



U.S. Supreme Court Chief Justice John Roberts, second from left, and Justice Clarence Thomas, both Catholic, listen during the public swearing-in ceremony for Justice Brett Kavanaugh Oct. 8, 2017, in the East Room of the White House.
(CNS/Reuters/Jonathan Ernst)



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Don't you wish you had signed up to be Clarence Thomas' travel agent 32 years ago when he became an associate justice of the Supreme Court? You could live well on those commissions.

Wait. That's not right. The eight helicopter flights and 26 excursions on private jets and the VIP passes to sporting events, all of which [ProPublica reported Aug. 10](#), weren't purchased by Thomas. He did not pay a commission to a travel agent for these excursions.

The ethical fear is that the rich people who lavished these gifts upon Thomas might have seen his vote as their commission. The fact that Thomas did not report any of this may or may not have violated a law. This doesn't pass the smell test.

The integrity of the Supreme Court justices is a critical part of our constitutional system. Even the appearance of impropriety must be avoided. Such extravagance, on so many occasions, indicates that Thomas may be so comfortable living the high life, he doesn't even see how it looks to the rest of us: fishy.

Unequal access cannot be, and cannot be seen to be, part of an equation that aims at equal justice.

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We knew about billionaire Harlan Crow's generous gifts to Thomas from [previous reporting at ProPublica](#). The New York Times previously unearthed evidence of largesse bestowed upon Thomas by two men he apparently met through the [Horatio Alger Association](#): David Sokol, a former top executive at Berkshire Hathaway, and the late H. Wayne Huizenga, who founded Blockbuster video.

I always find it ironic that any Roman Catholic would be attracted to the fiction written by Alger, who was a son of Puritan New England in both genealogy and ideology. I do not doubt that an association named for the fiction writer would appeal to "self-made men," but we Catholics know there is no such thing as a "self-made man." We remind ourselves of that soteriological belief every time we pray, in the words that Jesus gave us, that the Father give us our daily bread. It's all grace.

Now, ProPublica has added a fourth name to the list of Thomas' benefactors: Paul "Tony" Novelly, who made his money in oil.

Of all the extravagant gifts described, my favorite is this: "Huizenga sent his personal 737 to pick Thomas up and bring him to South Florida at least twice," ProPublica reported John Wener, a former flight attendant and chef on the plane said. If the plane picked up the associate justice in D.C., "the five-hour round trip would have cost at least \$130,000 each time had Thomas chartered the jet himself, according to estimates from jet charter companies."

Was a pastry chef on board too? A masseuse? If not, why not?



U.S. Supreme Court justices pose for their group portrait at the Supreme Court in Washington Oct. 7, 2022. Seated from left are Justices Sonia Sotomayor and Clarence Thomas, Chief Justice of the United States John G. Roberts Jr., and Justices Samuel A. Alito Jr. and Elena Kagan. Standing from left are Justices Amy Coney Barrett, Neil M. Gorsuch, Brett M. Kavanaugh and Ketanji Brown Jackson. (OSV/Reuters/Evelyn Hockstein)

Of course, Justice Thomas has complained before that his day job doesn't pay enough. "The job is not worth doing for what they pay," Thomas [said in a speech to the Savannah Bar Association in 2001](#). "The job is not worth doing for the grief. But it is worth doing for the principle."

At the time, Thomas' salary was \$178,300. He now makes \$285,400. That is not enough for a private jet, but it is enough for first class. Isn't that enough?

There have been ethical questions raised about other justices. Justice Sonya Sotomayor's staff at the court reportedly [encouraged libraries and universities to purchase her books](#). Justice Samuel Alito [reportedly took an expensive fishing trip to Alaska with a hedge-fund billionaire](#). No other justice comes even close to Thomas in terms of gifting their seat on the bench.

Money has too big a role in our political system as it is and there are varieties of corruption that money inflicts. To be clear there is nothing in the ProPublica report that indicates explicit illegal activity on the part of the justice or the billionaires. There is no allegation of a quid pro quo, or quid pro dough.

"ProPublica has not identified any legal cases that Huizenga, Sokol or Novelly had at the Supreme Court during their documented relationships with Thomas, although they all work in industries significantly impacted by the court's decisions," the ProPublica report states.

That fat cats can make politicians and justices part of their club, allow them to move in the rarefied world of private jets and exclusive resorts, all the while gaining extraordinary access to them — that is not how democracy works. "Equal Justice Under Law" is etched in marble over the entrance to the Supreme Court building. It needs to be etched not just in marble, but in the moral conduct of the justices themselves. Unequal access cannot be, and cannot be seen to be, part of an equation that aims at equal justice.

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It is time for Congress to pass ethics laws to govern the courts. Justice Alito recently asserted that Congress has no authority to regulate the court. "I know this is a controversial view, but I'm willing to say it," Alito said in a [Wall Street Journal interview](#). "No provision in the Constitution gives them the authority to regulate the Supreme Court — period." He may or may not be right about that as a legal matter, but the imperiousness of his claim, that the court is de facto above the law, shows why such reform is needed.

Chief Justice John Roberts has reportedly [tried to get his fellow justices to agree to a more rigorous ethics code](#), but so far those efforts have come to naught. In this regard — and in others — Roberts must protect the integrity of the court. Our constitution has been praised through the years for its system of checks and balances. That there is no such code in place to govern Justice Thomas' largesse, and that the high court has been unable to agree to one on its own, requires that Congress step in.