

118TH CONGRESS  
2D SESSION

# H. RES. 1353

Impeaching Clarence Thomas, Associate Justice of the Supreme Court of the United States, for high crimes and misdemeanors.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2024

Ms. OCASIO-CORTEZ (for herself, Ms. ESCOBAR, Ms. CROCKETT, Mr. FROST, Ms. STANSBURY, Mr. CASAR, Mr. BOWMAN, Ms. LEE of California, Ms. OMAR, Mrs. RAMIREZ, Mr. TAKANO, Ms. TLAIB, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. BUSH, and Ms. WILSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Impeaching Clarence Thomas, Associate Justice of the Supreme Court of the United States, for high crimes and misdemeanors.

1       *Resolved*, That Clarence Thomas, Associate Justice of  
2 the Supreme Court of the United States, is impeached for  
3 high crimes and misdemeanors and that the following arti-  
4 cles of impeachment be exhibited to the United States  
5 Senate:

6       Articles of impeachment exhibited by the House of  
7 Representatives of the United States of America in the  
8 name of itself and of the people of the United States of

1 America, against Clarence Thomas, Associate Justice of  
2 the Supreme Court of the United States, in maintenance  
3 and support of its impeachment against him for high  
4 crimes and misdemeanors.

5 ARTICLE I: FAILURE TO DISCLOSE

6

7 The Constitution provides that the House of Rep-  
8 resentatives “shall have the sole Power of Impeachment”  
9 and that all civil officers of the United States “shall be  
10 removed from Office on Impeachment for, and Conviction  
11 of, Treason, Bribery, or other high Crimes and Mis-  
12 demeanors”. Sections 13103 and 13104 of title 5, United  
13 States Code, require judicial officers, including Associate  
14 Justices of the Supreme Court, to file annual reports dis-  
15 closing financial income, gifts and reimbursements, prop-  
16 erty interests, liabilities, transactions, among other infor-  
17 mation. Specifically, section 13104(a)(2)(A) of such title  
18 requires disclosure of the “identity of the source, a brief  
19 description, and the value of all gifts” exceeding minimal  
20 value, and section 13104(a)(5)(A) of such title requires  
21 disclosure of “a brief description, the date, and category  
22 of value of any purchase, sale or exchange” of real prop-  
23 erty exceeding \$1,000.

24 Clarence Thomas, in his conduct as an Associate Jus-  
25 tice of the Supreme Court of the United States, engaged  
26 in high crimes and misdemeanors, by refusing to report

1 the source, description, and value of gifts, and by failing  
2 to report the description, date, and category of his sale  
3 of real estate property, as follows:

4 Over the course of at least 15 years, Justice Thomas  
5 and his wife, Virginia “Ginni” Thomas, have received gifts  
6 of significant value from Harlan Crow without reporting  
7 the source, description, and value of such gifts.

8 Throughout such time, Mr. Crow has served on the  
9 Board of Directors of the American Enterprise Institute,  
10 which regularly files amicus briefs in Supreme Court cases  
11 and whose position Justice Thomas has regularly adopted.

12 The unreported gifts include, but are not limited to:  
13 non-commercial transportation on a private airplane and  
14 on a yacht to and from Indonesia in 2019, valued at ap-  
15 proximately \$500,000; non-commercial transportation on  
16 a yacht to and around New Zealand in or around 2013;  
17 non-commercial transportation on a yacht to and around  
18 Greece in 2007; extensive free lodging and food at  
19 Topridge, a resort in the Adirondacks owned by a com-  
20 pany owned or controlled by Mr. Crow; multiple trips via  
21 non-commercial transportation on a private airplane on  
22 multiple occasions, including but not limited to flights to  
23 New Haven, Connecticut, in 2016, to Dallas, Texas, in  
24 2018 and again in 2022, to New York City in 2021, and  
25 to Topridge Resort in New York in 2022; and tuition pay-

1 ments, in excess of \$6,000 per month, to two private  
2 boarding schools for Justice Thomas's grandnephew while  
3 his grandnephew lived with Justice Thomas and was in  
4 Justice Thomas's legal custody.

