

Clarence Thomas's Radical Vision of Race

Thomas has moved from black nationalism to the right. But his beliefs about racism, and our ability to solve it, remain the same.

By Corey Robin

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Folks:

As you read this article, consider these questions:

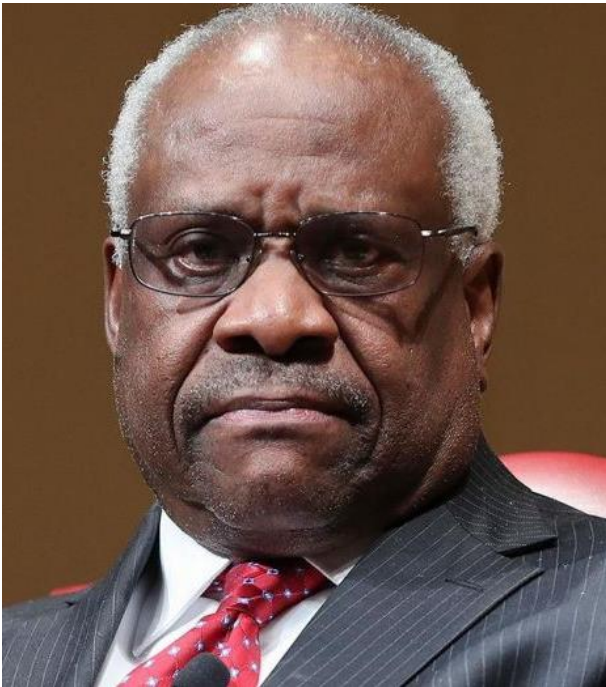
- Why do conservatives, like Donald Trump, love Thomas?
- Why is Thomas viewed by many as one of the most confused justices on the Supreme Court?
- Why do many (blacks and whites) consider Thomas as a hypocrite?
- Why have some called for his impeachment?
- Why is he considered by many within the black community as one of the most dangerous justices on the Supreme Court?

Clarence Thomas is the longest-serving Justice on the Supreme Court. When he joined the bench, on October 19, 1991, the Soviet Union was a country, Hillary Clinton was Arkansas's First Lady, and Donald Trump had recently declared the first of his businesses' six bankruptcies. Since then, Thomas has written more than seven hundred opinions, staking out controversial positions on gun rights and campaign finance that have come to command Supreme Court majorities. "Thomas's views," the Yale law professor [Akhil Reed Amar](#) has said, "are now being followed by a majority of the Court in case after case." That was in 2011. Today Thomas is joined on the Court by Neil Gorsuch, who



frequently signs on to Thomas's opinions, and Brett Kavanaugh. Eleven of his former clerks have been nominated by Trump to the federal bench. Four of them sit on the Court of Appeals, just one step away from the Supreme Court.

By consensus, Thomas is the most conservative member of the Court. So it's surprising that the central theme of his jurisprudence is race. When he was nearly forty years old, just four years shy of his appointment to the Court, Thomas set out the foundations of his vision in a profile in *The Atlantic*. "There is nothing you can do to get past black skin," he said. "I don't care how educated you are, how good you are at what you do—you'll never have the same contacts or opportunities, you'll never be seen as equal to whites." This was no momentary indiscretion; it was the distillation of a lifetime of learning, which began in the segregated precincts of Savannah, during the nineteen-fifties, and continued through his college years, in the sixties. On the Court, Thomas continues to believe—and to argue, in opinion after opinion—that race matters; that racism is a constant, ineradicable feature of American life; and that the only hope for black people lies within themselves, not as individuals but as a separate community with separate institutions, apart from white people.



