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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 27, 2023

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

Dear Chief Justice Roberts:

On April 25, you sent a letter to the Senate Judiciary Committee declining an invitation to appear, or to designate a Justice to appear, in front of the Senate Judiciary Committee to discuss the Supreme Court's approach to ethics matters. It is noteworthy that no Justice will speak to the American people after numerous revelations have called the Court's ethical standards into question, even though sitting Justices have testified before Senate or House Committees on at least 92 occasions since 1960.

Your letter states that “[i]n regard to the Court’s approach to ethics matters, I attach a Statement of Ethics Principles and Practices to which all of the current Members of the Supreme Court subscribe.” The statement of principles raises more questions than it resolves, and we request that you respond to several key questions. Your answers will inform the Committee’s work on legislation that seeks to ensure that the ethical obligations and practices of the Justices are at least on par with those that govern the rest of the federal judiciary and the federal government generally. We request that you provide these answers by May 1, so that they may be discussed during the Committee’s hearing the following day.

1. On what date did the Justices subscribe to the Statement on Ethics Principles and Practices that you attached to your letter, and had the Justices subscribed to any previous statement of ethics principles and practices before that date? If so, please provide any such statement.
2. The Statement on Ethics Principles and Practices notes that “[i]n 1991, Members of the Court voluntarily adopted a resolution to follow the substance of the Judicial Conference Regulations.” Does the Court currently require unanimity among the Justices in order to adopt a resolution to follow the substance of ethics regulations?
3. The Statement on Ethics Principles and Practices provides that “Justices, like other federal judges, consult a wide variety of authorities to address specific ethical issues.” What guidance do Justices receive on which authorities to consult, and how is this consultation process and any final decision on a particular matter documented?
4. The Statement on Ethics Principles and Practices provides that “[a]llegations of errors or omissions in the filing of financial disclosure reports are referred by the Secretary of the

Judicial Conference to the Committee on Financial Disclosure. The Committee may send the filer a letter of inquiry, providing an opportunity for the filer to respond as appropriate.”  
What is the consequence, if any, for a sitting Justice who does not respond as appropriate to such a letter of inquiry?

5. Has there ever been any censure, reprimand, admonition, sanction, or other penalty imposed on a Justice for failure to abide by any of the principles and practices now contained in the Statement on Ethics Principles and Practices? If so, what types of penalties have been, or may be, imposed? Is there a process by which the public may file, and the Supreme Court may receive, complaints that a Justice has failed to abide by these principles?

Thank you for your prompt attention to these questions. We look forward to your responses as we work to craft legislation that will help ensure public confidence in the Court’s approach to ethical obligations.

Sincerely,



Richard J. Durbin  
Chair



Dianne Feinstein  
United States Senator



Sheldon Whitehouse  
United States Senator



Amy Klobuchar  
United States Senator



Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



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Mazie K. Hirono  
United States Senator



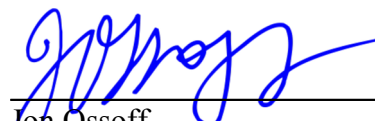
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Cory A. Booker  
United States Senator



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Alex Padilla  
United States Senator



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Jon Ossoff  
United States Senator



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Peter Welch  
United States Senator

cc: The Honorable Lindsey O. Graham, Ranking Member