

Far-right billionaires fund assault on democratic rights

More revelations of corruption on US Supreme Court

Barry Grey
5 May 2023

The exposure of rampant corruption on the US Supreme Court expanded over the past week. While the scandal has centered on Justice Clarence Thomas and his wife Virginia “Ginni” Thomas, the most brazen bribe-takers, it has increasingly implicated the entire court, including the chief justice and the Democratic minority.

Last month, the investigative journalism website ProPublica published a series of exposés documenting the fact that Clarence Thomas, a vicious opponent of the democratic and social rights of the working class, has accepted millions of dollars worth of unreported “gifts” from Harlan Crow, a billionaire Republican Party donor who sports a collection of Hitler and Nazi artifacts at his Texas mansion and calls Marxism his greatest fear.

For more than two decades, Thomas and his wife have enjoyed all-expenses-paid lavish vacations on Crow’s superyacht and at his various private resorts, none of which have been reported by Thomas on his financial disclosure filings. He has been joined by fascist think tank executives, corporate barons and leaders of the right-wing Federalist Society, a conveyor belt for placing reactionaries on the federal courts.

Since his accession to the high court in 1991, Thomas has played a central role in a series of anti-democratic and pro-corporate rulings that have rolled back previously established rights, including the right to vote.

These include the 5–4 decision in *Bush v. Gore* (2000) halting a vote recount in Florida and stealing the presidential election for George W. Bush, the loser of the popular vote.

Other landmark rulings in which Thomas joined the right-wing majority—in most cases writing concurrent decisions staking out the most extreme right positions—include *Citizens United v. FEC* (2010), lifting virtually all restrictions on corporate donations to election campaigns; *Shelby County v. Holder* (2013), gutting the enforcement provision of the 1965 Voting Rights Act; and last year’s *Dobbs v. Jackson Women’s Health*, rescinding the constitutional right to an abortion.

He is implicated in Trump’s attempt to overturn the 2020 election through the activities of his wife Ginni, a longtime far-right Republican activist who worked with Trump lawyers and aides in attempting to overturn pro-Biden slates of electors in swing states won by the Democratic candidate but controlled by Republican lawmakers. Clarence Thomas has refused to recuse himself from Supreme Court cases stemming from the attempted coup in which his wife played a major role.

Since the initial revelations, ProPublica has published articles

exposing the fact that Thomas has had direct financial dealings with Crow, having sold the house in Georgia where his mother lived (and evidently continues to live rent-free) to the billionaire fascist for over \$130,000. Thomas failed to report the transaction in his financial disclosure filings.

On May 4, ProPublica published a new article documenting the fact that Crow paid the tuition for Thomas’ grandnephew to attend a private military academy for one year and a private boarding school for a second year, at an estimated total cost of \$150,000 or more. It also reported that some 15 years ago, Crow donated much of the budget of a political group founded by Thomas’ wife, which paid her a salary of \$120,000. None of this was reported by Justice Thomas.

Even more damning was an investigative report published May 4 by the *Washington Post* revealing that Leonard Leo, the former head of the Federalist Society and leading figure in shifting the courts to the far-right, arranged for Ginni Thomas to be secretly paid tens of thousands of dollars by Republican pollster Kellyanne Conway in January 2012.

The *Post* wrote:

Leo, a key figure in a network of nonprofits that has worked to support the nominations of conservative judges, told Conway that he wanted her to “give” Ginni Thomas “another \$25K,” the documents show. He emphasized that the paperwork should have “No mention of Ginni, of course...”

Leo instructed Conway to bill the Judicial Education Project for the extra \$25,000 channeled secretly to Ginni Thomas’ firm, Liberty Consulting.

The *Post* further reported:

In all, according to the documents, [Conway’s] the Polling Company paid Thomas’s firm, Liberty Consulting, \$80,000 between June 2011 and June 2012, and it expected to pay \$20,000 more before the end of 2012.

It noted that in December 2012, the Judicial Education Project submitted an amicus brief in *Shelby County v. Holder*, arguing in favor of striking down the provision in the Voting Rights Act

requiring states with a history of segregation and denial of voting rights to blacks to obtain federal clearance before changing their voting rules. Thomas, who ruled with the 5–4 majority against the enforcement provision, helped pave the way for a series of laws requiring voter IDs and other barriers targeting poor and working class people and youth.

