

Democrats reject calls to impeach far-right Supreme Court Justice Clarence Thomas

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Text messages implicating Virginia “Ginni” Thomas, wife of Supreme Court Justice Clarence Thomas, in Trump’s January 6 conspiracy have exposed flagrant judicial misconduct by her husband, who voted on the Supreme Court to block access to documents by the congressional committee investigating the coup plot in which his own wife participated.

The exposure of egregious judicial misconduct by the reactionary Supreme Court justice has been met with conspicuous silence from the Biden White House, which is focused on achieving “national unity” with the Republicans in the context of the US-NATO war against Russia. Pressed on the issue over the past week, leading Democrats likewise declined to state that they would take any significant action against Clarence Thomas in response to the revelations.

On March 23, the *Washington Post* and CBS News reported the existence of at least 29 text messages between Ginni Thomas and Mark Meadows, then-President Donald Trump’s chief of staff, following the November 2020 election. The text messages directly implicate both Ginni Thomas and Meadows in the plot to overthrow the government.

The messages are remarkable for the extent to which they establish the intimate involvement of Ginni Thomas in the highest levels of the coup plot, as well as for their semi-literate incoherence and embrace of fascistic QAnon tropes.

In one rambling text message, Ginni Thomas wrote: “Biden crime family & ballot fraud co-conspirators ... are being arrested & detained for ballot fraud right now & over coming days, & will be living in barges off GITMO to face military tribunals for sedition.”

This message references and celebrates the QAnon narrative of the supposed “storm,” during which Trump will have abducted all of his left-wing opponents and transported them to overseas concentration camps, such as the infamous torture center in Guantanamo Bay, Cuba (“GITMO”).

It bears repeating that this embrace of mass fascist repression was sent by the wife of a US Supreme Court justice to the chief of staff of the then-US president.

The Ginni Thomas text messages reference other extreme-right tropes, including an imaginary financial system (the “Quantum Financial System”), together with material published by far-right figure Steve Pieczenik, who previously claimed that the Sandy Hook school shooting was a “false flag” operation, and who also claimed that 2020 ballots had been “secretly watermarked” with a special encryption code.

Meadows did nothing to distance himself from this deranged filth. Instead, at one point he replied: “I will stand firm. We will fight until there is no fight left. Our country is too precious to give up on. Thanks for all you do.”

One message encourages Meadows to throw the Trump administration’s weight behind lawyer Sidney Powell, who briefly led Trump’s pseudo-legal efforts to invalidate the election results. This is significant because Ginni Thomas’s husband Clarence Thomas would be among those ultimately responsible for deciding any legal challenge to the election

results in his capacity as a Supreme Court justice. Ginni Thomas wrote: “Sidney Powell & improved coordination now will help the cavalry come and Fraud exposed and America saved [sic].”

Another message urges Meadows to read an email she sent to Trump’s son-in-law, Jared Kushner, whom she references on a first-name basis as “Jared.”

The text messages suggest that many more emails, text messages and other communications regarding the conspiracy exist that have not yet come to light. In one ongoing case, attorney John Eastman, a key figure in the development of Trump’s legal strategy for the coup, who was also a former clerk for Clarence Thomas, is fighting to shield his communications from discovery.

Even prior to the conspiracy that culminated in the January 6 coup attempt, according to recent reports, Ginni Thomas effectively functioned as a personal adviser to Trump. She would make personal trips to the White House armed with lists of allegedly disloyal staff members for Trump to purge, as well as lists of proposed replacements. Trump would reportedly exit these meetings with Ginni Thomas in a rage, shouting at his subordinates for their alleged “disloyalty.”

“We all knew that within minutes after Ginni left her meeting with the president, he would start yelling about firing people for being disloyal,” a former senior Trump administration official told the *Daily Beast*. “When Ginni Thomas showed up, you knew your day was wrecked.”

The lists of individuals to be purged were reportedly based on “pure conjecture, rumor, or score-settling,” while the hire lists were “often filled with infamous bigots and conspiracy theorists, woefully under-qualified names, and obvious close friends of Thomas,” according to the unnamed official.

