

# Corruption at the U.S. Supreme Court?

People, this article is about how one of the most conservative Supreme Court justices, who has spent his entire tenure at the Court opposing civil rights/human rights of petitioners as evidenced by his judicial opinions, has had some of his lavish vacations paid for by a very wealthy rightwing conservative billionaire. If Thomas was an ordinary lower-level judge, *perhaps*, this would not be as big a deal as it really is.

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## SECTION ONE

### Judicial record undermines Clarence Thomas defence in luxury gifts scandal

Republican mega-donor Harlan Crow was linked to a conservative group that had court business while Thomas was on the bench.

By [Ed Pilkington](#) in New York Thu 20 Apr 2023 SOURCE: <https://www.theguardian.com/us-news/2023/apr/20/clarence-thomas-supreme-court-harlan-crow-luxury-gifts>

Earlier this month, the supreme court justice Clarence Thomas put out a statement in which he addressed the storm of criticism that has engulfed him following the blockbuster [ProPublica report](#) that revealed his failure to disclose lavish gifts of luxury vacations and private-jet travel from a Texan real estate magnate.

Thomas confirmed that the Dallas billionaire and Republican mega-donor Harlan Crow and his wife Kathy were “among our dearest friends”. Thomas [admitted, too](#), that he and

his wife Ginni had “joined them on a number of family trips during the more-than-a-quarter-century we have known them”.

The justice, who is the longest-serving member of the nation’s highest court and arguably its most staunch conservative, insisted he had taken advice that “this sort of personal hospitality from close personal friends” did not have to be reported under federal ethics laws. He emphasized that the friend in question “did not have business before the court”.

But a close look at Thomas’s judicial activities from the time he became friends with Crow, in the mid-1990s, suggests that the statement might fall short of the full picture. It reveals that a conservative organization affiliated with Crow did have business before the supreme court while Thomas was on the bench.

In addition, Crow has been connected to several groups that over the years have lobbied the supreme court through so-called “amicus briefs” that provide legal arguments supporting a plaintiff or defendant.

In 2003, the anti-tax group the Club for Growth joined other rightwing individuals and organisations, including the Republican senator Mitch McConnell and the National Rifle Association (NRA), in attempting to push back campaign finance restrictions on election spending.

At the time of the legal challenge, from at least [2001 to 2004](#), Crow was a member of the Club for Growth’s prestigious [“founders committee”](#). Though little is known about the role of the committee, it clearly commanded some influence over the group’s policymaking.

During the course of a 2005 investigation into likely campaign finance violations by the Club for Growth, the Federal Election Commission (FEC) noted that rank-and-file club members could “vote on an annual policy question selected by the founders committee”.

Crow has also been a major donor to the club, [contributing \\$275,000](#) to its coffers in 2004 and a [further \\$150,000](#) two years later.

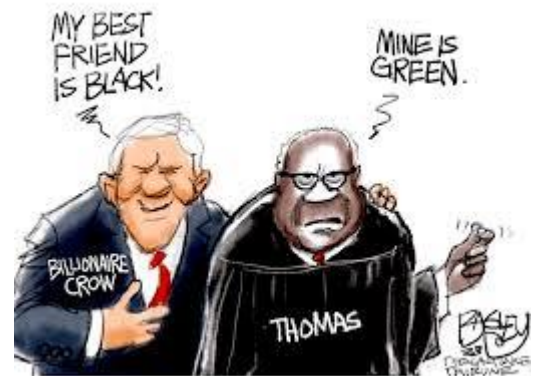
The 2003 legal challenge championed by the Club for Growth targeted the McCain-Feingold Act, which had been passed with cross-aisle backing the previous year. The

legislation placed new controls on the amount of “soft money” political party committees and corporations could spend on elections.

On appeal, a consolidated version of the lawsuit, *Mitch McConnell v FEC*, was taken up by the supreme court. In a majority ruling, the court allowed the most important elements of the McCain–Feingold Act to stand (though they were later nullified by the supreme court’s contentious 2010 *Citizens United* ruling).

Thomas was livid. He issued a [25-page dissenting opinion](#) that sided heavily with the anti-regulation stance taken by the Club for Growth and its rightwing allies. Thomas began his opinion by breathlessly accusing his fellow justices of upholding “what can only be described as the most significant abridgment of the freedoms of speech and association since the civil war”.

