

At last! DOJ gets tough on Thomas



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Guest columnist

As a nominal Washington insider, I have come upon the following information of profound importance to the Supreme Court of the United States and to the nation:

Senior-most Justice Clarence Thomas is about to be indicted for his blatant acceptance and non-reporting of lavish gifts over many years, and for his flagrant non-recusal in cases where he has had, and will continue to have, a clear statutory conflict of interest because of the activities of his MAGA wife, Ginni Thomas.

To understand the U.S. Justice Department's thinking behind its decision to prosecute him, a recitation of the gifts bestowed upon Justice Thomas over the last two decades is starkly illuminating:

As summarized by ProPublica, conservative Republican benefactors Harlan Crow, Charles and David Koch, the Koch

network, Wayne Huizenga, David Sokol and Paul Novelly provided Thomas with 38 vacations, 26 private jet flights, eight flights by helicopter, a dozen VIP passes to sporting events, attendance as a guest at the exclusive Bohemian Club, travel on a private jet to and lodging at Koch network summit resorts in California, tuition for his nephew in a private school, and a \$267,000 loan used to purchase a luxury recreational vehicle (a loan eventually "forgiven"). Crow even bought from Thomas the home in which Thomas' mother lived, refurbished it, and allowed her to live there rent-free.

Thomas reported none of these under the Ethics in Government Act. He claimed that his failure to report the gifts was due to bad advice from unidentified colleagues and/or advisers.

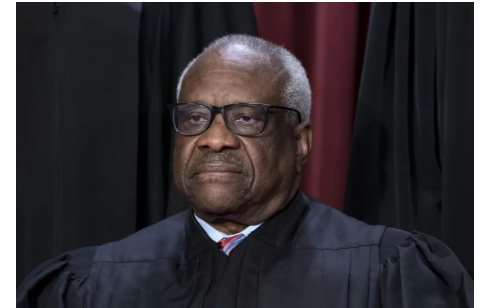
It does not pass the laugh test for him to assert these were not "gifts" he was required to report, nor to claim that many of them were allowable "personal hospitality."

Added to this is Justice Thomas' continued participation in cases involving Donald Trump. He has repeatedly declined to recuse himself when his wife, not only an

outspoken paid conservative lobbyist, but also a 2020 election denier, participated in the Jan. 6, 2021, insurrection. She contacted then-President Trump's staff numerous times while the insurrection was going on and stands a real risk of being called as a witness in proceedings about it.

The Justice Department has struggled mightily with the peril of alienating a justice of the Supreme Court where two-thirds of its cases involve the U.S. government in some fashion. The risk is intensified by knowledge that, because of his prosecution, several of Thomas' colleagues may also become openly antagonistic toward the U.S. as a party in future litigation.

But Justice Thomas' actions have been so egregious that the Justice Department has come around to a "damn-the-torpedoes" attitude toward the unprecedented prosecution. DOJ has also recognized Thomas would be required to recuse himself from all cases involving the United States if the United States becomes his prosecutor.



Justice Clarence Thomas in Oct 2022

Failure to recuse under those circumstances would be so contrary to established law as to produce a groundswell for impeachment of Thomas even before his possible criminal conviction. The Justice Department has concluded this would be true even if a continued conflict-ridden Congress is elected in November and takes office in January.

Uh oh! I just had a call from one of my sources who reminded me what tomorrow is.

Isn't it a shame we can surmise Justice Thomas' overdue prosecution, for real offenses, only on April Fools' Day?

Peter H. Wolf is a retired District of Columbia trial judge who lives in Winston-Salem.