And let's not forget Edolphus Towns, the Democratic Congressman from Brooklyn. Though Towns did not vote for a civil contempt citation against Attorney General Eric Holder

By GEORGE E. CURRY
NNPA Columnist

As the nation eagerly awaited the Supreme Court's decision on the constitutionality of the Affordable Care Act, all eyes were focused on Anthony M. Kennedy, a staunch conservative who occasionally supplies the lone swing vote that tilts the court's narrow 5-4 rulings in one direction or the other.

But this time, to the surprise of arch-conservatives who had championed his cause, Chief Justice John G. Roberts, Jr. sided with the liberal bloc on the Supreme Court, giving President Obama an unexpected clear victory in his signature legislative accomplishment.

What was not surprising was that Clarence Thomas would not step into the role filled by Roberts. He is widely regarded as the most conservative member of a conservative-dominated Supreme Court. Thomas is far more conservative than Hugo Black, a former member of the Ku Klux Klan who served on the court from 1937-1971.

Black, a former U.S. Senator from Alabama (he once filibustered an anti-lynching bill) joined the KKK in the early 1920s. In fact, during the 1926 election, he gave speeches at KKK meetings throughout the state. Black later acknowledged that joining the Klan was a mistake and became one of the most liberal members of the Supreme Court, strongly backing the principle of "one man, one vote" and using the equal protection clause of the 14th Amendment to forbid racial discrimination.

No such luck with Clarence Thomas.

In every major case involving affirmative action – including *Texas v. Hopwood*, *Adarand v. Pena* and *Grutter v. Bollinger* – Thomas voted against the interests of African Americans. What makes that so strange is that Thomas has benefited from affirmative action throughout his adult life.

In their excellent book, *Supreme Discomfort: The Divided Soul of Clarence Thomas*, Kevin Merida and Michael A. Fletcher, two colleagues at the *Washington Post*, write: "Every Thomas employer, from [Former Missouri Sen. John] Danforth, who gave him his first job, to President George H.W. Bush, who nominated him to the Supreme Court, chose Thomas at least partly because he is black. Race is a central fact of his meteoric rise, and Thomas has alternately denied it and resented it – all the way to the top."

To characterize Thomas' behavior as resentment is an understatement.

The late U.S. Appeals Court Judge Leon Higginbotham observed, "I have often pondered how is it that Justice Thomas, an African-American, could be so insensitive to the plight of the powerless. Why is he no different, or probably worse, than many of the most conservative Supreme Court justices of the century? I can only think of one Supreme Court justice during the century who was worse than Justice Clarence Thomas: James McReynolds, a white supremacist who referred to blacks as 'niggers.'"

Though arguably the worst, Thomas is by no means the only African American who votes against the interests of his community.

Alabama Congressman Artur Davis was soundly defeated for re-election two years ago because he betrayed his constituents. Under the delusion that he could become the first Black governor of Alabama, Davis fervently attacked local Black leaders and was the only member of the Congressional Black Caucus to vote against the Affordable Care Act.

Longtime Alabama State Senator Hank Sanders challenged Davis tactics.

“Some Whites use race to consolidate White voters during election and some Blacks use race to consolidate Black voters,” Sanders wrote in his newsletter, *Senate Sketches.* “But this time, there is a new context: a technically well qualified Black person is running for Governor of Alabama in the Democratic Primary against a technically well qualified White. There is also a new twist: a Black person is attempting to use the race of other Blacks to consolidate Whites behind him. It’s a new context with new twists in an age old saga.”

The saga did not end well for Davis, who has since joined the Republican Party. He lost 10 of the 12 counties that made up his congressional district, some by as much as 70 percent. He even lost his own polling place in Birmingham.

And let’s not forget Edolphus Towns, the Democratic Congressman from Brooklyn. Though Towns did not vote for a civil contempt citation against Attorney General Eric Holder, he took a more cowardly approach by voting present. We should not be surprised. This is the same person who supported Hillary Clinton over Barack Obama in 2008. Before that, he backed Republican Rudy Giuliani for mayor over Manhattan Borough President Ruth Messenger.

Fortunately, Towns is not seeking re-election.

When I look at Clarence Thomas, Artur Davis, Edolphus Towns and others we should hold in contempt, I think back to what Thurgood Marshall said about Clarence Thomas: “There’s no difference between a white snake and a black snake. They’ll both bite.”

George E. Curry, former editor-in-chief of Emerge magazine, is editor-in-chief of the National Newspaper Publishers Association News Service (NNPA) and editorial director of Heart & Soul magazine. He is a keynote speaker, moderator, and media coach. Curry can be reached through his website, www.georgecurry.com. You can also follow him at www.twitter.com/currygeorge.