

# Accountable .US

September 29, 2023

The Honorable John G. Roberts, Jr.  
Chief Justice Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

Dear Chief Justice Roberts:

We write to you in response to recent reports exposing serious conflicts of interest between Supreme Court justices and parties involved in cases the Court is set to hear this term. These new revelations only deepen the legitimacy crisis already plaguing your Supreme Court. To restore the Court's integrity, at the very least, these justices must recuse themselves from cases in which they have conflicts.

Already, reports of failures to disclose extravagant gifts, influence-peddling in elite circles, and ethical violations among justices have caused public trust in the Supreme Court to plummet to [record lows](#). There are too many instances of cozy relationships between billionaires who routinely bring business before the Court and justices themselves to ignore.

Evidence of justices' ethical violations continues to mount. Recently, reporting from *ProPublica* exposed new details of Justice Clarence Thomas's relationship with the expansive Koch network currently urging the Court to undo the Chevron doctrine. Additionally, Justice Samuel Alito has longstanding ties to hedge fund billionaire Paul Singer, who stands to benefit mightily from the Court striking down the Consumer Financial Protection Bureau (CFPB). The Court will hear both of these cases this term. Therefore, we urge you to take appropriate action to ensure the conflicted justices recuse themselves from these cases and any others that involve the same players and interests.

## **Conflicts of Interest Involving Justice Clarence Thomas**

Reporting from *ProPublica* last week revealed that Justice Thomas attended private political fundraising retreats sponsored by the Kochs for years and neglected to disclose these trips — an apparent violation of federal law. Further, Thomas's participation served as a fundraising draw for an expansive network that has brought cases directly before the Supreme Court, including *Loper Bright Enterprises v. Raimondo*, the critical upcoming case challenging the longstanding Chevron doctrine.

The Koch network has [worked](#) for years to overturn Chevron deference. It has challenged Chevron in the courts and has lobbied Congress to pass a law nullifying the decision, in addition to funneling [millions of dollars](#) in grants to law professors providing the legal backing for Chevron's challenge.

Justice Thomas's personal involvement with the Koch network is cause for concern as it relates to *Loper*. Justice Thomas previously [flipped](#) his position on the Chevron doctrine following his decades-long relationships with members of the Koch network, writing that he had determined the Chevron doctrine to be unconstitutional when, a decade prior, he had penned the [majority opinion](#) in a case that expanded Chevron's protections for government agencies.

Now, Koch network staff attorneys represent the plaintiffs in *Loper Bright Enterprises v. Raimondo*, which your Court is set to take up shortly.

Other potential conflicts of interest include the Koch-funded group Americans for Prosperity's [support for the lawsuit](#) the Supreme Court will hear on October 3rd, brought by predatory lenders that seeks to defang and defund the Consumer Financial Protection Bureau — gutting consumer protections to the benefit of the financial industry, [including interests held by Koch Industries](#).

Justice Thomas's varying conflicts of interest this term have led at least one ethics expert to declare that the culture of impartiality at your Court is ["really at risk."](#) Justice Thomas must recuse himself from *Loper Bright Enterprises v. Raimondo*, as well as any other cases that involve Koch network interests.

### **Conflicts of Interest Involving Justice Samuel Alito**

Another example of a glaring conflict of interest that warrants recusal involves Justice Samuel Alito in the upcoming case *Consumer Financial Protection Bureau (CFPB) v. Community Financial Services Association Of America (CFSA)*.

Earlier this summer, it was [revealed](#) that Justice Alito failed to report a luxury Alaskan fishing trip, which included private jet travel valued at over \$100,000 each way from billionaire hedge fund manager Paul Singer. Singer's interests routinely come before the Supreme Court; most notably, Singer's firm netted \$2.4 billion when the Court resolved a "decade-long battle" between his hedge fund and the Argentinian government.

Now, Paul Singer stands to benefit a great deal from the Court's upcoming CFPB case. [Recent reporting](#) revealed Singer's investment management firm, Elliott Investment Management, has called for the end of the CFPB's independence and has criticized Dodd-Frank financial reforms

— which created the Bureau — as “dysfunctional dictates.” Singer’s hedge fund is also invested in numerous financial industry interests that would benefit from a crippled CFPB.

Given Justice Alito’s friendship with Paul Singer that found the two on a luxury fishing trip together and included hundreds of thousands of dollars worth of private jet travel, the conflict of interest in this case is clear. Justice Alito must recuse himself from the *Consumer Financial Protection Bureau (CFPB) v. Community Financial Services Association Of America (CFSA)*.

## **Conclusion**

As you well know, the [federal recusal statute](#) requires disqualification whenever a justice’s “impartiality might reasonably be questioned,” including circumstances within which the justice “has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.” In both of these cases, the cozy relationships between billionaire influencers and Supreme Court justices far surpass the standard of “reasonably-questioned impartiality.”

Further, these cases are merely the examples that have surfaced thanks to excellent reporting and independent research. The months-long Supreme Court ethics crisis has proven that countless damning examples of improper relationships between justices and powerful forces tied up in the Court likely exist outside of the public eye and are yet to be revealed — making lasting accountability and reform all the more urgent.

Recusals are a critical step in this direction. As you yourself wrote in 2011, “[j]udges must exercise both constant vigilance and good judgment to fulfill the obligations they have all taken since the beginning of the Republic.” In choosing not to recuse themselves from either of these cases, we believe Justices Alito and Thomas have exercised neither. To ignore these glaring conflicts of interest and *not* ensure that Justices Alito and Thomas recuse themselves would be negligent — and would encourage the unethical relationships that have already severely diminished the Court’s credibility and legitimacy.

When justices do recuse themselves from cases, it is often on the basis of conflictual stock holdings. Any reasonable person would agree that justices hearing a case brought to the Court by parties with whom they have longstanding personal relationships — or worse, from whom they have accepted lavish gifts and travel — ranks a far more serious ethical offense than a small holding in a widely-traded stock.

Until now, the Supreme Court’s ethics crisis has been defined by its refusal to establish and enforce strong standards — standards to which every other federal judge is required to adhere.

Now is the time for action to ensure our nation's highest Court is held to the highest standards of ethics and impartiality. Our democracy depends on it.

Thank you for your prompt attention to this request.

Respectfully,

Accountable.US  
Action Together NEPA  
Alliance for Justice  
American Economic Liberties Project  
American Humanist Association  
Americans for Democratic Action (ADA)  
BigMoneyOutVA  
Campaign for Accountability  
Clean Elections Texas  
Climate Hawks Vote  
Demand Justice  
Demand Progress Education Fund  
End Citizens United  
Family Values @ Work Action  
Get Money Out -- Maryland  
Harrington Investments, Inc.  
Indivisible  
Jean-Michel Cousteau's Ocean Futures Society  
League of Conservation Voters  
Let America Vote Action Fund  
National Council of Jewish Women  
Patriotic Millionaires  
People Power United  
People's Parity Project  
Population Connection Action Fund  
Revolving Door Project  
Shriver Center on Poverty Law  
Stand Up America  
Student Borrower Protection Center  
Take Back the Court Action Fund  
The 65 Project  
The Workers Circle  
Third Act Arizona

Third Act Lawyers

Third Act Ohio

Third Act Union

Third Act Vermont

Tono Latino

True North Research

Virginia Organizing

VOICE (Voices Organized in Civic Engagement)

Voter Choice Connecticut

Wisconsin Faith Voices for Justice