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"A Conversation with Justice Clarence Thomas"

Clarence Thomas
Associate Justice, United States Supreme Court

The following is excerpted and edited from an interview with Justice Thomas conducted in his chambers at the Supreme Court in Washington, D.C., on September 19, 2007. Conducting the interview were Kaitlyn Buss, Daniel Burfiend, and Jillian Melchior, Hillsdale College seniors from the Herbert H. Dow II Program in American Journalism and the History and Political Science Department. Also present were Hillsdale president Larry Arnn and Hillsdale vice president and Imprimis *editor Douglas Jeffrey.*

The Honorable Clarence Thomas has been an Associate Justice of the United States Supreme Court since 1991. Prior to that he served as a judge on the United States Court of Appeals for the District of Columbia Circuit, as chairman of the U.S. Equal Employment Opportunity Commission, and as assistant secretary for civil rights in the U.S. Department of Education. Justice Thomas graduated cum laude from the College of the Holy Cross and earned a J.D. from Yale Law School before entering legal practice as assistant attorney general of Missouri and, later, as an attorney with the Monsanto Company. His new book is entitled My Grandfather's Son: A Memoir.

Q: Why did you decide to write My Grandfather's Son?

CT: I've met with young people from all over the country, from different backgrounds—some with privileged backgrounds and some with less privileged backgrounds—and they all have tough problems, challenges and uncertainties in their lives. And often they think that I grew up wise and had a plan in life to get where I have gotten—that I had no doubts and uncertainties myself. Well, the truth is that I had plenty of uncertainties and doubts, and this book is my story. I was proud when my editor called me as the book was being finalized and said: "The great thing about this book is that it's not the usual Washington book. It's yours; you wrote it." In fact, I did write it. And my hope is that young people who read it will find something in it they can identify with and learn from.

Q: I've noticed that you have a theme in your speeches about people who have influenced you, and now you're trying to influence others in a similar way. Can you talk a little about who influenced you?

CT: The first line in the book is, "I was nine years old when I met my father." That refers to my biological father. But my grandfather was my real father. I named the book My Grandfather's Son because that's who I am. My grandfather and my grandmother influenced me and made me what I am today. That's why I always take offense when I hear it said that Yale or some other institution is responsible. I was already fully formed by my grandparents. Whatever was poured into this vessel came from their way of life, and from my grandfather's independence, his insistence on self-sufficiency, his desire to think for himself even in the segregated South.

My father left when I was two, and up there on the wall you can see a photograph by Walker Evans of the Savannah neighborhood where my mother, my brother and I lived in one room. It doesn't look like much of a

neighborhood, does it? And when I went to live with my grandfather, I was seven. His name was Myers Anderson. And it was a different way of life that he had worked hard to make possible. He built his house, a cinderblock house. He made the cinderblocks. And he was proud of that. It had a refrigerator, a deep freezer, a hot water heater—I had never seen any of these things in my life. It was wonderful. And then he taught me the connection between having these things and work. Everything he had, he showed me how to get it the honest way.

One of my grandfather's favorite sayings was, "Old Man Can't is dead, I helped bury him." I must have heard that a hundred times. Today we've grown comfortable with programs and theories, whether it's affirmative action or something else. Centralized governments always love grand theories and five-year-plans. But no government program could have done what my grandfather did for me and for others who needed help. It's the golden rule—do unto others as you would have them do unto you. The golden rule can't operate through a government program, it can only work between people.

I was talking to my brother once—my brother died eight years ago very suddenly, which was really devastating—but we were talking and we agreed that my grandfather was the greatest person we had ever known. And mind you, as young people there came a time that we rejected him. But he told us the truth about life. He taught us everything we needed to know to live in this world. And it remained with us. Even when people ask about my judicial philosophy, I can honestly say, to the extent I have one, it comes from my grandfather.

Q: In the photo of your grandfather, he looks like a very serious man. What was he like personally?

