

This transcript is a version of the episode.

Imani: Hello fellow law nerds! Welcome to another episode of Boom! Lawyered, a Rewire News Group podcast. I'm Rewire News Group's Editor at Large Imani Gandy

Jess: I'm Jess Pieklo, Rewire News Group's Executive Editor. Rewire News Group is the one and only home for expert repro journalism, and the Boom! Lawyered podcast is part of that mission. A big thanks to our subscribers and welcome to our new listeners.

The Internet has been abuzz with talk about Samuel Alito's flagging reputation.

Imani: I see what you did there.

Jess: Right one might even call it flagrant misconduct. Get it? flag-rant misconduct.

Imani: Everybody gets it. But let's tell the people what's been happening.

Jess: Just two weeks ago, the New York Times reported that an upside-down American flag was seen flying at Alito house in Virginia shortly after the J6 riot. This flag is considered a symbol of the "Stop the Steal" movement that falsely claimed the 2020 election was stolen.

When asked about it, Sam Alito threw his wife under the bus, saying that Martha-Ann because that's her name—Martha-Ann—raised the flag as part of a dispute with neighbors, and that he was not involved. Here's what he said, "I had no involvement whatsoever in the flying of the flag. It was briefly placed by Mrs. Alito in response to a neighbor's use of objectionable and personally insulting language on yard signs."

Imani: When the story broke, everyone pretty much laughed at Sam Alito throwing his wife under the bus. But it seemed plausible. Besides I kind of like the idea of a saucy Martha-Ann getting involved in some neighborhood vexillological shenanigans.

Jess: Vexi-what?

Imani: Vexillology is the study of flags.

Jess: Yeah but I don't think what you said is a word.

Imani: I've heard it both ways. But then it got worse. A second flag hit the Alito home. Not the same home. Their beach home in New Jersey. Or "down the shore" as we say in Philly. An "Appeal to Heaven" flag was flying outside their beach home.

Jess: What Appeal to Heaven flag is:

- White background with pine tree image and phrase "An Appeal to Heaven" above it
- First used by a group of six Continental Navy cruiser ships in 1775

- Commissioned by George Washington, commander-in-chief of the Continental Army
- Pine tree symbolized New England colonists' resistance to British logging restrictions

The phrase "An Appeal to Heaven" invoked the right to revolution, influenced by writings of John Locke. Just what we need: American Revolution cosplay.

Imani: And believe me, if you mention the flag on Twitter, someone will be along to tell you that it was George Washington's favorite flag. I mentioned that the Fox News crowd would be up in arms if Ketanji Brown Jackson was found flying a Black Lives Matter flag and some ding dong was like, Yeah but the BLM flag wasn't commissioned by George Washington."

No shit, buddy. The man was a slaver. He didn't think Black lives mattered. But I digress. Whatever the flag's origins, it has been adopted by Christian nationalist groups who advocate for a theocratic government based on biblical principles. J6 rioters carried it during the Capitol attack.

Jess: And what would a tale of Supreme Court corruption be without a complicit media? This past Saturday we found out that the Washington Post knew about the flag and sat on the story about it because they didn't think it was particularly relevant.

According to The Washington Post, now retired reporter Robert Barnes first visited the Alitos' home to report on the flag on Jan. 20, 2021—Biden's inauguration day. Barnes ran into the Alitos as they were leaving their house, and Martha-Ann Alito shouted that Barnes should "ask them what they did!"

Imani: The them, in this case, was their neighbors who had posted a Fuck Trump sign. Martha-Ann also called the sign an international signal of distress. I don't know why flying a distress signal was a sick burn against the neighbor rather than a signal to the entire neighborhood and now country that they support the Big Lie, but this should come as no surprise to anyone familiar with Sam Alito. But I do love that instead of attending Biden's inauguration, Martha-Ann was yelling at journalists about international distress signals.

Jess: They didn't go to the inauguration?

Imani: They sure didn't. I have two thoughts: one is why the hell did the Washington Post sit on a story about a Supreme Court Justice flying a symbol of the stop the steal conspiracy.

My second thought is that simply flying the flag could be explained by some silly dispute with the neighbor, but when combined with the second flag that hit the Alito home, it's hard to come to any other conclusion besides Sam Alito is a Christofascist shill who sits on the nation's highest court making up laws and rules to serve his Christofascist masters. It's fairly obvious that he is signaling his support for the big lie and for Trump. And given that he just heard arguments in the Trump immunity case it raises questions about his impartiality.

Jess: None of this is really surprising. Sam Alito has always been the worst. What is surprising is that he feels so confident about letting his freak flag fly that he's not even going to comment on it. He knows nothing's going to happen to him.

Imani: It's literally "who gonna check me boo" if the person who said that wasn't a real housewife of Atlanta but a truly nasty and disgusting man who has no ethics, is not beholden to the rule of law, and is only concerned with whether he can get four other jamokes in the court to sign on to his crackerjack rulings.

And Democrats are going to do fuck-all about it because Dick Durbin is a bit of a wuss.

Jess: Let alone John Roberts.