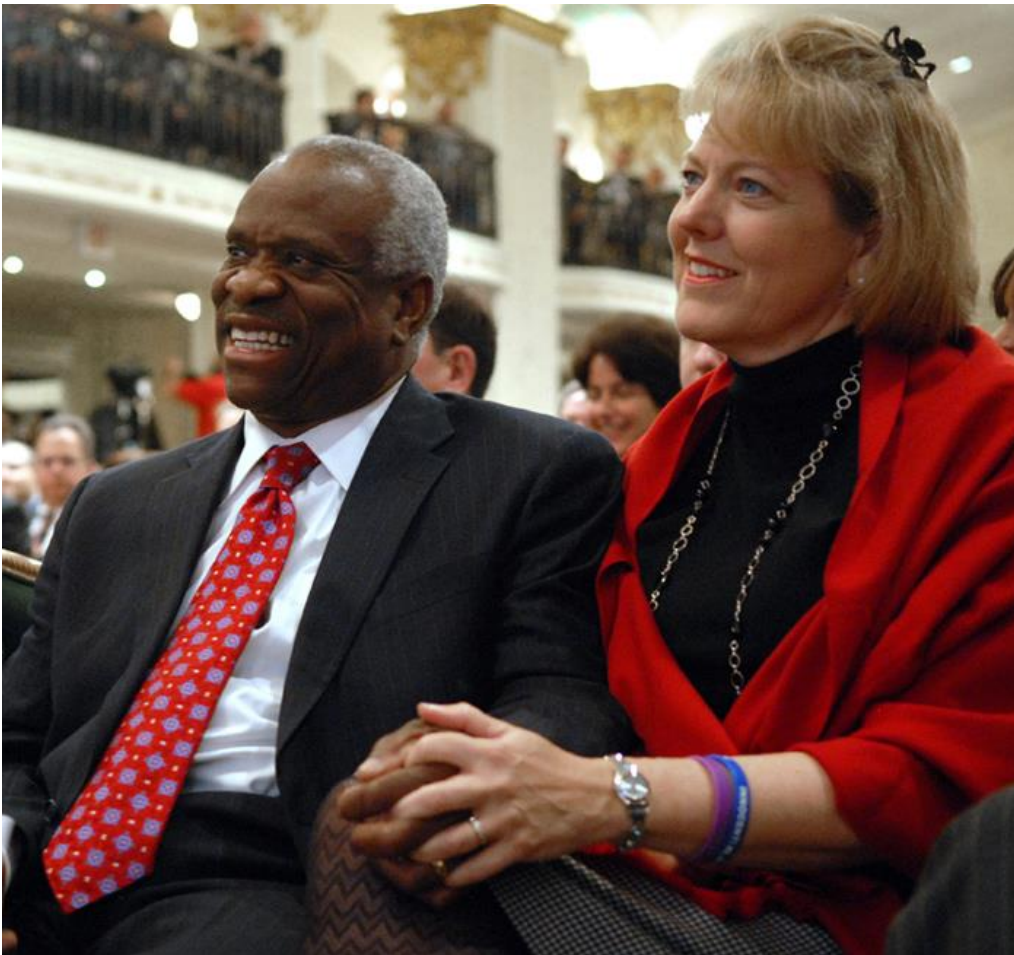
This vision is what sets Thomas apart from his fellow-conservatives on the bench, who believe that racism is either defeated or being diminished. It's a vision that first emerged during Thomas's early years, when he was on the left and identified, on a profound level, with the tenets of black nationalism. Like most ideological commitments, Thomas's politics are selective, but much of the program he embraced in his youth—celebration of black self-sufficiency, support for racial separatism—remains vital to his beliefs today. Those beliefs are coming closer, each term, to being enshrined in the law. Thomas writes, on average, thirty-four opinions a year—more than any other Justice. Despite that, the only things most Americans know about him are that he was once accused of sexual harassment and that he almost never speaks from the bench.

Thomas was born in 1948, in Pin Point, Georgia, an impoverished black community that was founded by freed slaves. In his memoir "[My Grandfather's Son](#)," from 2007, Thomas's memories of Pin Point are pastoral—rolling bicycle rims down sandy roads, catching minnows in the creek. His family's move to Savannah, when Thomas was six, brought this idyll to an end. In Pin Point, Thomas fed himself directly from the land and the water, feasting on "a lavish and steady supply of fresh food: shrimp, crab, conch, oysters, turtles, chitterlings, pig's feet, ham hocks, and plenty of fresh vegetables." In Savannah, before he moved in with his grandparents, he spooned up "cornflakes moistened with a mixture of water and sweetened condensed milk."