5 Justice Thomas failed to disclose the 2014 sale of a  
6 single-story home and two vacant lots previously held by  
7 Justice Thomas and two family members, to Mr. Crow for  
8 \$133,363, an amount significantly higher than the price  
9 of other properties in the neighborhood and significantly  
10 higher than \$15,000, the amount that Justice Thomas  
11 valued his one-third stake in the properties in 2010. Mr.  
12 Crow has also permitted Justice Thomas's mother to con-  
13 tinue living in the home rent-free through at least May  
14 2023, and has paid for improvements for the benefit of  
15 Justice Thomas's mother, including construction of a car  
16 port. In 2023, Justice Thomas retroactively amended his  
17 2014 report to report the real estate sales transactions  
18 involving Mr. Crow, but to date Justice Thomas has yet  
19 to disclose both the free rent and the improvements that  
20 constitute additional gifts that Justice Thomas was re-  
21 quired, but failed, to disclose.

22 By accepting but failing to disclose multiple gifts of  
23 luxury vacations and travel, Justice Thomas has under-  
24 mined the impartiality and integrity of the Supreme Court  
25 in violation of the public trust. His conduct has caused

1 a reasonable person to believe the gifts were offered and  
2 accepted in return for being influenced in the performance  
3 of an official act and from the same or different sources  
4 on a basis so frequent that a reasonable person would be-  
5 lieve that he used his public office for his own private gain  
6 or for the private gain of his donors.

7 In all of this, Justice Thomas has acted in a manner  
8 contrary to his trust as an Associate Justice of the Su-  
9 preme Court of the United States, to the great prejudice  
10 of the cause of law and justice, to the manifest injury of  
11 the people of the United States.

12 Wherefore, Justice Thomas, by such conduct, war-  
13 rants impeachment and trial and removal from office, and  
14 disqualification to hold and enjoy any office of honor,  
15 trust, or profit under the United States.

16 ARTICLE II: REFUSAL TO RECUSE FROM MATTERS  
17 INVOLVING HIS SPOUSE’S FINANCIAL INTEREST

18

19 The Constitution provides that the House of Rep-  
20 resentatives “shall have the sole Power of Impeachment”  
21 and that all civil officers of the United States “shall be  
22 removed from Office on Impeachment for, and Conviction  
23 of, Treason, Bribery, or other high Crimes and Mis-  
24 demeanors”. Section 455 of title 28, United States Code,  
25 provides that “[a]ny justice, judge, or magistrate judge  
26 of the United States shall disqualify himself in any pro-

1 ceeding in which his impartiality might reasonably be  
2 questioned”.

3 Clarence Thomas, in his conduct as an Associate Jus-  
4 tice of the Supreme Court of the United States, engaged  
5 in high crimes and misdemeanors, by refusing to dis-  
6 qualify himself from proceedings in which his impartiality  
7 might reasonably be questioned, as follows:

8 Justice Thomas participated in the consideration and  
9 decision of numerous proceedings concerning entities in  
10 which his spouse, Virginia “Ginni” Thomas, had a finan-  
11 cial interest.

12 In 2011, Harlan Crow contributed \$500,000 to Lib-  
13 erty Central, an organization founded by Mrs. Thomas  
14 and which, in 2010, paid Mrs. Thomas a salary of  
15 \$120,000. Before, during, and after this contribution, Mr.  
16 Crow has served on the Board of Directors of the Amer-  
17 ican Enterprise Institute, which regularly files amicus  
18 briefs in Supreme Court cases and whose position Justice  
19 Thomas has regularly adopted.

