



April 11, 2023

The Honorable Roslynn R. Mauskopf
Judicial Conference Secretary
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

Sent via U.S. Mail and email

Dear Honorable Mauskopf:

Campaign Legal Center respectfully requests that the Judicial Conference exercise its authority pursuant to 5 U.S.C. § 13106(b) and refer Supreme Court Justice Clarence Thomas to the U.S. Attorney General because there is “reasonable cause to believe” that he “willfully failed to file information required to be reported” under the Ethics in Government Act (“EIGA”). Specifically, Justice Thomas’ public statement on April 7, 2023,¹ and recent news reporting, confirm that for over twenty years he did not file required gift disclosures of private plane and yacht travel from one individual.² There is reasonable cause to believe that the omissions were willful because Justice Thomas (1) previously reported private plane travel from the same individual in compliance with the law, but stopped the disclosures after negative media attention; and (2) has a history of omitting significant information from his financial disclosure reports.

For members of the Judicial Conference, this high-profile ethics matter has historic implications far beyond one Supreme Court justice. If the Judicial Conference fails to publicly address the substantial evidence of blatant violations of a disclosure law that other federal judges understand and regularly follow, it creates an exception for Justice Thomas that swallows the rule. Inaction here also renders meaningless the Judicial Conference’s commitment in its most recent strategic plan to “ensure timely action is taken on credible

¹ Clarence Thomas Statement, <https://www.documentcloud.org/documents/23745868-clarence-thomas-statement-4-7-23> (last visited Apr. 10, 2023) (attached as Exhibit A).

² Joshua Kaplan, Justin Elliott, and Alex Mierjeski, *Clarence Thomas and the Billionaire*, ProPublica, (Apr. 6, 2023), <https://www.propublica.org/article/clarence-thomas-sctus-undisclosed-luxury-travel-gifts-crow> (attached as Exhibit B).

allegations of misconduct according to established procedures.”³ For these reasons, we ask that the Judicial Conference take immediate action before all federal judges are required to file financial disclosure statements on May 15, 2023.

The Judicial Conference is Authorized to Refer Supreme Court Justices to the Attorney General for Violations of the Ethics in Government Act

The EIGA provides that the Judicial Conference is the authorized “supervising ethics office” for “judicial officers” with respect to financial disclosure requirements.⁴ “Judicial officers” are defined to include “the Chief Justice of the United States [and] the Associate Justices of the Supreme Court.”⁵

Pursuant to 5 U.S.C. § 13106(b), “the Judicial Conference . . . shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.”

Justice Thomas Did Not Disclose Receipt of Free Travel Expenses as Required by the Ethics in Government Act

The EIGA requires that annual financial disclosure statements include “the identity of the source, a brief description, and the value of all gifts” worth more than \$415 from a single source.⁶ The annual statements must also include “reimbursements” received over \$415, where “reimbursements” are defined as payments “to cover travel-related expenses.”⁷ Such reimbursements include free travel related expenses “whether those expenses were paid directly by a third party or the filer was paid after submitting a travel voucher.”⁸

On April 6, 2023, ProPublica reported that for more than twenty years, Justice Thomas accepted a luxury trip from an individual nearly every single year.⁹ In 2019 alone, Justice Thomas accepted a trip to Indonesia estimated to cost over \$500,000 that included use of the individual’s private jet and a yacht.¹⁰ Around 2013, Justice Thomas went on an extended cruise in New Zealand aboard the person’s yacht, as well as a river day trip around Savannah, Georgia.¹¹ ProPublica also identified five additional times Justice Thomas used the person’s private jet beyond the flight to Indonesia.¹²

³ *Strategic Plan for the Federal Judiciary*, Judicial Conference of the United States, 10 (2020), https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf.

⁴ 5 U.S.C. § 13101.

⁵ 5 U.S.C. § 13101.

⁶ 5 U.S.C. § 13104(a)(2)(A).

⁷ 5 U.S.C. § 13104(a)(2)(B).

⁸ Filing Instructions for Judicial Officers and Employees, Committee on Financial Disclosure, 20 (Mar. 2023), https://www.uscourts.gov/sites/default/files/financial_disclosure_filing_instructions.pdf. https://www.uscourts.gov/sites/default/files/financial_disclosure_filing_instructions.pdf

⁹ Kaplan, *supra* note 2. <https://www.propublica.org/article/clarence-thomas-sotus-undisclosed-luxury-travel-gifts-crow>

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

On April 7, 2023, Justice Thomas responded to the reporting and did not deny the allegations. Instead, he stated that “I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable.”¹³

Justice Thomas’ statement admits that he received the gifts of vacations, which includes transportation, food, lodging, and entertainment. The exception to the reporting requirement that he references for “personal hospitality” applies only to lodging, meals, and entertainment, not to transportation. Indeed, the reporting requirement in the EIGA provides that filers must report gifts “except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported.”¹⁴

As explained in detail below, the EIGA and Federal Judiciary Financial Disclosure Regulations have always required the disclosure of free travel expenses, even before the March 2023 update to the regulations. This is evidenced by the prior versions of the regulations and Justice Thomas’ prior reporting of gifts of private plane travel.

There is Reasonable Cause to Believe that Justice Thomas Willfully Violated the Ethics in Government Act

“Courts have interpreted the EIGA’s willfulness requirement in accordance with this general rule, concluding that ‘[a]n individual knowingly and willfully fails to comply with the EIGA requirements when that individual intentionally disregards the statute or is indifferent to its requirements.’”¹⁵ The Judicial Conference need not make a final determination whether Justice Thomas acted willfully. Instead, the EIGA instructs the Judicial Conference to apply the low standard of “reasonable cause to believe” to refer the matter to the U.S. Attorney General for further fact gathering.

There is reasonable cause to believe that Justice Thomas intentionally disregarded the requirement to report the gifts of free private plane and yacht travel because:

1. **He demonstrated knowledge of the requirement by reporting private plane travel in prior reports but stopped reporting such gifts after negative public scrutiny of the disclosures.** In 1997, Justice Thomas reported receiving free travel on the personal plane of the same individual who provided the free travel that he failed to disclose in later years.¹⁶ In 2004, the Los Angeles Times relied on his financial disclosure statements to report that he accepted gifts and private plane

¹³ Clarence Thomas Statement, *supra* note 1.

¹⁴ 5 U.S.C. 13104(a)(2)(A) (emphasis added).

¹⁵ *United States v. Manigault Newman*, 594 F. Supp 3d 1, 6 (D.D.C. 2022) (quoting *United States v. Lairy*, No. CV 19-2488, 2020 WL 4039176, at *2 (D.D.C. July 17, 2020)); accord *United States v. Gant*, 268 F. Supp. 2d 29, 33 (D.D.C. 2003).

¹⁶ Kaplan, *supra* note 2; Tony Mauro, *At least 5 justices are millionaires Holdings force some to bow out of cases*, USA Today (May 28, 1998) (attached as Exhibit C).

travel from this individual.¹⁷ In the years since this reporting, Justice Thomas no longer disclosed gifts from the individual, despite continuing to accept gifts of travel.

2. **In 2011, he admitted omitting significant information from financial disclosure statements and claimed to not understand the law despite filing prior reports that included the information.** Justice Thomas amended his financial disclosure statements after watchdog groups revealed that he did not report his wife's income for several years. He explained that the sources of income were "inadvertently omitted due to a misunderstanding of the filing instructions."¹⁸ However, members of Congress informed the Judicial Conference in 2011 that Justice Thomas clearly knew the requirement because he "accurately filed his financial disclosure forms regarding his wife's employment for as many as 10 years beginning in 1987 when he was Chair of the Equal Employment Opportunity Commission."¹⁹

The Recent Judicial Conference Clarifications of the Personal Hospitality Reporting Exception Did Not Change the Ethics in Government Act Reporting Requirement for Receipt of Free Travel Expenses

A critically important detail in this matter is that the recent revisions to the Federal Judiciary Financial Disclosure Regulations have absolutely no impact on the EIGA requirements for the reporting of private plane and yacht travel by justices. Those revisions provide narrow clarification of the "personal hospitality" exception for the reporting of food, lodging, or entertainment. In particular, the Judicial Conference made the revisions "to provide guidance on 'whether 'personal hospitality' may encompass hospitality extended at a commercial property such as a resort' and whether hospitality for which a 'third party reimburses the hosts for the costs' would fall outside the scope of the reporting exemption."²⁰ The prior regulations regarding personal hospitality did not and could not weaken the longstanding EIGA requirements for reporting gifts of free transportation expenses.

Moreover, prior versions of the Federal Judiciary Financial Disclosure Regulations confirm that federal judges were always advised that free transportation expenses do not fall under the personal hospitality exception. For example, a version of the regulations prior

¹⁷ Richard A. Serrano, David G. Savage, *The Nation*; *Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court*, Los Angeles Times (Dec. 31, 2004) (attached as Exhibit D); David G. Savage, *Los Angeles Times reported about Justice Thomas' gifts 20 years ago. After that he stopped disclosing them* (Apr. 6, 2023), <https://tinyurl.com/2j2afh8j>.