CT: Yes, he was serious, and he was tough. He wasn't a mean man, but he was a hard man. He lived a hard life, and he was hardened by it. His life was marked by segregation, by no education, by having no father, by having his mother die when he was nine and going to live with his grandmother who was a freed slave. In a recent book, the authors said my grandfather was a wealthy man. And one of my cousins said when he heard this, "Has anybody found the money?" My grandfather owned two trucks and delivered fuel oil with one and ice with the other. His only employees were my brother and me, and we were little kids. Anything that he could do to make a living he did. And when the ice business was displaced by the refrigerator, we started farming. We repaired our own vehicles, we farmed our own land, we built our own fence line. We raised hogs, chickens, cows, and we butchered them. So he was not rich, no. But he was a frugal, industrious man. He believed that if you worked hard enough, you could have what you needed. If you were frugal enough, you could keep what you had. And if you had things, you could help other people who were in need. He believed that you work from sun to sun, and that was our life due to our fallen nature. Another of his favorite sayings was, "There's nothing you can't do with a little elbow grease."

And the idea of taxation offended him. My first ideas about taxation had to do with the fact that we worked for everything we had. My grandfather would give whatever he could to relatives who needed it—to the elderly, to people with a lot of kids, to people who had fallen on hard times. We'd harvest food and take it to folks who needed it. But the idea of someone coming and exacting from us what we had worked for, he was offended at that idea.

Q: You mentioned that you had uncertainties and doubts and that you rejected your grandfather at some point. How did the lessons that he taught you carry you through?

CT: I went into the seminary at 16, intending to be a priest. During my last two years there, I was the only black student. I was raised Roman Catholic, and I am Roman Catholic today. But I got angry back in the 1960s. I turned my back on what I had been taught and I fell away from my faith. When I left the seminary my grandfather kicked me out of the house. So I've been on my own since I was 19. And then I was really angry. I got caught up in the anti-war movement in New England. I was really an angry black kid. And then in April of 1970, I was caught up in a riot in Harvard Square. At one point it was four in the morning and we were rioting, and there were tear gas canisters going off. And we made our way back to Worcester, back to the Holy Cross campus where I was going to college, and I couldn't sleep. I kept thinking, "What did I just do?" I couldn't figure it out. And then suddenly I realized that I was full of hate. I remember going in front of the chapel and saying, "Lord, if you take this anger out of my heart, I'll never hate again." I hadn't prayed in years, and that was the beginning of my process back. I went from anger and hatred to cynicism, and then to trying to figure things out. And over the years I came to see cynicism as a disease. So what I tell my clerks today is that I'm more idealistic than I've ever been. That's the only reason to do the job. But it was a long struggle. I was something like the prodigal son, slowly making my way back to what I had abandoned.

The hardest part of my book to write had to do with the fact that I had been so angry and bitter—angry at whites, angry at the country, rejecting the church. But finally there came a time when I was at the Equal Employment Opportunity Commission—it was in February of 1983—and my grandmother was ill. And I saw my grandfather at the hospital and we embraced for the only time in our entire lives. And he looked at me and said that he had recognized that part of the conflict I had been through with him was that I was just like him, independent and strong-willed. I was his son, and it was as though you could see it in his eyes. And then a month later he was dead. And it was at that time—the spring and summer of 1983—that I reembraced all that he had taught me. I had come full circle. And it was that summer that I decided I would live my life as a memorial to my grandparents' lives. That's why I was so upset during my confirmation hearings, because I saw what was being done to me as a desecration of that memorial. Ever since then, when people say that I'm a conservative or that I'm this or that, I say, "I'm my grandfather's son." If that means I am conservative, so be it.

Q: A lot of people tend to define you by your race and you don't seem to. Why do you think that is?

CT: We've become very comfortable with making judgments about people based on immutable characteristics. And look what we've degenerated to—look what happened to the Duke lacrosse team, where because there are rich white boys and a poor black girl, so many people assumed an automatic narrative. What happens to the truth, then? How is that different from the stereotypes of the days of Jim Crow? I often say, "I don't hire women law clerks." People are shocked. But I don't hire women law clerks—I hire the best law clerks. And it turns out that 30 percent of them happen to be women. If a woman graduates from law school and I say I'm going to hire her because I need a woman, that seems to me dehumanizing, and the job would be tainted. That's my attitude.

Q: Do you think we ever will see each other as individuals?

CT: We used to have that as a goal when I was a kid and when we lived under segregation. And by the way, something that we often forget is that even under segregation, we were really patriotic. When I came back home with all that anti-war talk in the ’60s, my grandfather’s response was: “Boy I didn’t raise you like this. You went up North and they put all that damned foolishness in your head.” But my point is, I was raised to treat people as individuals. My grandfather would say about whites, “There’s good’ns, there’s bad’ns.” And about blacks, “There’s good’ns, there’s bad’ns.” The difference was good and bad, not black and white. And treating others and being treated ourselves as individuals was our goal.

