

Congress of the United States
Washington, DC 20515

September 9, 2011

The Honorable Lamar Smith
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
House Judiciary Committee
B-351 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith and Ranking Member Conyers:

We write to you today to ask that you hold a hearing on HR 862, the *Supreme Court Transparency and Disclosure Act*. This commonsense bill would go a long way towards restoring the public's confidence in the Supreme Court after several recent questionable actions by some of its members.

The Supreme Court must be a neutral arbiter that acts without bias or prejudice. We the people created our Constitution to "establish justice," and the promise that Supreme Court justices abide by the rule of law and not political influence or ideology is at the foundation of who we are as a country.

This bedrock principle is important with the prospect that the Supreme Court will eventually rule on the constitutionality of legislation debated by this Congress, like the *Affordable Care Act*. Whatever the justices decide, the legitimacy of their decisions depend on whether the American people believe them to be impartial and above any particular political or financial interests.

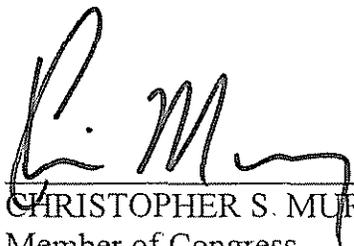
Yet, there have been alarming reports of justices – most notably Justices Antonin Scalia, Clarence Thomas and Samuel Alito – attending political events and using their position to fundraise for organizations. These activities would be prohibited if the justices were required to abide by the Judicial Conference Code of Conduct, which currently applies to all other federal judges. On these issues the code is quite clear. Canon 4C states that "a judge should not personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of the judicial office for that purpose." Additionally, in Canon 5 the code states, "[a] judge must refrain from all political activity." While we understand that the Supreme Court is unique by its very nature, we do not believe there should be one set of guidelines for Supreme Court justices and stricter standards for all others judges.

The Supreme Court possesses the incredible power to interpret or even strike down laws they deem inconsistent with the Constitution. America trusts them with this power because justices must come to each case without a personal or financial stake in the outcome. Recent revelations about Justice Thomas accepting tens of thousands of dollars' worth of gifts from individuals and organizations who often have an interest in matters before the courts calls into question the Court's impartiality. Canon 4D of the Code of Conduct incorporates regulations providing that "[a] judicial officer or employee shall not accept a gift from anyone who is seeking official action from or doing business with the court." Yet Justice Thomas received a gift valued at \$15,000 from an organization that had a brief pending before his Court at the very moment they gave him the gift. Incidents such as these undermine the integrity of the entire judiciary, and they should not be allowed to continue.

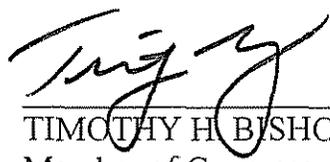
The Supreme Court Transparency and Disclosure Act was introduced to shine a light on these issues. First, it would apply the Judicial Conference Code of Conduct, which applies to all other federal judges, to Supreme Court Justices. Currently, the justices only look to this standard as "guidance". Second, the bill would require Supreme Court justices to publicly disclose their reasoning behind a recusal when they withdraw from a case and when they refuse to recuse themselves after a motion is made for them to do so. Lastly, it would require the Judicial Conference to develop a process to review decisions by justices who have refused to step aside from a case.

As Supreme Court Justice Louis Brandeis once said, "sunlight is said to be the best of disinfectants". It is time that we apply that same ideal to the Supreme Court. Again, we urge you to schedule a hearing on HR 862, to help restore the public's faith in our judicial system and to guarantee the integrity of our country's highest court.

Sincerely,

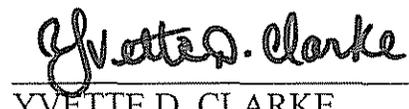

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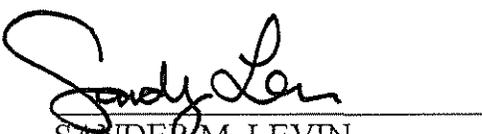

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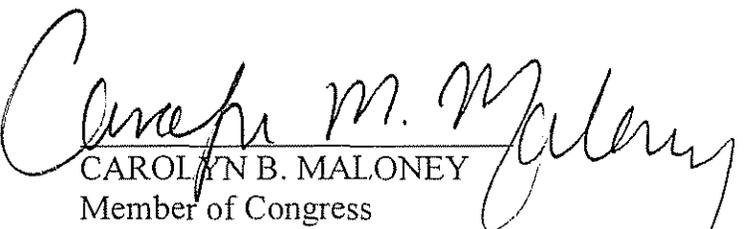

