



February 20, 2024

Lee Ann Bennett  
Acting Director, Administrative Office of the United States Courts  
Acting Secretary, Judicial Conference of the United States  
One Columbus Circle, NE  
Washington, D.C. 20544

*Sent via email*

Dear Acting Director Bennett:

In anticipation of the Judicial Conference’s March 2024 meeting, Campaign Legal Center respectfully submits additional information concerning Supreme Court Justice Clarence Thomas’s alleged violation of the Ethics in Government Act (“EIGA”).<sup>1</sup> On January 16, 2024, the Judicial Conference released a report indicating that it is reviewing requests to refer the Justice Thomas matter to the Department of Justice.<sup>2</sup> We request that this ongoing review consider the additional evidence made public after our initial submission.<sup>3</sup> The new evidence further establishes “reasonable cause to believe” that Justice Thomas “willfully failed to file information required to be reported” under federal disclosure laws.<sup>4</sup>

This supplemental letter consolidates decades of reporting on Justice Thomas’s financial disclosure discrepancies. The resulting evidence shows a 30-year pattern: Justice Thomas initially discloses certain financial interests in compliance with the law, but subsequently excludes similar interests after receiving negative media attention. The Judicial Conference is charged with determining if this evidence provides reasonable cause to believe that the omissions are intentional, or whether 30 years of omissions constitute a

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<sup>1</sup> Campaign Legal Center, Letter to Judicial Conference Secretary (Apr. 11, 2023) (attached as Exhibit A).

<sup>2</sup> The Report mentioned that the Judicial Conference was conducting an ongoing review of a filer, which we believe to be Justice Thomas given the timing of when the Judicial Conference received letters from Campaign Legal Center, members of Congress, and other good government organizations regarding Justice Thomas’s failure to report over twenty years of luxury travel gifts. Judicial Conference, Report of the Proceedings for Sep. 12, 2023 meeting, at 14, [https://www.uscourts.gov/sites/default/files/jcus\\_sep\\_2023\\_proceedings\\_0.pdf](https://www.uscourts.gov/sites/default/files/jcus_sep_2023_proceedings_0.pdf).

<sup>3</sup> Letter to Judicial Conference Secretary, *supra* note 1.

<sup>4</sup> 5 U.S.C. § 13106(b).

series of reoccurring coincidences. We ask that the Judicial Conference is public and transparent with its decision.

As described below, we request that the Judicial Conference’s decision: 1) apply the low legal standard of reasonable cause to believe that the violations were knowing and willful; 2) find that Justice Thomas demonstrated prior knowledge of specific reporting obligations that he subsequently violated; 3) find that Justice Thomas appears to have stopped complying with disclosure requirements after his initial compliance resulted in negative media attention; and 4) determine that failure to refer this matter for further investigation could significantly harm financial disclosure compliance throughout the federal judiciary because of the perception that there are no consequences for the most blatant and egregious violations.

## I. LEGAL STANDARD

Pursuant to 5 U.S.C. § 13106(b), the Judicial Conference shall apply the “reasonable cause to believe” legal standard when determining whether to refer to the Attorney General an allegation of a willful violation of the EIGA. Reasonable cause to believe is “a suspicion founded upon circumstances sufficiently strong to warrant reasonable man in belief that charge is true.”<sup>5</sup> The evidentiary threshold needed to establish reasonable cause to believe is low, and it requires less evidence than is needed to establish that a willful violation occurred.

“The EIGA imposes civil liability on an individual only if three discrete requirements are satisfied. *First*, the individual must be ‘required to report’ information . . . *Second*, the individual must ‘fail[] to file or report’ that information . . . *Third*, the failure must be ‘knowing[]’ and ‘willful[]’”<sup>6</sup>

Two elements necessary for establishing civil liability are satisfied without any dispute. *First*, Justice Thomas is a “judicial officer” required to file annual financial disclosure statements, which he has repeatedly acknowledged by annually filing the statements. *Second*, he failed to report all the required information, which he acknowledged by filing amendments to his financial disclosure statements adding the previously omitted information.

For the third element, “[a]n individual knowingly and willfully fails to comply with the EIGA requirements when that individual intentionally disregards the statute or is indifferent to its requirements.”<sup>7</sup> A filer being on notice of the filing requirement but failing to comply would be evidence of intentional disregard of the statute and indifference to its requirements.<sup>8</sup> The available evidence in this matter shows reasonable cause to believe that

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<sup>5</sup> *U.S. v. Fang*, 937 F. Supp. 1186, 1197 (D. Md. 1996) (quoting Black’s Law Dictionary definition of “reasonable and probable cause”).

<sup>6</sup> *United States v. Manigault Newman*, 594 F. Supp. 3d 1, 6 (D.D.C. 2022) (quoting the EIGA).

<sup>7</sup> *Manigault Newman*, 594 F. Supp. 3d at 6, quoting *United States v. Lairy*, No. CV 19-2488, 2020 WL 4039176, at \*2 (D.D.C. July 17, 2020) (Contreras, J.).

<sup>8</sup> *Manigault Newman*, 594 F. Supp. 3d at 5 (“[T]he Government provided Manigault Newman with notice of her EIGA obligations repeatedly by email, phone, and automated notifications from

Justice Thomas knew of the filing requirements and initially complied with them, then apparently intentionally disregarded the requirements when there was incentive to avoid public criticism.

## II. DISCUSSION

### A. Background

Justice Thomas has been subject to the EIGA financial disclosure requirements for nearly 40 years, beginning in 1981 when he was appointed to serve as Assistant Secretary for Civil Rights at the U.S. Department of Education.<sup>9</sup> From 1982 to 1990, Justice Thomas served as Chairman of the Equal Employment Opportunity Commission (“EEOC”).<sup>10</sup> In 1990, he was appointed to the U.S. Court of Appeals for the District of Columbia Circuit,<sup>11</sup> and he was appointed to the Supreme Court in 1991.<sup>12</sup> Therefore, from 1981 to 2024, Justice Thomas has known that the EIGA applies to him and has filed the required statements.

Since at least 1997, however, Justice Thomas has filed multiple inaccurate and incomplete financial disclosure statements. The inaccurate filings follow the same general pattern. First, Justice Thomas files the statements; next the media publishes unflattering reports about the information contained in those statements. His subsequent financial disclosure statements do not include the controversial information; then, the media alleges that Justice Thomas’s financial disclosure statements are inaccurate.<sup>13</sup> Finally, if Justice Thomas responds to the allegations, he typically states that he was unaware that he was

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integrity.gov.”); *United States v. Lairy*, No. CV 19-2488, 2020 WL 4039176, at \*3 (D.D.C. July 17, 2020) (Contreras, J.) (“Mr. Lairy intentionally disregarded the statute by failing to file the required report for over six months, even after repeated attempts . . . to provide clear instructions to help Mr. Lairy file the report. . . . The Government’s exhibits also lend support of Mr. Lairy’s knowledge of the requirements because he had filed two other required financial reports during his employment, . . . and responded to Ms. Stewart’s emails acknowledging that he had failed to file the required termination report”); *United States v. Gant*, 268 F. Supp. 2d 29, 33 (D.D.C. 2003) (Urbina, J.) (“[T]he record . . . demonstrates that, having received two departmental memoranda, three certified letters from the Department, a summons and copy of the plaintiff’s complaint, two voicemail messages, a follow-up letter from the plaintiff’s counsel, the defendant had notice of his obligation to file a financial disclosure report pursuant to the EIGA.”).

<sup>9</sup> Clarence Thomas, Encyclopedia Britannica (last updated Feb. 8, 2024) <https://www.britannica.com/biography/Clarence-Thomas>.

<sup>10</sup> Clarence Thomas, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/history/clarence-thomas> (last visited Feb. 16, 2024).

<sup>11</sup> Encyclopedia Britannica, *supra* note 9.

<sup>12</sup> *Id.*

<sup>13</sup> Ed Henry, *Virginia Thomas: A force in D.C. in her own right*, Roll Call (May 27, 1996) (attached as Exhibit B); Editorials, *Respecting women’s careers*, The Indianapolis News (May 24, 1996) (attached as Exhibit C); Richard A. Serrano and David G. Savage, *Justice Thomas Reports Wealth of Gifts*, Los Angeles Times (Dec. 31, 2004) (attached as Exhibit D).

required to disclose the information, and then he amends prior financial disclosure reports.<sup>14</sup>

As illustrated in the tables below, this undisclosed information consisted of gifts and income he received from 1997 to 2021:

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<sup>14</sup> See, e.g. Justice Clarence Thomas, 2022 Financial Disclosure Report (filed Aug. 8, 2023), <https://www.documentcloud.org/documents/23932793-clarence-thomas-2022-financial-disclosure> (attached as Exhibit E); Clarence Thomas Statement Regarding Unreported Travel Gifts, <https://www.documentcloud.org/documents/23745868-clarence-thomas-statement-4-7-23> (attached as Exhibit F); Clarence Thomas Statements Regarding Unreported Spousal Income, <https://big.assets.huffingtonpost.com/amendments.pdf> (last visited Feb. 15, 2024) (attached as Exhibit G).



**PATTERN OF NON-COMPLIANCE**

INITIAL COMPLIANCE	NEGATIVE MEDIA ATTENTION	NON-COMPLIANCE
<b>1987 – 1996<sup>15</sup></b> Disclosed spouse’s employer	<b>1996<sup>16</sup></b> Media reporting on controversy of spouse’s employment with Republican Majority Leader and her key role in investigating the sitting President	<b>1997-2010</b> No longer disclosed spouse’s employment until media reports the omission in 2011
<b>1997<sup>17</sup></b> Disclosed travel expenses from a friend	<b>1998<sup>18</sup></b> Media reporting on Justice Thomas’s receipt of private jet travel and expenses from wealthy “real estate magnate”	<b>1998-2022</b> No longer discloses travel expenses from friends until media reports the omission in 2023
<b>2002<sup>19</sup></b> Disclosed tuition gift for grandnephew	<b>2004<sup>20</sup></b> Media reporting on Justice Thomas’s receipt of tuition gift	<b>2009</b> No longer discloses tuition gifts
<b>2011<sup>21</sup></b> Disclosed sales of assets, including those without capital gains	<b>2011<sup>22</sup></b> Media reporting on Justice Thomas’s role in having Mr. Crow purchase property in Savannah, GA from a third party	<b>2014</b> Does not disclose sale of asset to Mr. Crow until media reports the omission in 2023

<sup>15</sup> Supreme Court Justice Clarence Thomas’s Disclosure of Virginia Thomas’s Employment, Common Cause and Alliance for Justice, <https://www.commoncause.org/wp-content/uploads/2018/03/thomas-non-disclosure.pdf> (attached as Exhibit H).

<sup>16</sup> Henry, *supra* note 13.

<sup>17</sup> Brett Murphy & Kirsten Berg, *The Judiciary Has Policed Itself for Decades. It Doesn’t Work.*, ProPublica (Dec. 13, 2023), <https://www.propublica.org/article/judicial-conference-scotus-federal-judges-ethics-rules>.

<sup>18</sup> Tony Mauro, *At least 5 justices are millionaires Holdings force some to bow out of cases*, USA Today (May 28, 1998) (attached as Exhibit I).

<sup>19</sup> Justice Clarence Thomas, 2002 Financial Disclosure Report at 2 (filed May 15, 2003), <https://storage.courtlistener.com/us/federal/judicial/financial-disclosures/3200/clarence-thomas-disclosure.2002.pdf> (attached as Exhibit J).

<sup>20</sup> Serrano, *supra* note 13.

<sup>21</sup> Justice Clarence Thomas, 2011 Financial Disclosure Report at 5-8 (filed May 15, 2012), <https://storage.courtlistener.com/us/federal/judicial/financial-disclosures/3200/clarence-thomas-disclosure.2011.pdf> (attached as Exhibit K).

<sup>22</sup> Mike McIntire, *Friendship of Justice and Magnate Puts Focus on Ethics*, N.Y. Times (June 18, 2011) <https://www.nytimes.com/2011/06/19/us/politics/19thomas.html>.

**DECADES OF UNDISCLOSED FINANCIAL INTERESTS**

DATE	NATURE OF FINANCIAL INTEREST	ALLEGED UNDISCLOSED FINANCIAL INTERESTS	SOURCE OF FINANCIAL INTEREST
1997 – 2010	Income	Spouse’s employer <sup>23</sup>	House Majority Leader, Heritage Foundation, Hillsdale College
1998 – 2021 <sup>24</sup>	Gift	Travel, lodging, meal, and entertainment at Bohemian Grove <sup>25</sup>	Harlan Crow
1999	Income	Discharge of personal loan <sup>26</sup>	Anthony Welters
2000	Gift	Travel to private resort in Georgia <sup>27</sup>	Awakening, Inc.
2007	Gift	Cruise through Greek Islands <sup>28</sup>	Harlan Crow
2008	Gift	Private jet travel to Savannah, GA and yacht travel <sup>29</sup>	Harlan Crow
2009	Gift	Private jet travel to Dallas, TX; <sup>30</sup> tuition payment <sup>31</sup>	Harlan Crow

<sup>23</sup> Supreme Court Justice Clarence Thomas’s Disclosure of Virginia Thomas’s Employment, *supra* note 15.

<sup>24</sup> “Thomas has for 25 years been a regular at the Grove” as Harlan Crow’s guest, according to internal documents and interviews with dozens of members, other guests and workers at the retreat. Justin Elliott, Joshua Kaplan, and Alex Mierjeski, *It’s Not Personal: Why Clarence Thomas’ Trip to the Koch Summit Undermines His Ethics Defense*, ProPublica (Oct. 5, 2023) <https://www.propublica.org/article/clarence-thomas-koch-network-trips-disclosure-law-scotus>.

<sup>25</sup> *Id.*

<sup>26</sup> Jo Becker, *Justice Thomas’s R.V. Loan Was Forgiven, Senate Inquiry Finds*, N.Y. Times (Oct. 25, 2023) <https://www.nytimes.com/2023/10/25/us/politics/clarence-thomas-rv-loan-senate-inquiry.html>.

<sup>27</sup> Justin Elliott, Joshua Kaplan, Alex Mierjeski, & Brett Murphy, *A “Delicate Matter”: Clarence Thomas’ Private Complaints About Money Sparked Fears He Would Resign*, ProPublica (Dec. 18, 2023) <https://www.propublica.org/article/clarence-thomas-money-complaints-sparked-resignation-fears-scotus>.

<sup>28</sup> Joshua Kaplan, Justin Elliott, and Alex Mierjeski, *Clarence Thomas and the Billionaire*, ProPublica, (Apr. 6, 2023), <https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow> [hereinafter *Clarence Thomas and the Billionaire*].

<sup>29</sup> McIntire, *supra* note 22.

<sup>30</sup> *Id.*

<sup>31</sup> Joshua Kaplan, Justin Elliott & Alex Mierjeski, *Clarence Thomas Had a Child in Private School. Harland Crow Paid the Tuition*, ProPublica (Mar. 4, 2023), <https://www.propublica.org/article/clarence-thomas-harlan-crow-private-school-tuition-scotus> [hereinafter *Clarence Thomas Had a Child in Private School. Harland Crow Paid the Tuition*].

DATE	NATURE OF FINANCIAL INTEREST	ALLEGED UNDISCLOSED FINANCIAL INTERESTS	SOURCE OF FINANCIAL INTEREST
2010	Gift	Private jet travel to Savannah, GA <sup>32</sup>	Harlan Crow
2013 <sup>33</sup>	Gift	Cruise in New Zealand <sup>34</sup>	Harlan Crow
2014	Income	Real estate sale <sup>35</sup>	Harlan Crow
2016	Gift	Private jet travel to Connecticut <sup>36</sup>	Harlan Crow
2018	Gift	All-access pass to college football games; <sup>37</sup> private jet travel to Dallas, TX <sup>38</sup>	David Sokol; Harlan Crow
2019	Gift	Private jet travel to Indonesia and yacht travel <sup>39</sup>	Harlan Crow
2021	Gift	Private jet travel to New York <sup>40</sup>	Harlan Crow

Each instance of nondisclosure contributes to a pattern showing knowing and willful violations of the EIGA.

### B. Undisclosed Gifts

The undisclosed gifts that Justice Thomas received fall into two gift categories: travel and tuition.<sup>41</sup> The gifts span two decades and have an estimated total value in the

<sup>32</sup> McIntire, *supra* note 22.

<sup>33</sup> Approximately 2013.

<sup>34</sup> *Clarence Thomas and the Billionaire*, *supra* note 28.

<sup>35</sup> Justin Elliott, Joshua Kaplan & Alex Mierjeski, *Billionaire Harlan Crow Bought Property From Clarence Thomas. The Justice Didn't Disclose the Deal*, ProPublica (Apr. 13, 2023), <https://www.propublica.org/article/clarence-thomas-harlan-crow-real-estate-scotus>.

<sup>36</sup> *Clarence Thomas and the Billionaire*, *supra* note 28.

<sup>37</sup> Abbie VanSickle & Steve Eder, *Where Clarence Thomas Entered an Elite Circle and Opened a Door to the Court*, N.Y. Times (updated July 12, 2023), <https://www.nytimes.com/2023/07/09/us/clarence-thomas-horatio-alger-association.html>.

<sup>38</sup> *Clarence Thomas and the Billionaire*, *supra* note 28.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Although the EIGA and the Judicial Conference defines gift to include “any thing of value,” 5 U.S.C. § 13101(5); *see also* Guide to Judicial Policy, Vol. 2D, Ch. 1 § 170, <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>, gifts of travel related expenses are defined as “reimbursements” and are reported on the financial disclosure statements as reimbursements and not gifts. 5 U.S.C. § 13101(15); Filing Instructions for Judicial Officers and Employees, Committee on Financial Disclosure, 22 (Mar. 2023), [https://www.uscourts.gov/sites/default/files/financial\\_disclosure\\_filing\\_instructions.pdf](https://www.uscourts.gov/sites/default/files/financial_disclosure_filing_instructions.pdf).

hundreds of thousands of dollars.<sup>42</sup> As explained below, the evidence suggests that Justice Thomas initially disclosed travel and tuition gifts when the value was relatively low, but he stopped disclosing the gifts after receiving media attention and the value of the gifts increased.

1. Travel

For several years after his appointment to the Supreme Court in 1991, Justice Thomas reported personal travel that he received from friends, but he later stopped disclosing these gifts after *USA Today* wrote a news article about his travel.

In 1997, Justice Thomas included in his financial disclosure statement that he received “Air travel on personal plane/guest at Bohemian Grove” from “Harlan R. Crow (personal friend).”<sup>43</sup>

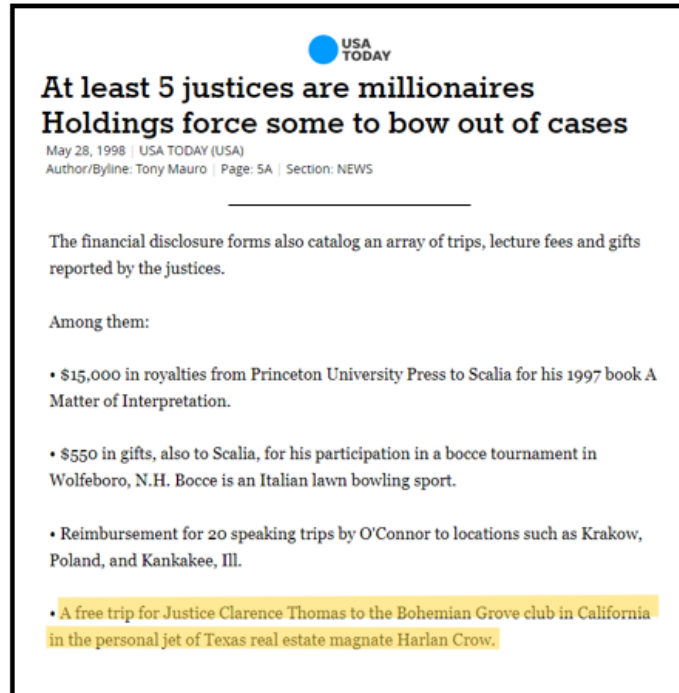
IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.		05/15/1998
<i>(Includes those to spouse and dependent children, use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by spouse and dependent children, respectively. See pp. 25-28 of Instructions.)</i>		
SOURCE	DESCRIPTION	
NONE (No such reportable reimbursements.)		
1 Palm Beach County Bar Association	Air Fare & Accommodations/speech/Justice & Mrs. Thomas 2/7/97	
2 Savannah Bar Association	Air Fare & Accommodations/speech/Justice Thomas 4/2/97	
3 American Inns of Court, Tulsa	Air Fare & Accommodations/speech/Justice Thomas 5/2/97	
4 American Inns of Court, Princeton, NJ	Air Fare & Accommodations/speech/Justice Thomas 6/14/97	
5 Harlan R. Crow (personal friend)	Air travel on personal plane/guest at Bohemian Grove/Justice Thomas 7/18/97	
6 Religion and Public Life	Air Fare & Accommodations/speech/Justice Thomas 9/18/97	
7 St. Thomas More Society	Air Fare & Accommodations/speech/Justice Thomas 11/23/97	

In 1998, *USA Today* reported about that trip, calling it “[a] free trip for Justice Clarence Thomas to the Bohemian Grove club in California in the personal jet of Texas real estate magnate Harlan Crow.”<sup>44</sup> Justice Thomas’s financial disclosure statements covering 1998 to 2021 did not report any additional air travel or trips from Mr. Crow.

<sup>42</sup> *Clarence Thomas and the Billionaire*, *supra* note 28.

<sup>43</sup> *Murphy & Berg*, *supra* note 17.

<sup>44</sup> *Mauro*, *supra* note 18.



However, on April 6, 2023, *ProPublica* published that “[f]or more than two decades, Thomas has accepted luxury trips virtually every year from [Harlan Crow] without disclosing them . . . .”<sup>45</sup>

The next day, April 7, 2023, Justice Thomas released a statement that “[e]arly in my tenure at the Court, I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable.”<sup>46</sup> His statement did not explain why he previously disclosed the same type of travel from the same personal friend.

Justice Thomas demonstrated knowledge of the reporting requirements for travel from individuals when he reported the 1997 travel. However, Justice Thomas decided not to report many more frequent and expensive travel expenses he received after the report was made public in 1998 and his travel received negative media attention.

The undisclosed travel includes two travel cruises (one through the Greek Islands in 2007 and one in New Zealand in 2013, both from Harlan Crow) and the following private jet transportation:<sup>47</sup>

1. Travel to Bohemian Grove, from Harlan Crow (approximately 1998-2021)
2. Travel to Sea Island, GA, from Awakening, Inc. (2000)
3. Travel to Savannah, GA, from Harlan Crow (2008)
4. Travel to Dallas, TX, from Harlan Crow (2009)
5. Travel to Savannah, GA, from Harlan Crow (2010)

<sup>45</sup> *Clarence Thomas and the Billionaire*, *supra* note 28.

<sup>46</sup> Clarence Thomas Statement Regarding Unreported Travel Gifts, *supra* note 14.

<sup>47</sup> *Supra* notes 32-40.

6. Travel to Connecticut, from Harlan Crow (2016)
7. Travel to Dallas, TX, from Harlan Crow (2018)
8. Travel to Indonesia with yacht travel, from Harlan Crow (2019)
9. Travel to New York, from Harlan Crow (2021)

## 2. Tuition

Justice Thomas’s shift from compliance to non-compliance is not limited to travel reporting requirements. He also initially reported a school tuition gift that he received, but stopped reporting such gifts after the first payment was featured in a *Los Angeles Times* news article.

In 2002, according to Justice Thomas’s financial disclosure statement, he received \$5,000 for an “Education gift to Mark Martin,” from “Earl and Lousie Dixon.”<sup>48</sup> Mark Martin is Justice Thomas’s grandnephew who was a minor living with him at the time, and Justice Thomas publicly said that he was “raising him as a son.”<sup>49</sup>

V. GIFTS. (Includes those to spouse and dependent children. See pp. 28-31 of instructions.)		
<input type="checkbox"/> NONE - (No such reportable gifts.)		
SOURCE	DESCRIPTION	VALUE
1. The University Club	Honorary Membership	\$500
2. Greg Werner	Tires	\$1,200
3. Earl & Louise Dixon	Education gift to Mark Martin	\$5,000

In 2004, the *Los Angeles Times* and other newspapers reported that “Supreme Court Justice Clarence Thomas has accepted tens of thousands of dollars’ worth of gifts since joining the Supreme Court, including . . . a \$5,000 personal check to help pay a relative’s education expenses.”<sup>50</sup> After this article, Justice Thomas’s financial disclosures did not include any additional payments for Mark Martin’s education.

<sup>48</sup> 2002 Financial Disclosure Report, *supra* note 19.

<sup>49</sup> C-SPAN Video Transcript, *Q&A with Clarence Thomas*, C-SPAN (Oct. 3, 2007), <https://www.c-span.org/video/transcript/?id=8098>.

<sup>50</sup> Serrano, *supra* note 13; Richard A. Serrano & David G. Savage, *Justice Thomas Reports Wealth of Gifts*, *Boston Globe* (Dec. 31, 2004).



# Thomas ranks 1st on list of gifts to justices

## Others on high court reported accepting items of lesser value

By Richard A. Serrano and David G. Savage  
LOS ANGELES TIMES

WASHINGTON — Supreme Court Justice Clarence Thomas has accepted tens of thousands of dollars worth of gifts since joining the Supreme Court, from \$1,200 worth of tires to valuable historical items and a \$5,000 personal check to help pay a relative's education expenses.

The gifts included a Bible once owned by the 19th-century author and abolitionist leader Frederick Douglass, which Thomas valued at \$19,000, and a bust of President Lincoln valued at \$15,000.

He also took a free trip aboard a private jet to the exclusive Bohemian Grove club in northern California — arranged by a wealthy Texas real estate investor who has helped run an advocacy group that filed briefs with the Supreme Court.

Those and other gifts were disclosed by Thomas under a 1978 federal ethics law that requires high-ranking government officials, including the nine Supreme Court justices, to file a report each year that lists gifts, money, and other items they have received. Thomas has reported accepting much more valuable gifts than his Supreme Court colleagues over the last six years, according to their disclosure forms on file at the court.

The Ethics in Government Act of 1989 prohibits all federal employees, including

the justices, from accepting "anything of value" from a person with official business before them. However, under the rules that the federal judicial system adopted to implement that law, judges are free to accept gifts of unlimited value from people without official business before the court. Representatives for the federal judiciary and the Supreme Court argue that requiring the disclosure of any gifts is sufficient to prevent corruption or the appearance of favoritism.