¹⁸ Ariane de Vogue and Devin Dwyer, *Justice Clarence Thomas Amends 20 Years of Disclosure Forms With Wife's Employers*, ABC News (Jan. 24, 2011), https://abcnews.go.com/Politics/Supreme_Court/justice-clarence-thomas-amends-financial-disclosure-reports-virginia/story?id=12750650.

¹⁹ Rep. Louise M. Slaughter and Rep. Earl Blumenauer, et al., *Letter to Presiding Officer of the Judicial Conference* (Nov. 18, 2011) (attached as Exhibit E).

²⁰ The Honorable Roslynn R. Mauskopf, *Response Letter to Sen. Sheldon Whitehouse* (Mar. 23, 2023) (attached as Exhibit F).

to the March 2023 revisions states that the reporting of “any travel-related reimbursements aggregating more than \$415 in value that are received by the filer from one source during the reporting period [excluding] [a]ny food, lodging or entertainment received as ‘personal hospitality of any individual.’”²¹ The filing instructions for federal judges specify that such travel-related reimbursements include travel expenses paid directly by a third party, and not simply repayments to the filer.²² Therefore, any omissions on financial disclosure reports justified by prior iterations of financial disclosure guidance must be assessed with skepticism.

Conclusion

In conclusion, the publicly known facts concerning Justice Thomas’ receipt of transportation on private planes and yachts raise significant legal implications for Justice Thomas and all federal judges who are required to comply with EIGA. It is incumbent on the Judicial Conference to either refer this matter to the U.S. Attorney General or state publicly why it believes this matter does not warrant further action.

Respectfully Submitted,

_____/s/_____

Kedric L. Payne
General Counsel and Senior Director, Ethics
Campaign Legal Center

_____/s/_____

Danielle Caputo
Legal Counsel, Ethics
Campaign Legal Center

cc: The Honorable S. Thomas Anderson
The Honorable John Bailey
The Honorable Patricia D. Barksdale
The Honorable Mark Barnett
The Honorable David Jeremiah Barron
The Honorable James Emanuel Boasberg
The Honorable Margo K. Brodie
The Honorable Debra M. Brown
The Honorable Renee Marie Bumb
The Honorable Michael A. Chagares
The Honorable Scott Coogler
The Honorable Jon DeGuilio
The Honorable Aida M. Delgado-Colón

²¹ *Guide to Judiciary Policy*, Administrative Office of the U.S. Courts, 17 (Jan. 15, 2021), <https://web.archive.org/web/20210623211324/https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

²² Filing Instructions for Judicial Officers and Employees, *supra* note 9, at 20.

The Honorable Roger L. Gregory
The Honorable Jerome A. Holmes
The Honorable William Paul Johnson
The Honorable Leslie E. Kobayashi
The Honorable Debra Ann Livingston
The Honorable Margaret M. Mann
The Honorable Kimberly A. Moore
The Honorable Mary H. Murguia
The Honorable William H. Pryor, Jr.
The Honorable Priscilla Richman
The Honorable John G. Roberts, Jr.
The Honorable Lavenski R. Smith
The Honorable Srikanth Srinivasan
The Honorable Jeffrey S. Sutton
The Honorable Diane S. Sykes
The Honorable John R. Tunheim

Exhibit A

p. 1

Please see the following statement from Justice Clarence Thomas:

Harlan and Kathy Crow are among our dearest friends, and we have been friends for over twenty-five years. As friends do, we have joined them on a number of family trips during the more than quarter century we have known them. Early in my tenure at the Court, I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable. I have endeavored to follow that counsel throughout my tenure, and have always sought to comply with the disclosure guidelines. These guidelines are now being changed, as the committee of the Judicial Conference responsible for financial disclosure for the entire federal judiciary just this past month announced new guidance. And, it is, of course, my intent to follow this guidance in the future.

Public Information Office

Exhibit B

First image: Clarence Thomas in October 2022. Second image: Harlan Crow in October 2015. Third image: The Michaela Rose, Crow's yacht. Fourth image: A Bombardier Global 5000, the make and model of Crow's private jet. Fifth image: The boathouse at Topridge, Crow's private resort in the Adirondacks. Erin Schaff/The New York Times via AP, Pool; Chris Goodney/Bloomberg via Getty Images; Alec Burke; Air Charter Service; Kyle Griffith

Courts

Clarence Thomas and the Billionaire

by Joshua Kaplan, Justin Elliott and Alex Mierjeski

April 6, 5 a.m. EDT

ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up to receive our biggest stories as soon as they're published.

Update, April 7, 2023: Since publication, Justice Clarence Thomas has made a public statement defending his undisclosed trips.

IN LATE JUNE 2019, right after the U.S. Supreme Court released its final opinion of the term, Justice Clarence Thomas boarded a large private jet headed to Indonesia. He and his wife were going on vacation: nine days of island-hopping in a volcanic archipelago on a superyacht staffed by a coterie of attendants and a private chef.

If Thomas had chartered the plane and the 162-foot yacht himself, the total cost of the trip could have exceeded \$500,000. Fortunately for him, that wasn't necessary: He was on vacation with real estate magnate and Republican megadonor Harlan Crow, who owned the jet — and the yacht, too.



Clarence Thomas and his wife, Ginni, front left, with Harlan Crow, back right, and others in Flores, Indonesia, in July 2019. via Instagram

For more than two decades, Thomas has accepted luxury trips virtually every year from the Dallas businessman without disclosing them, documents and interviews show. A public servant who has a salary of \$285,000, he has vacationed on Crow's superyacht around the globe. He flies on Crow's Bombardier Global 5000 jet. He has gone with Crow to the Bohemian Grove, the exclusive California all-male retreat, and to Crow's sprawling ranch in East Texas. And Thomas typically spends about a week every summer at Crow's private resort in the Adirondacks.

The extent and frequency of Crow's apparent gifts to Thomas have no known precedent in the modern history of the U.S. Supreme Court.

These trips appeared nowhere on Thomas' financial disclosures. His failure to report the flights appears to violate a law passed after Watergate that requires justices, judges, members of Congress and federal officials to disclose most gifts, two ethics law experts said. He also should have disclosed his trips on the yacht, these experts said.

Get in Touch

ProPublica plans to continue reporting on the judiciary. If you have information about Harlan Crow and Justice Clarence Thomas, travel by Supreme Court justices or anything else we should know about the judiciary, please get in touch. Josh Kaplan can be reached by email at joshua.kaplan@propublica.org and by Signal or WhatsApp at 734-834-9383. Justin Elliott can be reached by email at justin@propublica.org or by Signal or WhatsApp at 774-826-6240.

Thomas did not respond to a detailed list of questions.

In a statement, Crow acknowledged that he'd extended "hospitality" to the Thomases "over the years," but said that Thomas never asked for any of it and it was "no different from the hospitality we have extended to our many other dear friends."

Through his largesse, Crow has gained a unique form of access, spending days in private with one of the most powerful people in the country. By accepting the trips, Thomas has broken long-standing norms for judges' conduct, ethics experts and four current or retired federal judges said.

"It's incomprehensible to me that someone would do this," said Nancy Gertner, a retired federal judge appointed by President Bill Clinton. When she was on the bench, Gertner said, she was so cautious about appearances that she wouldn't mention her title when making dinner reservations: "It was a question of not wanting to use the office for anything other than what it was intended."

Virginia Canter, a former government ethics lawyer who served in administrations of both parties, said Thomas "seems to have completely disregarded his higher ethical obligations."

"When a justice's lifestyle is being subsidized by the rich and famous, it absolutely corrodes public trust," said Canter, now at the watchdog group CREW. "Quite frankly, it makes my heart sink."

WHEN A JUSTICE'S LIFESTYLE IS BEING SUBSIDIZED BY THE RICH AND FAMOUS, IT ABSOLUTELY CORRODES PUBLIC TRUST. QUITE FRANKLY, IT MAKES MY HEART SINK.

—Virginia Canter, former government ethics lawyer

ProPublica uncovered the details of Thomas' travel by drawing from flight records, internal documents distributed to Crow's employees and interviews with dozens of people ranging from his superyacht's staff to members of the secretive Bohemian Club to an Indonesian scuba diving instructor.

Federal judges sit in a unique position of public trust. They have lifetime tenure, a privilege intended to insulate them from the pressures and potential corruption of politics. A code of conduct for federal judges below the Supreme Court requires them to avoid even the "appearance of impropriety." Members of the high court, Chief Justice John Roberts has written, "consult" that code for guidance. The Supreme Court is left almost entirely to police itself.

There are few restrictions on what gifts justices can accept. That's in contrast to the other branches of government. Members of Congress are generally prohibited from taking gifts worth \$50 or more and would need pre-approval from an ethics committee to take many of the trips Thomas has accepted from Crow.

Thomas' approach to ethics has already attracted public attention. Last year, Thomas didn't recuse himself from cases that touched on the involvement of his wife, Ginni, in efforts to overturn the 2020 presidential election. While his decision generated outcry, it could not be appealed.

