

The Clarence Thomas Affair



Supreme Court Justice Clarence Thomas with his wife, Ginni Thomas.

by **Bill Corden**

I've been keeping my head down and trying to ignore the ways of the world for the past few months but like they said in "The Godfather III" (and I paraphrase) Just when you think you're out, they pull you back in.

Pulled back in I was, by the news this week that our esteemed Judge Clarence Thomas is embroiled in an "ethics scandal," accepting gifts and such, and overlooking the requirements to properly report them.

Now the great unwashed want a full-scale review of the ethical responsibilities of the judiciary with a view to bringing to heel any offenders.

Well America, good luck with that!

My own experience with the American Justice system is a tale of a club with unrestricted privilege (and unrestricted access to that privilege) and while most exercise discretion in accepting gifts of grace and favour, the rogues look upon it as a carte blanche to fill their boots.

The current review process for both miscreant lawyers and wayward judges is more like a drawbridge than a field battle.

With my particular case (which involved both a lawyer AND a judge) the commissioners on the two separate review boards did just about everything they could to stall the proceedings. Tactics included bouncing the complaint to different judicial districts, refusing to answer correspondence and refusing to offer any assistance at all.

The complaint against the incompetent lawyer was assigned to equally incompetent volunteers on the Board who (because they weren't getting paid for their work) did absolutely nothing, even though there was a sexual assault aspect to the case.

Despite writing to just about every important legal figure in both the State of New Jersey and the State of New York... even as high as the Governor no action was ever taken against this lawyer.

The Judicial Ethics review committee (the one that keeps judges in line) was a little bit better in that they actually convened and called witnesses but there was no legal aid provided to the person who suffered from the actions of the judge. Imagine if you can a layperson with limited English going up against the mighty justice system and going against a judge at that!

Any cross examination of him was kept away from public scrutiny and eventually, after about a year or so, the Committee sent us a letter that essentially said that as the

judge had now retired, there was no penalty they could impose. They very carefully stopped short of saying that they had fired him, even though in reality that's what happened.

Unsaid was the implication that any financial recourse from the now ex-judge would have to be pursued through civil litigation.

With current court costs at about \$10,000 a day this is a course of action that's not available to 99% of the population, notwithstanding the built-in bias towards one of their own.

So... I say again, good luck in bringing about any change to Fortress Justice in America, but Judge Thomas may have to squirm for a couple of weeks.