

# **The Washington Post**

## **Activist group led by Ginni Thomas received nearly \$600,000 in anonymous donations**

Shawn Boburg and Emma Brown

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A little-known conservative activist group led by Virginia “Ginni” Thomas, the wife of Supreme Court Justice Clarence Thomas, collected nearly \$600,000 in anonymous donations to wage a cultural battle against the left over three years, a Washington Post investigation found.

The previously unreported donations to the fledgling group Crowdsourcers for Culture and Liberty were channeled through a right-wing think tank in Washington that agreed to serve as a funding conduit from 2019 until the start of last year, according to documents and interviews. The arrangement, known as a “fiscal sponsorship,” effectively shielded from public view details about Crowdsourcers’ activities and spending, information it would have had to disclose publicly if it operated as a separate nonprofit organization, experts said.

The Post’s investigation sheds new light on the role money from donors who are not publicly identified has played in supporting Ginni Thomas’s political advocacy, long a source of controversy. The funding is the first example of anonymous donors backing her activism since she founded a conservative charity more than a decade ago. She stepped away from that charity amid concerns that it created potential conflicts for her husband on hot-button issues before the court.

Thomas’s activism has set her apart from other spouses of Supreme Court justices. She has allied with numerous people and groups that have interests before the court, and she has dedicated herself to causes involving some of the most polarizing issues in the country.

White House Chief of Staff Mark Meadows walks to board Marine One from the South Lawn of the White House in July 2020. Later that year, Ginni Thomas privately pressed Meadows to pursue efforts to overturn the presidential election.

In 2020, she privately pressed White House Chief of Staff Mark Meadows to pursue efforts to overturn the presidential election, and she sent emails urging swing-state lawmakers to set aside Joe Biden's popular-vote victory in awarding electoral votes. When those efforts were revealed by The Post last year, they intensified questions about whether her husband should recuse himself from cases related to the election and attempts to subvert it.

In recent months, the high court has faced increasing scrutiny over a range of ethical issues, including the lack of transparency surrounding potential conflicts of interest and a whistleblower's claim that wealthy Christian activists sought access to justices at social gatherings to shore up their resolve on abortion and other conservative priorities.

In a brief statement to The Post, Mark Paoletta, a lawyer for Ginni Thomas, said she was "proud of the work she did with Crowdsourcers, which brought together conservative leaders to discuss amplifying conservative values with respect to the battle over culture." "She believes Crowdsourcers identified the Left's dominance in most cultural lanes, while conservatives were mostly funding political organizations," Paoletta wrote. "In her work, she has complied with all reporting and disclosure requirements."

He wrote: "There is no plausible conflict of interest issue with respect to Justice Thomas."

A spokeswoman for the Supreme Court did not respond to questions for Clarence Thomas.

In 2019, anonymous donors gave the think tank Capital Research Center, or CRC, \$596,000 that was designated for Crowdsourcers, according to tax filings and audits the think tank submitted to state regulators. The majority of that money, \$400,000, was routed through yet another nonprofit, Donors Trust, according to that organization's tax filings. Donors Trust is a fund that receives money from wealthy donors whose identities are not disclosed and steers it toward conservative causes.

The documents do not say how or whether the money was spent. It is not clear how much compensation, if any, Ginni Thomas received.

CRC, which bills itself as an "investigative think tank," is dedicated to uncovering anonymously funded influence campaigns by unions, environmental groups and other left-leaning nonprofits. Among its trustees is Edwin Meese III, the conservative elder

statesman and former attorney general in the Reagan administration. Its president is Scott Walter, a former aide to President George W. Bush.

Around the time CRC agreed to channel the anonymous donations to Crowdsourcers, CRC signed a brief asking the Supreme Court to hear a case that conservative groups hoped would rein in fuel emission regulations in Oregon, records show. The court voted not to take up the case. As is routine, the votes of the individual justices were not disclosed.

Paoletta wrote that “Ginni Thomas had no knowledge of nor any connection whatsoever to an amicus brief CRC joined.”

Walter did not respond to requests for comment.

Meese said in a brief telephone interview that CRC’s trustees agreed to the arrangement because Crowdsourcers “was a group that had similar objectives and it was felt it would be helpful to them.” Such arrangements are common among other nonprofits, experts said.

Former CRC chairman Michael Franc told The Post that it was “a courtesy for this group so that it could get going without having to start up on its own, something to ease the ability of this group to raise and use their money.”

Walter proposed the Crowdsourcers arrangement to the think tank’s board members and mentioned Ginni Thomas’s involvement, Franc said.

### **Seeking ‘culture warriors’**

On May 18, 2019, Thomas told influential right-wing donors and activists about Crowdsourcers in a private meeting, video from the event shows. The left, she said, was pushing “cultural Marxism” and “eroding the pillars of our country.”

“We have some culture warriors, but we have a lot more to do,” Thomas said at a meeting of the Council for National Policy in Northern Virginia, according to the video, which was obtained by the nonprofit watchdog Documented and has been previously reported. “Conservatives and Republicans are tired of being the oppressed minority.”