Crow met Thomas after he became a justice. The pair have become genuine friends, according to people who know both men. Over the years, some details of Crow's relationship with the Thomases have emerged. In 2011, The New York Times reported on Crow's generosity toward the justice. That same year, Politico revealed that Crow had given half a million dollars to a Tea Party group founded by Ginni Thomas, which also paid her a \$120,000 salary. But the full scale of Crow's benefactions has never been revealed.

Long an influential figure in pro-business conservative politics, Crow has spent millions on ideological efforts to shape the law and the judiciary. Crow and his firm have not had a case before the Supreme Court since Thomas joined it, though the court periodically hears major cases that directly impact the real estate industry. The details of his discussions with Thomas over the years remain unknown, and it is unclear if Crow has had any influence on the justice's views.

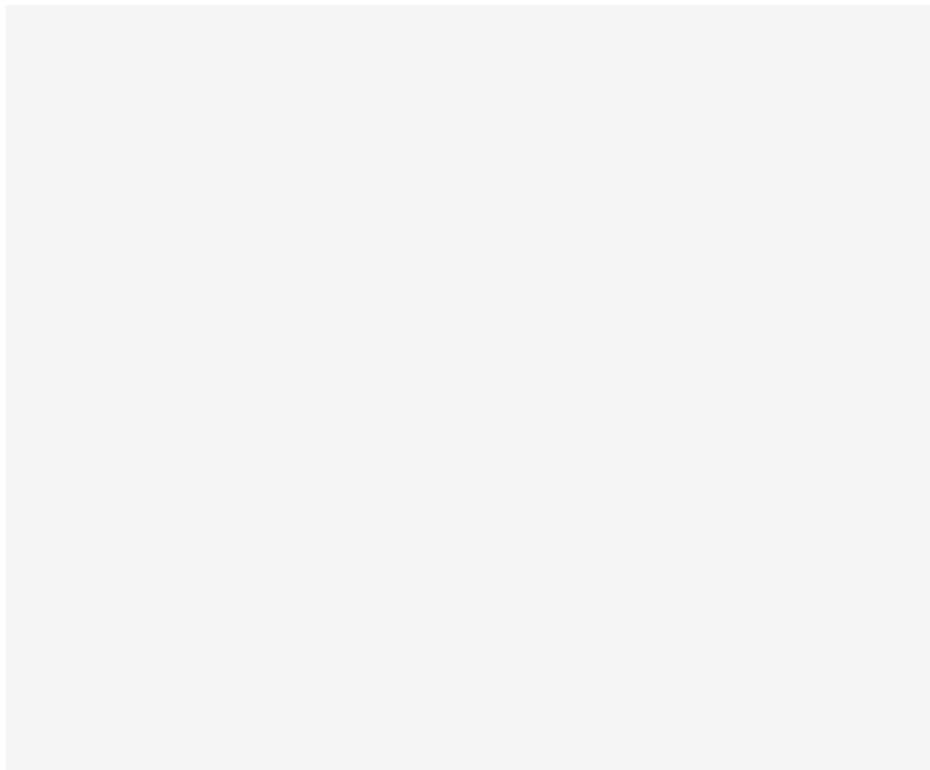
In his statement, Crow said that he and his wife have never discussed a pending or lower court case with Thomas. "We have never sought to influence Justice Thomas on any legal or political issue," he added.

“I don’t have any problem with going to Europe, but I prefer the United States, and I prefer seeing the regular parts of the United States,” Thomas said in a recent interview for a documentary about his life, which Crow helped finance.

“I prefer the RV parks. I prefer the Walmart parking lots to the beaches and things like that. There’s something normal to me about it,” Thomas said. “I come from regular stock, and I prefer that — I prefer being around that.”

“You Don’t Need to Worry About This — It’s All Covered”

CROW’S PRIVATE lakeside resort, Camp Topridge, sits in a remote corner of the Adirondacks in upstate New York. Closed off from the public by ornate wooden gates, the 105-acre property, once the summer retreat of the same heiress who built Mar-a-Lago, features an artificial waterfall and a great hall where Crow’s guests are served meals prepared by private chefs. Inside, there’s clear evidence of Crow and Thomas’ relationship: a painting of the two men at the resort, sitting outdoors smoking cigars alongside conservative political operatives. A statue of a Native American man, arms outstretched, stands at the center of the image, which is photographic in its clarity.

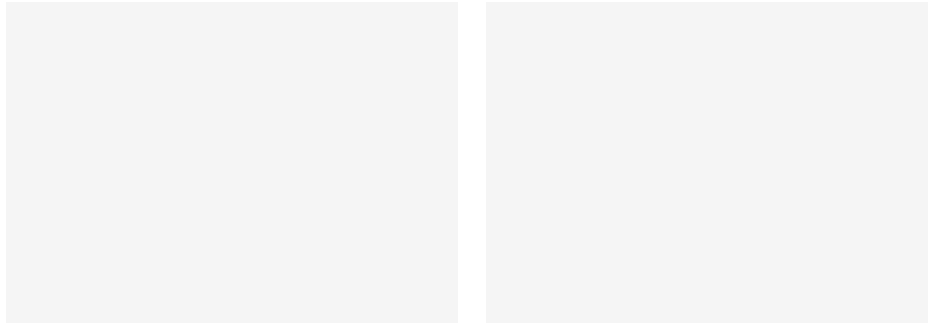


A painting that hangs at Camp Topridge shows Crow, far right, and Thomas, second from right, smoking cigars at the resort. They are joined by lawyers Peter Rutledge, Leonard Leo and Mark Paoletta, from left. Painting by Sharif Tarabay

The painting captures a scene from around five years ago, said Sharif Tarabay, the artist who was commissioned by Crow to paint it. Thomas has

former resort staff, as well as records obtained by ProPublica. He has fished with a guide hired by Crow and danced at concerts put on by musicians Crow brought in. Thomas has slept at perhaps the resort's most elegant accommodation, an opulent lodge overhanging Upper St. Regis Lake.

The mountainous area draws billionaires from across the globe. Rooms at a nearby hotel built by the Rockefellers start at \$2,250 a night. Crow's invitation-only resort is even more exclusive. Guests stay for free, enjoying Topridge's more than 25 fireplaces, three boathouses, clay tennis court and batting cage, along with more eccentric features: a lifesize replica of the Harry Potter character Hagrid's hut, bronze statues of gnomes and a 1950s-style soda fountain where Crow's staff fixes milkshakes.



First image: A lodge at Topridge where Thomas has stayed. Second image: Thomas fishing in the Adirondacks. First image: Courtesy of Carolyn Belknap. Second image: Via NYup.com.

Crow's access to the justice extends to anyone the businessman chooses to invite along. Thomas' frequent vacations at Topridge have brought him into contact with corporate executives and political activists.

During just one trip in July 2017, Thomas' fellow guests included executives at Verizon and PricewaterhouseCoopers, major Republican donors and one of the leaders of the American Enterprise Institute, a pro-business conservative think tank, according to records reviewed by ProPublica. The painting of Thomas at Topridge shows him in conversation with [Leonard Leo](#), the Federalist Society leader regarded as an [architect of the Supreme Court's recent turn](#) to the right.

In his statement to ProPublica, Crow said he is "unaware of any of our friends ever lobbying or seeking to influence Justice Thomas on any case, and I would never invite anyone who I believe had any intention of doing that."

"These are gatherings of friends," Crow said.

Crow has deep connections in conservative politics. The heir to a real estate fortune, Crow oversees his family's business empire and recently [named](#) Marxism as his greatest fear. He was an early patron of the powerful anti-tax group Club for Growth and has been on the board of AEI for over 25 years. He also sits on the board of the Hoover Institution, another conservative think tank.

A major Republican donor for decades, Crow has given more than \$10 million in publicly disclosed political contributions. He's also given to

money he's given and to whom are not fully known. "I don't disclose what I'm not required to disclose," Crow once told the Times.

Crow has long supported efforts to move the judiciary to the right. He has donated to the Federalist Society and given millions of dollars to groups dedicated to tort reform and conservative jurisprudence. AEI and the Hoover Institution publish scholarship advancing conservative legal theories, and fellows at the think tanks occasionally file amicus briefs with the Supreme Court.

I PREFER THE RV PARKS. I PREFER THE WALMART PARKING LOTS TO THE BEACHES AND THINGS LIKE THAT. THERE'S SOMETHING NORMAL TO ME ABOUT IT. I COME FROM REGULAR STOCK, AND I PREFER THAT — I PREFER BEING AROUND THAT.

