

April 18, 2023



Dear Member of Congress:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 53 undersigned national organizations, we write to urge Congress to respond swiftly to the ongoing ethics crisis at the U.S. Supreme Court and strengthen our federal judiciary. We call for immediate passage of robust ethics reform legislation, including an enforceable Code of Conduct for Supreme Court justices, as well as other needed transparency measures. Furthermore, we urge sustained oversight and investigation into reports identifying disturbing patterns of ethics violations by Supreme Court justices.

The need for serious and immediate action on judicial ethics is clear. Our federal courts must work for all of us, not just the wealthy and powerful. The decisions our judges and justices make shape our democracy and determine whether we can live free and full lives in which our civil and human rights are respected and protected. But the wealthy and powerful few have stacked the deck in their own favor and against the rights of everyday people. We have long known that this well-funded and long-term agenda seeks to pursue litigation against constitutional and civil rights protections and stack our courts with ideological extremists with the goal of rolling back these rights. We have seen the impact of this agenda in radical decisions that upend decades of precedent in order to dismantle our most basic freedoms. And now, public support for the Supreme Court is at its lowest point in decades.

Recent media reports have detailed deeply concerning patterns of Supreme Court justices refusing to hold themselves to basic ethical standards, raising questions about the very integrity of our nation's most powerful court. New reporting suggests that Associate Justice Clarence Thomas has, for decades, failed to disclose lavish gifts he has received from billionaire Republican donor Harlan Crow, despite the disclosure requirements in the 1978 Ethics in Government Act. These reports of egregious behavior are not anomalies; instead, they come on the heels of reporting about wealthy extremists seeking to embolden the Court's ultraconservative flank by buying access to the justices. These escalating patterns of misconduct are unethical, unacceptable, and damaging to the rule of law.

Modernization is needed at every level of the federal judiciary, but our Supreme Court and the nine justices appointed to that court for life have particularly far-reaching power over the lives and freedoms of all of us. For democracy to function as it was intended, the institution of the Supreme Court must be above reproach. It must have credibility with the public that its decisions are informed by facts and law, not wealth and power. Yet the Supreme Court is the only federal court that has no binding ethical code of conduct. While justices purport to consult the Code of Conduct for United States judges, they are not required to do so, and they have failed to hold themselves accountable and implement the changes needed to bolster our democracy.

In light of this judicial ethics crisis, we renew our calls for Congress to work swiftly to hold our judges and justices to the highest possible ethical standards. Congress should immediately pass ethics legislation that includes, at a minimum, a Code of Conduct for Supreme Court justices and a mechanism to enforce adherence to ethics and recusal rules, in addition to further necessary transparency measures. We also urge sustained oversight of and investigation into these reports and other instances of misconduct by federal judges.

We applaud the ongoing congressional inquiries into these important matters. We commend Senate Judiciary Committee Chair Dick Durbin's leadership and the committee's letter announcing a hearing on this issue and asking Chief Justice John Roberts to immediately open an investigation into the reporting on Justice Thomas's behavior. We also welcome the bicameral call, led by Senator Sheldon Whitehouse and Representative Hank Johnson, for Chief Justice Roberts to investigate these and other violations. We appreciate the Administrative Office of the U.S. Courts' Committee on Financial Disclosure's recent clarification of what constitutes "personal hospitality" for purposes of reporting requirements. Yet even under previous guidance, it was clear that secretly accepting lavish vacations and luxury accommodations from billionaire political donors is unethical, and failing to disclose private jet travel and gifts paid for by corporations may violate reporting obligations. Despite years of congressional requests from across the political spectrum, the Supreme Court has been unwilling to take the necessary actions to increase accountability and transparency and restore the public's faith in our judiciary. Congressional action is needed to solve this crisis.

In addition, continued oversight efforts from the Senate Judiciary Committee are critically important. Your constituents need and deserve a federal judiciary staffed by judges and justices who are fair, who instill public trust in the court's decisions, and who understand the broad impacts of the decisions they make both on and off the bench. If left unchecked, abuses of power are likely to become more frequent and more severe, further corroding the public's faith in our judicial system and weakening our democracy.

Our courts are supposed to protect the rights of all of us. For our democracy to work, all people in America need to be able to trust that judges and justices make decisions without bias and free from undue influence. Indeed, our communities depend on federal jurists to fairly administer justice for all of us. We call upon Congress to do everything in its power to address the ongoing ethics crisis and ensure that our Supreme Court lives up to its promise of equal justice under law.

Sincerely,

The Leadership Conference on Civil and Human Rights
AFL-CIO
Alliance for Justice
American Atheists
American Constitution Society
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers

American Humanist Association
Center for American Progress
Center for Popular Democracy Action
Citizens for Responsibility and Ethics in Washington (CREW)
Clearinghouse on Women's Issues
Committee for a Fair Judiciary (CFJ)
Common Cause
Demand Justice
Earthjustice
End Citizens United//Let America Vote Action Fund
Equal Rights Advocates
Feminist Majority Foundation
Freedom From Religion Foundation
GLSEN
Herd on the Hill
Human Rights Campaign
Indivisible
Interfaith Power & Light
Japanese American Citizens League
Lambda Legal
LatinoJustice PRLDEF
Lawyers for Good Government (L4GG)
League of Conservation Voters
MALDEF (Mexican American Legal Defense and Educational Fund)
NARAL Pro-Choice America
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National Employment Law Project
National Fair Housing Alliance
National Hispanic Media Coalition
National Organization for Women
National Urban League
National Women's Law Center
People For the American Way
Planned Parenthood Federation of America
Population Connection Action Fund
Project On Government Oversight
Reproaction
Service Employees International Union (SEIU)
Sojourners
Stand Up America
The Secular Coalition for America

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The Sikh Coalition
The Workers Circle
Union of Concerned Scientists
United Steelworkers