

Justice Alito refuses to recuse himself from Supreme Court cases after flag-flying exposures

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On Wednesday, US Supreme Court Justice Samuel Alito officially rejected calls to recuse himself from cases related to Donald Trump and the January 6, 2021 insurrection. He did so in two letters, one to Democrats on the Senate Judiciary Committee and the other to 52 Democrats in the House of Representatives.

Following reports in the *New York Times* on May 16 and May 22 revealing that symbols of support for Donald Trump’s “Stop the Steal” campaign—an upside-down American flag and an “Appeal to Heaven” flag—were flown at two Alito residences, some Democrats in Congress began calling on Alito to recuse himself.

The 52 House Democrats sent their letter to Justice Alito on May 21 and Senators Dick Durbin of Illinois and Sheldon Whitehouse of Rhode Island sent their letter to Supreme Court Chief Justice John Roberts on May 23. The senators requested a meeting to discuss the recusal of Alito.

The *Times* reports contained multiple photographs and numerous eye-witness accounts that the flags were flown at the Alito homes in Alexandria, Virginia and Long Beach Island, New Jersey. The upside-down flag was flown after January 6, 2021 and before the January 20, 2021 inauguration of Joe Biden as president. The “Appeal to Heaven” flag was flown between July and September 2023.

In his letters to Congress, Justice Alito acknowledged that the calls for recusal were in relation to two pending cases before the Supreme Court, *Trump v. United States* and *Fischer v. United States*, along with “certain other cases that might come before the Court.” He also acknowledged that the recusal calls were based on complaints that “two incidents involving the flying of flags created an appearance of impropriety that requires

my recusal.”

Alito then cited the applicable section of the Supreme Court Code of Conduct regarding disqualification. The relevant passage states that a “justice should disqualify himself or herself” if the judge’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.”

Alito did not deny the flying of the flags on his property. Instead, he made a circular argument that the flag incidents “do not meet the conditions for recusal set out” in the Code of Conduct, and “I therefore have an obligation to sit” because a Supreme Court justice is “presumed impartial and has an obligation to sit unless disqualified.”

In reality, Alito, along with Justice Clarence Thomas, is a known supporter and conspirator with Donald Trump and the Republican congressional leadership in their attempt to overturn the results of the 2020 presidential election and prevent the transfer of power to Joe Biden.

As reported by the *World Socialist Web Site* in June of 2022, Alito had held back on making a decision on an unconstitutional “emergency application” filed by Trump coup lawyer Sidney Powell on January 5, 2021. The delay in ruling on the application—which argued that the next day’s official Electoral College vote count by a joint session of Congress had to be halted because Trump’s fake electors had been “unconstitutionally” blocked from the procedure—was deliberately carried out by Alito to see if it could be used to back the fascist insurrection.

In his letters, Alito gave lengthy accounts of how his wife, Martha-Ann Alito, was entirely to blame for the flag-flying incidents.

In an exercise in subterfuge, Alito wrote, “I had nothing whatsoever to do with the flying of the flag.” He then went on to claim that he was unaware of the upside-down flag and, after it was brought to his attention, “I asked my wife to take it down, but for several days, she refused.”

Alito further wrote absurdly that he and his wife “own our home in Virginia jointly,” and that Martha-Ann has “the legal right to use the property as she sees fit, and there were no additional steps that I could have taken to have the flag taken down more promptly.”

He also claimed that he was not aware of the connection of the “Appeal to Heaven” flag with Trump’s “Stop the Steal” movement and assumed it was “a patriotic and religious message.”

On Thursday, Chief Justice John Roberts also replied to Senators Durbin and Whitehouse and backed Alito’s position against recusing himself in the pending and upcoming cases. Roberts also refused to meet with the senators, writing, “Separation of powers concerns and the importance of preserving judicial independence counsel against such appearances.”

It is clear that the letters from the Democrats calling on Alito to recuse himself are so much window dressing under conditions of the takeover of the Supreme Court by blatantly corrupt political reactionaries. That Alito and Roberts have said there will be no recusal is seen by the Democrats and the Biden White House as a convenient means of continuing their coverup of the full extent of the conspiracy to overthrow the US Constitution.

As recently reported by Politico:

Top Democrats have no plans to investigate reports that Supreme Court Justice Samuel Alito flew an upside-down American flag outside his home after the 2020 election. And Joe Biden has no desire to even talk about it.

Now, with the conviction of Donald Trump on 34 felony counts in the New York hush money trial, the Democrats are doubling down on their efforts to prop

up the two-party system and the discredited institutions of American democracy such as the Supreme Court.



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