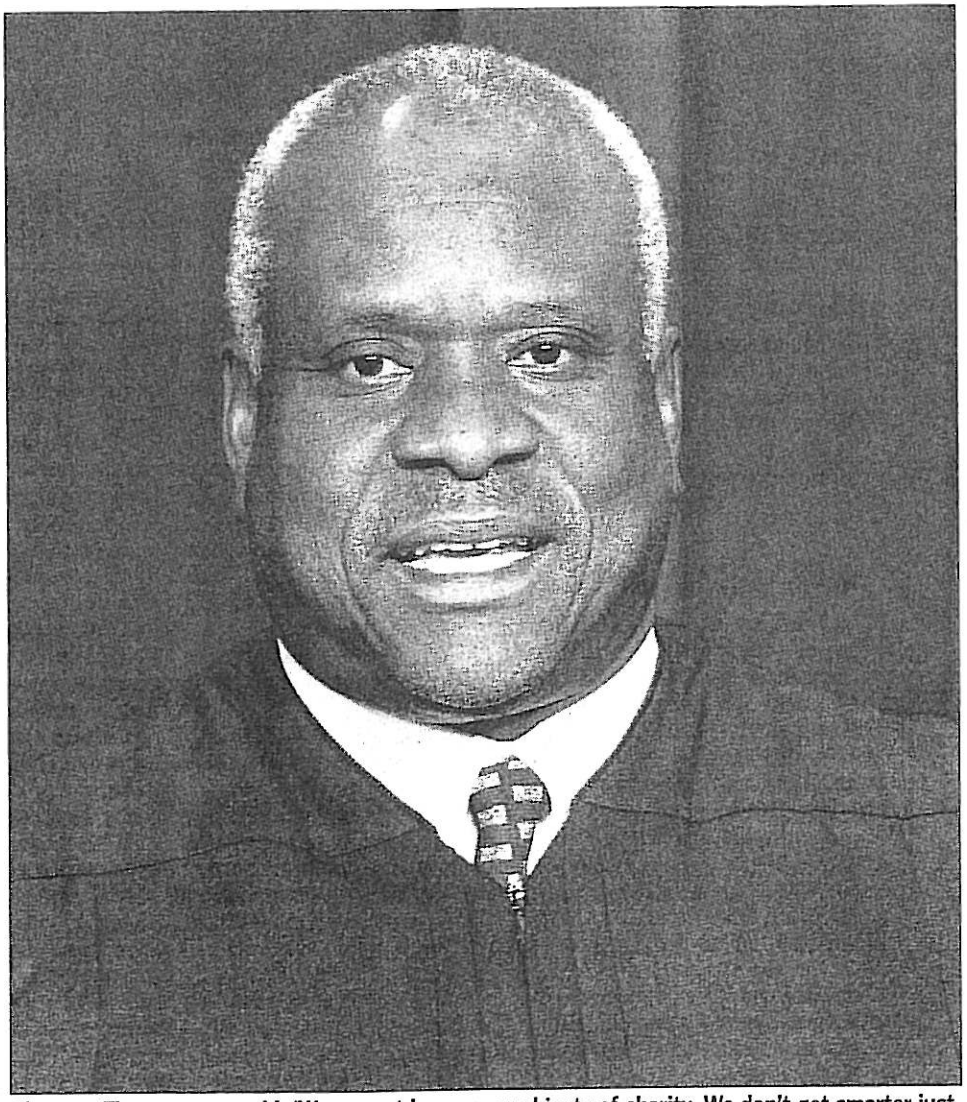
Thomas: leading critic of integration?



Clarence Thomas once said: 'We are not beggars or objects of charity. We don't get smarter just because we sit next to white people in class. ...'

How much have his life experiences affected legal views?

By Neil A. Lewis
New York Times News Service

WASHINGTON — When Justice Clarence Thomas provided a pivotal vote last month as the Supreme Court struck down school integration plans in Louisville and Seattle, he suggested the concept of integration was inherently demeaning to black children because it implied they needed to mix with whites to achieve excellence.

His comments, including his description of people who promote integration as faddish theorists, demonstrated anew his place as the most influential black voice criticizing the value of integration and affirmative action plans. But as Thomas is also the most intensely scrutinized personality on the Court, his comments inevitably raise questions about how much his legal views are shaped by the difficulties of his own experience with race and education.

