

Former Clarence Thomas Clerk: Judges Are Never Asked To Recuse Themselves Over Political Views

It's so foreseeable. Rep. Alexandria Ocasio-Cortez has now threatened Supreme Court Justice Clarence Thomas to resign or else face impeachment.

Leftists in Congress and the media hyperventilate over every bit proving that Justice Thomas's spouse, Ginni, is included in nationwide conservative politics – most just recently, that she pressed for stability in the 2020 election.

This isn't news, and it has absolutely nothing to do with Justice Thomas's capability to be a reasonable and objective jurist. Yet the Left breathlessly releases incorrect and double requirements due to the fact that they are desperate to attack the justice who has actually been faithful to the United States Constitution they are continuously attempting to pirate for their own political program.

In a nation based on self-government, residents should be notified about what their federal government is doing. Because the media won't report this non-story precisely, here are the realities.

1. Judicial Recusal is About Financial, Legal, Personal, and Professional Interests.

A federal statute governs when judges, consisting of Supreme Court Justices, ought to recuse themselves: 28 U.S.C. Sec. 455. You can check out it in simply a couple of minutes on the web.

The statute recites numerous scenarios in which a judge "shall disqualify himself" from a case, primarily *financial, legal, individual, or expert* interests of the Justice or a household member. The Wall Street Journal recently reported the huge problem is that judges typically stop working to recuse themselves when they have a monetary stake in the result of a case. There is not a word in the statute about a judge requiring to recuse himself due to the fact that he – much less a household member – has actually taken a public position on a *political* matter.

2. Political Views Do Not Require Recusal

Judges prevent wading into partisan politics out of vigilance, not because of any legal commitment. They

do so out of regard for the judicial function, which is nonpolitical: cases are chosen on the law and the realities, even if the judge or a household member has a strong viewpoint about the matter at hand. A judge symbolically puts on a black bathrobe to strengthen that when he chooses a case, he puts individual views aside.

All 9 Supreme Court Justices have political views. It's a great guess that each voted for the president who selected them and for presidents and lawmakers of their own celebrations. If holding views about the 2020 election indicated a justice couldn't choose legal problems occurring from it, then all 9 would have to recuse themselves. It's even more ridiculous when the political views at concern are those of a justice's partner.

The recusal statute likewise states a judge will not sit on a case "in which his impartiality may fairly be questioned." This is the catch-all arrangement that the left-wing activists and news media claim needs Justice Thomas's recusal.

The requirement of reasonableness uses similarly to all justices. Ruth Bader Ginsburg (not her hubby, however the justice *herself*) was well understood for her participation at the ACLU on politically charged problems, consisting of abortion. No one ever declared she needed to recuse herself from choosing abortion cases.

Ed Rendell was head of the DNC, making lots of questionable political declarations, while his partner was a sitting judge on the U.S. Court of Appeals for the 3rd Circuit. Judge Alice Batchelder's partner was Speaker of the House of Ohio, making numerous partisan and questionable declarations while she was the Chief Judge of the U.S. Court of Appeals for the 6th Circuit. No one ever declared any of these judges had a basis to recuse themselves, much less to be impeached.

3. Recusal Standards Are Tied to the Constitution's Lifetime Appointment of Judges

Article III of our Constitution supplies that Supreme Court Justices serve for life. This is to safeguard judges from politics, not to secure politics from judges. It does not mean that jurists have to recuse themselves if they or a household member act upon their political views.

When a case provides a simply political rather than a legal concern, the Court decreases to adjudicate it, leaving it to the political branches of federal government, which under our Constitution are responsible to people. A case teeing up a simply *political concern* won't be chosen by the Court. It turns the concept of a nonpolitical judiciary on its head to state that a political tempest on which most American residents have viewpoints might force a Justice to recuse himself, much less be impeached.

Can you picture if CNN had chased after Justice Ginsburg into her garage to challenge her about her abortion advocacy when she was coming home from the health center after being dealt with for cancer? It's unimaginable. Yet, CNN feels completely entitled to face Justice and Mrs. Thomas as they get there

house from the healthcenter.

If the lazy and unethical news media reported on genuine news stories, such as the corruption exposed on Hunter Biden's laptopcomputer, we may have a various president now. But then they wouldn't have the counterfeit Ginni Thomas story to lie about, and Ocasio-Cortez wouldn't have another reason to attack one of the biggest Supreme Court Justices of all time, who has constantly kept his oath to maintain our Constitution.

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