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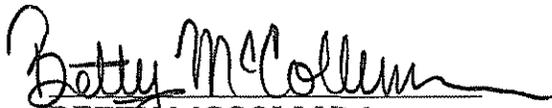

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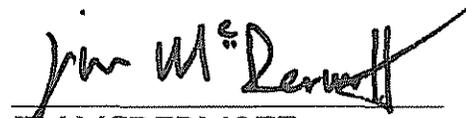

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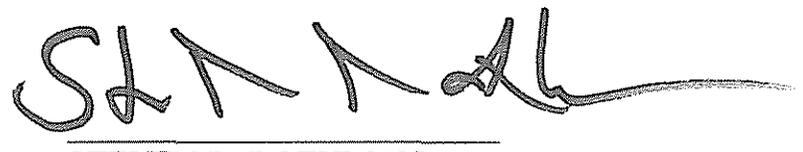

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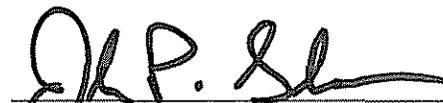

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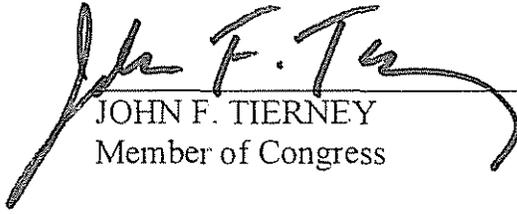

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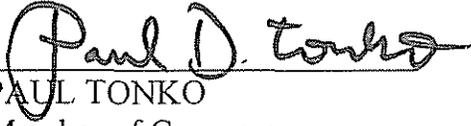

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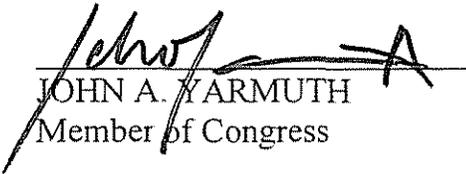
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Justice Watch

Justice Watch is project of [Alliance for Justice](#). AFJ has worked for more than 30 years to ensure that all Americans have access to a fair and independent judiciary. Justice Watch tracks activity in the federal courts and the continuing efforts by movement conservatives to fundamentally change the balance of power in our courts.



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FRIDAY, SEPTEMBER 9, 2011

43 Members of Congress Call for Hearings on Supreme Court Ethics Reform

Today, Congressman Chris Murphy and 42 of his colleagues called on the House Judiciary Committee to hold hearings on the need for Supreme Court ethics reform. Their open letter to committee leadership noted that the alarming behavior of some justices, such as attending political events and fundraisers, “undermine the integrity of the entire judiciary, and they should not be allowed to continue.”

The House members urged the House Judiciary Committee to hold a hearing to consider the Supreme Court Transparency and Accountability Act, which would require Supreme Court justices to follow the same ethical rules as all other federal judges, and reform the Court’s recusal process. The full text of the House members’ letter is available [here](#).

In March, AFJ President Nan Aron joined with Congressman Murphy to announce the Supreme Court Transparency and Accountability Act. Since then, the issue has continued to draw public and [media attention](#).

Eric Lichtblau of the New York Times Caucus Blog has [this](#) on today’s Dear Colleague letter. The letter is the latest in mounting calls for Supreme Court ethics reform. As Lichtblau notes:

The notion of imposing higher ethics standards on the Supreme Court appears to be gaining momentum among House Democrats and outside legal scholars, but its prospects in the Republican-controlled House are still uncertain.

Calls for ethics reform have increased as more and more accounts of ethically questionable conduct by some of the justices continue to be revealed. The NYT Caucus Blog reported that:

Justice Thomas has received the most recent scrutiny not only for his appearances before Republican-backed groups, but also for his acceptance of favors from a prominent conservative contributor in Texas, Harlan Crow, and his wife’s work as an advocate for conservative legal causes.

Alliance for Justice has been a leader in calling for Supreme Court ethics reform. AFJ’s upcoming film [A Question of Integrity: Politics, Ethics, and the Supreme Court](#), narrated by actor, director, and activist Edward James Olmos, will explore the increasing politicization of the Court, and calls on viewers to support changes to help protect public confidence in the Court. [Click here](#) to learn more about Supreme Court ethics reform.

Posted by Alliance for Justice at 1:45 PM

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