Savannah was also where Thomas claims he had his first experience of race—at the hands not of whites but of blacks. Though Thomas began elementary school in 1954, four months after the

Supreme Court declared segregation unconstitutional, he grew up, by his own report, in an “entirely black environment.” His nickname in the schoolyard and the streets was “ABC”—“America’s Blackest Child.” “If he were any blacker,” his classmates jeered, “he’d be blue.” Color was code for class. The darkness of Thomas’s skin—along with the Gullah-Geechee dialect he retained from Pin Point—was a sign of his lowly status and origin. “Clarence had big lips, nappy hair, and he was almost literally black,” a schoolmate told Jane Mayer and Jill Abramson in their 1994 book [“Strange Justice: The Selling of Clarence Thomas.”](#) “Those folks were at the bottom of the pole. You just didn’t want to hang with those kids.”

For Thomas, these cruelties are a lifelong hurt. “People love to talk about conflicts interracially,” he told the reporter Ken Fosskett, who published a biography of Thomas, [“Judging Thomas,”](#) in 2004. “They never talk about the conflicts and tensions intraracially.” From a young age, the



primary divide Thomas had to confront came from the privileges associated with black wealth and light skin. “You had the black élite, the schoolteachers, the light-skinned people, the dentists, the doctors,” Thomas has said. “My grandfather was down at the bottom. They would look down on him. Everybody tries to gloss over that now, but it was the reality.” It wasn’t until 1964, when he switched to an élite Catholic boarding school outside Savannah, that Thomas would share a classroom with whites. Later, he would call state-enforced segregation “as close to totalitarianism as I would like to get.”

With his wife Ginni

If the move from Pin Point to Savannah introduced Thomas to one side of the color line, his journey north, for college, introduced him to another. Thomas spent one year at a Catholic

seminary in Missouri, then enrolled, in 1968, at the College of the Holy Cross, one of the poorest of nineteen young black men recruited by John Brooks, a liberal Jesuit who would become the school's president. Holy Cross was located in Worcester, a small city near Boston with a black population of two per cent. At the time, the college was even whiter than its environs. The summer before Thomas arrived, the school contacted incoming white students to see if they would object to having a black roommate. In a survey, between a quarter and a half of Thomas's classmates agreed with the following statements: that black people "have less ambition" than whites; that black people have "looser morals" than whites; that black people "smell different" from whites. In a 1987 letter to the *Wall Street Journal*, Thomas wrote, "A new media fad is to constantly harp on the plight of black college students on predominantly white campuses. Believe it or not, the problems are the same as they were 20 years ago. . . . The major difference is that the media paid little attention to them then."

Before heading north, Thomas had a situation, not a story. He knew Jim Crow and, like many African-Americans, endured the shape-shifting violence of its demise. He had read and loved Richard Wright: "He's an angry black novelist, and I was an angry black man," he said in "Judging Thomas." But he hadn't yet come to a world view about race. In the North, which he thought to be even more hostile than the South, Thomas found that world view in the black nationalism that inspired many African-Americans of the era.

Within months of their arrival at Holy Cross, Thomas and his friends organized themselves into the Black Student Union, where they tempered their aspirations for inclusion with their demands for separation. The B.S.U.'s founding statement called for the admission of more black students, the hiring of black faculty, courses in black literature and history, and campus events to showcase black artists. They prefaced their demands with a rousing affirmation of black identity: "We, the Black students of the College of the Holy Cross, in recognizing the necessity for strengthening a sense of racial identity and group solidarity, being aware of a common cause with other oppressed peoples, and desiring to expose and eradicate social inequities and injustices, do hereby establish the Black Student Union of Holy Cross." Thomas typed up the document and was elected secretary-treasurer.

The B.S.U. also published an eleven-point manifesto, which included these rules:

The Black man must respect the Black woman. The Black man's woman is the most beautiful of all women.

...

The Black man must work with his Black brother.

...

The Black man wants. . . the right to perpetuate his race.

...

