

US Supreme Court justice's wife has leading role in ultra-right group

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A bizarre incident involving Virginia “Ginni” Thomas, wife of US Supreme Court Justice Clarence Thomas, has put a spotlight on her activities on behalf of extreme right-wing forces within the political establishment.

Earlier this month, Virginia Thomas placed an ill-advised phone call to Anita Hill, who had testified before the US Senate in 1991 that Clarence Thomas sexually harassed her while he was chairman of the US Equal Employment Opportunity Commission under President Ronald Reagan. In a bizarre voice mail message to Hill’s office left after business hours, Virginia Thomas demanded that Hill “pray about this” and apologize for her 19-year-old testimony.

The imprudent phone call, as well as the lurid details of the 1991 sexual harassment allegations, have been exhaustively covered in the media. But very little has been said about the far more important issue: the political activities of Virginia Thomas. While the wife of a US Supreme Court Justice, she has raised hundreds of thousands of dollars in political donations and has, in turn, promoted numerous right-wing election campaigns at the local and national level.

Since his confirmation by a narrow margin in the US Senate, Clarence Thomas, an ultra-conservative who is the only black member of the Supreme Court, has distinguished himself by his reactionary opinions and hostility to fundamental democratic legal principles.

In one of his more infamous and blood-curdling opinions, Thomas justified voting in favor of the legality of military tribunals in the 2006 *Hamdan* case on the grounds that those whom the president designates as “guilty of illegitimate warfare” are “liable to be shot, imprisoned, or banished, either summarily where their guilt was clear or upon trial and conviction by military commission” and that there are no legal limits on the president’s power to act accordingly.

Virginia Thomas is a well-connected Washington lobbyist, a consultant to the conservative Heritage Foundation, and the founder and president of Liberty Central, a newly formed and richly endowed lobbying group affiliated with the Tea Party movement, which backs extreme right-wing candidates in US elections. She has appeared on numerous right-wing

talk shows and maintains a public presence on her web site.

There have been no calls by the Democrats or the liberal media for Clarence Thomas to provide an explanation for his wife’s activities, let alone to resign from the court. This fact underscores the deepening erosion of democratic principles and democratic consciousness in the ruling class and in the media. The political activities of Virginia Thomas are without precedent in modern US history, and exhibit contempt for the traditional concept of the independence of the judiciary.

After decades of Washington political lobbying, Virginia Thomas started Liberty Central in 2009 on the basis of two donations—one for \$50,000 and one for \$500,000—from undisclosed donors. Since that time, the lobbying group has been transformed into an influential right-wing institution, issuing candidate “scorecards” reflecting how closely each candidate follows the organization’s line.

The “Liberty Central” web site advertises a mish-mash of nostrums combining Christian fundamentalism, nationalism, militarism and “free enterprise.” It features articles purporting to demonstrate that President Barack Obama is a “socialist” by documenting his support from various middle-class and ex-left groups such as Communist Party USA. The Liberty Central online forums have attracted the filthiest layers of the American ultra-right. Conversations on the forums revolve around topics such as “America must ban Islam,” “Mexican pirates,” “Marxist Obama,” and worse.

In January of this year, the Supreme Court issued a ruling in the *Citizens United* case removing restrictions on corporate political donations. (See US Supreme Court abolishes restrictions on big business political spending.) The ruling was by five votes to four, with Justice Thomas voting in the majority and thereby casting a deciding vote.

It goes without saying that Virginia Thomas benefited directly from her husband’s ruling in *Citizens United*. The decision unleashed a flood of corporate money into a political system already dominated by powerful financial interests.

It is worth recalling that Justice Thomas would have gone

further than any of the other justices in *Citizens United*. In a separate 8-to-1 decision, he alone voted to abolish a disclosure requirement preventing certain corporate donations from being made anonymously.

At the time, regarding Thomas's dissent on that issue, the *World Socialist Web Site* wrote: "Thomas justified his dissent on this issue on the basis of reported instances where 'donors to certain causes were blacklisted, threatened, or otherwise targeted for retaliation.' In other words, a corporation must not only be allowed to spend unlimited money on candidates, but must also be allowed to remain anonymous while doing so. That way, the corporation is insulated from the popular resentment that results from the policies it has secretly purchased."

During the present Supreme Court term, the constitutionality of Obama's health care "reform" legislation will likely come before the Supreme Court. Meanwhile, Virginia Thomas and her lobbying group have been vigorously denouncing the legislation. On October 21, a memo signed by Virginia Thomas was posted on the Liberty Central web site containing legal arguments that the legislation is unconstitutional. The memo was later withdrawn.

Longstanding legal traditions as well as current laws require judges to avoid conflicts of interest. For example, where a judge has a personal financial interest in a case, or where a judge's relative or friend is a party to a case, the judge is expected to disqualify himself (called "recusal").

Canon 2 of the American Bar Association's Model Code of Judicial Conduct requires each judge to "avoid impropriety and the appearance of impropriety in all of the judge's activities."

The Supreme Court has always operated as a political tool of the ruling class. Meanwhile, measures like the avoidance of direct conflicts of interest have been regarded as essential to maintaining public confidence in the fairness and impartiality of the judiciary. Judges in the US—as well as their immediate families—have traditionally avoided political activities of any kind.

Because there is no higher court in the US than the Supreme Court, there is nowhere to appeal if a Supreme Court Justice refuses to recuse himself. The Supreme Court has previously relied on "historic practice" and the discretion of its individual members to prevent the "appearance of impropriety."

The recent revelations reflect only the latest events in the protracted breakdown of democratic traditions within the political establishment, facilitated by both parties of big business—the Democrats and Republicans. The powers of the government to torture and assassinate, conduct domestic spying, restrict freedom of speech and association, and

conduct itself in secret are being expanded. At the same time, the right to free speech, the right to vote, the right to privacy, and the right to be free from illegal searches and seizures are under relentless attack.

Neither the media nor the Democratic Party will conduct a serious fight in defense of the democratic principles flouted by the conduct of Clarence Thomas and his wife.

If the shoe were on the other foot, and it had been revealed that, say, the spouse of Ruth Bader Ginsburg, one of the liberal justices, was engaged in political lobbying, there would have been a deafening media outcry for her resignation. The fact that the Democrats will not lift a finger against Thomas underscores the total prostration and indifference of liberalism to the steady march to the right by the political establishment and its abandonment of democratic principles.

The "Ginni" Thomas revelations call into question a host of decisions since his appointment in 1991 in which Justice Thomas had a clear conflict of interest and in which he cast a deciding vote in a 5-4 decision.

Most importantly, the revelations call into question the 2000 *Bush v. Gore* decision, in which a right-wing majority of judges on the Supreme Court, including Clarence Thomas, called a halt to the counting of election ballots and installed George W. Bush as president. Even at that time, Virginia Thomas was an influential lobbyist and directly benefited from the theft of the election by her husband.

While Clarence Thomas is perhaps the most shameless exemplar of the breakdown of judicial ethics, he is by no means alone. In 2004, Justice Antonin Scalia went on a private duck-hunting outing with Vice President Dick Cheney while Cheney was a named party in a case before the Supreme Court. (See Supreme Court Justice Scalia's hunting trip with Cheney: the political and constitutional issues.) Scalia refused to recuse himself. It is worth recalling that Scalia received unanimous support from the Senate—including 47 Democrats—in 1986.

The "Ginni" Thomas affair exposes the extent to which once-venerated democratic legal traditions are presently being thrown overboard like so much dead weight.



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