

# Government & Politics

The *Government & Politics Newsletter* is the official voice of the Department of Political Science, Howard University, Washington, D.C.



## BLACK CONSERVATIVE Political Elites

### Justice Thomas and the 1991 Civil Rights Act

by Alvin Thornton

DECEMBER 2, 1991 — The nomination and confirmation of Justice Clarence Thomas to the United States Supreme Court and the Civil Rights Act of 1991 dominated much of the political landscape during 1991. These issues captured the attention of the nation in part because they helped spotlight ideological splits among blacks and further defined the small number of black political elites who are self-identified or labeled as being

conservative. An examination of the different responses that conservative black political elites gave to the Thomas nomination and confirmation versus the response given to the Civil Rights Act of 1991 might indicate much about the group's strategic place in the larger system of white and black political elites and its prospects for the future.

As used in this essay, a political elite refers to a small group of

*contd on pg. 2*

## Presidential Politics '92

by Ronald Walters

With the withdrawal of both Rev. Jesse Jackson and Governor Douglas Wilder from the presidential election contest of 1992, Black voters will face a situation in which there will be no Black candidate for the first time since 1984. I have argued in my book, *Black Presidential Politics in*

*America*, that the Jackson campaign was a vehicle for political leverage for Blacks and their white progressive allies. They had the convenience of the sort which made it possible to deposit their votes with the Rainbow Coalition, support a liberal

*contd on pg. 5*

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Veteran Hill staffer Jackie B. Parker, Senior Legislative Assistant to U.S. Senator Carl Levin (D-MI), speaks at a Howard University conference on the historical underrepresentation of black staff in the U.S. Congress and the absence of African-American U.S. Senators.



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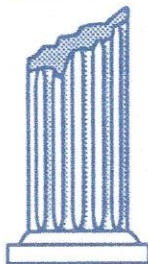
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**Justice Thomas** – from pg. 1  
people with shared characteristics who make or significantly influence important government decisions.<sup>1</sup> White political elites include those who control the nation's key financial, communications, industrial and governmental institutions, while black elites include selected individuals, liberal and conservative, inside these institutions who are able to influence selected decisions which have specific impact on the black community. A political elite must be a well defined group, it must be involved in key political decisions where its preference runs counter to that of any other likely group, and in such decisions the preference of the political elite must prevail.<sup>2</sup> A political elite also must be consistent in the positions it takes on issues which are fundamental to its ideology.

The black conservative political elite is not a well defined group; rather it is composed of individuals who have achieved individually and gained some national recognition, since 1980, through their endorsement of major aspects of Reagan and Bush foreign and domestic policies and opposition to strategic positions of members of the black liberal elite.

The Thomas nomination presented this group with a unique opportunity to express a counter preference to that of the liberal black political elite and lay the foundation for it to become a legitimate and identifiable elite group. With the support of a then very popular President, the fact that a black was being nominated for the nation's highest court, and the limited knowledge

most blacks had about Thomas, black conservative elites had an audience and a platform of national significance where they could prevail over competing liberal black political elites. The same cannot be said about their response to the Civil Rights Act of 1991. While they organized and defended Thomas, a forceful opponent of government involvement in social and economic affairs, they remained silent or individually supported passage of the Civil Rights legislation. Why the inconsistency?

Black political elites have been described as "two kinds of leaders" with different sources of political power and legitimacy. Lucius Barker has pointed out that the conservative ones "...have separated themselves from baseline politics of the black community and have come to prominence in national politics without the support of black constituents." Robert Smith indicated that "They happen to be black, but their leadership roles are conferred by whites. Most are young and have been socialized outside the black community."<sup>3</sup> Barker and Smith agree that black political elites who are considered liberal have emerged from the black community and reflect the views of the vast majority of black people.

Justice Thomas, sworn in on October 23, 1991, is now a sitting member of the high Court. After he graduated from Yale Law School in 1974, he served as an attorney in the Attorney General's office in Missouri, moving in 1977 to work for the Monsanto chemical company before joining the staff of U.S. Senator John Danforth in 1979.



In May of 1981, former President Reagan appointed Justice Thomas to head the Department of Education's civil rights division. Reagan subsequently appointed him to successive terms as chair of the Equal Employment Opportunity Commission. In 1990, President Bush nominated him to fill the position on the Court of Appeals for the District of Columbia vacated by Robert Bork.