The Black man does not want or need the white woman. The Black man's history shows that the white woman is the cause of his failure to be the true Black man.

The last rule caused some playful friction in the group. After the B.S.U. learned that a member was dating a white woman, the group convened a mock trial, found him guilty, and broke his Afro comb as a punishment. Thomas took the rule more seriously, particularly after meeting Kathy Ambush, a black woman, whom he would marry in 1971 and divorce in 1984. In a poem he called "Is you is, or is you ain't, a brother?" he set out the obligations of black men to black women. Even in that milieu, Kevin Merida and Michael Fletcher reported in their 2007 biography, "[Supreme Discomfort](#)," Thomas's "edgy race consciousness" stood out. When he saw an interracial couple strolling on campus, he'd loudly demand, "Do I see a black woman with a white man? How could that be?" Until 1986, when Thomas met Virginia Lamp, who is white and would become his second wife, he opposed interracial sex and marriage.

It's not surprising that Thomas and his classmates would affirm their solidarity in gendered terms. "Masculinism," as the historian Steve Estes has argued, was not uncommon in the black freedom struggle—or, indeed, in many of the movements of the late nineteen-sixties. Militants often framed their demands in the idiom of black male honor, which could be met only by recognition from white men and deference from black women. For them, that was the measure of black freedom. "The black man never will get anybody's respect until he learns to respect his own women," Malcolm X wrote in his "Autobiography," outlining a belief system, from his early years in the Nation of Islam, in which respect for black women would seem to be a means to a more important end.

Thomas read "[The Autobiography of Malcolm X](#)" in his first year at Holy Cross. He put up a poster of Malcolm in his dorm room, and he began collecting records of Malcolm's speeches, which he could still recite from memory two decades later. "I've been very partial to Malcolm X," Thomas said, in 1987. "There is a lot of good in what he says." On the eve of his appointment to the Supreme Court, Thomas was still summoning Malcolm as a witness for the prosecution against the liberal establishment. "I don't see how the civil-rights people today can claim Malcolm X as one of their own," he said. "Where does he say black people should go begging the Labor Department for jobs? He was hell on integrationists. Where does he say you should sacrifice your institutions to be next to white people?"

In college, Thomas believed that the Black Panthers, one of the many groups to claim Malcolm's mantle, offered "another way." With their guidance, he helped organize a free breakfast program in Worcester, serving daily meals out of a church to about fifty poor children. He championed the Black Panther leader Kathleen Cleaver and the Communist Party member Angela Davis, who were in flight from the American government because of radical involvements and allegations of criminal activity. When he was asked at his confirmation hearings what he majored in, Thomas said, "English literature." When he was asked what he minored in, he said, "protest." His first trip to Washington was to march on the Pentagon and against the Vietnam War. The last rally he attended, in Cambridge—one of the most violent in the city's history, in which two thousand cops assaulted three thousand protesters—was to demand the release of the Black Panther co-founder Bobby Seale and the Panther leader Ericka Huggins. "I was never a liberal," he said at a talk in 1996. "I was a radical." Even in his memoir, Thomas refuses to mock the cause. "The more I read about the black power movement," he writes, "the more I wanted to be a part of it."