The concept for Crowdsourcers had taken shape during discussions with “35 of the best thinkers about what the left is doing,” she said.

Thomas said partners in the effort included Cleta Mitchell, chair of the Public Interest Legal Foundation, a nonprofit that submits amicus briefs to the Supreme Court in election law cases. Mitchell planned to establish a political action committee to “protect President

[Donald] Trump,” according to a slide Thomas displayed during the closed-door meeting. James O’Keefe, the founder of Project Veritas — known for hidden-camera stings that aim to embarrass liberals — would lead an effort to “protect our heroes,” she said. And Richard Viguerie, a pioneer in conservative direct-mail campaigns, would head up an effort to “brand the left,” she said.

Mitchell said in a brief phone interview that she did not know anything about Crowdsourcers and that nothing ever came of the political action committee.

“Ginni has asked me over the years to do a lot of different things,” she said. “I always try to respond.”

O’Keefe and Viguerie did not respond to requests for comment.

Thomas described herself as having a key role in bringing Crowdsourcers together. “I’m not the answer person. If anyone knows me, you know this. I’m merely a convener,” she said. “I find the talent and I put them in a room and I help them talk to one another.”

She said the group was “now under” the Capital Research Center, though she did not mention the funding. It is not clear exactly when in 2019 the anonymous donations were made.

Crowdsourcers had held its first meeting four months earlier at the Salamander Resort & Spa in Middleburg, Va., a 340-acre bucolic retreat with equestrian facilities. Attendees at the January 2019 meeting gathered for dinner and met in a conference room the next day, splitting into several groups — each dedicated to a theme such as politics, education or family — to brainstorm ways to counter the left, said a person who attended and spoke on the condition of anonymity to describe a private event.

Members communicated through a private Google group, emails obtained by The Post show. The emails contained warnings not to share information that would reveal the identities of the group’s members. “ABSOLUTELY ... DO NOT FORWARD EMAILS FROM HERE WITHOUT REMOVING ALL IDENTIFYING INFORMATION FROM THIS LISTSERV,” warned one.

In February 2019, Thomas’s assistant emailed the Google group announcing the addition of new members, including Charlie Kirk, president of the pro-Trump student group Turning Point USA; Larry Solov, chief executive of Breitbart News; and Allen B. West, a former Republican congressman from Florida. Thomas replied, “WELCOME new leaders!!!”

Both Thomas and her assistant used email addresses belonging to her for-profit consulting business, Liberty Consulting.

In that same message, Thomas wrote that she had been trying to raise money for Crowdsourcers. “We had many great meetings with interested donors, but we don’t yet have specific funding yet, so prayers still needed,” she wrote.

She added that Crowdsourcers’ next biweekly conference call would include a presentation from Steve Hantler, an adviser to Bernie Marcus, a Home Depot co-founder and major conservative donor. Hantler is listed as the “principal officer” in a nonprofit group called the Job Creators Network Foundation, its tax filings show. The group has in recent years asked the Supreme Court to strike down the Biden administration’s student loan forgiveness program.

Hantler declined to comment. Spokespeople for Kirk and West did not provide comment for this story. A spokeswoman for Solov said that “sometimes Breitbart people get put on informational lists ... to know what people are thinking and doing.”

By late 2019, Crowdsourcers had engaged Tim Clark, who spearheaded Trump’s 2016 campaign in California, to serve as its national director.

In an email obtained by The Post, Clark issued an invitation to a March 2020 public launch of the group. He made clear that Crowdsourcers did not have the money to pay for members’ travel and lodging for the event, which was to be held in Washington.

The launch was scheduled for March 6, 2020. “Culture Summit 2020 will focus on the Left’s escalating war across American culture and how we go on offense to better preserve America’s liberties for another generation,” read the invitation obtained by The Post.

It’s not clear whether the meeting — which would have taken place just as the nation was beginning to grapple with the spread of the coronavirus — was held as planned.

Clark did not respond to a request for comment.

### **A ‘temporary accommodation’**

CRC’s funding relationship with Crowdsourcers continued through the end of 2021, records show. The relationship was described in CRC tax filings as a “fiscal sponsorship arrangement.” Under such agreements, an existing charity houses a start-up group with a similar mission until the smaller group gets off the ground.

In its tax filings, the think tank wrote that it provided “fiduciary oversight, financial management and other administrative services to help build the capacity” of Crowdsourcers. The filings describe Crowdsourcers as an “informal, unincorporated

nonprofit association which serves as an incubator for ideas across a network of conservative leaders, cultural entrepreneurs, and cultural influences.””

Franc, the former CRC chairman, said the idea “didn’t seem like it was particularly controversial” when it was presented to the board for approval. “It was maybe putting some money in one of our accounts to make it easier to access it,” he said. “It was presented to us as a courtesy, something that was more of a temporary accommodation.” Franc said the think tank had no role in raising the \$596,000 that it channeled to Crowdsourcers.