But in October, an American Bar Association panel called for tightening the rules to forbid judges from taking expensive gifts, free tickets, and other valuable items, regardless of who is the donor.

"Why would someone do that — give a gift to Clarence Thomas? Unless they are family members or really close friends, the only reason to give gifts is to influence the judge," said Mark I. Harrison, a Phoenix lawyer who heads the ABA's Commission on the Model Code of Judicial Conduct.

"The public has to wonder when a justice accepts lavish gifts," said Steven Lubet, professor of law at Northwestern University and a legal ethics specialist. "The rich and powerful have a different set of economic interests than other people, and they can afford to give lavish gifts."

Thomas, through a court spokeswoman, declined to comment when asked in writing why he deemed it appropriate to accept some larger gifts. But a former clerk to Thomas defended the practice.

"This reflects a bizarre effort to over-ethicize everyday life," said John C. Yoo, professor of law at the University of Cali-

fornia at Berkeley. "If one of these people were to appear before the Supreme Court, Justice Thomas would recuse himself. So I don't see the problem."

Despite the open-ended rules, most of the other Supreme Court justices reported accepting only items of lesser value, or token gifts for speaking at formal events, or nothing at all.

The Los Angeles Times reviewed the disclosures of all nine justices for the years 1998 through 2003, the only period of time for which disclosure forms were still on file at the court. They reported receiving cash, which they usually gave to charity, but kept or used various valuable items, mementos, and club memberships.

In that six-year period, Thomas accepted \$42,200 in gifts, making him easily the top recipient.

Next was Justice Sandra Day O'Connor, who accepted \$5,825 in gifts, mostly small crystal figurines and other items. She also reported an \$18,000 award in 2003 from the American Philosophical Society in Philadelphia, but listed it as income. The money was for the society's Benjamin Franklin Award for Distinguished Public Service. She gave other cash awards to charity.

Third was Chief Justice William H. Rehnquist, who accepted a \$5,000 award from Fordham University — the only gift he reported for the six-year period.

In addition, the Times obtained a full

set of disclosure forms for Thomas's 13-year tenure on the court, as well as forms dating to 1992 for Justice Antonin Scalia, to 1993 for Justice Ruth Bader Ginsburg, and to 1996 for O'Connor.

Since joining the court, Thomas reported accepting gifts valued at \$47,745. He also reported other gifts without citing a dollar value, ranging from "small gifts and flowers" to free plane trips and accommodations from friends.

Ginsburg has received a number of large monetary awards since joining the court in 1993, which she reported giving to charity. In 1996, she received \$100,000 from the philanthropic Kaul Foundation and distributed the money among 26 charities and nonprofit organizations, including law schools, women's organizations, and theatrical companies.

Justices earned \$194,300 this year and will get \$199,200 in 2005, comfortable salaries but modest compared with some private-sector lawyers. They are permitted to earn as much as \$23,000 more through outside activities, such as teaching.

Justices Stephen G. Breyer and David H. Souter reported turning down all gifts and club memberships. Breyer has traveled to Paris, Barcelona, and Florence, on law school programs. But Souter has stayed home and checked the box marked "NONE" for gifts on his yearly disclosure forms. Thomas also routinely passes up the overseas trips.



AP FILE PHOTO  
CLARENCE THOMAS  
Gifts included Bible

In 2009, Mr. Crow paid for Mark Martin's tuition at private boarding schools.<sup>51</sup> The estimated value of the tuition was at least \$100,000.<sup>52</sup> These payments were not disclosed as a gift.

On May 4, 2023, *ProPublica* published an article revealing that the 2009 tuition payments were a gift from Mr. Crow, who confirmed this through a spokesperson.<sup>53</sup> Justice Thomas did not respond to the allegations that he failed to report the gift, nor did he explain why he reported an "education gift" in a prior report but not in this instance.

Justice Thomas demonstrated knowledge of the reporting requirement for monetary gifts. His past reporting reflects his understanding that the 2002 gift of tuition for a child he was raising was in fact a gift to the Justice himself who was responsible for paying the minor's tuition. However, following the media attention this tuition payment received in

<sup>51</sup> *Clarence Thomas Had a Child in Private School. Harland Crow Paid the Tuition*, *supra* note 31.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

2004, Justice Thomas decided to not report the larger payments from well-known billionaire Harlan Crow.

### C. Undisclosed Income

The undisclosed income that Justice Thomas received falls into three categories: real estate; spouse's employment income; and discharged loan. The income spans nearly three decades and has an estimated total value of approximately \$2 million. As explained below, the evidence suggests that Justice Thomas initially disclosed income, but he stopped disclosing certain income after receiving negative media coverage.

#### 1. Real Estate Transaction

Since at least 1988, Justice Thomas's financial disclosure statements included real estate he owned in Savannah, GA that generated income.<sup>54</sup> As required, he disclosed the property in the "Investments" section of the statement, which captures passive income; earned income is reported in a different section of the statement. The rental property in Savannah, GA remained on his financial disclosure statement until 2009. The property's value is listed as \$15,000 or less, which represents Justice Thomas's 1/3 ownership interest.

In his 2011 financial disclosure statement, Justice Thomas began reporting the purchase and sale of various assets in the same "Investment" section of the financial disclosure statement.<sup>55</sup> This section requires filers to disclose details about purchases and sales of assets, including the date, value, gain (if any), and identity of the buyer/seller if it is a private transaction. Justice Thomas demonstrated his understanding of the section and reported sales of assets, including those both with and without capital gains.<sup>56</sup>

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<sup>54</sup> Justice Clarence Thomas, 1988 Financial Data and Conflict of Interest Response to Senate Judiciary Committee's Questionnaire for Judicial Nominees, <https://storage.courtlistener.com/us/federal/judicial/financial-disclosures/1/george-washington-disclosure.1990.pdf> (attached as Exhibit L).

<sup>55</sup> 2011 Financial Disclosure Report, *supra* note 21.

<sup>56</sup> *Id.* Justice Thomas reported the sale of assets and included if the sale resulted in a gain, and left others blank, indicating that he did not receive a gain from those sales but still reported them.



FINANCIAL DISCLOSURE REPORT		Name of Person Reporting				Date of Report				
Page 7 of 10		THOMAS, CLARENCE				05/15/2012				

**VII. INVESTMENTS and TRUSTS** – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-46 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "XX" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
35. Vanguard Short Term Corporate Bond ETF	A	Dividend	J	T	Buy	10/14/11	J		
36. Short Term Bond Fund of America Class A	A	Dividend	K	T	Buy	01/19/11	K		
37. Delaware Diversified Income Class A	B	Dividend	K	T	Buy	01/19/11	K		
38. Franklin Templeton Global Tr Hard Currency	C	Dividend	L	T	Buy	02/11/11	L		
39. Franklin Templeton Global Tr Hard Currency					Buy	10/14/11	J		
40. Franklin Templeton Global Tr Hard Currency					Buy	12/12/11	J		
41. Franklin Templeton Global Tr Hard Currency					Buy	12/19/11	J		
42. Advisors Inner Circle Perimeter Small Cap		None			Buy	01/19/11	J		
43. Advisors Inner Circle Perimeter Small Cap					Sold	03/02/11		A	
44. JP Morgan Mid Cap Value A		None			Buy	01/19/11	J		
45. JP Morgan Mid Cap Value A					Sold	03/02/11		A	
46. Ivy Funds Capital Appreciation Fund Class 1		None			Buy	01/19/11	K		
47. Ivy Funds Capital Appreciation Fund Class 1					Sold	03/02/11		A	
48. Global X Funds Silver Miners		None			Buy	02/11/11	K		
49. Global X Funds Silver Miners					Sold	05/17/11			
50. SPDR Index Shares Fund Global Natural Resources ETF		None			Buy	02/11/11	K		
51. SPDR Index Shares Fund Global Natural Resources ETF					Sold	05/17/11			

1. Income Gain Codes: A=\$1,000 or less; B=\$1,001-\$2,500; C=\$2,501-\$5,000; D=\$5,001-\$15,000; E=\$15,001-\$50,000; F=\$50,001-\$100,000; G=\$100,001-\$1,000,000; H=\$1,000,001-\$5,000,000; I=\$5,000,001-\$50,000,000; J=\$50,000,001-\$500,000,000; K=\$500,000,001-\$5,000,000,000; L=\$5,000,000,001-\$50,000,000,000; M=\$50,000,000,001-\$500,000,000,000; N=\$500,000,000,001-\$5,000,000,000,000; O=\$5,000,000,000,001-\$50,000,000,000,000; P=\$50,000,000,000,001-\$500,000,000,000,000; Q=\$500,000,000,000,001-\$5,000,000,000,000,000; R=\$5,000,000,000,000,001-\$50,000,000,000,000,000; S=\$50,000,000,000,000,001-\$500,000,000,000,000,000; T=\$500,000,000,000,000,001-\$5,000,000,000,000,000,000; U=\$5,000,000,000,000,000,001-\$50,000,000,000,000,000,000; V=\$50,000,000,000,000,000,001-\$500,000,000,000,000,000,000; W=\$500,000,000,000,000,000,001-\$5,000,000,000,000,000,000,000.

Also in 2011, the *New York Times* reported that “Mr. Crow stepped in to finance the multimillion-dollar purchase and restoration” of property near Savannah, Georgia.<sup>57</sup> The owner of the property, Algernon Varn, said that Justice Thomas put him in touch with Mr. Crow to buy the property so that it could become a museum to honor Justice Thomas.<sup>58</sup> The article stated that “Mr. Crow’s financing of the museum, his largest such act of generosity, previously unreported, raises the sharpest questions yet – both about Justice Thomas’s extrajudicial activities and about the . . . code of conduct for federal judges.”<sup>59</sup> Justice Thomas declined to respond to the reporters about the article.

<sup>57</sup> McIntire, *supra* note 22.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*



In 2014, three years after the *New York Times* raised ethical concerns about Justice Thomas’s relationship to Mr. Crow’s real estate purchase, Mr. Crow bought Justice Thomas’s property in Savannah, GA for approximately \$133,000.<sup>60</sup> Justice Thomas’s 1/3 interest was valued at approximately \$44,333, nearly 3 times more than Justice Thomas previously reported.<sup>61</sup> However, Justice Thomas did not include the sale of this property to Mr. Crow in his financial disclosure statement.

On April 13, 2023, *ProPublica* published a report about the 2014 sale of Justice Thomas’s Savannah, GA property to Mr. Crow.

On August 9, 2023, in response to the article, Justice Thomas filed his financial disclosure statements for calendar year 2022, and wrote that “[i]n 2014, Mr. Harlan Crow, a longtime friend of filer and his wife, bought all three properties for \$133,000, along with other houses/lots on the same street . . . filer inadvertently failed to realize that the ‘sales transaction’ for the final disposition of the three properties triggered a new reportable transaction in 2014, even though this sale resulted in a capital loss.”<sup>62</sup> Justice Thomas did not explain how he had a capital loss when Mr. Crow’s purchase price was 3 times the amount that Justice Thomas valued the property. He also did not explain why he reported other asset sales that did not have capital gains, but not this asset sale.

Justice Thomas established his knowledge of the reporting requirement for asset purchases and sales on his 2011, 2012, and 2013 financial disclosure statements

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<sup>60</sup> McIntire, *supra* note 22.

<sup>61</sup> Justice Clarence Thomas, 2013 Financial Disclosure Report (filed May 15, 2014) <https://storage.courtlistener.com/us/federal/judicial/financial-disclosures/3200/clarence-thomas-disclosure.2013.pdf> (attached as Exhibit M).

<sup>62</sup> Justice Clarence Thomas, 2022 Financial Disclosure Report at 8, *supra* note 14.

immediately preceding the 2014 statement that excluded the real estate sale.<sup>63</sup> However, following the 2011 high-profile *New York Times* article about Mr. Crow's purchase of real estate to honor Justice Thomas, the sale of property was not included in the financial disclosure statement for that year.

## 2. Spouse's Employer

Although the Judicial Conference already reviewed Justice Thomas's failure to disclose the source of his spouse's income for over a decade in 2012, this failure is newly relevant when placed in context of his other omissions.<sup>64</sup>

In 1987, Justice Thomas married his wife Virginia,<sup>65</sup> and he reported the source of her income on his financial disclosure forms for 1987 to 1996, which included the office of House Majority Leader Dick Armey.<sup>66</sup>

In 1996, Virginia Thomas, as an aide to Majority Leader Armey, made newspaper headlines when Democratic members questioned her motives of advancing the so-called "Travelgate" investigation of President Bill Clinton.<sup>67</sup> One member of the House Government Reform and Oversight Committee insinuated that Mrs. Thomas's status as the spouse of a Supreme Court Justice appointed by a Republican president created the appearance of undue political influence in the investigation.<sup>68</sup>

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<sup>63</sup> 2011 Financial Disclosure Report, *supra* note 21; Justice Clarence Thomas, 2012 Financial Disclosure Report (filed May 15, 2013) <https://storage.courtlistener.com/us/federal/judicial/financial-disclosures/3200/clarence-thomas-disclosure.2012.pdf> (attached as Exhibit N); 2013 Financial Disclosure Report, *supra* note 61.

<sup>64</sup> Letter from Honorable Thomas F. Hogan, Secretary of the Judicial Conference, to Rep. Louise M. Slaughter et al. (Apr. 30, 2012), *available at* [https://www.whitehouse.senate.gov/imo/media/doc/Testimony%20of%20Hon.%20Mark%20L.%20Wolf%20with%20Exhibits%201-3%20\(5.15.23\).pdf](https://www.whitehouse.senate.gov/imo/media/doc/Testimony%20of%20Hon.%20Mark%20L.%20Wolf%20with%20Exhibits%201-3%20(5.15.23).pdf).

<sup>65</sup> Encyclopedia Britannica, *supra* note 9.

<sup>66</sup> Supreme Court Justice Clarence Thomas's Disclosure of Virginia Thomas's Employment, *supra* note 15.

<sup>67</sup> Henry, *supra* note 13.

<sup>68</sup> Editorials, *supra* note 13.

# Virginia Thomas: A force in D.C. in her own right

By Ed Henry  
Bull Call

Like many Washington couples, they met at a policy briefing. In this case, it was an Anti-Corruption League conference on civil rights in New York in 1986.

He was Clarence Thomas, head of the Equal Employment Opportunity Commission. She was Virginia Lamp, a lawyer for the U.S. Chamber of Commerce.

At the end of the day, as they shared a cab to the airport, Lamp asked Thomas how he survived all of the abuse he was taking in Washington for being a black conservative.

Thomas reached into his pocket and pulled out a copy of his favorite paper, which he read to himself when things got especially rough. "My respect for him went even deeper after that," she recalled in a new interview about herself.

"I told him I'd find one of my black female friends for him. And I meant it. I was going to set him up. I thought he was a great eligible bachelor."

But shortly thereafter, Thomas invited Lamp to lunch. "Once I got to know him, I was like a pool of butter," she said. "I was in love with this man."

One year and one day after the lunch, they were married.

**In the cross-fire**

Now, at the month that they celebrate their sixth wedding anniversary, Virginia Thomas is the star caught in the Washington cross-fire over her role as a high-powered aide to House Majority Leader Dick Armey, R-Texas.

And today, she is the one working space in her favorite position.

"I pray and I make sure I have support from my boss and my husband," Thomas said. "It's something I've grown accustomed to. My husband had his time when he was awarded. Now I guess it's my time."

But Thomas' friends are also mobilizing to lend support. Bull Call has obtained a letter signed by nearly 130 female GOP staffers expressing outrage that Democratic members attacked Thomas and Barbara Olson, an investigator for the House Government Reform and Oversight Committee, at a hearing on Travelogue.

The letter takes Reps. Ben Rayburn, D-Va., and Paul Kanjorski, D-Pa., to task for directing allegedly sexist remarks at Thomas and Olson.

The members had questioned the motives of the two women because of their famous husbands. While Thomas' husband is the conservative Supreme Court justice, Olson is married to a lawyer who has represented President Clinton's chief accuser in the Whitewater scandal.

The letter urged Moran and Kanjorski to publicly apologize to the two women. "Your suggestion that working women are inextricably tethered to their husbands' careers is not only erroneous, it is insulting," it said.

"One would hope in this day and age that women would be assessed on the merits of their own work, not their husbands'. Your manner of disrespect toward working women is particularly unbecoming of members of Congress."

**The background**

The controversy started last month, when it was revealed that Virginia Thomas was at the center of a House GOP effort to name committee chairmen to dig up dirt on the Clinton administration and union bosses.

Democrats have used the memo as evidence that Thomas is plotting behind the scenes to bring down Clinton in order to get revenge for her husband's painful 1991 Supreme Court confirmation battle.

Her Republican friends, however, contend that Thomas is the tireless, hardest-working staffer in the House GOP leadership.

Thomas said she agreed to the interview with Bull Call to vent her frustration at the fact that Democrats will not let her live outside her husband's shadow.

Near the end of the interview, Thomas offered a sentiment remarkably similar to Bar Lady



Virginia Thomas with her husband, Clarence Thomas, during his 1991 confirmation hearings for the U.S. Supreme Court.

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comes to carving out an identity in the Washington process," said Thomas. "She's a very talented, capable lawyer. I respect her greatly."

But in her position as Armey's liaison to the House committees, Thomas is doing everything she can to attack Clinton's husband.

Thomas, a four-year veteran of Armey's staff, describes her job as "lots of meetings, lots of coordination and trying to get Republicans on the same sheet of music."

She contends that by coordinating the oversight activities of all the House committees, she is simply trying to prevent duplication that will sap time from Democrats and Republicans.

"Some days I feel like I'm working for the Clinton administration because I'm making sure they don't get 11 different requests for the same documents," she said.

But Thomas has also been avidly pursuing evidence of Clinton administration wrongdoing.

Besides her involvement in the Travelogue investigation, GOP sources say Thomas has had a hand in their probes of the late Commerce Secretary Dan Rostenkowski's role in the debt limit showdown.

**Just getting at the truth?**

Thomas denies that she's trying to get anyone back for the persecution her husband suffered.

But she acknowledged that the past does affect the way she approaches the investigations.

She said that Travelogue — which involves travel office employees who were fired for no reason — reminds her of what she and her husband went through.

"I'm drawn to the human story," she said. "I know what it's like to have falsehoods spread about you for political gain. Maybe I should stay away from [the subject] because of that."

be I should do it because I have a better understanding of how they feel," she added. "But I'm not doing it for political reasons. ... I'm just getting at the truth."

But while Thomas gets panned about scandals involving the Clinton, she doesn't seem to get as excited about congressional oversight when there's not a sexy angle involving the Clinton administration.

If she's liaison to all of the committees, ask Democrats, why does she show up only for hearings that take the Clinton administration over the coal?

This allegation is confirmed by GOP staffers at various committees and subcommittees — and Thomas herself.

"It takes a full-time person to make sure we get all the Clinton scandals exposed," said Gary Mitchell, staff director of the House Agriculture Committee, in a document of course.

Thomas and her defenders scoff at Democratic suggestions that they're shocked, shocked that politics is playing a part in congressional oversight.

"The day remember the name John Dingell?" another Armey aide said about the Michigan Democrat who terminated the Reagan and Bush administrations from his perch as chairman of the Energy and Commerce Committee.

"It was a constitutional duty where they did it."

Thomas calls Dingell the "man" at oversight who "went on personal vendetta" and "used his staff to accomplish a personal, political agenda."

"They make it sound like it's never been done before," she said. Still, Thomas insists that she doesn't owe him an example how to do it.

Pointing toward Pennsylvania's And in buildings of business, Thomas said she's just making sure "they're spending the money right."

From 1997 to 2010, Justice Thomas no longer reported his spouse's employer. The amount of income his spouse received from her employers during that period was approximately \$1.6 million.<sup>69</sup>

On January 21, 2011, Common Cause notified the Judicial Conference that the Heritage Foundation's public tax filings listed Justice Thomas's spouse as an employee, yet the organization was not disclosed as her employer on Justice Thomas's financial disclosure statements.<sup>70</sup>

On the same day, Justice Thomas informed the Judicial Conference's Financial Disclosure Committee that "[i]t has come to my attention that information regarding my spouse's employment required in Part III B of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions."<sup>71</sup> He did not explain why his misunderstanding of the reporting requirements for his spouse's employer

<sup>69</sup> Rep. Louise M. Slaughter and Rep. Earl Blumenauer, et al., Letter to Presiding Officer of the Judicial Conference (Nov. 18, 2011) (attached as Exhibit O); Letter to James Duff on Virginia Thomas' Income (Jan. 21, 2011),

<sup>70</sup> Letter to James Duff on Virginia Thomas' Income, Common Cause (Jan. 21, 2011) <https://www.commoncause.org/resource/letter-to-james-duff-on-virginia-thomas-income/> (attached as Exhibit P).

<sup>71</sup> Clarence Thomas Statements Regarding Unreported Spousal Income, *supra* note 14; Ariane de Vogue & Devin Dwyer, *Justice Clarence Thomas Amends 20 Years of Disclosure Forms With Wife's Employers*, ABC News (Jan. 24, 2011), [https://abcnews.go.com/Politics/Supreme\\_Court/justice-clarence-thomas-amends-financial-disclosure-reports-virginia/story?id=12750650](https://abcnews.go.com/Politics/Supreme_Court/justice-clarence-thomas-amends-financial-disclosure-reports-virginia/story?id=12750650).

developed after ten years of providing that same information on his financial disclosure statements.

Justice Thomas established that he knew the requirement to report the employer of his spouse when he reported this from 1987 to 1996. However, Justice Thomas omitted his wife's employer beginning in 1997 after the 1996 media attention surrounding his wife's work for a Republican member of Congress while investigating the Democratic President.

### 3. Discharged Loan

In 1999, Justice Thomas received a loan for \$267,230 from a friend, Anthony Welters, to purchase a 40-foot luxury motor coach. In 2008, Mr. Welters forgave the loan.

On October 25, 2023, the *New York Times* published an article citing a report by the Senate Finance Committee that the \$267,230 loan had been deemed "satisfied" by the owner, but there was no evidence that Justice Thomas paid anything on the loan except a limited amount of the interest owed.<sup>72</sup>

Specifically, the Senate Finance Committee report found that "[n]ew evidence indicates that Justice Thomas failed to repay a significant portion of the principal of the [loan]."<sup>73</sup> Pursuant to financial disclosure statement instructions for federal judges, Justices are required to disclose "non-investment income, such as . . . discharge of indebtedness . . . ."<sup>74</sup> Justice Thomas's financial disclosure statement for 2008 did not include the discharge of this loan as income.

Justice Thomas has not provided any explanation as to whether he paid the full balance of the loan. Instead, his lawyer stated that Justice Thomas "made all payments . . . until the terms of the agreement were satisfied in full."<sup>75</sup> This response is contrary to the findings of the Senate Finance Committee, which concluded that Justice Thomas paid mostly interest payments on the loan. Unlike Justice Thomas's other omissions outlined above, he did not previously report discharged loans. Nevertheless, his prior disclosure of income from various sources established a knowledge of the income reporting requirement that was not followed for this discharged debt. This significant omission cannot be assumed to be an oversight in the context of his other omissions and requires further investigation by the Department of Justice.

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<sup>72</sup> Becker, *supra* note 26.

<sup>73</sup> Memorandum to Sen. Ron Wyden from Finance Committee Democratic Staff, Clarence Thomas did not repay entire principal on \$267,230 from Tony Welters (Oct. 25, 2023), [https://www.finance.senate.gov/imo/media/doc/senate\\_finance\\_committee\\_welters\\_thomas\\_memo\\_102523.pdf](https://www.finance.senate.gov/imo/media/doc/senate_finance_committee_welters_thomas_memo_102523.pdf) (attached as Exhibit Q).

<sup>74</sup> Guide to Judicial Policy, Vol. 2D, Ch. 1 § 320 at 11, <https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>75</sup> Becker, *supra* note 26.

### III. CONCLUSION

Justice Thomas’s nearly 30-year pattern of publicly disclosing certain financial interests but excluding those interests after they draw public attention creates circumstances sufficiently strong to warrant a reasonable person to believe that he knowingly and willfully withheld information on his financial disclosure statements. The Judicial Conference is not charged with determining the ultimate question of whether this was a knowing and willful violation, but it should not ignore that the relatively low standard of reasonable cause to believe is satisfied.

Failure of the Judicial Conference to act in this matter signals to financial disclosure filers across the federal government that they can repeatedly claim to not understand the disclosure rules, and no investigation to determine the veracity of the defense will follow. This creates an “ignorance of the law” defense for violations of the EIGA in all circumstances.

Justice Thomas is unique because of the egregiousness of his violations, which is evident when comparing the facts in his matter to the allegations of ethical misconduct against the following Justices over the past two years: Chief Justice John Roberts,<sup>76</sup> Justice Samuel Alito,<sup>77</sup> Justice Sonia Sotomayor,<sup>78</sup> Justice Neil Gorsuch,<sup>79</sup> and Justice Ketanji Brown Jackson.<sup>80</sup> Only two of the allegations against the other Justices involve financial disclosure requirements and none involve a Justice showing a clear understanding of the rules and then changing course suddenly to no longer comply with a rule. And the allegations against the other Justices absolutely do not cover repeated non-compliance spanning three decades.

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<sup>76</sup> Nicholas Reimann, *Chief Justice John Roberts’ Wife Made Over \$10 Million As Legal Consultant, Report Says*, *Forbes* (Apr. 28, 2023), <https://www.forbes.com/sites/nicholasreimann/2023/04/28/chief-justice-john-roberts-wife-made-over-10-million-as-legal-consultant-report-says/?sh=6d71bd01e9a9> (explaining that Jane Roberts matched top lawyers with law firms that had cases before the Supreme Court and earned commission payments at the high-end).

<sup>77</sup> Jodi Kantor & Jo Becker, *Former Anti-Abortion Leader Alleges Another Supreme Court Breach*, *N.Y. Times* (Nov. 19, 2022), <https://www.nytimes.com/2022/11/19/us/supreme-court-leak-abortion-roe-wade.html> (alleging that Justice Alito disclosed the *Burwell v. Hobby Lobby* decision to Rev. Rob Schenck).

<sup>78</sup> Brian Slodysko & Eric Tucker, *Supreme Court Justice Sotomayor’s staff prodded colleges and libraries to buy her books*, *Associated Press* (Jul. 11, 2023), <https://apnews.com/article/supreme-court-sotomayor-book-sales-ethics-colleges-b2cb93493f927f995829762cb8338c02> (explaining that Justice Sotomayor used taxpayer-funded court staff to get colleges and libraries to buy copies of her books prior to her appearances).

