

Democrats rush to prop up Supreme Court amidst new revelations of rampant corruption

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On April 6, ProPublica published a damning exposé of Supreme Court Justice Clarence Thomas' corrupt relations with billionaire Republican donor and Hitler-lover Harlan Crow. Since then, ProPublica and other news outlets have published further revelations of financial dealings with Crow and other sources of income either omitted or falsified on Thomas' disclosure filings.

The Democrats have responded to the exposure of boundless personal corruption and political reaction on the high court with an effort to effect a cosmetic tightening of ethics rules, so as to shore up collapsing public confidence in the court and every other institution of the state. But the entire senior leadership in both the Biden White House and Congress has steered clear of demanding either the resignation of Thomas or his impeachment. It is well known that Thomas is by no means alone in accepting "gifts" from the ultimate paymasters of the robed defenders of capitalism on the high court.

ProPublica's initial article documented the fact that for more than two decades, Thomas and his wife, Ginni, have been taking luxurious vacations on Crow's super yacht and private jet to far-flung destinations, as well as Crow's private resorts in the Adirondack Mountains in upstate New York and in East Texas, often mingling with corporate oligarchs, the heads of right-wing think tanks and anti-democratic judicial groups. The total cost of these annual junkets, absorbed entirely by Thomas' benefactor, adds up to the millions.

Since his elevation to the Supreme Court in 1991, Thomas has been on the extreme right wing of the court. He was among the five Republican justices who voted in 2000 to halt vote-counting in Florida and steal the election for George W. Bush, the loser of the popular vote. He signed onto a concurrent decision authored by Antonin Scalia asserting that the American people did not have a constitutional right to vote for the president. (Scalia died in 2016 at a luxury compound in Texas owned by John Poindexter, a wealthy businessman and national security adviser under Ronald Reagan. Poindexter was convicted in 1990 in connection with his role in the Iran-Contra scandal, but the conviction was overturned on appeal the following year.)

An arch-reactionary, Thomas was part of the Republican majority that overturned *Roe v. Wade* last year. In his opinion he argued for extending the overturn of the constitutional right to abortion to attack birth control and same-sex marriage. He is presently conspiring with his fellow Republicans on the court to restrict or eliminate access to the most widely used abortion pill, a major step toward criminalizing abortion nationwide.

A sadist, he has joined in rulings rejecting appeals by prisoners, including death row inmates, who were deprived of basic due process rights, leading to hundreds of state murders. He routinely votes against all restrictions on corporate exploitation of workers and limitations on

corporate money to buy elections and politicians of both parties.

Thomas has refused to recuse himself from cases related to Donald Trump's attempted overturn of the 2020 election, despite the prominent role of Ginni Thomas in the conspiracy that culminated in the fascist storming of the Capitol on January 6, 2021.

Crow, a Texas real estate billionaire, has given millions to the Republican Party and supports far-right think tanks and organizations, such as the Federalist Society, that work to push the courts ever further to the right. In his mansion, he boasts a copy of *Mein Kampf* signed by Hitler, paintings by the author of the Holocaust and linens that carry the Swastika. He has said that his greatest fear is Marxism.

Following the April 6 ProPublica article, Thomas dismissed the allegations of corruption and violation of ethics laws, saying his forays with Crow were entirely innocent personal gatherings with a "dear friend," adding that he had been advised by someone on the court that he was not obliged to disclose such activities.

For his part, Crow told the *Dallas Morning News* that the ProPublica articles were a "political hit job." He denounced ProPublica as an organization "funded by leftists" and aiming to "destabilize the court."

On April 14, ProPublica published a further article revealing that in 2014, Thomas sold a house and two vacant lots in Savannah, Georgia to Crow for a total of more than \$130,000. After purchasing the house, where Thomas' mother lived and apparently still lives, Crow plowed tens of thousands of dollars into the renovation and refurbishing of the property.

Thomas failed to disclose the transaction. As ProPublica reported:

The disclosure form Thomas filed for that year also had a space to report the identity of the buyer in any private transaction, such as a real estate deal. That space is blank.

This is an open-and-shut violation of an ethics law for federal officials enacted in 1978 in the aftermath of the Watergate scandal. It requires all federal officials to disclose any real estate transaction worth more than \$1,000.

In recent days, other revelations of criminal concealment and false reporting by Thomas have emerged, including:

- Thomas failed to report \$686,589 in income that his wife earned over five years from the Heritage Foundation, as well as two years of her income from Hillsdale College, a private Christian school in Michigan which has emerged as a think tank for the far right.

- He has reported between \$50,000 and \$100,000 in annual income from a real estate company and for years referred to it by an outdated name on disclosure forms.

