

My Grandfather's Son

Clarence Thomas

New York: HarperCollins, 2007, 289 pp.

Supreme Discomfort: The Divided Soul of Clarence Thomas

Kevin Merida and Michael A. Fletcher

New York: Doubleday, 2008, 422 pp.

Whatever you think of his politics or jurisprudence, Clarence Thomas is a remarkable man. Born into desperate poverty in the Jim Crow South and raised by his illiterate grandfather, he would graduate from (and be completely disillusioned by) Yale Law School while battling personal and political demons that would have felled lesser mortals many times over. Now on the Supreme Court bench for over 15 years, Justice Thomas has established himself as a force to be reckoned with, a strong voice who has accepted and transcended his unfortunate notoriety.

In a life that was never easy, he is now settled (if not quite at ease). Though he did not seek fame, he accepted it when it found him—and uses his newfound influence judiciously. Tellingly, Thomas is now comfortable enough in his own skin and on the national stage to write a unique memoir.

My Grandfather's Son tells the story of a man who grew from an unsure Geechee-accented boy to a mature figure whose strongly formed opinions ring out from the highest court in the land. It starts with Thomas's departure from Pinpoint, Georgia, to live with his grandparents in Savannah and ends with his joining the Supreme Court. The interim journey takes him through religious schooling, radical black activism, and a string of positions in state and federal government—as well as near-bankruptcy, alcoholism, and a failed marriage.

This account differs from any of the late Chief Justice Rehnquist's histories or former Justice O'Connor's recollections of her girlhood on an Arizona ranch. And Justice Thomas tells it in his own indomitable voice: sometimes angry, often bemused, always determined to show the strength and maturity he has acquired in becoming an embattled leader—the kind of man of whom his grandfather (whom he called Daddy) would be proud.

The first few chapters detail Thomas's family and how he came to alternately survive and thrive in a youth built upon Daddy's tough love. "Our first task was to get a good education," Thomas recalls, "so that we could hold down a 'coat-and-tie job.'" That education, that discipline, would get the future justice through Savannah's black Catholic schools (then as now considered to be better than public schools) and all the way to an all-white seminary in Missouri.

The civil rights era drove Thomas away from the priesthood and also away from his grandfather, who could not comprehend why the young man would go back on his word and give up a noble calling. "You'll probably end up like your no-good daddy or those other no-good Pinpoint Negroes," Daddy said on kicking Thomas out of his house and leaving him to fend for himself at Holy Cross—the beginning of his turbulent years in New England. Their relationship remained frosty, though Thomas felt a brief thaw before his hero's death.

Much of Thomas's autobiography is disputed by two *Washington Post* reporters, Kevin Merida and Michael Fletcher, whose *Supreme Discomfort* portrays Thomas as the "most successful victim in America," an insecure child raised in a decidedly middle-class environment. They paint Clarence the boy as foreshadowing Thomas the public figure in hypersensitivity to slights real and imagined, a man who began a career of betraying his race with a high school op-ed comparing Stokely Carmichael to George Wallace.

In recounting Thomas's youth, they focus on Thomas's conflicted views on racial integration and his penchant for pornography. In describing an incident when Thomas referred to his sister Emma as "so dependent" on public assistance in some off-the-cuff comments to a young Juan Williams, the *Post* reporters' prose drips with condescension, both to a woman whose life could not be more different from theirs and to a man who would dare toe the Reagan line on welfare policy.

Setting aside these differences of characterization, Thomas hits his stride in a chapter entitled “The Golden Handcuffs,” which serves as one of two career turning points. Thomas’s exhilaration at finding himself in sleepy Jefferson City, Missouri, working elbows-deep in the law for the state attorney general and future U.S. Senator Jack Danforth, rings true to those of us who followed law school with clerkships in small state capitals. It is easy to empathize with Thomas’s sticking a fifteen-cent price sticker on his Yale diploma because the real legal world is so, so different from the halls of academe.

Perhaps most importantly, in his experience of those career-starting days when student loans deaden the most idealistic young lawyer’s dreams, Thomas “often had occasion to remind [him]self . . . that self-interest isn’t a principle.” It is no surprise, then, that when he found corporate culture to be stifling—“I cannot even begin to imagine what it would have been like had I gone to work for a big-city firm”—he searched his soul and was able to unlock those golden handcuffs.