<sup>79</sup> Heidi Przybyla, *Law firm head bought Gorsuch-owned property*, *Politico* (Apr. 25, 2023), <https://www.politico.com/news/2023/04/25/neil-gorsuch-colorado-property-sale-00093579> (revealing that Justice Gorsuch did not report who bought the property he owned a portion of and that the purchaser’s firm has had multiple cases before the Supreme Court).

<sup>80</sup> Amy Howe, *Jackson’s financial disclosure reveals additional income in previous years*, *SCOTUSblog* (Sep. 15, 2022), <https://www.scotusblog.com/2022/09/jacksons-financial-disclosure-reveals-additional-income-in-previous-years> (explaining that Justice Jackson previously omitted information about reimbursements and teaching income on financial disclosure reports filed when she was a federal district court judge).

For these reasons, there is reasonable cause for the Judicial Conference to refer Justice Thomas to the Department of Justice for further investigation to determine whether a true violation occurred.

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Kedric L. Payne  
General Counsel and Senior Director, Ethics  
Campaign Legal Center

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Sophia Gonsalves-Brown  
Senior Researcher, Campaign Finance and  
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Campaign Legal Center

# **EXHIBIT A**





April 11, 2023

The Honorable Roslynn R. Mauskoph  
Judicial Conference Secretary  
Administrative Office of the U.S. Courts  
One Columbus Circle, NE  
Washington, D.C. 20544

*Sent via U.S. Mail.*

Dear Honorable Mauskoph:

Campaign Legal Center respectfully requests that the Judicial Conference exercise its authority pursuant to 5 U.S.C. § 13106(b) and refer Supreme Court Justice Clarence Thomas to the U.S. Attorney General because there is “reasonable cause to believe” that he “willfully failed to file information required to be reported” under the Ethics in Government Act (“EIGA”). Specifically, Justice Thomas’ public statement on April 7, 2023,<sup>1</sup> and recent news reporting, confirm that for over twenty years he did not file required gift disclosures of private plane and yacht travel from one individual.<sup>2</sup> There is reasonable cause to believe that the omissions were willful because Justice Thomas (1) previously reported private plane travel from the same individual in compliance with the law, but stopped the disclosures after negative media attention; and (2) has a history of omitting significant information from his financial disclosure reports.

For members of the Judicial Conference, this high-profile ethics matter has historic implications far beyond one Supreme Court justice. If the Judicial Conference fails to publicly address the substantial evidence of blatant violations of a disclosure law that other federal judges understand and regularly follow, it creates an exception for Justice Thomas that swallows the rule. Inaction here also renders meaningless the Judicial Conference’s commitment in its most recent strategic plan to “ensure timely action is taken on credible

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<sup>1</sup> Clarence Thomas Statement, <https://www.documentcloud.org/documents/23745868-clarence-thomas-statement-4-7-23> (last visited Apr. 10, 2023) (attached as Exhibit A).

<sup>2</sup> Joshua Kaplan, Justin Elliott, and Alex Mierjeski, *Clarence Thomas and the Billionaire*, ProPublica, (Apr. 6, 2023), <https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow> (attached as Exhibit B).

allegations of misconduct according to established procedures.”<sup>3</sup> For these reasons, we ask that the Judicial Conference take immediate action before all federal judges are required to file financial disclosure statements on May 15, 2023.

### **The Judicial Conference is Authorized to Refer Supreme Court Justices to the Attorney General for Violations of the Ethics in Government Act**

The EIGA provides that the Judicial Conference is the authorized “supervising ethics office” for “judicial officers” with respect to financial disclosure requirements.<sup>4</sup> “Judicial officers” are defined to include “the Chief Justice of the United States [and] the Associate Justices of the Supreme Court.”<sup>5</sup>

Pursuant to 5 U.S.C. § 13106(b), “the Judicial Conference . . . shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.”

### **Justice Thomas Did Not Disclose Receipt of Free Travel Expenses as Required by the Ethics in Government Act**

The EIGA requires that annual financial disclosure statements include “the identity of the source, a brief description, and the value of all gifts” worth more than \$415 from a single source.<sup>6</sup> The annual statements must also include “reimbursements” received over \$415, where “reimbursements” are defined as payments “to cover travel-related expenses.”<sup>7</sup> Such reimbursements include free travel related expenses “whether those expenses were paid directly by a third party or the filer was paid after submitting a travel voucher.”<sup>8</sup>

On April 6, 2023, ProPublica reported that for more than twenty years, Justice Thomas accepted a luxury trip from an individual nearly every single year.<sup>9</sup> In 2019 alone, Justice Thomas accepted a trip to Indonesia estimated to cost over \$500,000 that included use of the individual’s private jet and a yacht.<sup>10</sup> Around 2013, Justice Thomas went on an extended cruise in New Zealand aboard the person’s yacht, as well as a river day trip around Savannah, Georgia.<sup>11</sup> ProPublica also identified five additional times Justice Thomas used the person’s private jet beyond the flight to Indonesia.<sup>12</sup>

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<sup>3</sup> *Strategic Plan for the Federal Judiciary*, Judicial Conference of the United States, 10 (2020), [https://www.uscourts.gov/sites/default/files/federaljudiciary\\_strategicplan2020.pdf](https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf).

<sup>4</sup> 5 U.S.C. § 13101.

<sup>5</sup> 5 U.S.C. § 13101.

<sup>6</sup> 5 U.S.C. § 13104(a)(2)(A).

<sup>7</sup> 5 U.S.C. § 13104(a)(2)(B).

<sup>8</sup> Filing Instructions for Judicial Officers and Employees, Committee on Financial Disclosure, 20 (Mar. 2023), [https://www.uscourts.gov/sites/default/files/financial\\_disclosure\\_filing\\_instructions.pdf](https://www.uscourts.gov/sites/default/files/financial_disclosure_filing_instructions.pdf).  
[https://www.uscourts.gov/sites/default/files/financial\\_disclosure\\_filing\\_instructions.pdf](https://www.uscourts.gov/sites/default/files/financial_disclosure_filing_instructions.pdf)

<sup>9</sup> Kaplan, *supra* note 2. <https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow>

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

On April 7, 2023, Justice Thomas responded to the reporting and did not deny the allegations. Instead, he stated that “I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable.”<sup>13</sup>

Justice Thomas’ statement admits that he received the gifts of vacations, which includes transportation, food, lodging, and entertainment. The exception to the reporting requirement that he references for “personal hospitality” applies only to lodging, meals, and entertainment, not to transportation. Indeed, the reporting requirement in the EIGA provides that filers must report gifts “except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported.”<sup>14</sup>

As explained in detail below, the EIGA and Federal Judiciary Financial Disclosure Regulations have always required the disclosure of free travel expenses, even before the March 2023 update to the regulations. This is evidenced by the prior versions of the regulations and Justice Thomas’ prior reporting of gifts of private plane travel.

### **There is Reasonable Cause to Believe that Justice Thomas Willfully Violated the Ethics in Government Act**

“Courts have interpreted the EIGA’s willfulness requirement in accordance with this general rule, concluding that ‘[a]n individual knowingly and willfully fails to comply with the EIGA requirements when that individual intentionally disregards the statute or is indifferent to its requirements.’”<sup>15</sup> The Judicial Conference need not make a final determination whether Justice Thomas acted willfully. Instead, the EIGA instructs the Judicial Conference to apply the low standard of “reasonable cause to believe” to refer the matter to the U.S. Attorney General for further fact gathering.

There is reasonable cause to believe that Justice Thomas intentionally disregarded the requirement to report the gifts of free private plane and yacht travel because:

1. **He demonstrated knowledge of the requirement by reporting private plane travel in prior reports but stopped reporting such gifts after negative public scrutiny of the disclosures.** In 1997, Justice Thomas reported receiving free travel on the personal plane of the same individual who provided the free travel that he failed to disclose in later years.<sup>16</sup> In 2004, the Los Angeles Times relied on his financial disclosure statements to report that he accepted gifts and private plane

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<sup>13</sup> Clarence Thomas Statement, *supra* note 1.

<sup>14</sup> 5 U.S.C. 13104(a)(2)(A) (emphasis added).

<sup>15</sup> *United States v. Manigault Newman*, 594 F. Supp 3d 1, 6 (D.D.C. 2022) (quoting *United States v. Lairy*, No. CV 19-2488, 2020 WL 4039176, at \*2 (D.D.C. July 17, 2020)); *accord United States v. Gant*, 268 F. Supp. 2d 29, 33 (D.D.C. 2003).

<sup>16</sup> Kaplan, *supra* note 2; Tony Mauro, *At least 5 justices are millionaires Holdings force some to bow out of cases*, USA Today (May 28, 1998) (attached as Exhibit C).

travel from this individual.<sup>17</sup> In the years since this reporting, Justice Thomas no longer disclosed gifts from the individual, despite continuing to accept gifts of travel.

- In 2011, he admitted omitting significant information from financial disclosure statements and claimed to not understand the law despite filing prior reports that included the information.** Justice Thomas amended his financial disclosure statements after watchdog groups revealed that he did not report his wife's income for several years. He explained that the sources of income were "inadvertently omitted due to a misunderstanding of the filing instructions."<sup>18</sup> However, members of Congress informed the Judicial Conference in 2011 that Justice Thomas clearly knew the requirement because he "accurately filed his financial disclosure forms regarding his wife's employment for as many as 10 years beginning in 1987 when he was Chair of the Equal Employment Opportunity Commission."<sup>19</sup>

### **The Recent Judicial Conference Clarifications of the Personal Hospitality Reporting Exception Did Not Change the Ethics in Government Act Reporting Requirement for Receipt of Free Travel Expenses**

A critically important detail in this matter is that the recent revisions to the Federal Judiciary Financial Disclosure Regulations have absolutely no impact on the EIGA requirements for the reporting of private plane and yacht travel by justices. Those revisions provide narrow clarification of the "personal hospitality" exception for the reporting of food, lodging, or entertainment. In particular, the Judicial Conference made the revisions "to provide guidance on 'whether 'personal hospitality' may encompass hospitality extended at a commercial property such as a resort' and whether hospitality for which a 'third party reimburses the hosts for the costs' would fall outside the scope of the reporting exemption."<sup>20</sup> The prior regulations regarding personal hospitality did not and could not weaken the longstanding EIGA requirements for reporting gifts of free transportation expenses.

Moreover, prior versions of the Federal Judiciary Financial Disclosure Regulations confirm that federal judges were always advised that free transportation expenses do not fall under the personal hospitality exception. For example, a version of the regulations prior

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<sup>17</sup> Richard A. Serrano, David G. Savage, *The Nation*; *Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court*, Los Angeles Times (Dec. 31, 2004) (attached as Exhibit D); David G. Savage, *Los Angeles Times reported about Justice Thomas' gifts 20 years ago. After that he stopped disclosing them* (Apr. 6, 2023), <https://tinyurl.com/2j2afh8j>.

<sup>18</sup> Ariane de Vogue and Devin Dwyer, *Justice Clarence Thomas Amends 20 Years of Disclosure Forms With Wife's Employers*, ABC News (Jan. 24, 2011), [https://abcnews.go.com/Politics/Supreme\\_Court/justice-clarence-thomas-amends-financial-disclosure-reports-virginia/story?id=12750650](https://abcnews.go.com/Politics/Supreme_Court/justice-clarence-thomas-amends-financial-disclosure-reports-virginia/story?id=12750650).

<sup>19</sup> Rep. Louise M. Slaughter and Rep. Earl Blumenauer, et al., *Letter to Presiding Officer of the Judicial Conference* (Nov. 18, 2011) (attached as Exhibit E).

<sup>20</sup> The Honorable Roslynn R. Mauskopf, *Response Letter to Sen. Sheldon Whitehouse* (Mar. 23, 2023) (attached as Exhibit F).

to the March 2023 revisions states that the reporting of “any travel-related reimbursements aggregating more than \$415 in value that are received by the filer from one source during the reporting period [excluding] [a]ny food, lodging or entertainment received as ‘personal hospitality of any individual.’”<sup>21</sup> The filing instructions for federal judges specify that such travel-related reimbursements include travel expenses paid directly by a third party, and not simply repayments to the filer.<sup>22</sup> Therefore, any omissions on financial disclosure reports justified by prior iterations of financial disclosure guidance must be assessed with skepticism.

## Conclusion

In conclusion, the publicly known facts concerning Justice Thomas’ receipt of transportation on private planes and yachts raise significant legal implications for Justice Thomas and all federal judges who are required to comply with EIGA. It is incumbent on the Judicial Conference to either refer this matter to the U.S. Attorney General or state publicly why it believes this matter does not warrant further action.

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Kedric L. Payne  
General Counsel and Senior Director, Ethics  
Campaign Legal Center

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Danielle Caputo  
Legal Counsel, Ethics  
Campaign Legal Center

cc: The Honorable S. Thomas Anderson  
The Honorable John Bailey  
The Honorable Patricia D. Barksdale  
The Honorable Mark Barnett  
The Honorable David Jeremiah Barron  
The Honorable James Emanuel Boasberg  
The Honorable Margo K. Brodie  
The Honorable Debra M. Brown  
The Honorable Renee Marie Bumb  
The Honorable Michael A. Chagares  
The Honorable Scott Coogler  
The Honorable Jon DeGuilio  
The Honorable Aida M. Delgado-Colón

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<sup>21</sup> *Guide to Judiciary Policy*, Administrative Office of the U.S. Courts, 17 (Jan. 15, 2021), <https://web.archive.org/web/20210623211324/https://www.uscourts.gov/sites/default/files/guide-vol02d.pdf>.

<sup>22</sup> Filing Instructions for Judicial Officers and Employees, *supra* note 9, at 20.

The Honorable Roger L. Gregory  
The Honorable Jerome A. Holmes  
The Honorable William Paul Johnson  
The Honorable Leslie E. Kobayashi  
The Honorable Debra Ann Livingston  
The Honorable Margaret M. Mann  
The Honorable Kimberly A. Moore  
The Honorable Mary H. Murguia  
The Honorable William H. Pryor, Jr.  
The Honorable Priscilla Richman  
The Honorable John G. Roberts, Jr.  
The Honorable Lavenski R. Smith  
The Honorable Srikanth Srinivasan  
The Honorable Jeffrey S. Sutton  
The Honorable Diane S. Sykes  
The Honorable John R. Tunheim

# Exhibit A

**p. 1**

Please see the following statement from Justice Clarence Thomas:

Harlan and Kathy Crow are among our dearest friends, and we have been friends for over twenty-five years. As friends do, we have joined them on a number of family trips during the more than quarter century we have known them. Early in my tenure at the Court, I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable. I have endeavored to follow that counsel throughout my tenure, and have always sought to comply with the disclosure guidelines. These guidelines are now being changed, as the committee of the Judicial Conference responsible for financial disclosure for the entire federal judiciary just this past month announced new guidance. And, it is, of course, my intent to follow this guidance in the future.

Public Information Office



## Exhibit B

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

April 6, 5 a.m. EDT

*ProPublica is a nonprofit newsroom that investigates abuses of power. Sign up to receive [our biggest stories](#) as soon as they're published.*

**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](mailto:joshua.kaplan@propublica.org) and by Signal or WhatsApp at 734-834-9383. Justin Elliott can be reached by email at [justin@propublica.org](mailto: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.

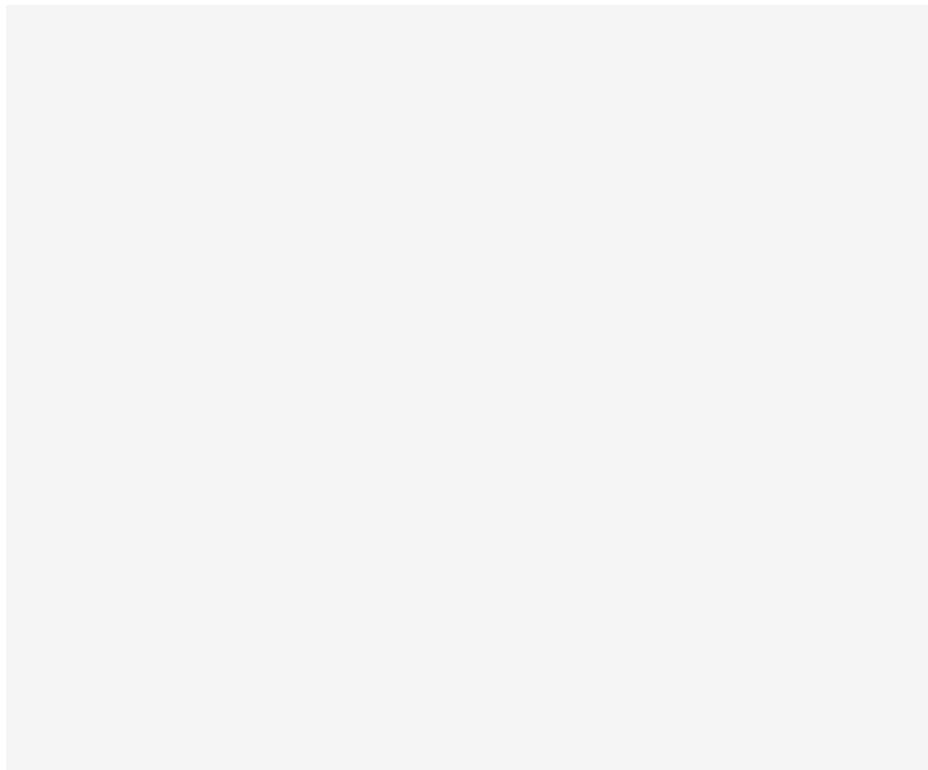
In his statement, Crow said that he and his wife have never discussed a pending or lower court case with Thomas. “We have never sought to influence Justice Thomas on any legal or political issue,” he added.

“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.

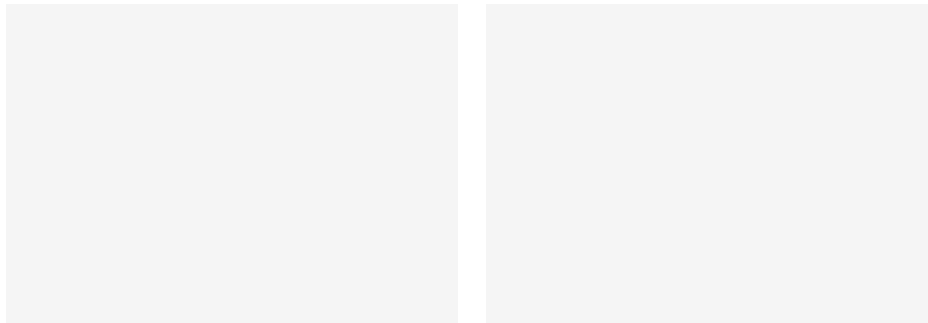


A painting that hangs at Camp Topridge shows Crow, far right, and Thomas, second from right, smoking cigars at the resort. They are joined by lawyers Peter Rutledge, Leonard Leo and Mark Paoletta, from left. Painting by Sharif Tarabay

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

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

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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**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. I COME FROM REGULAR STOCK, AND I PREFER THAT — I PREFER BEING AROUND THAT.**

—Clarence Thomas

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.

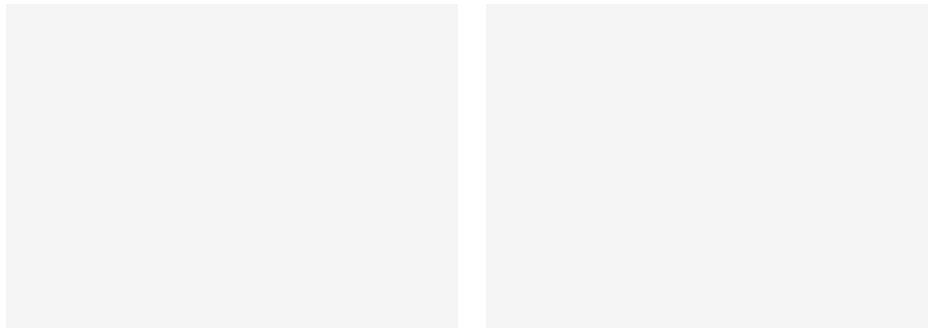
Soon after Crow met Thomas three decades ago, he began lavishing the justice with gifts, including a \$19,000 Bible that belonged to Frederick Douglass, which Thomas disclosed. Recently, Crow gave Thomas a portrait of the justice and his wife, according to Tarabay, who painted it. Crow's foundation also 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

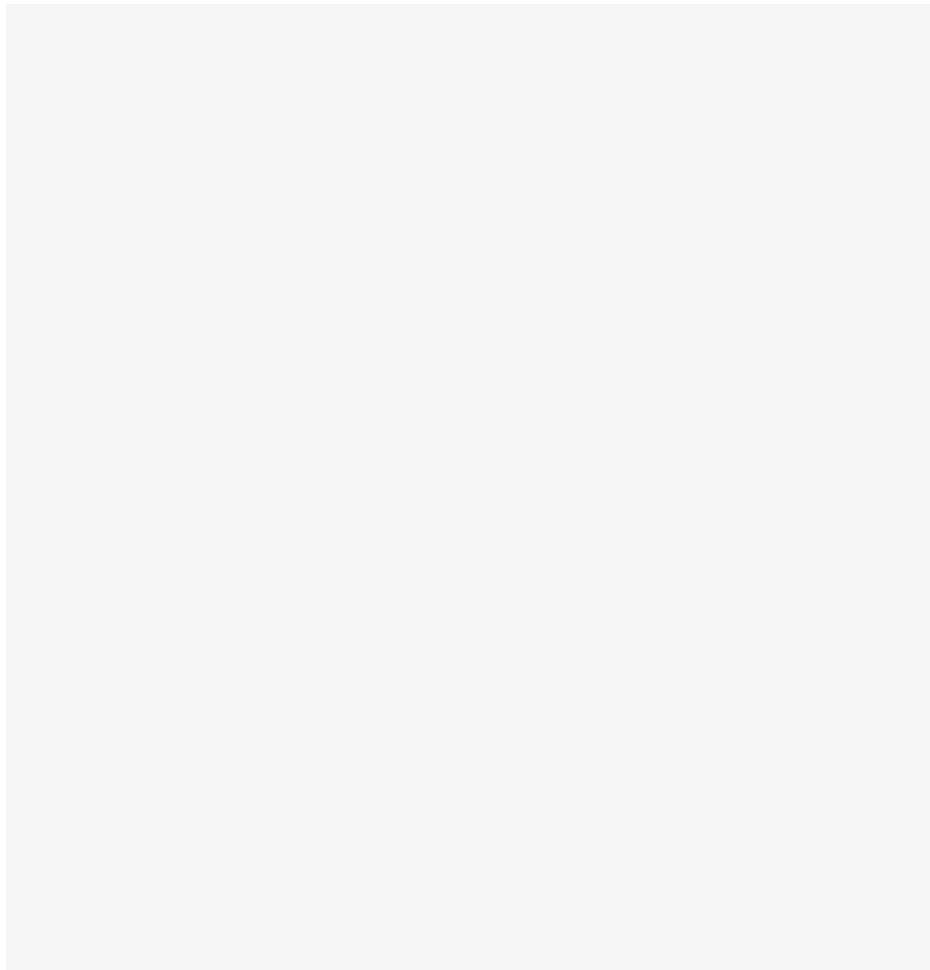
Touring the Lesser Sunda Islands, the group made stops at Komodo National Park, home of the eponymous reptiles; at the volcanic lakes of Mount Kelimutu; and at Pantai Meko, a spit of pristine beach accessible only by boat. Another guest was Mark Paoletta, a friend of the Thomases then serving as the 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.





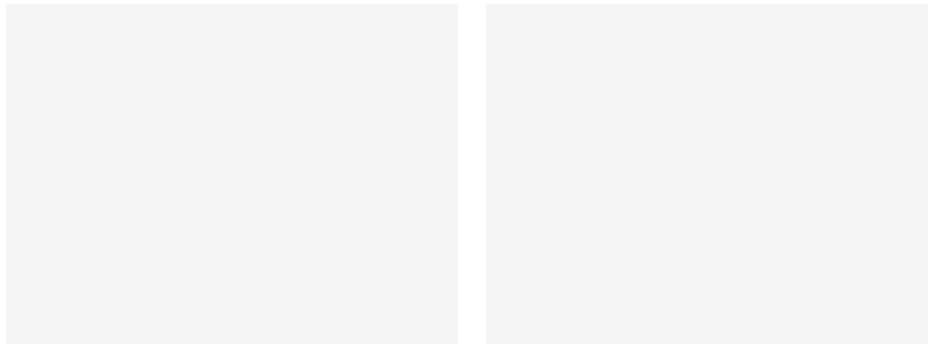
During a New Zealand trip on Crow's yacht, Thomas signed a copy of his memoir and gave it to a yacht worker. Obtained by ProPublica

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.

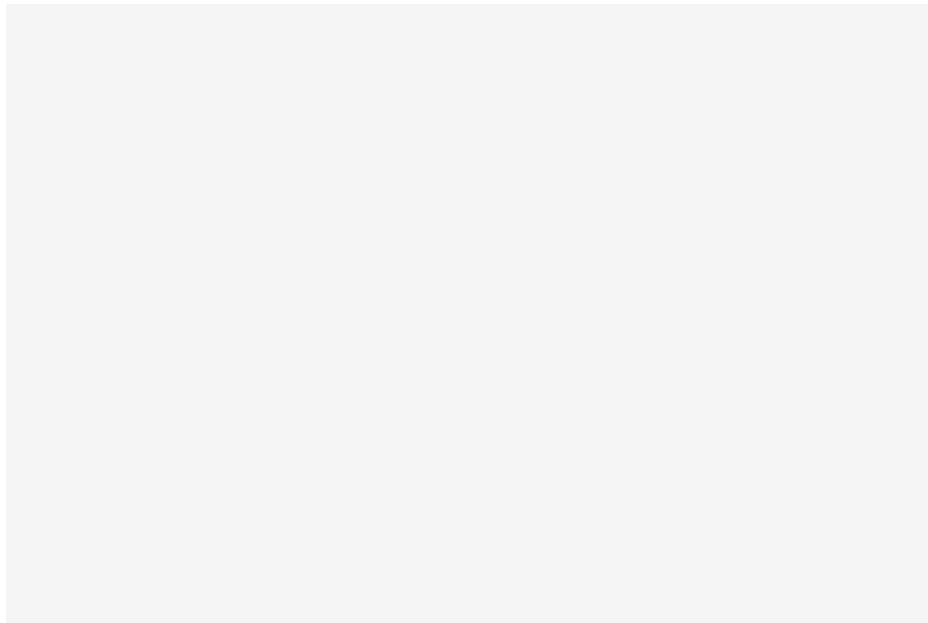
On July 7 last year, Crow's jet made a 40-minute stop at Dulles and then flew to a small airport near Topridge, returning to Dulles six days later. Thomas was at the resort that week for his regular summer visit, according to a person who was there. Twice in recent years, the jet has followed the pattern when Thomas appeared at Crow's properties in Dallas — once for the Jan. 4, 2018, [swearing-in](#) of Fifth 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

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.



