

PROTECT OUR ELECTIONS

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WASHINGTON, DC 20016

www.protectourelections.org

Eric Holder
Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Re: Prosecution of Justice Clarence Thomas for False Statements

Dear Attorney General Holder:

In a January 22, 2011 article in the Los Angeles Times, reporter Kim Geiger wrote that Justice Clarence Thomas falsified his AO 10 Financial Disclosure Forms from 2003-2009 by checking "NONE" in section "III(B). Spouse's Non-Investment Income." The article is attached as Exhibit A and Justice Thomas' seven reports are listed as Exhibits B-H. Common Cause first discovered this falsification and reported it to the Judicial Conference in a letter to the Administrative Office of the Courts. Exhibit I. We are writing to urge you to bring criminal charges against Justice Thomas for this knowing, intentional and willful violation of the law.

Each of the AO 10 forms states in Section IX that it is certified under oath as follows: *I certify that all information given above (**including information pertaining to my spouse and minor or dependent children, if any**) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.* " (Bold added)

Under the signature box in bold capital letters is the following:

NOTE; ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app 104)

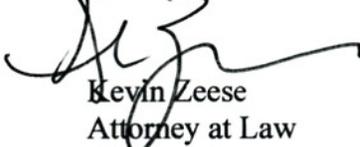
According to 990 Forms from the Heritage Foundation from 2003 through 2007, Justice Thomas' wife, Virginia, received in excess of \$120,000 each year she was employed there. She left the Heritage Foundation and took employment at Liberty Central for which she has been paid according to its CEO Sarah Field in a New York Times article. Exhibit J.

Criminal charges are especially appropriate in this case because a sitting Supreme Court Justice violated the law not just once, inadvertently, but seven times at least (we do not have a copy of his 2010 disclosure yet). Indeed, Justice Thomas knows the law and has decided criminal cases where checking a box on a form, whether for a loan or for a reporting requirement, has resulted in criminal prosecutions.

No one is above the law, especially not one who is supposed to be a role model. If Justice Thomas is allowed to merely amend his forms and pay a civil fine, it will make a mockery of financial disclosure law, undermine respect for the law, and create the appearance that those in powerful positions can violate the law with impunity.

We urge you to act quickly and forcefully to hold Justice Thomas to the same standards as any other person. He falsified at least seven financial disclosure reports by intentionally checking a box that said that his wife has no non-investment income. And then he compounded those false statements by swearing that they were true at least seven times and after being warned in bold text that he was required to tell the truth or face civil *and* criminal sanctions. He must held accountable to the full extent of the law.

Sincerely,



Kevin Zeese
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