- Thomas did not report reimbursement for teaching at the University of Kansas and the University of Georgia several years ago.

- From 1998 through 2003, Thomas accepted \$42,200 in gifts, making him the top gift recipient on the court at the time. The justice who accepted the next-highest amount was Sandra Day O'Connor, who received \$5,825 in gifts.

Much of this information is not new. Thomas' sleazy relationship with Crow has been well known in Washington since the early 2000s. His lying on disclosure forms about his wife's income was exposed in 2011 by the liberal advocacy group Common Cause, and his concealment of reimbursements from universities was tagged by the Fix the Court group in 2018. After each exposure, Thomas simply amended his disclosure forms ex-post-facto. He has let it be known that he intends to do the same in relation to his real estate deal with Crow.

If little has been made of these scandals, it is because the ruling class, and particularly the Democratic Party, care infinitely more about the stability of the state and its institutions than the democratic rights of the American people.

This has become transparently clear in the wake of the truly staggering levels of corruption exposed in the recent articles on Thomas. Not a single senior Democratic official has called for Thomas' impeachment.

Senate Majority Whip Dick Durbin, who chairs the Senate Judiciary Committee, has limited himself to calls for Chief Justice John Roberts to investigate Thomas and impose a new code of ethics on itself. On Friday, he and other Democrats on the Judiciary Committee called on the Judicial Conference, the policy making body for the federal courts, to refer Thomas to the attorney general for an investigation into "whether he violated federal ethics laws"—as if there was any doubt!

Beyond that, Durbin has promised to hold a hearing "regarding the need to restore confidence in the Supreme Court's ethical standards."

Senator Bernie Sanders, who once cynically proclaimed himself the leader of a "political revolution," rejected point blank a call for Thomas' impeachment in an interview Sunday on MSNBC's "Inside with Jen Psaki" program. Asked if he supported calls by a handful of Democrats to initiate impeachment proceedings, Sanders said: "The first thing you want to do before you impeach somebody is to investigate the situation, and I think that is what the Department of Justice should be doing."

In an editorial published last Sunday, the *New York Times* bemoaned the corruption that surrounds the entire Supreme Court. It wrote:

But Justice Thomas's indulgence is just the latest and most egregious example of a weakness demonstrated by virtually every member of the court for decades, those nominated by Republican and Democratic presidents alike: a willingness to accept freebies, gifts and junkets—both costly and modest—from people and groups who find it useful to be close to nine of the most powerful people in the United States.

Justice Stephen Breyer took at least 225 subsidized trips from 2004 to 2018, according to data compiled by the Center for Responsive Politics, including trips to Europe, Japan, India and Hawaii. One was a trip to Nantucket paid for by David Rubenstein, a private equity mogul.

Justice Ruth Bader Ginsburg got a private tour of Israel in 2018 that was paid for by an Israeli billionaire, Morris Kahn, who has had business before the court. Many other justices have taken questionable trips over the years, including weeklong trips paid for by big universities and law schools, some of which were not fully disclosed on their annual reports.

Does the *Times* demand that the bribe-takers be removed and held to account, and the haven for unelected life-time appointees be fundamentally reformed or closed down? Of course not. It merely pleads for an "ethics office at the Supreme Court, similar to ethics committees in the House and the Senate"—those paragons of democracy and "clean government!"

Indeed, in a *New York Times* newsletter published Tuesday, senior writer David Leonhardt warns that the Thomas fiasco, while having no repercussions for the culprit himself, threatens to further undermine the legitimacy of the entire state apparatus in the eyes of the public.

"In 2002," Leonhardt writes, "50 percent of adults said that they had a lot of confidence in the court, according to Gallup's annual polls on major institutions. Last year, in the most recent version of the poll, only 25 percent gave that answer. Other institutions have also become less trusted over the past two decades, but the court's decline has been especially acute."

Among the institutions whose standing with the public has collapsed in recent years, according to Gallup, are organized labor (reduced to 28 percent), the Supreme Court (25 percent) and the presidency (23 percent). Congress, whose ethical standards the *Times* wants the high court to adopt, polls the lowest of all—at 7 percent.

The Democrats' response to the Thomas scandal expresses not just their organic political cowardice, but critical concerns of the entire ruling class. First, maintaining bipartisan support for the war against Russia in Ukraine and the escalating conflict with China; and second, reversing the collapse of public confidence in the institutions of capitalist rule so as to take on the growing and explosive movement of the working class against war, inequality, austerity and attacks on democratic rights.

In reality, the only progressive answer to the internal rot of all of the institutions of the capitalist system is the mass independent political movement of the working class to dismantle the instruments of corporate rule and establish workers' democracy and socialism.



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The *Times* noted the notorious gift-taking of Scalia, then added: