

JUSTICE CLARENCE THOMAS

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**Location: East Conference Room
Host: Susan Swain, C-SPAN**

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SUSAN SWAIN, HOST, C-SPAN: Justice Thomas, we're sitting in the Supreme Court conference room for this conversation, do you have a memory of the first time you ever walked inside this building?

CLARENCE THOMAS, ASSOCIATE JUSTICE, UNITED STATES SUPREME COURT:
Gosh well I do. I was a Hill staffer in the Russell Senate Office Building in the early 1980s, probably, it may have been even as early as 1979. And I loved the city. I would walk over to the Library of Congress, the then-new Madison building and I poked my head in this building one day and was overwhelmed by what I saw and I immediately left. I only got as far as the Great Hall.

SWAIN: Why was that?

THOMAS: You know, the Supreme Court is special. It was special when I was a kid, it's special for what it's done, what it symbolizes and unlike the Library of Congress -- I love libraries -- it's just interesting. The Supreme Court was awesome in a sense that it was someplace -- 'maybe I'm not supposed to be here.' And, I was relatively young. But that was my first foray into the building and I didn't come into it again for a number of years. And eventually I came to a few events here and just briefly before I was nominated, one of my

former law clerks took me on a very, very brief tour of the building, but that was about it before I came as a member of the Court.

SWAIN: And in any of those visits, do you remember feeling aspirational, like this is a place I could be someday?

THOMAS: Oh goodness, no! No. This was not something that I could look forward to or think about. I had actually not thought about being a judge. The irony was that I had been approached about considering becoming a member of the Missouri Supreme Court in my early thirties. And I thought that was far too young, and I did not know whether or not I wanted to be a judge. I didn't think I did.

SWAIN: Why does age matter when you are a judge?

THOMAS: Oh, I think at some point, maybe we all mature at different rates, we probably do. But I do think there are decisions that we make at forty or fifty that we would not have made at twenty or thirty. I think that you have judgment that comes from having had the experiences, and experience that you don't have in your early years.

SWAIN: I was interested in the tour that your former clerk gave you of the building. When you take people on tours, where are the places that you like to take them?

THOMAS: Oh, I don't do tours like that.

SWAIN: Not even for friends and family?

THOMAS: No. I really can't say I do, much. But, the whole building is special to me. The people in the basement of the building, to me, especially. Every room is special. The various gardens around here are special. I think that if I had to envision what a Supreme Court should look like, this is it. I wouldn't change anything. There are some times, when particularly in my early years, you know you're here late at night, you didn't have all this connectivity that we have now where you're free to work at home, but you get drained. You are tired. You're kind of wondering, 'Why am I doing this?' And I would just simply leave the building and go around front and look at this institution from that side. And it's hard not to get goose bumps, or it's hard not to realize that this is much larger than me.

I can remember when I first got here and I was relatively young in those days. Justice Powell and I went to lunch, I believe at the Monocle, and we were returning and he looked at this building. Of course at that time he had retired from the Court and was in quite questionable health and was rather frail. But he loved --we were the two southerners on the Court, so we loved to have lunch and to chat. And he looked at this building as we approached it and he said, "Once you think you belong here, it's time for you to leave." Meaning, that this institution and what it represents and what we do is much larger than us. And I think the building reflects that. It says to each of us that it is much larger than us.

SWAIN: Could you speak a little bit about, you said it was the perfect building and I'm sure in the course of your work over the years, you've visited both state supreme courts and high courts in other countries. What is it about what the architect captured in this building that symbolizes the work of the Court?

THOMAS: I think, I'm not an architect, and I'm not an artist.

SWAIN: I understand, but it appeals to you, so something about it sings to you. What is it?

THOMAS: Well, it gives you that sense that there's something that transcends just the mundane part of the job. That there's an ideal that's beyond the day to day, back and forth, the disagreements, the opinion work, the reading of briefs. I remember when I first got here, Senator Danforth came over when the Chief Justice, Chief Justice Rehnquist, was swearing me in. And he looked at the rows of briefs that had to be read and joint appendixes, and he said, "Clarence, this looks really boring." But maybe the mundane part of it is, but it's for a good reason. And I think this building, just look at it, the architecture, the rooms, just the atmosphere, how quiet it is, how serious it is, it says to you that the work is important. I think the danger is that sometimes you can come into a building like this and think it's all about you, or that you're important. And that is something that I don't think works well with this job. And I think that's the point Justice Powell was making. But as far as the architecture and the specifics of that, I don't know enough about architecture to tell you. It's just, it gives you the sense of the awesomeness of the institution and the work.

SWAIN: Well let's move on to the work. Would you describe your reflections on the role of the Court in our society today?

THOMAS: Oh, I don't know. I think, I happen to think that our job is to decide cases. We're Article III judges. And maybe sometimes, there are so many problems that come our way, and issues and questions that come our way, that we have a larger role than the Framers envisioned. But it's certainly one of the three branches, we're part of the top of one of the

three branches of government. Beyond that, deciding important things about our society, I don't have a particular view that we're larger than life or anything like that.

SWAIN: Can you tell me about your job?

THOMAS: Which part?

SWAIN: Well, describe what you do.

THOMAS: I decide cases. That's it.

SWAIN: But there's a lot of process that goes into that stuff.

THOMAS: Well there is. There is, you're right. And that's the mundane part. You remember years ago there were several T.V. programs about the Court and they were supposed to be sitcoms. And I just wondered, 'Who in the heck's going to watch that?' Because most of it is rather sedentary. You come in; you sit; you get your work done. When I first got here Justice White said that you have to get a system. So you develop a system to approach every case, because there is nobody to tell you when to start. There's no game plan that's sent out by anyone. There's no timeline. You know when the sittings are, you know what cases are going to be dealt with, you know when we're going to have our conferences. And you must get it done. You must get your *cert* work done, you must get your opinion writing done, etc. I usually divide the work into three categories: You have to decide which cases come here; you decide those cases; and then you write opinions. And you agree or disagree with opinions. That's it. You continue throughout the year, reviewing the *cert* petitions -- those

are the requests. Most people think they have a right to come to the Court. For the most part you don't, not this Court, maybe the Court of Appeals, you normally do, maybe the state courts of appeal and courts that don't have discretionary jurisdiction, the courts of last resort--maybe they have a right to go to those. But here, most of our jurisdiction is discretionary. In other words, we decide if you come.

We receive about nine thousand requests a year. In the last few years we've taken around eighty cases. Now, there's a process of sorting through that. I like to go through all of those requests. We do that in short memoranda--they're not so short. There are memoranda we call pool memoranda. Two of the members of the Court are not in the pool, in other words, we don't share that memoranda with them, or the memorandum, with them. But I go through all nine thousand of those. That's just a regular process. You do that almost every day. And during the year, I like to have that done on the weekend before the conference, which is normally on Friday. So, that's a part of your workday that you don't normally think about. It's routine, it's like brushing your teeth. And it's continuous. As far as preparing for argued cases, those are the ones that we've said we will hear. There are two ways that cases are argued, in writing and then in the courtroom, that's our oral argument.

In my view, most of the heavy lifting, most of the work, is done in the written briefs -- written arguments by the parties. They're usually over fifty pages per side and we have done this before and we've...a lot of these areas we've worked on before. Whether it's the Fourth Amendment, the Fifth Amendment, whether its First Amendment, you're getting another iteration of an old problem. You're getting another view, another aspect of it, but it's not brand new. This is not Perry Mason, this is not some mysterious thing going on. We know where the law is going and this is just another part of it. You read the briefs and I have what I

call, with all four of my law clerks, a clerk conference. So we actually debate it back and forth. Out of that, we prepare what I call a 'disposition memorandum.' That becomes sort of a decision tree of how the case is going to be, my view of the case. We have all of this before oral argument.

You go to oral argument, and I don't find those as useful now, because I think there are far too many questions. We all learn differently. So, some members of the Court like that interaction, it helps them learn and process what they have been thinking on. I prefer to listen and think it through more quietly. Each to his own. After oral argument I go back, I meet again with my law clerks and again we think about, is there anything new from oral argument to add to the equation? Usually there are a few things, but nothing that totally changes what we've done, based on the briefs. After that, we finalize our disposition memorandum. We go to conference, the cases that we hear on Mondays, that are argued on Mondays, are decided on Wednesday afternoons. The cases that are argued on Tuesday and Wednesday are decided on Friday morning.

I go to conference with this disposition and that's the explanation for the vote. The senior member in the majority vote --it's normally the chief justice-- assigns who's going to write the opinion. You get the opinion, now I already have an outline, together with my notes from conference, and, just like we were taught in the eighth grade, you have an outline for your essay. You already have an outline for the draft opinion. And that's basically the process. You go through the draft, it gets circulated and then it's finalized.

SWAIN: Now, do you mind if I pick that apart just a little bit to learn more about those steps?

THOMAS: Yes, you sure can.

SWAIN: Let me start with the petitions for *cert*, as its called, *Certiorari* --cases you will decide to hear. The volume versus the number selected. The volume of petitions keeps growing; it seems as though the number of cases heard continues to lower slightly each year. Why is that? Does the Court hear the appropriate number in a term?

THOMAS: We hear what's *cert*-worthy. What four members, it takes four votes to decide what comes up here. When I first came on the Court, we had about 120, about 110 or so. I like that number. I think that's a good number.

SWAIN: Why do you like it, what's the difference?

THOMAS: It keeps you busy. You hear four cases a day, rather than two. It really pushes the process. The problem is this: We only take what we call is *cert*-worthy. There has to be a significant federal issue, there is usually some confusion with the lower courts, with the courts of appeal, state courts of last resort. I can assure you that there may be one or two that I would quibble with per term, but there isn't some huge list to make up the difference. The number reflects what's *cert*-worthy. Maybe it's that the courts of appeals are more in agreement, maybe there hasn't been any major legislation that changes the landscape. When I first came on board you had the bankruptcy act, you had ERISA. But you, there are not sea of changes going on out there. None of us, and again our mandatory jurisdiction has been basically eliminated, or it's minimal now. You don't have that big pocket, so I can't explain it and I don't think anyone can. Anything we say would be speculation. There is no desire to

reduce the numbers on my part or, to my thinking, in anything I've seen on the part of any of my colleagues.

SWAIN: Some of the other justices we've talked to have particular areas of review that they find more interesting, stimulating, intellectually challenging. Do you? Are there certain parts of the Constitution for example that you love to dig into and get another opportunity to visit with a case?

THOMAS: It goes against my nature to want to make big decisions about other peoples' lives. That's my job. I do it. So I can't tell you that I look forward to wading into these 'exciting' areas. I look forward to watching my Nebraska Cornhuskers, but I'm not going to say I look forward to.... this is about our country and our Constitution. I get sort of my game face on. This is our job. The cases that I am perhaps most excited about are the ones that have the least impact on people's lives. That then relieves you of some of that burden. But the way I try to do it, is not so much to get some exhilaration from it, but to be faithful to the Constitution, to be faithful to the oath that I took to uphold it, to interpret it. And the exhilaration I get is at the end of each term to be able to say that I gave it my best shot.

SWAIN: Will you talk about the recognition that your work affects people's lives? What you just said, the cases that you prefer the cases that don't directly have an impact on the ways people live their lives. Why is that? Let me understand what you are saying there.

THOMAS: Well, I think that when you look at our country, some of the decisions that we make, interpreting the Constitution -- people win, people loose, and they have tremendous impact. You have changes in the Constitution. You have cases involving detention. You have

cases involving execution of other human beings. You have cases involving our sentencing system; criminal justice system; First Amendment; what can be seized from other human beings, fellow citizens. I don't get joy out of making decisions like that. What I do get a fulfillment from is living up to the oath to do it the right way. And to know that on behalf of my fellow citizens I've tried to be faithful to their Constitution, to our Constitution. That's where the exhilaration comes, living up to the oath that I took, and the obligations that I have under Article III.

SWAIN: Let me move to argument. You referenced the fact that you listen during argument, much has been made of that by court observers. We've read and heard from other justices that sometimes the arguments are used for the justices to communicate with one another, telegraphing their opinions through the kinds of questions and areas they explore. Do you find that happening a lot as well?

THOMAS: I have no idea.

SWAIN: Do you pick up cues from other justices about where they're going with a particular case from the questions they ask?

THOMAS: Not really. I think, I guess I view oral argument a little bit differently. I think it's an opportunity for the advocate, the lawyers, to fill in the blanks, to make their case, to point out things perhaps that were not covered in the briefs or to emphasize things or to respond to some concerns, that sort of thing. In other words, to flesh out the case a little better, to get into the weeds a little more. I think we're here, the nine of us, and we can talk to each other any time we want to. I just wouldn't use that thirty minutes of the advocate's time to do that,

to talk to each other. But again as I said earlier, we all learn differently, you know. My bride would learn, when she was in school--she's more interactive, I'm not. I was never that way. I don't learn that way.

When I first came to the Court, the Court was much quieter than it is now. Then perhaps, it was too quiet. I don't know. I liked it that way because it left big gaps so you could actually have a conversation. I think it's hard to have a conversation when nobody is listening, when you can't complete sentences or answers --perhaps that's a southern thing. I don't know. But I think you should allow people to complete their answers and their thought, and to continue their conversation. I find that coherence that you get from a conversation far more helpful than the rapid-fire questions. I don't see how you can learn a whole lot when there are fifty questions in an hour.

SWAIN: Let me move to the process of conference because it still feels mysterious.

THOMAS: It should be.

SWAIN: Because that's the place where all of you are behind closed doors and none of the rest of us ever get to see it. Can you tell me what happens in that room?

THOMAS: You know, it should be mysterious. I can still remember the first time I set foot in that room and those doors closed. I mean, my goodness, it's pretty daunting the first few times. Because that's where the actual work and the decision-making takes place. It's just the nine, there's no staff, no recording devices. And we vote in descending order of seniority. It is a process in this city, normally when I was a staffer, you always had assistants around.

And, people are engaged --they actually talk about the case. They actually tell you what they think and why. You record the votes. And there's some back and forth-- there's more now. When Chief Justice Rehnquist was here, he moved it along very quickly. Now there's more back and forth, more discussion. We normally have one break and there's more discussion, off to the sides, about cases. And to see people who are trying their best to decide hard things and feel strongly about their view of it, is fascinating. And the thing that's been great is, I just finished my 18th term, and I still haven't heard the first unkind word in that room. And you think what we've decided--life and death, abortion, execution, war and peace, financial ruin, government relationship with citizens. You name it. We've decided it. And I still have not heard the first *ad hominem* in that room. It is an example of what I would have thought decision-making would be at the higher levels of civil government in all parts of our country.

SWAIN: What ensures that decorum?

THOMAS: The human beings on this Court, and people who, in one way or another, one degree or another understand that it's not about them. It's about the Constitution, our country, and our fellow citizens, that they don't take themselves as seriously as they take the work of the Court.

SWAIN: We've learned a lot about the many traditions this Court holds and its processes that are passed down from Court to Court. And some of those happen in the conference room, such as the handshake. How important are symbols and traditions to the process that happens here?

THOMAS: I think the handshake, whether you're in sports or church or other activities, it means something. It still means something. We can sense when somebody's phony and they don't mean it. These people, in this room, are genuine. It's warm and professional. There's always a handshake before we go on the bench. When we see each other and we haven't-- its the first time during the day-- we always make sure to shake hands, whether it's in public or in private. There's sort of a sense of courtesy and decency and civility that's a part of it.

On the days that we work, whether we're on the bench or we are in conference, we go to lunch together. In the early years when I first came here, we had that lunch in a small room off the main dining room. Justice O'Connor insisted that we have lunch every day when we were sitting. And she insisted, "Now Clarence, you should come to lunch." And she was really sweet, but very persistent. And I came to lunch-- and it was one of the best things I did. It is hard to be angry or bitter at someone and break bread and look them in the eye. It is a fun lunch; very little work is done there. It's just nine people, eight people, whoever shows up having a wonderful lunch together. It is wonderful. So the traditions, I think, are important. It's like traditions in our society, in our culture. They developed over time for a reason. And it helps sustain us in the other work that we do, I think. They help sustain us.

SWAIN: Now, the chief makes the assignment as to who will write the opinion after you've taken your initial round of voting. He told us, I can't think of a better word but, that he tries to be judicious in handing out the assignments. And do you ever have a sense of "I hope he picks me" or do you indicate to him or lobby that this is one you'd really like to tackle? How does that work?

THOMAS: No I don't. I think Chief Justice Rehnquist approached me and said years ago, he said that I had not lobbied him for anything and was there anything I wanted. And I said well, there's this Missouri sales tax case I really like, because that's where I started. But I truly believe that it's, that the chief justice is fair in what he does. It's his job to make the assignments. If we're on the same side, I write the opinion. And I try to be faithful to the conference in drafting the opinion. But I don't lobby for opinions.

The only time I would ask for assignments is if I have a work imbalances in my chambers. But other than that, I don't lobby, 'I want this opinion because I think I'm the best person to write it.' It might be one where the Court is a little bit fractured and I think I have a way of pulling us together. But that's not an ego thing; that is, 'Lets get this done and maybe we can get everybody on board if I try this way.' Then if you can't, then at least you've given it the college try. I don't really lobby for it.

SWAIN: Do you intellectually approach the writing of a majority opinion differently than you do a dissent?

THOMAS: Oh yes, I mean, you are an agent of the majority when you write the majority opinion -- that's the way I approach that. And what you try to do is... let's say for example that, alone... and I'll put it numerically, so it's easier to follow, to get to. Let's say I would go the same direction, but I'd go eighty yards. But the majority only wants to go sixty, and sixty would decide this case, too. So, I would write the opinion to go sixty and not say anything about what I would also go for the other twenty yards. Now if I were writing a concurrence or dissent on my own, I would write the opinion in a way that reflects that I would go eighty. So we're going the same way. I could not write an opinion that went in a

direction that was different from what I actually thought we should go. But you have to make adjustments in the approach to the opinion to reflect the views of the majority. And if you can't do that, then you shouldn't write the opinion.

SWAIN: What do you think of, do you read the major and long time reporters who cover the Court? Do you read their work?

THOMAS: I rarely read anything about... that's current events about the Court.

SWAIN: I'm wondering about you think about the quality of the reporting about this institution. Do you have an opinion of that?

THOMAS: There's a reason why I don't read it. They are wonderful people out here who do a good job like...do a fantastic job... like Jan Greenburg, but I normally do not follow current events. I might look at a few things at the end of the term or that's been brought to my attention. But I don't want to get distracted. It's like a lot of the really good athletes don't read press clippings. I don't read the ups and downs. My job is to decide cases. People can write what they want to write about it. And I think that's up to them, but my job is to decide cases.

SWAIN: So staying out of current events in the years since you've been appointed when a new associate justice is up before the Senate for confirmation, do you follow that process at all?

THOMAS: Only what I can't avoid. I did not have a fond experience up there -- I just don't wish that on anyone. And also, something Justice White said when I first got here has stuck with me -- 'that it doesn't matter how you got here; It matters what you do after you've gotten here.' That has always stuck with me. The members of the Court appointed by different presidents, when they walk in this building they become a part of the nine. And we work with them. So, the most important thing is that they're good people who are conscientious and try to do the job in the best way they can consistent with their own. And I respect that. I have to respect that, believe that they will do that. Agreement isn't a consideration. That's why you have elections. They don't have to agree with me. Because I'm certainly not going to agree with them, just to be agreeing with them. But I don't really follow that.

SWAIN: The Court's about to welcome a new associate justice. How long does it take? You talked about walking into conference for the first time. When you've watched new justices come on board since you've arrived, how long does it take before they get it?

THOMAS: Oh I don't know. I think we all learn at different paces. But when I came to the Court, I asked that same question, because it was very important to me to figure out when would I get my sea legs. And the common year number was five years.

SWAIN: Five years?

