

Justice Clarence Thomas' moment may finally have arrived

Still Often Vilified in Black Community As a 'Sellout'

By Jessica Gresko

WASHINGTON (AP) - Clarence Thomas has been a Supreme Court justice for nearly three decades. It may finally be his moment.

Many Americans know Thomas largely from his bruising 1991 confirmation hearing, when he was accused of sexual harassment charges by former employee Anita Hill - charges he denied. People may know he's a conservative and has gone years without speaking during arguments at the court. But scholars say it would be wise to pay closer attention to Thomas.

Thomas is now the longest-serving member of a court that has recently gotten more conservative, putting him in a unique and potentially powerful position, and he's said he doesn't plan on retiring anytime soon. With President Donald Trump's nominees Neil Gorsuch and Brett Kavanaugh now on the court, conservatives are firmly in control as the justices take on divisive issues such as abortion, gun control and LGBT rights.

Thomas, for the first time, is on a court where there are at least four votes for some "pretty radical" decisions, said political science professor Corey Robin, the author of a Thomas book due out in September. Robin says the question will be whether the court's more conservative justices - Thomas, Gorsuch, Kavanaugh and Samuel Alito - can get Chief Justice John Roberts, a more moderate conservative, to go along.

Thomas, 70, became the high court's longest-serving justice, the "senior associate justice," when Justice Anthony Kennedy retired last summer. But unlike Kennedy, who sat at the court's ideological center and was most

Mental Health Providers, Consumers, Advocates Urge Legislators to Close the Health Coverage Gap to Increase Access to Behavioral Treatment

"The cost of doing nothing is not nothing," John Owen, mental health consumer, told Department of Health and Human Services Secretary Mandy Cohen, M.D, at a roundtable to discuss the impact of untreated behavioral health on communities and the challenges of accessing care for those who need it. He called on legislators to follow the lead of 37 other states and expand Medicaid.

One in 20 people in North Carolina lives with a serious mental illness, and more than half the adults with mental illness do not receive needed treatment. In addition to impacting the quality of life of individuals and their families, untreated mental illness or substance use disorder imposes hidden costs on North Carolina's economy, justice system, healthcare providers and county divisions of social services.

"When participants don't have insurance, the safety net is the emergency room and often the jails. So much money is going to treat individuals at the moment of crisis," said Robin Huffman, Executive Director, North Carolina Psychiatric Association.

The group, which included mental health providers, consumers and advocacy leaders from across the state, called on legislators to close the health insurance coverage gap. Expanding Medicaid would provide an estimated 500,000 North Carolinians with access to affordable health care, including 144,000 North Carolinians with behavioral health needs, including substance use disorder. States that have expanded Medicaid have seen substantial improvements in mental health and access to care among low-income adults with chronic conditions.

"When we focus on keeping those with mental illness healthy and prevent them from going into crisis, it is better for people and reduces costs," said Secretary Cohen. "Legislation has been introduced by Democrats and Republicans alike to close the coverage gap and help North Carolinians access affordable, quality health insurance to keep them well. What are we waiting for?"

"We spend a lot of resources on moments of crisis and not nearly enough on prevention or supporting people in living full and productive lives," said Kody H. Kinsley, DHHS Deputy Secretary for Behavioral Health & Intellectual and Developmental Disabilities. "Medicaid expansion would go a long way toward our goal of providing the right care, at the right time, in the right setting."

Under Secretary Cohen's leadership, DHHS has prioritized integrating behavioral health and physical health and ensuring timely access to high quality services. In October 2018, NCDHHS received federal approval to implement the transition to Medicaid managed care and integrate physical health, behavioral health and pharmacy benefits.

often the deciding vote when the court split 5-4, Thomas is consistently on the court's far right.

That's won him praise from Trump. As a presidential candidate, he called Thomas "highly underrated." Trump said Thomas has "been so consistent for so long, and we should give him credit."

More than 20 of the men and women Thomas mentored as law clerks have gone on to hold political appointments in the Trump administration or been nominated to judgeships by Trump. Thomas and his wife, Virginia, herself a well-known conservative activist, have dined with the president and first lady.

Elizabeth Wydra, president of the liberal Constitutional Accountability Center, acknowledged that Thomas' views may now have more sway, something she described as "terrifying to many progressives."

Still, Thomas' views can be so far from his fellow justices that neither Roberts nor Chief Justice William Rehnquist before him have assigned Thomas big, landmark opinions on the belief that he won't be able to keep together the votes of his colleagues, said Ralph Rossum, the author of a book on Thomas. Instead, Thomas often writes separately, speaking only for himself. Some critics dismiss those solo opinions as unimportant, but Rossum disagrees.

"He stakes out a position more forthrightly or vigorously than other justices are willing to go, but they're kind of sucked along in his wake," Rossum said, adding that, like a magnet, "Thomas drags the court in his direction. They may not go as far as he goes, but they go further than they would have otherwise."

Some of the areas of law where, over time, Thomas has pulled the court closer to his positions include voting rights, campaign finance, and the Second Amendment, Robin and Rossum said.

If it were up to Thomas alone, the high court would be willing to make sweeping moves. While the court is typically cautious about overturning its past decisions, Thomas, who as an originalist believes in reading the Constitution as those who wrote it meant, feels less bound by precedent than other justices.

