

New reporting from Politico confirms

Billionaire began making payments to wife of Supreme Court Justice Clarence Thomas in advance of *Citizens United* decision

Jacob Crosse
13 September 2023

On Sunday, September 10, *Politico* reported extensive and damning revelations on the longstanding connections between Virginia Thomas, the wife of arch-reactionary Supreme Court Justice Clarence Thomas, billionaire Nazi artifact collector Harlan Crow, and Leonard Leo of the Federalist Society.

Their relationship, which included Crow's funneling of hundreds of thousands of dollars to entities controlled by Virginia Thomas, began months prior to a pivotal ruling by the Supreme Court that allowed corporations to funnel unlimited amounts of money to their preferred political candidates.

On January 21, 2010, Justice Thomas was one of five justices who voted in favor of striking down sections of the Bipartisan Campaign Reform Act of 2002 (BCRA) that had limited corporate funding of political campaigns.

Politico revealed that in the weeks before Clarence Thomas cast the deciding vote in the *Citizens United* case, a nonprofit consulting firm controlled by Virginia Thomas received half a million dollars from the billionaire Crow.

Since the *Citizens United* ruling, billionaires operating in the shadows, behind a constellation of "dark money" non-profit and for-profit groups, have been able to purchase their preferred politicians and judges in order to advance anti-democratic laws and legal theories aimed at ensuring the "right" of corporations to unlimited profits.

A January 2023 report from *OpenSecrets.org* found that since the 2010 *Citizens United* ruling, "[o]utside spending to influence federal elections has...topped \$9 billion," with more than \$2.6 billion of that coming from "unknown sources, with secretly-funded nonprofits accounting for over \$1 billion of the outside spending reported to the Federal Election Commission since the 2010 cycle."

In its report on longstanding financial arrangements between the Thomases and right-wing millionaires and billionaires, *Politico* emphasized the close relationship between

Virginia "Ginni" Thomas and the co-chairman of the far-right Federalist Society, Leonard Leo. "Ginni really wanted to build an organization and be a movement leader," *Politico* wrote, citing a person "familiar with her thinking at the time."

"Leonard [Leo] was going to be the conduit of that," *Politico* added.

This past May, the *Washington Post* reported on the "conduit" role played by Leo, which took the form of arranging for Virginia Thomas "to be paid tens of thousands of dollars for consulting work." The *Post* revealed that beginning in January 2012, Leo instructed Kellyanne Conway, then-CEO of the Polling Company and later a senior advisor in the Trump White House, to bill a nonprofit group he controlled, the Judicial Education Project (JEP), in order to funnel money to Ginni Thomas.

According to the documents reviewed by the *Post*, Leo instructed Conway to "give" Thomas "another \$25K," while emphasizing that the paperwork should have "No mention of Ginni, of course." That same day, the Polling Company sent the JEP a \$25,000 bill. The obvious implication by the phrase "another \$25K" is that this was far from the first bribe Leo funneled to the Thomases.

Billing documents reviewed by the *Post* show that Conway's Polling Company paid Thomas's Liberty Consulting \$80,000 between June 2011 and June 2012, with another \$20,000 "expected" by the end of 2012. None of the documents reviewed by the *Post* detailed any actual work conducted by Thomas.

As co-chairman of the Federalist Society, Leo has been identified as "the face" of far-right dark money groups. The Federalist Society, founded in 1982, has played an integral role in advancing reactionary and authoritarian legal theories for the benefit of the financial oligarchy.

Six of the current nine Supreme Court justices, including all three of Trump's confirmed judges, were on a pre-approved list handed to Trump by Leo following Trump's 2016 election.

Under Leo's leadership, the JEP has filed numerous right-wing amicus briefs before the Supreme Court on cases related to Obamacare, voting rights and affirmative action. Since 2013, the highest paid director of the JEP has been Carrie Severino, a former law clerk under Justice Thomas.

In 2020, Leo rebranded the JEP as The 85 Fund, and reported \$65.7 million in annual fundraising. In the lead-up to Trump's attempted coup, The 85 Fund, whose donors include "the Koch brothers and Betsy DeVos' family," per *OpenSecrets*, funneled millions to a subgroup called the Honest Elections Project, which spent millions of dollars in the 2020 election cycle to promote the lie that the Democrats cheated in the election through mail-in ballot fraud.

