

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 regarding conflicts of interest with Supreme Court Justices Clarence Thomas and Samuel Alito for the *Federal Communications Commission v. Consumers' Research* case that will be decided this term. Justices Thomas and Alito's personal and professional relationships with Leonard Leo, who is intimately affiliated with the plaintiff in this case, Consumers' Research, necessitates their recusal.

28 U.S.C. section 455 provides that Supreme Court justices are required to recuse themselves from cases where their impartiality might reasonably be questioned. The Supreme Court's own Code of Conduct provides "[a] Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include ... those in which ... [t]he Justice has a personal bias or prejudice concerning a party."

Justices Thomas and Alito have extensive connections with Consumers' Research through Leonard Leo. As a result, they cannot serve as impartial arbiters in this case, and we ask that you take steps to ensure they are recused.

Leonard Leo and Consumers' Research

Leonard Leo is a conservative legal activist and co-chairman of the Federalist Society who has founded and managed a variety of organizations that advance conservative legal and political causes. The plaintiff in *Federal Communications Commission v. Consumers' Research* is *Consumers' Research*, a 501(c)(3) organization that has filed multiple lawsuits challenging the constitutionality of activities of the Federal Communications Commission.

An October 2022 report in *The New York Times* [confirmed](#) that Leonard Leo's network provided "at least some of the money" flowing to Consumers' Research, according to a person with knowledge of Leo's operation. The following year, a Consumers' Research insider [told](#) Bloomberg that Leonard Leo was the group's main financial backer. A [\\$6.51 million contribution](#) from Donors Trust, a donor-advised fund linked to Leo, accounted for roughly 80% of Consumers' Research's [total revenue](#) that year. In total, Donors Trust contributed more than \$21.5 million to Consumers' Research between 2020 and 2023. During that same period, Donors Trust received at least \$308.7 million from Leo-linked groups, such as [the 85 Fund](#) and [Marble Freedom Trust](#). *The Wall Street Journal* [reported](#) that people familiar with Marble Freedom Trust's spending confirmed the group was funding Consumers' Research.

Other ties between Leo's groups and Consumers' Research reveal his considerable influence over the organization. Since 2022, the Concord Fund, a group linked to Leo, has given at least \$350,000 to Consumers Defense, the 501(c)(4) arm of Consumers' Research. Consumers' Research is also a client of a for-profit firm chaired by Leo, CRC Advisors. Consumers' Research has paid Leo's CRC Advisors over \$1.3 million since 2020.

Beyond financial connections, Leo is closely connected to the work and executive director of Consumers' Research, Will Hild, who has [called](#) Leo "a good friend and adviser to Consumers' Research." Leo himself has [praised](#) the work of the organization. Axios recently [reported](#) that Consumers' Research has adopted the kind of tactics that Leo encourages, according to a source close to Leo.

Conflicts of Interest regarding Justice Thomas

For decades, Leonard Leo and Justice Thomas have maintained an intimate personal and professional relationship. Leo has known Justice Thomas since Leo was a clerk for a U.S. Court of Appeals judge of the D.C. Circuit while Thomas was a judge on the same circuit. After his clerkship, Leo delayed the start date of his job with the Federalist Society to help Thomas through his contentious confirmation process for the Supreme Court.

Leo has helped Thomas network with wealthy, influential, and politically connected individuals and continues to publicly bolster the Justice's image. Leo arranged appearances for Justice Thomas at multiple events hosted by the billionaire Koch brothers. Billionaire Harlan Crow's private lakeside resort in upstate New York, Camp Topbridge, features a painting of Leo and Justice Thomas spending time on the property. According to an examination by The Washington Post, in the mid-2010s, Leo [led](#) a "coordinated and sophisticated public relations campaign to defend and celebrate Clarence Thomas," including directing at least \$1.8 million to promote a documentary on Justice Thomas.

Leo and Justice Thomas are also close with each other's families. Justice Thomas is [reportedly the godfather](#) to one of Leo's children, and Leo has hosted Justice Thomas and his wife Virginia "Ginni" Thomas on vacations.

Conflicts of Interest regarding Justice Alito

Leonard Leo and Justice Alito's personal and professional relationships also span decades. Leo helped coordinate support for Justice Alito's nomination for the Supreme Court in 2005. While Leo was vice president of the Federalist Society, the organization funded Justice Alito's travel on multiple trips around the country and internationally. In 2008, Leo helped organize a luxury fishing trip with billionaire Paul Singer and Justice Alito, who flew to Alaska on Singer's private jet.

More recently, Catholic University of America appointed Justice Alito as the honorary chair of the advisory council to the Project on Constitutional Originalism and the Catholic Intellectual Tradition. Funding for the initiative was [directed](#) by Leo.

Precedent for Recusal

In recent years, multiple Supreme Court justices have recused themselves from cases after their personal ties to the parties or individuals otherwise involved in the case were made known. Examples include Justice Neil Gorsuch in *Seven County Infrastructure Coalition v. Eagle County, Colo.* (forthcoming); Justice Amy Coney Barrett in *Oklahoma Statewide Charter School Board v. Drummond* (forthcoming); and even Justice Thomas in *Eastman v. Thompson* (2023).

Conclusion

The American people's faith in our justice system and the legitimacy of the Supreme Court depends on justices acting with integrity and abiding by their ethical obligations. After numerous public calls for reform, the Court created a code of conduct in 2023 that contemplates scenarios just like the one presented here. It is imperative that the members of the Supreme Court comply with it.

Justices Thomas and Alito's numerous conflicts of interest require them to recuse themselves in *Federal Communications Commission v. Consumers' Research*. We urge you to ensure the members of the Court obey the law and faithfully execute their duties to the American people.

Thank you for your prompt attention to this request.

Respectfully,

Accountable.US
United for Democracy
Take Back the Court