

May 12, 2026

SENT VIA EMAIL

Senator Chuck Grassley, Chair,  
Senate Committee on the Judiciary

Senator Dick Durbin, Ranking Member,  
Senate Committee on the Judiciary

Senator Ted Cruz, Chair,  
Subcommittee on Federal Courts, Oversight,  
Agency Action and Federal Rights

Senator Sheldon Whitehouse, Ranking  
Member, Subcommittee on Federal Courts,  
Oversight, Agency Action and Federal  
Rights

**Re: Letter to Senate Judiciary Committee Leadership Regarding Justice Alito’s Conflicted Interests and Irregular Recusals in Upcoming Case**

Dear Senator Grassley, Senator Durbin, Senator Cruz, and Senator Whitehouse,

We write to you to express our deep concerns about U.S. Supreme Court Justice Samuel Alito’s inconsistent history of recusals from cases from which he should be compelled to recuse under long-standing federal law, given his substantial holdings in individual oil and gas companies and other personal ties.

His irregular recusal practice in oil and gas industry-related cases is undermining public confidence in the impartiality of the Court. They could not occur were he compelled to adhere to enforceable ethics standards against adjudicating cases where he has financial interests or the appearance of a conflict of interest where his impartiality might reasonably be questioned. As such, we urge the Senate Judiciary Committee to swiftly investigate whether Justice Alito has violated federal statutes (28 U.S.C. § 455<sup>1</sup>) and the Court’s announced code of conduct.<sup>2</sup>

On February 23, 2026, Justice Alito failed to recuse when the Court granted a petition for a writ of certiorari brought by oil companies Suncor Energy (“Suncor”) and ExxonMobil Corp. (“Exxon”) in *Suncor Energy Inc., et al. v. County Commissioners of Boulder County et al* (hereafter, the “Boulder case”).<sup>3</sup> The case is likely to be heard during the Court’s 2026-2027 term.<sup>4</sup> On April 24, 2023, Justice Alito previously recused from considering a petition brought by

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<sup>1</sup> See [28 U.S. Code § 455](#).

<sup>2</sup> [Code of Conduct for Justices of the Supreme Court of the United States](#) (11/13/23).

<sup>3</sup> [Supreme Court Order List](#) (02/23/2026).

<sup>4</sup> [Letter from Petitioners](#) Re: *Suncor Energy (U.S.A.) Inc., et al. v. County Commissioners of Boulder County, et al.*, No. 25-170 (02/27/2026).

these same companies in this same case, and the petition was denied.<sup>5</sup> There is no apparent reason for this change in Justice Alito’s recusal practices, and Alito provided no statement justifying his failure to recuse.

In November 2023, Chief Justice John Roberts publicly announced a code of conduct for the Court that purports to allow justices to sit on cases, despite conflicts of interest, if their vote is needed to resolve the matter and avoid a tied decision. (“The rule of necessity may override the rule of disqualification.”)<sup>6</sup> This assertion is in conflict with long-standing rules under the Ethics in Government Act, and should be examined by the Senate Judiciary Committee as well.

As a 2024 Committee Report from the New York City Bar states, “the rule of necessity means only that a judge must sit if no other judge is available to decide a case... It is not a reason for one Justice to sit when his or her ‘impartiality might reasonably be questioned’ so long as at least six other judges—a quorum for the Court—are available. The rule of necessity, like the duty to sit, does not in our view play any proper role in a recusal decision about an individual Justice, particularly when that Justice would cast the deciding vote.”<sup>7</sup>

The lawsuit originally initiated against Suncor and Exxon in the state of Colorado by the Board of County Commissioners of Boulder County is one of dozens of parallel lawsuits brought by municipal, state, and tribal governments against oil and gas companies under state torts law.<sup>8</sup> (These cases will hereafter be collectively referred to as “parallel state climate deception cases.”)