With one stroke of a pen, President Bush artificially elevated tensions within the black community concerning the relative merits of political liberalism and conservatism. Thomas' nomination was said to have shattered the black consensus, provided for the further isolation of the liberal establishment,<sup>4</sup> demonstrated the magnitude of the gulf between black people and leaders of major national black organizations,<sup>5</sup> and refocused the attention of the black community on principles of inner resources, individual integrity and self-reliance.<sup>6</sup> Its political elites, both liberals and conservatives, fought over the substance of Thomas' positions which never became known to the general black community. He became a symbol without substance in the service of Bush as Thomas sought to maintain his party's majority among the presidential electorate.

Thomas' ideological orientation was shielded by the public focus on a charge by Professor Anita Hill that he made statements and engaged in behavior of a sexual nature that should cause the Senate to question his fitness for service on the Supreme Court, and the fact that he

reversed or softened positions he had taken on many controversial issues. The judge's conservative political views, which had been presented in prepared speeches, published articles and policy decisions over ten years,<sup>7</sup> caused most liberal black elites to oppose his confirmation. For those black political elites who opposed Thomas, his conservatism could not be disputed and provided ample justification for their opposition. Their case against him focused on their conclusion that his statements

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and actions prior to becoming an appeals court judge indicated that he opposed affirmative action and other remedies for racial discrimination; would rule in most instances against the accused in criminal cases of alleged police or prosecutorial misconduct; and would permit executive agencies to become barriers to workers trying to realize their rights under the law.<sup>8</sup> His opponents further indicated that as a member of the Appeals Court for the District of Columbia "his decisions overall do not indicate an overly ideological tilt although they are generally conservative, especially his criminal law and procedure decision."<sup>9</sup> Thomas' conservatism for black

conservative political elites was seen as being entirely consistent with their belief that he "...is sensitive to the needs of his fellow citizens who are struggling to achieve self-reliance and committed to creating a legal environment of fairness and equality of opportunity."<sup>10</sup>

The Thomas nomination became the key national issue about which black conservative elites could differ with black liberal elites with a reasonable possibility that they would win and consolidate their status as a political elite in American politics. The confirmation process forced Thomas to back away from most of the opinions which had defined his and other conservative black elites' claim to a unique ideological position in American politics. In addition, his use of racism as a defense in the sexual harassment segment of the confirmation hearing positioned him not as a conservative black political elite on the cutting edge of a new approach to race relations in America; instead it placed him philosophically comfortably within the ranks of traditional black liberal elites. Therefore, history may reveal that what began as a defining moment for black conservative political elites ended with their being insignificant players in a game dominated by liberal and conservative white political elites and traditional black political elites.

McCormick has indicated that in the Thomas nomination "...we see a unique twist in the use of the race card. Whereas this odious tactic has historically been used by white politicians to gain support among white vot-



ers, with the nomination of Thomas to the High Court we see a calculated attempt by the Bush administration to gain support among African American voters for the Republican Party."<sup>11</sup> It was a race card to which selected conservatives attached themselves in an attempt to consolidate their place in American national politics. It is also possible that Bush was primarily attempting to hold on to conservative voters of either party and

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## Political elites are small groups who influence important government decisions...

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race. Most observers of the High Court expected a black to be nominated to replace Thurgood Marshall, the first black to sit on a Court whose slots in recent years have been allocated to representatives of the nation's various ethnic groups. Therefore, Bush would have much more to gain from nominating not simply a black, but one with unusually strident conservative views, especially where racial issues are concerned. Bush would gain more from the cross-party ideological consistency that Thomas would provide than any short term gain in support from black voters. Bush and his party were

more concerned about maintaining support among white conservative Democrats, especially white males, than minor increases in support among blacks or being committed to the consolidation of the conservative black political elite.

Clarence Thomas as the symbol of black conservatism was developed over a comparatively short period of time, and in the end, refined as a media and public relations artifact to propel him through the Senate confirmation process. He did not represent any fundamental shift in the political orientation of the black community or the existence of an organized, independent and ideologically consistent conservative black political elite with a continuing role in American national politics. The general black community mostly attached itself to the symbol of Clarence Thomas, responding to themes which focused on his rise from poverty and the chance for a black man to hold a very high position in the federal government, and never became familiar with or accepted his conservative political ideology.

