



January 21, 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:

It has come to our attention that Justice Thomas has failed to disclose the non-investment income of his spouse, Virginia Thomas, for her employment at the Heritage Foundation in 2003-2007, and at Liberty Central in 2009.

According to the Heritage Foundation's Form 990s filed with the Internal Revenue Service, Ms. Thomas earned a salary in excess of \$120,000 each year between 2003 and 2007. In 2009, Ms. Thomas became the founding CEO of a new 501(c)(4) organization, Liberty Central. The current CEO, Sarah Field, told the *New York Times* that Ms. Thomas was compensated for her work at Liberty Central at a salary set by the board.

Nonetheless, for each year from 2003 to 2009, Justice Thomas checked the box for "None" for "Spouse's Non-Investment Income" on his annual disclosure forms. (See attached table and links.)

The Ethics in Government Act of 1978 requires federal officials, including Supreme Court justices, to disclose their spouse's income. *See* 5 U.S.C. § 102(e)(1)(A). The statute requires the Judicial Conference to refer to the Attorney General the name of any federal judge that it "has reasonable cause to believe has...willfully falsified or willfully failed to file information to be reported." 5 U.S.C. § 104.

Common Cause respectfully requests that the Judicial Conference make such a determination in the case of Justice Thomas, and if reasonable cause is found, to refer the matter to the Attorney General.

Without disclosure, the public and litigants appearing before the Court do not have adequate information to assess potential conflicts of interest, and disclosure is needed to promote the public's interest in open, honest and accountable government.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Bob Edgar". The signature is fluid and cursive, with the first name "Bob" and last name "Edgar" clearly legible.

Bob Edgar
President and CEO

A handwritten signature in black ink that reads "Arn H. Pearson". The signature is cursive and includes a long, sweeping horizontal stroke at the end.

Arn H. Pearson, Esq.
Vice President for Programs