

September 16, 2024

The Honorable Robert J. Conrad, Jr.
Judicial Conference Secretary
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, D.C. 20544

Sent via email

Dear Judge Conrad:

In anticipation of the Judicial Conference's upcoming September meeting, we the undersigned respectfully request that the Judicial Conference conclude its nearly one-and-a-half-year review of Justice Clarence Thomas' financial disclosure discrepancies and refer the matter to the U.S. Attorney General for a full investigation. Resolution of this matter is necessary to uphold the public's trust in both the Supreme Court and the processes established to hold justices accountable for violations of the Ethics in Government Act ("EIGA"). As detailed below, the Judicial Conference's unreasonable delay and lack of transparency are contrary to its stated commitment to "ensure timely action is taken on credible allegations of misconduct according to established procedures."¹

First, despite meeting at least twice during the past year, the Judicial Conference has provided no justification for its lack of progress on reviewing the allegations of misconduct by Justice Thomas. The conduct includes his omission of gifts like private plane and yacht travel, worth at least tens of thousands of dollars, on his financial disclosure reports for decades. The initial requests to refer the Justice Thomas matter to the U.S. Attorney General were sent to the Judicial Conference in April 2023,² and the reports released from the Judicial Conference's meetings in September 2023 and March 2024 provide the nearly identical update that there is an "ongoing review of public written allegations of errors or omissions in a filer's financial disclosure reports that were referred to [the Committee]."³

Second, the delay of sixteen months is unreasonable because the scope of the Judicial Conference's review is limited to determining whether there is "reasonable cause to believe" that a violation occurred, and does not involve concluding if a violation occurred.

¹ *Strategic Plan for the Federal Judiciary*, Judicial Conference of the United States, 10 (2020), https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf.

² Campaign Legal Center Letter to the Judicial Conference (Apr. 11, 2023), <https://campaignlegal.org/sites/default/files/2023-04/Judicial%20Conference%20Letter-FINAL.pdf>; Letter to the Judicial Conference from Senator Sheldon Whitehouse and Representative Hank Johnson (Apr. 14, 2023), [https://www.whitehouse.senate.gov/wp-content/uploads/imo/media/doc/Letter%20to%20Judicial%20Conference%20\(Referral%20to%20AG\)_04.14.2023.pdf](https://www.whitehouse.senate.gov/wp-content/uploads/imo/media/doc/Letter%20to%20Judicial%20Conference%20(Referral%20to%20AG)_04.14.2023.pdf).

³ Report of the Proceedings of the Judicial Conference of the United States, 14 (Sept. 12, 2023), https://www.uscourts.gov/sites/default/files/jcus_sep_2023_proceedings_0.pdf. Report of the Proceedings of the Judicial Conference of the United States, 14 (Mar. 12, 2024), <https://www.uscourts.gov/file/78741/download>.

The Judicial Conference has received in multiple submissions the necessary facts to make a reasonable cause to believe determination, including credible, evidence-backed allegations that Justice Thomas violated the EIGA on multiple occasions. And Justice Thomas' public responses to the allegations indicate those violations were knowing and willful.⁴ The judges serving on the Financial Disclosure Committee have sufficient evidence to make findings of fact and apply the low legal standard of reasonable cause to believe.

Finally, if the cause of the delay is related to factors frustrating the Judicial Conference's access to information, including lack of cooperation by Justice Thomas or other witnesses, this supports a decision to refer the matter to the U.S. Attorney General. Given the circumstances of Justice Thomas' potential misconduct occurring over decades, the Judicial Conference is not equipped or resourced to conduct a full investigation and compel cooperation from Justice Thomas and third parties. As a result, the EIGA enables the Judicial Conference to refer such matters to an outside investigative body: the U.S. Attorney General.

The public has a right to know that the Judicial Conference is properly considering the matter and not withholding information. We respectfully request that the Judicial Conference promptly resolve the investigation into Justice Thomas's financial disclosure omissions and release its conclusion to the public during its September 2024 meeting.

Sincerely,

Campaign Legal Center
Citizens for Responsibility and Ethics in Washington (CREW)
Common Cause
Fix the Court
Lawyers Defending American Democracy
People for the American Way

⁴ Supplemental Letter from Campaign Legal Center to the Judicial Conference (Feb. 20, 2024), <https://campaignlegal.org/sites/default/files/2024-02/Justice%20Thomas%20Supplemental%20Letter-with%20exhibits.pdf>.