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ELIZABETH HOLTZMAN
 COMPTROLLER

September 30, 1991

Hon. Joseph Biden, Jr.
 Chair
 Senate Judiciary Committee
 SR-221
 Washington, D.C. 20510

Dear Senator Biden:

At the suggestion of Committee counsel, I am writing to oppose the nomination of Judge Clarence Thomas as an Associate Justice to the United States Supreme Court and to oppose the Judiciary Committee's forwarding this nomination to the Senate.

There are a number of reasons to reject Judge Thomas's nomination to the Supreme Court. I would like to focus only on a few of the more salient ones.

Although Judge Thomas said he believed in a right to privacy, he did not explain what he believed a right to privacy encompasses. The right to privacy is a fundamental right of all Americans. It protects people from forced sterilization (Skinner v. Oklahoma, 316 U.S. 535 (1942)), assures that married and unmarried couples can use contraception (Griswold v. Connecticut, 381 U.S. 479 (1965); Eisenstadt v. Baird, 405 U.S. 438 (1972)), and guarantees a woman's right to choice (Roe v. Wade, 410 U.S. 113 (1973)). The right to privacy creates a zone of personal freedom surrounding such personal decisions as child bearing and protects individuals from governmental and political interference with those decisions. If Judge Thomas had said he would not protect that right, that alone would have been grounds for rejecting him. His failure to answer clearly merits the same response.

Judge Thomas refused to state his view, or even his understanding, of Roe v. Wade. He claimed that would be inappropriate since cases concerning abortion will come

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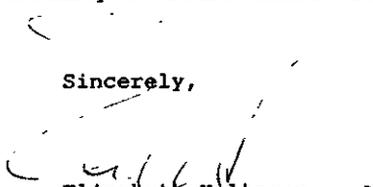
before the Court. So will the death penalty, religion and the state, and other subjects, which the Judge discussed in considerable detail.

Further, Judge Thomas asserted that he has not thought about or had conversations about Roe v. Wade in the past eighteen years. This statement is incredible. Moreover, Judge Thomas has referred to Roe v. Wade on several occasions. A justice of the Supreme Court should have the highest integrity. Judge Thomas's lack of candor is insulting to the Committee and to the American people, and provides sufficient grounds to reject his nomination.

Forwarding this nomination to the Senate creates an unfortunate precedent. Future nominees will know that there are no consequences if they are silent or evasive about such fundamental issues as the right to privacy. The American people, and the Senate, have a right to know the answers to a nominee's views on central constitutional questions, as well as issues relating to character, intellect, financial probity and personal integrity.

I appreciate the opportunity to share these views with you.

Sincerely,



Elizabeth Holtzman
Comptroller

EH:DN