As has been previously reported, Exxon—a defendant in many of these parallel state climate deception cases—has petitioned the Court to take up the *Boulder* case in part as a vehicle to set precedent for all of these cases.<sup>9</sup> In a 2022 court filing, Exxon’s lawyers made explicit that their goal in urging the Supreme Court to review the *Boulder* case, which they described as “uniquely positioned among the group of cases,” was to circumvent “recusal issues,” namely Justice Alito’s need to recuse from considering petitions from petitioners whose stock he owns.<sup>10</sup>

Since the Supreme Court agreed to hear Suncor and Exxon’s petition in the *Boulder* case in February, oil company defendants in other parallel state climate deception cases have filed

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<sup>5</sup> [Supreme Court Order List](#) (04/23/2023). In pertinent part: “*Suncor Energy, Inc., et al. v. Bd. Comm'rs Boulder Cty., et al.* The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition. Justice Kavanaugh would grant the petition for a writ of certiorari.”

<sup>6</sup> See Canon 3(B)(3) of the [Code of Conduct for Justices of the Supreme Court of the United States](#).

<sup>7</sup> See Part III, “[The Supreme Court Needs a Mandatory and Enforceable Code of Ethics](#),” New York City Bar Association (10/1/2024).

<sup>8</sup> See the Center for Climate Integrity’s [tracker](#) for a list of these parallel state climate deception cases.

<sup>9</sup> “[Exxon’s Unethical Supreme Court Play](#)” in *The American Prospect*, April 20, 2023.

<sup>10</sup> [Reply Brief for the Petitioners](#), August 2022, *Suncor Energy (U.S.A.) Inc., et al. v. Board of County Commissioners of Boulder County, et al.* In pertinent part: “And this case is uniquely positioned among the group of cases currently headed to the Court. It involves a smaller group of defendants and thus is less likely than those cases to present recusal issues.”

requests for stays, saying that the outcome of the *Boulder* case could directly affect their own. (*See, inter alia*, the oil company defendants’ March 17, 2026 Motion to Stay Proceedings in *City and County of Honolulu et al v. Sunoco LP et al*, stating: “The U.S. Supreme Court’s decision in *Boulder* thus has the potential to fully and finally determine the outcome of this action.”<sup>11</sup>)

As these parallel state climate deception cases are undeniably interlinked, and due to Justice Alito’s vested interests in the oil and gas industry outlined below, the only ethical option for Justice Alito is a blanket recusal from participating in any one of them. When Justice Alito previously recused from considering Suncor and Exxon’s petition along with several other pending petitions at the time in *BP et al. v. Baltimore*, *Chevron et al. v. San Mateo County et al.*, *Sunoco et al. v. Honolulu et al.*, and *Shell et al. v. Rhode Island*, he demonstrated an implicit recognition of that ethical line.<sup>12</sup> Now he has overstepped it without justification.

### **Justice Alito’s Conflicts of Interest**

According to his most recent financial disclosure filed on August 13, 2025, Justice Alito owns individual stock worth between \$60,007 and \$245,000 in seven oil, gas, and mining sector companies: AES Corp., BHP Billiton, Black Hills Corp., ConocoPhillips, OGE Energy, Phillips 66, and Woodside Energy.<sup>13</sup> Justice Alito also has up to \$100,000 invested in a high dividend yield fund, the Vanguard High Dividend Yield ETF, in which Exxon is the third-largest holding.<sup>14</sup> These holdings alone should compel Justice Alito to recuse himself from the *Boulder* case and the parallel state climate deception cases.

Additionally, there is another apparent conflict of interest that should move Justice Alito to promptly recuse from the *Boulder* case. Justice Alito has previously been embroiled in an ethics scandal involving billionaire Paul Singer, who is Founder, President, Co-Chief Executive Officer, and Co-Chief Investment Officer of Elliott Management, a hedge fund with approximately \$79.8 billion in assets under management as of the end of 2025. As *ProPublica* reported in 2023, Justice Alito failed to publicly disclose his flight on Paul Singer’s private jet to Alaska for a luxury fishing trip with Singer and subsequently failed to recuse from at least ten cases involving Elliott Management.<sup>15</sup>

### **Elliott Management owns over 52 million shares worth over \$2.3 billion in Suncor, the oil company whose petition was just granted by the U.S. Supreme Court after Justice Alito**

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<sup>11</sup> *Honolulu v. Sunoco LP*, No. 1CCV-20-0000380 (LWC), Docket No. 2329 at 1 (Haw. Cir. Ct. 1st Cir. Mar. 17, 2026).

