



**ALLIANCE FOR PROGRESSIVE VALUES**  
*GIVING YOUR VALUES A VOICE!*

**Stephanie Rodriguez**  
President

P.O. Box 14664  
Richmond, Virginia 23221  
[srodriguez@apvonline.org](mailto:srodriguez@apvonline.org)  
804-723-1278

July 21<sup>th</sup>, 2011

The Honorable Eric H. Holder Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder:

The Alliance for Progressive Values (*APV*) formally requests that the Department of Justice begin an investigation into the alleged improprieties, conflicts of interest and potential illegal action by Associate Supreme Court Justice Clarence Thomas. In recent months serious allegations of wrongdoing have surfaced regarding the conduct of Justice Thomas, to wit:

Justice Thomas knowingly and willingly falsified information on a federal financial disclosure form when he failed to report his spouse's income over the period 2003-2007. During this time Virginia Thomas earned \$686,589 from a conservative think tank, The Heritage Foundation. Federal judges are required by law to disclose "spousal non-investment income..." Justice Thomas checked "none" for the years in question. There are other discrepancies regarding the reporting of Virginia Thomas' income that appear consistently over the course of two decades which the justice has only recently amended under pressure from members of Congress. With this in mind, 18 U.S.C. § 1001: [Non-applicable exception excluded] states: "*whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully - (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years...*" There is ample evidence that Justice Thomas repeatedly violated this statute. There is precedent for such cases being tried and convictions won: On January 7, 2011, "[\*An FBI employee pleaded guilty in federal court... to lying about the amount of money she owed on her properties.\*](#)" Clearly, if prosecution is merited in a case like this, should not the same hold true for similar violations by one in so high a position of responsibility.

Justice Thomas repeatedly failed to recuse himself when the court oversaw cases in which he and his spouse appeared to have clear conflicts of interest, see for example: [\*Citizens United v. Federal Elections Commission\*](#). In this case, Thomas' pivotal ruling in the majority seems to have directly, favorably impacted the goals and income of his spouse through her lobbying companies, *Liberty Central* and *Liberty Consulting*, both playing an active, lucrative role in the elections of 2010. Additionally, Justice Thomas now admits to investing financially in *Liberty Consulting* and thus may have profited directly from his decision. Under these circumstances APV requests that the Justice Department promptly investigate whether Justice Thomas should have recused himself from the *Citizens United* case under 28 U.S.C. § 455. If the Department finds sufficient grounds for disqualification of Justice Thomas, we request that the Solicitor General file a Rule 60(b) motion with the full Supreme Court seeking to vacate the judgment.

The last supreme court justice to be impeached was Samuel Chase, in 1806 for openly campaigning for federalist candidates from the bench. Justice Thomas has strayed perilously close to this territory by appearing as a "featured" attendee at secretive political *strategy meetings* sponsored by Koch Industries (the second-largest privately held corporation in the United States and a major political player that directly benefited from the *Citizens United* decision). Justice Thomas has been evasive and has failed to properly account for his attendance at these events, at least one of which took place while *Citizens United* was before the Court. By appearing as a "featured" guest at the these closed door meetings attended by political donors, candidates, corporate CEOs and political officials Justice Thomas implicitly lent the prestige of his office to the goals of the organizers and cast doubt on his own impartiality to the point of implied bias. Canon 5 of the Code of

Conduct for United States Judges states that: *“A judge should not...make speeches for a political organization...or attend or purchase a ticket for a dinner or other event sponsored by a political organization or candidate. ...A judge should not engage in any other political activity”*. Furthermore the Code goes on to explain that: The term *“political organization”* refers to a *“political party, a group affiliated with a political party or candidate for public office, or an entity whose principal purpose is to advocate for or against political candidates or parties in connection with elections for public office”*. Although the Code of Conduct is not binding on Supreme Court justices, § 455 was predicated on it. § 455, which does apply to Supreme Court Justices requires that (they/he), *“disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”* In making these appearances Justice Thomas seems to have disregarded this part of the Code and has thus left himself open to the appearance of bias involving *Citizens United*. Considering the other allegations against Thomas, a thorough investigation should also seek to ascertain if Justice Thomas actually engaged in any quid pro quo deals with his many contacts in the conservative movement who have directly benefited from his rulings. In such a case federal ethics rules are very specific regarding conflicts of interest and influence peddling.

Perjury. Troubling new evidence has emerge that indicates that Justice Thomas may have perjured himself during his nomination hearings in 1991, [Washington Post, October, 22th 2010](#).

While Justice Thomas' questionable behavior and ethical failures are a matter for the Bar Association and Congress, there is clear evidence that the justice knowingly violated the law by falsifying forms and failing to report income, and there is also reason to believe he may have committed perjury while under oath.

There are few positions in government that require the trust and faith of the American people more than the office of supreme court justice. There is now a shadow over Justice Thomas and his rulings. It is imperative that the people's trust and confidence be restored, or Justice Thomas be removed. The Alliance for Progressive Values formally requests an immediate investigation to determine if Justice Thomas has broken the law and should be indicted and prosecuted.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Rodriguez". The signature is written in black ink and is positioned above the printed name.

Stephanie Rodriguez