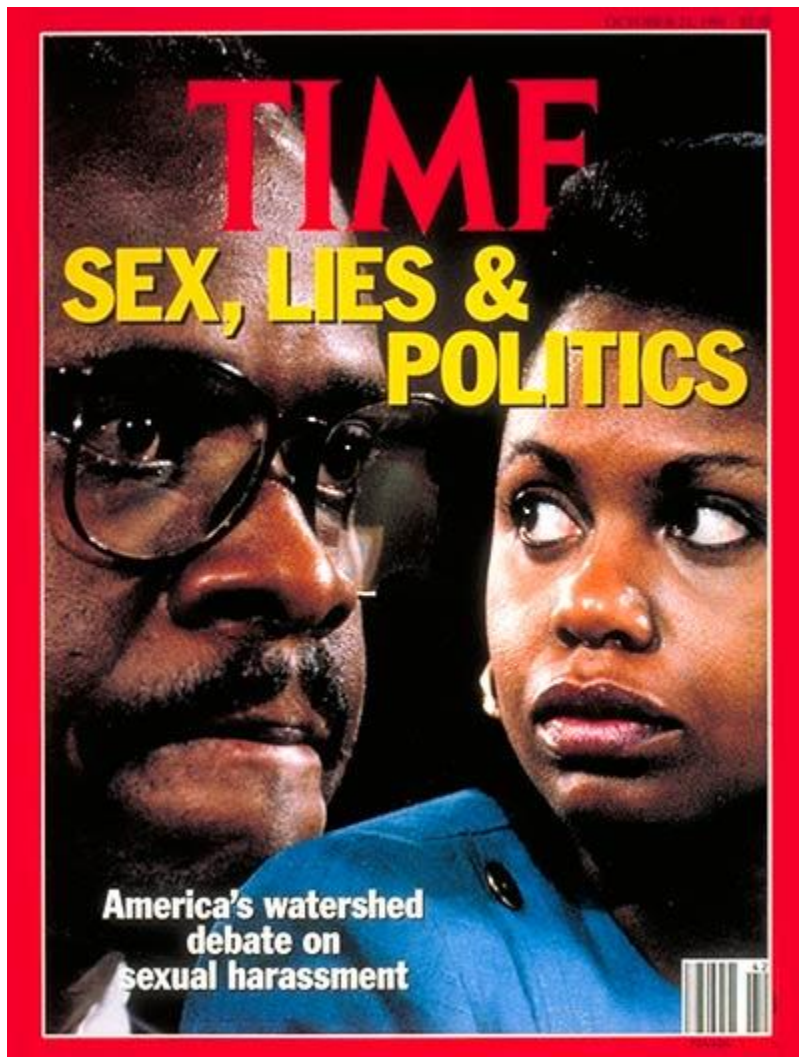
In 1971, Thomas entered Yale Law School. One of twelve black students, he was the beneficiary of an affirmative-action program—Yale had decreed that ten per cent of the incoming class would be students of color—of the sort he would later come to revile. Thomas had long experience of proving himself before a hostile audience, but now the competition was stiffer and the stakes were higher. The scrutiny was coming not just from fellow-students but from liberal whites who were acting as his patrons. “You had to prove yourself every day because the presumption was that you were dumb and didn't deserve to be there,” he told the *Washington Post*. “Every time you walked into a law class at Yale it was like having a monkey jump down on your back from the Gothic arches.” In the South, even at Holy Cross, Thomas thought that he could force his way into the meritocracy by the power of his intelligence and will. At Yale, his accomplishments felt divested of their authorship. “As much as it had stung to be told I'd done well in [high school] despite my race,” he later wrote, “it was far worse to feel that I was now at Yale because of it.”

At Yale, Thomas developed an understanding of racism that he would never shake. Whites—Southern and Northern, liberal and conservative, rural and urban—are racists. Racism, Thomas would tell students at Mercer University, in 1993, “has complex and, to a certain degree, undiscoverable roots.” Not knowing its beginnings, we can't know its end. The most that can be hoped for is that whites be honest about it. Honesty is demonstrated through crude statements of personal animus or intellectual suggestions of racial inequality. Dishonesty is demonstrated through denial of one's racism and sympathetic extensions of help. Dishonesty lulls black people into a false sense of security, assuring them that they are safe when they are not. One of Thomas's favorite songs is the 1971 hit “Smiling Faces Sometimes,” by the Undisputed Truth. Its classic lyric—“Smiling faces, smiling faces tell lies”—resonates with his experience of Northern white liberals. Among the virtues of the Reagan Administration, he has said, was the fact that no one there was “smiling in your face.”

In making sincerity the litmus test of American racism, Thomas took a strand of the black nationalism that influenced his early development and wove it into an entire philosophy of race. In the nineteen-twenties, at an especially acute moment of racist reaction in the United States, Marcus Garvey also found comfort in the promise of candor. “They are better friends to my race for telling us what they are, and what they mean, than all the hypocrites put together,” Garvey said, of the Ku Klux Klan. “I like honesty and fair play.”