—Clarence Thomas

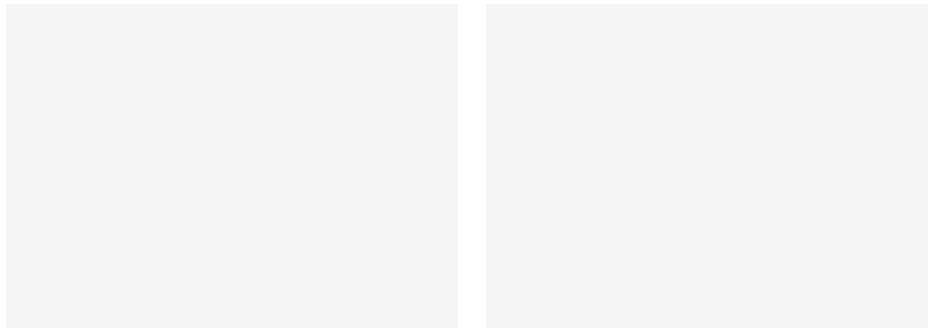
On the court since 1991, Thomas is a deeply conservative jurist known for his "originalism," an approach that seeks to adhere to close readings of the text of the Constitution. While he has been resolute in this general approach, his views on specific matters have sometimes evolved. Recently, Thomas harshly criticized one of his own earlier opinions as he embraced a legal theory, newly popular on the right, that would limit government regulation. Small evolutions in a justice's thinking or even select words used in an opinion can affect entire bodies of law, and shifts in Thomas' views can be especially consequential. He's taken unorthodox legal positions that have been adopted by the court's majority years down the line.

Soon after Crow met Thomas three decades ago, he began lavishing the justice with gifts, including a \$19,000 Bible that belonged to Frederick Douglass, which Thomas disclosed. Recently, Crow gave Thomas a portrait of the justice and his wife, according to Tarabay, who painted it. Crow's foundation also gave \$105,000 to Yale Law School, Thomas' alma mater, for the "Justice Thomas Portrait Fund," tax filings show.

Crow said that he and his wife have funded a number of projects that celebrate Thomas. "We believe it is important to make sure as many people as possible learn about him, remember him and understand the ideals for which he stands," he said.

To trace Thomas' trips around the world on Crow's superyacht, ProPublica spoke to more than 15 former yacht workers and tour guides and obtained records documenting the ship's travels.

On the Indonesia trip in the summer of 2019, Thomas flew to the country on Crow's jet, according to another passenger on the plane. Clarence and Ginni Thomas were traveling with Crow and his wife, Kathy. Crow's yacht, the Michaela Rose, decked out with motorboats and a giant inflatable rubber duck, met the travelers at a fishing town on the island of Flores.



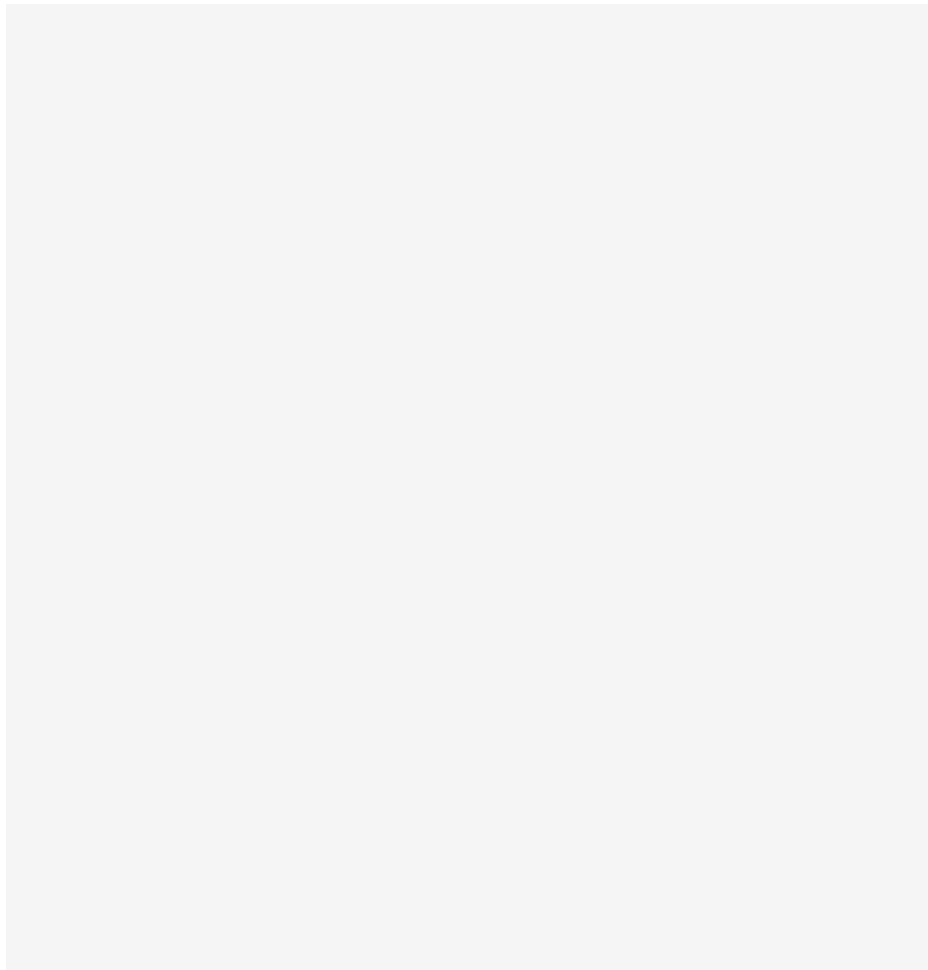
First image: From left, Crow, Paoletta, Ginni Thomas and Clarence Thomas in Indonesia in 2019. Clarence Thomas flew to the country on Crow's jet, according to another passenger on the plane. Second image: A worker from Crow's yacht ferries Thomas and others on a small boat in Indonesia. via Facebook

Touring the Lesser Sunda Islands, the group made stops at Komodo National Park, home of the eponymous reptiles; at the volcanic lakes of Mount Kelimutu; and at Pantai Meko, a spit of pristine beach accessible only by boat. Another guest was Mark Paoletta, a friend of the Thomases then serving as the general counsel of the Office of Management and Budget in the administration of President Donald Trump.

Paoletta was bound by executive branch ethics rules at the time and told ProPublica that he discussed the trip with an ethics lawyer at his agency before accepting the Crows' invitation. "Based on that counsel's advice, I reimbursed Harlan for the costs," Paoletta said in an email. He did not respond to a question about how much he paid Crow.

(Paoletta has long been a pugnacious defender of Thomas and recently testified before Congress against strengthening judicial ethics rules. "There is nothing wrong with ethics or recusals at the Supreme Court," he said, adding, "To support any reform legislation right now would be to validate these vicious political attacks on the Supreme Court," referring to criticism of Thomas and his wife.)

The Indonesia vacation wasn't Thomas' first time on the Michaela Rose. He went on a river day trip around Savannah, Georgia, and an extended cruise in New Zealand roughly a decade ago.



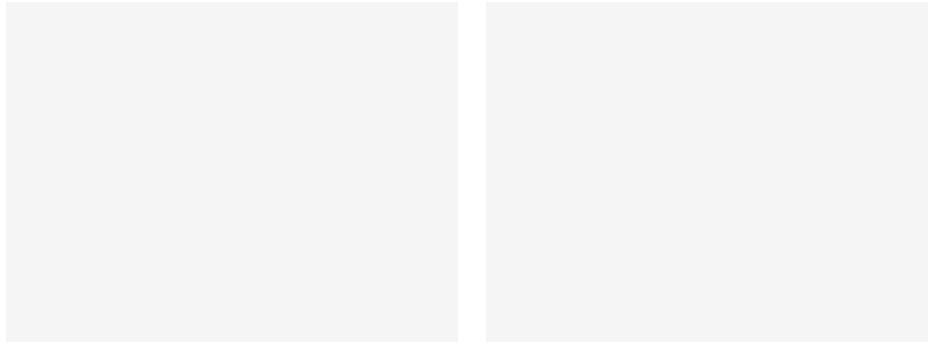
During a New Zealand trip on Crow's yacht, Thomas signed a copy of his memoir and gave it to a yacht worker. Obtained by ProPublica

As a token of his appreciation, he gave one yacht worker a copy of his memoir. Thomas signed the book: "Thank you so much for all your hard work on our New Zealand adventure."

Crow's policy was that guests didn't pay, former Michaela Rose staff said. "You don't need to worry about this — it's all covered," one recalled the guests being told.

There's evidence Thomas has taken even more trips on the superyacht. Crow often gave his guests custom polo shirts commemorating their vacations, according to staff. ProPublica found photographs of Thomas wearing at least two of those shirts. In one, he wears a blue polo shirt embroidered with the Michaela Rose's logo and the words "March 2007" and "Greek Islands."

Thomas didn't report any of the trips ProPublica identified on his annual [financial disclosures](#). Ethics experts said [the law](#) clearly requires disclosure for private jet flights and Thomas appears to have violated it.



Thomas has been photographed wearing custom polo shirts bearing the logo of Crow's yacht, the Michaela Rose. via Flickr, Washington Examiner

Justices are generally required to publicly report all gifts worth more than \$415, defined as “anything of value” that isn’t fully reimbursed. There are exceptions: If someone hosts a justice at their own property, free food and lodging don’t have to be disclosed. That would exempt dinner at a friend’s house. The exemption never applied to transportation, such as private jet flights, experts said, a fact that was made explicit in recently updated [filing instructions](#) for the judiciary.

