

Justice Clarence Thomas Falsely Stated That Harlan Crow Did Not Have Business Before SCOTUS—Crow Is A Longtime Board Member Of AEI, Which Frequently Promotes And Takes Credit For Amicus Briefs That Impact Supreme Court Decisions

Responding To Revelations About His Relationship With Conservative Mega Donor Harlan Crow, Supreme Court Justice Clarence Thomas Claimed He Was Advised He Did Not Have To Report Hospitality From Friends “Who Did Not Have Business Before The Court.”

April 7, 2023: Clarence Thomas Responded To The Harlan Crow Revelations By Claiming He “Was Advised This Sort Of Personal Hospitality From Close Personal Friends, Who Did Not Have Business Before The Court, Was Not Reportable.” [Tweet by Scott MacFarlane, 04/07/23, accessed [04/07/23](#)]

Harlan Crow Is A Longtime Member Of AEI’s Board Of Trustees, And Has Served While The Group Promoted Numerous Supreme Court Amicus Briefs During Thomas’ Tenure.

Harlan Crow Has Been A Member Of AEI’s Board Of Trustees, Which Governs The Group, Since 1996. [American Enterprise Institute, accessed [04/06/23](#)]

- **February 1996: AEI Announced That Harlan Crow Was Named To Its Board Of Trustees.** “Wilson H. Taylor, chairman of the Board of Trustees of the American Enterprise Institute, announced the retirement of four AEI trustees and the election of four new trustees following the Board’s annual meeting on December 6. [...] The new AEI trustees are Dick Cheney, Harlan Crow, Harvey Golub, and William S. Stavropoulos.” [American Enterprise Institute, accessed [04/07/23](#)]
- **As of April 7, 2023, Harlan Crow Is Still Listed As A Member Of The Board Of Trustees For The American Enterprise Institute.** [AEI Board of Trustees, accessed [04/07/23](#)]
- **AEI Is “Governed” By Its Board Of Trustees.** “AEI is governed by a Board of Trustees, composed of leading business and financial executives.” [American Enterprise Institute, accessed [04/06/23](#)]

While Harlan Crow Was On AEI’s Board, It Has Published And Promoted Numerous Supreme Court Amicus Briefs Authored By Its Scholars And Senior Figures, Including Its President:

- **June 2008: On Its Site, AEI Published A Supreme Court Amicus Brief For Wyeth V. Diana Levine, Written By The Executive Director Of AEI’s Reg-Markets Center And A Resident Scholar.** [American Enterprise Institute, [06/03/08](#)]
 - **Harlan Crow Was Listed As A Member Of AEI’s Board Of Trustees In Its 2008 Annual Report.** [American Enterprise Institute, [2008](#)]
- **February 2007: On Its Site, AEI Published A Supreme Court Amicus Brief By AEI Senior Fellow Peter J. Wallison For AT&T Corp. V. Lila T. Gavin, Written By One Of Its Senior Fellows.** [American Enterprise Institute, [02/08/07](#)]

- Harlan Crow Was Listed As A Member Of AEI’s Board Of Trustees In Its 2007 Annual Report. [American Enterprise Institute, [2007](#)]
- September 2007: On Its Site, AEI Published A Supreme Court Amicus Brief For Davis V. Kentucky Department Of Revenue, Written By Five AEI Figures, Including Its President And Its Director Of Economic Policy Studies. [American Enterprise Institute, [09/21/07](#)]
- Harlan Crow Was Listed As A Member Of AEI’s Board Of Trustees In Its 2007 Annual Report. [American Enterprise Institute, [2007](#)]

As Recently As 2022, AEI Declared It Had Initiated A “Renewed Emphasis On... The Supreme Court” And The Organization Has Highlighted Their “Impact” On Court Decisions Multiple Times.

As Recently As 2022, AEI’s Annual Report Highlighted Their “Direct Impact” On The Courts Due To A “Renewed Emphasis On Constitutional Law And The Supreme Court.” “Thanks to a renewed emphasis on constitutional law and the Supreme Court, we have had our most direct impact on the courts’ evolving view of the administrative state. Specifically, an important AEI Press book on the topic helped shape a crucial Supreme Court decision.” [AEI Annual Report (Page 16), [2022](#)]

- The 2022 Annual Report Also Highlighted How An AEI Publication Was Cited In A Key Supreme Court Case That Year.



[AEI Annual Report (Page 17), [2022](#)]

- The 2018 Annual Report Highlighted How A SCOTUS Decision Was Decided Along The Lines Of An AEI-Scholar Submitted Amicus Brief.

I The US Supreme Court ruled along the lines of an amicus brief submitted by AEI scholars for the case *South Dakota v. Wayfair, Inc.* In March, [Alex Brill](#) and [Alan Viard](#), along with Michael Knoll (University of Pennsylvania) and Ruth Mason (University of Virginia), filed an amicus brief with the US Supreme Court in support of the petitioner in *South Dakota v. Wayfair, Inc.* They attested that South Dakota's sales and use tax regime promotes neutral treatment of in-state and interstate commerce and is not excessively burdensome on remote sellers. Following the Court's 5-4 ruling in June, Brill and Viard published an article in the *Hill*, "Supreme Court Ruling on Online Sales Tax Sets Level Playing Field," explaining that, as a result of the ruling, American businesses will compete based on the quality of the goods and services they provide and the prices they charge. They were interviewed and cited by several outlets, including *National Journal*, the *Los Angeles Times*, CNBC, and SiriusXM.

[AEI Annual Report (Page 24), [2018](#)]

- **The 2008 Annual Report Highlighted How A SCOTUS Opinion Specifically Cited An Amicus Brief Filed By AEI Scholars.**

■ The Supreme Court in May ruled in *Department of Revenue of Kentucky v. Davis* that states can offer their residents a special exemption for investing in home-state municipal bonds, upholding a long-established and widespread practice. In October 2007, AEI held a conference discussing the case after several AEI scholars, led by Mr. Viard, filed an *amicus* brief with the Supreme Court urging that the exemption be struck down because it impedes an efficient national market in municipal bonds. The justices upheld the tax exemption, but Justice David Souter's opinion cited the AEI scholars' brief in reserving judgment about the exemption in the private activity bond segment of the municipal bond market.

[AE Annual Report (Page 29), [2008](#)]