Slaughter, 19 Colleagues, Call for Investigation into Justice Thomas's Non-Disclosure

Under Law, Judicial Conference Must Refer Issue to US Attorney General

WASHINGTON – Congresswoman Louise Slaughter, Ranking Member of the House Rules Committee, together with 19 Members of Congress, today sent a letter to the Judicial Conference, requesting that the Conference follow the law and refer the matter of Justice Clarence Thomas's non-compliance with the Ethics in Government Act of 1978 to the Department of Justice. Throughout his entire tenure on the Supreme Court, Justice Thomas has 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.

Slaughter said, "To believe that Justice Thomas didn't know how to fill out a basic disclosure form is absurd. It is reasonable, in every sense of the word, to believe that a member of the highest court in the land should know how to properly disclose almost $700,000 worth of income. To not be able to do so is suspicious, and according to law, requires further investigation. To accept Justice Thomas's explanation without doing the required due diligence would be irresponsible."

Section 104(b) of the Ethics in Government 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.

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. The Heritage Foundation was a prominent opponent of the Affordable Care Act, an issue that is expected to be considered by the Supreme Court in the near future.

Slaughter said, "The Attorney General would be the appropriate person to investigate the issue of non-disclosure, and that is why my colleagues and I are making this request today. I cannot determine guilt or innocence, but I can request that the government do our due diligence in investigating a situation that strikes me, and many other Members of Congress, as suspicious."

The full text of the letter is below.

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 Crow, 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,

Rep. Louise Slaughter

Rep. Jesse Jackson Jr

Rep. Gwen Moore

Rep. Mike Honda

Rep. Earl Blumenauer

Rep. Christopher Murphy

Rep. John Garamendi

Rep. Pete Stark

Rep. Raul Grijalva

Rep. John Olver

Rep. Jan Schakowsky

Rep. Donna Edwards

Rep. Jackie Speier

Rep. Paul Tonko

Rep. Bob Filner

Rep. Peter Welch

Rep. John Conyers

Rep. Keith Ellison

Rep. Anna Eshoo

Rep. Ed Perlmutter