Two ethics law experts told ProPublica that Thomas’ yacht cruises, a form of transportation, also required disclosure.

“If Justice Thomas received free travel on private planes and yachts, failure to report the gifts is a violation of the disclosure law,” said Kedric Payne, senior director for ethics at the nonprofit government watchdog Campaign Legal Center. (Thomas himself once reported receiving a private jet trip from Crow, on his disclosure for 1997.)

The experts said Thomas’ stays at Topridge may have required disclosure too, in part because Crow owns it not personally but through a company. Until recently, the judiciary’s ethics guidance didn’t explicitly address the ownership issue. The recent update to the filing instructions clarifies that disclosure is required for such stays.

How many times Thomas failed to disclose trips remains unclear. Flight records from the Federal Aviation Administration and FlightAware suggest he makes regular use of Crow’s plane. The jet often follows a pattern: from its home base in Dallas to Washington Dulles airport for a brief stop, then on to a destination Thomas is visiting and back again.

ProPublica identified five such trips in addition to the Indonesia vacation.

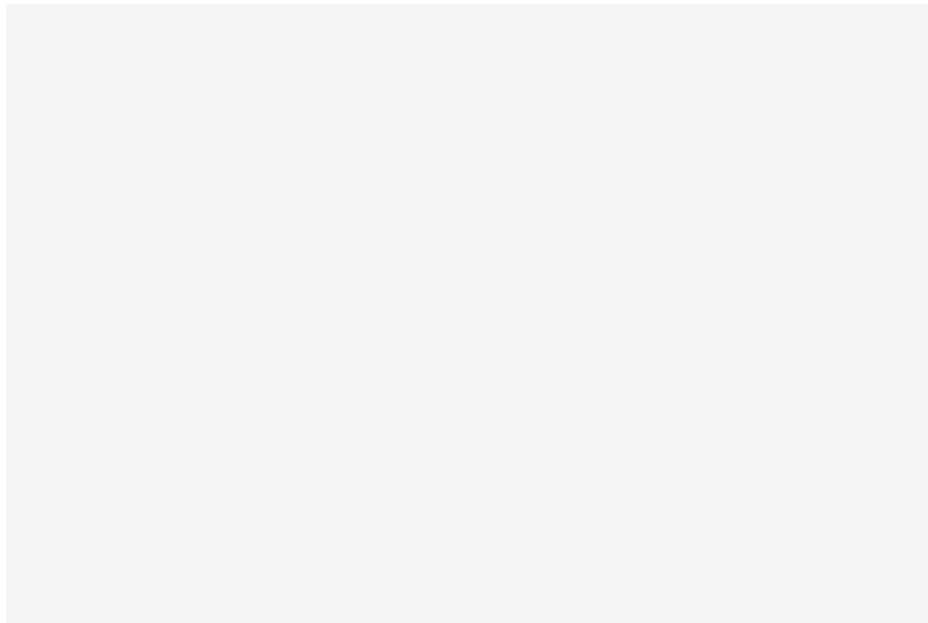
On July 7 last year, Crow’s jet made a 40-minute stop at Dulles and then flew to a small airport near Topridge, returning to Dulles six days later. Thomas was at the resort that week for his regular summer visit, according to a person who was there. Twice in recent years, the jet has followed the pattern when Thomas appeared at Crow’s properties in Dallas — once for the Jan. 4, 2018, [swearing-in](#) of Fifth Circuit Judge James Ho at Crow’s private library and again for a conservative think tank conference Crow hosted last May.

Thomas has even used the plane for a three-hour trip. On Feb. 11, 2016, the

the Court, private jet data, a [New Haven plane spotter](#) and another person at the airport. There are no reports of Thomas making a public appearance that day, and the purpose of the trip remains unclear.

Jet charter companies told ProPublica that renting an equivalent plane for the New Haven trip could cost around \$70,000.

On the weekend of Oct. 16, 2021, Crow's jet repeated the pattern. That weekend, Thomas and Crow traveled to a Catholic cemetery in a bucolic suburb of New York City. They were there for the unveiling of a bronze statue of the justice's beloved eighth grade teacher, a nun, according to Catholic Cemetery magazine.



Thomas attended the 2021 unveiling of a statue of his eighth grade teacher. via Catholic Cemeteries of the Archdiocese of Newark

As Thomas spoke from a lectern, the monument towered over him, standing 7 feet tall and weighing 1,800 pounds, its granite base inscribed with words his teacher once told him. Thomas told the nuns assembled before him, "This extraordinary statue is dedicated to you sisters."

He also thanked the donors who paid for the statue: Harlan and Kathy Crow.

Do you have any tips on the courts? Josh Kaplan can be reached by email at joshua.kaplan@propublica.org and by Signal or WhatsApp at 734-834-9383. Justin Elliott can be reached by email at justin@propublica.org or by Signal or WhatsApp at 774-826-6240.

Matt Easton contributed reporting.

Design and development by [Anna Donlan](#) and [Lena V. Groeger](#).

Filed under —
Courts

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SITES



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Exhibit C

At least 5 justices are millionaires Holdings force some to bow out of cases

At least 5 justices are millionaires Holdings force some to bow out of cases

USA TODAY

May 28, 1998, Thursday,

FINAL EDITION

Copyright 1998 Gannett Company, Inc.

Section: NEWS;

Length: 679 words

Byline: Tony Mauro

Dateline: WASHINGTON

Body

WASHINGTON -- At least five, and possibly six, of the Supreme Court's nine justices are millionaires.

Financial disclosure forms for 1997, released this week, indicate that President Clinton's two appointees to the high court -- Ruth Bader Ginsburg and Stephen Breyer -- are the wealthiest. They are worth as much as \$ 24 million and \$ 16 million, respectively.

Also listing more than \$ 1 million in assets are Sandra Day O'Connor, David Souter and John Paul Stevens. Antonin Scalia reported assets of \$ 675,000 to \$ 1.59 million.

Assets are listed in ranges, which makes precise totals impossible to compute.

Most of the wealth of Breyer and Ginsburg comes through their spouses.

Breyer's wife, Joanna, is from a prominent British family. Her mother died last year, so in addition the justice's disclosure form lists an inheritance valued at \$ 1 million to \$ 5 million.

Ginsburg's husband, Martin, is a well-known tax lawyer and Georgetown University law professor.

Ginsburg's disclosure form reveals that she and her husband sold as much as \$ 1 million in stocks last July and put the money into mutual funds.

At least 5 justices are millionaires Holdings force some to bow out of cases

The transactions came after *Insight Magazine* reported that Justice Ginsburg had participated in 21 cases that involved companies in which Martin Ginsburg had invested. At the time, he said he had misunderstood the nature of an IRA account through which he owned the company stocks and would sell them immediately.

Several justices report extensive stock holdings, some of which prompt them to bow out of cases.

Among more than a dozen stock holdings listed by O'Connor is \$ 15,000 to \$ 50,000 in AT&T Corp. securities. She sold less than \$ 15,000 worth of the stock last year.

Last year USA TODAY reported that O'Connor's ownership in AT&T stock had prompted her to recuse herself from more than two dozen cases in recent years.

O'Connor already has stated her intention to bow out of a case that will be argued this fall in which part of the Telecommunications Act of 1996 is under challenge.

"The country is entitled to have nine justices deciding important cases," says Northwestern University law professor Steven Lubet, a judicial ethics expert.

"A justice who owns a stock that leads to repeated recusals ought to consider getting rid of it."

The financial disclosure forms also catalog an array of trips, lecture fees and gifts reported by the justices.

Among them:

-- \$ 15,000 in royalties from Princeton University Press to Scalia

for his 1997 book *A Matter of Interpretation*.

-- \$ 550 in gifts, also to Scalia, for his participation in a bocce tournament in Wolfeboro, N.H. Bocce is an Italian lawn bowling sport.

-- Reimbursement for 20 speaking trips by O'Connor to locations such as Krakow, Poland, and Kankakee, Ill.

-- A free trip for Justice Clarence Thomas to the Bohemian Grove club in California in the personal jet of Texas real estate magnate Harlan Crow.

VALUE OF ASSETS

Here is the value of assets reported by the nine Supreme Court

At least 5 justices are millionaires Holdings force some to bow out of cases

justices in their 1997 financial disclosure forms released this week. The values are reported in ranges, not as precise figures, and do not include the value of their primary homes. The justices are listed in order from highest to lowest in asset value, along with a comparison to their 1996 reports.

-- Ruth Bader Ginsburg, \$ 5.9 million to \$ 24.1 million, up from \$ 4.9 million to \$ 15.4 million in 1996.

-- Stephen Breyer, \$ 4.3 million to \$ 15.9 million, up from \$ 3.8 million to \$ 14.9 million.

-- Sandra Day O'Connor, \$ 2.3 million to \$ 5.6 million, up from \$ 2 million to \$ 4.9 million.

-- David Souter, \$ 1.1 million to \$ 5.3 million, down slightly from \$ 1.3 million to \$ 5.3 million.