THOMAS: And Justice White would often say, it takes about that long to go around the full horn of all the cases, the kinds of cases that we get. That was their number. That may be about right. That doesn't mean you can't do your work. It just means that things are still new for the first five years. You may not have had as many original jurisdiction cases involving

water rights or boundaries. You may not have had a lot of admiralty cases. So you get all of that. It was Chief Justice Rehnquist, when I was complaining, 'Oh my goodness, what am I doing here?' It was my first year, you know. I would look around me and see people like him who'd been here, at that time, for three decades. I'd see Justice White, who was legendary; Justice O'Connor. And he said "Well, Clarence, in your first five years you wonder how you got here. After that, you wonder how your colleagues got here." I don't know whether that's true, exactly, but it certainly is an indication that that five-year period was fairly well accepted as the break-in period.

SWAIN: What effects the tenor of any particular court more, the composition of the Court overall--the new justices coming in, or the chief who leads it?

THOMAS: You know I don't know. I think that they're separate things. The chief is the chief. Chief Justice Rehnquist's style was different from Chief Justice Roberts' style. Chief Justice Roberts is more of a contemporary. Chief Justice Rehnquist could have been my father from a standpoint of age. So there is quite a difference in a lot of things. He was more of, 'let's keep the trains running.' Chief Justice Roberts does not push like that.

As far as the composition of the Court, you're bringing in basically, and this word can be overused, you're bringing in a family member. It changes the whole family. It's different. It's different today than it was when I first got here. And I have to admit, you grow very fond of the Court that you spent a long time on. There was a period there with Chief Justice Rehnquist, and Justice O'Connor when we had gone...we had a long run together. And you get comfortable with that, and then it changes. And now, it's changing again. So, the

institution, the nine's different; your reaction is different; you get to learn each other. You have to start all over. The chemistry is different.

SWAIN: You've referenced Justices with whom you've served. Are there any throughout history that you find that you refer to frequently as giving you good guidance, good intellectual direction or were particularly significant on the operation of the Court?

THOMAS: I find people I've served with and the member of the Court that I refer back to is the first Justice Harlan. I just find his dissent in *Plessy vs. Ferguson*, where he admits his own biases, but this document, this Constitution knows no caste. You know, that I might have a particular view; I might have a bias-- but not this document. That, to me, is judging. To admit that you may have a weakness or a problem, but we can't read that into this document. The two are separate.

The members of the Court with whom I've served have been wonderful to me. You learn from people who are around you. And you learn from Justice O'Connor, a wonderful friend. There's no sadder day around here than when a member of this Court leaves. When Justice Souter announced that he was leaving—remember, I've served eighteen years with him, almost eighteen years with him. He becomes your friend. You know, you don't have to agree, but he's your friend. When you hear one of your colleagues is sick, it's one of your family members who's sick. So much is made of whether we agree or disagree. Can you think of any human being with whom you agree on everything? Large or small, doesn't happen. But there are people you feel a closeness with, people that you've done a job with, people that you've been through difficult decision making processes with. You feel a

closeness and you've done it in a way that you think has been respectful to each other and to the institution and to your fellow citizens.

SWAIN: Let me move to the Court and the public. We've just recently conducted, with the help of a Washington public opinion firm, a survey of a thousand-plus Americans on the Court. Just a few questions that we asked, but it's interesting that when asked to name any sitting justice a majority of the respondents could not name one. What's your reaction to that? Is that appropriate?

THOMAS: Well, I think that that may be a reflection on the way we teach civics. I don't think that everyone has to know who we are. I think I would prefer that they know a few of us who are making big decisions that affect their country and their lives. We were, when I was a kid, we took civics and we were required to learn those basic things. But, it may be, it's not the best news, but I would prefer that they know a little bit more about their Court.

SWAIN: Does it speak at all to the level of visibility that the Court has as opposed to the teaching of justice?

THOMAS: Well do you, I don't know how many of those people also knew who their Congressman was, their member of Congress was.

SWAIN: Sure, we didn't ask that question. So I can't tell you.

THOMAS: But I, I don't think the Court should necessarily get into everyone's, every aspect of their lives. I don't think that, maybe people shouldn't know who all the federal judges are

in their district. Maybe we shouldn't be anymore visible than we are. We're not politicians. I don't think we have to be that public. We should do our job. We should be as an institution, you know, the Supreme Court. They're aware of the Supreme Court. Maybe that should be enough, you know. I'm the 106th member of the Court. And I think sometimes that we make too much of who's here now because you know when you go back it's hard to remember who was here before, you know. Challenge people: name me twenty dead members of the Court. And I think they would be hard pressed, even people who consider themselves court followers.

