

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**

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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.

In Thomas’ public appearances over the years, he has presented himself as an everyman with modest tastes.

“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 been vacationing at Topridge virtually every summer for more than two decades, according to interviews with more than a dozen visitors and 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 groups that keep their donors secret — how much of this so-called dark 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.

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Listen to Thomas speak, from the documentary “Created Equal.”

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.



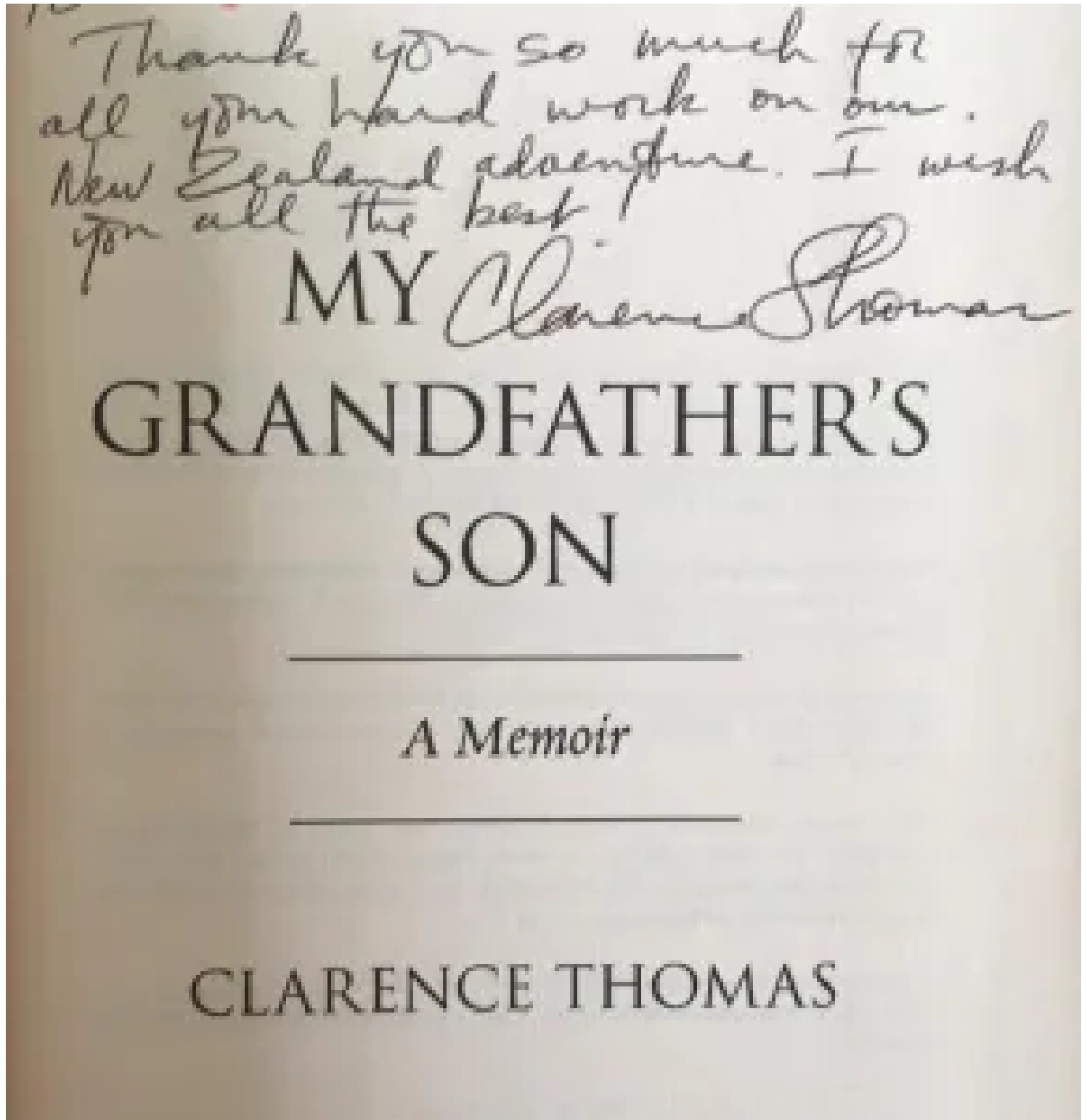
First image: From left, Crow, Paoletta, Ginni Thomas and Clarence Thomas in Indonesia in 2019. Clarence Thomas flew to the country on Crow’s jet, according to another passenger on the plane. Second image: A worker from Crow’s yacht ferries Thomas and others on a small boat in Indonesia. VIA FACEBOOK

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.

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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 5th 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 plane flew from Dallas to Dulles to New Haven, Connecticut, before flying back later that afternoon. ProPublica confirmed that Thomas was on the jet through Supreme Court security records [obtained](#) by the nonprofit Fix 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.

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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.

Matt Easton contributed reporting.

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



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