

New Details Emerge; Also Delivers Petition From 130,000 Americans to US Judicial Conference

WASHINGTON – Congresswoman Louise Slaughter (NY-28) Ranking Member of the House Rules Committee today sent a follow-up letter to the US Judicial Conference requesting that the matter of Justice Clarence Thomas's failure to disclose required financial information be referred to the US Attorney General.

The letter, signed by 52 Members of Congress, was drafted after new details emerged showing Justice Thomas correctly disclosed his wife's income for at least 7 years before failing to disclose the same information between 1997-2007. Other records, filed by Mrs. Thomas' employers, indicate she was paid at least \$1.6 million (previously known to be approximately \$700,000) during the years her husband reported she had no income. Willful failure to disclose required information would be a violation of the Ethics in Government Act of 1978.

Said Slaughter, "The new details that have emerged show that Justice Thomas had a firm understanding of the steps necessary to properly disclose all information required by federal law. Knowing this, his failure to properly disclose financial information between 1997 and 2007 is even more curious. It is high time that the appropriate authorities fully investigate this issue to determine if his failure to disclose this information was willful."

In addition, Rep. Slaughter delivered a petition that had been circulated by CREDO Action, calling for similar action. The petition was signed by 131,386 Americans, and called on the Judicial Conference to refer the issue of Justice Thomas's non-disclosure to the US Attorney General for further action.

Of the petition, Slaughter said "CREDO Action members have played a huge role in our efforts to hold Justice Thomas accountable. This petition is proof that the American people care deeply about the integrity of their courts. Regardless of one's title, no one should be above the law."

Between 1997 and 2007 Justice Thomas checked the box "none" for spousal income on his annual financial disclosure forms, despite the fact that Virginia Thomas earned income from several organizations during this time period, including the Heritage Foundation. When the

inaccurate disclosures were made public, the Justice amended his forms and stated that he had misunderstood the reporting requirement.

Newly found copies of old disclosure forms indicate that Justice Thomas had properly completed his disclosure forms for at least 7 years before he began checking "NONE" on the section seeking details about his wife's employment. Those copies also indicate that Justice Thomas failed to make proper disclosures for a total of 13 years (previously known to be at least 5). Other records, filed by Mrs. Thomas' employers, indicate she was paid at least \$1.6 million (previously known to be approximately \$700,000) during the years her husband reported she had no income.

The Ethics in Government Act of 1978 requires the Judicial Conference, an administrative agency for the federal courts, to refer to the Attorney General any judge or justice whom it has "reasonable cause" to believe willfully failed to make required disclosures.

Slaughter has previously worked to bring clarity to the questions surrounding Justice Thomas's failure to properly disclose financial information.

On September 29th, Slaughter led a letter of 20 Members of Congress asking the Judicial Conference to take action regarding Justice Thomas's apparent violations of the Ethics in Government Act. On October 14th the Judicial Conference replied to report that this letter was referred to Judicial Conference Committee on Financial Disclosure.

With today's letter, Slaughter continues her efforts to seek appropriate answers to the outstanding questions regarding Justice Thomas's financial disclosure.

[View the petition from CREDO Action here.](#)

[View the September 29th letter from 20 Members of Congress to the Judicial Conference here.](#)

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[View the October 14th response from the Judicial Conference here.](#)

[View the letter from Slaughter and 51 Members of Congress below. For a full list of signers, click here.](#)

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,