20 Between June 2011 and June 2012, Mrs. Thomas’s  
21 firm, Liberty Consulting, received at least \$80,000 in con-  
22 sulting fees as part of an arrangement devised by Leonard  
23 Leo. Mr. Leo advises a nonprofit called the Judicial Edu-  
24 cation Project, now known as The 85 Fund, which regu-  
25 larly files briefs before the Supreme Court, including in

1 2012. The details of the payment plan were specifically  
2 crafted to avoid listing Mrs. Thomas's name on any paper-  
3 work that might become public. Mr. Leo instructed a for-  
4 profit firm, The Polling Company, to act as an inter-  
5 mediary by billing the Judicial Education Project, and  
6 then transmitting those funds to Liberty Consulting.

7       In consequence of Mrs. Thomas's financial interest  
8 and compensation from entities that regularly file briefs  
9 before the Supreme Court, or from donors that fund such  
10 entities, Justice Thomas had a legal obligation under sec-  
11 tion 455 of title 28, United States Code, to disqualify him-  
12 self from proceedings in which those entities participated.  
13 Yet on multiple occasions, Justice Thomas participated in  
14 such proceedings anyway. By flagrantly violating Federal  
15 ethics law, Justice Thomas betrayed his Judicial Oath to  
16 "faithfully and impartially discharge and perform" his du-  
17 ties "under the Constitution and laws of the United  
18 States".

19       In all of this, Justice Thomas has acted in a manner  
20 contrary to his trust as an Associate Justice of the Su-  
21 preme Court of the United States, to the great prejudice  
22 of the cause of law and justice, to the manifest injury of  
23 the people of the United States.

24       Wherefore, Justice Thomas, by such conduct, war-  
25 rants impeachment and trial and removal from office, and

1 disqualification to hold and enjoy any office of honor,  
2 trust, or profit under the United States.

3       ARTICLE III: REFUSAL TO RECUSE FROM MATTERS  
4            CONCERNING HIS SPOUSE’S LEGAL INTEREST

5  
6       The Constitution provides that the House of Rep-  
7 resentatives “shall have the sole Power of Impeachment”  
8 and that all civil officers of the United States “shall be  
9 removed from Office on Impeachment for, and Conviction  
10 of, Treason, Bribery, or other high Crimes and Mis-  
11 demeanors”. Section 455 of title 28, United States Code,  
12 provides that “[a]ny justice, judge, or magistrate judge  
13 of the United States shall disqualify himself in any pro-  
14 ceeding in which his impartiality might reasonably be  
15 questioned”.

16       Clarence Thomas, in his conduct as an Associate Jus-  
17 tice of the Supreme Court of the United States, engaged  
18 in high crimes and misdemeanors, by refusing to dis-  
19 qualify himself from proceedings in which his impartiality  
20 might reasonably be questioned, as follows:

21       Justice Thomas participated in the consideration and  
22 decision of numerous proceedings concerning challenges to  
23 the outcome of the 2020 Presidential election in which his  
24 spouse, Virginia “Ginni” Thomas, had an interest.

25       For instance, Justice Thomas participated in the con-  
26 sideration and decision of two cases in which Texas and



1 the Republican Party of Pennsylvania, respectively, sought  
2 to induce the Federal judiciary to throw out the lawful  
3 ballots of thousands of Pennsylvania voters. Not only did  
4 Justice Thomas vote to advance these factually baseless  
5 and legally frivolous claims, but he also abused his seat  
6 on our Nation’s highest court to promote the falsehood  
7 of massive voter fraud and to question the legitimacy of  
8 the 2020 Presidential election results. *Texas v. Pennsyl-*  
9 *vania*, 592 U.S. \_\_\_\_\_ (2021) (Dec. 11, 2020) (No.  
10 155, Orig.) (Alito, J., dissenting from denial of leave to  
11 file bill of complaint, joined by Thomas, J.); *Republican*  
12 *Party of Pennsylvania v. Degraffenreid*, 592 U.S.  
13 \_\_\_\_\_ (2021) (Thomas, J., dissenting from denial of  
14 certiorari). Justice Thomas also participated in the consid-  
15 eration and decision of proceedings concerning the insur-  
16 rection at the United States Capitol on January 6, 2021—  
17 proceedings in which Mrs. Thomas had an interest.

