

Opinion

Lasting Tragedy and Trauma for the Country; Can He Now Serve?

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**To the Editor: The wrong question is being asked
 about Judge Clarence Thomas. The Senate was**

never designed to pass legal judgment on a sexual harassment case, nor should it. The question is whether Clarence Thomas can now serve as an objective, dispassionate justice of the United States Supreme Court for the next 40 years.

Based on his bitter attacks on unnamed conspirators who allegedly used Anita Hill to "kill" him, based on his unwillingness even to watch her testimony, and based on his traumatic experience with the issue of sexual harassment, it would be hard for even Judge Thomas's most adamant supporters to argue that he can now serve as an evenhanded interpreter of the United States Constitution.

Because this is a clearly political issue, senators are now almost certainly making their decisions on the perceived guilt or innocence of Clarence Thomas. But that is not the issue, and that is not their role.

This appointment is not a referendum on a single individual's guilt or innocence in a sexual harassment case. Those are questions to be answered ultimately in a court of law, by a jury of peers.

But the question of who should take the ninth seat on the Supreme Court is something entirely separate. Judge Thomas's performance in his defense was riveting and quite possibly as therapeutic for the country on questions of racial prejudice as was Anita Hill's on the question of sexual harassment.

But ultimately it was also a thoroughly convincing argument as to why Clarence Thomas must not spend the next 40 years passing judgment from the highest court in the land. Whether he was a victim of the confirmation process or not, he now seems far too embittered to serve as an impartial adjudicator on the most sensitive legal questions that are bound to arise in the next century. HARVEY WASSERMAN Columbus, Ohio, Oct. 13, 1991

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