

# FREEDOM FROM RELIGION *foundation*

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November 21, 2022

**SENT VIA EMAIL AND U.S. MAIL:**  
**pio@supremecourt.gov**

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

Re: Follow-up to request to investigate justices meeting with advocates

Dear Chief Justice Roberts:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to reiterate and amplify our July 8, 2022 request<sup>1</sup> for an investigation into allegations of justices improperly meeting with advocates. FFRF is a national 501(c)(3) nonprofit organization with more than 38,000 members across the country, including members in all 50 states and in the District of Columbia. FFRF protects the constitutional separation between state and church and educates about nontheism.

In July, we, along with the Center for Inquiry and American Atheists, first wrote to share concerns of a report that Peggy Nienaber, executive director of DC Ministry and vice president of Faith & Liberty, claimed that she has prayed with multiple sitting Supreme Court justices inside the Supreme Court building.<sup>2</sup> In addition, the group's founder, Rob Schenck, has said that while he was in charge of Faith & Liberty up until the mid-2010s, he met with and prayed with Justices Samuel Alito and Clarence Thomas, reportedly saying "he would pray with them inside the high court."<sup>3</sup>

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<sup>1</sup> July 8, 2022 joint letter

<https://ffrf.org/uploads/legal/ChiefJusticeJohnRobertsprayerswithjustices.pdf>.

<sup>2</sup> Kara Voght & Tim Dickinson, *SCOTUS Justices 'Prayed With' Her — Then Cited Her Bosses to End Roe*, Rolling Stone (July 6, 2022), available at [www.rollingstone.com/politics/politics-features/roe-supreme-court-justices-1378046/](http://www.rollingstone.com/politics/politics-features/roe-supreme-court-justices-1378046/).

<sup>3</sup> *Id.*

This matter has become more urgent. On Nov. 19, the New York Times released a detailed investigative report in which Rev. Rob Schenck came public reporting an improper meeting that Justice Alito had with two of Schenck's "star donors."<sup>4</sup> One of them, Gayle Wright, reportedly told Schenck that Alito would be writing a 5-4 decision in the case *Burwell v. Hobby Lobby Stores* (2014). Contemporary emails lend credibility to Schenck's claim, as do prior reports by Schenck that he and his associates sought to become close with certain justices, including Justice Alito. This also involved infiltration of the nonprofit court Historical Society, which also has access to the justices, adding another concern.

Mr. Schenck purchased a building across the street from the Supreme Court and "began working with the court's employees," according to the Times, including with Perry Thompson, an administrator, whom Schenck referred to as "God's 'secret agent'" at the court. Schenck, who has had a change of heart, told the Times: "You can gain access, have conversations, share prayer." He said that even before his change of heart, "I would look up at that phrase that's chiseled into the building itself, 'Equal Justice Under Law.' I would think, 'Not really.'" Quite an indictment.

These serious allegations underscore the urgent need for an investigation into justices' apparent habit of meeting with influential right-wing Christian advocates associated with frequent Supreme Court litigants. Justices, like lower court judges, should be prohibited from creating even an impression of partiality. At a time when Americans are sorely lacking in confidence toward the high court, we urge you to demonstrate the Court's commitment to the ethical and impartial administration of justice. Thank you for your time and consideration.

Very truly,



Annie Laurie Gaylor & Dan Barker  
Co-Presidents  
Freedom From Religion Foundation

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<sup>4</sup> Jodi Kantor and Jo Becker, *Former Anti-Abortion Leader Alleges Another Supreme Court Breach*, The New York Times (Nov. 19, 2022).