

**Congress of the United States**  
**Washington, DC 20510**

April 14, 2023

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

Dear Judge Mauskopf:

We write to request that the Judicial Conference exercise its authority pursuant to 5 U.S.C. § 13106(b) to refer Associate Justice of the Supreme Court Clarence Thomas to the U.S. Attorney General. There is reasonable cause to believe that Justice Thomas willfully failed to file information required to be reported under the Ethics in Government Act of 1978.

On April 13, 2023, ProPublica reported that Justice Thomas failed to disclose the sale of his interest in three properties in Savannah, Georgia, to the billionaire Harlan Crow in 2014.<sup>1</sup> Justice Thomas reported his interest in those properties when he was an official in the George H.W. Bush administration, and continued to report his interest during his tenure on the Supreme Court.<sup>2</sup> However, when Crow bought those properties in 2014—potentially paying well over market value<sup>3</sup>—Justice Thomas failed to report the sale, in an apparent direct violation of 5 U.S.C. § 13104(a)(5).

The requirements of 5 U.S.C. § 13104(a)(5) are plain and unambiguous. That provision states that a reporting official must provide “a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000” in real property, “other than property used solely as a personal residence of the reporting individual or the individual’s spouse.”<sup>4</sup> The transaction value exceeded \$1,000, and the exception was clearly inapplicable.

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<sup>1</sup> Justin Elliott, Joshua Kaplan, & 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>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* (“[Thomas] continued to report holding a one-third interest in what he described as ‘rental property at ## 1, 2, & 3’ in Savannah. He valued his stake in the properties at \$15,000 or less. . . . The Crow company bought the properties for \$133,363 from three co-owners — Thomas, his mother and the family of Thomas’ late brother, according to a state tax document and a deed dated Oct. 15, 2014, filed at the Chatham County courthouse.”).

<sup>4</sup> 5 U.S.C. § 13014(a)(5).

Justice Thomas’s failure to report this transaction is part of an apparent pattern of noncompliance with disclosure requirements. Last week, ProPublica reported that Justice Thomas accepted luxury trips from Crow virtually every year for more than two decades, including private jet flights, international cruises on a superyacht, and regular stays at Crow’s private resorts, without disclosing almost any of them.<sup>5</sup> The details of those potential disclosure violations are well documented in Campaign Legal Center’s April 11, 2023, letter requesting that the Judicial Conference refer Justice Thomas to the Attorney General for failure to report those gifts.<sup>6</sup>

In 2011, Justice Thomas admitted omitting his spouse’s income on his disclosure statements after watchdog groups revealed that he failed to report his wife’s income for several years. Justice Thomas stated it was “a misunderstanding of the filing instructions,” despite accurately filing disclosure forms regarding his spouse’s employment for as many as 10 years beginning in 1987.<sup>7</sup>

Given this history, there is at least reasonable cause to believe that Justice Thomas intentionally disregarded the disclosure requirement to report the sale of his interest in the Savannah properties in an attempt to hide the extent of his financial relationship with Crow. The Judicial Conference is the authorized “supervising ethics office” for judicial officers, including Supreme Court Justices.<sup>8</sup> 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.”<sup>9</sup>

We thus request that the Judicial Conference refer Justice Thomas to the Attorney General for further action. Potential violations of disclosure laws by officers of the highest court merit serious investigation, and it is well past time for the Supreme Court to align with the rest of the government on ethics requirements.

Sincerely,



SHELDON WHITEHOUSE  
Chairman, Senate Judiciary Subcommittee on  
Federal Courts, Oversight, Agency Action,  
and Federal Rights



HENRY C. “HANK” JOHNSON, JR.  
Ranking Member, House Judiciary  
Subcommittee on Courts, Intellectual  
Property, and the Internet

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<sup>5</sup> Joshua Kaplan, Justin Elliott, & 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>6</sup> Campaign Legal Center, *Letter to The Honorable Roslynn R. Mauskopf* (Apr. 11, 2023), <https://campaignlegal.org/sites/default/files/2023-04/Judicial%20Conference%20Letter-FINAL.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> 5 U.S.C. § 13101.

<sup>9</sup> 5 U.S.C. § 13106(b).

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  
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