

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 14, 2025

The Honorable John G. Roberts, Jr.
Chief Justice
Supreme Court of the United States
1 First Street NE
Washington, DC 20543

Dear Mr. Chief Justice:

When the Framers formed our democratic republic on behalf of “We the People,” they vested the judicial powers of the United States “in one supreme Court.”¹ Over centuries, we have relied on that Court to keep our democracy afloat. As Alexander Hamilton observed in Federalist No. 78, the judicial branch is the “least dangerous to the political rights of the Constitution” as it “has no influence over the sword or the purse...It may truly be said to have neither force nor will, but merely judgment.”²

The Supreme Court, representing the entire federal judiciary, must maintain the trust and confidence of the American people. Public trust in its judgment is the Court’s greatest power. It has no other means of enforcing its rulings—if that foundation of public trust falls away, then “We the People” may very well lose the rule of law, upon which our entire democracy rests.

It is with these central truths in mind that we write to you as members of the House Judiciary Committee’s Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet to once again ask that you adopt a binding, enforceable ethics code. In this request, we stand with the American Bar Association (ABA) House of Delegates, who recently adopted a resolution calling on you and your colleagues to finally adopt a binding ethics code for the Supreme Court with an enforcement mechanism.³

This clarion call from the leaders of American jurisprudence demonstrates exactly why we as a country must have a Supreme Court that is trusted and respected by all Americans. According to the ABA-passed resolution, any Supreme Court ethics code must be “as strict as the Code of

¹ U.S. CONST. art. III, § 1

² THE FEDERALIST NO. 78 (Alexander Hamilton).

³ *ABA House adopts policy on judicial security and ethics, presidential actions, lawyer health*, AM. BAR ASS’N (Feb. 4, 2025), <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/aba-house-adopts-policies-judicial-security-ethics/>.

Conduct for United States Judges” and must include an enforcement mechanism appropriate for the Supreme Court.⁴ The Court’s code as currently constituted satisfies neither of these criteria.

Confidence in our judicial system has dropped 24 points over the last four years to 35 percent, according to a 2024 Gallup poll.⁵ In 2023, the United States placed 92nd in a ranking of nations by public confidence in their judiciaries.⁶ Russia, Iraq, Iran, Libya, and Hungary all ranked higher than the United States; our judicial branch currently finds itself in the company of nations in a state of constitutional turmoil, including Myanmar, Syria, and Venezuela.⁷

Though this may be shocking, it is entirely predictable given the ongoing ethics scandals that have cast doubt on the Court’s impartial judgment and adherence to the law and precedent.⁸ As the ABA points out in its resolution, your current code does not even “follow existing laws that apply to the Justices.”⁹ It is unacceptable for the judiciary of a country that has historically been viewed as a bellwether for democracy to fail to establish even the bare minimum of ethical conduct under the law for the individuals chosen to be the final arbiters of questions inherent to who we are as a society.¹⁰

Our nation’s rule of law is grounded in the independence and impartiality of our courts. The Framers viewed this precept as so important that they embedded it in our Constitution. Whether it is the guarantee of due process or the enduring promise of checks and balances, our Constitution secures Americans’ rights to impartial justice. Justice Kennedy recognized this incontrovertible truth when he said, “Judicial independence is not conferred so judges can do as they please. Judicial independence is conferred so judges can do as they *must*.”¹¹ The Court’s judicial independence is of paramount importance considering recent events, and the lack of an ethics code with an enforcement mechanism continues to undermine this independence and impartiality.

⁴ *Id.*

⁵ Benedict Vigers & Lydia Saad, *Americans Pass Judgment on Their Courts*, GALLUP (Dec. 17, 2024), <https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx>.

⁶ Adam Liptak, *Confidence in U.S. Courts Plummets to Rate Far Below Peer Nations*, N.Y. TIMES (Dec. 17, 2024), <https://www.nytimes.com/2024/12/17/us/gallup-poll-judiciary-courts.html>.

⁷ *Id.*

⁸ See e.g., Nik Popli, *The Most Interesting Revelations in the Supreme Court Justices’ Financial Disclosures*, TIME (Jun. 7, 2024), <https://time.com/6986825/supreme-court-justices-financial-disclosures/>; Mark Sherman, *To Recuse or refuse? A look at Supreme court justices’ decisions on whether to step aside in cases*, ASSOC. PRESS (May 29, 2024), <https://apnews.com/article/supreme-court-alito-flags-recusal-capitol-riot-f4ef46683365c92e8a3ff9df7894b586>.

⁹ Resolution 203, AM. BAR ASSOC. HOUSE OF DELEGATES at 1 (2025), <https://www.americanbar.org/content/dam/aba/administrative/news/2025/mym-hod-res/203.pdf>.

¹⁰ All 50 states in our union have recognized this constitutional imperative by implementing an enforcement mechanism for the ethical canons that bind even their state’s highest courts. Charles Gardner Geyh, *Judicial Ethics and Discipline in the States*, STATE COURT REPORT (Dec. 24, 2023), <https://statecourtreport.org/our-work/analysis-opinion/judicial-ethics-and-discipline-states>; see also, *Report: Judicial Misconduct Procedures in All Fifty States and the District of Columbia*, OFF. OF SENATOR SHELDON WHITEHOUSE (Nov. 2024), <https://www.whitehouse.senate.gov/wp-content/uploads/2024/12/2024-11-26-Judicial-Ethics-50-State-Survey.pdf> (Finding that “All fifty states have some mechanism for enforcing judicial codes of conduct and ethics rules”).

¹¹ The Hon. John G. Roberts, Jr., 2024 YEAR END REPORT ON THE FEDERAL JUDICIARY (2024) at 3-4, <https://www.supremecourt.gov/publicinfo/year-end/2024year-endreport.pdf> (emphasis added).

It would be irresponsible for the Supreme Court to fail to act now, particularly at a time when trust and faith in the judgement of our nation's highest court *must* be at its zenith. We commend and associate ourselves with the ABA's official recognition that without a binding code of conduct with an enforcement mechanism for *all* federal judges and Justices, trust in our judiciary may further erode.

For the sake of an enduring democracy and respect of our constitutional order, we implore you and your colleagues to listen to Americans across the country and finally adopt a binding *and* enforceable code of conduct. The survival of our democracy might just depend upon it.

Sincerely,



Henry C. "Hank" Johnson, Jr.
Ranking Member
Subcommittee on Courts, Intellectual Property,
Artificial Intelligence, and the Internet



Zoe Lofgren
Member of Congress



Ted W. Lieu
Member of Congress



Deborah K. Ross
Member of Congress



Eric Swalwell
Member of Congress



Sydney Kamlager-Dove
Member of Congress

cc: The Honorable Clarence Thomas, Associate Justice, Supreme Court of the United States
The Honorable Samuel A. Alito, Jr., Associate Justice, Supreme Court of the United States
The Honorable Sonia Sotomayor, Associate Justice, Supreme Court of the United States
The Honorable Elena Kagan, Associate Justice, Supreme Court of the United States
The Honorable Neil M. Gorsuch, Associate Justice, Supreme Court of the United States
The Honorable Brett M. Kavanaugh, Associate Justice, Supreme Court of the United States
The Honorable Amy Coney Barrett, Associate Justice, Supreme Court of the United States
The Honorable Ketanji Brown Jackson, Associate Justice, Supreme Court of the United States