

The ginned-up case against the Thomases

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6–8 minutes

As the Jan. 6 committee gets ready to hold public hearings into the events of that date, it still needs to decide whether to interview Ginni Thomas about the leaked texts between her and then-White House chief of staff Mark Meadows, urging him to investigate reports of voter fraud in the 2020 elections. Nothing would expose the committee's partisanship more than hauling in the wife of Justice Clarence Thomas. Indeed, the committee would never consider wasting taxpayer funds to pursue a private citizen for her opinions.

But whatever the motivations, there is no basis for the committee to call Ginni Thomas. Contrary to [false reporting](#) by the *New York Times* and others, Ginni Thomas had no involvement in planning the rally. She attended [the rally](#) in the morning but left before then-President Donald Trump addressed the crowd because she was cold. She did not pay for any buses for the rally, and she did not play a mediating role with the group that had a permit to hold the rally. Neither her actions nor her texts had *any* connection to some citizens attacking the Capitol. In fact, one of her private texts to Meadows states that those individuals do not represent Trump supporters.

If merely expressing concerns about election fraud is a basis for being investigated, then scores of Democratic members of Congress should be investigated for raising such concerns about the 2000, 2004, and 2016 elections, all won by Republican

candidates. In 2004, 31 Democratic representatives objected to certifying George W. Bush's electoral votes from Ohio. If passed, that objection would have denied him 20 electoral votes — and the presidency. When Democrats do this, the media hail them as heroes who have the courage to call out voter fraud and suppression. Indeed, Stacey Abrams has become a media darling by claiming that she lost the 2018 Georgia governor's race to Republican Brian Kemp because of voter fraud and suppression.

President Joe Biden even nominated the Abrams campaign's general counsel, Dara Lindenbaum, to be a commissioner on the Federal Election Commission despite Lindenbaum's having [filed a complaint](#) challenging the validity of the 2018 Georgia election.

After Bush's victory in 2000, congressman Alcee Hastings [refused](#) to certify his state of Florida's electoral votes because of “overwhelming evidence of official misconduct, deliberate fraud, and an attempt to suppress voter turnout.”

Congressman Jerry Nadler, the current chairman of the House Judiciary Committee, issued a [statement](#) after Bush won the 2004 election, claiming that with respect to Bush's victory in Ohio, “the right to vote has been stolen from qualified voters — stolen through corruption, through political cynicism, through incompetence, and through technical malfunction ... [and] voting machines that invalidate valid votes.” He urged Congress to investigate.

After Trump's 2016 victory, Democratic Rep. Jim McGovern [said](#), “The electors were not lawfully certified, especially given the confirmed and illegal activities engaged by the government of Russia designed to interfere with our election.”

The Democrats and their corporate media allies also have seized on Ginni Thomas's texts to demand that her husband recuse from any case regarding the 2020 elections. I have written [previously](#) on the recusal laws and precedents, and Clarence Thomas has no reason to recuse from any case regarding the 2020 elections or the events of Jan. 6. Ginni Thomas is not a party or litigant to any case,

and her “interest” in these cases is even less than the “interest” of Judge Stephen Reinhardt's wife, who was the head of an American Civil Liberties Union chapter and had commented publicly on a case regarding a same-sex marriage ban. Reinhardt's wife's organization even filed an amicus brief in the lower court. Reinhardt refused to recuse, [explaining that](#) his wife had no “interest” in the case “beyond the interest of any American with a strong view concerning the social issues that confront this nation.” Judicial ethics experts [supported](#) Reinhardt's decision. Ginni Thomas has even less “interest” in litigation regarding the 2020 election.

The Democrats and their media allies also claim that Clarence Thomas acted unethically when he did not recuse from a case in which Trump challenged Biden's decision to waive executive privilege over Trump-era White House documents and turn them over to the Jan. 6 committee. The Left claims that because Clarence Thomas was the only justice to dissent, he was trying to cover up his wife's texts, which might have been in these White House documents. That is ridiculous.

By its very terms, executive privilege applies only to *internal* communications between the president and his closest aides. Therefore, [none](#) of the documents at issue could have been Ginni Thomas's communications.

There were [good reasons](#) for Clarence Thomas to vote to have the court hear arguments about whether executive privilege applied in this case. There is a need to balance Congress's need for information with a potential chilling effect on candid advice to the president — any president — that will occur when internal communications are turned over to Congress. Clarence Thomas did not indicate he agreed with Trump's argument, only that the court should hear the arguments. Meanwhile, congressmen have no concept of this concern because they have exempted themselves from virtually all disclosure and record-keeping requirements.

If Ginni Thomas were a Democrat and made these statements

about election fraud, perhaps she would have been nominated for a federal post like Lindenbaum. But because she is a conservative woman and married to Clarence Thomas, she is being smeared in the most despicable manner, with the press continuing to look for any issue to destroy her, even calling high school friends and searching for dirt under any rock. This assault must end now.

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