

# Court nominee faces battle, observers say

By Patricia Zapor  
Catholic News Service

WASHINGTON — President George Bush's nomination of Judge Clarence Thomas — a former Catholic seminarian — to the Supreme Court July 1 drew varied reactions from observers wondering where the nominee stands on abortion- and civil-rights issues.

President Bush nominated Thomas, 43, who is black, to fill the vacancy created by the impending retirement of Justice Thurgood Marshall, the only black to have served on the nation's highest court.

The nomination of Thomas was met with reactions ranging from wholehearted support from one abortion opponent to an assessment that Thomas is "confused on civil rights" from Jesuit Father Robert J. Drinan, professor of law at Georgetown University and former congressman.

Both Father Drinan and Judie Brown, who heads the American Life League, a group that opposes abortion, predicted Thomas would face a tough grilling in the Senate confirmation process.

"This is going to be the battle of a lifetime," Brown said.

"They'll torture him," Father Drinan predicted.

For the last 15 months, Thomas has been a judge on the federal appeals court for the District of Columbia. Prior to that appointment, Thomas served as chairman of the U.S. Equal Employment Opportunity Commission, where he gained a reputation among civil-rights activists as being insensitive to the needs of minorities and the elderly.

Born in Savannah, Ga., in 1948, Thomas attended St. Benedict Grade School and St. Pius X High School in Savannah. After deciding to study for the priesthood, he attended St. John Vianney high school seminary, where he graduated from in 1967.

Thomas went on to earn a bachelor's degree from Jesuit-run Holy Cross College in Worcester, Mass., in 1971 and a law degree from Yale University in 1974. He served as an assistant attorney general in Missouri from 1974-77, and as an attorney for the Monsanto Corp. from 1977-79.

From 1979-81, Thomas was a legislative assistant in the Washington office of Sen. John C. Danforth, R-Mo. Thomas also worked for the U.S. senator when Danforth served as Missouri attorney general. Thomas also was assistant secretary for civil rights for the U.S. Department of Education in 1981-82.

Father Drinan described Thomas as "a very conservative man" who was able to take advantage of affirmative action programs to get into Holy Cross and Yale, but has become "confused on civil rights."

During confirmation hearings for the federal appeals court, Thomas was criticized for failing to cooperate with congressional investigations into age discrimination cases while he headed the Equal Employment Opportunity Commission. He also has been outspoken in criticizing affirmative action programs and quotas as a way of fighting hiring discrimination.

"I don't think he was a very good administrator in running the EEOC," Father Drinan said.

While Thomas has never ruled on an abortion-related case, Brown said her organization would give him "every support we can possibly muster."

She said lawyers on the staff of the American Life League agree that Thomas has "treated the law with a tremendous amount of respect." Based upon his record, Thomas "is not a judicial activist," she said.

Contributing to this story was R.T. Edwards in Washington.



**BLOODY CLASHES** — A Yugoslavian soldier lies dead in the village of Trzin after a fierce clash with Slovenian defense forces June 27. Despite Pope John Paul II's repeated appeals for a negotiated peace in Yugoslavia, where Croatia and Slovenia are seeking independence, the fragile cease-fire was reportedly broken with more heavy fighting on July 2.

# Marshall leaves strong legacy concerning civil rights

By Patricia Zapor  
Catholic News Service

WASHINGTON — Advocates of human and civil rights reacted with sadness to the June 27 announcement that Supreme Court Justice Thurgood Marshall was retiring.

The 83-year-old Marshall is the only black person appointed to the high court in its 201-year history. On the court's last day in session, he announced he would resign as soon as his successor "is qualified."

Some observers see his resignation as an opportunity for President George Bush to strengthen the court's conservative camp, with an eye toward overturning laws liberalizing abortion.

Although court watchers have speculated for months that Marshall would step down before the end of the session, the justice had insisted he intended to take his lifetime appointment literally, according to Jesuit

Father Robert F. Drinan, a Georgetown University law professor who has known Marshall for decades.

Marshall's letter to the president cited his "advancing age and medical condition" as factors in his decision to resign.

A Baltimore native whose great-grandfather arrived in Maryland as an African slave, Marshall first achieved national recognition when he argued civil-rights cases before the Supreme Court in 1939 as chief counsel for the Defense and Educational Fund of the National Association for the Advancement of Colored People.

His best-known case was his successful argument in *Brown vs. Board of Education* in 1954. The decision on that case shattered the "separate but equal" standards for public education and declared segregation unconstitutional.

Before his 1967 appointment to the Supreme Court by then-President Lyndon Johnson, Marshall served as an appellate court judge and as Johnson's solicitor general.

Although Marshall's early civil-rights work and many years of service deserve appreciation, the president of the Catholic League for Religious and Civil Rights said the justice's retirement presents an opportunity to undo damage.

John Tierney, president of the Milwaukee-based group, said Marshall represents a period of the Supreme Court in which "great harm was done to our society."

The court's "very narrow" interpretations of issues of church-state separation have "robbed our lives of the rich relation of God and country which permeated the Constitution," Tierney said.

Douglas Johnson, legislative director for National Right to Life Committee, also credited Marshall's "historic role in winning civil rights long wrongfully denied to African-Americans."

But, Johnson said, Marshall "shared a moral blind spot with many of his contemporaries" that "contributed to the removal of all legal protection from another group of human beings, unborn children."

In some recent rulings of interest to the Catholic Church, Marshall has voted:

- with the minority against a majority ruling that the State of Missouri could keep comatose patient Nancy Beth Cruzan alive against her family's wishes;
- with the minority against a majority refusal to lift an injunction preventing Operation Rescue from conducting abortion protests outside Atlanta clinics;

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