

A Matter of Personal Hospitality: Buying the US Supreme Court

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What is going to be done with Clarence Thomas, that darling reactionary among reactionaries on the US Supreme Court? Evidently, the justice seems to assume that being bribed, paid off or bought by a billionaire over the course of 20 years is a perfectly appropriate practice, reconcilable with the role of his office in handing down judgments affecting the lives of millions.

A ProPublica [investigation](#) has found that the Supreme Court justice received gifts from the billionaire real estate magnate and Republican donor Harlan Crow for two decades. It opens with a description of one of those gifts: flying on a Bombardier Global 5000 jet to Indonesia, wife Virginia "Ginni" Thomas in tow; nine days of island hopping across the archipelago on a fully staffed superyacht – all for the splendid value of \$500,000.

As the investigation points out, the failure to disclose such travel and resort stints would seem to violate the post-Watergate law requiring justices, judges, members of Congress and federal officials to disclose most gifts. For Crow, as outlined in a [statement](#), this was all a case of extended "hospitality", something which Thomas had never sought. It was "no different from the hospitality we have extended to our many other dear friends." That's influence for you.

The link between Crow and Thomas is hardly incidental or a case of disinterested association. Crow has been a keen figure in advancing hefty right-wing causes. He is a director at the American Enterprise Institute and serves as a board member at the George W. Bush Foundation, the Supreme Court Historical Society and the Hoover Institution. His

hospitality to Thomas was [also reported](#) by *The New York Times* in 2011, while *Politico*, that same year, [unveiled the link](#) between a half-million dollar donation to a Tea Party group founded by Ginni.

In such instances, it is becoming of justices to keep their mouths shut and sealed. But Thomas, showing a considerable lack of judgment – surely something of a drawback in his line of work – decided to [issue a statement](#) thickening the links, implicating his fellow judges, and removing all doubt. “Early in my tenure at the Court, I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable.”

This lamentable state of affairs does more than suggest that something is rotten – and rotting – on the bench. Thomas certainly sees no trouble with it. He claims to have followed the disclosure requirements to the letter, as they had stood prior to changes announced in March.

Stephen Gillers of New York University School of Law, who has an interest in judicial ethics, [makes it clear](#) that the new disclosure rules would cover such things as jet travel and resort stays within the context of personal hospitality. What was striking for him was the justice’s dismissive attitude. “Thomas has made no effort to defend his conduct except to say he was misled by those he consulted.”

Nancy Gertner, a former federal judge and appointee of President Bill Clinton, [found it](#) “incomprehensible ... that someone would do this.” During the course of her tenure on the bench, she was fastidious in ensuring that professional appearances were kept. “It was a question of not wanting to use the office for anything other than what it was intended.”

Under the absentee watch of Supreme Court Chief Justice John Roberts, the court bench has come to emit a rank smell that tends to follow in corruption’s wake. Take the example of Justice Samuel Alito, who also showed a spectacular sense of poor judgment [in revealing](#) to dinner guests at his own home the outcome of the 2014 case [Burwell v Hobby Lobby](#) months before it was officially published. While Alito denies this assertion, the correspondence from the source of this revelation – former anti-abortion activist Robert Schenck – suggests otherwise.

Alito’s loose tongue may well have been busy in another case. Given that he was the author of the 5-4 *Hobby Lobby* decision, there is a [suggestion](#) that he might have proved a rather leaky vessel in the *Dobbs* decision which overturned *Roe v Wade*.

The Schenck revelations are certainly instructive in showing influence over the court in a very particular way. It would certainly change the narrative that points the finger at a bleeding-heart liberal justice on the bench supposedly keen to threaten the court with not changing a precedent that had stood for decades.

As Elie Mystal [writes](#), “If you are part of the conservative-industrial complex, you don’t have to convince these people of anything; they’re already on your side. All you have to do is convince the conservative justices to be the worst versions of themselves.”

New York Representative Alexandria Ocasio-Cortez has [suggested](#) that articles of impeachment be drawn up for Thomas. “I think this is an emergency. This is a crisis.” If so,

this has been a crisis that has been smouldering for years. Impeaching the Crow-pampered justice will only be the mildest of biopsies for the highest juristocracy in the land. And just to make matters that more interesting, AOC is herself [being investigated](#) by the House Ethics Committee for receiving “impermissible gifts” from the Met Gala in 2021. Congress and the Supreme Court – easily bought and easily influenced.

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Featured image: Clarence Thomas being sworn in as a member of the U.S. Supreme Court by Justice Byron White during an October 23, 1991, White House ceremony, as wife Virginia Thomas looks on (Licensed under the Public Domain)

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