SWAIN: Well to that end, of the minority of the respondents who could name any justices, three were named. You were among the three. When you go out here, outside of this place are you frequently recognized?

THOMAS: Oh, goodness yes.

SWAIN: Are you?

THOMAS: Oh yes, the anonymity is gone. That is probably, or was probably one of the more difficult things to accept, the sort of lost anonymity, the ability to walk down the mall unnoticed or to go to Home Depot noticed.

SWAIN: Because the confirmation hearings?

THOMAS: No. Those have been 18 years ago.

SWAIN: Right. That's what I was thinking.

THOMAS: But, no it's still, you know I'm the only black guy up here so it's easier to recognize -- I think like when Justice O'Connor was the only woman -- to pick one person out who's different. Maybe that's part of it. And I think that I've enjoyed such positive press and notoriety. So, I think that may be a part of it. I have no idea.

SWAIN: When people come up to you what are the interactions like?

THOMAS: It's always very pleasant. They're very nice people. There are nice people, good people, all over this country. One of the things that happens up here is we tend to be very heavily Northeastern in our mentality. Eight of the nine of us are from Ivy League schools. This Court doesn't represent all regions of the country. There's a tendency, there's an easiness to sort of stay, to be almost cliquish in that way, with law clerks etc. I like the idea of getting out to be around the real, the citizens, the other citizens in the country, people who make it all work, people who put out our fires, who build our homes, people who fight our wars. I like being around them. I also like the idea that their kids can come up here and clerk, that they can be a part of all this.

So yeah, I've lost the anonymity and I would prefer to have that back, but that's not going to happen. But the good part is to have people like, regular people, come up and talk with you, and talk to you. And there's some wonderful exchanges. I take my clerks to Gettysburg every year and a gentleman came up, he was out of breath, and he had a maritime commission case. He was waving it. He had it on this parchment like paper. He had my opinion. He said, "Would you sign this for me?" I said, "Why, why are you even reading this opinion?" He

said, "That's what this is all about." I said, "The maritime commission case?" Or, you have someone who comes up and says thanks for writing your opinions in a way that I can understand it. Notice, he didn't say he agreed. But he can understand them. In other words, the Constitution has become accessible to him again. The laws about his Constitution are accessible to him. That's what we try to do, to make sure that those people who, sort of, come up to you, have a part of this institution, and feel a part of this institution. So, it's not all mysterious, as you say the conference room is.

SWAIN: So, the idea that in the summer times and breaks that you get into that motor coach that you own and go out around the country, that's intentional? To get out...

THOMAS: Oh yes. That's why, initially that was one of the reasons I wanted to go. I had never really seen my home state much. And I wanted to ride around. Someone said the nicest people in the country are in RV parks. I have found nothing, in almost ten years of doing this, I've found nothing to disagree with them about there. They've been nice. They're neighborly. They're friendly. They're good people. They don't have to, they're not like.... We seem to be at each other's throats in this town. In the country there's still a bunch of people out there who sit down and have a cup of coffee and talk about the game or the weather, how good the country is, problems that we all have, and maybe be a little bit more civil with each other.

SWAIN: Do you think you judge differently as a result of those trips?

THOMAS: I think my focus is more on regular citizens when I judge in these cases, and my fellow citizens. It's not on who writes about us. It's not about who writes law review articles or teaches con law. It's on the guy who came up to me at Gettysburg, or the man who you

run into at Home Depot, or the person who has just returned from a war, or the person who teaches your kid. These are, I think, the experiences, in the motor or the RV parks, in the truck stops, the rest stops, the things that stay with you, that you say, you ask me about opinions that you are exhilarated about. But what exhilarates me are meeting those people and letting them know that this member of the Court enjoys the same things they enjoy. And this member of the Court is willing to be where you are, in this RV park enjoying the simple things about this country, and is willing to listen to what you have to say, not about the cases, because that's not what we argue, but about our country and about things that we have a mutual interest in.

SWAIN: Associate Justice Clarence Thomas, thank you so much for the conversation.

THOMAS: Well thank you.