Crowdsourcers was never established as an independent nonprofit group, according to a search of an IRS database.

Philip Hackney, a former IRS attorney who is now an associate law professor at the University of Pittsburgh, said such arrangements are not uncommon or improper. He said they do allow the start-up group to avoid having to disclose information that independent nonprofits must reveal in annual tax filings, such as its officers or details about its spending.

“You would be able to keep names and salaries off of any documents,” he said.

Indeed, Thomas’s title in Crowdsourcers is not a matter of public record and could not be determined.

CRC’s annual audits show that the \$596,000 dedicated to Crowdsourcers was “released” from donor restrictions over three years, meaning donors’ conditions on how it could be spent had been satisfied or lifted, experts said.

About \$207,000 for Crowdsourcers was released in 2019, \$85,000 in 2020 and the remaining \$303,000 in 2021, the audits show. CRC’s most recent tax filing in 2021, obtained by Documented, said it had ended its agreement with Crowdsourcers at the close of that year.

### **An intersection with the court**

In 2019, the year the funding arrangement began, a trade group that represents industrial companies, the American Fuel and Petrochemical Manufacturers, had unsuccessfully sued Oregon over a program that regulates how fuels are produced and transported.

On Feb. 8 of that year, CRC joined free-market groups including the Cato Institute and the Pacific Legal Foundation in an amicus brief urging the Supreme Court to reconsider lower court decisions upholding the program.

It was the only time CRC, founded in 1984, has filed a brief with the court in recent decades, according to Supreme Court records dating to 2001.

For the court to hear a case, at least four justices must agree.

On May 13, 2019, the court declined to hear the case.

The fact that CRC filed an amicus brief before the Supreme Court around the same time it was supporting the work of Crowdsourcers does not on its own present a conflict of interest that would have required Clarence Thomas to recuse himself, according to Stephen Gillers, a legal ethics expert at New York University. If Ginni Thomas was paid for her work with Crowdsourcers — either directly or through her consulting firm — then there could be a recusal issue depending on the size and timing of the payment, Gillers said.

All federal judges, including Supreme Court justices, are required to recuse themselves in certain circumstances, including when they or their spouses have a financial interest in a party before the court or when a reasonable person might question their impartiality. But because the Supreme Court sits atop the judiciary, there is no higher court to review each justice's recusal decisions.

Gillers said ordinary Americans might find it puzzling that “one half of a married couple is at the ramparts on political issues that then get translated into legal issues that her husband has to decide.” But there is no rule prohibiting that, he said, and it's not clear how one could be crafted.

Ginni Thomas has long maintained that she and her husband keep their careers separate. “I can guarantee that my husband has never spoken to me about pending cases in the court. It's an ironclad rule in our house,” she told congressional investigators last year who were examining the Jan. 6, 2021, attack on the Capitol. “Additionally, he's uninterested in politics, and I generally don't discuss with him my day-to-day work in politics.”

Controversy over Ginni Thomas's political activism dates back to at least 2010, after she founded the nonprofit Liberty Central to harness the energy of the then-burgeoning tea party movement. Though she described Liberty Central as “nonpartisan” and focused on the principles of the Founding Fathers, she spoke even then about “activating a community of grass-roots patriots” to wage a cultural war.

“It's time to wake up and refocus. Just like in a farm setting we need to till the ground, plant the seeds, tend the crops and pray for rain before we can harvest the crops,” she said that year in a speech to the Conservative Political Action Conference. “The left has been tending their crops, you guys. It has occurred in high schools, in K-12 textbooks, in

colleges and Hollywood and mainstream media in our churches and in government. We've been asleep.”

Ginni Thomas launched Liberty Central with an anonymous donation of \$500,000 and another of \$50,000, sparking questions about potential conflicts of interest for her husband. (Months after the launch, Politico reported that the \$500,000 investment had come from Harlan Crow, a Texas real estate magnate and major donor to conservative candidates and causes who had also given Clarence Thomas a Bible worth \$19,000 that had once belonged to Frederick Douglass, according to the justice's financial disclosures.)

Amid those questions, Ginni Thomas stepped away from Liberty Central in November 2010. She went on to establish Liberty Consulting. Because Liberty Consulting is a for-profit firm, it is subject to fewer public reporting requirements. Little is known about the firm's clients, besides those that have listed payments to Liberty in required disclosures. A nonprofit called the Center for Security Policy, which filed an amicus brief with the court in 2017 in support of the Trump administration's Muslim ban, reported in its tax filings that it paid Liberty Consulting a total of \$236,000 in 2017 and 2018, the New Yorker first reported last year. A political action committee run by Viguerie, the Crowdfunders member and direct-mail pioneer, also reported paying Liberty \$5,000 in 2018 for “video production.”

As a Supreme Court justice, Clarence Thomas must list sources of his wife's income on annual financial disclosure forms, but not the amount. Since 2018, he has reported that Liberty Consulting was the sole source of income for his wife, and that the firm paid her a salary and benefits.

Clarence Thomas is not required to report the firm's clients.