

United States Senate

WASHINGTON, DC 20510

April 21, 2023

The Honorable Roslynn R. Mauskopf
Director, Administrative Office of the United States Courts
Secretary, Judicial Conference of the United States
One Columbus Circle, NE
Washington, D.C. 20544

Dear Judge Mauskopf:

Thank you for your prompt and courteous replies to my letters dated April 10, 2023, and April 14, 2023.

In your reply to my letter dated April 10, 2023, you confirmed that the Judicial Conference's Committee on Financial Disclosure is charged with providing official answers and advice to members of the federal judiciary regarding their financial disclosure obligations under the Ethics in Government Act of 1978.¹ You declined to disclose whether Justice Thomas used this resource in seeking, as he stated, "guidance from [his] colleagues and others in the judiciary."²

In your reply to my letter with Ranking Member Johnson dated April 14, 2023, in your capacity as the Secretary of the Judicial Conference, you informed us that the question of referral to the Attorney General of Justice Thomas's disclosure failures under the Ethics in Government Act had been referred to the Committee on Financial Disclosure.³ Given that the law states that the Judicial Conference "shall" make this referral if it has a "reasonable cause to believe" that an officer "has willfully failed to file information required to be reported,"⁴ I hope that the Committee acts with due dispatch in deliberating and reporting its findings to the Judicial Conference.

In the interval, may I ask whether formal reports from this Committee (and other standing committees) to the Judicial Conference on particular matters such as these, once reported back to the Conference, are available to the public or to Congress via electronic search or upon request?

May I further inquire whether there has ever been a referral to the Attorney General by the Judicial Conference under 5 U.S.C. §13106(b), either as to a justice of the Supreme Court or as to any other member of the federal judiciary?

¹ Letter from Hon. Roslynn R. Mauskopf, Dir., Admin. Office of U.S. Courts, to Sen. Sheldon Whitehouse (Apr. 18, 2023).

² Joshua Kaplan, Justin Elliott, & Alex Mierjeski, *Clarence Thomas Defends Undisclosed "Family Trips" With GOP Megadonor. Here Are the Facts.*, ProPublica (Apr. 7, 2023), <https://www.propublica.org/article/clarence-thomas-response-trips-legal-experts-harlan-crow>.

³ Letter from Hon. Roslynn R. Mauskopf, Sec'y, Jud. Conf. of U.S., to Sen. Sheldon Whitehouse (Apr. 18, 2023).

⁴ 5 U.S.C. § 13106(b).

Finally, please provide any existing guidelines governing the Judicial Conference's procedures for the consideration of possible violations of the Ethics in Government Act and referrals to the Attorney General under that statute. Please include any guidelines governing the process by which: the Judicial Conference refers such matters to the Committee on Financial Disclosure, the Committee convenes to deliberate (including when such deliberation occurs), the reporting out of the Committee's findings and recommendations to the Judicial Conference, and any deliberation by the full Judicial Conference before deciding on the resolution of these matters.

Thank you for your courteous attention to these various matters.

Sincerely,



SHELDON WHITEHOUSE
Chairman, Senate Judiciary Subcommittee on
Federal Courts, Oversight, Agency Action,
and Federal Rights

cc: Hon. Henry C. "Hank" Johnson, Jr.