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.

*Do you have any tips on the courts? Josh Kaplan can be reached by email at [joshua.kaplan@propublica.org](mailto:joshua.kaplan@propublica.org) and by Signal or WhatsApp at 734-834-9383. Justin Elliott can be reached by email at [justin@propublica.org](mailto:justin@propublica.org) or by Signal or WhatsApp at 774-826-6240.*

Matt Easton contributed reporting.

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

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### SITES



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## Exhibit C

At least 5 justices are millionaires Holdings force some to bow out of cases

## **At least 5 justices are millionaires Holdings force some to bow out of cases**

USA TODAY

May 28, 1998, Thursday,

FINAL EDITION

Copyright 1998 Gannett Company, Inc.

**Section:** NEWS;

**Length:** 679 words

**Byline:** Tony Mauro

**Dateline:** WASHINGTON

### **Body**

---

WASHINGTON -- At least five, and possibly six, of the Supreme Court's nine justices are millionaires.

Financial disclosure forms for 1997, released this week, indicate that President Clinton's two appointees to the high court -- Ruth Bader Ginsburg and Stephen Breyer -- are the wealthiest. They are worth as much as \$ 24 million and \$ 16 million, respectively.

Also listing more than \$ 1 million in assets are Sandra Day O'Connor, David Souter and John Paul Stevens. Antonin Scalia reported assets of \$ 675,000 to \$ 1.59 million.

Assets are listed in ranges, which makes precise totals impossible to compute.

Most of the wealth of Breyer and Ginsburg comes through their spouses.

Breyer's wife, Joanna, is from a prominent British family. Her mother died last year, so in addition the justice's disclosure form lists an inheritance valued at \$ 1 million to \$ 5 million.

Ginsburg's husband, Martin, is a well-known tax lawyer and Georgetown University law professor.

Ginsburg's disclosure form reveals that she and her husband sold as much as \$ 1 million in stocks last July and put the money into mutual funds.

At least 5 justices are millionaires Holdings force some to bow out of cases

The transactions came after *Insight Magazine* reported that Justice Ginsburg had participated in 21 cases that involved companies in which Martin Ginsburg had invested. At the time, he said he had misunderstood the nature of an IRA account through which he owned the company stocks and would sell them immediately.

Several justices report extensive stock holdings, some of which prompt them to bow out of cases.

Among more than a dozen stock holdings listed by O'Connor is \$ 15,000 to \$ 50,000 in AT&T Corp. securities. She sold less than \$ 15,000 worth of the stock last year.

Last year USA TODAY reported that O'Connor's ownership in AT&T stock had prompted her to recuse herself from more than two dozen cases in recent years.

O'Connor already has stated her intention to bow out of a case that will be argued this fall in which part of the Telecommunications Act of 1996 is under challenge.

"The country is entitled to have nine justices deciding important cases," says Northwestern University law professor Steven Lubet, a judicial ethics expert.

"A justice who owns a stock that leads to repeated recusals ought to consider getting rid of it."

The financial disclosure forms also catalog an array of trips, lecture fees and gifts reported by the justices.

Among them:

-- \$ 15,000 in royalties from Princeton University Press to Scalia

for his 1997 book *A Matter of Interpretation*.

-- \$ 550 in gifts, also to Scalia, for his participation in a bocce tournament in Wolfeboro, N.H. Bocce is an Italian lawn bowling sport.

-- Reimbursement for 20 speaking trips by O'Connor to locations such as Krakow, Poland, and Kankakee, Ill.

-- A free trip for Justice Clarence Thomas to the Bohemian Grove club in California in the personal jet of Texas real estate magnate Harlan Crow.

#### VALUE OF ASSETS

Here is the value of assets reported by the nine Supreme Court

At least 5 justices are millionaires Holdings force some to bow out of cases

justices in their 1997 financial disclosure forms released this week. The values are reported in ranges, not as precise figures, and do not include the value of their primary homes. The justices are listed in order from highest to lowest in asset value, along with a comparison to their 1996 reports.

-- Ruth Bader Ginsburg, \$ 5.9 million to \$ 24.1 million, up from \$ 4.9 million to \$ 15.4 million in 1996.

-- Stephen Breyer, \$ 4.3 million to \$ 15.9 million, up from \$ 3.8 million to \$ 14.9 million.

-- Sandra Day O'Connor, \$ 2.3 million to \$ 5.6 million, up from \$ 2 million to \$ 4.9 million.

-- David Souter, \$ 1.1 million to \$ 5.3 million, down slightly from \$ 1.3 million to \$ 5.3 million.

-- John Paul Stevens, \$ 1.29 million to \$ 2.74 million, up slightly from \$ 1.24 million to \$ 2.59 million.

-- Antonin Scalia, \$ 675,000 to \$ 1.59 million, up from \$ 630,000 to \$ 1.37 million.

-- Chief Justice William Rehnquist, \$ 210,000 to \$ 590,000, unchanged from 1996.

-- Anthony Kennedy, \$ 30,000 to \$ 280,000, down from \$ 45,000 to \$ 360,000.

-- Clarence Thomas, \$ 30,000 to \$ 175,000, down from \$ 80,000 to \$ 275,000.

Source: Administrative Office of U.S. Courts, The Associated Press.

## Graphic

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PHOTO, Color, AP; PHOTOS, B/W, AP (2)

## Classification

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**Language:** ENGLISH

**Subject:** WEALTHY PEOPLE (91%); HOLDING COMPANIES (90%); LAW SCHOOLS (87%); COMPANY STRUCTURES & OWNERSHIP (78%); ROYALTIES (78%); MUTUAL FUNDS (77%); LAWYERS (75%); ETHICS (73%); JUDICIAL ETHICS (73%); LAW COURTS & TRIBUNALS (73%); COLLEGE & UNIVERSITY PROFESSORS (72%); SECURITIES & OTHER INVESTMENTS (71%); LEGAL ETHICS (67%); INDIVIDUAL RETIREMENT ACCOUNTS (65%); LAWN BOWLING (60%); TOURNAMENTS (60%)



At least 5 justices are millionaires Holdings force some to bow out of cases

**Company:** AT&T INC (94%); PRINCETON UNIVERSITY PRESS (50%); AT&T INC (94%); PRINCETON UNIVERSITY PRESS (50%); GEORGETOWN UNIVERSITY (53%)

**Organization:** GEORGETOWN UNIVERSITY (53%)

**Ticker:** T (NYSE) (94%)

**Industry:** NAICS517210 WIRELESS TELECOMMUNICATIONS CARRIERS (EXCEPT SATELLITE) (94%); NAICS517110 WIRED TELECOMMUNICATIONS CARRIERS (94%); NAICS511140 DIRECTORY & MAILING LIST PUBLISHERS (94%); LAW SCHOOLS (87%); MUTUAL FUNDS (77%); LAWYERS (75%); COLLEGE & UNIVERSITY PROFESSORS (72%); SECURITIES & OTHER INVESTMENTS (71%); INDIVIDUAL RETIREMENT ACCOUNTS (65%); TELECOMMUNICATIONS (60%)

**Person:** RUTH BADER GINSBURG (79%); ANTONIN SCALIA (78%); STEPHEN BREYER (78%); DAVID SOUTER (58%); JOHN PAUL STEVENS (58%)

**Geographic:** UNITED STATES (94%)

**Load-Date:** May 28, 1998

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End of Document

## Exhibit D

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

**THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.**

Los Angeles Times

December 31, 2004 Friday

Home Edition

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**Section:** MAIN NEWS; National Desk; Part A; Pg. 1

**Length:** 2698 words

**Byline:** Richard A. Serrano and David G. Savage, Times Staff Writers

**Dateline:** WASHINGTON

## **Body**

---

Supreme Court Justice Clarence **Thomas** has accepted tens of thousands of dollars worth of gifts since joining the high court, including \$1,200 worth of tires, valuable historical items and a \$5,000 personal check to help pay a relative's education expenses.

The gifts also included a Bible once owned by the 19th century author and abolitionist leader Frederick Douglass, which **Thomas** valued at \$19,000, and a bust of President Lincoln valued at \$15,000.

He also took a free trip aboard a private jet to the exclusive Bohemian Grove club in Northern California -- arranged by a wealthy Texas real estate investor who helped run an advocacy group that filed briefs with the Supreme Court.

Those and other gifts were disclosed by **Thomas** under a 1978 federal ethics law that requires high-ranking government officials, including the nine Supreme Court justices, to file a report each year that lists gifts, money and other items they have received.

**Thomas** has reported accepting much more valuable gifts than his Supreme Court colleagues over the last six years, according to their disclosure forms on file at the court.

The Ethics in Government Act of 1989 prohibits all federal employees, including the justices, from accepting "anything of value" from a person with official business before them. However, under the rules that the federal judicial system adopted to implement that law, judges are free to accept gifts of unlimited value from people without official business before the court.

Representatives for the federal judiciary and the Supreme Court argue that requiring the disclosure of any gifts is sufficient to prevent corruption or the appearance of favoritism.

But in October, an American Bar Assn. panel called for tightening the rules to forbid judges from taking expensive gifts, free tickets and other valuable items, regardless of who is the donor.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

"Why would someone do that -- give a gift to Clarence Thomas? Unless they are family members or really close friends, the only reason to give gifts is to influence the judge," said Mark I. Harrison, a Phoenix lawyer who heads the ABA's Commission on the Model Code of Judicial Conduct. "And we think it is not helpful to have judges accepting gifts for no apparent reason."

"The public has to wonder when a justice accepts lavish gifts," said Northwestern University law professor Steven Lubet, a legal ethics expert. "The rich and powerful have a different set of economic interests than other people, and they can afford to give lavish gifts."

Thomas, through a court spokeswoman, declined to comment when asked in writing why he deemed it appropriate to accept some of the larger gifts. But a former clerk to Thomas defended the practice.

"I don't see anything wrong in this. I don't see why it is inappropriate to get gifts from friends," said John C. Yoo, now a law professor at the UC Berkeley. "This reflects a bizarre effort to over-ethicize everyday life. If one of these people were to appear before the Supreme Court, Justice Thomas would recuse himself."

Despite the open-ended rules, most of the other Supreme Court justices reported accepting only items of lesser value, or token gifts for speaking at formal events, or nothing at all.

The Times reviewed the disclosures of all nine justices for the years 1998 through 2003, the only period of time for which disclosure forms were still on file at the court. They reported receiving cash, which they usually gave to charity, but kept or used various valuable items, mementos and club memberships.

In that six-year period, Thomas accepted \$42,200 in gifts, making him the top recipient.

Next in that period was Justice Sandra Day O'Connor, who accepted \$5,825 in gifts, mostly small crystal figurines and other items. She also reported an \$18,000 award in 2003 from the American Philosophical Society in Philadelphia, but listed it as income. The money was for the society's Benjamin Franklin Award for Distinguished Public Service. She gave other cash awards to charity.

Third was Chief Justice William H. Rehnquist, who accepted a \$5,000-award from Fordham University -- the only gift he reported for the six-year period.

In addition, The Times obtained a full set of disclosure forms for Thomas' 13-year tenure on the court, as well as forms dating to 1992 from Justice Antonin Scalia, 1993 for Justice Ruth Bader Ginsburg and 1996 for O'Connor. (The official disclosure forms are removed from the public file after six years.)

Since joining the court, Thomas reported accepting gifts valued at \$47,745. He also reported other gifts without citing a dollar value, ranging from "small gifts and flowers" to free plane trips and accommodations from friends.

Ginsburg has received a number of large monetary awards since joining the court in 1993, which she reported giving to charity. In 1996 she received \$100,000 from the philanthropic Kaul Foundation and distributed the money among 26 charities and nonprofit organizations, including law schools, women's organizations and theatrical companies.

Justices earned \$194,300 this year and will get \$199,200 in 2005, modest compared with some private-sector lawyers. They are permitted to earn as much as \$23,000 more through outside activities, such as teaching.

But membership on the court offers perks in addition to the prestige and power unique to the role of the high court.

Nearly all the justices accept honorary memberships to private clubs, worth thousands of dollars annually. Most are Washington-area clubs that donate the memberships.

For example, Rehnquist and Justices John Paul Stevens and Anthony M. Kennedy listed honorary memberships in the Washington Golf and Country Club, which they valued last year at \$4,000. These sums appeared to be in line

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

with annual membership fees for such clubs in the Washington area. However, a court spokesman said the rules did not require justices to disclose the initiation fees for joining such clubs, which can be far higher.

Because of inconsistencies in the way the justices reported their memberships, they were not included in the Times' tally of the value of their gifts.

Several justices also take lengthy, all-expenses-paid summer sojourns abroad where they are paid to lecture on the law. Locales have included Italy, the French Riviera and the Greek isles.

Justices Stephen G. Breyer and David H. Souter reported turning down all gifts and club memberships. Breyer has traveled on law school programs to Paris; Barcelona, Spain; and Florence, Italy. But Souter stays home and checks the box marked "NONE" for gifts on his yearly disclosure forms. **Thomas** also routinely passes up the overseas trips.

In calling for tighter restrictions on gifts to judges, the ABA commission was influenced by the strict no-gift rules adopted in 1995 by the House and Senate, said another panel member, Jan W. Baran, a former general counsel to the Republican National Committee.

Members of Congress and their staffs may not accept "anything of monetary value" greater than \$50 at one time, or more than \$100 from one person during the year. The only exceptions are gifts from family members and close personal friends.

"The House and Senate concluded it is not healthy to the integrity of their institutions to allow members to accept valuable gifts from strangers. That was the issue for us," Baran said.

"We would place a limit on the value of gifts from anyone.... To get a new set of tires from a generous car dealer would not be OK under these new rules."

New York University law professor Stephen Gillers, a legal ethicist, said the federal judiciary should adopt a similarly strict ban on judges accepting valuable gifts.

"A justice of the Supreme Court attracts friends and generosity. These gifts are being given not because he is Clarence **Thomas**, but because he is Justice Clarence **Thomas**," Gillers said.

Gillers said that, despite the comparatively lax rules, he thought most judges refused to accept valuable gifts. "I have friends who have become judges, and once they do, they will not let me pay for lunch," he said.

This year, Scalia was involved in a controversy over whether a free plane ride aboard Air Force II to go duck hunting in Louisiana with Vice President Dick Cheney amounted to a gift at a time when an energy case involving Cheney was before the court.

Scalia rejected a demand from the Sierra Club that he withdraw from the case, arguing that his trip on Air Force II did not amount to something of value. Scalia noted that he, his son and his son-in-law had bought round-trip tickets so they could return home on a commercial flight.

"In other words, none of us saved a cent by flying on the vice president's plane," Scalia said in a March 18 opinion. He subsequently voted for Cheney in the court case.

By law and tradition, the Supreme Court justices are exempted from many of the rules that govern lesser federal judges. Moreover, each of the justices is free to decide how the general ethics guidelines apply to them.

For example, when the Sierra Club filed its motion with the high court asserting that Scalia should step aside in the Cheney case, the court referred the matter to Scalia for him to decide.

Similarly, neither the ethics rules nor the court itself stands in the way of justices benefiting from the generosity of others.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

Even if the ABA panel's recommendation to tighten the rules on gifts were adopted for federal judges, it would serve only as a guide for members of the Supreme Court.

**Thomas**, nominated to the Supreme Court at age 43 by President George H.W. Bush, has won many admirers who see inspiration in his rise from a childhood of poverty in the segregated South. Some of the gifts he has accepted have come from casual acquaintances or, in one case, a stranger. More often, they came from new, conservative friends who voiced admiration for him.

Foremost among those conservative friends is Harlan **Crow**. The son of well-known Dallas real estate executive Trammell **Crow**, he runs a family holding company that owns 10% of Trammell **Crow** Co., one of the nation's biggest commercial real estate firms.

A big Republican donor, **Crow** last summer gave \$25,000 to help launch the Swift Boat Veterans for Truth campaign deriding Democratic presidential nominee Sen. John F. Kerry.

In an interview, **Crow** said he met **Thomas** 10 years ago at a conference in Dallas where the justice was a speaker. "I was in the audience and I was impressed," **Crow** said.

Soon afterward, **Crow** invited **Thomas** to a family campground in East Texas. Roger Connor, a businessman who was at the camp-out, remembers the all-male gathering.

"They were all smoking cigars. It was a very manly Texas thing," Connor said. He said the participants slept in sleeping bags and tents, and that the activities included a greased pig race.

In 1997, **Crow** flew **Thomas** on his personal plane to the San Francisco area and sponsored him as his guest at the Bohemian Grove, a private organization that for more than 125 years has held all-male retreats in the redwoods of Northern California for government and business leaders.

**Crow** and his wife, Kathy, in 2001 also gave **Thomas** the Bible that once belonged to Frederick Douglass. In disclosing the gift in his report for that year, **Thomas** valued the Bible at \$19,000 and listed the Crows as "personal friends."

"I just knew that he was a fan of Frederick Douglass, and I saw that item come available at an auction and I bought it and gave it to him," **Crow** said.

**Crow** donated \$175,000 for a new Clarence **Thomas** wing at the justice's childhood library in Pin Point, Ga.

At the time, **Crow** was a national board member of the Center for the Community Interest, an advocacy group that filed amicus briefs with the Supreme Court espousing conservative views on cases involving such issues as crime and pornography. **Crow** said he was not deeply involved with the group, which is now defunct.

Gillers, the NYU professor, questioned whether **Thomas** should have accepted anything from **Crow**.

The federal rules say a judge "shall not accept a gift from anyone who is seeking official action from or doing business with the court," Gillers noted.

"If Harlan **Crow** is a member of the board of a group that files amicus briefs with the court, then I think he comes within that provision," Gillers said.

**Thomas** reported receiving gifts nearly every year he has been on the high court. They included \$100 worth of cigars from talk-radio host Rush Limbaugh, a \$500 Stetson hat from the Houston Club, and another \$150 worth of cigars from Kansas City businessman Tim Trabon, who said he had never met the justice. He also took a \$375 "performance chip," a gift from a Corvette supplier he met at a rally, for the computer on his Corvette.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

There was an \$800 Daytona 500 commemorative jacket after Thomas served as grand marshal at the race in 1999, \$1,200 worth of tires from a businessman in Omaha in 2002 and \$1,375 in cowboy boots, Stetson hats, rawhide coat and a silver buckle after engagements in Texas in 1995 and 1996.

The only year Thomas listed no gifts or club memberships was 2003, the year he reported receiving \$500,000 as part of a reported \$1.5-million book contract for an autobiography with HarperCollins, a division of Rupert Murdoch's News Corp.

Another businessman who calls Thomas a friend is Earl Dixon. A pest control company executive in Jacksonville, Fla., and former Republican state legislator, Dixon is also a motor-home enthusiast -- a hobby shared by Thomas. He said they met about four years ago at a motor-coach repair shop in Florida.

Their friendship grew, Dixon said, and when he learned that Thomas was raising a grand-nephew, he gave the justice a \$5,000 check to defray his education costs.

"I enjoy talking with him. I enjoy visiting with him. He's a class act," Dixon said of the justice.

In 2001, the same year Crow gave him the Douglass Bible, the American Enterprise Institute -- of which Crow is a trustee -- presented Thomas with a bust of Lincoln that the justice valued at \$15,000. The think tank praised him for his "clear, consistent, and courageous jurisprudence" on the Supreme Court.

\*

#### Gifts accepted by Supreme Court

Federal judges are free to accept gifts of unlimited value as long as the donor does not have business before them. Five of the Supreme Court justices reported and accepted gifts from 1998 through 2003. Here is the list, as valued by the justices:

#### Justice Clarence Thomas

Total value of gifts: \$42,200

- \* \$19,000 Bible from Republican donor
- \* \$15,000 for a Lincoln bust from the American Enterprise Institute
- \* \$5,000 cash gift from a mobile home enthusiast
- \* \$1,200, tires from a trucking executive
- \* \$1,200, batteries from former law clerks
- \* \$800 jacket from Daytona 500 auto race

\*\*

#### Sandra Day O'Connor

Total value of gifts: \$5,025

- \* \$1,500 for a crystal medallion from Scripps College
- \* \$875 Steuben glass sculpture from the Junior League
- \* \$500 crystal from the National First Ladies Library

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

- \* \$500 blanket from the American Academy of Achievement
- \* \$500 crystal fountain from the American Bar Assn. Commission on Women in the Profession
- \* \$475 bronze statue from the National Cowboy and Western Heritage Museum
- \* \$300 engraved vase from the New Mexico Military Academy
- \* \$200 quilt from the Conference of State Chief Justices and Administrators
- \* \$175, carved limestone from a San Antonio high school

\*\*

William H. Rehnquist

Total value of gifts: \$5,000

- \* \$5,000 award from Fordham University

\*\*

Antonin Scalia

Total value of gifts: \$1,275

- \* \$300 cowboy boots from the Tarrant County, Texas, Bar Assn.
- \* \$300 silver box from singer Andrea Bocelli
- \* \$300 for framed portraits from Peter Secchia, Republican donor and former ambassador to Italy
- \* \$250 for two cases of wine from Virginia winery
- \* \$125, one case of wine from same winery

\*\*

Ruth Bader Ginsburg

Total value of gifts: \$500

- \* \$500 blanket from American Academy of Achievement

\*\*

Others\*

Total value of gifts: \$0

- \* Justices David H. Souter, Anthony M. Kennedy, John Paul Stevens and Stephen G. Breyer did not report any gifts accepted.

\*\*

Note: Figures do not include cash awards given to charity. Also not included are club memberships. Prior years are excluded because complete information on justices is only kept on file for six years.



THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

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Source: Annual disclosure forms of Supreme Court justices

## Graphic

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PHOTO: DAYTONA 500: As race grand marshal in 1999, Justice Clarence Thomas, with Donald Trump, received an \$800 jacket . PHOTOGRAPHER: Tony Ranze Reuters

## Classification

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**Language:** ENGLISH

**Document-Type:** List

**Publication-Type:** Newspaper

**Subject:** SUPREME COURTS (92%); JUDGES (91%); ETHICS (90%); LAW COURTS & TRIBUNALS (90%); LEGAL ETHICS (89%); LAW SCHOOLS (88%); NEGATIVE PERSONAL NEWS (78%); PUBLIC OFFICIALS (78%); GOVERNMENT & PUBLIC ADMINISTRATION (77%); WEALTHY PEOPLE (76%); LAWYERS (75%); LEGISLATION (74%); CORRUPTION (73%); NEGATIVE NEWS (73%); WRITERS (71%); CIVIL SERVICES (69%); COLLEGE & UNIVERSITY PROFESSORS (63%); SUPREME COURT (U.S.) (%); JUDGES (%); GIFTS (%); ETHICS (%); THOMAS, CLARENCE (%)

**Industry:** LAW SCHOOLS (88%); LAWYERS (75%); REAL ESTATE (71%); WRITERS (71%); COLLEGE & UNIVERSITY PROFESSORS (63%)

**Person:** CLARENCE THOMAS (91%)

**Geographic:** CALIFORNIA, USA (79%); UNITED STATES (92%)

**Load-Date:** December 31, 2004

# Exhibit E

**Congress of the United States**  
**Washington, DC 20515**

November 18, 2011

Chief Justice John Roberts  
Presiding Officer  
Judicial Conference  
One Columbus Circle, NE  
Washington, D.C. 20036

Dear Mr. Chief Justice:

We write you today in your capacity as Presiding Officer of the Judicial Conference. We call your attention to the letter sent to the Conference by members of the House of Representatives on September 29, 2011, requesting an investigation of possible violations by Justice Clarence Thomas of the Ethics in Government Act of 1978.

Evidence that Justice Thomas failed for 13 years to accurately disclose his wife's employment has been submitted to the Conference and we believe the Conference is required by law to refer the matter to the Department of Justice for further investigation.

In January, Common Cause and Alliance for Justice alerted the Judicial Conference to Justice Thomas's repeated failure to make accurate financial disclosures as required under the Ethics Act. Justice Thomas then amended 21 years of his financial disclosure forms, explaining that he had, "misunderstood the reporting instructions."

Since we sent our September 29 letter, important new information concerning this matter has come to our attention. Disclosure forms obtained by Common Cause and Alliance for Justice show that Justice Thomas accurately filed his financial disclosure forms, including his wife's employment, for as many as 10 years beginning in 1987 when he was Chair of the Equal Employment Opportunity Commission.

Justice Thomas continued to file accurate disclosure forms concerning his wife's employment when he was a judge on the United States Court of Appeals for the District of Columbia. He also accurately filed his financial disclosure forms regarding his wife's employment for the first five years he was a Justice of the Supreme Court.

In 1997 however, Justice Thomas stopped disclosing his wife's employment on his annual form, instead marking the box labeled "NONE," to indicate his wife had no employment that year. Other public documents show that Justice Thomas's wife was employed in 1997 by the Office of the U.S. House Majority Leader.

Justice Thomas continued to omit his wife's employment from his disclosures for the next 12 years, marking the 'NONE' box on his annual forms. Other publicly available documents indicate that Justice Thomas's wife did have employment in every one of those twelve years.

Her employers included the Office of the U.S. House Majority Leader, the Heritage Foundation and Hillsdale College.

Documents obtained by Common Cause and Alliance for Justice show that Justice Thomas's wife earned over \$1.6 million from these sources. We understand that Justice Thomas is not required to disclose those earnings but we include the number here to show that his wife's earnings were very substantial and that their omission is unlikely to have been a mere oversight.

It is very difficult for Justice Thomas to make a credible argument that he understood the filing instructions for ten years but then misunderstood them for the next thirteen years.

Section 104(b) of the Ethics in Government Act of 1978 requires the Judicial Conference to refer to the Attorney General any judge whom the Conference "has reasonable cause to believe has willfully falsified or willfully failed to file information required to be reported."

We believe these facts easily establish reasonable cause and therefore reiterate the request of September 29, 2011, and urge you to review these facts and make the appropriate referral to the Attorney General for further investigation.