Thomas' recent opinion on integration has provided fresh material for the rich debate about him among black scholars for whom he has been a fascinating and vexing subject since he was narrowly confirmed to the Court in 1991. The renewed discussion also comes at the same time as the publication of a critical biography and not long before his own memoir, which is set for publication in October.

Kurt L. Schmoke, the dean of the Howard University Law School, said Thomas' coolness toward integration represented a consistent pattern.

"I don't see this opinion as signaling any new d

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THOMAS | Did life experiences affect his legal views?

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; is the senior class photo of Thomas in the 1967 yearbook of Saint n Vianney Seminary. Thomas was one of the first blacks to attend Catholic boarding school outside Savannah, Ga.

"(Thomas) has lived most of his life as the only black — or one of a tiny ninority of blacks — in overwhelmingly white settings."

KEVIN MERIDA and **MICHAEL A. FLETCHER,**
the authors of the biography *Supreme Discomfort*

rection in his thinking," Schmoke said in an interview. "But he's more complex than many have given him credit for in the past. Some might condemn his comments, but others might praise him for reminding us that black kids are bright and work up to expectations."

Thomas joined in a 5-4 majority on June 28 ruling that integration plans put in place by officials in Seattle and Louisville violated the Constitution's guarantee of equal protection. In writing a separate concurrence, he dismissed the notion of the Court's minority that "racially balanced schools improve educational outcomes for black children." He said, "In reality, it is far from apparent that coerced racial mixing has any educational benefits, much less that integration is necessary to black achievement."

Those views parallel many made by Thomas, going back to a comment he made to an interviewer in 1991, in which he said: "We are not beggars or objects of charity. We don't get smarter just because we sit next to white people in class, and we don't progress just because society is ready with handouts."

As he had in the past, Thomas last month argued that black children had achieved great success in what he called "racially isolated" schools before the landmark ruling *Brown v. Board of Education* in 1954.

In the context of higher education, Thomas said earlier that affirmative action programs cruelly deceived black students admitted to elite law schools under special programs who then found that they could not compete.

"These overmatched students take the bait," he wrote in 2003, "only to find they cannot succeed in the cauldron of competition."

Thomas was himself admitted to Yale Law School under a set-aside program for minority applicants, although his limited public comments on the subject suggest he has resisted accepting that he was given special treatment.

A new biography of Thomas raises the idea that his skepticism about integration is a product of his own unhappy journey through integrated school situations.

After examining Thomas' experiences at a mostly white seminary near Savannah, Ga., and at Yale Law School, Kevin Merida and Michael A. Fletcher, the authors of the biography, *Supreme Discomfort*, write that he "has lived most of his life as the only black — or one of a tiny minority of blacks — in overwhelmingly white settings."

Merida and Fletcher add, "But almost every step of the way, he has been nagged by doubts and has burned with anger at slights, real and imagined."

Thomas' own coming memoir, *My Grandfather's Son*, is expected to provide his perspective on events like his time at Yale.

"People who see affirmative action programs as being a benefit to the African-American community are taken aback when they see Thomas opposed to them," said Schmoke of Howard, who is also the former mayor of Baltimore. "They say, 'Wait a minute, didn't he get on the Supreme Court by race-based decision-making?' "

John Hope Franklin, a leading historian of race in America, remembers with great passion the many insults he suffered decades ago before he was a professor at Duke and the head of the American Historical Association. "He's not alone," Franklin said in an interview. He said the main problem of integration was that it had never been enacted wholeheartedly. "But if you rub your mind against someone else's, someone who is different, you come out better," Franklin said.

Christopher Edley Jr., the dean of the law school at the University of California, Berkeley, said no one had seriously argued that just putting black children alongside white children made them learn better.

"The central claim for integration today is aspirational," Edley said. "How do we build a society that is free of the poisons of color?"

Edley, who served in the Clinton and Carter administrations and on the U.S. Commission on Civil Rights, argued that "public education is the single best opportunity to promote understanding across our most dangerous divisions." He said Thomas' views provided "shelter" for his fellow conservative justices who wanted to end all efforts at maintaining diversified schools.

In the cases in Louisville and Seattle, Thomas said that though the programs had been designed to maintain racial balances in schools, they meant that white families had to suffer disappointment, receiving letters blocking them from sending their kindergarten-age children to schools of their choice because of their race. "This type of exclusion, solely on the basis of race, is precisely the sort of government action that pits races against one another," he wrote.

He also cited his own words in a 1995 case involving the awarding of state contracts on the basis of race in which he said "racial paternalism and its unintended consequences can be as poisonous and pernicious as any other form of racial discrimination."

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