Conservative black elites responded very differently to the Civil Rights Bill of 1991, either supporting it or taking no organized public position. The legislation, like the Thomas nomination, involved issues concerning the proper role of the federal government in management labor relations, affirmative action, and the rights of women and minorities. It accomplished five basic things. It reversed six Supreme Court decisions that made it more difficult for plaintiffs to win "disparate impact"

suits alleging job discrimination; made it possible for women, religious minorities and the disabled to sue and win compensatory and punitive damages for intentional discrimination; set limits on future punitive and compensatory damages and allowed juries to decide the damages; required that employers' hiring and promotion methods must be job related and consistent with business necessity; prohibited adjustments of test results earned by racial or other groups; and required plaintiffs in cases to specify the hiring and promotion method they consider to have a "disparate impact" on the work force.<sup>12</sup> The Act was a compromise and clearly government's attempt to address social and economic problems. J.A. Parker, representing the sentiment of many conservative black political elites, indicated that "The government solution is not right for blacks. It was the government that put blacks into slavery."<sup>13</sup> Why then was there no organized attempt by conservative black political elites to defeat the Civil Rights bill? Opposition to the Civil Rights bill could not easily be reduced to a symbol; it involved issues familiar to most black Americans, and the dominant conservative white political elite was not unified in its opposition to the legislation. Because of these factors, there was every indication that conservative political elites would lose if they attempted to help defeat the legislation. Indeed, many of them joined with traditional black liberal elites in supporting legislation with provided for significant government involvement in the social and economic



affairs of the nation. This was a strategic response and an indication that no defined group of conservative black political elites exists, rather there are loosely connected individuals with strategic associations with conservative white dominated institutions who are seeking to replace liberal blacks as diplomats representing the interest of blacks in the American political system.

Black conservative political elites, as a group, lack legitimacy

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and do not have an organizational base in the community they claim to represent. Because of this, they are doomed to a short existence and to being directed and sponsored by more dominant white conservative political elites. Although most black conservative political elites argue that race is declining in

significance as a political issue, their existence as national political elites is due almost entirely to their positions on issues related to race in American politics. In these ways, they have assumed characteristics much like the ones they find most objectionable about black political elites.

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**Notes**

1. See C. Wright Mills, *The Power Elite* (New York: Oxford Press, 1956) and Thomas R. Dye, *Who's Running America: The Conservative Years* (Englewood Cliffs, N.J.: Prentice-Hall, 1986).
2. Robert A. Dahl, "A Critique of the Ruling Elite Model," *American Political Science Review*, 52 (June 1958): 466.
3. Perry Lang, "Black Conservatives in the Spotlight," *San Francisco Chronicle*, July 6, 1991, 1.
4. Juan Williams, "Thomas and the Isolation of the Liberal Establishment," *Washington Post*, Sept. 15, 1991, C1, C2, C3.
5. "The Maturing of the Black Community," *In the News*, vol. 7, a publication of the National Center for Neighborhood Enterprises, Summer 1991, p. 2.
6. William Raspberry, "Origins of Black Conservatism," *Washington Post*, Sept. 9, 1991, A15.
7. See Clarence Thomas' "Why Black Americans Should Look to Conservative Policies," A speech before the Heritage Foundation, June 18, 1987, for a philosophical defense of his conservative positions.
8. See the Congressional Black Caucus' Statement in Opposition to the [Confirmation] of Judge Clarence Thomas to the Supreme Court, July 18, 1991 and a press statement by the National Conference of Black Lawyers, July 1991, expressing similar opposition.
9. Alliance for Justice Preliminary Report on the Nomination of Clarence Thomas, July 1, 1991.
10. "The Maturing of the Black Community," p.2.
11. Joseph P. McCormick II, "Playing the Race Card: Symbolic Politics at its Worst," an unpublished manuscript, Fall 1991, p. 3.
12. Helen Dewar, "President Endorses Rights Compromise," *Washington Post*, October 26, 1991, A7.
13. "The Maturing of the Black Community," p. 21.

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set of policy issues, participate—as an organized force—in the major Committees of the Democratic party and in the Convention as delegates in substantial numbers. Now, the politics of most voters in the Black community and white progressives are back to the period before 1984. This essentially was a politics which sought indirect or "dependent-leverage", as I have called it, through one of the existing candidates.

The objectives of Black leaders utilizing the politics of dependent-leverage were defined by two distinct activities. First, some professional politicians committed themselves to support one of the candidates early in the primary election process, seeking personal access in the event that candidate won the Democratic nomination and the general election. Secondly, leaders of the main body of Blacks, however, sought to fashion an agenda of issues, usually through Black conventions, and to determine which of the Democratic presidential candidates would support most of their concerns. The eventual consensus then formed around that candidate.

Previous to the 1984 presidential election, since the field of candidates in the democratic party held roughly similar liberal views, the choice of candidate in the primary was not as critical, and the attempt to influence the political agenda of the party was directed toward the platform and eventually the nominee's issue priorities in the general election campaign. In 1992, however, the issue positions of the candidates are more