

Black Caucus Votes To Oppose Thomas For High Court Seat

By RICHARD L. BERKE, Published: July 12, 1991

Correction Appended

WASHINGTON, July 11— The Congressional Black Caucus voted 19 to 1 today to oppose the nomination of Judge Clarence Thomas, the Supreme Court nominee who would be the second black to serve on the Court if he succeeds the retiring Thurgood Marshall.

Representative Edolphus Towns, the Brooklyn Democrat who heads the caucus, said that after members reviewed the nominee's civil rights record, the feeling was that "he was not the person to carry on the legacy of Thurgood Marshall."

The dissenting vote came from Representative Gary A. Franks of Connecticut, the only black Republican in the House. Six members did not vote. **First Official Move**

The vote by the caucus, which consists of 26 House members, was the first official act of opposition from a black group. The National Association for the Advancement of Colored People and other civil rights groups have delayed formal action.

The vote was largely symbolic because House members have no role in the confirmation of nominees to the Supreme Court. With opposing votes coming from Democrats, the action also carried partisan overtones.

Senator John C. Danforth, Republican of Missouri, and Senator Alan K. Simpson, Republican of Wyoming, both took the Senate floor tonight to denounce the action by the caucus. **'The Race Card'**

Mr. Danforth, who has acted as Judge Thomas's sponsor on Capitol Hill this week, accused the black lawmakers of "playing the race card" in much the same way Republicans have exploited the quota issue in the civil rights debate.

Mr. Simpson called the caucus action "the worst form of injustice" and interpreted the vote as having been based solely on race.

The vote by the black caucus came as Administration officials and backers of Judge Thomas in Congress sought to play down the disclosure that Mr. Thomas had smoked marijuana in college.

His supporters were trying to distinguish his case from that of Douglas H. Ginsburg, a Federal appeals court judge who withdrew his name from consideration for the Supreme Court in 1987 after it was revealed that he used marijuana while he was a professor at Harvard Law School. **Expression of Regret**

Judge Thomas expressed regret today for having smoked marijuana.

"I think it's pretty obvious that kids should know you shouldn't even try it once," Judge Thomas told reporters on Capitol Hill, where he was making courtesy calls to members of the Judiciary Committee.

- FACEBOOK
- TWITTER
- GOOGLE+
- EMAIL
- SHARE
- PRINT
- REPRINTS



Crossword
First month free when you subscribe now.

SUBSCRIBE

MOST EMAILED RECOMMENDED FOR YOU

-  **Hastert Accuser, a Former Wrestler, Is Expected to Testify at Sentencing**
-  **RACE/RELATED Segregation Issue Complicates de Blasio's Housing Push**
-  **In Flint, Fears of Showering Bring Desperate Measures**
-  **EDITORIAL Immigration Politics at the Court**
-  **OP-ED CONTRIBUTORS After Bankruptcies, Coal's Dirty Legacy Lives On**
-  **North Carolina Governor Tries to Step Back From Bias Law**
-  **In Cramped and Costly Bay Area, Cries to Build, Baby, Build**
-  **Supreme Court Immigration Ruling Won't End Political Tussle**

Several Senators said the disclosure should not damage Judge Thomas's prospects for confirmation.

His supporters asserted that Judge Thomas's use of marijuana, first reported in The Washington Post today, should not have surprised members of the Judiciary Committee because he had disclosed it on Federal Bureau of Investigation forms and in interviews with the panel when he was nominated last year for his current seat on the United States Court of Appeals for the District of Columbia. 'Several Puffs'

The White House said in a statement that Judge Thomas "took several puffs on a marijuana cigarette in college and perhaps once in law school" about 20 years ago.

"It's inconsequential," said Marlin Fitzwater, the White House spokesman. "The big difference is, we knew it. He acknowledged it. We weren't blind-sided."

Mr. Fitzwater noted that in contrast with Ronald Reagan, President Bush has never condemned political appointees for experimenting with marijuana.

Although Judge Ginsburg withdrew, his disclosure defused the use of marijuana as a politically damaging issue.

Since then Republican and Democratic members of Congress have acknowledged smoking marijuana years earlier. Among them was Senator Al Gore, Democrat of Tennessee, who was running for President at the time. Not Up for Sainthood

Senator Charles E. Grassley, an Iowa Republican who is a member of the Judiciary Committee that is expected to consider Judge Thomas's nomination in September, said, "I definitely don't condone the use of marijuana and I wish he hadn't experimented with it. But Clarence Thomas is not a candidate for sainthood; he's a candidate for the Supreme Court."

Senator Howard M. Metzenbaum, an Ohio Democrat who may be Judge Thomas's most outspoken foe on the Judiciary Committee, dismissed the marijuana disclosure as "an irrelevant factor." Former Classmates React

Judge Thomas, 43, graduated from College of the Holy Cross in 1971 and Yale Law School in 1974.

Six former classmates at College of the Holy Cross said in interviews today that they had no knowledge of his using marijuana or any other drugs in college. But they all said that drugs were prevalent at Holy Cross while they were students.

"There were a lot of people who tried it," said one classmate, Leonard P. Cooper, of Worcester, Mass. Mr. Cooper added that he never saw Judge Thomas smoke marijuana.

"I don't remember Clarence as a smoker of cigarettes or anything else," he said.

Correction: July 13, 1991, Saturday An article yesterday about a decision by the Congressional Black Caucus to oppose the Supreme Court nomination of Clarence Thomas misstated the caucus vote in some copies. It was 19 to 1, with six members not voting.



9. [Drinking Water in Newark Schools Known to Have Lead Problem at Least 6 Years Ago](#)



10. EDITORIAL
[Why Mrs. Clinton Needs to Say More About the Crime Bill](#)

Log in to discover more articles based on what you've read.

[Log In](#)

[Register Now](#)

[What's This?](#) | [Don't Show](#)

[f](#) FACEBOOK [t](#) TWITTER [g+](#) GOOGLE+ [✉](#) EMAIL [+](#) SHARE



E*TRADE Securities LLC