Even prior to the January 6 coup plot, the role of Ginni Thomas in the Trump administration raised countless conflicts of interest. Under the American constitutional structure, Trump was the “commander-in-chief” and head of the executive branch, while Ginni Thomas’s husband sat on the Supreme Court, which is at the head of the judicial branch. Under the “checks and balances” system, the Supreme Court is tasked with ruling on the legality of the conduct of the Trump-led executive branch. Each and every one of the Supreme Court decisions regarding the legality of positions taken by the Trump administration from 2017 to 2020 are therefore tainted by the meetings between Ginni Thomas and Trump.

The case of Trump’s 2017 “Muslim ban” is a particularly egregious example of Clarence Thomas’s history of judicial misconduct. When Trump’s racist immigration policy reached the Supreme Court, an amicus brief was filed in favor of the Trump administration’s position by a reactionary lobbying group called the Center for Security Policy, which was founded by Frank Gaffney. Gaffney is a far-right bigot who once claimed that President Obama was Muslim and that Saddam Hussein was responsible for the 1995 Oklahoma City bombings. The Center for Security Policy brief supported Trump’s policy on the grounds of open prejudice, claiming that “the challenge of Islam must be confronted.”

It subsequently came to light that Gaffney's group had paid \$200,000 to Ginni Thomas's lobbying firm Liberty Consulting, which advertises that it can "give access to any door in Washington." Not only did Clarence Thomas refuse to recuse himself from the case, he also failed to disclose the existence of the \$200,000 in payments to his wife's consulting company. He went on to vote in support of Trump's Muslim ban.

As part of her role at her Liberty Consulting firm, for four years Ginni Thomas has been giving out "Impact Awards," a right-wing political award for "courageous cultural warriors" who are successfully fighting "radical ideologues on the left." As a January article in the *New Yorker* observed, "Many of the recipients have served on boards or committees with Ginni Thomas, and quite a few have had business in front of the Supreme Court, either filing amicus briefs or submitting petitions asking that the Justices hear cases." In some cases, these awards were presented with Clarence Thomas present in the room.

The Trump-Ginni Thomas meetings also raise additional questions about the conduct of the Trump administration and Trump himself, who declared on November 4, 2020 that he would demand that the Supreme Court halt the counting of votes: "We'll be going to the US Supreme Court—we want all voting to stop."

Trump went on to state in December 2020, "Whether it's a justice of the Supreme Court, or a number of justices of the Supreme Court—let's see if they have the courage to do what everybody in this country knows is right."

Trump's statements raise the question of whether he, or any of his agents or accomplices, directly discussed his legal strategy for his case in the Supreme Court with his close adviser Ginni Thomas. If the legal strategy was discussed with Ginni Thomas, it strains credulity to imagine that she did not discuss it with her husband. If it was discussed with Clarence Thomas, did he discuss it with other members of his far-right bloc on the Supreme Court?

It is significant that the Ginni Thomas text messages with Meadows appear to reference at one point information she received from Supreme Court Justice Amy Coney Barrett, identified as "ACB." The subject matter of the reference is alleged "threats" that "ACB and others" had been receiving. But if Ginni Thomas had access to "ACB," a Trump nominee appointed to the Supreme Court only weeks prior to the election, then that raises the question—what else did they talk about? Was Ginni Thomas the conduit for conspiratorial messages between the Supreme Court and the White House?

Clarence Thomas was appointed to the Supreme Court in 1991 with the direct assistance of none other than then-Senator Joe Biden, who helped ram through his confirmation over objections that he had sexually harassed his subordinate Anita Hill while he was, ironically, the assistant secretary of education for the Office for Civil Rights. Biden presided over the infamous Senate Judiciary Committee hearings during which Hill was abusively interrogated and humiliated.

On the Supreme Court, Clarence Thomas aligned himself with arch-reactionary Supreme Court Justice Antonin Scalia, with whom he frequently voted in a bloc. Scalia, like Clarence Thomas, displayed a blithe contempt for traditional norms of judicial ethics, once going on a private duck-hunting trip with President George W. Bush's vice president, Dick Cheney, while a case was pending against Cheney in the Supreme Court.

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Thomas, together with Scalia, was part of the Supreme Court majority that facilitated the theft of the 2000 presidential election, halting the counting of votes and installing George W. Bush as president in the notorious decision in *Bush v. Gore*. During the proceedings, Scalia argued that the US Constitution did not give citizens the right to vote for the US president. It is clear that Trump and his accomplices hoped that Clarence

Thomas and the rest of the far-right bloc on the court in 2020 would reprise the role of their predecessors 20 years earlier.