I went to a seminary reunion about four years ago, and a white seminarian who was a year ahead of me in high school came up to me and said—here he is, almost 60 years old, and he had tears in his eyes—and he said, “Clarence, you taught me something in high school. You taught me that someone who didn’t look like me could be a better seminarian, a better person, a better athlete than I could.” And he said, “From the time I left the seminary, I’ve always treated people as individuals.” That was our goal back then.

Q: If you were talking to a group of college students and you were to give them the most important lesson that you learned from your grandfather, what would it be?

CT: There may be a disconnect between my world and yours, because when my grandfather was raising me, people didn’t talk about their rights so much. They talked about civil rights, yes, but they didn’t simply talk about rights and freedom. They talked more about the responsibilities that came with freedom—about the fact that if you were to have freedom, you had to be responsible for it. What my grandfather believed was that people have their responsibilities, and that if they are left alone to fulfill their responsibilities, that is freedom. Honesty and responsibility, those are the things he taught.

It’s the same thing in civil society. We’re too focused on the benefits of a civil society and we think too little about the obligations we have—the obligations to be civil, to learn about our history and our government, to conduct ourselves in a disciplined way, to help others, to take care of our homes. Too many conversations today have to do with rights and wants. There is not enough talk about responsibilities and duties.

Q: How do you think people in today’s generation can learn that kind of philosophy with such different upbringings and such a different culture?

CT: We all make choices. My wife is my best friend in the whole world. And she had a totally different upbringing from mine, but we have the same beliefs. How? I don’t think it’s necessarily the same upbringing that makes the difference. We have free will. We always have a choice between just doing whatever we feel like doing and doing what we are obligated to do. I’ve got a strong libertarian streak, but a good lesson I’ve learned is this: You can’t choose right and wrong, you’ve got to choose between right and wrong. There’s a wonderful encyclical by Pope John Paul where he talks about the mistake that Adam and Eve made. They thought they could choose right and wrong as opposed to choosing between the two. Modern nihilists and relativists think that we can decide or make up right and wrong. People like my grandfather understood that there was right and wrong, as certain as that the sun rises in the east and sets in the west. And they made their choices between the two. I think anyone today can do the same thing.

Q: There seems to be a lot of negativity toward you in books and in the media. Is that lonely? And if so, how do you deal with it?

CT: When people used to criticize my grandfather, he'd say: "Well then, dammit, they've got a lifetime to get pleased." That was it. He never spent any more time on it. Have you ever read the Supreme Court case Plessy v. Ferguson from 1896? That's the case that upheld the idea of "separate but equal." There was one dissent in that case, the dissent by Justice Harlan, who argued that the Constitution is colorblind. How lonely do you think he was after he wrote that? Do you think he was popular? It doesn't mean he wasn't right. I never set out to be unpopular, but popularity isn't of high value to me. I set out to do my best to be right. I am who I am.

Q: What is your purpose in writing your opinions?

CT: What I try to do first in my opinions is to apply the Constitution. But also, I look on the Constitution as the people's Constitution. And so I try to make the Constitution accessible again to people who didn't go to Harvard Law School. Of course, some of it gets involved because you have to deal with a lot of case law. But I want people to understand what the cases are about.

As for how I think about my opinions, imagine a train with 100 cars. The cars are the previous cases dealing with some issue—the meaning of the Commerce Clause, for instance, or of the First Amendment. Often what our decisions do is just tack on a new caboose to the train, and that's it. But here's what I like to do: I like to walk through the 100 cars and see what's going on up front. I like to go back to the Constitution, looking at the history and tradition along the way. Because what if there's a flashing light on the dashboard up front that says "wrong direction"? What if we're headed the wrong way?

My job is to apply the Constitution. And here's a useful lesson: You hear people talk all the time about the Bill of Rights. But you should always keep in mind that the Bill of Rights was an afterthought. That's why it's made up of what are called amendments. It was not in the original Constitution. The rights in the Bill of Rights were originally assumed as natural rights, and some people at the time thought that writing them into the Constitution was redundant. Read the Declaration of Independence. We should always start, when we read the Constitution, by reading the Declaration, because it gives us the reasons why the structure of the Constitution was designed the way it was. And with the Constitution, it was the structure of the government that was supposed to protect our liberty. And what has happened through the years is that the protections afforded by that structure have been dissipated. So my opinions are often about the undermining of those structural protections.