18       On December 23, 2021, Donald Trump submitted an  
19 emergency application for a stay and an injunction to  
20 Chief Justice John G. Roberts, seeking to prevent the Na-  
21 tional Archives from releasing records concerning Mr.  
22 Trump’s attempt to overturn his defeat in the 2020 Presi-  
23 dential election to the House Select Committee to Inves-  
24 tigate the January 6th Attack on the United States Cap-  
25 itol. Chief Justice Roberts referred Mr. Trump’s applica-

1 tion to the full Supreme Court. These records included  
2 communications by White House Chief of Staff Mark  
3 Meadows. Because Mr. Meadows had been texting with  
4 Mrs. Thomas on or around January 6, 2021, it is possible  
5 that these records included texts between the two of them.

6 On January 19, 2022, the Court denied Mr. Trump’s  
7 application—refusing to block the release of the records.  
8 *Trump v. Thompson*, 595 U. S. \_\_\_\_\_ (2022) (Jan.  
9 19, 2022) (No. 21–272). Not only did Justice Thomas  
10 take part in the consideration and decision of that pro-  
11 ceeding, but Justice Thomas was the only justice who indi-  
12 cated that he would have voted to grant Mr. Trump’s ap-  
13 plication.

14 As part of that same litigation, Mr. Trump petitioned  
15 the Supreme Court for a writ of certiorari, asking the  
16 Court to reverse the decision below refusing to enjoin the  
17 National Archives from turning over these records to the  
18 Select Committee. The Court denied Mr. Trump’s peti-  
19 tion. *Trump v. Thompson*, 595 U.S. \_\_\_\_\_ (Feb. 22,  
20 2022) (No. 21–932). Again, Justice Thomas participated  
21 in the consideration and decision of this proceeding.

22 Justice Thomas’s impartiality in the aforementioned  
23 proceedings might reasonably be questioned because Mrs.  
24 Thomas actively participated in contemporaneous political  
25 and legal efforts to overturn Mr. Trump’s defeat in the

1 2020 Presidential election. Indeed, Mrs. Thomas’s interest  
2 in the outcome of these proceedings thoroughly com-  
3 promised Justice Thomas’s impartiality in any case chal-  
4 lenging the results of the 2020 Presidential election or  
5 concerning the events of January 6, 2021.

6 In the weeks between the Presidential election on No-  
7 vember 7, 2020, and the violent insurrection at the United  
8 States Capitol on January 6, 2021, Mrs. Thomas repeat-  
9 edly urged then-President Trump to illegally overturn the  
10 election results and advised Mr. Trump on his litigation  
11 strategy, including in an exchange of at least 29 text mes-  
12 sages about the election with White House Chief of Staff  
13 Mark Meadows:

14 Mrs. Thomas advised the President to initiate and  
15 sustain political, legal, and extralegal attempts to overturn  
16 the results of the 2020 Presidential election (writing, “Do  
17 not concede”; “The majority knows Biden and the Left  
18 is attempting the greatest Heist of our History”; “save  
19 us from the left taking America down”).

20 Mrs. Thomas advised then-President Trump on dis-  
21 crete litigation decisions, for instance, urging him to pro-  
22 mote and retain Sidney Powell as his lead attorney on  
23 these matters (writing, “Don’t let her and your assets be  
24 marginalized instead . . . help her be the lead and the  
25 face”; “Sounds like Sidney and her team are getting inun-

1 dated with evidence of fraud. Make a plan. Release the  
2 Kraken”).

