

July 8, 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: Please investigate allegations of justices meeting privately with advocates

Dear Chief Justice Roberts:

We are writing on behalf of the Freedom From Religion Foundation (FFRF), Center For Inquiry (CFI), and American Atheists (AA) to request an investigation into allegations that give the appearance of a lack of impartiality by sitting Supreme Court justices. FFRF is a national 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. CFI is a 501(c)(3) charitable nonprofit organization dedicated to defending science and critical thinking in examining religion. CFI's vision is a world in which evidence, science, and compassion—rather than superstition, pseudoscience, or prejudice—guide public policy. AA is a national civil rights organization that strives to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. AA provides community to atheists while also working to end the stigma associated with being an atheist in America.

It was recently reported that on June 27, 2022, 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.¹ When asked, “You actually pray with the Supreme Court justices?” Nienaber replied, “I do. They will pray with us, those that like us to pray with them.”² She then indicated that the prayers take place “in there,” referring to the Supreme Court building. 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 Alito and Thomas, reportedly “saying he would pray with them inside the high court.”³

Nienaber and Schenck’s allegations are alarming because her organizations, DC Ministry and Faith & Liberty, are subsidiaries of Liberty Counsel, a frequent litigant before the Court. Liberty Counsel has represented parties in front of the Court at least four times.⁴ They have also filed at least 17 *amicus curiae* briefs with the Court,⁵ including in the just-decided *Kennedy v. Bremerton* case and the *Dobbs* decision. Faith & Liberty is also physically located directly next to the Supreme Court building.⁶

We respectfully ask that you commence a formal investigation by the Court into visits to the Supreme Court building and meetings with justices by advocates before the Court. If confirmed, justices should be advised that such meetings are improper because they impart on the public a sense of impropriety and an appearance of bias. If Nienaber’s claims of praying with justices are false, the Court should reassure the public that justices have not improperly met with advocates before the Court in the manner alleged.

Please note the extraordinary nature of these allegations—none of the undersigned organizations has ever before requested a formal investigation into

¹ 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/.

² *Id.*

³ *Id.*

⁴ See ic.org/cases (listing *Mountain Right to Life v. Becerra* (2018), *McCreary Cty., Ky. v. ACLU of Ky.* (2005), and *Madsen v. Women’s Health Center, Inc.* (1994)).

⁵ *Id.*

⁶ 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/.

the conduct of those appearing before the court and toward the justices. If confirmed, the allegations cast serious doubt on the impartiality of multiple justices and the Court itself. Thank you for your time and consideration of this matter.

Very truly,



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



Nicholas J. Little, Esq.,
Vice-President & General Counsel, Legal Director
Center For Inquiry



Alison Gill, Esq.
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