For Thomas, dishonesty was not only about race; it was also about class. However well intentioned white liberals were about remedying racial inequality, their élitism was steadfast. At Yale, some of Thomas's classmates would query the absence of class rankings and grades. “You do not separate cream from cream,” a professor responded. “It is your fate as a Yale Law School student to become one of the leaders in the legal profession. It will happen, not because of you personally, but because you are here. That is what happens to Yale Law School students.” But Yale's black students were separated from the cream; indeed, the absence of rankings was used to effect that separation. As he approached graduation, Thomas tried to secure a position at an élite law firm in Atlanta, which had no black associates. One of the marks against him was that he had no grades. Even if he came from Yale, how could his prospective employers know how good he was?

Thomas came to believe that, for the white liberal, offering help to black people was a way to express the combined privileges of race and class. This is a running theme of Wright's "[Native Son](#)," in which Bigger Thomas, a poor black man from the slums of Chicago, is given an opportunity to rise when a wealthy white family hires him as a chauffeur. The idea that black people can advance only with the help of whites is anathema to Clarence Thomas, who has



identified with Wright's protagonist throughout his life. For him, white benevolence denies black people the pride of achievement. By contrast, if one is black and overcomes the barriers of Jim Crow, one can be assured that the accomplishment is real. Thomas often invokes the example of his grandparents, who, despite segregation, managed to acquire property and support their family. Though they "had to work twice as hard to get half as far," they knew, however far they got, that the distance was theirs. When black people succeed in the shadow of white benefactors, that certainty is lost.

This is the loss that Thomas has suffered since his youth: not of the color line but of its clarity. It's a loss that he associates with liberalism, the North, and, above all, integration. "I never worshiped at the altar" of integration, he declared, five years after joining the Court. As he told Juan Williams, who wrote a profile of Thomas in *The Atlantic*, "The whole push to assimilate simply does not make sense to me." It is a loss that Thomas has set

out—from his early years as a young black nationalist on the left to his tenure as a conservative on the Court—to reverse.

Thomas's rightward drift, which began in the seventies, was inflected by the very ethos that once put him on the left: namely, disaffection with black liberalism and the mainstream civil-rights movement. In his memoir, Thomas notes that part of the appeal of black nationalism was tied to his sense, in the wake of the assassinations of Martin Luther King, Jr., and Robert F. Kennedy, that "no one was going to take care of me or any other black person in America." Eventually, this notion extended to the left. "I marched. I protested. I asked the government to help black people," Thomas told the *Washington Post*, in 1980. "I did all those things. But it hasn't worked." The whole repertoire of black politics—from mainstream activism to Black Power radicalism and beyond—now seemed pointless. By the eighties, Thomas, a member of the Reagan Administration, believed that state action could do nothing for African-Americans. Problems of racial inequality

“cannot be solved by the law—even civil-rights laws,” he told an audience at Clark College, a historically black school in Atlanta, in the nineteen-eighties.

And yet it was on the bench that Thomas began to pursue his own particular vision of racial justice. In his first decade on the Court, Thomas often met with high-achieving black students from Washington’s poorer neighborhoods. One meeting—with a high-school student named Cedric Jennings—was immortalized in a 1998 *Esquire* piece. After several hours of warm conversation, Thomas asked Jennings what his plans were for college. “I’m off to Brown,” Jennings replied. Thomas frowned. Finally, he said, “Well, that’s fine, but I’m not sure I would have selected an Ivy League school. You’re going to be up there with lots of very smart white kids, and if you’re not sure about who you are, you could get eaten alive. . . . It can happen at any of the good colleges where a young black man who hasn’t spent much time with whites suddenly finds himself among almost all whites.”

This concern runs throughout Thomas’s jurisprudence. “Some people think that the solution to all the problems of black people is integration,” he said, in 1997. By his own admission, he is not one of them. In a lengthy 1982 research article (published with an acknowledgment to “the invaluable assistance of Anita F. Hill”), Thomas notes pointedly that “it must be decided . . . whether integration per se should be a primary goal.” At Thomas’s confirmation hearings, the Republican senator Arlen Specter pressed him on that claim, asking, “If you end segregation, doesn’t it necessarily mean that you are requiring school integration?”