3 Mrs. Thomas advised then-President Trump’s Chief  
4 of Staff on how to manage the President’s legal team, for  
5 instance, directing him to confer with and defer to par-  
6 ticular attorneys and advisors (writing, “listen to . . .  
7 Cleta”) and to improve their morale (writing, “Suggestion:  
8 You need to buck up your team on the inside, Mark”);  
9 Mrs. Thomas liaised between the White House, the Presi-  
10 dent’s personal legal team, and other possible participants  
11 in the President’s attempt to overturn the results of the  
12 2020 Presidential election, like Jared Kushner and the of-  
13 fice of Representative Louie Gohmert (writing, “Just for-  
14 warded to y[ou]r gmail an email I sent Jared this am.  
15 Sidney Powell [and] improved coordination now will help  
16 the cavalry come and Fraud exposed and America  
17 saved.”); and, Mrs. Thomas advised the President to pur-  
18 sue his unlawful aims by any means necessary, suggesting  
19 that he disregard his legal and ethical obligations in the  
20 pursuit of the aims of the attempt to overturn the election  
21 (writing, “the most important thing you can realize right  
22 now is that there are no rules in war”).

23 Throughout this exchange, the President’s Chief of  
24 Staff engaged with and embraced Mrs. Thomas’s legal and

1 political advice—confirming Mrs. Thomas’s status as a  
2 trusted participant in these decisions.

3       When Justice Thomas participated in the consider-  
4 ation and decision of the aforementioned cases concerning  
5 the 2020 Presidential election and the insurrection at the  
6 United States Capitol on January 6, 2021, he knew or  
7 should have known of his spouse’s participation in the at-  
8 tempt to overturn the results of that election.

9       Mrs. Thomas implied to others that she had told Jus-  
10 tice Thomas herself. After the White House Chief of Staff  
11 urged Mrs. Thomas to maintain her commitment to this  
12 “fight of good versus evil” (that is, overturning the results  
13 of the 2020 Presidential election), she replied that she was  
14 encouraged by “a conversation with my best friend just  
15 now”—using a phrase (“best friend”) that she and Justice  
16 Thomas publicly use to refer to one another.

17       Even if Mrs. Thomas did not directly inform Justice  
18 Thomas of her participation, much of Mrs. Thomas’s work  
19 to overturn the results of the election was a matter of pub-  
20 lic record as she performed it: planning the January 6,  
21 2021 “Stop the Steal” rally as one of just nine members  
22 of the board of Council for National Policy Action, attend-  
23 ing that rally, and signing a public letter alongside promi-  
24 nent far-right leaders urging House Minority Leader  
25 Kevin McCarthy to expel two House Republicans in retal-

1 iation for their service on the Select Committee inves-  
2 tigating the insurrection.

3       In the exceedingly unlikely event that Justice Thomas  
4 was unaware that his spouse was privately and publicly  
5 working to overturn the results of the 2020 Presidential  
6 election, he was derelict in his legal and ethical duties to  
7 know. Federal law required him to make a reasonable ef-  
8 fort to discover a fact so obviously relevant to his role as  
9 one of the final arbiters of litigation about the election:  
10 section 455(c) of title 28, United States Code, is explicit  
11 that Justice Thomas had a duty to “inform himself” of  
12 his spouse’s interests.

13       In consequence of Mrs. Thomas’s collaboration with  
14 then-President Trump to overturn the results of the 2020  
15 Presidential election, Justice Thomas had a legal obliga-  
16 tion under section 455 of title 28, United States Code,  
17 to disqualify himself from proceedings concerning that  
18 election and the endeavor to overturn it by litigation,  
19 force, or fraud. Yet on multiple occasions, Justice Thomas  
20 participated in proceedings concerning the election any-  
21 way. By flagrantly violating Federal ethics law, Justice  
22 Thomas betrayed his Judicial Oath to “faithfully and im-  
23 partially discharge and perform” his duties “under the  
24 Constitution and laws of the United States”.

1        In all of this, Justice Thomas has acted in a manner  
2 contrary to his trust as an Associate Justice of the Su-  
3 preme Court of the United States, to the great prejudice  
4 of the cause of law and justice, to the manifest injury of  
5 the people of the United States.

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7 rants impeachment and trial and removal from office, and  
8 disqualification to hold and enjoy any office of honor,  
9 trust, or profit under the United States.

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