



June 21, 2023

The Honorable Samuel A. Alito, Jr.  
The Supreme Court of the United States  
One First Street NE  
Washington, DC 20543

**RE: Student debt relief and “the appearance of impropriety”**

Dear Justice Alito:

In light of your now well-documented financial entanglement with billionaire investor Paul Singer, the Student Borrower Protection Center, working on behalf of people with student debt, writes to demand your immediate recusal from two cases in which Mr. Singer appears to have direct or indirect ties to litigants or amici—*Biden v. Nebraska* and *U.S. Department of Education v. Brown*.

As you know, these cases will determine whether the Biden Administration is able to deliver transformational student debt relief to more than 40 million working families. As described below, entities with which Mr. Singer appears to have financial involvement have urged the Supreme Court to block this life-changing debt relief.

Given your stated concerns over “the appearance of impropriety” related to potential conflicts of interest<sup>1</sup> and the standard for recusal you set out in your own Senate confirmation hearing (recusal is needed when “any possible question might arise”),<sup>2</sup> we expect that you agree that it is necessary to recuse yourself from both cases.<sup>3</sup> We urge you to immediately and publicly communicate your intent to do so before decisions on these cases are released.

**Paul Singer’s direct and indirect financial ties to parties in *Brown* and amici in *Brown* and *Nebraska* raise serious questions about your ability to decide neutrally and impartially.**

The *U.S. Department of Education v. Brown* litigants, student loan borrowers named Myra Brown and Alexander Taylor, were identified by a shadowy nonprofit organization known as the Job Creators Network. This entity, which advocates for extreme, right-wing positions on a range of issues, has been the

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<sup>1</sup> See, Alito, S. *ProPublica Misleads Its Readers*, Wall Street Journal (June 20, 2023).

<sup>2</sup> ProPublica, *Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court* (June 20, 2023), <https://www.propublica.org/article/samuel-alito-luxury-fishing-trip-paul-singer-scotus-supreme-court>.

<sup>3</sup> See, also, Statement on Ethics Principles and Practices appended to letter from the Chief Justice to Senator Durbin, April 25, 2023. (“There is an appearance of impropriety when an unbiased and reasonable person who is aware of all relevant facts would doubt that the Justice could fairly discharge his or her duties”).



recipient of an undisclosed amount of financial support from right-wing donors and has used these resources to publicly wage the legal fight to dismantle student debt relief beginning just days after President Biden first announced his cancellation plan.<sup>4</sup>

Among other sources, the Judicial Crisis Network has provided at least \$150,000 in direct financial support to the Job Creators Network since 2015, including \$50,000 in 2020.<sup>5</sup> As both *The Daily Beast* and *ProPublica* have reported, Mr. Singer is a major Judicial Crisis Network donor.<sup>6</sup>

In addition to the indirect financial ties between Mr. Singer and the entity directing the *Brown* litigation, in both *Brown* and *Nebraska*, an organization Mr. Singer directly oversees, the Manhattan Institute, filed a consolidated *amicus curiae* brief urging the Supreme Court to strike down student debt relief.<sup>7</sup> Mr. Singer is currently the chairman of the Manhattan Institute's Board of Trustees.<sup>8</sup>

Taken together, these direct and indirect ties to parties and amici in these lawsuits raise significant questions about your ability to remain impartial, particularly given your documented history as a beneficiary of Mr. Singer's largesse.

### **Clear evidence of your financial ties to Paul Singer require your swift recusal.**

Your financial ties to Mr. Singer are clear. On Tuesday, June 20, 2023, *ProPublica* reported that you had received and failed to disclose private air travel, accommodations, and entertainment worth tens of thousands of dollars paid for by Mr. Singer.<sup>9</sup> Subsequent to receiving this undisclosed gift, you repeatedly

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<sup>4</sup> Job Creators Network, *Job Creators Network Foundation Legal Action Fund Weighs Legal Options to Block Biden's Illegal Student Loan Bailout* (August 2022), [https://www.jobcreatorsnetwork.com/press\\_releases/job-creators-network-foundation-legal-action-fund-weighs-legal-options-to-block-bidens-illegal-student-loan-bailout/](https://www.jobcreatorsnetwork.com/press_releases/job-creators-network-foundation-legal-action-fund-weighs-legal-options-to-block-bidens-illegal-student-loan-bailout/).

<sup>5</sup> See Judicial Crisis Network, 2015 IRS Form 990; <https://projects.propublica.org/nonprofits/organizations/202303252/202211369349314701/full> <https://s3.documentcloud.org/documents/5747184/Judicial-Crisis-Network-2015-990.pdf>; The Concord Fund (f/k/a Judicial Crisis Network), 2020 IRS Form 990; <https://projects.propublica.org/nonprofits/organizations/202303252>.

<sup>6</sup> The Daily Beast, *Billionaires Try to Buy the Supreme Court* (2016); <https://www.thedailybeast.com/billionaires-try-to-buy-the-supreme-court>; ProPublica, *Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court* (June 20, 2023), <https://www.propublica.org/article/samuel-alito-luxury-fishing-trip-paul-singer-scotus-supreme-court>.

<sup>7</sup> See, Manhattan Institute and Cato Institute, *Brief of the Cato Institute and Manhattan Institute as Amicus Curiae in Support of Respondents* (February 2023); [https://www.supremecourt.gov/DocketPDF/22/22-506/253795/20230202135744082\\_Biden%20v.%20Nebraska\\_Final.pdf](https://www.supremecourt.gov/DocketPDF/22/22-506/253795/20230202135744082_Biden%20v.%20Nebraska_Final.pdf).

<sup>8</sup> Manhattan Institute, *Board of Trustees* (accessed on June 20, 2023); <https://manhattan.institute/board-of-trustees>.

<sup>9</sup> ProPublica, *Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court* (June 20, 2023), <https://www.propublica.org/article/samuel-alito-luxury-fishing-trip-paul-singer-scotus-supreme-court>.



voted in cases where Mr. Singer had business before the court. As *ProPublica* explains, your business interests have received billions of dollars in direct financial benefits from these rulings.<sup>10</sup>

Over the fifteen-year period since you received and unlawfully failed to disclose gifts and luxury travel from Mr. Singer, you have also been the subject of fawning praise from the billionaire—including when he introduced you as a keynote speaker at a gala hosted by the Manhattan Institute.<sup>11</sup>

The appearance of corruption—your ties to Mr. Singer, and his ties to organizations with business before the court in *Brown* and *Nebraska*—clear the high ethical bar you established for yourself at your confirmation hearing in 2006. You clearly stated that when “any question might arise” as to your impartiality as a result of personal or professional entanglements, you must recuse yourself from the matter at hand. There is only one path forward: you must recuse yourself in both *Brown* and *Nebraska*.

Sincerely,

Student Borrower Protection Center

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*