Sincerely,



Louise M. Slaughter  
Member of Congress



Earl Blumenauer  
Member of Congress

Cc: Jill C. Sayenga

Gerold Nader NY-8

Pete Stark

Sam Tan

Kathy Carter  
FL-11

Joe McQuinn WA-7

Betty Sutton

Yun Brun

Keith Ellison

STANLEY  
NY-9

Bill Owens

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Bruce Ray IA-01

Bob A KY-3

Casey D. Hastings

Julia  
Julie Speer

Gene Ely

Li Ming

Paul Thomas

Jim W. Brown

Jim Kim

Gene Decton

Bob Filner

Carolyn B. Mabrey

Jim Moran

Michael Wood

Raul M. Grijalva

John Conyers

Wanda Dandy

Jan Rasky

Lynn Woolsey

Bunny Rankin

Irene J. Brown

Herb Johnson

Barbara Lee

Chell R



Ben N. Long

Frank Pallone Jr.

~~nmag@zoho~~

Paul E. Hill

Beulah D. Archer

John M. Chitt

James R. [unclear] VA 21074

Ben [unclear] (VA-3)

Donna F. Edwards

Hyd Doggett

John W. Allen

Gretchen D. Clarke

Steve Cohen

John Lewis

Robert E. [unclear]

Signed:

1. Robert Andrews, Member of Congress
2. Karen Bass, Member of Congress
3. Earl Blumenauer, Member of Congress
4. Bruce L. Braley, Member of Congress
5. Kathy Castor, Member of Congress
6. David N. Cicilline, Member of Congress
7. Yvette D. Clarke, Member of Congress
8. James E. Clyburn, Member of Congress
9. Steve Cohen, Member of Congress
10. Gerald E. Connolly, Member of Congress
11. John Conyers Jr., Member of Congress
12. Pater A. DeFazio, Member of Congress
13. Theodore E. Deutch, Member of Congress
14. Lloyd Doggett, Member of Congress
15. Donna F. Edwards, Member of Congress
16. Keith Ellison, Member of Congress
17. Anna G. Eshoo, Member of Congress
18. Sam Farr, Member of Congress
19. Bob Filner, Member of Congress
20. Barney Frank, Member of Congress
21. Gene Green, , Member of Congress
22. Raúl M. Grijalva, Member of Congress
23. Alcee L. Hastings, Member of Congress
24. Maurice D. Hinchey, Member of Congress
25. Michael M. Honda, Member of Congress
26. Jesse L. Jackson Jr., Member of Congress
27. Henry C. "Hank" Johnson Jr. , Member of Congress
28. Barbara Lee, Member of Congress
29. John Lewis, Member of Congress
30. Ben Ray Luján, Member of Congress
31. Carolyn B. Maloney, Member of Congress
32. Jim McDermott, Member of Congress
33. James P. McGovern, Member of Congress
34. Brad Miller, Member of Congress
35. Gwen Moore, Member of Congress
36. James P. Moran, Member of Congress
37. Christopher S. Murphy, Member of Congress
38. Jerrold Nadler, Member of Congress
39. John W. Olver, Member of Congress
40. William L. Owens, Member of Congress
41. Frank Pallone Jr., Member of Congress
42. Chellie Pingree, Member of Congress
43. Jared Polis, Member of Congress
44. Steven R. Rothman, Member of Congress
45. Janice D. Schakowsky, Member of Congress
46. Louise M. Slaughter, Member of Congress
47. Jackie Speier, Member of Congress
48. Fortney Pete Stark, Member of Congress
49. Betty Sutton, Member of Congress
50. Paul Tonko, Member of Congress
51. Lynn C. Woolsey, Member of Congress
52. John A. Yarmuth, Member of Congress



## Exhibit F



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF  
Director

WASHINGTON, D.C. 20544

March 23, 2023

Honorable Sheldon Whitehouse  
Chair  
Subcommittee on Federal Courts, Oversight,  
Agency Action, and Federal Rights  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letter dated February 21, 2023, and to provide an update on the actions taken by the Judicial Conference of the United States Committee on Financial Disclosure to clarify its regulations on “personal hospitality.” The Committee’s revisions to its regulations went into effect on March 14, 2023.

As noted in my April 29, 2022 letter to you, I asked the Committee on Financial Disclosure to provide guidance on “whether ‘personal hospitality’ may encompass hospitality extended at a commercial property such as a resort” and whether hospitality for which a “third party reimburses the host for the costs” would fall outside the scope of the reporting exemption. Over the past several months, the Committee has considered this matter. The Committee addressed these questions most recently at its meeting in January 2023 and revised the guidance, which clarifies that “the reporting exemption does not include . . . gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or gifts extended at a commercial property, *e.g.*, a resort or restaurant . . . .”

The following definition of “personal hospitality of any individual” now appears in the Judicial Conference regulations:

Hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his or her family or on property or facilities owned by that individual or his or her family.

**Notes:**

- (1) The personal hospitality gift reporting exemption applies only to food, lodging, or entertainment and is intended to cover such gifts of a personal, non-business nature. Therefore, the reporting exemption does not include:
  - gifts other than food, lodging or entertainment, such as transportation that substitutes for commercial transportation;
  - gifts extended for a business purpose;
  - gifts extended at property or facilities owned by an entity, rather than by an individual or an individual's family, even if the entity is owned wholly or in part by an individual or an individual's family;
  - gifts paid for by any individual or entity other than the individual providing the hospitality, or for which the individual providing the hospitality receives reimbursement or a tax deduction related to furnishing the hospitality; or
  - gifts extended at a commercial property, e.g., a resort or restaurant, or at a property that is regularly rented out to others for a business purpose.
- (2) A judicial officer or employee is not permitted to solicit or accept anything of value from a person seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judge's official duties, but a judicial officer or employee may accept a gift authorized by the Judicial Conference's regulations. **See:** [5 U.S.C. § 7353](#); [Guide, Vol. 2C, Ch.6](#).

*Guide to Judiciary Policy*, Vol. 2D, Ch. 1, § 170.

In your February 21, 2023, letter, you urged the Committee on Financial Disclosure to clarify that the “‘personal’ nature of ‘personal hospitality’ is not determined by the invitation being delivered personally, but by the personal nature of the judge’s relationship with the host.” The Committee’s guidance makes this clear.

In addition, you asked for copies of “unpublished opinions that may be relevant to these questions about the personal hospitality exemption.” The Committee on Codes of Conduct does not have jurisdiction to issue public or private advisory opinions interpreting the “personal hospitality” exemption in the Ethics in Government Act. Rather, its jurisdiction is limited to issuing advisory opinions regarding the codes of conduct that have been adopted by the Judicial Conference, Titles III (relating to gifts to federal employees) and VI (relating to limitations on outside earned income, honoraria, and outside employment) of the Ethics Reform Act of 1989,

and the regulations promulgated by the Judicial Conference under those titles of the Ethics Reform Act. All relevant ethics guidance is already incorporated into the Committee's large body of published advisory opinions, *see* [Published Advisory Opinions | United States Courts \(uscourts.gov\)](#). This is consistent with the Committee's jurisdiction to publish advisory opinions on issues of broad application that reflect the Committee's confidential advice. Furthermore, the Judicial Conference Regulations on Gifts explicitly provide that "Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts." *Guide to Judiciary Policy*, Vol. 2C, Ch. 6, § 620.50.

If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs at 202-502-1700.

Sincerely,

A handwritten signature in black ink that reads "Roslynn R. Mauskopf". The signature is written in a cursive, flowing style.

Roslynn R. Mauskopf  
Director

cc: Honorable John Kennedy  
Honorable Henry C. "Hank" Johnson, Jr  
Honorable Darrell Issa

# **EXHIBIT B**

# Virginia Thomas: *A force in D.C. in her own right*

By Ed Henry  
Roll Call

Like many Washington couples, they met at a policy briefing. In this case, it was an Anti-Defamation League conference on civil rights in New York in 1986.

He was Clarence Thomas, head of the Equal Employment Opportunity Commission. She was Virginia Lamp, a lawyer for the U.S. Chamber of Commerce.

At the end of the day, as they shared a cab to the airport, Lamp asked Thomas how he survived all



Thomas

of the abuse he was taking in Washington for being a black conservative. Thomas reached into his pocket and pulled out a copy of his favorite prayer, which he read to himself when things got especially rough. "My respect for him went even deeper after that," she recalled in a rare interview about herself.

"I told him I'd find one of my black female friends for him. And I meant it. I was going to set him up. I thought he was a great eligible bachelor."

But shortly thereafter, Thomas invited Lamp to lunch. "Once I got to know him, I was like a pool of butter," she said. "I was in love with this man."

One year and one day after the lunch, they were married.

## In the cross-fire

Now, in the month that they celebrate their ninth wedding anniversary, Virginia Thomas is the one caught in the Washington cross-fire over her role as a high-powered aide to House Majority Leader Dick Army, R-Texas.

And today, she is the one seeking solace in her favorite psalms.

"I pray and I make sure I have support from my boss and my husband," Thomas said. "It's something I've grown accustomed to. My husband had his time when he was smeared. Now I guess it's my time."

But Thomas' friends are also mobilizing to lend support. Roll Call has obtained a letter signed by nearly 130 female GOP staffers expressing outrage that Democratic members attacked Thomas and Barbara Olson, an investigator for the House Government Reform and Oversight Committee, at a hearing on Travelgate. The letter takes Reps. Jim Moran, D-Va., and Paul Kanjorski, D-Pa., to task for directing allegedly sexist remarks at Thomas and Olson.

The members had questioned the motives of the two women because of their famous husbands. While Thomas' husband is the conservative Supreme Court justice, Olson is married to a lawyer who has represented President Clinton's chief accuser in the Whitewater scandal.

The letter urged Moran and Kanjorski to publicly apologize to the two women. "Your suggestion that working women are inextricably tethered to their husbands' careers is not only narrow-minded, it is insulting," it said.

"One would hope in this day and age that women would be assessed on the merits of their own work, not their husbands'. Your manner of disrespect toward working women is particularly unbecoming of members of Congress."

## The background

The controversy started last month, when it was revealed that Virginia Thomas was at the center of a House GOP effort urging committee chairmen to dig up dirt on the Clinton administration and union bosses.

Democrats have used the memo as evidence that Thomas is plotting behind the scenes to



Virginia Thomas with her husband, Clarence Thomas, during his 1991 confirmation hearings for the U.S. Supreme Court.

bring down Clinton in order to get revenge for her husband's painful 1991 Supreme Court confirmation battle.

Her Republican friends, however, contend that Thomas is the friendliest, hardest-working staffer in the House GOP leadership.

Thomas said she agreed to the interview with Roll Call to vent her frustration at the fact that Democrats will not let her live outside her husband's shadow.

Near the end of the interview, Thomas uttered a statement remarkably similar to First Lady

Hillary Rodham Clinton's famous declaration that she wasn't going to stay home and bake cookies.

"Would they be happy if I went home and made babies instead of this?" asked Thomas. She added that Democrats want Hillary Clinton "to be a strong woman," but they do not want Thomas to have her own career.

The irony of using Hillary Clinton, a complete ideological opposite to Thomas, as a character witness is not lost on the GOP aide. "We can disagree on substance, but we have similarities when it

comes to carving out an identity in the Washington process," said Thomas. "She's a very talented, capable lawyer. I respect her greatly."

But in her position as Army's liaison to the House committees, Thomas is doing everything she can to attack Clinton's husband.

Thomas, a four-year veteran of Army's staff, describes her job as "lots of meetings, lots of coordination and trying to get Republicans on the same sheet of music."

She contends that by coordinating the oversight activities of all the House committees, she is simply trying to prevent duplication that will sap time from Democrats and Republicans.

"Some days I feel like I'm working for the Clinton administration because I'm making sure they don't get 11 different requests for the same documents," she said.

But Thomas has also been avidly pursuing evidence of Clinton administration wrongdoing.

Besides her involvement in the Travelgate investigation, GOP sources say Thomas has had a hand in their probes of the late Commerce Secretary Ron Brown, Clinton's role in the Bosnian arms transfer, Energy Secretary Hazel O'Leary's travel, and the Treasury Department's role in the debt limit showdown.

## 'Just getting at the truth'

Thomas denies that she's trying to get anyone back for the persecution her husband suffered. But she acknowledged that the past does affect the way she approaches the investigations.

She said that Travelgate—which involves travel office employees who were fired for no reason—reminds her of what she and her husband went through.

"I'm drawn to the human story," she said. "I know what it's like to have falsehoods spread about you for political gain. Maybe I should stay away from [Travelgate] because of that. Or may-

be I should do it because I have a better understanding of how they feel." She added: "But I'm not doing it for political reasons. . . . I'm just getting at the truth."

But while Thomas gets jazzed about scandals involving the Clintons, she doesn't seem to get as excited about congressional oversight when there's not a sexy angle involving the Clinton administration.

If she's liaison to all of the committees, ask Democrats, why does she show up only for hearings that rake the Clinton administration over the coals?

This allegation is confirmed by GOP staffers at various committees and subcommittees—and Thomas herself.

"It takes a full-time person to make sure we get all the Clinton scandals exposed," said Gary Mitchell, staff director of the House Agriculture Committee, in a moment of candor.

Thomas and her defenders scoff at Democratic suggestions that they're shocked, shocked that politics is playing a part in congressional oversight.

"Do they remember the name John Dingell?" another Army aide said about the Michigan Democrat who terrorized the Reagan and Bush administrations from his perch as chairman of the Energy and Commerce Committee. "It was a 'constitutional duty' when they did it."

Thomas calls Dingell the "master" at oversight who "went on personal vendettas" and "used his staff to accomplish a personal, political agenda."

"They make it sound like it's never been done before," she said. Still, Thomas insists that "we don't tout him as an example of how to do it."

Pointing toward Pennsylvania Av. and its buildings of bureaucracy, Thomas said she's just making sure "they're spending the money right."

# **EXHIBIT C**

A-6

# Editorials

## Respecting women's careers

Certain liberal Democrats seem to be living in the dark ages in terms of their attitudes toward the careers and achievements of women.

A case in point is a recent episode involving House Republican aide Virginia Thomas, who for years has been a top assistant to House Majority Leader Dick Armey, R-Texas. Coincidentally, she also is the wife of U.S. Supreme Court Justice Clarence Thomas.

For the record, she has held her important position since long before her husband was named to the high court.

Mrs. Thomas has played a key role recently in advancing a GOP investigation of the White House and its involvement in the Travelgate scandal. When she showed up at a recent hearing of the House Government Reform and Oversight Committee, however, she encountered disparaging innuendos from some Democratic members of Congress.

"What's Mrs. Clarence Thomas doing here?" asked Rep. Jim Moran, D-Va. "I really smell a political witch hunt here."

Rep. David McIntosh, R-Ind., said Moran and Rep. Paul Kanjorski, D-Pa., both made "sexist" remarks toward Thomas and Barbara Bracher, the committee's chief counsel.

"It was the worst kind of personal attacks I've seen since I came to Congress," said McIntosh. "They attacked two female staffers as if they were controlled by their husbands."

Bracher is married to Ted Olson, who, like Bracher, is a member of the conservative Washington Legal Foundation.

Understandably, Thomas was upset after the remarks. She said she was shaking with anger when she wound up in an elevator with Moran later.

"I didn't appreciate what you did to me in there," she reportedly told Moran in a raised voice. "I'm a professional woman who's had a career of my own."

Thomas, however, deserves credit for attempting to defuse the matter in a good-natured way. A while after their elevator confrontation, she approached Moran and pulled out a

book. It was titled, "Everything Men Know About Women."

Inside, however, all the pages were blank.

"Mr. Moran, this book is about you," Thomas said cheerfully as she handed it to him.

The one concern that legitimately might be raised is the possible conflict of interest that would arise if one of the issues on which Thomas has been working eventually should come before the Supreme Court for consideration. That would put her husband in the untenable position of voting on a case in which his wife had been involved.

But the statements directed toward Mrs. Thomas certainly seem to have gone beyond an expression of concern about that particular issue.

Although Thomas seems to have forgiven the unsavory comments, she still insists that Capitol Hill players need to respect individuals for their own initiatives and not assume that they are working on behalf of their spouses or — as had been suggested in the case of Thomas — seeking revenge for them.



Virginia Thomas

Ironically, Clarence Thomas stood up to accusations during his confirmation hearings for the Supreme Court that he had sexually harassed at least one woman. In the end, however, the U.S. Senate found the charges, at best, unsupported by any evidence. Defenders of Clarence Thomas claimed the charges against him were politically motivated and orchestrated by liberal Democrats trying to derail his nomination.

But as a top House aide, Virginia Thomas has done nothing that should lead anyone to believe that she is trying to use her work to retaliate against her husband's detractors.

"I have my own career apart from what my husband does, and it's the 1990s," she said. "They talk about how Mrs. Clinton needs to be left alone to do her things. Not that I'm in that league, but I have my own career."

Such scolding is something that certain chauvinistic, out-of-tune Democrats, as well as others, ought to take to heart.



# **EXHIBIT D**

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

**THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.**

Los Angeles Times

December 31, 2004 Friday

Home Edition

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**Section:** MAIN NEWS; National Desk; Part A; Pg. 1

**Length:** 2698 words

**Byline:** Richard A. Serrano and David G. Savage, Times Staff Writers

**Dateline:** WASHINGTON

## **Body**

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Supreme Court Justice Clarence **Thomas** has accepted tens of thousands of dollars worth of gifts since joining the high court, including \$1,200 worth of tires, valuable historical items and a \$5,000 personal check to help pay a relative's education expenses.

The gifts also included a Bible once owned by the 19th century author and abolitionist leader Frederick Douglass, which **Thomas** valued at \$19,000, and a bust of President Lincoln valued at \$15,000.

He also took a free trip aboard a private jet to the exclusive Bohemian Grove club in Northern California -- arranged by a wealthy Texas real estate investor who helped run an advocacy group that filed briefs with the Supreme Court.

Those and other gifts were disclosed by **Thomas** under a 1978 federal ethics law that requires high-ranking government officials, including the nine Supreme Court justices, to file a report each year that lists gifts, money and other items they have received.

**Thomas** has reported accepting much more valuable gifts than his Supreme Court colleagues over the last six years, according to their disclosure forms on file at the court.

The Ethics in Government Act of 1989 prohibits all federal employees, including the justices, from accepting "anything of value" from a person with official business before them. However, under the rules that the federal judicial system adopted to implement that law, judges are free to accept gifts of unlimited value from people without official business before the court.

Representatives for the federal judiciary and the Supreme Court argue that requiring the disclosure of any gifts is sufficient to prevent corruption or the appearance of favoritism.

But in October, an American Bar Assn. panel called for tightening the rules to forbid judges from taking expensive gifts, free tickets and other valuable items, regardless of who is the donor.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

"Why would someone do that -- give a gift to Clarence Thomas? Unless they are family members or really close friends, the only reason to give gifts is to influence the judge," said Mark I. Harrison, a Phoenix lawyer who heads the ABA's Commission on the Model Code of Judicial Conduct. "And we think it is not helpful to have judges accepting gifts for no apparent reason."

"The public has to wonder when a justice accepts lavish gifts," said Northwestern University law professor Steven Lubet, a legal ethics expert. "The rich and powerful have a different set of economic interests than other people, and they can afford to give lavish gifts."

Thomas, through a court spokeswoman, declined to comment when asked in writing why he deemed it appropriate to accept some of the larger gifts. But a former clerk to Thomas defended the practice.

"I don't see anything wrong in this. I don't see why it is inappropriate to get gifts from friends," said John C. Yoo, now a law professor at the UC Berkeley. "This reflects a bizarre effort to over-ethicize everyday life. If one of these people were to appear before the Supreme Court, Justice Thomas would recuse himself."

Despite the open-ended rules, most of the other Supreme Court justices reported accepting only items of lesser value, or token gifts for speaking at formal events, or nothing at all.

The Times reviewed the disclosures of all nine justices for the years 1998 through 2003, the only period of time for which disclosure forms were still on file at the court. They reported receiving cash, which they usually gave to charity, but kept or used various valuable items, mementos and club memberships.

In that six-year period, Thomas accepted \$42,200 in gifts, making him the top recipient.

Next in that period was Justice Sandra Day O'Connor, who accepted \$5,825 in gifts, mostly small crystal figurines and other items. She also reported an \$18,000 award in 2003 from the American Philosophical Society in Philadelphia, but listed it as income. The money was for the society's Benjamin Franklin Award for Distinguished Public Service. She gave other cash awards to charity.

Third was Chief Justice William H. Rehnquist, who accepted a \$5,000-award from Fordham University -- the only gift he reported for the six-year period.

In addition, The Times obtained a full set of disclosure forms for Thomas' 13-year tenure on the court, as well as forms dating to 1992 from Justice Antonin Scalia, 1993 for Justice Ruth Bader Ginsburg and 1996 for O'Connor. (The official disclosure forms are removed from the public file after six years.)

Since joining the court, Thomas reported accepting gifts valued at \$47,745. He also reported other gifts without citing a dollar value, ranging from "small gifts and flowers" to free plane trips and accommodations from friends.

Ginsburg has received a number of large monetary awards since joining the court in 1993, which she reported giving to charity. In 1996 she received \$100,000 from the philanthropic Kaul Foundation and distributed the money among 26 charities and nonprofit organizations, including law schools, women's organizations and theatrical companies.

Justices earned \$194,300 this year and will get \$199,200 in 2005, modest compared with some private-sector lawyers. They are permitted to earn as much as \$23,000 more through outside activities, such as teaching.

But membership on the court offers perks in addition to the prestige and power unique to the role of the high court.

Nearly all the justices accept honorary memberships to private clubs, worth thousands of dollars annually. Most are Washington-area clubs that donate the memberships.

For example, Rehnquist and Justices John Paul Stevens and Anthony M. Kennedy listed honorary memberships in the Washington Golf and Country Club, which they valued last year at \$4,000. These sums appeared to be in line

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

with annual membership fees for such clubs in the Washington area. However, a court spokesman said the rules did not require justices to disclose the initiation fees for joining such clubs, which can be far higher.

Because of inconsistencies in the way the justices reported their memberships, they were not included in the Times' tally of the value of their gifts.

Several justices also take lengthy, all-expenses-paid summer sojourns abroad where they are paid to lecture on the law. Locales have included Italy, the French Riviera and the Greek isles.

Justices Stephen G. Breyer and David H. Souter reported turning down all gifts and club memberships. Breyer has traveled on law school programs to Paris; Barcelona, Spain; and Florence, Italy. But Souter stays home and checks the box marked "NONE" for gifts on his yearly disclosure forms. **Thomas** also routinely passes up the overseas trips.

In calling for tighter restrictions on gifts to judges, the ABA commission was influenced by the strict no-gift rules adopted in 1995 by the House and Senate, said another panel member, Jan W. Baran, a former general counsel to the Republican National Committee.

Members of Congress and their staffs may not accept "anything of monetary value" greater than \$50 at one time, or more than \$100 from one person during the year. The only exceptions are gifts from family members and close personal friends.

"The House and Senate concluded it is not healthy to the integrity of their institutions to allow members to accept valuable gifts from strangers. That was the issue for us," Baran said.

"We would place a limit on the value of gifts from anyone.... To get a new set of tires from a generous car dealer would not be OK under these new rules."

New York University law professor Stephen Gillers, a legal ethicist, said the federal judiciary should adopt a similarly strict ban on judges accepting valuable gifts.

"A justice of the Supreme Court attracts friends and generosity. These gifts are being given not because he is Clarence **Thomas**, but because he is Justice Clarence **Thomas**," Gillers said.

Gillers said that, despite the comparatively lax rules, he thought most judges refused to accept valuable gifts. "I have friends who have become judges, and once they do, they will not let me pay for lunch," he said.

This year, Scalia was involved in a controversy over whether a free plane ride aboard Air Force II to go duck hunting in Louisiana with Vice President Dick Cheney amounted to a gift at a time when an energy case involving Cheney was before the court.

Scalia rejected a demand from the Sierra Club that he withdraw from the case, arguing that his trip on Air Force II did not amount to something of value. Scalia noted that he, his son and his son-in-law had bought round-trip tickets so they could return home on a commercial flight.

"In other words, none of us saved a cent by flying on the vice president's plane," Scalia said in a March 18 opinion. He subsequently voted for Cheney in the court case.

By law and tradition, the Supreme Court justices are exempted from many of the rules that govern lesser federal judges. Moreover, each of the justices is free to decide how the general ethics guidelines apply to them.

For example, when the Sierra Club filed its motion with the high court asserting that Scalia should step aside in the Cheney case, the court referred the matter to Scalia for him to decide.

Similarly, neither the ethics rules nor the court itself stands in the way of justices benefiting from the generosity of others.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

Even if the ABA panel's recommendation to tighten the rules on gifts were adopted for federal judges, it would serve only as a guide for members of the Supreme Court.

**Thomas**, nominated to the Supreme Court at age 43 by President George H.W. Bush, has won many admirers who see inspiration in his rise from a childhood of poverty in the segregated South. Some of the gifts he has accepted have come from casual acquaintances or, in one case, a stranger. More often, they came from new, conservative friends who voiced admiration for him.

Foremost among those conservative friends is Harlan **Crow**. The son of well-known Dallas real estate executive Trammell **Crow**, he runs a family holding company that owns 10% of Trammell **Crow** Co., one of the nation's biggest commercial real estate firms.

A big Republican donor, **Crow** last summer gave \$25,000 to help launch the Swift Boat Veterans for Truth campaign deriding Democratic presidential nominee Sen. John F. Kerry.

In an interview, **Crow** said he met **Thomas** 10 years ago at a conference in Dallas where the justice was a speaker. "I was in the audience and I was impressed," **Crow** said.

Soon afterward, **Crow** invited **Thomas** to a family campground in East Texas. Roger Connor, a businessman who was at the camp-out, remembers the all-male gathering.

"They were all smoking cigars. It was a very manly Texas thing," Connor said. He said the participants slept in sleeping bags and tents, and that the activities included a greased pig race.

In 1997, **Crow** flew **Thomas** on his personal plane to the San Francisco area and sponsored him as his guest at the Bohemian Grove, a private organization that for more than 125 years has held all-male retreats in the redwoods of Northern California for government and business leaders.

**Crow** and his wife, Kathy, in 2001 also gave **Thomas** the Bible that once belonged to Frederick Douglass. In disclosing the gift in his report for that year, **Thomas** valued the Bible at \$19,000 and listed the Crows as "personal friends."

"I just knew that he was a fan of Frederick Douglass, and I saw that item come available at an auction and I bought it and gave it to him," **Crow** said.

**Crow** donated \$175,000 for a new Clarence **Thomas** wing at the justice's childhood library in Pin Point, Ga.

At the time, **Crow** was a national board member of the Center for the Community Interest, an advocacy group that filed amicus briefs with the Supreme Court espousing conservative views on cases involving such issues as crime and pornography. **Crow** said he was not deeply involved with the group, which is now defunct.

Gillers, the NYU professor, questioned whether **Thomas** should have accepted anything from **Crow**.

The federal rules say a judge "shall not accept a gift from anyone who is seeking official action from or doing business with the court," Gillers noted.

"If Harlan **Crow** is a member of the board of a group that files amicus briefs with the court, then I think he comes within that provision," Gillers said.

**Thomas** reported receiving gifts nearly every year he has been on the high court. They included \$100 worth of cigars from talk-radio host Rush Limbaugh, a \$500 Stetson hat from the Houston Club, and another \$150 worth of cigars from Kansas City businessman Tim Trabon, who said he had never met the justice. He also took a \$375 "performance chip," a gift from a Corvette supplier he met at a rally, for the computer on his Corvette.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

There was an \$800 Daytona 500 commemorative jacket after Thomas served as grand marshal at the race in 1999, \$1,200 worth of tires from a businessman in Omaha in 2002 and \$1,375 in cowboy boots, Stetson hats, rawhide coat and a silver buckle after engagements in Texas in 1995 and 1996.

The only year Thomas listed no gifts or club memberships was 2003, the year he reported receiving \$500,000 as part of a reported \$1.5-million book contract for an autobiography with HarperCollins, a division of Rupert Murdoch's News Corp.

Another businessman who calls Thomas a friend is Earl Dixon. A pest control company executive in Jacksonville, Fla., and former Republican state legislator, Dixon is also a motor-home enthusiast -- a hobby shared by Thomas. He said they met about four years ago at a motor-coach repair shop in Florida.

Their friendship grew, Dixon said, and when he learned that Thomas was raising a grand-nephew, he gave the justice a \$5,000 check to defray his education costs.

"I enjoy talking with him. I enjoy visiting with him. He's a class act," Dixon said of the justice.

In 2001, the same year Crow gave him the Douglass Bible, the American Enterprise Institute -- of which Crow is a trustee -- presented Thomas with a bust of Lincoln that the justice valued at \$15,000. The think tank praised him for his "clear, consistent, and courageous jurisprudence" on the Supreme Court.

\*

#### Gifts accepted by Supreme Court

Federal judges are free to accept gifts of unlimited value as long as the donor does not have business before them. Five of the Supreme Court justices reported and accepted gifts from 1998 through 2003. Here is the list, as valued by the justices:

#### Justice Clarence Thomas

Total value of gifts: \$42,200

- \* \$19,000 Bible from Republican donor
- \* \$15,000 for a Lincoln bust from the American Enterprise Institute
- \* \$5,000 cash gift from a mobile home enthusiast
- \* \$1,200, tires from a trucking executive
- \* \$1,200, batteries from former law clerks
- \* \$800 jacket from Daytona 500 auto race

\*\*

#### Sandra Day O'Connor

Total value of gifts: \$5,025

- \* \$1,500 for a crystal medallion from Scripps College
- \* \$875 Steuben glass sculpture from the Junior League
- \* \$500 crystal from the National First Ladies Library

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

- \* \$500 blanket from the American Academy of Achievement
- \* \$500 crystal fountain from the American Bar Assn. Commission on Women in the Profession
- \* \$475 bronze statue from the National Cowboy and Western Heritage Museum
- \* \$300 engraved vase from the New Mexico Military Academy
- \* \$200 quilt from the Conference of State Chief Justices and Administrators
- \* \$175, carved limestone from a San Antonio high school

\*\*

William H. Rehnquist

Total value of gifts: \$5,000

- \* \$5,000 award from Fordham University

\*\*

Antonin Scalia

Total value of gifts: \$1,275

- \* \$300 cowboy boots from the Tarrant County, Texas, Bar Assn.
- \* \$300 silver box from singer Andrea Bocelli
- \* \$300 for framed portraits from Peter Secchia, Republican donor and former ambassador to Italy
- \* \$250 for two cases of wine from Virginia winery
- \* \$125, one case of wine from same winery

\*\*

Ruth Bader Ginsburg

Total value of gifts: \$500

- \* \$500 blanket from American Academy of Achievement

\*\*

Others\*

Total value of gifts: \$0

- \* Justices David H. Souter, Anthony M. Kennedy, John Paul Stevens and Stephen G. Breyer did not report any gifts accepted.

\*\*

Note: Figures do not include cash awards given to charity. Also not included are club memberships. Prior years are excluded because complete information on justices is only kept on file for six years.

THE NATION; Justice Thomas Reports Wealth of Gifts; In the last six years he has accepted free items valued at \$42,200, the most on the high court.

\*\*

Source: Annual disclosure forms of Supreme Court justices

## Graphic

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PHOTO: DAYTONA 500: As race grand marshal in 1999, Justice Clarence Thomas, with Donald Trump, received an \$800 jacket . PHOTOGRAPHER: Tony Ranze Reuters

## Classification

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**Language:** ENGLISH

**Document-Type:** List

**Publication-Type:** Newspaper

**Subject:** SUPREME COURTS (92%); JUDGES (91%); ETHICS (90%); LAW COURTS & TRIBUNALS (90%); LEGAL ETHICS (89%); LAW SCHOOLS (88%); NEGATIVE PERSONAL NEWS (78%); PUBLIC OFFICIALS (78%); GOVERNMENT & PUBLIC ADMINISTRATION (77%); WEALTHY PEOPLE (76%); LAWYERS (75%); LEGISLATION (74%); CORRUPTION (73%); NEGATIVE NEWS (73%); WRITERS (71%); CIVIL SERVICES (69%); COLLEGE & UNIVERSITY PROFESSORS (63%); SUPREME COURT (U.S.) (%); JUDGES (%); GIFTS (%); ETHICS (%); THOMAS, CLARENCE (%)

**Industry:** LAW SCHOOLS (88%); LAWYERS (75%); REAL ESTATE (71%); WRITERS (71%); COLLEGE & UNIVERSITY PROFESSORS (63%)

**Person:** CLARENCE THOMAS (91%)

**Geographic:** CALIFORNIA, USA (79%); UNITED STATES (92%)

**Load-Date:** December 31, 2004



# **EXHIBIT E**

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2022**

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  SUPREME COURT OF THE UNITED STATES	<b>3. Date of Report</b>  08/09/2023
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2022 to 12/31/2022
<b>7. Chambers or Office Address</b>  SUPREME COURT OF THE UNITED STATES 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

NONE *(No reportable positions.)*

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Honorary Member, Board of Directors	Horatio Alger Association
2.	
3.	
4.	
5.	

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income** NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 12/20/2022	Antonin Scalia Law School at George Mason	\$12,000.00
2.		
3.		
4.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)* NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2022	Liberty Consulting, Inc. - salary and benefits
2.	
3.	
4.	

**IV. REIMBURSEMENTS** *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)* NONE *(No reportable reimbursements.)*

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Harlan Crow	2/3/2022 - 2/5/2022	Dallas, Texas	Keynote Speaker at American Enterprise Institute's Conference at Old Parkland	Transportation (only return flight) and meals. Flew private on return trip due to unexpected ice storm.
2.	Hatch Center	3/10/2022 - 3/12/2022	Salt Lake City, Utah	Featured Speaker	Transportation, meals, and lodging
3.	Harlan Crow	5/12/2022 - 5/14/2022	Dallas, Texas	Keynote Speaker at American Enterprise Institute's Conference at Old Parkland	Transportation and meals - See Part VIII.
4.	Harlan Crow	7/7/2022 - 7/13/2022	Keese Mill, NY	Guests of source	Transportation, meals and lodging - See Part VIII.

**FINANCIAL DISCLOSURE REPORT**

Page 3 of 9

Name of Person Reporting

**THOMAS, CLARENCE**

Date of Report

08/09/2023

---

5.

**FINANCIAL DISCLOSURE REPORT**

Page 4 of 9

Name of Person Reporting <b>THOMAS, CLARENCE</b>
---

Date of Report 08/09/2023
------------------------------

**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. MONY Flexible Premium Adjustable Life n/k/a AXA Universal Life Policy	D	Dividend	M	T					
2. MONY Whole - n/k/a/ AXA Universal Life Policy	C	Dividend			Redeemed	10/19/22	M	F	
3. Equitable Variable Universal Life Policy Y									
4. -70% S&P 500 Index account	B	Dividend	L	T					
5. -30% Guaranteed account	A	Interest	K	T					
6. Wells Fargo IRA CD	A	Interest	J	T					
7. Ginger Holdings, LLC (formerly Ginger, LTD, Partnership)	F	Rent	O	W					
8. Congressional Federal Credit Union (Cash Accounts) Y	A	Interest	M	T					
9. Liberty Consulting, Inc.		None	J	U					
10. Vanguard IRA (H)									
11. -VANGUARD FEDERAL MONEY MARKET FUND	A	Dividend	J	T					
12. -VANGUARD EMERGING MARKETS STOCK INDEX ADMIRAL CL VEMAX	A	Dividend	K	T					
13. -VANGUARD 500 INDEX ADMIRAL CL VFIAX	B	Dividend	M	T	Sold (part)	02/18/22	M	D	
14. -VANGUARD HEALTHCARE INVESTOR CL (VGHCX)	B	Dividend	K	T					
15. -VANGUARD SMALL CAP VALUE INDEX ADMIRAL CL (VSIAX)	B	Dividend	L	T					
16. -VANGUARD TOTAL INTL STOCK INDEX ADMIRAL CL (VTIAX)	A	Dividend	K	T					
17. -VANGUARD VALUE INDEX ADMIRAL CL	B	Dividend	L	T	Sold (part)	02/18/22	L	D	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

Page 6 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period			D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)	
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)	

18. -VANGUARD WELLINGTON ADMIRAL CL (VWENX) Y	B	Dividend	L	T	Buy	03/15/22	L		
19. -VANGUARD WELLESLEY INCOME ADMIRAL CL (VWIAX) Y	D	Dividend	M	T	Buy	02/18/22	M		
20. -MORGAN STANLEY BANK NA SLC, UT CD FDIC #32992 CPN 2.800% DUE 3/14/22	A	Interest			Redeemed	03/14/22	K	A	
21. -CENTERSTATE BANK WINTER HAVEN FL CD FDIC#33555 CPN 1.000% DUE 3/31/25	A	Interest	L	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

Page 7 of 9

Name of Person Reporting	Date of Report
THOMAS, CLARENCE	08/09/2023

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

During the preparation and filing of this report, filer sought and received guidance from the Supreme Court's Legal Office, the Counselor to the Chief Justice, the staff of the Judicial Conference Financial Disclosure Committee ("Committee"), and personal counsel. Filer continues to work with Supreme Court officials and the Committee staff for guidance on whether he should further amend his reports from any prior years. Based on those discussions, the information below addresses the new travel disclosure requirements which began coverage with calendar year 2022, personal bank accounts and his spouse's life insurance that were inadvertently omitted from prior reports for the covered period 2017 thru 2021, mistaken name of spouse's family real estate holding, and a real estate transaction that predated the covered period.

### TRAVEL

As relates to the personal hospitality reporting exemption, filer has included all reportable travel on his Calendar Year 2022 Report, in accordance with the new rules that went into effect on March 14, 2023, as advised by the Supreme Court's Legal Office, the Counselor to the Chief Justice, the staff of the Judicial Conference Financial Disclosure Committee, and personal counsel.

On March 14, 2023, the Judicial Conference provided new guidance on the "personal hospitality" exemption to explicitly state for the first time that "transportation that substitutes for commercial transportation" will no longer be considered exempt from reporting under that provision. As a result, filer will report any such trips, beginning with this filing for calendar year 2022.

Prior to the March 14, 2023 guidance, filer adhered to the then existing judicial regulations as his colleagues had done, both in practice and in consultation with the Judicial Conference, that exempted disclosing trips that were provided pursuant to the "personal hospitality" exemption, as set forth in the statute and rules. As far back as the 1984 Judicial Conference guidance, under the section titled, "Gifts of transportation, lodging, food, or entertainment," filers were instructed to:

Exclude gifts received as the personal hospitality of any individual. The Act defines 'personal hospitality of any individual' as 'hospitality extended for a non-business purpose by an individual, not a corporation or an organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family.

Guide to Judiciary Policies and Procedures (1984) at 843-44.

The Judicial Conference, which is charged by the Ethics in Government Act, 5 U.S.C. app. §§ 13101-13111, with implementing this law for the judiciary, has provided written guidance through its regulations and advice interpreting the statute that such travel need not be reported. In fact, filer is not aware of anything in the Judicial Conference regulations issued for more than thirty years or in any advice provided by the Judicial Conference to judges that is inconsistent with this position.

For example, Judge Raymond Randolph, who served on the Judicial Conference Codes of Conduct Committee from 1992-98, including as chairman from 1995-98, received guidance in 2006 from Judicial Conference staff, as reflected in contemporaneous notes, that he did not have to report travel on a private jet and at a lodge based on the personal hospitality exemption. Filer was also so advised by Conference staff, and in conversations with court officers and colleagues early in his tenure on the Court.

In Part IV, Line 3: With advice of the Administrative Office, flights were reported as advised. Because of the increased security risk following the Dobbs opinion leak, the May flights were by private plane for official travel as filer's security detail recommended noncommercial travel whenever possible.

In Part IV, Line 4: Flights to and from Adirondacks by private plane and lodging, food, and entertainment at the Adirondacks property, were reportable under and in compliance with the new guidance and, according to advice from the staff of the Judicial Conference Financial Disclosure Committee (July 10), to be listed under "reimbursements" not "gifts." This is consistent with previous filings by other filers.

### BANK ACCOUNTS, SPOUSE'S LIFE INSURANCE, & FAMILY REAL ESTATE HOLDING

2022: Part VII, Line 3: Life insurance policy, owned by spouse, was inadvertently omitted from prior reports during the covered period. Part VII, Line 7: On or around February 17, 2006, Ginger LTD, Partnership changed its legal name to its present name of Ginger Holdings LLC. The name change was in conjunction with a conversion to an LLC from a limited partnership as permitted under Nebraska state law. Due to the similarity in names, filer inadvertently carried the old name on prior reports during the covered period. Part VII, Line 8: Personal bank accounts at Congressional Federal Credit Union were inadvertently omitted in prior years due to a misinterpretation of the rules. Filer believed that personal bank accounts were exempt from reporting disclosure.

Filer discloses the following assets that were inadvertently omitted from his reports during the covered period 2017 thru 2021:

2021: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$55,000 and earned less than \$200 in interest. Life insurance policy of spouse held through Equitable was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$5,000 or less in income.

2020: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$110,000 and earned less than \$400 in interest. Life insurance policy of spouse held through Equitable was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income.



# FINANCIAL DISCLOSURE REPORT

Page 8 of 9

Name of Person Reporting	Date of Report
THOMAS, CLARENCE	08/09/2023

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

2019: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$50,000 and earned less than \$400 in interest. Life insurance policy of spouse held through Equitable was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income. The policy at Equitable had previously been held at MONY Life Insurance Company of America but was terminated on or around December 16, 2019, and rolled over into Equitable in a tax-free exchange under Internal Revenue Code §1035. Prior to the rollover, the MONY Life Insurance Company of America life insurance policy had a cash value of under \$100,000 and earned \$2,500 or less in income.

2018: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$70,000 and earned less than \$300 in interest. Life insurance policy of spouse held through MONY Life Insurance Company of America was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income.

2017: Bank accounts at Congressional Federal Credit Union were inadvertently omitted. Combined bank account balances at year-end were under \$10,000 and earned less than \$300 in interest. Life insurance policy of spouse held through MONY Life Insurance Company of America was inadvertently omitted. Year-end cash value was under \$100,000 and earned \$2,500 or less in income.

### SAVANNAH REAL ESTATE TRANSACTION

Although outside the covered period, filer provides the following supplemental information regarding the 2014 disposition of certain real estate interests he held with members of his family in Savannah, Georgia. In 1984, filer inherited a 1/3 interest in three properties: his mother's residence and two additional houses on the same street.

In 2014, Mr. Harlan Crow, a longtime friend of filer and his wife, bought all three properties for \$133,000, along with other houses/lots on the same street. Filer and his wife had put between \$50,000 to \$75,000 into his mother's home in capital improvements over the years, and therefore, the transaction amounted to a capital loss.

Filer had previously reported his interest in two of the Savannah properties (excluding his mother's residence) in the years when they generated rental income.

Once these properties no longer generated any rental income, filer was advised by Committee staff to remove the two properties from his disclosure forms. However, filer inadvertently failed to realize that the "sales transaction" for the final disposition of the three properties triggered a new reportable transaction in 2014, even though this sale resulted in a capital loss.

**FINANCIAL DISCLOSURE REPORT**

Page 9 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

08/09/2023

**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ CLARENCE THOMAS**

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# **EXHIBIT F**

Please see the following statement from Justice Clarence Thomas:

Harlan and Kathy Crow are among our dearest friends, and we have been friends for over twenty-five years. As friends do, we have joined them on a number of family trips during the more than quarter century we have known them. Early in my tenure at the Court, I sought guidance from my colleagues and others in the judiciary, and was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable. I have endeavored to follow that counsel throughout my tenure, and have always sought to comply with the disclosure guidelines. These guidelines are now being changed, as the committee of the Judicial Conference responsible for financial disclosure for the entire federal judiciary just this past month announced new guidance. And, it is, of course, my intent to follow this guidance in the future.

Public Information Office

# **EXHIBIT G**

January 21, 2011

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

SELF INITIATED  
AMENDMENT

Re: Calendar Year 2009 Financial Disclosure Report

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my report to add "2009 – Hillsdale College" in Part III B.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12:22  
COMMITTEE ON FINANCIAL  
DISCLOSURE OFFICE

January 21, 2011

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

SELF INITIATED  
AMENDMENT

Re: Calendar Year 2008 Financial Disclosure Report

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my report to add "January-October, 2008 – The Heritage Foundation," and "October-December, 2008 – Hillsdale College" in Part III B.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12: 22  
FINANCIAL  
DISCLOSURE OFFICE

January 21, 2011

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

SELF INITIATED  
AMENDMENT

Re: Calendar Year 2007 Financial Disclosure Report

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my report to add "2007 – The Heritage Foundation" in Part III B.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12: 22  
FINANCIAL  
DISCLOSURE OFFICE



January 21, 2011

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

SELF INITIATED  
AMENDMENT

Re: Calendar Year 2006 Financial Disclosure Report

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my report to add "2006 – The Heritage Foundation" in Part III B.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12: 22  
FINANCIAL  
OFFICE

January 21, 2011

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

SELF INITIATED  
AMENDMENT

Re: Calendar Year 2005 Financial Disclosure Report

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my report to add "2005 – The Heritage Foundation" in Part III B.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12: 22  
U.S. FINANCIAL  
DISCLOSURE OFFICE

January 21, 2011

SELF INITIATED  
AMENDMENT

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

Re: Calendar Year 2004 Financial Disclosure Report

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my report to add "2004 – The Heritage Foundation" in Part III B.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12: 22  
DISC FINANCIAL  
OFFICE

January 21, 2011

Committee on Financial Disclosure  
One Columbus Circle, NE, Suite 2-301  
Washington, DC 20544

SELF INITIATED  
AMENDMENT

Re: Calendar Year 1990-2003 and Nomination Financial Disclosure Reports

To Whom it May Concern:

It has come to my attention that information regarding my spouse's employment required in Part III B. of my financial disclosure report was inadvertently omitted due to a misunderstanding of the filing instructions. Please amend my reports to reflect my spouse's employment as noted below:

CT January 198~~8~~<sup>9</sup> - January 1993 - U.S. Department of Labor

January 1993 - January 1995 - U.S. House of Representatives, House Republican Conference (Rep. Dick Armey)

January 1995 - December 1998 - U.S. House of Representatives, House Majority Leader (Rep. Dick Armey)

December 1998 - December 2003 - The Heritage Foundation.

Sincerely,



Clarence Thomas

RECEIVED  
2011 JAN 22 P 12: 22  
FINANCIAL  
DISCLOSURE OFFICE

# **EXHIBIT H**

## Supreme Court Justice Clarence Thomas's Disclosure of Virginia Thomas's Employment

Year	Employer	Salary and Benefits	Justice Thomas's Disclosure
1987	U.S. Chamber of Commerce	Not known	Employment recorded**
1988	U.S. Chamber of Commerce	Not known	No records available
1989	U.S. Department of Labor	Not known	No records available
1990	U.S. Department of Labor	Not known	No records available
1991	U.S. Department of Labor	Not known	Employment recorded**
1992	U.S. Department of Labor	Not known	Employment recorded***
1993	House Republican Conference (Dick Armey)	\$72,982*	Employment recorded***
1994	House Republican Conference (Dick Armey)	\$68,850*	Employment recorded***
1995	House Majority Leader (Dick Armey)	\$109,098*	Employment recorded***
1996	House Majority Leader (Dick Armey)	\$110,238*	Employment recorded***
1997	House Majority Leader (Dick Armey)	\$119,563*	Recorded as 'None' ***
1998	House Majority Leader (Dick Armey)	\$110,083*	Recorded as 'None' ***
1999	Heritage Foundation	<u>\$115,075</u>	Recorded as 'None' ***
2000	Heritage Foundation	Not known	Recorded as 'None' ***
2001	Heritage Foundation	<u>\$136,598</u>	Recorded as 'None' ***
2002	<u>Heritage Foundation</u>	<u>\$153,278</u>	Recorded as 'None' ***
2003	<u>Heritage Foundation</u>	<u>\$156,220</u>	<u>Recorded as 'None'</u> ***
2004	<u>Heritage Foundation</u>	<u>\$168,099</u>	<u>Recorded as 'None'</u> ***
2005	<u>Heritage Foundation</u>	<u>\$157,389</u>	<u>Recorded as 'None'</u> ***
2006	<u>Heritage Foundation</u>	<u>\$164,246</u>	<u>Recorded as 'None'</u> ***
2007	<u>Heritage Foundation</u>	<u>\$181,812</u>	<u>Recorded as 'None'</u> ***
2008	Heritage Foundation Jan.-Oct. Hillsdale College Oct. onwards	Not known Not known	<u>Recorded as 'None'</u> ***
2009	Hillsdale College	<u>\$151,126</u>	<u>Recorded as 'None'</u> ***
<b>Total known earnings in all years</b>			<b>\$1,974,657</b>
<b>Total when recorded as 'None'</b>			<b>\$1,613,489</b>

\* Documents obtained through the Office of the Clerk of the U.S. House of Representatives, on file with Common Cause.

\*\* Justice Thomas disclosure forms on file with Alliance for Justice.

\*\*\* Justice Thomas disclosure forms on file with Common Cause.

Press inquiries to Mary Boyle, Common Cause, (202) 736-5770

# **EXHIBIT I**

At least 5 justices are millionaires Holdings force some to bow out of cases

## **At least 5 justices are millionaires Holdings force some to bow out of cases**

USA TODAY

May 28, 1998, Thursday,

FINAL EDITION

Copyright 1998 Gannett Company, Inc.

**Section:** NEWS;

**Length:** 679 words

**Byline:** Tony Mauro

**Dateline:** WASHINGTON

### **Body**

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WASHINGTON -- At least five, and possibly six, of the Supreme Court's nine justices are millionaires.

Financial disclosure forms for 1997, released this week, indicate that President Clinton's two appointees to the high court -- Ruth Bader Ginsburg and Stephen Breyer -- are the wealthiest. They are worth as much as \$ 24 million and \$ 16 million, respectively.

Also listing more than \$ 1 million in assets are Sandra Day O'Connor, David Souter and John Paul Stevens. Antonin Scalia reported assets of \$ 675,000 to \$ 1.59 million.

Assets are listed in ranges, which makes precise totals impossible to compute.

Most of the wealth of Breyer and Ginsburg comes through their spouses.

Breyer's wife, Joanna, is from a prominent British family. Her mother died last year, so in addition the justice's disclosure form lists an inheritance valued at \$ 1 million to \$ 5 million.

Ginsburg's husband, Martin, is a well-known tax lawyer and Georgetown University law professor.

Ginsburg's disclosure form reveals that she and her husband sold as much as \$ 1 million in stocks last July and put the money into mutual funds.



At least 5 justices are millionaires Holdings force some to bow out of cases

The transactions came after *Insight Magazine* reported that Justice Ginsburg had participated in 21 cases that involved companies in which Martin Ginsburg had invested. At the time, he said he had misunderstood the nature of an IRA account through which he owned the company stocks and would sell them immediately.

Several justices report extensive stock holdings, some of which prompt them to bow out of cases.

Among more than a dozen stock holdings listed by O'Connor is \$ 15,000 to \$ 50,000 in AT&T Corp. securities. She sold less than \$ 15,000 worth of the stock last year.

Last year USA TODAY reported that O'Connor's ownership in AT&T stock had prompted her to recuse herself from more than two dozen cases in recent years.

O'Connor already has stated her intention to bow out of a case that will be argued this fall in which part of the Telecommunications Act of 1996 is under challenge.

"The country is entitled to have nine justices deciding important cases," says Northwestern University law professor Steven Lubet, a judicial ethics expert.

"A justice who owns a stock that leads to repeated recusals ought to consider getting rid of it."

The financial disclosure forms also catalog an array of trips, lecture fees and gifts reported by the justices.

Among them:

-- \$ 15,000 in royalties from Princeton University Press to Scalia

for his 1997 book *A Matter of Interpretation*.

-- \$ 550 in gifts, also to Scalia, for his participation in a bocce tournament in Wolfeboro, N.H. Bocce is an Italian lawn bowling sport.

-- Reimbursement for 20 speaking trips by O'Connor to locations such as Krakow, Poland, and Kankakee, Ill.

-- A free trip for Justice Clarence Thomas to the Bohemian Grove club in California in the personal jet of Texas real estate magnate Harlan Crow.

#### VALUE OF ASSETS

Here is the value of assets reported by the nine Supreme Court

At least 5 justices are millionaires Holdings force some to bow out of cases

justices in their 1997 financial disclosure forms released this week. The values are reported in ranges, not as precise figures, and do not include the value of their primary homes. The justices are listed in order from highest to lowest in asset value, along with a comparison to their 1996 reports.

-- Ruth Bader Ginsburg, \$ 5.9 million to \$ 24.1 million, up from \$ 4.9 million to \$ 15.4 million in 1996.

-- Stephen Breyer, \$ 4.3 million to \$ 15.9 million, up from \$ 3.8 million to \$ 14.9 million.

-- Sandra Day O'Connor, \$ 2.3 million to \$ 5.6 million, up from \$ 2 million to \$ 4.9 million.

-- David Souter, \$ 1.1 million to \$ 5.3 million, down slightly from \$ 1.3 million to \$ 5.3 million.

-- John Paul Stevens, \$ 1.29 million to \$ 2.74 million, up slightly from \$ 1.24 million to \$ 2.59 million.

-- Antonin Scalia, \$ 675,000 to \$ 1.59 million, up from \$ 630,000 to \$ 1.37 million.

-- Chief Justice William Rehnquist, \$ 210,000 to \$ 590,000, unchanged from 1996.

-- Anthony Kennedy, \$ 30,000 to \$ 280,000, down from \$ 45,000 to \$ 360,000.

-- Clarence Thomas, \$ 30,000 to \$ 175,000, down from \$ 80,000 to \$ 275,000.

Source: Administrative Office of U.S. Courts, The Associated Press.

## Graphic

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PHOTO, Color, AP; PHOTOS, B/W, AP (2)

## Classification

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**Language:** ENGLISH

**Subject:** WEALTHY PEOPLE (91%); HOLDING COMPANIES (90%); LAW SCHOOLS (87%); COMPANY STRUCTURES & OWNERSHIP (78%); ROYALTIES (78%); MUTUAL FUNDS (77%); LAWYERS (75%); ETHICS (73%); JUDICIAL ETHICS (73%); LAW COURTS & TRIBUNALS (73%); COLLEGE & UNIVERSITY PROFESSORS (72%); SECURITIES & OTHER INVESTMENTS (71%); LEGAL ETHICS (67%); INDIVIDUAL RETIREMENT ACCOUNTS (65%); LAWN BOWLING (60%); TOURNAMENTS (60%)

At least 5 justices are millionaires Holdings force some to bow out of cases

**Company:** AT&T INC (94%); PRINCETON UNIVERSITY PRESS (50%); AT&T INC (94%); PRINCETON UNIVERSITY PRESS (50%); GEORGETOWN UNIVERSITY (53%)

**Organization:** GEORGETOWN UNIVERSITY (53%)

**Ticker:** T (NYSE) (94%)

**Industry:** NAICS517210 WIRELESS TELECOMMUNICATIONS CARRIERS (EXCEPT SATELLITE) (94%); NAICS517110 WIRED TELECOMMUNICATIONS CARRIERS (94%); NAICS511140 DIRECTORY & MAILING LIST PUBLISHERS (94%); LAW SCHOOLS (87%); MUTUAL FUNDS (77%); LAWYERS (75%); COLLEGE & UNIVERSITY PROFESSORS (72%); SECURITIES & OTHER INVESTMENTS (71%); INDIVIDUAL RETIREMENT ACCOUNTS (65%); TELECOMMUNICATIONS (60%)

**Person:** RUTH BADER GINSBURG (79%); ANTONIN SCALIA (78%); STEPHEN BREYER (78%); DAVID SOUTER (58%); JOHN PAUL STEVENS (58%)

**Geographic:** UNITED STATES (94%)

**Load-Date:** May 28, 1998

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End of Document

# **EXHIBIT J**



# FINANCIAL DISCLOSURE REPORT

Calendar Year 2002

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (Last name, First name, Middle initial) THOMAS, CLARENCE	2. Court or Organization UNITED STATES SUPREME COURT	3. Date of Report 5/15/2003
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) ASSOCIATE JUSTICE	5. ReportType (check appropriate type) <input type="radio"/> Nomination, <input type="radio"/> Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1/1/2002 to 12/31/2002
7. Chambers or Office Address U.S. SUPREME COURT 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.  Reviewing Officer _____ Date _____	

**IMPORTANT NOTES:** The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

**I. POSITIONS.** (Reporting individual only; see pp. 9-13 of filing instructions)

**NONE** - (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. \_\_\_\_\_

RECEIVED  
MAY 15 2 06 PM '03  
FINANCIAL  
DISCLOSURE OFFICE

**II. AGREEMENTS.** (Reporting individual only; see pp. 14-16 of filing instructions)

**NONE** - (No reportable agreements.)

DATE

PARTIES AND TERMS

1. \_\_\_\_\_

**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions)

**NONE** - (No reportable non-investment income.)

DATE

SOURCE AND TYPE

GROSS INCOME  
(yours, not spouse's)

1.	10/27/02	University of Kansas School of Law - teaching	\$5,000
2.	9/8/02	University of Virginia School of Law - teaching	\$2,500
3.	2/4/02	Drake University School of Law - teaching	\$15,000



**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

**IV. REIMBURSEMENTS** -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)

 **NONE** - (No such reportable reimbursements.)SOURCEDESCRIPTION

1. Drake University School of Law	Private plane and accommodations/seminar/Justice Thomas/2/4-8/02 - Des Moines, Iowa
2. Greater Omaha Chamber of Commerce	Private plane and accommodations/speech/Justice Thomas/2/11/02 - Omaha, NE
3. University of North Carolina Law School at Chapel Hill	Air fare and accommodations/speech/Justice Thomas/3/6/02 - Chapel Hill, NC
4. The College of the Holy Cross	Air fare and accommodations/speech/Justice Thomas/4/9/02 - Worcester, MA
5. Diocese of Little Rock Red Mass	Air fare and accommodations/speech/Justice Thomas/5/1/02 - Little Rock, AR
6. St. Benedict's Prep	Private plane/speech/Justice Thomas/5/6/02 - Newark, NJ
7. Campbell University Norman Adrian Wiggins School of Law	Private plane and accommodations/speech/Justice Thomas/5/13/02 - Buies Creek, NC
8. George State Bar Annual Meeting	Private plane/speech/Justice Thomas/6/15/02 - Amelia Island, FL
9. University of Virginia School of Law	Accommodations/seminar/Justice Thomas/9/8-10/02 - Charlottesville, VA
10. University of Kansas School of Law	Air fare and accommodations/seminar/Justice Thomas/10/27-30/02 - Lawrence, Kansas

**V. GIFTS.** (Includes those to spouse and dependent children. See pp. 28-31 of instructions.) **NONE** - (No such reportable gifts.)SOURCEDESCRIPTIONVALUE

1. The University Club	Honorary Membership	\$500
2. Greg Werner	Tires	\$1,200
3. Earl & Louise Dixon	Education gift to Mark Martin	\$5,000



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

## VI. LIABILITIES. (Includes those of spouse and dependent children. See pp. 32-34 of instructions.)

NONE - (No reportable liabilities.)

CREDITOR

DESCRIPTION

VALUE CODE

1.



# FINANCIAL DISCLOSURE REPORT

Page 1 of 1

Name of Person Reporting  
THOMAS, CLARENCE

Date of Report  
5/15/2003

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g. div. rent. or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g. buy, sell, merger, redemption)	If not exempt from disclosure			
						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-	(5) Identity of buyer/seller (if private transaction)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1. MONY Annuity	A	Int	J	T					
2. 1/3 int. in rental property at ## 1, 2, & 3, Sav., GA	A	Rent	J	W					
3. Realty Investment Corp. (IRA), Esconvita, CA	A	Div	J	T					
4. Equitec (IRA), Boston, MA	A	Div	J	T					
5. Ginger, LTD., Partnership	A	Rent	L	W					
6. Fidelity 403(b)		None	M	T					

1. Income/Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001-\$100,000	B = \$1,001-\$2,500 G = \$100,001-\$1,000,000	C = \$2,501-\$5,000 H1 = \$1,000,001-\$5,000,000	D = \$5,001-\$15,000 H2 = More than \$5,000,000	E = \$15,001-\$50,000
2. Value Codes: (See Columns C1 and D3)	J = \$15,000 or less N = \$250,000-\$500,000 P3 = \$25,000,001-\$50,000,000	K = \$15,001-\$50,000 O = \$500,001-\$1,000,000	L = \$50,001-\$100,000 P1 = \$1,000,001-\$5,000,000 P4 = \$More than \$50,000,000	M = \$100,001-\$250,000 P2 = \$5,000,001-\$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash/Market	



**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS**

(Indicate part of Report.)



# FINANCIAL DISCLOSURE REPORT

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

5/15/2003

## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



Date

5/15/03

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

### FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544



# **EXHIBIT K**

## FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2011

*Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)*

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  UNITED STATES SUPREME COURT	<b>3. Date of Report</b>  05/15/2012
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b>  01/01/2011 to 12/31/2011
<b>5b.</b> <input type="checkbox"/> Amended Report		
<b>7. Chambers or Office Address</b>  U.S. SUPREME COURT 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Insert signature on last page.</i>		

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

NONE *(No reportable positions.)*

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Board of Directors	Horatio Alger Association
2.		
3.		
4.		
5.		

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

NONE *(No reportable agreements.)*

	<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.		
2.		
3.		



**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2012

**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions.)**A. Filer's Non-Investment Income** NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2/7/11	Creighton University School of Law - teaching	\$15,000.00
2. 8/30/11	George Washington University School of Law - teaching	\$10,000.00
3. 9/21/11	University of Georgia School of Law - teaching	\$1,955.00
4. 11/9/11	Grove City College - charitable donation in lieu of honorarium	\$2,000.00

**B. Spouse's Non-Investment Income -** If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)

 NONE (No reportable non-investment income.)

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2011	The Daily Caller - salary
2. 2011	Liberty Consulting, Inc. - salary and benefits
3.	
4.	

**IV. REIMBURSEMENTS** – transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

 NONE (No reportable reimbursements.)

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Legatus and Ava Maria University	2/3-2/5/11	Naples, FL	Speech, Q&A	Transportation/meals and accommodations
2. Creighton University College of Law	2/7-2/11/11	Omaha, NE	Teaching	Transportation/meals and accommodations
3. University of Nebraska College of Law	5/7/11	Lincoln, NE	Commencement Speech	Transportation/meals and accommodations
4. New York University School of Law	7/12-7/15/11	Buenos Aires, Argentina	Conference	Transportation/meals and accommodations
5. University of Nebraska	9/14-9/16/11	Lincoln, NE and Omaha,	Teaching	Transportation/meals and

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2012

6.	University of Georgia School of Law	9/21-9/23/11	Athens, GA	Teaching	Transportation/meals and accommodations
7.	Grove City College	11/15-11/16/11	Grove City, PA	Speech	Transportation/meals and accommodations
8.	New Haven Legal Assistance Association and Yale Law School	12/14/11	New Haven, CT	Meetings, teaching	Transportation/meals and accommodations

# FINANCIAL DISCLOSURE REPORT

Page 4 of 10

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2012

## V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

NONE *(No reportable gifts.)*

SOURCE

DESCRIPTION

VALUE

1.

2.

3.

4.

5.

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

NONE *(No reportable liabilities.)*

CREDITOR

DESCRIPTION

VALUE CODE

1.

2.

3.

4.

5.



# FINANCIAL DISCLOSURE REPORT

Page 5 of 10

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2012

## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. MONY Annuity		None	J	T					
2. 1/3 int. in rental property, Liberty Cty, GA (Y)	B	Rent	J	W					
3. TD AmeriTrade, Omaha, NE (formerly First Trust Corporation)		None	J	T					
4. AIG Sun America - Jersey City, NJ		None	J	T					
5. Ginger, LTD., Partnership	E	Rent	N	W					
6. Fidelity 403(b)		None	K	T					See explanation in VIII
7. Geller & Company LLC NY, NY (403(b) & 401(k) (Y)		None	N	T					See explanation in VIII
8. Liberty Consulting, Inc.		None	J	T					
9. Wisdomtree Trust Emerging Markets L	B	Dividend	K	T	Buy	02/11/11	K		
10. ETFS Gold Trust		None	K	T	Buy	02/11/11	K		
11. Europacific Growth Fund	A	Dividend	J	T	Buy	02/11/11	K		
12. AMCAP Fund Class F2	A	Dividend	K	T	Buy	03/02/11	K		
13. Pioneer Series Trust III Cullen Value F	A	Dividend	J	T	Buy	01/19/11	K		
14. Pioneer Series Trust III Cullen Value F					Sold (part)	03/02/11	J	A	
15. Capital World Growth & Income Fund Class A	A	Dividend	K	T	Buy	02/11/11	K		
16. Delaware Emerging Markets Class A	A	Dividend	J	T	Buy	02/11/11	K		
17. Dodge & Cox Intl Stock mutual fund	A	Dividend	J	T	Buy	03/04/11	J		

1. Income Gain Codes: A = \$1,000 or less B = \$1,001 - \$2,500 C = \$2,501 - \$5,000 D = \$5,001 - \$15,000 E = \$15,001 - \$50,000  
 (See Columns B1 and D4) F = \$50,001 - \$100,000 G = \$100,001 - \$1,000,000 H1 = \$1,000,001 - \$5,000,000 H2 = More than \$5,000,000  
 2. Value Codes J = \$15,000 or less K = \$15,001 - \$50,000 L = \$50,001 - \$100,000 M = \$100,001 - \$250,000  
 (See Columns C1 and D3) N = \$250,001 - \$500,000 O = \$500,001 - \$1,000,000 P1 = \$1,000,001 - \$5,000,000 P2 = \$5,000,001 - \$25,000,000  
 P3 = \$25,000,001 - \$50,000,000 P4 = More than \$50,000,000



# FINANCIAL DISCLOSURE REPORT

Page 6 of 10

Name of Person Reporting <b>THOMAS, CLARENCE</b>	Date of Report 05/15/2012
---	------------------------------

## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Franklin Gold & Precious Metals	B	Dividend	K	T	Buy	10/26/11	K		
19. Franklin Gold & Precious Metals					Buy	12/12/11	K		
20. FMI Funds Inc Large Cap Fund	A	Dividend	K	T	Buy	03/04/11	K		
21. Eagle Mid Cap Stock Class A		None	J	T	Buy	01/19/11	J		
22. Eagle Mid Cap Stock Class A					Buy	03/02/11	J		
23. Ivy Energy Class A		None	J	T	Buy	10/26/11	J		
24. Keeley Small Cap Value Class A		None	J	T	Buy	01/19/11	J		
25. T Rowe Price Emerging Markets Stock	A	Dividend	J	T	Buy	01/19/11	J		
26. T Rowe Price Emerging Markets Stock					Sold (part)	03/02/11	J		
27. Royce Value Fund Investment Class	A	Dividend	J	T	Buy	03/04/11	J		
28. Templeton China World Class A	A	Dividend	J	T	Buy	02/11/11	K		
29. Thornburg Investment Intl Value Class A	A	Dividend	J	T	Buy	01/19/11	J		
30. Thornburg Investment Intl Value Class A					Sold (part)	03/02/11	J	A	
31. Wisdomtree Trust Emerging Markets E	A	Dividend	J	T	Buy	02/11/11	K		
32. SPDR Gold Trust Gold Shares		None	K	T	Buy	02/11/11	K		
33. Ishares Silver Trust		None	K	T	Buy	02/11/11	K		
34. Ishares Silver Trust					Buy	12/12/11	J		

1. Income Gain Codes: A = \$1,000 or less B = \$1,001 - \$2,500 C = \$2,501 - \$5,000 D = \$5,001 - \$15,000 E = \$15,001 - \$50,000  
(See Columns B1 and D4) F = \$50,001 - \$100,000 G = \$100,001 - \$1,000,000 H1 = \$1,000,001 - \$5,000,000 H2 = More than \$5,000,000  
2. Value Codes J = \$15,000 or less K = \$15,001 - \$50,000 L = \$50,001 - \$100,000 M = \$100,001 - \$250,000  
(See Columns C1 and D3) N = \$250,001 - \$500,000 O = \$500,001 - \$1,000,000 P1 = \$1,000,001 - \$5,000,000 P2 = \$5,000,001 - \$25,000,000  
P3 = \$25,000,001 - \$50,000,000 P4 = More than \$50,000,000



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2012

## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Vanguard Short Term Corporate Bond ETF	A	Dividend	J	T	Buy	10/14/11	J		
36. Short Term Bond Fund of America Class A	A	Dividend	K	T	Buy	01/19/11	K		
37. Delaware Diversified Income Class A	B	Dividend	K	T	Buy	01/19/11	K		
38. Franklin Templeton Global Tr Hard Currency	C	Dividend	L	T	Buy	02/11/11	L		
39. Franklin Templeton Global Tr Hard Currency					Buy	10/14/11	J		
40. Franklin Templeton Global Tr Hard Currency					Buy	12/12/11	J		
41. Franklin Templeton Global Tr Hard Currency					Buy	12/19/11	J		
42. Advisors Inner Circle Perimeter Small Cap		None			Buy	01/19/11	J		
43. Advisors Inner Circle Perimeter Small Cap					Sold	03/02/11		A	
44. JP Morgan Mid Cap Value A		None			Buy	01/19/11	J		
45. JP Morgan Mid Cap Value A					Sold	03/02/11		A	
46. Ivy Funds Capital Appreciation Fund Class 1		None			Buy	01/19/11	K		
47. Ivy Funds Capital Appreciation Fund Class 1					Sold	03/02/11		A	
48. Global X Funds Silver Miners		None			Buy	02/11/11	K		
49. Global X Funds Silver Miners					Sold	05/17/11			
50. SPDR Index Shares Fund Global Natural Resources ETF		None			Buy	02/11/11	K		
51. SPDR Index Shares Fund Global Natural Resources ETF					Sold	05/17/11			

1. Income Gain Codes: A=\$1,000 or less B=\$1,001 - \$2,500 C=\$2,501 - \$5,000 D=\$5,001 - \$15,000 E=\$15,001 - \$50,000  
 (See Columns B1 and D4) F=\$50,001 - \$100,000 G=\$100,001 - \$1,000,000 H1=\$1,000,001 - \$5,000,000 H2=More than \$5,000,000  
 2. Value Codes J=\$15,000 or less K=\$15,001 - \$50,000 L=\$50,001 - \$100,000 M=\$100,001 - \$250,000  
 (See Columns C1 and D3) N=\$250,001 - \$500,000 O=\$500,001 - \$1,000,000 P1=\$1,000,001 - \$5,000,000 P2=\$5,000,001 - \$25,000,000  
 P3=\$25,000,001 - \$50,000,000 P4=More than \$50,000,000



# FINANCIAL DISCLOSURE REPORT

Page 8 of 10

Name of Person Reporting <b>THOMAS, CLARENCE</b>	Date of Report 05/15/2012
---	------------------------------

## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
52. SPDR Series Trust S&P Oil & Gas Exp & Prod	A	Dividend			Buy	02/11/11	K		
53. SPDR Series Trust S&P Oil & Gas Exp & Prod					Sold	05/17/11			
54. Market Vectors ETF Tr Gold Miners Fund		None			Buy	02/11/11	K		
55. Market Vectors ETF Tr Gold Miners Fund (GDX)					Sold	10/14/11			

1. Income Gain Codes: A=\$1,000 or less B=\$1,001 - \$2,500 C=\$2,501 - \$5,000 D=\$5,001 - \$15,000 E=\$15,001 - \$50,000  
 (See Columns B1 and D4) F=\$50,001 - \$100,000 G=\$100,001 - \$1,000,000 H1=\$1,000,001 - \$5,000,000 H2=More than \$5,000,000

2. Value Codes: J=\$15,000 or less K=\$15,001 - \$50,000 L=\$50,001 - \$100,000 M=\$100,001 - \$250,000  
 (See Columns C1 and D3) N=\$250,001 - \$500,000 O=\$500,001 - \$1,000,000 P1=\$1,000,001 - \$5,000,000 P2=\$5,000,001 - \$25,000,000  
 P3=\$25,000,001 - \$50,000,000 P4=More than \$50,000,000

**FINANCIAL DISCLOSURE REPORT**

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<b>Name of Person Reporting</b>  THOMAS, CLARENCE	<b>Date of Report</b>  05/15/2012
---	---

**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

Part VII, lines 6 & 7 - These accounts rolled over to the retirement accounts listed in lines 9 through 55 of Part VII. The Fidelity 403(b) account listed on line 6 of Part VII was rolled over on December 1, 2011. The value code for this transaction was K. The Geller accounts listed on line 7 of Part VII were rolled over in two transactions. The first transaction was January 14, 2011, with a value code of M. The second transaction was on February 10, 2011, with a value code of N.

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2012

**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# **EXHIBIT L**

CLARENCE THOMAS

RESPONSE TO SENATE JUDICIARY COMMITTEE'S  
QUESTIONNAIRE FOR JUDICIAL NOMINEES

## II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

Although I don't anticipate any conflicts, I will follow the guidelines created under the Code of Judicial Conduct should matter in which I was involved at EEOC come before the court. In case of conflicts of interest, I will seek appropriate guidance and either recuse or divest, as needed.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

Board of Trustees, College of the Holy Cross  
Worcester, MA 06101

Board of Advisors, Gordon Public Policy Center  
Brandeis University, Waltham, MA 02254

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Clarence Thomas  
Part II - Page 2

Calendar Year 1988:

Salary: \$82,500.00 (gross pay)  
Rental properties (Savannah, GA): approximately  
\$600.00

Calendar Year 1989 (to date):

Salary: \$74,690.00 (gross pay)

5. Please complete the attached net worth statement in detail (add schedules as called for).

See Attachment II.

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of campaign, your title and responsibilities.

August, 1988 - Member of Caucus Team at Republican National Convention - Bush for President Campaign.

October 22, 1988 - Black Press Hall of Fame, Baltimore, Maryland - Bush/Quayle Campaign - Dinner speech re: Bush/Quayle ticket (relevance to Blacks).

October 29, 1988 - People of Color Rally - Cincinnati, Ohio  
Bush/Quayle Campaign - Speaker



**FINANCIAL STATEMENT  
NET WORTH**

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS			LIABILITIES		
Cash on hand and in banks	1,500	00	Notes payable to banks—secured		
U.S. Government securities—odd schedule			Notes payable to banks—unsecured	4,000	00
Listed securities—odd schedule			Notes payable to relatives		
Unlisted securities—odd schedule			Notes payable to others		
Accounts and notes receivable:			Accounts and bills due		
Due from relatives and friends			Unpaid income tax		
Due from others			Other unpaid tax and interest		
Doubtful			Real estate mortgages payable—odd schedule	160,000	00
Real estate owned—odd schedule	230,000	00	Chattel mortgages and other liens payable	15,000	00
Real estate mortgages receivable			Other debts—Itemize:		
Autos and other personal property	20,000	00	Student loans	10,000	00
Cash value—life insurance					
Other assets—Itemize:					
IRAs	7,478	16			
401(k)	7,000	00			
Ginger, LTD, Partnership (Wife)	15,000	00			
<b>Total assets</b>	<b>280,978</b>	<b>16</b>	<b>Total liabilities</b>	<b>189,000</b>	<b>00</b>
			<b>Net worth</b>	<b>91,978</b>	<b>16</b>
			<b>Total liabilities and net worth</b>	<b>280,978</b>	<b>16</b>
CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, cosigner or guarantor	None		Are any assets pledged? (Add schedule.)	No	
On leases or contracts	None		Are you defendant in any suits or legal actions?	No	
Legal Claims	None		Have you ever taken bankruptcy?	No	
Provision for Federal Income Tax	None				
Other special debt	None				

# **EXHIBIT M**

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2013**

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  UNITED STATES SUPREME COURT	<b>3. Date of Report</b>  05/15/2014
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination                      Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2013 to 12/31/2013
<b>7. Chambers or Office Address</b>  U.S. SUPREME COURT 1 FIRST STREET, N.E. WASHINGTON, D. C. 20543		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

NONE *(No reportable positions.)*

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Board of Directors	Horatio Alger Association
2.	
3.	
4.	
5.	

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2014

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income** NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 3/5/13	Notre Dame University School of Law - charitable donation in lieu of honorarium	\$2,000.00
2. 4/8/13	Creighton University School of Law - teaching	\$15,000.00
3. 4/9/13	Duquesne University School of Law - charitable donation in lieu of honorarium	\$2,000.00
4. 6/10/13	St. Mary's University Institute on World Legal Problems - teaching	\$11,955.00
5. 10/20/13	Duke University School of Law - charitable donation in lieu of honorarium	\$2,000.00
6. 10/22/13	George Washington University School of Law - charitable donation in lieu of honorarium	\$2,000.00
7.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)* NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1. 2013	The Daily Caller - salary
2. 2013	Liberty Consulting, Inc. - salary and benefits
3.	
4.	

**IV. REIMBURSEMENTS** *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)* NONE *(No reportable reimbursements.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Harvard Law School	1/28-1/29/13	Cambridge, MA	Speech & meetings	Transportation/meals and accommodations
2. Creighton University School of Law	2/4-2/8/13	Omaha, NE	Teaching	Transportation/meals and accommodations

**FINANCIAL DISCLOSURE REPORT**

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<b>Name of Person Reporting</b> <b>THOMAS, CLARENCE</b>	<b>Date of Report</b> 05/15/2014
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3.	University of Notre Dame School of Law	3/5-3/6/13	Notre Dame, IN	Speech & meetings	Transportation/meals and accommodations
4.	Duquesne University School of Law	4/9/13	Pittsburgh, PA	Speech	Transportation/meals and accommodations
5.	St. Mary's University Institute on World Legal Problems	7/1-7/11/13	Innsbruck, Austria	Teaching	Transportation/meals and accommodations
6.	University of Portland	9/19-9/20/13	Portland, OR	Speech & meetings	Transportation/meals and accommodations
7.	Duke University School of Law	10/20-10/22/13	Durham, NC	Speech & meetings	Transportation, meals and accommodations

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2014

**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)* NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)* NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2014

## VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. MONY Annuity		None	J	T					
2. 1/3 int. in rental property, Liberty Cty, GA	A	Rent	J	W					
3. TD AmeriTrade, Omaha, NE (formerly First Trust Corporation)		None	J	T					
4. AIG Sun America - Jersey City, NJ		None	J	T					
5. Ginger, LTD., Partnership	E	Rent	N	W					
6. Fidelity 403(b)		None	K	T					
7. Geller & Company LLC NY, NY (403(b) & 401(k))		None	N	T					
8. Liberty Consulting, Inc.		None	J	T					
9. Wisdomtree Trust Emerging Markets	B	Dividend	K	T					
10. ETFS Gold Trust		None	J	T					
11. Europacific Growth Fund	A	Dividend	K	T					
12. Capital World Growth & Income Fund Class A	A	Dividend	K	T					
13. Delaware Emerging Markets Class A	A	Dividend	K	T					
14. Franklin Gold & Precious Metals		None	K	T					
15. Ivy Energy Class A		None	K	T					
16. Templeton China World Class A	A	Dividend	K	T					
17. Wisdomtree Emerging Markets Equity	A	Dividend	J	T					

1. Income Gain Codes (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 I2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$13,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Diminuted	T = Cash Market	

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2014

## VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. SPDR Gold Trust Gold Shares		None	J	T					
19. iShares Silver Trust		None	K	T	Buy	05/31/13	J		
20. Vanguard Short-Term Corporate Bond ETF	A	Dividend	K	T					
21. Franklin Templeton Global Tr Hard Currency		None	L	T					

1. Income Gain Codes: (See Columns B1 and D4)	A – \$1,000 or less F – \$50,001 - \$100,000	B – \$1,001 - \$2,500 G – \$100,001 - \$1,000,000	C – \$2,501 - \$5,000 H1 – \$1,000,001 - \$5,000,000	D – \$5,001 - \$15,000 H2 – More than \$5,000,000	E – \$15,001 - \$50,000
2. Value Codes: (See Columns C1 and D3)	J – \$13,000 or less N – \$250,001 - \$500,000 P3 – \$25,000,001 - \$50,000,000	K – \$15,001 - \$50,000 O – \$500,001 - \$1,000,000	L – \$50,001 - \$100,000 P1 – \$1,000,001 - \$5,000,000 P4 – More than \$50,000,000	M – \$100,001 - \$250,000 P2 – \$5,000,001 - \$25,000,000	
3. Value Method Codes: (See Column C2)	Q – Appraisal U – Book Value	R – Cost (Real Estate Only) V – Other	S – Assessment W – Estimated	T – Cash Market	



**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2014

**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

VII. Investments and Trusts

:Line 17 - (previously Wisdomtree Trust Emerging Markets E)

**FINANCIAL DISCLOSURE REPORT**

Page 8 of 8

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2014

**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: *S/* CLARENCE THOMAS

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# **EXHIBIT N**

## FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2012

<b>1. Person Reporting (last name, first, middle initial)</b>  THOMAS, CLARENCE	<b>2. Court or Organization</b>  UNITED STATES SUPREME COURT	<b>3. Date of Report</b>  05/15/2013
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  ASSOCIATE JUSTICE	<b>5a. Report Type (check appropriate type)</b> <input type="checkbox"/> Nomination                      Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final	<b>6. Reporting Period</b>  01/01/2012 to 12/31/2012
<b>5b.</b> <input type="checkbox"/> Amended Report		

**7. Chambers or Office Address**

U.S. SUPREME COURT  
1 FIRST STREET, N.E.  
WASHINGTON, D. C. 20543

**IMPORTANT NOTES:** *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.*

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

NONE *(No reportable positions.)*

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Board of Directors	Horatio Alger Association
2.		
3.		
4.		
5.		