-- John Paul Stevens, \$ 1.29 million to \$ 2.74 million, up slightly from \$ 1.24 million to \$ 2.59 million.

-- Antonin Scalia, \$ 675,000 to \$ 1.59 million, up from \$ 630,000 to \$ 1.37 million.

-- Chief Justice William Rehnquist, \$ 210,000 to \$ 590,000, unchanged from 1996.

-- Anthony Kennedy, \$ 30,000 to \$ 280,000, down from \$ 45,000 to \$ 360,000.

-- Clarence Thomas, \$ 30,000 to \$ 175,000, down from \$ 80,000 to \$ 275,000.

Source: Administrative Office of U.S. Courts, The Associated Press.

Graphic

PHOTO, Color, AP; PHOTOS, B/W, AP (2)

Classification

Language: ENGLISH

Subject: WEALTHY PEOPLE (91%); HOLDING COMPANIES (90%); LAW SCHOOLS (87%); COMPANY STRUCTURES & OWNERSHIP (78%); ROYALTIES (78%); MUTUAL FUNDS (77%); LAWYERS (75%); ETHICS (73%); JUDICIAL ETHICS (73%); LAW COURTS & TRIBUNALS (73%); COLLEGE & UNIVERSITY PROFESSORS (72%); SECURITIES & OTHER INVESTMENTS (71%); LEGAL ETHICS (67%); INDIVIDUAL RETIREMENT ACCOUNTS (65%); LAWN BOWLING (60%); TOURNAMENTS (60%)

At least 5 justices are millionaires Holdings force some to bow out of cases

Company: AT&T INC (94%); PRINCETON UNIVERSITY PRESS (50%); AT&T INC (94%); PRINCETON UNIVERSITY PRESS (50%); GEORGETOWN UNIVERSITY (53%)

Organization: GEORGETOWN UNIVERSITY (53%)

Ticker: T (NYSE) (94%)

Industry: NAICS517210 WIRELESS TELECOMMUNICATIONS CARRIERS (EXCEPT SATELLITE) (94%); NAICS517110 WIRED TELECOMMUNICATIONS CARRIERS (94%); NAICS511140 DIRECTORY & MAILING LIST PUBLISHERS (94%); LAW SCHOOLS (87%); MUTUAL FUNDS (77%); LAWYERS (75%); COLLEGE & UNIVERSITY PROFESSORS (72%); SECURITIES & OTHER INVESTMENTS (71%); INDIVIDUAL RETIREMENT ACCOUNTS (65%); TELECOMMUNICATIONS (60%)

Person: RUTH BADER GINSBURG (79%); ANTONIN SCALIA (78%); STEPHEN BREYER (78%); DAVID SOUTER (58%); JOHN PAUL STEVENS (58%)

Geographic: UNITED STATES (94%)

Load-Date: May 28, 1998

End of Document

Exhibit D

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

Los Angeles Times

December 31, 2004 Friday

Home Edition

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Section: MAIN NEWS; National Desk; Part A; Pg. 1

Length: 2698 words

Byline: Richard A. Serrano and David G. Savage, Times Staff Writers

Dateline: WASHINGTON

Body

Supreme Court Justice Clarence **Thomas** has accepted tens of thousands of dollars worth of gifts since joining the high court, including \$1,200 worth of tires, valuable historical items and a \$5,000 personal check to help pay a relative's education expenses.

The gifts also included a Bible once owned by the 19th century author and abolitionist leader Frederick Douglass, which **Thomas** valued at \$19,000, and a bust of President Lincoln valued at \$15,000.

He also took a free trip aboard a private jet to the exclusive Bohemian Grove club in Northern California -- arranged by a wealthy Texas real estate investor who helped run an advocacy group that filed briefs with the Supreme Court.

Those and other gifts were disclosed by **Thomas** under a 1978 federal ethics law that requires high-ranking government officials, including the nine Supreme Court justices, to file a report each year that lists gifts, money and other items they have received.

Thomas has reported accepting much more valuable gifts than his Supreme Court colleagues over the last six years, according to their disclosure forms on file at the court.

The Ethics in Government Act of 1989 prohibits all federal employees, including the justices, from accepting "anything of value" from a person with official business before them. However, under the rules that the federal judicial system adopted to implement that law, judges are free to accept gifts of unlimited value from people without official business before the court.

Representatives for the federal judiciary and the Supreme Court argue that requiring the disclosure of any gifts is sufficient to prevent corruption or the appearance of favoritism.

But in October, an American Bar Assn. panel called for tightening the rules to forbid judges from taking expensive gifts, free tickets and other valuable items, regardless of who is the donor.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

"Why would someone do that -- give a gift to Clarence Thomas? Unless they are family members or really close friends, the only reason to give gifts is to influence the judge," said Mark I. Harrison, a Phoenix lawyer who heads the ABA's Commission on the Model Code of Judicial Conduct. "And we think it is not helpful to have judges accepting gifts for no apparent reason."

"The public has to wonder when a justice accepts lavish gifts," said Northwestern University law professor Steven Lubet, a legal ethics expert. "The rich and powerful have a different set of economic interests than other people, and they can afford to give lavish gifts."

Thomas, through a court spokeswoman, declined to comment when asked in writing why he deemed it appropriate to accept some of the larger gifts. But a former clerk to Thomas defended the practice.

"I don't see anything wrong in this. I don't see why it is inappropriate to get gifts from friends," said John C. Yoo, now a law professor at the UC Berkeley. "This reflects a bizarre effort to over-ethicize everyday life. If one of these people were to appear before the Supreme Court, Justice Thomas would recuse himself."

Despite the open-ended rules, most of the other Supreme Court justices reported accepting only items of lesser value, or token gifts for speaking at formal events, or nothing at all.

The Times reviewed the disclosures of all nine justices for the years 1998 through 2003, the only period of time for which disclosure forms were still on file at the court. They reported receiving cash, which they usually gave to charity, but kept or used various valuable items, mementos and club memberships.

In that six-year period, Thomas accepted \$42,200 in gifts, making him the top recipient.

Next in that period was Justice Sandra Day O'Connor, who accepted \$5,825 in gifts, mostly small crystal figurines and other items. She also reported an \$18,000 award in 2003 from the American Philosophical Society in Philadelphia, but listed it as income. The money was for the society's Benjamin Franklin Award for Distinguished Public Service. She gave other cash awards to charity.

Third was Chief Justice William H. Rehnquist, who accepted a \$5,000-award from Fordham University -- the only gift he reported for the six-year period.

In addition, The Times obtained a full set of disclosure forms for Thomas' 13-year tenure on the court, as well as forms dating to 1992 from Justice Antonin Scalia, 1993 for Justice Ruth Bader Ginsburg and 1996 for O'Connor. (The official disclosure forms are removed from the public file after six years.)

Since joining the court, Thomas reported accepting gifts valued at \$47,745. He also reported other gifts without citing a dollar value, ranging from "small gifts and flowers" to free plane trips and accommodations from friends.

Ginsburg has received a number of large monetary awards since joining the court in 1993, which she reported giving to charity. In 1996 she received \$100,000 from the philanthropic Kaul Foundation and distributed the money among 26 charities and nonprofit organizations, including law schools, women's organizations and theatrical companies.

Justices earned \$194,300 this year and will get \$199,200 in 2005, modest compared with some private-sector lawyers. They are permitted to earn as much as \$23,000 more through outside activities, such as teaching.

But membership on the court offers perks in addition to the prestige and power unique to the role of the high court.

Nearly all the justices accept honorary memberships to private clubs, worth thousands of dollars annually. Most are Washington-area clubs that donate the memberships.

For example, Rehnquist and Justices John Paul Stevens and Anthony M. Kennedy listed honorary memberships in the Washington Golf and Country Club, which they valued last year at \$4,000. These sums appeared to be in line

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

with annual membership fees for such clubs in the Washington area. However, a court spokesman said the rules did not require justices to disclose the initiation fees for joining such clubs, which can be far higher.

Because of inconsistencies in the way the justices reported their memberships, they were not included in the Times' tally of the value of their gifts.

Several justices also take lengthy, all-expenses-paid summer sojourns abroad where they are paid to lecture on the law. Locales have included Italy, the French Riviera and the Greek isles.

Justices Stephen G. Breyer and David H. Souter reported turning down all gifts and club memberships. Breyer has traveled on law school programs to Paris; Barcelona, Spain; and Florence, Italy. But Souter stays home and checks the box marked "NONE" for gifts on his yearly disclosure forms. Thomas also routinely passes up the overseas trips.

In calling for tighter restrictions on gifts to judges, the ABA commission was influenced by the strict no-gift rules adopted in 1995 by the House and Senate, said another panel member, Jan W. Baran, a former general counsel to the Republican National Committee.

Members of Congress and their staffs may not accept "anything of monetary value" greater than \$50 at one time, or more than \$100 from one person during the year. The only exceptions are gifts from family members and close personal friends.

"The House and Senate concluded it is not healthy to the integrity of their institutions to allow members to accept valuable gifts from strangers. That was the issue for us," Baran said.

