean Guido Calabresi at Yale mentioned Thomas to John Danforth, then the attorney general of Missouri and a member of Yale's board. The job as an assistant attorney general paid little, but Thomas took it because Danforth made him the promise he had been looking for all his life: He would be treated the same as everybody else.

During this period, Thomas's political views sharply changed. In 1972, two years before finishing Yale, Thomas was still a liberal Democrat, voting for George McGovern. But he drifted rightward, impelled by what he saw as a growing contradiction between the modish liberal ideas of the academic world and the old-fashioned truths his grandfather had instilled. Then one day, Thomas got a call from a friend Clarence, there's another black guy

THE DOCKET

How Thomas might influence the Supreme Court in its next term

ABORTION The first case *Can Operation Rescue be barred from blocking access to abortion clinics?* The court also may consider laws from Louisiana, Utah and Guam that attempt to ban most abortions. Abortion-rights advocates fear Thomas is an abortion

RACE BIAS Cases will test which courts should end supervision of school desegregation plans and how air rates must go in desegregating public universities. Though Thomas opposes many monumental remedies to job-bias claims, he is sympathetic to measures such as scholarships that aid poor blacks

CRIME First, the court will rule on laws that require criminals to give their victims profits from movies or



ABORTION, OPERATION RESCUE



ENVIRONMENT



HATE-CRIME LAWS

books based on their crimes. Later, the court is likely to consider controversial questions involving capital punishment and police searches. Thomas is believed likely to take a hard-line anti-race stance

ENVIRONMENT The justices will decide whether it was proper for Congress to bar lawsuits against logging activities that might harm the Northern spotted owl. In addition, they will rule on whether the U.S. government can back foreign projects that may endanger animals. Thomas has hinted that he might vote to curb use of courts by groups such as environmentalists to challenge government policies

HATE CRIMES The justices will study a St. Paul, Minn., law that bans symbolic acts such as burning crosses that provoke "anger, alarm or resentment" on the basis of race, color, creed, religion or gender. Some experts believe Thomas could help tip the court's balance and reverse the decrease that protected flag burners from prosecution two years ago

but here [in California] who is as crazy as you are. He has the same ideas that you have. There are two of you."

The friend was talking about Thomas Sowell, the economist and author, who describes affirmative action as a "world-wide disaster," dividing the races and failing to reach the truly disadvantaged. A review of Sowell's book, "The Economics and Politics of Race," had been published that day in the *Wall Street Journal*, and Thomas "soaked it up." By his own admission, Thomas "bugged" Sowell, calling him in California, attending a lecture he delivered in St. Louis, egging the author to autograph a copy of his book. It represented the wisdom of Myers Anderson and Sister Mary Virgil backed up by economic data and coated with a veneer of philosophy. "I consider him not only my intellectual mentor," says Thomas, "but my salvation as far as thinking through these issues. I thought I was totally insane. His word was manna from heaven."

Career move. After a short stint in the private sector working for the Monsanto Co., Thomas moved to Washington in 1979 to work once again for Danforth, now a senator. But another turning point in his life came quickly. After the 1980 election, Sowell invited Thomas to a meeting of black conservatives in San Francisco. The election of Ronald Reagan had emboldened the conservatives to go public, and the meeting drew considerable press attention. A *Washington*

Post article quoted Thomas as saying his career would be "irreparably ruined" if he worked for an agency centered on civil rights like the Equal Employment Opportunity Commission. "People meeting me for the first time would automatically dismiss my thinking as second-rate," Thomas said.

The article caught the attention of the Reagan transition team, which was looking for blacks to fill certain visible posts. Thomas was insulted, he admits, when asked to become assistant secretary of education for civil rights, but in the end, he took the job to make his mark. In less than a year he had been promoted—to head the EEOC, precisely the job he had once said would ruin his career. When he was up for reappointment in 1986, Thomas tried hard to find a new post in the administration but lacked the right political friends and was turned down, according to William Bradford Reynolds, head of civil rights in the Reagan Justice Department. He was still at the commission when Bush tapped him for the U.S. Court of Appeals in July 1989.

Thomas's record at the EEOC is a complicated one. While generally unsympathetic to affirmative action, he had many fierce battles with administration officials like Reynolds who took an even tougher line. But when he lost, he played the good soldier and followed administration policy. He did not like large class-action suits that relied on statistical analysis to prove that an en-

tire company had followed a pattern of discrimination. But he was aggressive in protecting individuals who—like his grandfather years before—had suffered directly from prejudice. By that point, his aversion to race-based programs was fully formed, according to Fred Alvarez, who served with Thomas at the EEOC and quotes him as saying, "If you show preference for one group over another, you demean one group and make the other unhappy. I've been both deterred and preferred because of race, and they both felt bad."

Final confirmation. Today, Thomas is an angry man with a hostile word to say about almost everybody: white conservatives who treat black conservatives like intellectual Steppin' Fetchits; "providing sideshows of antiblack quips and attacks"; civil-rights groups who "regularly castigated and mocked" black conservatives because they did not agree with them; the press, which he accuses of a conspiracy to ignore black conservative thought.

If Clarence Thomas is confirmed—and all signs point that way—there will no longer be any doubts about his "making it" in the world. Perhaps then the furies driving him will abate. Perhaps then, having been judged as fully worthy, the new justice will be able to judge others less harshly. ■

BY STEVEN V. ROBERTS
WITH JEANNE FORTINON AND TED GIST