



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

May 9, 2023

The Honorable Clarence Thomas  
Associate Justice of the Supreme Court  
Supreme Court of the United States  
One First St. NE  
Washington, D.C., 20543

Dear Justice Thomas:

I am writing on behalf of Citizens for Responsibility and Ethics in Washington, or CREW, to raise with you the grave crisis of institutional legitimacy currently facing the Supreme Court. For the sake of the Court and for the sake of our democracy which depends on a judiciary that the public accepts as legitimate and free from corruption, we urge you to resign from office.

This is a decision that CREW reaches with great reluctance and after much reflection. It has become clear that over the last several decades you have engaged in a long-standing pattern of conduct to accept and conceal gifts and other benefits received from Harlan Crow, a billionaire political activist, and have disregarded your ethical duty to recuse yourself from cases in which you have a personal or financial conflict of interest. Your conduct has likely violated civil and criminal laws and has created the impression that access to and influence over Supreme Court justices is for sale.<sup>1</sup> Moreover, it is contributing to a catastrophic decline in public confidence that threatens to undermine the entire federal judiciary. Resignation is the only course of action that remains to undo the damage you have done to the Court's institutional legitimacy.

The still-unfolding scandal related to your failure to disclose the myriad gifts, transactions, and other benefits that you received over the course of your more than 20 year financial

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<sup>1</sup> See Letter from CREW to Chief Justice G. Roberts, Jr. and Attorney General Garland, Re: Request for Investigation of Justice Clarence Thomas' failure to report gifts of private aircraft travel on his public financial disclosure report (Apr. 14, 2023),

<https://www.citizensforethics.org/wp-content/uploads/2023/04/Justice-Clarence-Thomas-DOI-Complaint-April-14-2023-5.pdf>; see also Letter from CREW to Chief Justice G. Roberts, Jr. and Attorney General Garland, Re: Supplemental Request for Investigation of Justice Clarence Thomas for failure to properly report tuition payments made by a wealthy benefactor for the benefit of his close relative on his annual public financial disclosure report, (May 5, 2023), <https://www.citizensforethics.org/wp-content/uploads/2023/05/Justice-Clarence-Thomas-Amendment-to-Legal-Complaint-May-5-2023.pdf>.

relationship with Mr. Crow is truly shocking. Despite your legal requirement to disclose these gifts, you accepted and did not disclose educational payments that may have been worth more than \$100,000 for your grandnephew to attend private boarding school.<sup>2</sup> Almost every year for decades you accepted and did not disclose vacations and travel on private flights that Mr. Crow bestowed on you and your family, including a trip to Indonesia aboard Mr. Crow's "superyacht" the *Michaela Rose*, likely valued at over \$500,000.<sup>3</sup> You disclosed neither your family's sale of three Savannah, Georgia properties to Mr. Crow, nor the fact that Mr. Crow has reportedly allowed your mother to continue to live in one of those properties rent-free.<sup>4</sup> You even failed to recuse yourself from a case in which Mr. Crow had a financial interest despite your significant financial entanglement with him.<sup>5</sup> We know of no other modern justice who has engaged in such extreme misconduct. Indeed, your receipt of consistent, lavish gifts and favors from a billionaire with an interest in the direction of the Court is so far outside the experience of most of the American people, and so far beyond what most would consider acceptable, that it cannot help but further diminish the Court's credibility.

However, your long-standing pattern of judicial misconduct extends beyond your financial relationship with Mr. Crow. Your repeated refusal to recuse yourself from cases that appear to directly implicate your spouse's personal or financial interests – including cases in which organizations that were paying your wife filed amicus briefs – add to the public questioning of your impartiality.<sup>6</sup> Crucially, you failed to recuse yourself from Supreme Court cases relating to the 2020 election, despite your wife's active support of and communications with Trump administration officials about former President Donald Trump's unprecedented

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<sup>2</sup> Joshua Kaplan, Justin Elliott and Alex Mierjewski, *Clarence Thomas Had a Child in Private School. Harlan Crow Paid the Tuition*, ProPublica, (May 4, 2023), <https://www.propublica.org/article/clarence-thomas-harlan-crow-private-school-tuition-scotus>; see also Mark Paoletta (@MarkPaoletta), *Statement of Mark Paoletta, Friend of Justice Thomas*, Twitter (May 4, 2023 7:31 AM), <https://twitter.com/MarkPaoletta/status/1654086444594483200>.