At the time, Thomas dodged the question, but he has since given his answer on the Court. In the 1995 case *Missouri v. Jenkins*, the Court’s conservative majority held that federal courts could not force Missouri to adopt policies designed to entice suburban white students to predominantly black urban schools. Thomas joined the majority. In the Court’s private deliberations about the case, he argued, in the paraphrase of [a profile of Thomas in *The New Yorker*](#), “I am the only one at this table who attended a segregated school. And the problem with segregation was not that we didn’t have white people in our class. The problem was that we didn’t have equal facilities. We didn’t have heating, we didn’t have books, and we had rickety chairs. . . . All my classmates and I wanted was the choice to attend a mostly black or a mostly white school, and to have the same resources in whatever school we chose.”

This private sentiment made its way into Thomas’s public statement about the case. His concurrence in *Missouri v. Jenkins* was “the only opinion,” legal scholar Mark Graber argues, “that questioned whether desegregation was a constitutional value.” If anything, Thomas believes that the state should—where it can, within the law—support the separation of the races. Looking back on his education, in an all-black environment, Thomas has admitted to wanting to “turn back the clock” to a time “when we had our own schools.” Much of his jurisprudence is devoted to undoing the “grand experiment” of which he believes himself to be a victim. As he made clear in 1986, “I have been the guinea pig for many social experiments on social minorities. To all who would continue these experiments, I say please ‘no more.’ ”

Perhaps the most insidious of those experiments, for Thomas, is affirmative action, which he has long opposed. His critics call him a hypocrite. “He had all the advantages of affirmative action and went against it,” Rosa Parks said of Thomas, in 1996. His defenders believe that Thomas is

advancing a common conservative line—that affirmative action is a form of reverse racism, which imposes illegitimate burdens on whites. In fact, Thomas's arguments are considerably more unorthodox than that. According to Thomas, affirmative action is the most recent attempt by white people to brand and belittle black people as inferior. Affirmative action does not formally mirror the tools of white supremacy; for Thomas, it is the literal continuation of white supremacy.

His argument is rooted in two beliefs, each informed by his time spent on the left. The first is that affirmative action reinforces the stigma that shadows African-Americans. Among many whites, blackness signals a deficit of intellect, talent, and skill. Even Supreme Court Justices, Thomas wrote in one opinion, "assume that anything that is predominantly black must be inferior." When the state and social institutions identify African-Americans as beings in need of help, they reinforce that stigma. It doesn't matter if some African-Americans succeed without affirmative action. In the same way that enslavement marked all black people, free or slave, as inferior, affirmative action—here Thomas borrows directly from the language of *Plessy v. Ferguson*—stamps all African-Americans with "a badge of inferiority."

The second way affirmative action continues white supremacy is by elevating whites to the status of benefactors, doling out scarce privileges to those black people they deem worthy. The most remarkable element of Thomas's affirmative-action jurisprudence, and what makes it unlike that of any other Justice on the Supreme Court, is how much attention he devotes to whites, not as victims but as perpetrators, the lead actors in a racial drama of their own imagination. Put simply, Thomas believes that affirmative action is a white program for white people.

We see this argument in *Grutter v. Bollinger*, a 2003 affirmative-action case concerning the University of Michigan Law School. In the early nineteen-nineties, the school adopted an affirmative-action policy in order to create a more diverse student body. Barbara Grutter, a white applicant who was denied admission, alleged that she was a victim of racial discrimination and that the policy violated the Fourteenth Amendment. In a 5-4 ruling, the Court decided that because the policy involved "a narrowly tailored use of race," with a candidate's race weighed as only one factor among many, the program was not unconstitutional. Chief Justice William Rehnquist dissented, arguing that there was nothing narrow or tailored about the program; it was more like a quota, he wrote, "designed to ensure proportionate representation . . . from selected minority groups."