"We would place a limit on the value of gifts from anyone.... To get a new set of tires from a generous car dealer would not be OK under these new rules."

New York University law professor Stephen Gillers, a legal ethicist, said the federal judiciary should adopt a similarly strict ban on judges accepting valuable gifts.

"A justice of the Supreme Court attracts friends and generosity. These gifts are being given not because he is Clarence Thomas, but because he is Justice Clarence Thomas," Gillers said.

Gillers said that, despite the comparatively lax rules, he thought most judges refused to accept valuable gifts. "I have friends who have become judges, and once they do, they will not let me pay for lunch," he said.

This year, Scalia was involved in a controversy over whether a free plane ride aboard Air Force II to go duck hunting in Louisiana with Vice President Dick Cheney amounted to a gift at a time when an energy case involving Cheney was before the court.

Scalia rejected a demand from the Sierra Club that he withdraw from the case, arguing that his trip on Air Force II did not amount to something of value. Scalia noted that he, his son and his son-in-law had bought round-trip tickets so they could return home on a commercial flight.

"In other words, none of us saved a cent by flying on the vice president's plane," Scalia said in a March 18 opinion. He subsequently voted for Cheney in the court case.

By law and tradition, the Supreme Court justices are exempted from many of the rules that govern lesser federal judges. Moreover, each of the justices is free to decide how the general ethics guidelines apply to them.

For example, when the Sierra Club filed its motion with the high court asserting that Scalia should step aside in the Cheney case, the court referred the matter to Scalia for him to decide.

Similarly, neither the ethics rules nor the court itself stands in the way of justices benefiting from the generosity of others.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

Even if the ABA panel's recommendation to tighten the rules on gifts were adopted for federal judges, it would serve only as a guide for members of the Supreme Court.

Thomas, nominated to the Supreme Court at age 43 by President George H.W. Bush, has won many admirers who see inspiration in his rise from a childhood of poverty in the segregated South. Some of the gifts he has accepted have come from casual acquaintances or, in one case, a stranger. More often, they came from new, conservative friends who voiced admiration for him.

Foremost among those conservative friends is Harlan **Crow**. The son of well-known Dallas real estate executive Trammell **Crow**, he runs a family holding company that owns 10% of Trammell **Crow** Co., one of the nation's biggest commercial real estate firms.

A big Republican donor, **Crow** last summer gave \$25,000 to help launch the Swift Boat Veterans for Truth campaign deriding Democratic presidential nominee Sen. John F. Kerry.

In an interview, **Crow** said he met **Thomas** 10 years ago at a conference in Dallas where the justice was a speaker. "I was in the audience and I was impressed," **Crow** said.

Soon afterward, **Crow** invited **Thomas** to a family campground in East Texas. Roger Connor, a businessman who was at the camp-out, remembers the all-male gathering.

"They were all smoking cigars. It was a very manly Texas thing," Connor said. He said the participants slept in sleeping bags and tents, and that the activities included a greased pig race.

In 1997, **Crow** flew **Thomas** on his personal plane to the San Francisco area and sponsored him as his guest at the Bohemian Grove, a private organization that for more than 125 years has held all-male retreats in the redwoods of Northern California for government and business leaders.

Crow and his wife, Kathy, in 2001 also gave **Thomas** the Bible that once belonged to Frederick Douglass. In disclosing the gift in his report for that year, **Thomas** valued the Bible at \$19,000 and listed the Crows as "personal friends."

"I just knew that he was a fan of Frederick Douglass, and I saw that item come available at an auction and I bought it and gave it to him," **Crow** said.

Crow donated \$175,000 for a new Clarence **Thomas** wing at the justice's childhood library in Pin Point, Ga.

At the time, **Crow** was a national board member of the Center for the Community Interest, an advocacy group that filed amicus briefs with the Supreme Court espousing conservative views on cases involving such issues as crime and pornography. **Crow** said he was not deeply involved with the group, which is now defunct.

Gillers, the NYU professor, questioned whether **Thomas** should have accepted anything from **Crow**.

The federal rules say a judge "shall not accept a gift from anyone who is seeking official action from or doing business with the court," Gillers noted.

"If Harlan **Crow** is a member of the board of a group that files amicus briefs with the court, then I think he comes within that provision," Gillers said.

Thomas reported receiving gifts nearly every year he has been on the high court. They included \$100 worth of cigars from talk-radio host Rush Limbaugh, a \$500 Stetson hat from the Houston Club, and another \$150 worth of cigars from Kansas City businessman Tim Trabon, who said he had never met the justice. He also took a \$375 "performance chip," a gift from a Corvette supplier he met at a rally, for the computer on his Corvette.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

There was an \$800 Daytona 500 commemorative jacket after Thomas served as grand marshal at the race in 1999, \$1,200 worth of tires from a businessman in Omaha in 2002 and \$1,375 in cowboy boots, Stetson hats, rawhide coat and a silver buckle after engagements in Texas in 1995 and 1996.

The only year Thomas listed no gifts or club memberships was 2003, the year he reported receiving \$500,000 as part of a reported \$1.5-million book contract for an autobiography with HarperCollins, a division of Rupert Murdoch's News Corp.

Another businessman who calls Thomas a friend is Earl Dixon. A pest control company executive in Jacksonville, Fla., and former Republican state legislator, Dixon is also a motor-home enthusiast -- a hobby shared by Thomas. He said they met about four years ago at a motor-coach repair shop in Florida.

Their friendship grew, Dixon said, and when he learned that Thomas was raising a grand-nephew, he gave the justice a \$5,000 check to defray his education costs.

"I enjoy talking with him. I enjoy visiting with him. He's a class act," Dixon said of the justice.

In 2001, the same year Crow gave him the Douglass Bible, the American Enterprise Institute -- of which Crow is a trustee -- presented Thomas with a bust of Lincoln that the justice valued at \$15,000. The think tank praised him for his "clear, consistent, and courageous jurisprudence" on the Supreme Court.

*

Gifts accepted by Supreme Court

Federal judges are free to accept gifts of unlimited value as long as the donor does not have business before them. Five of the Supreme Court justices reported and accepted gifts from 1998 through 2003. Here is the list, as valued by the justices:

Justice Clarence Thomas

Total value of gifts: \$42,200

- * \$19,000 Bible from Republican donor
- * \$15,000 for a Lincoln bust from the American Enterprise Institute
- * \$5,000 cash gift from a mobile home enthusiast
- * \$1,200, tires from a trucking executive
- * \$1,200, batteries from former law clerks
- * \$800 jacket from Daytona 500 auto race

**

Sandra Day O'Connor

Total value of gifts: \$5,025

- * \$1,500 for a crystal medallion from Scripps College
- * \$875 Steuben glass sculpture from the Junior League
- * \$500 crystal from the National First Ladies Library

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

- * \$500 blanket from the American Academy of Achievement
- * \$500 crystal fountain from the American Bar Assn. Commission on Women in the Profession
- * \$475 bronze statue from the National Cowboy and Western Heritage Museum
- * \$300 engraved vase from the New Mexico Military Academy
- * \$200 quilt from the Conference of State Chief Justices and Administrators
- * \$175, carved limestone from a San Antonio high school

**

William H. Rehnquist

Total value of gifts: \$5,000

- * \$5,000 award from Fordham University

**

Antonin Scalia

Total value of gifts: \$1,275

- * \$300 cowboy boots from the Tarrant County, Texas, Bar Assn.
- * \$300 silver box from singer Andrea Bocelli
- * \$300 for framed portraits from Peter Secchia, Republican donor and former ambassador to Italy
- * \$250 for two cases of wine from Virginia winery
- * \$125, one case of wine from same winery

**

Ruth Bader Ginsburg

Total value of gifts: \$500

- * \$500 blanket from American Academy of Achievement

**

Others*

Total value of gifts: \$0

- * Justices David H. Souter, Anthony M. Kennedy, John Paul Stevens and Stephen G. Breyer did not report any gifts accepted.

**

Note: Figures do not include cash awards given to charity. Also not included are club memberships. Prior years are excluded because complete information on justices is only kept on file for six years.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

**

Source: Annual disclosure forms of Supreme Court justices

Graphic

PHOTO: DAYTONA 500: As race grand marshal in 1999, Justice Clarence Thomas, with Donald Trump, received an \$800 jacket . PHOTOGRAPHER: Tony Ranze Reuters

Classification

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Publication-Type: Newspaper

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Industry: LAW SCHOOLS (88%); LAWYERS (75%); REAL ESTATE (71%); WRITERS (71%); COLLEGE & UNIVERSITY PROFESSORS (63%)

Person: CLARENCE THOMAS (91%)

Geographic: CALIFORNIA, USA (79%); UNITED STATES (92%)

Load-Date: December 31, 2004

Exhibit E

Congress of the United States
Washington, DC 20515

November 18, 2011

Chief Justice John Roberts
Presiding Officer
Judicial Conference
One Columbus Circle, NE
Washington, D.C. 20036

Dear Mr. Chief Justice:

We write you today in your capacity as Presiding Officer of the Judicial Conference. We call your attention to the letter sent to the Conference by members of the House of Representatives on September 29, 2011, requesting an investigation of possible violations by Justice Clarence Thomas of the Ethics in Government Act of 1978.