People need to know about that. Many might say, "Well, they are writing about the Commerce Clause, and nobody cares about that." But they should care about it. The same is true of the doctrine of incorporation. The same is true of substantive due process. People should care about these things. And I try to explain why clearly in my opinions.

Q: In your opinion in Morse v. Frederick—which had to do with whether a student had a right to hold up a sign saying "Bong Hits for Jesus"—you talk about the history of education, and about instilling a core of common values and how that's a responsibility of schools. How do you respond to people who say that there isn't a common set of values that schools should instill—that morality is relative?

CT: I did look at history, and more people should. There was an article in the Washington Times just today on how poorly our kids today understand civics. The title of it is: "Colleges Flunking Basic Civics Tests, Average is F

in U.S. History.” There is our problem: We think we know a lot about our rights, but we know nothing about our country and about the principles that our liberty is based on and depends on.

Have you ever read *Modern Times*, by Paul Johnson? I read it back in the ’80s. It’s long, but it’s really worth the effort. One point it makes clearly is the connection between relativism, nihilism, and Naziism. The common idea that you can do whatever you want to do, because truth and morality are relative, leads to the idea that if you are powerful enough you can kill people because of their race or faith. So ask your relativist friends sometime: What is to keep me from getting a gang of people together and beating the hell out of you because I think you deserve to be beaten? Too many people think that life and liberty are about their frivolous pleasures. There is more to life. And again, largely what relativism reflects is simply a lack of learning.

Q: I read a quote where you said that you don’t argue ideas with brutes. Who were you referring to?

CT: Can a diehard Packers fan have a civil conversation with a diehard Bears fan right after a close game? That’s what I’m talking about. There are some people now who are so wrapped up in their interests that that’s all they care about. They don’t even read the opinions that I write. It is their interests that govern them, not the thought process or the Constitution. They’ve got to have their way or they’ll kill you—not physically, necessarily, but certainly with calumnies. There are people today who seem unable to transcend their interests to the point necessary to have a civil discourse.

CT: My grandfather was a man who understood implicitly, without education, what it meant to do right—as a citizen, as a father, as a person. This was a man who had every reason to be bitter—who wasn’t. A man who had every reason to give up—who didn’t. A man who had every reason to stop working—who wouldn’t. He was a man who had nothing but a desire to work by the sweat of his brow so that he could provide for those of us around him, and to pass on to us his idea of right. Another thing he said always stuck with me. When my brother and I went to live with him in 1955 as kids, he told us: “Boys, I’m never going to tell you to do as I say. I’m going to tell you to do as I do.” How many people can say that? And I asked my brother once, “Did he ever fail to live up to his promise?” No.

Q: Am I correct, based on what you’ve said about your book, that you think the solution to this problem of overweening interests is located somehow in the stories about your grandfather?

CT: My grandfather was a man who understood implicitly, without education, what it meant to do right—as a citizen, as a father, as a person. This was a man who had every reason to be bitter—who wasn’t. A man who had every reason to give up—who didn’t. A man who had every reason to stop working—who wouldn’t. He was a man who had nothing but a desire to work by the sweat of his brow so that he could provide for those of us around him, and to pass on to us his idea of right. Another thing he said always stuck with me. When my brother and I went to live with him in 1955 as kids, he told us: “Boys, I’m never going to tell you to do as I say. I’m going to tell you to do as I do.’ How many people can say that? And I asked my brother once, “Did he ever fail to live up to his promise?” No.

Q: Where do you think that you find the courage to make the unpopular stands that you do?

CT: I take my clerks to Gettysburg every year. They go over to stand where Lincoln delivered the Gettysburg Address. Do you know that speech? He left it for us, the living, to finish the business. I take that very seriously. And my clerks get the point. We are here to further the business that Lincoln was talking about. And then you think also about the people who lost their lives there. Was that in vain? Will we allow the people who have fought our wars for our liberty to have died in vain? In recent years I've had some wounded vets here in my office, young kids who have come back from Iraq missing limbs, blinded, in wheelchairs. And people say that I take hits? Do I look wounded to you? These kids have given a lot more. What a price people have paid for us to be right here. I think of them like I think of my grandparents. One of the things I'm always trying to do is to make sure that everything they did was worth it—that if they were to appear right now they would say, "You've made our sacrifices worth it." That's all I want.