

# Congress of the United States

Washington, DC 20515

January 4, 2024

The Honorable Clarence Thomas  
Associate Justice  
Supreme Court of the United States  
1 First Street NE  
Washington, DC 20543

Dear Justice Thomas,

On December 15, 2023, we wrote imploring that you recuse yourself from any participation in the case of *United States v. Trump*, given your wife's intimate involvement in Mr. Trump's alleged efforts to overturn the 2020 election and to obstruct its certification. This week, we are compelled to write to you again. This time, we must urge you to recuse yourself from any involvement in the case of *Anderson v. Griswold*, because your impartiality is reasonably questioned by substantial numbers of fair-minded members of the public, who believe you wife Virginia ("Ginni") Thomas's substantial involvement in the events leading up to the January 6 insurrection, and the financial incentive it presents for your household if President Trump is re-elected, are disqualifying.

As we noted in our last letter, the Supreme Court announced a formal Code of Conduct.<sup>1</sup> In Cannon 3B, the Code states that "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."<sup>2</sup> The Code details such instances, including those in which "The Justice knows that the Justice...or the Justice's spouse... has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding," or those in which "The Justice or Justice's spouse...is known by the Justice:... (iii) to have an interest that could be substantially affected by the outcome of the proceeding."<sup>3</sup>

When summoned to testify before the House January 6 Committee, your wife told the Committee that she attended the January 6 "Stop the Steal" rally, where Mr. Trump ginned up the attendees into a mob, which he then dispatched to the Capitol to "fight like hell" to stop the electoral vote certification process. The January 6 rally morphed into the attack on the Capitol and on Congress, which the Colorado Court found to have been an insurrection, an act which disqualifies Mr. Trump from having his name placed on the presidential primary election ballot in that state. Not only did your wife attend the January 6 rally, but she was instrumental in planning it and bringing the insurrectionists to the Capitol. Your wife was one of nine board members for a conservative political group that helped lead the "Stop the Steal" movement, a movement which culminated in the January 6 attack that the Colorado Supreme Court deemed an insurrection.<sup>4</sup> It is unthinkable that you could

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<sup>1</sup>ABC News, "Under ethics pressure, Supreme Court announces it's adopting code of conduct," Devin Dwyer, November 12, 2023, <https://abcnews.go.com/Politics/ethics-pressure-supreme-court-announces-adopting-code-conduct/story?id=104856337>; U.S. Supreme Court, Code of Conduct for Justices of the Supreme Court of the United States, available at: [https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices\\_November\\_13\\_2023.pdf](https://www.supremecourt.gov/about/Code-of-Conduct-for-Justices_November_13_2023.pdf).

<sup>2</sup>Code of Conduct for Justices of the Supreme Court of the United States, Cannon 3B(2).

<sup>3</sup>*Id.* Cannon 3B(2)(c)-(d).

<sup>4</sup>CNN Politics: "January 6 committee has text messages between Ginni Thomas and Mark Meadows, Ryan Nobles, Annie Grayer, Zachary Cohen, and Jamie Gangel, March 25, 2022, <https://www.cnn.com/2022/03/24/politics/ginni-thomas-mark-meadows-text-messages/index.html>; New York Times, "The Long Crusade of Clarence and Ginni Thomas," Danny Hakim and Jo Becker, February

be impartial in deciding whether an event your wife personally organized qualifies as an “insurrection” that would prevent someone from holding the office of President.

Furthermore, your wife of 36 years, Ms. Thomas, has shown a fervent bias in favor of Mr. Trump, and it is hard to believe that her bias has no impact on you, which is why reasonable people aware of the relevant facts and circumstances doubt that you can fairly discharge your duty to be impartial in hearing this case. Ms. Thomas urged Mr. Trump’s Chief of Staff (Mark Meadows) to pursue unrelenting efforts to overturn the 2020 presidential election, with dozens of texts starting immediately after Election Day 2020 and ending only days after the January 6 attack on the U.S. Capitol.<sup>5</sup> She also signed a letter urging then-House Minority Leader Kevin McCarthy to remove outspoken Trump critics, Representatives Adam Kinzinger and Liz Cheney, from the January 6 Committee.<sup>6</sup> Ms. Thomas was a witness for Congress’ January 6 Committee due to her intimate involvement, and that Committee’s report is integral to this case.<sup>7</sup> In her testimony to the Committee, nearly two years after the January 6 insurrection, Ms. Thomas testified that she still believed the 2020 election had been stolen.<sup>8</sup> There is no evidence that her views about the 2020 election have softened, and it is unreasonable to conclude your wife’s fervent views do not bleed over to and affect your opinions, and affect your ability to be impartial in a case about Mr. Trump’s efforts to prevent the orderly transition of power.

Finally, it is foreseeable that your wife’s earning capacity will be positively impacted should the Court grant the relief sought by the former president. From the little that is public about Ms. Thomas’s for-profit firm, Liberty Consulting, it is clearly aligned with Mr. Trump’s interests.<sup>9</sup> Liberty Consulting’s few known clients include the FedUp PAC, which later backed Mr. Trump during the 2020 election cycle, and Center for Security Policy, whose president filed an amicus brief in support of Mr. Trump’s Muslim ban.<sup>10,11</sup> The value of Ms. Thomas’s consulting firm skyrocketed from only “up to \$15,000” before Mr. Trump was elected to “between \$100,0001 and \$250,000” during his presidency, and then fell again to “between \$15,001 and \$50,000” the year Mr. Trump lost the White House.<sup>12</sup> Ms. Thomas’ professional and financial interests are aligned with Mr. Trump becoming President again, and should he be re-elected it is likely that your wife’s income will be favorably impacted.

