

Holding Power Accountable

Common Cause Urges Senate to Vote on Supreme Court Ethics, Recusal, and Transparency Act

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

May 15, 2024

Dear Majority Leader Schumer and Minority Leader McConnell:

No American is above the law, including the justices on the United States Supreme Court. [Reporting by ProPublica](#) from last year revealed that Justice Clarence Thomas accepted luxury trips and gifts from a billionaire donor without reporting a dime of them on his personal financial disclosure forms for more than 20 years, and numerous other reports over the last year significantly call into question the ability of justices to be impartial arbiters of the law. These latest incidents are ongoing examples of how a lack of clear ethical rules has permitted conduct that over time undermines trust and confidence in the judiciary and requires immediate Congressional attention. The Supreme Court should abide by the highest ethical standards, and what has been publicly reported falls woefully short.

On this day that Supreme Court justices' financial disclosure forms are due to the Administrative Office of the U.S. Courts, we write to urge the full Senate to debate and vote on the Supreme Court Ethics, Recusal, and Transparency Act (S. 359). This bill was approved by the Senate Judiciary Committee last year, and although we appreciate that the Senate has held hearings focused on judicial ethics in recent years, much more must be done.

The non-binding and unenforceable code of conduct that the Supreme Court voluntarily announced last fall is a tiny step in the right direction, but it lacks enforcement and accountability, so Congress must codify it to give it teeth and ensure it is fully enforceable. It is telling that the Supreme Court announced its proposed new ethics code just days before the Senate Judiciary Committee was scheduled to vote to issue subpoenas to wealthy donors at the center of some of the recent Supreme Court scandals. The American people deserve nothing less than the truth, accountability, and transparency, and Congress must advance legislation to create a permanent and binding code of ethics for the Supreme Court. We therefore call on the Senate to hold a vote on the Supreme Court Ethics, Recusal, and Transparency Act in the coming months.

This is not a partisan issue – the Supreme Court should be an independent arbiter, free from the special access and influence that too often undermine the rule of law. We respectfully call for a vote on the Supreme Court Ethics, Recusal, and Transparency Act (S. 359) to strengthen the law on judicial ethics and accountability.

Sincerely,

Virginia Kase Solomón
President and CEO
Common Cause