Thomas also dissented in *Grutter*. But his dissent focused, uniquely, not on Grutter or other putative white victims but on what the law school's affirmative-action program revealed about its creators. The leading interest of the school, he wrote, was to be "elite." Affirmative action reflected that élitism. The simplest, most effective way for the Law School to diversify itself would be to become less selective. It could accept anyone who completed a certified program. It could stop relying on the LSAT, which, Thomas insisted and the Law School admitted, is an "imperfect" diagnostic tool. But the school refused to adopt such inclusive measures, not because it was committed to meritocracy—policies such as "legacy preferences" proved otherwise—but because exclusivity was its central objective.

For Thomas, affirmative action is merely a "solution to the self-inflicted wounds of [an] elitist admissions policy." If a school insists upon maintaining "an exclusionary admissions system that it

knows produces racially disproportionate results," the only way to diversify itself is to rely on measures that maximize its discretion regarding race. Affirmative action, then, is not about racial equality; it's about preserving the prerogatives of white élites, allowing them to bestow the blessings of society upon a few lucky African-Americans. Thomas does not believe this to be a constitutional value, much less one the Court should honor.

Much of Thomas's skepticism flows from his rejection of diversity writ large. The key argument for affirmative action—and the grounds for the Court's landmark 1978 decision in *University of California v. Bakke*, which declared the policy constitutional—is that diversity has an educational benefit: students will be exposed to different views and voices, which will challenge their beliefs. Thomas doesn't quite buy this. If it were truly the case that diversity is a critical educational good, he thinks, élite institutions would stop prizing selectivity. The fact that they don't suggests that the benefit argument is a ruse. What these institutions really believe is that diversity "prepares . . . students to become leaders in a diverse society." It burnishes the style, image, and credentials of those students, mostly white, who will go on to run American society. Diversity, in other words, does not benefit students academically, or even produce diverse leadership; it just helps beautify "classroom aesthetics," which are critical to the self-image of the ruling class. ("Racial aesthetics" and "aestheticists" are words that recur throughout Thomas's opinions.) Diversity, as a value, is how white élites signal to other élites their sophistication, fashion, and taste. It marks black people as victims and whites as saviors.

In keeping with his conservative black nationalism, Thomas sees in such integration real harm to black people. In 1995, after a lower court argued that "racial isolation" in education—that is, continuing segregation of black and white schools, without formal state compulsion—was a constitutional injury to black schoolchildren, Thomas took offense. "If separation itself is a harm," he wrote, "and if integration therefore is the only way that blacks can receive a proper education, then there must be something inferior about blacks." For Thomas, seemingly egalitarian policies like integration thus become evidence of racial paternalism. His argument echoes that of Stokely Carmichael and Charles Hamilton's "Black Power." Integration, Carmichael and Hamilton wrote, "reinforces, among both black and white, the idea that 'white' is automatically superior and 'black' is by definition inferior. For this reason, 'integration' is a subterfuge for the maintenance of white supremacy."

In 1992, in one of his first opinions on the Court, Thomas wrote, "Conscious and unconscious prejudice persists in our society. Common experience and common sense confirm this understanding." Ten years into his tenure, he was still affirming that idea. "If society cannot end racial discrimination," he wrote in a concurrence, "at least it can arm minorities with the education to defend themselves from some of discrimination's effects." That "if" flies by so quickly that the reader may not notice what Thomas is doing. Rather than setting up a conditional, he is presenting the inability to end racism as the condition of American society.

In this sense, the story of Clarence Thomas is the story of the last half-century of American politics. It is a story of defeat, not only of the civil-rights movement and the promise of black freedom but of a larger vision of democratic transformation, in which men and women act collectively to alter their estate. The citizens of the freedom struggle believed that society was made, and could be remade, through politics. Many of their successors, including Thomas, no

longer believe that kind of change is possible. A deep and abiding pessimism now pervades our politics, transcending the divisions of right and left. Clarence Thomas, the most extreme Justice on the Supreme Court, turns out also to be the most emblematic. Should he remain on the bench for another nine years, he will be the longest-serving Justice in American history.

This piece was drawn from "[The Enigma of Clarence Thomas](#)," which is out this month, from Metropolitan Books.

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