But the prevalence of corrupt and often unreported gifts, free trips, lucrative speaking fees and financial dealings with rich and well-connected people and institutions is by no means limited to Thomas, or to Republicans on the court. Revelations that have emerged over the past several weeks include:

- Shortly after being elevated to the high court in 2017, Justice Neil Gorsuch, Trump’s first appointee, sold property to the chief executive of a major law firm that often has business before the court and did not disclose the identity of the buyer.

- Jane Roberts, the wife of Chief Justice John Roberts, took in \$10.3 million in commissions from elite law firms for placing expensive lawyers with them between 2007 and 2014. At least one of the firms argued a case before the chief justice after paying his wife hundreds of thousands of dollars. This information was revealed by a whistleblower, not Chief Justice Roberts.

- According to the Center for Responsive Politics, retired Justice Stephen Breyer, a Democrat, took at least 225 subsidized trips from 2004 to 2018, including trips to Europe, Japan, India and Hawaii. One was a trip to Nantucket paid for by David Rubenstein, a private equity mogul. Some of the trips were supported by the Pritzker family, which *Forbes* magazine ranks among the 10 richest families in the US. It includes the Democratic governor of Illinois, J. B. Pritzker.

- The late 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.

In an April 30 article on the rising influence of George Mason University’s right-wing Scalia Law School, named after the arch-reactionary justice who died while on an all-expense-paid hunting trip in 2016, the *New York Times* noted:

Other law schools have hosted justices on expenses-paid trips abroad. New York University, for example, sent Justices Ginsburg and Sotomayor to a conference in Portugal in 2019, though they did not receive teaching salaries. In 2016, Tulane paid Justice Alito to teach in Berlin and Paris, according to his disclosure from that year, and covered his expenses. Notre Dame, which counts Justice Amy Coney Barrett as a longtime faculty member, has recently been vying for the court’s attention, sending Justice Alito to Rome and Justice Kavanaugh to London.

It cited a coordinator at Scalia Law School who wrote in connection with a course to be taught by Justice (Neil M.) Gorsuch in Italy: “While our guests are with us, I expect them (from experience in Padua) to want to eat, drink and be merry with us (especially with NMG).”

In fact, the broad outlines of the nexus between corporate cash, political influence and the federal judiciary have long been common knowledge within ruling class and corporate media circles. It has simply been concealed from the general public.

Now, under conditions of an unpopular war in Europe, a general

breakdown of the political system to the point of an attempted coup by the former president, financial crisis, soaring inflation and a growing rebellion by the working class in the US and internationally, sections of the ruling class are reacting with nervousness to the discrediting of the Supreme Court.

The *New York Times* recently bemoaned the fact that public confidence in the institution upheld as the epitome of “the rule of law” has hit a record low of 25 percent, according to polls. It is competing with the presidency and Congress in the speed with which it is discredited in the eyes of the population.

But the Biden administration and the Democratic Party have no appetite for demanding the resignation or impeachment of Thomas. They fear weakening Republican support for the US-led proxy war in Ukraine against Russia, the central concern of the Biden administration, as well as the risk of lifting the lid on the corrupt practices of “liberal” as well as right-wing justices.

When the first ProPublica articles on Thomas were published in early April, the Democratic Socialists of America’s Alexandria Ocasio-Cortez announced that she would put forward a resolution for Thomas’ impeachment. But having been otherwise instructed in no uncertain terms by her superiors, she has quietly shelved that demand, instead merely tweeting that Thomas should resign.

Dick Durbin, the Senate majority whip and chair of the Judiciary Committee, politely requested that Chief Justice Roberts attend a hearing held May 2 to discuss a new ethics code. He and other Democrats have made clear their overriding concern is not rooting out corruption or ending the role of lavishly funded think tanks and lobby groups in stacking the courts with reactionaries, but somehow refurbishing the image of the court.

Roberts sent a perfunctory letter to the committee turning down its invitation, citing the “independence” of the court and the separation of powers. He attached a document on the court’s guidelines for policing itself and dismissed any tightening of rules and procedures as unnecessary. That document was cosigned by all nine justices.

What has been exposed on the high court is the existence of a permanent conspiracy against the democratic and social rights of the working class in the form of an unelected body whose members enjoy lifetime appointments. It is, in fact, a concentrated expression of the character of all institutions of the capitalist state, which are instruments of ruling class domination. They cannot be “reformed,” but must be overthrown and replaced by democratic organs of working class power.



To contact the WWS and the Socialist Equality Party visit:

wws.org/contact