

## Doubting Thomas

The rise of the Supreme Court's most controversial justice.

Reviewed by Kenji Yoshino  
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### *SUPREME DISCOMFORT*

*The Divided Soul of Clarence Thomas*

By Kevin Merida and Michael A. Fletcher

*Doubleday*. 422 pp. \$26.95

Justice [Clarence Thomas](#) is the Supreme Court's most reclusive member, which is saying something. Deeply distrustful of the media, the justice also almost never speaks from the bench. As a powerful official who remains opaque to the public, he is a prime candidate for a careful, fair-minded biography. In delivering it, Kevin Merida and Michael A. Fletcher have done some quiet justice of their own.

*Supreme Discomfort* shows that two competing, racially charged narratives govern how Thomas -- like many black conservatives -- is perceived and treated. The first storyline is that of the Uncle Tom: the race-traitor who sides with whites for personal advantage. For Thomas, the consequences of being seen this way have been harsh. The book describes how the Rev. [Al Sharpton](#) led a group of picketers outside Thomas's home, how some African Americans have called for the community to stop naming its children "Clarence" and how a woman stopped Thomas and a friend in the library in his home town of [Savannah](#) in May 2001 so she could "see what a group of Uncle Toms look like."

If liberals often cast Thomas as a quisling, conservatives tend to cast him as someone who has achieved the American Dream by pulling himself up by his bootstraps. Thomas, a member of the Horatio Alger Association of Distinguished Americans, seems to find this narrative more congenial, but it has its own bite. This storyline assumes a meritocratic [America](#) free of racial prejudice -- an assumption the justice certainly does not hold.

Lost between these two competing stories is the tale of an individual, and that is the one brought to life by Merida and Fletcher, journalists at [The Washington Post](#). Their biography deftly puts paid to both conventional narratives; after all, we do not expect Uncle Toms to have engaged in radical black student activism, nor do we expect Horatio Alger heroes to believe America is irredeemably racist. But that is too faint praise for

*Supreme Discomfort.* By the end of the book, we see the injustice that stock narratives have done to a person who can charm those predisposed against him and win the lifetime loyalty of those whose minds are less made up. We're introduced to the many Thomases we have never seen: the RV-driving Thomas, the Ayn Rand-loving Thomas, the Catholic Thomas and others.

The book's main flaw is its failure to give us more of one particular Thomas: Justice Thomas. For a biography of a jurist, *Supreme Discomfort* is surprisingly short on Thomas's legal decisions and philosophy. For instance, Merida and Fletcher repeatedly mention that Thomas benefited from affirmative action during his rise only to oppose it when in power. But Thomas explained that seeming inconsistency in a 2003 dissent criticizing governmental affirmative action. In *Grutter v. Bollinger*, he argued that affirmative action stigmatizes all blacks, who are either promoted above their abilities or subjected to the unfair suspicion that they would not be where they are absent a racial preference. Regardless of the category into which Thomas would put himself, this response suggests how even beneficiaries of affirmative action can oppose it without hypocrisy.

Merida and Fletcher also fail to grapple adequately with the justice's jurisprudential methodology. Thomas is the court's most ferocious originalist, believing that the Constitution should be interpreted strictly according to the intent of its framers. But what does it mean for Thomas to interpret the Constitution according to the intent of those who would have considered him to be chattel?

It is hard, though, to quarrel too much with a book that solves the great Thomas mystery: his legendary silence. One conventional explanation is that Thomas is still smarting from the Anita Hill scandal that occupied his confirmation hearing, an explanation that seems less plausible with every passing year. Merida and Fletcher explain his courtroom demeanor by suggesting that silence is the closest Thomas can come to opting out of the scripts that eddy around him. "If you can't be free," the poet Rita Dove writes, "be a mystery." It is a serious indictment of race relations in this country that, in 2007, the nation's most powerful African Americans are still not permitted to be individuals. And because the book makes that case -- as well as many others -- in such a personal and non-ideological way, it may be heard. This book's greatest achievement is that the "supreme discomfort" of the title initially belongs to Thomas but, in the end, becomes our own.

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