<sup>12</sup> [Supreme Court Order List](#) (04/23/2023).

<sup>13</sup> [2024 Financial Disclosure Report](#) (08/13/2025).

<sup>14</sup> *Id.*, 2024 Financial Disclosure Report; [Vanguard High Dividend Yield ETE](#) (accessed 03/09/2026).

<sup>15</sup> “[Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court](#),” *ProPublica* (06/20/2023).

**failed to recuse from its consideration.**<sup>16</sup> After previously recusing from considering Suncor and Exxon’s petition in 2023, Alito’s decision to reverse course and participate in granting the companies’ most recent petition—when a finding in favor of the companies could directly and indirectly benefit both himself and his billionaire friend—is an indefensible breach of ethical boundaries.

### **Justice Alito’s Inconsistent Recusal History**

In addition to failing to recuse the second time that the Supreme Court considered Suncor and Exxon’s petition, Justice Alito also failed to recuse from considering petitions in *American Petroleum Institute et al. v. Minnesota*, one of the parallel state climate deception cases, and *Alabama et al. v. California et al.*, in which Alabama and 18 other states attempted to block California, Connecticut, Minnesota, New Jersey, and Rhode Island from continuing their state climate deception cases.<sup>17</sup> When the Court rejected the petition in *Alabama et al. v. California et al.*, Justice Alito joined Justice Thomas in a dissent saying that they would have taken the case, despite Alito owning stock in ConocoPhillips and Phillips 66, which are involved in California, New Jersey, and Rhode Island’s lawsuits. Again, these deviations from expected recusal practice came without justification and are in conflict with federal law.

As Richard Lazarus, an eminent law professor at Harvard University, recently told *The New York Times*, Justice Alito has “dismissed claims of bias in a highly personal, cavalier, hostile and conclusory way.”<sup>18</sup> This behavior contributes to eroding public distrust and reasonable doubt about the integrity of the Supreme Court’s decisions.

Notably, on January 8, 2026, in *Chevron USA v. Plaquemines Parish*, Justice Alito belatedly recused himself from further participation in the case after watchdog reporting exposed his financial interest in ConocoPhillips, the parent corporation for Burlington Resources Oil and Gas Company, which had dropped as a party from the case before the Supreme Court but remained a party in the district court.<sup>19</sup> While situations like this continue to dampen public trust in the Court, a belated course correction is preferable to no action.

Justice Alito should recuse himself from further participation in *Suncor et al. v. Boulder et al.* and all related cases.

### **Conclusion**

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<sup>16</sup> [Elliott Investment Management L.P. Portfolio Holdings](#), Fintel (accessed 03/09/2026).

<sup>17</sup> Supreme Court [Order List](#) (01/08/2024); [Court Order](#) (03/10/2025).

<sup>18</sup> “[Supreme Court Secrecy Includes Reasons for Recusal](#),” *The New York Times* (04/09/2026).

<sup>19</sup> “[Alito’s Oil Investments Pollute Contractor Accountability Case](#),” *The Lever* (10/31/2025); [Letter from the Supreme Court Clerk](#) (01/08/2026); “[Alito’s Recusal in Oil Case Renews Questions About Justice’s Investments](#),” *Inside Climate News*, (01/13/2026).

If Justice Alito will not take it upon himself to follow the law, which requires his recusal from any proceeding in which his “impartiality might reasonably be questioned,” 28 U.S.C 455, the Senate Committee on the Judiciary must step in. The Committee should investigate and hold hearings in order to uphold the public’s substantial interest in ethical rigor from the justices on our nation’s highest court.

Sincerely,

Court Accountability  
People’s Parity Project  
Revolving Door Project  
Take Back the Court Action Fund  
True North Research  
Center for Progressive Reform  
National Women's Law Center Action Fund  
Alliance for Justice  
Law Students for Climate Accountability  
League of Conservation Voters  
Center for Biological Diversity  
Center for Media and Democracy  
Physicians for Social Responsibility  
Sciencecorps  
Earthworks  
Friends of the Earth US  
People Power United  
Free Speech For People  
Equality California  
Secure Elections Network  
Demand Progress  
Action Together NEPA  
198 methods  
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Essential Information  
Clearinghouse on Women's Issues  
Brave New Films  
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