As of 2021, according to *Politico*, The 85 Fund has collected \$117.3 million in "anonymous funds."

In its report, *Politico* revealed that on November 6, 2009, more than two months prior to the *Citizens United* ruling, top Trump coup attorney Cleta Mitchell filed IRS paperwork for the creation of Liberty Central Inc. This is, perhaps, the first "nonprofit" firm created prior to the impending ruling that stood to benefit from the decision. On December 31, 2009, less than a month before the ruling, Virginia Thomas signed paperwork incorporating Liberty Central Inc. in Virginia, with Leo listed as a director.

In the following weeks, Harlan Crow "seeded" \$500,000 into Liberty Central Inc. Previous reporting by *ProPublica* confirmed that billionaire Crow, a connoisseur of Nazi artifacts who is "terrified of Marxism," showered the Thomases for decades with expensive trips on his yacht and jet, and vacations at his private resort. Crow also provided money for private tuition for Clarence Thomas's great nephew, and purchased Thomas's mothers' house in Georgia, which Crow has allowed her to live in rent-free, after spending over \$100,000 on renovations.

After Crow showered Thomas's wife with \$500,000, the Supreme Court Justice ruled less than a month later in favor of corporations' unlimited "right" to campaign spending. He was also the only judge who ruled in favor of abolishing disclosure requirements in the Bipartisan Campaign Reform Act (BCRA), the law that previously restricted corporate spending on elections. Thus Thomas not only ruled in favor of corporations being able to spend unlimited amounts to promote candidates, but also in favor of allowing them to remain anonymous while doing so.

That Cleta Mitchell had an integral role in the money laundering scheme to funnel funds to the Thomases from Crow, Leo and others yet to be identified, is highly revealing. Last month, Mitchell was identified as one of 20 people named as Trump criminal co-conspirators by a Georgia special purpose grand jury who were not charged by Democratic Fulton County (Atlanta) District Attorney Fani Willis as part of her investigation into Trump's efforts to overturn the 2020 presidential vote in Georgia.

In its final report, the special purpose grand jury recommended

serious felony charges for Mitchell and 38 other Republicans in relation to Trump's failed coup. The jury recommended charges for Mitchell due to her involvement in several aspects of the coup. These included the fact that four days prior to the attack on the US Capitol led by far-right militia elements, Mitchell joined Trump in badgering Georgia Governor Brian Kemp to support their efforts to overturn the vote in Georgia.

Mitchell, working with Ginni Thomas, also advanced the fraudulent elector scheme in Georgia and other states, including Arizona, Wisconsin, Michigan, Pennsylvania and Washington, D.C., according to evidence reviewed by the special purpose grand jury.

District attorney Willis has yet to publicly comment on why she did not heed the special grand jury's unanimous recommendation that Mitchell be charged with providing false statements, influencing a witness, intentional interference with performance of election duties, and criminal solicitation to commit election fraud. The grand jurors also recommended that Mitchell face Racketeer Influenced and Corrupt Organizations (RICO) charges by a 20-1 margin, the same vote on the same charges the jury returned in regard to Trump, his chief of staff Mark Meadows and other Trump coup lawyers such as Rudy Giuliani, Kenneth Chesebro, Jenna Ellis and John Eastman.

As the WSWS has previously explained, were Willis, or others, to charge Mitchell, who continues to work with far-right groups to disenfranchise voters, the Democrats would be exposing as a lie the main thrust of the January 6 House Select Committee report on the attack on the Capitol—namely, that Trump's coup was the work of Trump alone and few "crazy enablers." Mitchell, acting as a consigliere to the Thomases on behalf of the financial oligarchy, exposes the fact that the anti-democratic, fascistic rot extends throughout the ruling class and all of its institutions, including the high court.

It is unclear exactly how much money the Thomases have received from Leo's web of billionaire backers, or if they continue to receive "consulting" payments.

In response to the latest revelations exposing the Thomases' seemingly limitless corruption, CNN reported on Tuesday that the invertebrate Democratic chairman of the Senate Judiciary Committee, Dick Durbin (Illinois), made a "personal plea" to Chief Justice John Roberts for the Supreme Court to create its own "ethics code" at a closed-door meeting.

After the meeting, CNN reported that Chief Circuit Judge Laverski Smith briefed the press on what was discussed. Smith said that while ethics were discussed by "congressional guests," the judges "didn't discuss the issue."



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact