

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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November 7, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

We write with great concern about the escalating ethics crisis at the United States Supreme Court. Specifically, we request that you initiate an investigation into United States Supreme Court Justice Clarence Thomas's apparent failure to report a loan converted into a cash gift of over \$200,000 from a wealthy businessman, a huge payment which was used to purchase a luxury Prevost Marathon motor coach equipped with a kitchen, a bathroom, plush leather seating, and a "bedroom in the back," according to the *New York Times*.¹

When Oversight Committee Democrats raised concerns about undisclosed gifts received by Supreme Court Justice Thomas at a hearing earlier this fall and demanded the Committee investigate the crisis of ethics in our highest court, Republicans remained silent.² Since then, the situation has only grown worse in the face of your passivity.

Public reporting and an October 25, 2023, Senate Committee on Finance memorandum have revealed that Justice Thomas received a previously undisclosed loan of \$267,230 from Anthony Welters, a health care executive and close friend, to purchase his luxury motorcoach, which had an "orange flame motif" and "a large Pegasus painted on the back," according to *New York Times* reportage, in 1999.³ Records reviewed by the Senate Finance Committee show that

¹ *Clarence Thomas's \$267,230 R.V. and the Friend Who Financed It*, *New York Times* (Aug. 5, 2023) (online at www.nytimes.com/2023/08/05/us/clarence-thomas-rv-anthony-welters.html).

² Committee on Oversight and Accountability, *Press Release: Oversight Democrats Rebuke Republicans for Refusing to Address the Crisis of Ethics at the Supreme Court* (Sept. 14, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/oversight-democrats-rebuke-republicans-for-refusing-to-address-the-crisis-of-ethics-at-the-supreme-court>); Committee on Oversight and Accountability, *Hearing on Unsuitable Litigation: Oversight of Third-Party Litigation Funding* (Sept. 13, 2023) (online at <https://oversight.house.gov/hearing/unsuitable-litigation-oversight-of-third-party-litigation-funding/>).

³ Senate Committee on Finance, *Memorandum on Clarence Thomas Did Not Repay Entire Principal on \$267,230 Loan from Tony Welters* (Oct. 25, 2023) (online at www.finance.senate.gov/imo/media/doc/senate_finance_committee_welters_thomas_memo_102523.pdf); *Clarence*

in 2008, “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.”⁴

This is astounding.

Justice Thomas never disclosed the existence of this loan or the forgiveness of the \$267,230 debt.⁵ The failure to disclose this payment is shocking and especially troubling in light of reporting that Justice Thomas repeatedly insisted that he “scrimped and saved to afford the motor coach.”⁶ The episode also raises significant potential tax issues, given that under the Tax Code, as you know, Justice Thomas would have been required to report any debt forgiven as realized income on his personal income tax returns.⁷

Given Oversight Committee Republicans’ recent interest in two loans Joe Biden made to his brother when both were private citizens, in July 2017 and January 2018, each of which his brother repaid less than seven weeks later, we know of your intense interest in the field.⁸

We can only assume and trust that you will be opening an investigation into the disclosure that a sitting Supreme Court Justice received a \$267,230 loan from a wealthy businessman that was never repaid and never disclosed in ethics filings.

Thomas’s \$267,230 R.V. and the Friend Who Financed It, New York Times (Aug. 5, 2023) (online at www.nytimes.com/2023/08/05/us/clarence-thomas-rv-anthony-welters.html).

⁴ *Clarence Thomas’s \$267,230 R.V. and the Friend Who Financed It*, New York Times (Aug. 5, 2023) (online at www.nytimes.com/2023/08/05/us/clarence-thomas-rv-anthony-welters.html); Senate Committee on Finance, *Memorandum on Clarence Thomas Did Not Repay Entire Principal on \$267,230 Loan from Tony Welters* (Oct. 25, 2023) (online at www.finance.senate.gov/imo/media/doc/senate_finance_committee_welters_thomas_memo_102523.pdf).

⁵ *Id.*

⁶ *Clarence Thomas’s \$267,230 R.V. and the Friend Who Financed It*, New York Times (Aug. 5, 2023) (online at www.nytimes.com/2023/08/05/us/clarence-thomas-rv-anthony-welters.html).

⁷ *Id.*; Senate Committee on Finance, *Memorandum on Clarence Thomas Did Not Repay Entire Principal on \$267,230 Loan from Tony Welters* (Oct. 25, 2023) (online at www.finance.senate.gov/imo/media/doc/senate_finance_committee_welters_thomas_memo_102523.pdf).

⁸ *Fact Check: Evidence Supports Democrats’ Case that Joe Biden Made a Personal Loan to His Brother*, CNN (Oct. 31, 2023) (online at www.cnn.com/2023/10/31/politics/fact-check-evidence-supports-democrats-case-that-joe-biden-made-a-personal-loan-to-his-brother/index.html); FactCheck.Org, *Cherry Picking ‘Influence’ Payment from James to Joe Biden* (Oct. 26, 2023) (online at www.factcheck.org/2023/10/cherry-picking-influence-payment-from-james-to-joe-biden/); *GOP Touts Bombshell Biden Payments—But Records Suggest Otherwise*, Messenger (Oct. 26, 2023) (online at <https://themessenger.com/politics/gop-touts-bombshell-biden-payments-but-recordssuggest-otherwise/>); *Another GOP “Bombshell” About Joe Biden Turns Out to Be a Dud*, HuffPost (Oct. 23, 2023) (online at www.huffpost.com/entry/james-biden-payment-joe-biden_n_6536badee4b0689b3fbd8cf1); Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Oct. 26, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.10.26.%20JBR%20to%20Comer%20re.%20Subpoenas.pdf>).

Until now, you and your Republican colleagues have shown no interest in examining the crisis of ethics at the Supreme Court. Indeed, while Democrats, both in the House and the Senate, are pressing for investigation and reform, you have instead opted to use the Committee's power to obstruct others' investigation into these issues.⁹

In the past few months, public reporting has revealed that members of the Supreme Court, including Justice Thomas, have, for years, failed to disclose lavish gifts from wealthy individuals with business before the Supreme Court. This extensive history of Supreme Court justices receiving expensive personal gifts from jurisprudential sugar daddies and failing to disclose them raises profound suspicions among the American people—our bosses—about *quid pro quo* arrangements and rampant influence peddling in the nation's highest court. For example, during his tenure on the Court, Justice Thomas has received hundreds of thousands of dollars' worth of gifts, including flights on private jets, luxury vacations, and private boarding school tuition payments for family members from conservative megadonor Harlan Crow, who has also bankrolled right-wing advocacy organizations with business directly before the Court.¹⁰ For his part, Justice Samuel Alito never reported that in 2008 he received a free trip on a private jet to attend a luxury Alaskan fishing expedition, from Paul Singer, a hedge fund manager with multiple matters before the Supreme Court that Justice Alito repeatedly refused to recuse himself from deciding.¹¹

Shortly before the start of this Congress, you penned an op-ed promising that during your tenure leading the Oversight Committee you would “conduct serious investigations and propose

⁹ Compare Letter from Chairman Jim Jordan, Committee on the Judiciary, and Chairman James Comer, Committee on Oversight and Accountability, to Attorney General Brian Schwab, District of Columbia (Oct. 30, 2023) (online at <https://republicans-judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-10-30-jdj-jc-to-schwalb-dc-ag-re-leonard-leo.pdf>) with, e.g., Senate Committee on the Judiciary, *Press Release: Durbin, Whitehouse Announce Vote to Authorize Subpoenas for Crow, Leo, and Arkley Related to Supreme Court Ethics Reform in Judiciary Committee* (Oct. 30, 2023) (online at www.judiciary.senate.gov/press/releases/durbin-whitehouse-announce-vote-to-authorize-subpoenas-for-crow-leo-and-arkley-related-to-supreme-court-ethics-reform-in-judiciary-committee); Senate Committee on Finance, *Press Release: Justice Thomas Did Not Repay Substantial Portion of \$267,230 Loan, Finance Committee Investigation Reveals; Failed to Report Forgiven Debt on Ethics Filings, Raising Questions About Tax Compliance* (Oct. 25, 2023) (online at www.finance.senate.gov/chairmans-news/justice-thomas-did-not-repay-substantial-portion-of-267230-loan-finance-committee-investigation-reveals-failed-to-report-forgiven-debt-on-ethics-filings-raising-questions-about-tax-compliance); Committee on Oversight and Accountability, *Press Release: Oversight Democrats Rebuke Republicans for Refusing to Address the Crisis of Ethics at the Supreme Court* (Sept. 14, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/oversight-democrats-rebuke-republicans-for-refusing-to-address-the-crisis-of>).

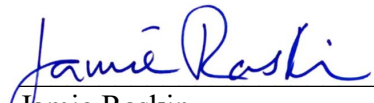
¹⁰ E.g., *Clarence Thomas and the Billionaire*, ProPublica (Apr. 6, 2023) (online at www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow); *Nothing to See Here: Clarence Thomas's Billionaire Buddy Paid for His Grand-Nephew's Private School Tuition*, Vanity Fair (May 4, 2023) (online at www.vanityfair.com/news/2023/05/clarence-thomas-harlan-crow-grand-nephew-private-school-tuition); *Billionaire Harlan Crow Bought Property from Clarence Thomas. The Justice Didn't Disclose the Deal*, ProPublica (Apr. 13, 2023) (online at www.propublica.org/article/clarence-thomas-harlan-crow-real-estate-scotus).

¹¹ E.g., *Justice Samuel Alito Took Luxury Fishing Vacation with GOP Billionaire Who Later Had Cases Before The Court*, ProPublica (June 20, 2023) (online at www.propublica.org/article/samuel-alito-luxury-fishing-trip-paul-singer-scotus-supreme-court).

real reforms.”¹² Surely nothing is more serious than ensuring the integrity of the Supreme Court and the people who serve lifetime appointments on it. This latest revelation that Justice Thomas pocketed a loan of over \$200,000 from a wealthy businessman, which he did not fully pay back and never reported, is yet further proof of the urgent need for thorough and careful investigation into the failure of the pathetic ethics process at the Supreme Court where each justice decides for himself or herself whether they are behaving ethically. Getting all the facts will allow us to work together in crafting thoughtful legislation to ensure public faith in the Supreme Court through true accountability and public transparency.

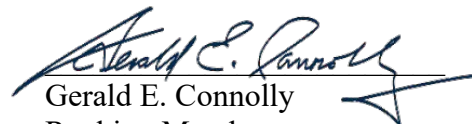
Thank you for your attention to this seriously urgent matter.

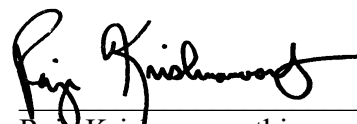
Very truly yours,



Jamie Raskin
Ranking Member



Eleanor Holmes Norton
Member of Congress


Stephen Lynch
Member of Congress


Gerald E. Connolly
Ranking Member
Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation


Raja Krishnamoorthi
Member of Congress


Ro Khanna
Member of Congress


Kweisi Mfume
Ranking Member
Subcommittee on Government Operations
and the Federal Workforce


Alexandria Ocasio-Cortez
Member of Congress

¹² *Get Ready for Republican Oversight*, Wall Street Journal (Dec. 11, 2022) (online at www.wsj.com/articles/get-ready-for-republican-oversight-government-transparency-democrats-gop-border-fentanyl-energy-inflation-majority-covid-11670789661).



Katie Porter
Ranking Member
Subcommittee on Health Care and
Financial Services



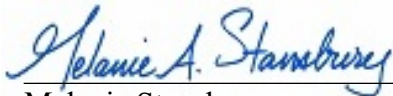
Cori Bush
Ranking Member
Subcommittee on Economic Growth,
Energy, and Regulatory Affairs



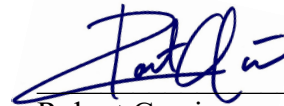
Jimmy Gomez
Member of Congress



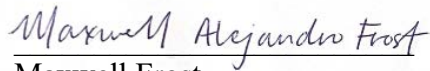
Shontel Brown
Member of Congress



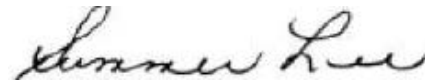
Melanie Stansbury
Member of Congress



Robert Garcia
Ranking Member
Subcommittee on National Security,
the Border, and Foreign Affairs



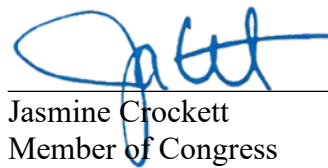
Maxwell Frost
Member of Congress



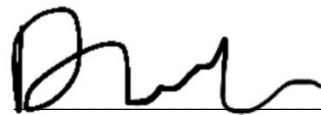
Summer Lee
Member of Congress



Greg Casar
Member of Congress



Jasmine Crockett
Member of Congress



Dan Goldman
Member of Congress



Jared Moskowitz
Member of Congress



Rashida Tlaib
Member of Congress