

*Point**Counterpoint*

Editor's Note: We would like this section to become a permanent part of the Meredith Herald. If you have an idea for a point /counterpoint or would like to participate in one, please drop a note to us in the box next to the Cate Center ticket office. Thanks!

Thomas Should be Confirmed

Should Clarence Thomas be confirmed by the United Senate to serve on the Supreme Court? Of course he should, for reasons on which both liberals and conservatives can agree.

First, and most obviously, Thomas should be confirmed because he has a distinguished record of accomplishment. Born into grinding poverty, he was abandoned by both parents at an early age. In spite of the tremendous handicaps with which he started, Thomas graduated from Yale Law School and went on to become Assistant Secretary of Education, Chairman of the Equal Employment Opportunity Commission, and Judge on the United States Court of Appeals for the District of Columbia. Even his opponents praise the magnitude of Thomas' achievements.

Judge Thomas is a conservative, that much is to be expected from a Republican President, but he is also a black conservative, and that is the thing his detractors find unacceptable. He does not believe in minority quotas. Neither, of course, do most Americans (or even most blacks), but the black political class in America and their liberal allies in the Congress are completely committed to them. During the same week when a USA Today poll showed that 54% of black Americans supported Thomas' confirmation, the Congressional Black Caucus voted 24 to 1 to oppose it. No one can possibly question Judge Thomas' commitment to abolishing discrimination, he felt its searing pain too many times. It is ridiculous to demand his adherence to a dogma supported only by an increasingly narrow segment of society.

An issue of particular concern to Meredith students is Judge Thomas' views on abortion. He says that he has not reached a conclusion about abortion and there is nothing in his past writing, speeches or opinions from the bench to indicate otherwise. In this he reflects many, many Americans who have deeply ambivalent views on the issue. Thomas does, however, believe that the Constitution protects the right of privacy for married couples which is the legal basis of abortion rights. He also knows the horror of poor women forced to seek back alley abortions and has indicated extreme reluctance to return to that situation.

Judge Thomas' views on abortion and affirmative action may not be those you would prefer, but even liberals should support confirmation because he is far and away the best nominee they will get from this President. Bush has campaigned against both abortion and quotas; there is absolutely no way that he will nominate anyone who is committed to either. At least Thomas is no ideologue, everyone who knows him says that he is judicious and fair.

If Thomas is not confirmed, the President will nominate another conservative, but this one will come from a background which is rich and white instead of poor and black. The next nominee will also oppose quotas and abortion, probably more strongly than Thomas, but will not have much knowledge of or sympathy for those who are most directly affected by discrimination and laws against abortion.

Judge Thomas has a distinguished record, a fair and balanced temperament, and his life experience will enrich the deliberations of the Supreme Court. For these reasons I am willing to risk two predictions: one, that Thomas will be confirmed, by a strong bipartisan majority; and two, if the liberals do manage to defeat him, they will be sorry.

Thomas Should Not be Confirmed

The Senate has the right and constitutional obligation to advise and consent on Presidential appointments to the Supreme Court. This advice and consent must be taken seriously because it is a check on the power of the executive branch. It is also a method of assuring that a wide variety of opinions will be taken into account when making decisions that are vital to the nation. Clearly, recent elections indicate that a majority of the people in the country endorse President Bush's viewpoint of the presidency. However, a majority of the voters have also indicated a preference for the policies of the Democratic party at the Congressional level. Thus, the people have given Congress a mandate to uphold and pursue those policies. Some of these policies which have to do with how people are to be treated in our country are at the center of the controversy over the confirmation of Clarence Thomas as a Justice of the Supreme Court. The most obvious policy is that of the right to an abortion.

The abortion issue has at its core the question of whether or not a woman can choose to continue a pregnancy. That is, whether the state (community) has a compelling interest in the women's right to terminate the pregnancy. While this issue has been hotly debated in public over the last decade, Clarence Thomas refuses to indicate his perspective on the issue. For a candidate to the Supreme Court to profess that he does not have any opinion on *Roe V. Wade*, has not thought about it, or ever discussed it, flies in the face of common sense. Either he is prevaricating or is so isolated from the normal course of public events of the last decade as to be ill suited for anything except hermitism.

We know, however, that he has not been a hermit in the last decade. Instead he has been an active participant in the political world and in his activity has proven himself to be a persuasive proponent of an anti-affirmative action ideology. This ideology maintains that people who have been discriminated against cannot count on their "oppressors" to help them. If a white person were to make Clarence Thomas' argument against affirmative action programs, he would be declared a bigot. The fact that Mr. Thomas is black does not make the argument any more sound and sensible.

His record of opinion on affirmative action is well known. He is of the opinion that since he made it on the strength of affirmative action others should not be allowed to benefit from his programs because Thomas has discovered how demeaning they can be. This argument is the poor-little-rich boy scenario that we laugh at when a wealthy person tells us how hard it is to be rich. Sensible people, however, recognize how far women and ethnic minorities have advanced because the right to equal opportunities have been provided by Congress and protected by the Courts.

Clearly, Thomas is out of step with the majority of American opinion on these two major policy issues. Congress should then block the power of the Executive to inflict this distorted view point on us.

Lastly, his life circumstance is neither an endorsement nor a detriment to his nomination. Being poor, black, and from a rural background are not qualifications. The fact that his background is being put on display as an image manipulation is offensive. We would rather be told how good a lawyer he is, what his judicial experience is, how good a rating the American Bar Association gave him. Since he lacks real qualifications, his confirmation should be denied.