Evidence that Justice Thomas failed for 13 years to accurately disclose his wife's employment has been submitted to the Conference and we believe the Conference is required by law to refer the matter to the Department of Justice for further investigation.

In January, Common Cause and Alliance for Justice alerted the Judicial Conference to Justice Thomas's repeated failure to make accurate financial disclosures as required under the Ethics Act. Justice Thomas then amended 21 years of his financial disclosure forms, explaining that he had, "misunderstood the reporting instructions."

Since we sent our September 29 letter, important new information concerning this matter has come to our attention. Disclosure forms obtained by Common Cause and Alliance for Justice show that Justice Thomas accurately filed his financial disclosure forms, including his wife's employment, for as many as 10 years beginning in 1987 when he was Chair of the Equal Employment Opportunity Commission.

Justice Thomas continued to file accurate disclosure forms concerning his wife's employment when he was a judge on the United States Court of Appeals for the District of Columbia. He also accurately filed his financial disclosure forms regarding his wife's employment for the first five years he was a Justice of the Supreme Court.

In 1997 however, Justice Thomas stopped disclosing his wife's employment on his annual form, instead marking the box labeled "NONE," to indicate his wife had no employment that year. Other public documents show that Justice Thomas's wife was employed in 1997 by the Office of the U.S. House Majority Leader.

Justice Thomas continued to omit his wife's employment from his disclosures for the next 12 years, marking the 'NONE' box on his annual forms. Other publicly available documents indicate that Justice Thomas's wife did have employment in every one of those twelve years.

Her employers included the Office of the U.S. House Majority Leader, the Heritage Foundation and Hillsdale College.

Documents obtained by Common Cause and Alliance for Justice show that Justice Thomas's wife earned over \$1.6 million from these sources. We understand that Justice Thomas is not required to disclose those earnings but we include the number here to show that his wife's earnings were very substantial and that their omission is unlikely to have been a mere oversight.

It is very difficult for Justice Thomas to make a credible argument that he understood the filing instructions for ten years but then misunderstood them for the next thirteen years.

Section 104(b) of the Ethics in Government Act of 1978 requires the Judicial Conference to refer to the Attorney General any judge whom the Conference "has reasonable cause to believe has willfully falsified or willfully failed to file information required to be reported."

We believe these facts easily establish reasonable cause and therefore reiterate the request of September 29, 2011, and urge you to review these facts and make the appropriate referral to the Attorney General for further investigation.

Sincerely,



Louise M. Slaughter
Member of Congress



Earl Blumenauer
Member of Congress

Cc: Jill C. Sayenga

Gerold Nadler NY-8

Pete Stark

Sam Tan

Kathy Carter
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John
Gabe Speer

John Elph

Li Ming

Paula Lomas

Jim W. Brown

Jim Kim

Gene Jackson

Bob Filner

Carolyn B. Hahn

Jim Moran

Michael M. Hurd

Raul M. Grijalva

John Conyers

Wanda D. Hilly

Jan C. R. Hilly

Lynn W. Hilly

Bunny Hilly

Harold Hilly

Barbara Lee

Chell R.

Ben N. Lee

Frank Pallone Jr.

~~nm262~~

Paul E. Hill

Paul H. Dantch

John M. Chitt

James R. Jones

Benjamin (VA-3)

Donna F. Edwards

Hyd Doggett

John W. Allen

Gretchen D. Clarke

Steve Cohen

John Lewis

Robert E. M.

Signed:

1. Robert Andrews, Member of Congress
2. Karen Bass, Member of Congress
3. Earl Blumenauer, Member of Congress
4. Bruce L. Braley, Member of Congress
5. Kathy Castor, Member of Congress
6. David N. Cicilline, Member of Congress
7. Yvette D. Clarke, Member of Congress
8. James E. Clyburn, Member of Congress
9. Steve Cohen, Member of Congress
10. Gerald E. Connolly, Member of Congress
11. John Conyers Jr., Member of Congress
12. Pater A. DeFazio, Member of Congress
13. Theodore E. Deutch, Member of Congress
14. Lloyd Doggett, Member of Congress
15. Donna F. Edwards, Member of Congress
16. Keith Ellison, Member of Congress
17. Anna G. Eshoo, Member of Congress
18. Sam Farr, Member of Congress
19. Bob Filner, Member of Congress
20. Barney Frank, Member of Congress
21. Gene Green, , Member of Congress
22. Raúl M. Grijalva, Member of Congress
23. Alcee L. Hastings, Member of Congress
24. Maurice D. Hinchey, Member of Congress
25. Michael M. Honda, Member of Congress
26. Jesse L. Jackson Jr., Member of Congress
27. Henry C. "Hank" Johnson Jr. , Member of Congress
28. Barbara Lee, Member of Congress
29. John Lewis, Member of Congress
30. Ben Ray Luján, Member of Congress
31. Carolyn B. Maloney, Member of Congress
32. Jim McDermott, Member of Congress
33. James P. McGovern, Member of Congress
34. Brad Miller, Member of Congress
35. Gwen Moore, Member of Congress
36. James P. Moran, Member of Congress
37. Christopher S. Murphy, Member of Congress
38. Jerrold Nadler, Member of Congress
39. John W. Olver, Member of Congress
40. William L. Owens, Member of Congress
41. Frank Pallone Jr., Member of Congress
42. Chellie Pingree, Member of Congress
43. Jared Polis, Member of Congress
44. Steven R. Rothman, Member of Congress
45. Janice D. Schakowsky, Member of Congress
46. Louise M. Slaughter, Member of Congress
47. Jackie Speier, Member of Congress
48. Fortney Pete Stark, Member of Congress
49. Betty Sutton, Member of Congress
50. Paul Tonko, Member of Congress
51. Lynn C. Woolsey, Member of Congress
52. John A. Yarmuth, Member of Congress

Exhibit F



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF
Director

WASHINGTON, D.C. 20544

March 23, 2023

Honorable Sheldon Whitehouse
Chair
Subcommittee on Federal Courts, Oversight,
Agency Action, and Federal Rights
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letter dated February 21, 2023, and to provide an update on the actions taken by the Judicial Conference of the United States Committee on Financial Disclosure to clarify its regulations on “personal hospitality.” The Committee’s revisions to its regulations went into effect on March 14, 2023.

As noted in my April 29, 2022 letter to you, I asked the Committee on Financial Disclosure to provide guidance on “whether ‘personal hospitality’ may encompass hospitality extended at a commercial property such as a resort” and whether hospitality for which a “third party reimburses the host for the costs” would fall outside the scope of the reporting exemption. Over the past several months, the Committee has considered this matter. The Committee addressed these questions most recently at its meeting in January 2023 and revised the guidance, which clarifies that “the reporting exemption does not include . . . gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or gifts extended at a commercial property, *e.g.*, a resort or restaurant”

The following definition of “personal hospitality of any individual” now appears in the Judicial Conference regulations:

Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.

Notes:

- (1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:
 - gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;
 - gifts extended for a business purpose;
 - gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;
 - gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or
 - gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.
- (2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. See: [5 U.S.C. § 7353](#); [Guide, Vol. 2C, Ch.6](#).

Guide to Judiciary Policy, Vol. 2D, Ch. 1, § 170.

In your February 21, 2023, letter, you urged the Committee on Financial Disclosure to clarify that the “‘personal’ nature of ‘personal hospitality’ is not determined by the invitation being delivered personally, but by the personal nature of the judge’s relationship with the host.” The Committee’s guidance makes this clear.

In addition, you asked for copies of “unpublished opinions that may be relevant to these questions about the personal hospitality exemption.” The Committee on Codes of Conduct does not have jurisdiction to issue public or private advisory opinions interpreting the “personal hospitality” exemption in the Ethics in Government Act. Rather, its jurisdiction is limited to issuing advisory opinions regarding the codes of conduct that have been adopted by the Judicial Conference, Titles III (relating to gifts to federal employees) and VI (relating to limitations on outside earned income, honoraria, and outside employment) of the Ethics Reform Act of 1989,

and the regulations promulgated by the Judicial Conference under those titles of the Ethics Reform Act. All relevant ethics guidance is already incorporated into the Committee's large body of published advisory opinions, *see* [Published Advisory Opinions | United States Courts \(uscourts.gov\)](https://www.uscourts.gov/published-advisory-opinions). This is consistent with the Committee's jurisdiction to publish advisory opinions on issues of broad application that reflect the Committee's confidential advice. Furthermore, the Judicial Conference Regulations on Gifts explicitly provide that "Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts." *Guide to Judiciary Policy*, Vol. 2C, Ch. 6, § 620.50.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs at 202-502-1700.

Sincerely,

A handwritten signature in black ink that reads "Roslynn R. Mauskopf". The signature is written in a cursive, flowing style.

Roslynn R. Mauskopf
Director

cc: Honorable John Kennedy
Honorable Henry C. "Hank" Johnson, Jr
Honorable Darrell Issa