By the time Thomas issued his opinion in December 2003 he had already forged his deep relationship with Crow. According to the billionaire, they [first met](#) at a conference in Dallas in 1994 – by which time Thomas had already been nominated by George HW Bush to the most powerful court in the land.



The businessman had already showered Thomas with several lavish gifts before the McCain–Feingold challenge reached his court. Thomas disclosed for instance a [1997 flight](#) from Washington to northern California on Crow’s private jet to attend an all-male retreat at Bohemian Grove at which the justice went on to become a regular guest.

There was also a Bible once owned by Frederick Douglass, then valued at \$19,000. In 2001 Crow made a [\\$150,000 donation](#) to create a Clarence Thomas wing within the Savannah, Georgia, library the justice frequented as a child.

The federal law [28 US Code section 455](#) requires any federal judge – including the nine supreme court justices – to recuse themselves from any proceeding “in which his impartiality might reasonably be questioned”.

ProPublica’s [explosive investigation](#) earlier this month exposed undeclared gifts and travel that have continued to be bestowed by the billionaire on Thomas to this day. They

included a nine-day vacation with Ginni in Indonesia in the summer of 2019 the cost of which probably exceeded \$500,000.

In a later report, [ProPublica revealed](#) that in 2014 Thomas sold his mother's home in Savannah to Crow. That transaction was also left undisclosed.

The ProPublica disclosures have prompted a debate about the need for greater scrutiny of the conduct of supreme court justices. Top Democrats have called for an official inquiry into Thomas's behavior and for all the justices to be subject to a [strict ethics code](#).

The progressive Democratic congresswoman Alexandria Ocasio-Cortez, speaking [on CNN](#), decried Crow's largesse as "very serious corruption" and called for Thomas to be impeached.

Gabe Roth, executive director of Fix the Court, a non-partisan group which advocates supreme court reform, said that a crisis of trust in Thomas's ethical judgments had been bubbling below the surface for some time. "The reason that it is so salient now is that the supreme court has grown exponentially in power since Justice Thomas took that first private plane ride in 1997 – when the court becomes the most powerful government body, then ethics issues become all the more critical."

The Guardian contacted Thomas at the supreme court but did not receive a response.

This week, the normally media-shy Crow, who has assets valued at \$30bn and who has donated at least \$13m to Republicans, gave an in-depth interview to the [Dallas Morning News](#). He claimed the furore around his relations with Thomas was a "political hit-job" by the liberal media.

He insisted he and Thomas were just friends who spent their time talking about their kids and animals. "We talk about dogs a lot," he said.

Asked whether he ever considered their friendship as a ticket to quid pro quo, he replied: "Every single relationship – a baby's relationship to his mom – has some kind of reciprocity."

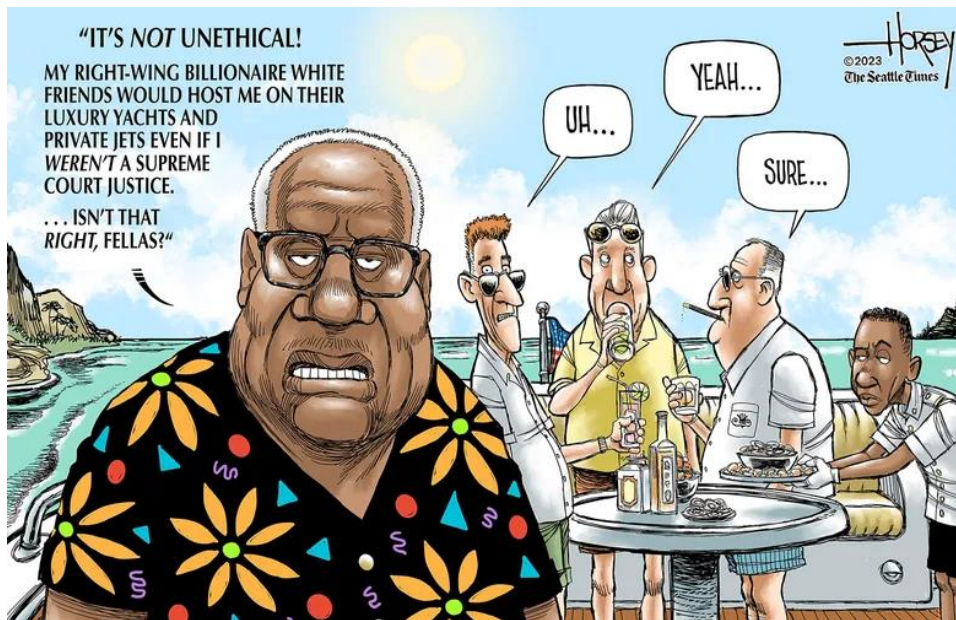
Crow's office, in a statement to the Guardian, disputed any relevance of Crow's links with the Club for Growth, his friendship with Thomas, and the justice's opinion in the

McConnell v FEC case. “Harlan Crow was not a party to the litigation, was only a financial supporter of Club for Growth, and had no role whatsoever in any Club for Growth litigation decisions.”