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

NONE *(No reportable agreements.)*

	<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.		
2.		
3.		

**FINANCIAL DISCLOSURE REPORT**

Page 2 of 9

Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2013

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income** NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 7/10/12	University of Kentucky School of Law - charitable donation in lieu of honorarium	\$2,000.00
2. 8/29/12	George Washington University School of Law - teaching	\$10,000.00
3. 9/28/12	Louisiana State University - charitable donation in lieu of honorarium	\$2,000.00
4.		

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)* NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1. 2012	The Daily Caller - salary
2. 2012	Liberty Consulting, Inc. - salary and benefits
3.	
4.	

**IV. REIMBURSEMENTS** *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)* NONE *(No reportable reimbursements.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. College of the Holy Cross	1/26/12	Worcester, MA	Speech	Transportation/meals and accommodations
2. American College of Trial Lawyers	2/9-2/12/12	Sea Island, GA	Speech	Transportation/meals and accommodations
3. Wake Forest School of Law	3/5-3/7/12	Winston Salem, NC	Speech & meetings	Transportation/meals and accommodations
4. University of Kentucky College of Law	4/5-4/7/12	Lexington, KY	Speech & meetings	Transportation/meals and accommodations
5. Paul M. Hebert Law Center - Louisiana State University	9/5-9/9/12	Baton Rouge, LA	Speech & meetings	Transportation/meals and accommodations

**FINANCIAL DISCLOSURE REPORT**

Page 3 of 9

<b>Name of Person Reporting</b> <b>THOMAS, CLARENCE</b>	<b>Date of Report</b> 05/15/2013
--	-------------------------------------

6.	University of Florida, Levin College of Law	9/20-9/22/12	Gainesville, FL	Teaching	Transportation/meals and accommodations
7.	Council of Chief Judges of the State Courts of Appeals	11/14/12-11/16/12	Houston, TX	Speech	Transportation/meals and accommodations

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2013

**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)* NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.			
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)* NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2013

## VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (I-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. MONY Annuity		None	J	T					
2. 1/3 int. in rental property, Liberty Cty, GA	B	Rent	J	W					
3. TD AmeriTrade, Omaha, NE (formerly First Trust Corporation)		None	J	T					
4. AIG Sun America - Jersey City, NJ		None	J	T					
5. Ginger, LTD., Partnership	E	Rent	N	W					
6. Fidelity 403(b)		None	K	T					
7. Geller & Company LLC NY, NY (403(b) & 401(k))		None	N	T					
8. Liberty Consulting, Inc.		None	J	T					
9. Wisdomtree Trust Emerging Markets L	A	Dividend	K	T					
10. EFTS Gold Trust		None	K	T					
11. Europacific Growth Fund	A	Dividend	K	T					
12. AMCAP Fund Class F2	A	Dividend	K	T	Sold	11/13/12	K	B	
13. Pioneer Series Trust III Cullen Value F		None			Sold	02/27/12	K		
14. Capital World Growth & Income Fund Class A	A	Dividend	K	T					
15. Delaware Emerging Markets Class A	A	Dividend	J	T					
16. Dodge & Cox Intl Stock mutual fund		None			Sold	11/13/12	J		
17. Franklin Gold & Precious Metals	A	Dividend	K	T	Buy	03/23/12	J		

1. Income/Gain Codes (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 I2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$13,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	



# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

05/15/2013

## VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. FMI Funds Inc Large Cap Fund	A	Dividend			Sold	11/13/12	K	A	
19. Eagle Mid Cap Stock Class A		None			Sold	02/27/12	J	A	
20. Ivy Energy Class A		None	J	T					
21. Keeley Small Cap Value Class A		None			Sold (part)	02/27/12	J	A	
22. Keeley Small Cap Value Class A					Sold	11/13/12	J	A	
23. T Rowe Price Emerging Markets Stock		None			Sold	11/13/12	J		
24. Royce Value Fund Investment Class		None			Sold	11/13/12	J		
25. Templeton China World Class A	A	Dividend	K	T					
26. Thornburg Investment Intl Value Class A	A	Dividend			Sold	11/13/12	J		
27. Wisdomtree Trust Emerging Markets E	A	Dividend	K	T					
28. SPDR Gold Trust Gold Shares		None	K	T					
29. Ishares Silver Trust		None	K	T					
30. Vanguard Short Term Corporate Bond ETF	A	Dividend	K	T					
31. Short Term Bond Fund of America Class A	A	Dividend			Sold	11/13/12	K		
32. Delaware Diversified Income Class A	A	Dividend			Sold	11/13/12	K	A	
33. Franklin Templeton Global Tr Hard Currency	A	Dividend	L	T					
34. Diamond Hill Large Cap					Buy	02/27/12	K		

1. Income Gain Codes: (See Columns B1 and B4)	A – \$1,000 or less B – \$1,001 – \$2,500 C – \$2,501 – \$5,000 D – \$5,001 – \$15,000 E – \$15,001 – \$50,000	F – \$50,001 – \$100,000 G – \$100,001 – \$1,000,000 H – \$1,000,001 – \$5,000,000 I1 – \$5,000,001 – \$25,000,000 I2 – More than \$25,000,000	J – \$13,000 or less K – \$15,001 – \$50,000 L – \$50,001 – \$100,000 M – \$100,001 – \$250,000 N – \$250,001 – \$500,000 O – \$500,001 – \$1,000,000 P1 – \$1,000,001 – \$5,000,000 P2 – More than \$5,000,000	Q – Appraisal R – Cost (Real Estate Only) S – Assessment T – Cash Market U – Book Value V – Other W – Estimated
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# FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

THOMAS, CLARENCE

Date of Report

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Diamond Hill Large Cap					Sold	11/13/12	K		
36. Munder Mid Cap Growth					Buy	02/27/12	J		
37. Munder Mid Cap Growth					Sold	11/13/12	J		

1. Income Gain Codes (See Columns B1 and D4)	A – \$1,000 or less F – \$50,001 - \$100,000	B – \$1,001 - \$2,500 G – \$100,001 - \$1,000,000	C – \$2,501 - \$5,000 H – \$1,000,001 - \$5,000,000	D – \$5,001 - \$15,000 I – More than \$5,000,000	E – \$15,001 - \$50,000 J – More than \$50,000,000
2. Value Codes (See Columns C1 and D3)	J – \$15,000 or less N – \$250,001 - \$500,000 P1 – \$25,000,001 - \$50,000,000	K – \$15,001 - \$50,000 O – \$500,001 - \$1,000,000	L – \$50,001 - \$100,000 P – \$1,000,001 - \$5,000,000 P4 – More than \$50,000,000	M – \$100,001 - \$250,000 P2 – \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q – Appraisal U – Book Value	R – Cost (Real Estate Only) V – Other	S – Assessed W – Estimated	T – Cash Market	

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting	Date of Report
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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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Date of Report

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**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: *S/* CLARENCE THOMAS

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# **EXHIBIT O**

**Congress of the United States**  
**Washington, DC 20515**

November 18, 2011

Chief Justice John Roberts  
Presiding Officer  
Judicial Conference  
One Columbus Circle, NE  
Washington, D.C. 20036

Dear Mr. Chief Justice:

We write you today in your capacity as Presiding Officer of the Judicial Conference. We call your attention to the letter sent to the Conference by members of the House of Representatives on September 29, 2011, requesting an investigation of possible violations by Justice Clarence Thomas of the Ethics in Government Act of 1978.

Evidence that Justice Thomas failed for 13 years to accurately disclose his wife's employment has been submitted to the Conference and we believe the Conference is required by law to refer the matter to the Department of Justice for further investigation.

In January, Common Cause and Alliance for Justice alerted the Judicial Conference to Justice Thomas's repeated failure to make accurate financial disclosures as required under the Ethics Act. Justice Thomas then amended 21 years of his financial disclosure forms, explaining that he had, "misunderstood the reporting instructions."

Since we sent our September 29 letter, important new information concerning this matter has come to our attention. Disclosure forms obtained by Common Cause and Alliance for Justice show that Justice Thomas accurately filed his financial disclosure forms, including his wife's employment, for as many as 10 years beginning in 1987 when he was Chair of the Equal Employment Opportunity Commission.

Justice Thomas continued to file accurate disclosure forms concerning his wife's employment when he was a judge on the United States Court of Appeals for the District of Columbia. He also accurately filed his financial disclosure forms regarding his wife's employment for the first five years he was a Justice of the Supreme Court.

In 1997 however, Justice Thomas stopped disclosing his wife's employment on his annual form, instead marking the box labeled "NONE," to indicate his wife had no employment that year. Other public documents show that Justice Thomas's wife was employed in 1997 by the Office of the U.S. House Majority Leader.

Justice Thomas continued to omit his wife's employment from his disclosures for the next 12 years, marking the 'NONE' box on his annual forms. Other publicly available documents indicate that Justice Thomas's wife did have employment in every one of those twelve years.

Her employers included the Office of the U.S. House Majority Leader, the Heritage Foundation and Hillsdale College.

Documents obtained by Common Cause and Alliance for Justice show that Justice Thomas's wife earned over \$1.6 million from these sources. We understand that Justice Thomas is not required to disclose those earnings but we include the number here to show that his wife's earnings were very substantial and that their omission is unlikely to have been a mere oversight.

It is very difficult for Justice Thomas to make a credible argument that he understood the filing instructions for ten years but then misunderstood them for the next thirteen years.

Section 104(b) of the Ethics in Government Act of 1978 requires the Judicial Conference to refer to the Attorney General any judge whom the Conference "has reasonable cause to believe has willfully falsified or willfully failed to file information required to be reported."

We believe these facts easily establish reasonable cause and therefore reiterate the request of September 29, 2011, and urge you to review these facts and make the appropriate referral to the Attorney General for further investigation.

Sincerely,



Louise M. Slaughter  
Member of Congress



Earl Blumenauer  
Member of Congress

Cc: Jill C. Sayenga



Gerold Nader NY-8

Pete Stark

Sam Tan

Kathy Carter  
FL-11

Joe McQuinn WA-7

Betty Sutton

Yun Brun

Keith Ellison

STANLEY  
NY-9

Bill Owens

Bob D'Amico  
Bruce Ray IA-01

Bob A KY-3

Casey D. Hastings

Julia  
Julie Speer

Gene Ely

Li Ming

Paul Thomas

Jim W. Brown



Jim Kim

Gene Decton

Bob Filner

Carolyn B. Mabrey

Jim Moran

Michael Wood

Raul M. Grijalva

John Conyers

Wanda Dandy

Jan Rasky

Lynn Woolsey

Bunny Rankin

Irene J. Brown

Herb Johnson

Barbara Lee

Chell R



Ben N. Long

Frank Pallone Jr.

~~nmag@zoho~~

Paul E. Hill

Beulah D. Datcher

John M. Chitt

James R. [unclear] VA 21074

Ben [unclear] (VA-3)

Donna F. Edwards

Hyd Doggett

John W. Allen

Gretta D. Clarke

Steve Cohen

John Lewis

Robert E. M.



# **EXHIBIT P**





# Letter to James Duff on Virginia Thomas' Income

01.21.2011

James C. Duff

Secretary to the Judicial Conference of the United States

Administrative Office of the United States Courts

Suite 2-301

One Columbus Circle, N.E.

Washington, DC 20544

Dear Mr. Duff:

It has come to our attention that Justice Thomas has failed to disclose the non-investment income of his spouse, Virginia Thomas, for her employment at the Heritage Foundation in 2003-2007, and at Liberty Central in 2009.

According to the Heritage Foundation's Form 990s filed with the Internal Revenue Service, Ms. Thomas earned a salary in excess of \$120,000 each year between 2003 and 2007. In 2009, Ms. Thomas became the founding CEO of a new 501(c)(4) organization, Liberty Central. The current CEO, Sarah Field, told the New York Times that Ms. Thomas was compensated for her work at Liberty Central at a salary set by the board.

Nonetheless, for each year from 2003 to 2009, Justice Thomas checked the box for "None" for "Spouse's Non-Investment Income" on his annual disclosure forms. (See attached table and links.)

The Ethics in Government Act of 1978 requires federal officials, including Supreme Court justices, to disclose their spouse's income. See 5 U.S.C. app. 102(e)(1)(A). The statute



requires the Judicial Conference to refer to the Attorney General the name of any federal judge that it “has reasonable cause to believe has willfully falsified or willfully failed to file information to be reported.” 5 U.S.C. app. 104.

Common Cause respectfully requests that the Judicial Conference make such a determination in the case of Justice Thomas, and if reasonable cause is found, to refer the matter to the Attorney General.

Without disclosure, the public and litigants appearing before the Court do not have adequate information to assess potential conflicts of interest, and disclosure is needed to promote the public’s interest in open, honest and accountable government.

Thank you for your attention to this important matter.

Sincerely,

Bob Edgar

President and CEO

Arn H. Pearson, Esq.

Vice President for Programs

Supreme Court Justice Clarence Thomas’s failure to disclose income of spouse

Year

Virginia Thomas’s Salary

According to Justice Thomas’s Disclosure\*

2003

\$ 121,291 from Heritage Foundation

Recorded as ‘None’

2004

\$131,316 from Heritage Foundation

Recorded as ‘None’



2005

\$144,245 from Heritage Foundation

Recorded as 'None'

2006

\$144,193 from Heritage Foundation

Recorded as 'None'

2007

\$145,544 from Heritage Foundation

Recorded as 'None'

2008

Not Known

Recorded as 'None'

2009

According to Sarah Field, current Liberty Central CEO and general counsel, Virginia Thomas received a Salary from Liberty Central as founding CEO. Amount received is unknown.

Recorded as 'None'

\*Source: Judicial Watch

## TITLE 5 – APPENDIX

### ETHICS IN GOVERNMENT ACT OF 1978

#### TITLE I – FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

##### ◆ 102. Contents of reports

(e) (1) (A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that,



with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

◆ 104. Failure to file or filing false reports

(a) (1) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$50,000.

(2)

(A) It shall be unlawful for any person to knowingly and willfully-

(i) falsify any information that such person is required to report under section 102; and

(ii) fail to file or report any information that such person is required to report under section 102.

(B) Any person who-

(i) violates subparagraph (A)(i) shall be fined under title 18, United States Code,

imprisoned for not more than 1 year, or both; and

(ii) violates subparagraph (A)(ii) shall be fined under title 18, United States Code.

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.



[All emphasis added]

**LETTER TO GOVERNMENT OFFICIALS**

See More: **JUDICIAL ETHICS** **ETHICS & ACCOUNTABILITY**

**Our Work**

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- Reduce Money's Influence
- Ensure Fair Districts & Reflective Democracy
- Expand Voting Rights & Election Integrity
- Promote Free Speech & Accountability in Media
- Protect the Constitution, Courts & Other Democracy Reforms

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- Financials
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Common Cause  
805 15th Street, NW, Suite 800  
Washington, DC 20005



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# **EXHIBIT Q**



## MEMORANDUM

**To:** Chairman Ron Wyden, Senate Committee on Finance

**From:** Finance Committee Democratic Staff

**Date:** October 25, 2023

**Re:** Clarence Thomas did not repay entire principal on \$267,230 loan from Tony Welters

### **Executive Summary:**

The Democratic staff of the Senate Committee on Finance reviewed loan documentation indicating that Justice Clarence Thomas received a \$267,230.00 loan from Tony Welters, which Thomas used to purchase a luxury motorcoach. While additional documents pertaining to the loan agreement may exist, documents reviewed by Democratic staff suggest that Justice Thomas did not repay a significant portion of the loan principal. In fact, none of the documents reviewed by Committee staff indicated that Thomas ever made payments to Welters in excess of the annual interest on the loan.

Forgiveness of the loan results in a taxable event for Justice Thomas. Under tax rules, forgiveness of the entire principal by Welters requires Justice Thomas to include up to \$267,230.00 in taxable income and report the amount on his tax filings. Justice Thomas did not disclose this forgiven debt on his ethics filings, raising questions as to whether Thomas properly reported the associated income on his tax returns.

### **Background:**

On August 5<sup>th</sup> 2023, reporting from the New York Times revealed the existence of an undisclosed financial arrangement involving Supreme Court Justice Clarence Thomas and Anthony Welters.<sup>1</sup> According to these reports, in 1999 Welters personally loaned Justice Thomas an unspecified amount of money to help finance the purchase of a luxury recreational vehicle, which he still owns today. Justice Thomas used the proceeds of this loan to buy a Prevost Marathon motor coach for a price of \$267,230.00. Additionally, local department of motor vehicle records listed Welters as a lienholder on the original title certificate of the vehicle.

These reports raised serious questions regarding the terms of the loan agreement between Welters and Justice Thomas and the manner in which the debt was resolved. These questions included the dollar value of the loan, the interest rate charged on the loan, and the amounts of the loan that were repaid, forgiven or discharged. In response to questions from the New York Times, Welters stated that the loan was “satisfied” in 2008, but did not address whether it was repaid.

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<sup>1</sup> *Clarence Thomas’s \$267,230 R.V. and the Friend Who Financed It*, The New York Times, Aug. 5, 2023 available online at <https://www.nytimes.com/2023/08/05/us/clarence-thomas-rv-anthony-welters.html>. As noted in the story, the relationship between Welters and Thomas predates Thomas’s time on the federal bench.



**New evidence indicates that Justice Thomas failed to repay a significant portion of the principal of the \$267,230.00 loan from Tony Welters**

In order to understand the loan arrangement between Welters and Justice Thomas, Committee staff requested, and Tony Welters voluntarily provided, information about the loan. Committee staff reviewed several documents made available by Welters' counsel related to the 1999 loan from Welters to Justice Thomas and obtained the following new information:

1. **A Handwritten Note from Justice Thomas on Supreme Court Stationery Dated December 6, 1999.** Committee staff reviewed a handwritten note dated December 6, 1999 from Thomas to Welters, written on the Supreme Court stationery from the Chambers of Clarence Thomas. The note references a Promissory Note and Security Agreement, and says the documents should accurately reflect the understanding of Thomas and Welters. Justice Thomas's note further states the agreements will be complied with to the letter.
2. **A Promissory Note Dated December 6, 1999.** Committee staff reviewed a Promissory Note ("Note") dated December 6, 1999. According to the Note, Clarence Thomas and Virginia Lamp Thomas, together as "Makers," executed an agreement to pay Anthony Welters, as "Payee," the principal sum of \$267,230.00.<sup>2</sup> The principal balance of the Note had an interest rate of 7.5% per annum. Interest payments on the note were due and payable annually each year on December 31, and the principal and all accrued unpaid interest was due no later than the maturity date of the Note. The stated maturity date of the Note was December 31, 2004. The Note included a referenced Security Agreement of the same date covering a "motor vehicle," and characterizes the Note together with the Security Agreement as the "Loan Documents."
3. **A Security Agreement Dated December 6, 1999.** Committee staff reviewed a Security Agreement ("Security") dated December 6, 1999 between Clarence and Virginia L. Thomas, together as "Grantors," and Anthony Welters as "Grantee." The Security describes a loan made by Welters to the Thomases for the original principal amount of \$267,230.00. According to the document, as a condition of the loan by Welters, the Thomases granted Welters a security interest in a 1991 Prevost by Marathon, in order to secure the payment of all amounts owed to Welters under the Promissory Note.
4. **Addendum to December 6, 1999 Promissory Note Dated December 31, 2004.** Committee staff reviewed an Addendum to the December 6, 1999 Promissory Note. The addendum, dated December 31, 2004, extended the maturity date of the Promissory Note by ten years, from December 31, 2004 to December 31, 2014. This

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<sup>2</sup> The loan documents were executed jointly by Clarence Thomas and his wife Virginia Lamp Thomas. However, for simplicity this memo will sometimes refer to the loan agreement as between Clarence Thomas and Anthony Welters.



addendum was signed by Clarence Thomas and Virginia L. Thomas, together as “Makers,” and described Anthony Welters as “Payee.” The addendum made clear that the unpaid principal on the loan continued to bear interest and that annual interest payments would be due. It also specified that all other provisions of the original loan agreement remained in force.

5. **Bank Check from Clarence Thomas to Anthony Welters, Dated December 21, 2000, for Motorcoach Payment.** Committee staff reviewed a check from First Union National Bank dated December 21, 2000. The check was from Clarence Thomas to Anthony Welters in the amount of \$20,042.23. The check’s memo line stated it was for a motorcoach payment. According to Committee staff calculations, the annual interest payment on a \$267,230.00 loan at 7.5% interest is \$20,042.25.
6. **A Handwritten Note from Anthony Welters to Clarence Thomas, Dated November 22, 2008.** Committee staff reviewed a handwritten note dated November 22, 2008 from Anthony Welters to Justice Thomas. Welters’ note states that Thomas has been paying Welters interest only on Thomas’s bus for many years.<sup>3</sup> Welters’ note indicates that after Thomas’s upcoming payment, Welters would no longer seek further payments from Justice Thomas on the loan because, according to Welters’ note, Welters believed that Thomas had paid interest greater than the purchase price of the bus, and that Welters did not feel it was appropriate to continue to accept payments even though he had the right to them.

### **Analysis**

Based on the documents reviewed by Committee staff, staff confirmed that on or around December 6, 1999, Anthony Welters loaned Justice Clarence Thomas and his wife Virginia L. Thomas \$267,230.00 for the purchase of a 1991 Prevost Marathon. The loan agreement between Welters and Thomas consisted of a Promissory Note and Security Agreement, and constituted an “interest only” loan with an annual interest rate of 7.5%.

In a handwritten note on Supreme Court stationery, Justice Thomas indicated that he would comply with the terms of the loan agreement to the letter. Thomas made at least one annual payment to Welters in an amount almost exactly equal to the annual interest due to Welters. On the original maturity date of the loan agreement, Thomas executed an extension of the agreement extending the note an additional ten years.

In November 2008, 9 years after the loan agreement was executed, Welters forgave the balance of the loan to Thomas in recognition of the payments made by Thomas which Welters characterized as interest only payments that exceeded the amount of the original loan. While additional documents pertaining to the loan agreement may exist and provide more clarity to the

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<sup>3</sup> The note states that Thomas had been making payments to Welters for “ten plus” years, however at the time Welters’ note was written the agreement had only been in place for nine years.



agreement, none of the documents reviewed by Committee staff indicated that Thomas ever made payments to Welters in excess of the annual interest on the loan.<sup>4</sup>

Based on the documents reviewed by Committee staff, Anthony Welters forgave a substantial amount, or even all of the principal balance of his loan to Clarence Thomas, constituting of the forgiveness of approximately \$267,230.00 of debt owed by Justice Thomas.

### **Tax consequences for Justice Thomas arising from hundreds of thousands of dollars in forgiven debt**

The new evidence obtained by the Committee raises a number of potentially serious tax questions for Justice Thomas. The revelation that Justice Thomas had up to \$267,000 in debt forgiven and failed to repay the entire principal of the loan would have generated a significant amount of taxable income for Justice Thomas.

The tax code makes clear that in instances where debt is canceled, forgiven, or discharged for less than the amount owed, the borrower must report the amount canceled or forgiven as income for tax purposes.<sup>5, 6</sup> The November 22, 2008 handwritten note from Welters to Justice Thomas indicated that Welters felt that Justice Thomas had made interest payments over and above the purchase price of the motorcoach when Welters stopped collecting any further payments from Justice Thomas.

Justice Thomas did not report the forgiven debt on his 2008 Financial Disclosure Report. Since the loan agreement with Welters was first reported in August 2023, Justice Thomas has not provided any information on loan payments made to Welters, or stated whether he properly reported the income from the forgiven debt on his tax returns.

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<sup>4</sup> Representatives for Welters also indicated that they were not currently aware of documents indicating whether Thomas had made payments to Welters in excess of the annual interest payments.

<sup>5</sup> 26 USC 61 “income from discharge of indebtedness” defined as taxable income; 26 USC 108 “Income from Discharge of Indebtedness.”

<sup>6</sup> In certain cases, a forgiven loan may be recharacterized as a taxable gift; however, documents reviewed by the Committee indicate that the loan was intended to be established at arm’s length. Under federal tax law and regulations, bona fide business transfers are presumed not to be taxable gifts, if they are made at arm’s length and free from donative intent. See Treas. Reg. 25.2512-8.