After Trump refused to acknowledge his defeat at the polls in November 2020, Clarence Thomas voted on the Supreme Court in favor of permitting a Trump-aligned lawsuit by the state of Texas, which was aimed at overturning the election results in four "battleground" states.

Next, when Pennsylvania Republicans filed a challenge to mail-in ballots properly received in their state after the date for in-person voting, Thomas dissented from the Supreme Court decision refusing to hear the case before the election results were determined, calling the majority decision "inexplicable." He would go on to dissent from the ultimate decision on the case in February 2021, repeating Trump's claim that "fraud is more prevalent with mail-in ballots."

Perhaps most significantly of all, Clarence Thomas subsequently voted to block the National Archives from turning over Trump administration documents to the House January 6 Committee, aligning himself with the positions taken by Trump's lawyers. This vote, above all the others, involved a direct and illegal conflict of interest because it effectively shielded his wife, who was herself involved in the conspiracy that the committee is investigating. Federal law prohibits judges from hearing cases in which their spouses have "an interest that could be substantially affected by the outcome of the proceeding."

The Supreme Court is the highest body in the judicial branch, and there is no judicial procedure for disciplining or removing Supreme Court justices. Accordingly, the only procedure for disciplining or removing a corrupt justice is impeachment by the legislature. The last and only Supreme Court justice to have been subjected to this procedure was Samuel Chase, impeached in 1804 during the presidency of Thomas Jefferson for the far lesser offense of allegedly letting his partisan leanings affect his court decisions. Chase was acquitted by the Senate and remained in office.

The Ginni Thomas text messages further underscore the breadth and depth of the conspiracy to overthrow the government on January 6. Ginni Thomas herself attended Trump's fateful "Stop the Steal" rally in person, although she did not participate in the storming of the Capitol itself. It is now clear that the January 6 conspiracy embraced not only Trump and Republicans in the legislature, but sections of the army and police, lawyers, well-financed circles of Washington operatives, the leaders of violent fascistic street gangs, and reached its tendrils towards the Supreme Court itself.

Each additional exposure related to this conspiracy highlights the contrast between the scale of the conspiracy on the one hand, and the abject failure of the Democrats to arrest and prosecute the conspirators on the other, a pattern that is reflected in the response of leading Democrats to calls to impeach Thomas.

Directly asked on March 28 about the prospect of impeaching Thomas, Biden responded: "I leave that to two entities: one, the January 6 Committee, and two, the Justice Department. That's their judgment, not mine, to make."

House Speaker Nancy Pelosi likewise evaded a question on whether Clarence Thomas should resign. Responding to a reporter's question last Thursday, Pelosi stated, "I don't think he should have ever been appointed," but as to his resignation, she said, "I'm not going to go to that."

Statements by other leading Democrats have been similarly evasive, tepid and toothless. Democratic Senator Ron Wyden issued a statement demanding that "at the bare minimum," Clarence Thomas "recuse himself from any case related to the January 6th investigation, and should Donald Trump run again, any case related to the 2024 election." This statement is remarkable both for its timid appeal to Clarence Thomas not to be corrupt in the future and also for its acceptance of a scenario in which Trump may "run again" in 2024.

Democratic representatives Ilhan Omar and Alexandria Ocasio-Cortez have called for Clarence Thomas to resign or be impeached in the wake of the publication of Ginni Thomas's text messages. "Clarence Thomas should resign," Ocasio-Cortez wrote on Twitter on March 29. "If not, his failure to disclose income from right-wing organizations, recuse himself from matters involving his wife, and his vote to block the Jan 6th commission from key information must be investigated and could serve as grounds for impeachment."

But these calls only serve as an effort to cover up the fact that the Democratic Party does not intend to do any such thing. Nearly 15 months after the January 6 coup attempt, the chief conspirators remain at large, including Trump himself.

The January 6 commission has secured the indictment of only one Trump operative: Steve Bannon, who openly disobeyed a congressional subpoena. Ginni Thomas, instead of being handcuffed and arrested, has merely been "invited" to voluntarily testify before the commission at some future date. If anything, the far-right forces behind the coup plot have been emboldened by the failure of the Democrats to take any serious measures to hold them accountable.



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