The statement continued: “Any insinuation that Justice Thomas wrote his opinion in this case because Harlan Crow was a supporter is ridiculous as Justice Thomas had already expressed these same views in a previous case, [Nixon v Shrink MO PAC](#).”

The billionaire’s office insisted that Thomas’s skepticism of the constitutionality of campaign finance regulation “was established before he had even met Harlan Crow”.

Crow has never personally come before the supreme court, and denies ever trying to influence Thomas on any legal or political issue. But he has served on the boards of at least three conservative groups that have lobbied the supreme court through amicus briefs. Early in his friendship with Thomas, Crow sat on the national board of the now defunct Center for the Community Interest, which filed at least eight amicus briefs in supreme



court cases backing rightwing causes such as sweeping crime off the streets and countering pornography.

He has also been [a trustee](#) for more than 25 years of the American Enterprise Institute, a thinktank advancing free enterprise ideas that has filed several supporting briefs to the

court. In 2001 AEI gave Thomas a bust of Abraham Lincoln then valued at \$15,000.

Crow is an overseer of the Hoover Institution, a conservative thinktank based at Stanford University. In February, Hoover senior fellows [led an amicus brief](#) filed to Thomas and his fellow justices challenging the \$400bn student loan debt-relief program introduced by Joe Biden.

The supreme court is likely to rule on whether the scheme can go ahead this summer. In oral arguments in February, Thomas was among the rightwing justices who hold the supermajority who indicated [they were skeptical](#) of the program, raising the possibility that the court will scupper the hopes of more than 40 million Americans eligible for the debt relief.

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## SECTION TWO

# Justice Clarence Thomas's megadonor friend collects Hitler memorabilia – report

Harlan Crow, closely linked to judge, has a signed copy of Mein Kampf and dictator's paintings

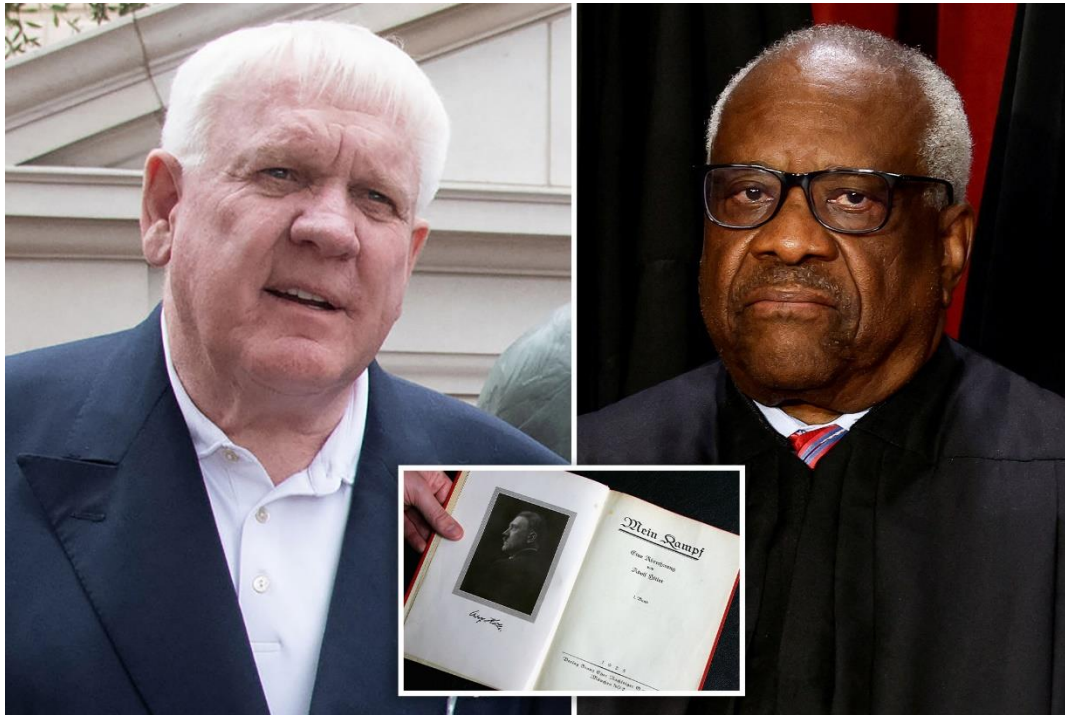
By [Martin Pengelly](#) in New York Fri 14 Apr 2023 SOURCE: <https://www.theguardian.com/us-news/2023/apr/08/clarence-thomas-supreme-court-harlan-crow-hitler-memorabilia>

