**Headline:** Clarence Thomas Proves It’s Time for Supreme Court Term Limits

**Teaser:** If justices can be bought by billionaires, lifetime terms only enable corruption rather than protect the U.S. Supreme Court from undue influence.

By Sonali Kolhatkar

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**[Article Body:]**

A pair of new investigative reports from ProPublica about Supreme Court Justice Clarence Thomas are a testament to not only the importance of good journalism in a democracy, but also Thomas’s unfitness on the court, and the need for better guard rails against moneyed influence. The first bombshell story, “[Clarence Thomas and the Billionaire](https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow),” highlighted how a wealthy man named Harlan Crow befriended Thomas after he became a Supreme Court justice and treated him (and often his wife, Virginia “Ginni” Thomas) to luxurious vacations on a near-annual basis. Thomas did not disclose the trips as he was required to. Although he at first refused to speak with ProPublica about the initial story, he eventually made a [statement](https://www.propublica.org/article/clarence-thomas-response-trips-legal-experts-harlan-crow) saying he was advised he didn’t need to disclose the gifts.

ProPublica followed that up just days later with another story whose title says it all: “[Billionaire Harlan Crow Bought Property From Clarence Thomas. The Justice Didn’t Disclose the Deal](https://www.propublica.org/article/clarence-thomas-harlan-crow-real-estate-scotus).” The property in question “wasn’t a marquee acquisition for the real estate magnate, just an old single-story home and two vacant lots down the road.” Like the vacations, Thomas also did not publicly disclose the sale. His mother has lived in the home and continues to do so after ownership passed to Crow. The billionaire has been busy making expensive renovations to it.

There is no question that Thomas [broke the law](https://slate.com/news-and-politics/2023/04/clarence-thomas-broke-the-law-harlan-crow.html) by failing to disclose his financial transactions with Crow. Every American should read the ProPublica reports on how one of the nine Supreme Court justices, whose jurisdiction covers the entire nation, appears to be in the pocket of a billionaire. The relationship between Crow and Thomas is a cozy one that has borne fruit for wealthy elites: the justice has [routinely sided](https://jacobin.com/2023/04/clarence-thomas-disclosure-laws-billionaire-donor-gifts-anonymous-speech-corruption) with moneyed interests and their influence on policymaking.

Before ProPublica’s April 2023 investigations, most reporting on the Black justice had focused on his white conservative wife. Ginni Thomas has been an activist spouse, overtly reflecting the conservative political sensibility that her husband affirms in his judicial decisions. During Barack Obama’s presidency, she founded a “Tea Party” nonprofit called [Liberty Central](https://www.nytimes.com/2010/10/09/us/politics/09thomas.html), a move the New York Times described as “the most partisan role ever for a spouse of a justice on the nation’s highest court.”

She then went further, becoming a political lobbyist and leading a small and secretive organization called [Liberty Consulting](https://www.cnbc.com/2022/04/05/inside-the-consulting-firm-run-by-ginni-thomas-wife-of-supreme-court-justice-clarence-thomas.html). A [2011 Politico report](https://www.politico.com/story/2011/02/justice-thomass-wife-now-lobbyist-048812) points out that she touted “her ‘experience and connections’ to help clients ‘with governmental affairs efforts.’” She made [headlines](https://www.npr.org/2022/03/25/1088720571/ginni-thomas-tex-messages-mark-meadows-2020-election) last year for having pressured former White House chief of staff Mark Meadows via text messages to try to overturn the 2020 election results in favor of Donald Trump. More recently, the [Washington Post](https://www.washingtonpost.com/investigations/2023/03/28/ginni-thomas-crowdsourcers-anonymous-donations/) published an investigation into anonymous donations totaling $600,000 made to yet another organization she leads called Crowdsourcers for Culture and Liberty. The donations helped fund the right’s vicious culture wars.

When asked about the conflicts of interest that her activism present for her husband’s work on the Supreme Court, Ginni Thomas has brushed them off, [telling](https://whyy.org/articles/ginni-thomas-says-she-regrets-post-election-texts-to-meadows/) the House Select Committee to Investigate the January 6th Attack on the United States Capitol, “It’s laughable for anyone who knows my husband to think I could influence his jurisprudence… The man is independent and stubborn.” She also said in an [interview](https://freebeacon.com/courts/exclusive-ginni-thomas-sets-the-record-straight-on-january-6/) with the conservative outlet the Washington Free Beacon, “Like so many married couples, we share many of the same ideals, principles, and aspirations for America.” She added, “But we have our own separate careers, and our own ideas and opinions too. Clarence doesn’t discuss his work with me, and I don’t involve him in my work.”