The one thing Thomas did learn from his brief spell at Monsanto’s law department, however, was the iron law of unintended consequences, both in terms of toxic waste and in the “utopian solutions” of politicians who sucker the poor while claiming to champion them. He had read economists like Thomas Sowell—who would become a mentor, not least for being another black conservative swimming against the tide—and wanted to effect a different kind of change.

Thomas’s other professional turning point, of course, is the nasty process he faced when President George H.W. Bush nominated him to the Supreme Court. Nothing could have prepared him for it: not seven years chairing the Equal Employment Opportunity Commission, not the hearings on his appointment to the D.C. Circuit Court of Appeals, and certainly not his brief time on that court. Merida and Fletcher argue that the experience acted as a crucible, pushing Thomas into the arms of his right-wing supporters and forging a jurisprudence lacking in compassion for the downtrodden.

Thomas confirms that the confirmation battle embittered him, leaving a persistent scowl on the flipside of his booming laugh. Attributing any doctrinal effects to enmity, however, misunderstands the man’s approach to the judicial role. As the *Post* reporters themselves note, Thomas “strives for intellectual consistency,” which sometimes “puts helping someone in need or righting an obvious

wrong beyond his reach.” (As Chief Justice Roberts would say at his confirmation hearings, “If the Constitution says that the big guy should win, well then the big guy’s going to win.”)

Thomas’s purist view of the judge’s role is evident in his dissents in *Hudson v. McMillian* and *Lawrence v. Texas*. In *Hudson* (discussed at length in *Supreme Discomfort*), Thomas argued that while “abusive behavior by prison guards is deplorable conduct,” and may even be constitutionally remediable, it does not constitute “cruel and unusual punishment” such that the Eighth Amendment becomes “a National Code of Prison Regulation.” In *Lawrence*, Thomas called a sodomy law “uncommonly silly”—saying he would vote to repeal it if he were a member of the state legislature—but ultimately found himself, as a federal judge, lacking the power to strike it down.

No, the straw that made the confirmation hearings a “high-tech lynching” was not the left-wing activists’ and kowtowing senators’ ideological opposition, but the Anita Hill imbroglio. To Thomas, the latter addendum to an already contentious event accomplished nothing beyond raising the bugaboo of the sexually aggressive black man. As he tells it, Thomas initially hired Hill to a politically sensitive position (though she “detest[ed]” President Reagan) as a favor to a friend, and nurtured her career despite reports of arrogance and incompetence. Merida and Fletcher meanwhile go out of their way to take Hill’s side, even though Joe Biden, then-chair of the Senate Judiciary Committee, declined to call the few witnesses supporting her position because all had grievances with Thomas, and none had ever seen the two together. What really happened is only known to two people, but these books certainly provide all you would ever want to know about the sorry affair.

My Grandfather’s Son ends at Thomas’s ascension to the Supreme Court bench. It would have been improper, after all, for the book to continue its tell-all path into the sanctuary of One First Street, revealing colleagues’ confidences, and possibly undermining the justice’s own authority. From this point, we will have to let Thomas’s opinions speak for themselves, as they do in another excellent recent book, *The Supreme Court Opinions of Clarence Thomas, 1991–2006*, by Brooklyn law professor Henry Holzer.

Supreme Discomfort is not limited by judicial ethics, of course, and its treatment of Thomas’s years on the court presents the book’s most balanced and interesting reporting. The comparison to

Thurgood Marshall—“Clarence Thomas is not looking to be a black leader ... [Marshall’s] are not the shoes he wants to wear”—is instructive of Thomas’s complex views on his place in America’s racial politics. A chapter on why Thomas rarely speaks at oral argument provides well-supported speculation on that topic, while one entitled “Scalia’s Clone?” retires that canard. Behind-the-scenes anecdotes and descriptions of Thomas’s RV trips humanize the justice. And the discussion of a 1992 *Reason* magazine profile focusing on the influence of Richard Wright brings Thomas’s story full circle, to a lifelong battle with those who would disparage him for how he looks, what he thinks, or a combination of the two.

It is no doubt hard to be a black conservative, particularly one who came into his beliefs more or less auto-didactically. Clarence Thomas wears the heavy mantle well, and is proud of having taken the road less traveled—referencing several times, for example, his membership in the Horatio Alger Association of Distinguished Americans.

Ultimately, these two books are worth reading together to get a fuller sense of one of the most controversial jurists in American history. “He is an extraordinarily talented man who came up from nothing. From *nothing*,” Justice Scalia told Merida and Fletcher over pizza. “It’s just a shame what’s happened to him.”

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