The Republican megadonor whose gifts to the supreme court justice Clarence Thomas have come under [the spotlight](#) has a private collection including a garden of statues of dictators, including Mussolini and Stalin; Nazi memorabilia; and paintings including two works by Adolf Hitler, the Washingtonian [reported](#).

“I still can't get over the collection of Nazi memorabilia,” the Washingtonian [quoted](#) an anonymous source as saying, regarding a visit to Harlan Crow's Texas home. “It would have been helpful to have someone explain the significance of all the items. Without that context, you sort of just gasp when you walk into the room.”

Crow, the source [said](#), also had paintings “done by George W Bush next to a Norman Rockwell next to one by Hitler”.

A painting of Thomas and Crow smoking cigars in company including the rightwing activist [Leonard Leo](#) was included in [an explosive report](#) by ProPublica, detailing Crow's lavish gifts to Thomas over more than 25 years.



ProPublica also [described](#) trips on private planes and yachts and stays at lavish resorts.

In a rare [statement](#), Thomas said he had been advised such “personal hospitality” did not have to be declared under federal rules.

He added: “I have endeavoured to follow that counsel throughout my tenure and have always sought to comply with the disclosure guidelines.”

Critics said Thomas had “[clearly](#)” broken the law regarding the declaration of gifts. The Washington Post [noted](#) Thomas has declared just two since 2004.

Crow denied discussing or seeking to influence the court through his friendship with [Thomas](#) and his wife, the far-right activist Ginni Thomas.

Critics [questioned](#) that, given Crow's seat on the board of the American Enterprise Institute, a rightwing thinktank which Accountable.US, an advocacy group, said “has published and taken credit for multiple amicus briefs filed with the supreme court by the group's president and scholars”.

Outraged Democrats promised investigations and, in the case of the New York Democratic congresswoman Alexandria Ocasio-Cortez, [threatened](#) to introduce articles of impeachment.

Thomas is the senior conservative on a conservative-dominated court that has issued controversial rulings [including](#) *Dobbs v Jackson*, which last year removed the federal right to abortion.

But impeachment and removal is highly unlikely. Supreme court justices effectively govern themselves. Only one has ever been impeached, [in 1804](#), before being acquitted. Republicans hold the House, where impeachment would start.

Still, news of Crow's far-right memorabilia seemed bound to add to Thomas's embarrassment – perhaps in part because Thomas has [written](#) that arguments for abortion rights spring from theories of eugenics, as espoused by Hitler and the Nazis.

When Thomas made that argument, in an [opinion](#) in 2019, Philippa Levine, a University of Texas history professor, [told the Washington Post](#) the justice was “guilty of a gross misuse of historical facts”.

On Friday, the *Washingtonian* published pictures of Thomas's friend's collection of Nazi artefacts, which includes a signed copy of Hitler's memoir, *Mein Kampf*.

The magazine also [noted](#) how the Florida senator Marco Rubio ran into problems in 2015, over a Crow-hosted fundraiser on the eve of Yom Kippur.

The year before that, the *Dallas Morning News* [reported](#) that Crow became “visibly uncomfortable” with questions about his dictator statues and collectibles of Hitler, whose regime murdered 6 million Jews during the Holocaust.

The paper described the statues of dictators as “a historical nod to the facts of man's inhumanity to man”.

Crow also reportedly owns statues of two British prime ministers he counts among his heroes: Winston Churchill – who defeated Hitler – and Margaret Thatcher.

The megadonor and his wife were “such hospitable Texas hosts”, according to the [Washingtonian's source](#).

But, the source added, it was “just strange – they had family photos in one room, then all this world war II stuff in another room, and dictators in the backyard”.