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22, 2022, <https://www.nytimes.com/2022/02/22/magazine/clarence-thomas-ginni-thomas.html>.

<sup>5</sup>Washington Post, “Virginia Thomas urged White House chief to pursue unrelenting efforts to overturn the 2020 election, texts show,” Bob Woodward and Robert Costa, March 24, 2022,

<https://www.washingtonpost.com/politics/2022/03/24/virginia-thomas-mark-meadows-texts>; CBS News, “Ginni Thomas, Justice Clarence Thomas’ wife, exchanged texts with Mark Meadows about efforts to overturn the 2020 election,” March 24, 2022, <https://www.cbsnews.com/news/ginni-thomas-clarence-wife-mark-meadows-texts-2020-election-overturn>.

<sup>6</sup>The Hill, “Ginni Thomas’s activism sparks ethics questions for Supreme Court Justice,” John Kruzel, March 19, 2022, <https://thehill.com/regulation/court-battles/598843-ginni-thomass-activism-sparks-ethics-questions-for-supreme-court/>.

<sup>7</sup>New York Times, “Ginni Thomas Denies Discussing Election Subversion Efforts with Her Husband,” Luke Broadwater, Stephanie Lai, September 29, 2022, <https://www.nytimes.com/2022/09/29/us/politics/ginni-thomas-jan-6-committee.html>.

<sup>8</sup>Politico, “Ginni Thomas tells Jan. 6 panel she still believes false election fraud claims, chair says,” Nicholas Wu, Kyle Cheney, September 29, 2022, <https://www.politico.com/news/2022/09/29/ginni-thomas-jan-6-panel-false-election-fraud-claims-00059627#:~:text=Virginia%20Thomas%2C%20the%20wife%20of,according%20to%20the%20panel's%20chair>.

<sup>9</sup>Washington Post, “Judicial activist directed fees to Clarence Thomas’s wife, urged ‘no mention of Ginni,’” Emma Brown, Shawn Boburg, Jonathan O’Connell, May 4, 2023, <https://www.washingtonpost.com/investigations/2023/05/04/leonard-leo-clarence-ginni-thomas-conway/>.

<sup>10</sup>CNBC, “Inside the consulting firm run by Ginni Thomas, wife of Supreme Court Justice Clarence Thomas,” Brian Schwartz, April 5, 2022, <https://www.cnbcm.com/2022/04/05/inside-the-consulting-firm-run-by-ginni-thomas-wife-of-supreme-court-justice-clarence-thomas.html>.

<sup>11</sup>The Hill, “Ginni Thomas’s activism sparks ethics questions for Supreme Court Justice,” John Kruzel, March 19, 2022, <https://thehill.com/regulation/court-battles/598843-ginni-thomass-activism-sparks-ethics-questions-for-supreme-court/>.

<sup>12</sup>CNBC, “Inside the consulting firm run by Ginni Thomas, wife of Supreme Court Justice Clarence Thomas,” Brian Schwartz, April 5, 2022, <https://www.cnbcm.com/2022/04/05/inside-the-consulting-firm-run-by-ginni-thomas-wife-of-supreme-court-justice-clarence-thomas.html>.

Your wife's income benefits your household, therefore your family, and by extension you personally. You have a financial stake in the outcome of this case, which disqualifies you from any involvement in it.

Fewer than half of all Americans trust the Supreme Court, and that number will fall even lower if you rule in this case.<sup>13</sup> A justice should not sit in judgement of his own wife's behavior, nor in judgement of his wife's professional and financial fortunes. Yet that is exactly what you would be doing should you refuse to recuse in this case. To protect the Court's integrity and the legitimacy of its decision in this monumental case, you must recuse yourself.

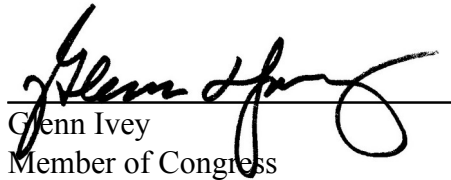
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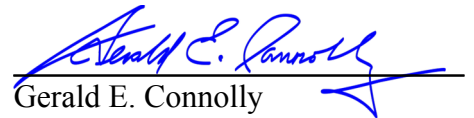
Henry C. "Hank" Johnson, Jr.  
Member of Congress



Madeleine Dean  
Member of Congress



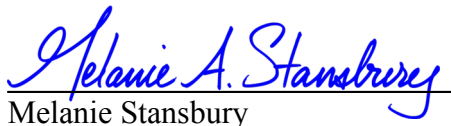
Glenn Ivey  
Member of Congress



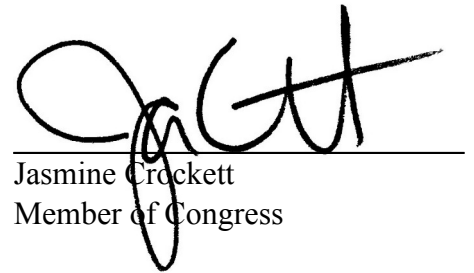
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Alexandria Ocasio-Cortez  
Member of Congress



Melanie Stansbury  
Member of Congress



Jasmine Crockett  
Member of Congress



Dan Goldman  
Member of Congress

<sup>13</sup>Gallup, "Approval of U.S. Supreme Court Down to 40%, a New Low," Jeffrey M. Jones, September 23, 2021, <https://news.gallup.com/poll/354908/approval-supreme-court-down-new-low.aspx>.