

March 25, 2022

Dear Chairman Nadler and Subcommittee Chairman Johnson:

We write to urge you to proceed immediately with a hearing on new reports that demonstrate the urgent need for a Supreme Court code of ethics.

Several deeply concerning news reports reveal increasingly conspicuous conflicts of interest created by the partisan political activism of Justice Thomas's wife, Virginia Thomas, and Justice Thomas's wholesale failure to address those conflicts even further undermines the legitimacy of the Supreme Court. Justice Thomas is not alone; several of his colleagues are also guilty of failing to address obvious conflicts of interest that challenge the notion that the justices are not just politicians in robes. We are hopeful that your Subcommittee will shine a light on these issues and hope you will work quickly thereafter to rein in a Supreme Court that has utterly failed to police the conduct of its own members.

This week, explosive new reporting by multiple outlets, including *CBS News*, *CNN* and the *Washington Post*, reveals that Virginia Thomas sent text messages to former President Trump's then-chief of staff, Mark Meadows, urging the White House to take steps to overturn the 2020 election. Despite this, Justice Thomas did not recuse himself from the Supreme Court case, decided this past January, regarding Donald Trump's request to block Congress from obtaining certain White House records related to the January 6 insurrection. In fact, Thomas was the sole dissenter from the Court's 8-1 ruling against Trump in this matter.

These new revelations about Virginia Thomas's communications with Meadows follow other troubling reports by the *New York Times* and *The New Yorker* about the political involvements of Justice Thomas and his wife. Virginia Thomas has spent her entire career advocating for far-right causes and developing a deep and broad network of partners and allies. For the past twelve years, she has run her own consulting firm, Liberty Consulting, allowing her to profit directly from that network and the access that it provides her. She works with—and for—an array of organizations and individuals whose cases are directly before the Court on which her husband sits. Yet Justice Thomas has failed entirely to address the various conflicts of interest that her consulting work has created for him. *The New York Times* reports that Justice Thomas “flouted judicial ethics guidance” and that the lines between his and his wife's conservative activism are “blurred,” raising serious questions about his impartiality and about whether his family benefits financially from the appearance that one can curry favor with the justice by donating to political organizations in which his wife is involved. As Jane Mayer of the *New Yorker* [argues](#), the idea that the “Justices' opinions are politically neutral is becoming increasingly hard to accept, especially from Thomas.”

While startling, these reports are just the latest in a long list of examples of the Court failing to enforce basic standards of judicial ethics. Last year, Justice Amy Coney Barrett spoke at the McConnell Center at the University of Louisville, where she was introduced by Senate Minority Leader Mitch McConnell—the namesake of the Center and the senator most responsible for rushing to confirm her after more than 60 million Americans had voted in the 2020 election. Standing next to the person who stole a Supreme Court seat from President Obama, then abandoned all norms to confirm three of President Trump’s nominees to the Court, she audaciously used the opportunity to try to convince her audience “that this court is not comprised of a bunch of partisan hacks.” In 2019, Justices Samuel Alito and Brett Kavanaugh met at the Court with the head of National Organization for Marriage, an anti-LGBTQ group that had filed an amicus brief in a case for which the Court heard oral arguments less than three weeks earlier. The three men posed for a photograph that was later tweeted with the message “Great day at US Supreme Court.” In 2017, Justice Gorsuch gave a speech addressing a conservative group at the Trump International Hotel, shortly after he was nominated to the Court by Trump himself and less than two weeks before the Court heard oral arguments in a case challenging Trump’s Muslim travel ban. On [three separate occasions](#) Chief Justice John Roberts has failed to recuse himself from cases before the Court in which he owned stock related to one of the parties.

The justices’ failure to avoid conflicts of interest—and the appearance of conflicts of interest—further undermines public trust in the Court at a time when its legitimacy is already a matter of significant public debate. A September 2021 Gallup poll reported that public approval of the Court was down to 40 percent, a new low in the poll’s history. The Court is considering cases with significant material consequences for the American people and their civil liberties, and the status quo—in which Americans have many reasons to doubt that rulings are made without partisan or personal advantage playing a role—is not sustainable.

Every federal judge in this country except the nine justices of the Supreme Court are bound by a code of ethics that would prevent such blatant conflicts of interest. The lack of a binding code of ethics and basic standards of conduct for the nine justices of our nation’s highest Court is a major concern for the country. We urge this Committee to take on this urgent issue and to follow this hearing with legislation to enforce a binding code of ethics on the justices of our Supreme Court.

Sincerely,

African American Ministers In Action
Alliance for Justice
American Atheists
American Constitution Society
American Federation of Teachers
Blue Wave Postcard Movement

Broward for Progress
Clean Elections Texas
CommonDefense.us
Demand Justice
Demand Progress
Democracy 21
Demos
End Citizens United / Let America Vote Action Fund
Equality California
Faiths for Safe Water
Indivisible
MoveOn Civic Action
National Council of Jewish Women
NETWORK Lobby for Catholic Social Justice
Open The Government
People For the American Way
People's Parity Project
Reproaction
Secure Elections Network
Silver State Equality-Nevada
Stand Up America
Take Back the Court Action Fund
URGE: Unite for Reproductive & Gender Equity
Venice Resistance