

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

September 29, 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:

Widespread reporting, including a recent report in *The New York Times* titled "Friendship of Justice and Magnate Puts Focus on Ethics," raise grave concerns about the failure of Justice Clarence Thomas to meet various disclosure requirements under the Ethics in Government Act of 1978. Based upon the multiple public reports, Justice Thomas's actions may constitute a willful failure to disclose, which would warrant a referral by the Judicial Conference to the Department of Justice, so that appropriate civil or criminal actions can be taken.

Due to the simplicity of the disclosure requirements, along with Justice Thomas's high level of legal training and experience, it is reasonable to infer that his failure to disclose his wife's income for two decades was willful, and the Judicial Conference has a non-discretionary duty to refer this case to the Department of Justice.

Throughout his entire tenure on the Supreme Court, Justice Thomas checked a box titled "none" on his annual financial disclosure forms, indicating that his wife had received no income, despite the fact that his wife had in fact earned nearly \$700,000 from the Heritage Foundation from 2003-2007 alone.

Furthermore, an investigation conducted by *The New York Times* has revealed that Justice Thomas may have, on several occasions, benefited from use of a private yacht and airplane owned by Harlan Crowe, and again failed to disclose this travel as a gift or travel reimbursement on his federal disclosure forms as required by the Ethics in Government Act of 1978.

Justice Thomas's failure to disclose his wife's income for his entire tenure on the federal bench and indications that he may have failed to file additional disclosure regarding his travels require the Judicial Conference to refer this matter to the Department of Justice.

Section 104(b) of the Ethics Act requires the Judicial Conference to refer to the Attorney General of the United States any judge who the Conference "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." If the Judicial Conference finds reasonable cause to believe that Justice Thomas has "willfully falsified or willfully failed to file information to be reported," it must, pursuant to §104, refer the case to the Attorney General for further determination of possible criminal or civil legal sanctions.

Particularly as questions surrounding the integrity and fairness of the Supreme Court continue to grow, it is vital that the Judicial Conference actively pursue any suspicious actions by Supreme Court Justices. While we continue to advocate for the creation of binding ethical standards for the Supreme Court, it is important the Judicial Conference exercise its current powers to ensure that Supreme Court Justices are held accountable to the current law.

As a result, we respectfully request that the Judicial Conference follow the law and refer the matter of Justice Thomas's non-compliance with the Ethics in Government Act to the Department of Justice. We eagerly await your reply.

Sincerely,



Louise M. Slaughter  
Member of Congress



Earl Blumenauer  
Member of Congress



John Conyers, Jr.  
Member of Congress



Donna F. Edwards  
Member of Congress



Keith Ellison  
Member of Congress



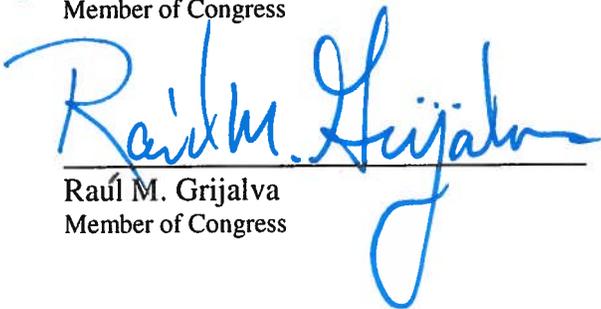
Anna G. Eshoo  
Member of Congress



Bob Filner  
Member of Congress



John Garamendi  
Member of Congress



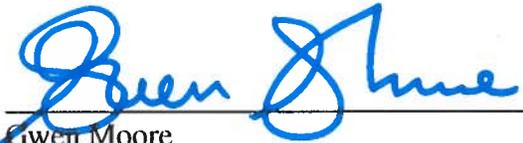
Raúl M. Grijalva  
Member of Congress



Mike Honda  
Member of Congress



Jesse L. Jackson, Jr.  
Member of Congress



Gwen Moore  
Member of Congress



Chris Murphy  
Member of Congress



John W. Olver  
Member of Congress



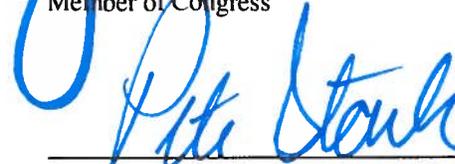
Ed Perlmutter  
Member of Congress



Jan Schakowsky  
Member of Congress



Jackie Speier  
Member of Congress



Pete Stark  
Member of Congress



Paul D. Tonko  
Member of Congress



Peter Welch  
Member of Congress