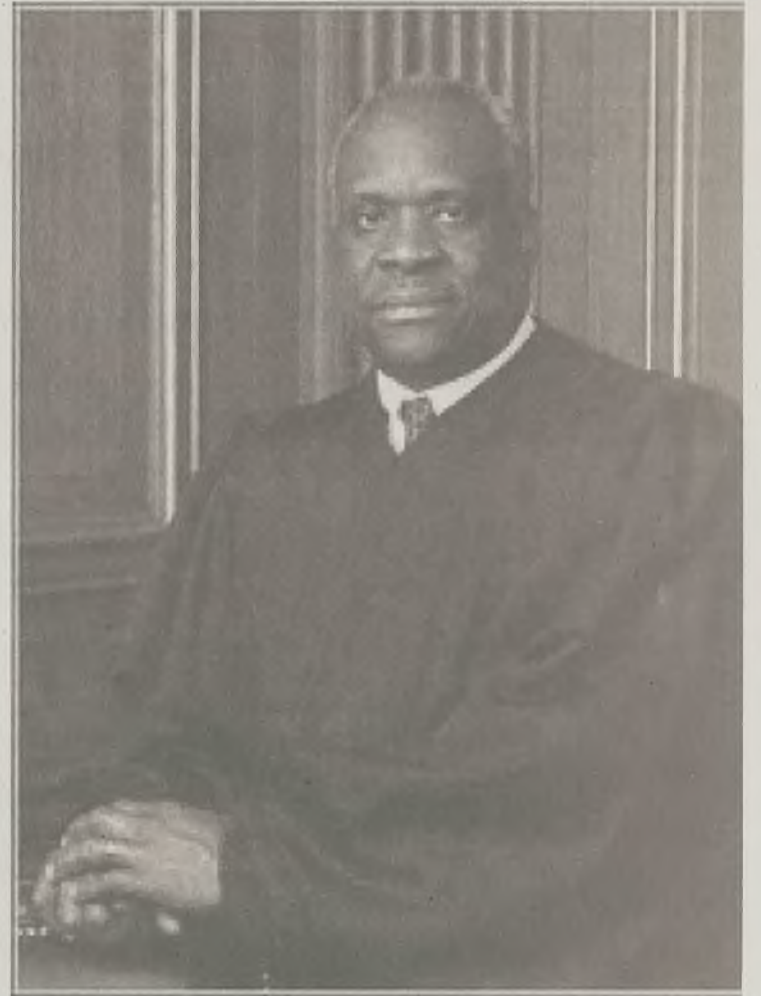
Just this term, Thomas called on the court to reconsider a landmark 1964 First Amendment case, describing it and later decisions extending it as "policy-driven decisions masquerading as constitutional law." He also criticized a 1963 Supreme Court decision that guarantees a lawyer for anyone too poor to hire one. And he equated the court's Roe v. Wade abortion decision with its Dred Scott decision, which said African Americans weren't citizens, labeling both "notoriously incorrect."

He also wrote an opinion rebuking his colleagues for declining to hear cases involving states' efforts to strip Medicaid money from Planned Parenthood, a decision Thomas described as "abdication of our judicial duty." Alito and Gorsuch agreed.

If Thomas' writing can be attention-getting, he personally keeps a low profile. Thomas shies away from public speaking, describing himself as an introvert. He once explained: "My personality is not such that I enjoy public appearances."

Discussion focused on the impact of untreated behavioral health on communities and the challenges of accessing care for those who need it, the state's transition to Medicaid managed care, and the value that Medicaid expansion could bring to the state in its efforts to improve access to care.

Attendees included Cherene Allen-Caraco, Promise Resource Network (Charlotte); Valerie Arendt, National Association of Social Workers North Carolina Chapter (Raleigh); Tim Brooks, Carolina Outreach (offices across North Carolina); Natasha Holley, Family Integrated Services (Ahoskie); Robin Huffman, North Carolina Psychiatric Association (Raleigh); John Owen, past member of the Mental Health Commission (Carrboro); I. Azell Reeves, member of the Mental Health Commission (Greensboro); Luke Smith, El Futuro (Durham); and Martha Turner-Quest, North Carolina Psychological Association (Raleigh).



JUSTICE CLARENCE THOMAS

At the high court, Thomas rarely asks questions during arguments, a contrast with his vocal colleagues. When in March he asked a question during arguments for the first time in three years, it was headline news.

But colleagues and court staff know Thomas as gregarious.

"Clarence knows the name of every employee in the courthouse, from the lowest position to the highest ... with virtually all of them he knows their families, their happinesses and their tragedies," Justice Sonia Sotomayor told an audience in 2014 at Yale, where both she and Thomas attended law school.

Over the past year, speculation has intensified about whether Thomas might retire, letting Trump nominate a like-minded, conservative justice. But Thomas, who declined an Associated Press interview request, said in public comments recently that he's not retiring, not even in 20 or 30 years.

If so, Thomas is on track to be the longest-serving justice in history in 2028, when he'll celebrate his 80th birthday. He is currently the court's third-oldest member, behind Justice Ruth Bader Ginsburg, 86, and Justice Stephen Breyer, 80.

Yale law professor Akhil Amar said part of the appeal of staying on the court for Thomas has to include his increasing influence. Amar said he could see Thomas justify staying this way: "It's a pretty good job. I'm having fun, and I'm winning."

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