<sup>3</sup> Joshua Kaplan, Justin Elliott and Alex Mierjeski, *Clarence Thomas and the Billionaire*, ProPublica (Apr. 6, 2023), <https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow>.

<sup>4</sup> Justin Elliott, Joshua Kaplan, and Alex Mierjeski, *Billionaire Harlan Crow Bought Property From Clarence Thomas. The Justice Didn't Disclose the Deal*, ProPublica (Apr. 13, 2023), <https://www.propublica.org/article/clarence-thomas-harlan-crow-real-estate-scotus>; Ariane de Vogue, *Clarence Thomas to amend financial disclosure forms to reflect sale to GOP megadonor*, CNN (Apr. 17, 2023), <https://www.cnn.com/2023/04/17/politics/clarence-thomas-amend-disclosure-gop-megadonor/index.html>.

<sup>5</sup> Zoe Tillman, *Clarence Thomas's Billionaire Friend Did Have Business Before the Supreme Court*, Bloomberg News (Apr. 24, 2023), <https://www.bloomberg.com/news/articles/2023-04-24/clarence-thomas-friend-harlan-crow-had-business-before-the-supreme-court>.

<sup>6</sup> In 2012 the Judicial Education Project (JEP) funneled tens of thousands of dollars to Ginni Thomas in a transaction designed to obscure the source of the funds. That same year, the JEP filed an amicus brief in *Shelby County v. Holder*, the landmark voting rights case, where Justice Thomas cast a key vote agreeing with the result that the JEP sought. Emma Brown, Shawn Boburg, and Jonathan O'Connell, *Judicial activist directed fees to Clarence Thomas's wife, urged 'no mention of Ginni'*, Washington Post (May 4, 2023), <https://www.washingtonpost.com/investigations/2023/05/04/leonard-leo-clarence-ginni-thomas-conway/>; see Brief for the Judicial Education Project as Amicus Curiae, *Shelby Co. v. Holder*, 570 U.S. 529 (2013), <http://blackfreedom.proquest.com/wp-content/uploads/2020/09/shelby64.pdf>.

May 9, 2023

Page 3

efforts to overturn the 2020 election.<sup>7</sup> This included *Trump v. Thompson*, where you were the lone dissent from the Court's decision to reject President Trump's attempt to block the release of documents requested by the House Select Committee to Investigate the January 6th Attack on the United States Capitol – documents that may have included communications to and from your wife.<sup>8</sup>

When the public looks at your relationship with Mr. Crow, or sees you rule on case after case in which your spouse has a financial or personal stake, it is increasingly difficult for people to trust that you are making decisions only based on the law and a commitment to justice. Every new revelation of unethical conduct solidifies the public's growing sense that the courts cannot be trusted to render impartial justice. The judiciary is built entirely upon a foundation of public trust. If that falls away, the institution will fail.

While we appreciate your many years of public service, your conduct has left you with only one way to continue faithfully serving our democracy. For the sake of our judiciary and the sake of people's faith in its legitimacy, you must resign.

Sincerely,



Noah Bookbinder  
President

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<sup>7</sup> See Letter from Noah Bookbinder to Chief Justice John G. Roberts, Jr. (Apr. 1, 2022), <https://www.citizensforethics.org/legal-action/legal-complaints/thomas-must-recuse-supreme-court-needs-code-of-conduct/>.

<sup>8</sup> *Trump v. Thompson*, 142 S. Ct. 680 (2022).