Well, that’s a relief. The sanctity of the nation’s highest court and its freedom from partisan influence rests on the word of a person who promises there’s no undue influence between a wife and her husband. This is a person who *still* believes that the [2020 election was stolen](https://www.nbcnews.com/politics/congress/ginni-thomas-meeting-house-committee-investigating-jan-6-riot-rcna49967)—a view that makes her even worse than Trump toady and former U.S. Attorney General William Barr, who said he would [vote for Trump in 2024](https://www.politico.com/news/2022/03/07/barr-trump-2024-00014597) but was at least able to [admit](https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d) that his election fraud claims were false.

In 2021, when Chief Justice John Roberts filed his [year-end report](https://www.supremecourt.gov/publicinfo/year-end/2021year-endreport.pdf) on the federal judiciary, he stressed the importance of “impartial decision-making,” and that “[t]he Judiciary’s power to manage its internal affairs insulates courts from inappropriate political influence and is crucial to preserving public trust in its work as a separate and co-equal branch of government.” Apparently, Roberts was either ignorant of the Thomases’ doings or confident that Ginni’s promise of insulation from marital influence was good enough.

Although Clarence Thomas and his wife, Ginni, offer arguably the most explicit examples of corruptive influence on the Supreme Court, they are not alone. In December 2022, the [New York Times](https://www.nytimes.com/2022/12/30/us/politics/supreme-court-historical-society-donors-justices.html) revealed that an innocently named charity called the Supreme Court Historical Society has “become a vehicle for those seeking access to nine of the most reclusive and powerful people in the nation.” The organization has raised millions of dollars from secret donors. The majority of the money that the New York Times was able to identify came from “corporations, special interest groups, or lawyers and firms that argued cases before the court.” Justices attend the Supreme Court Historical Society’s annual dinner, offering a tantalizing chance for individual attendees to influence them—as the [leader of an anti-abortion group](https://www.nytimes.com/2022/11/19/us/supreme-court-leak-abortion-roe-wade.html) apparently took advantage of.

Notwithstanding the liberal minority that includes Justices Sonia Sotomayor, Elena Kagan, and Ketanji Brown Jackson, this is a court that loves wealth and has [protected it for more than half a century](https://time.com/5793956/supreme-court-loves-rich/). It’s no wonder there is [growing public disapproval](https://www.pewresearch.org/politics/2022/02/02/publics-views-of-supreme-court-turned-more-negative-before-news-of-breyers-retirement/) of a body that is so influential that its highly anticipated decisions impact nearly [every aspect of our lives](https://www.politico.com/news/magazine/2022/06/25/post-roe-america-roundup-00042377), from abortion to guns, to labor unions, to LGBTQ rights, and more.

Supreme Court justices have lifetime tenure—ostensibly a mechanism to protect them from “[partisan pressures](https://www.supremecourt.gov/about/institution.aspx).” But that only works if the regulations preventing corruptive influence are watertight and if there are actual consequences for violating such regulations. In the wake of the Nixon Watergate scandal, Congress passed the [Ethics in Government Act](https://campaignlegal.org/update/40-years-old-ethics-government-act-need-tune) (EIGA) to ensure that officials like Supreme Court justices were independent of moneyed interests.

But even though Justice Thomas appears to have violated the EIGA, there is [no direct mechanism](https://www.vox.com/politics/2023/4/6/23672921/clarence-thomas-supreme-court-propublica-luxury-trips-harlan-crow) to hold him accountable short of Congress starting impeachment proceedings against him—a move that has almost no precedent short of a [House impeachment](https://www.washingtonpost.com/history/2023/04/07/supreme-court-justice-impeached/) more than 200 years ago of a justice who was ultimately acquitted by the Senate.

No other democratically run nation on the planet gives its highest court justices [lifetime tenure](https://www.vox.com/2016/2/16/11024096/life-tenure-judges). Now, some legal experts have suggested term limits, and numerous Democratic senators have introduced the [TERM Act](https://www.booker.senate.gov/news/press/booker-whitehouse-blumenthal-schatz-hirono-introduce-term-limit-measure-to-restore-balance-fairness-to-supreme-court), which would introduce 18-year terms for Supreme Court justices. This would mean that a new justice would replace one who was termed out every two years, and presidents would have two opportunities during each four-year tenure to appoint new justices.

In passing the TERM Act, the U.S. would join the rest of the world’s democratic nations in upholding an impartial judiciary, the Thomases could carry out their dystopian vision of the nation free from accusations of corruption—and billionaire Harlan Crow could even save himself some money.