

12.21.2024

Senate Judiciary Committee Releases Revealing Investigative Report on Ethical Crisis at the Supreme Court

The culmination of a 20-month investigation, the staff report features new information and a comprehensive analysis of the ongoing ethics challenge at the Supreme Court

WASHINGTON – Today, the Senate Judiciary Committee, chaired by U.S. Senate Majority Whip Dick Durbin (D-IL), released the findings of its 20-month investigation into the ethical crisis at the Supreme Court, including the results of committee subpoenas.

Entitled “An Investigation of the Ethics Challenge at the Supreme Court,” the majority staff report sheds light on a Supreme Court facing record-low levels of public trust, a consistent stream of ethical lapses, and repeated failures by the justices—under the leadership of Chief Justice John Roberts—to address the Court’s ethical challenges.

On the report’s release, Durbin released the following statement:

“Now more than ever before, as a result of information gathered by subpoenas, we know the extent to which the Supreme Court is mired in an ethical crisis of its own making. Whether failing to disclose lavish gifts or failing to recuse from cases with apparent conflicts of interest, it’s clear that the justices are losing the trust of the American people at the hands of a gaggle of fawning billionaires.

“The highest court in the land can’t have the lowest ethical standards. So long as Chief Justice Roberts and the Judicial Conference refuse to act, we must push for a legislative solution to this crisis to restore trust in the highest court.”

Key findings and takeaways from the Committee’s investigation include:

- Justice Scalia accepted lavish gifts from billionaires and others with business before the Court for more than a decade, in violation of federal law, including 258 personal trips, dozens of which were never disclosed.
- Justice Thomas chose to ignore legal obligations to disclose lavish gifts after media scrutiny over his disclosures in 2004, in violation of federal law.
- Justice Alito misused the “personal hospitality exemption” when he did not disclose gifts of transportation and lodging he received for a luxury fishing trip to Alaska in 2008, in violation of federal law.
- Justice Thomas failed to disclose gifts on two occasions never before known to the public until the Committee’s investigation, including a July 2021 private jet trip to Saranac, New York, and an October 2021 private jet and yacht trip to New York City sponsored by Harlan Crow.
- The two well-established “Stop the Steal” symbols at two of the Alitos’ properties while Justice Alito actively participated in cases concerning the 2020 presidential election and January 6 create an appearance of partiality that can only be addressed by recusal.
- Justice Alito’s unprecedented conduct when sitting for an interview with an attorney with a case pending before the Court raises a concern that he might be influenced to favor the party substantively or procedurally.
- Justice Thomas has accepted largesse from benefactors in amounts that have no comparison in modern American history.
- Ginni Thomas’s paid efforts involving the “Stop the Steal” movement and right-wing causes created a clear conflict of interest for Justice Thomas, as federal law prohibits justices from hearing cases where the interests of spouses are involved.
- To date, the Judicial Conference of the United States has failed to adequately respond to the Supreme Court’s ethical challenges. The Judicial Conference’s September 2024 revisions to gift disclosure requirements are oddly specific in expanding the personal hospitality exemption and seem more likely to absolve past misconduct and facilitate the acceptance of future largesse than strengthen judicial ethics.

The report includes the following recommendations:

- Congress must establish an enforceable code of conduct due to the Court’s abdication of its ethical responsibilities to do so.
- The Judicial Conference must be reformed and its internal operations improved, requiring action by Congress as well as internal changes by the Judicial Conference and the Administrative Office of the U.S. Courts.
- Further investigation—ideally with the cooperation of the justices—is needed to understand how the justices allowed these ethical lapses to occur and how to effectively address these failures going forward.

[For a PDF copy of the full report with appendices, click here.](#)

[For a PDF copy of the report only, click here.](#)

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The investigation is the culmination of a years-long effort by Durbin and the Senate Judiciary Committee to shed light on the need for Supreme Court ethics reform. Durbin first urged Chief Justice Roberts to establish an enforceable code of conduct over 12 years ago. The code of conduct the Court announced in November 2023 lacks any meaningful enforcement mechanism and falls short of the ethical standards that bind other federal judges. Since the Chief Justice's 2012 refusal to adopt a code of conduct, the justices have engaged in dozens of reported instances of apparent ethical misconduct—and many more instances of potential misconduct may remain unknown.

Following investigative reporting by *ProPublica*, Durbin led Committee Democrats in an April 2023 letter urging the Chief Justice to investigate the Court's ethics crisis. That same month, Durbin invited the Chief Justice to testify before the Committee regarding Supreme Court ethics. In May 2023, the Committee held a full committee hearing on Supreme Court ethics reform. Durbin also led all Committee Democrats in a letter to Republican megadonor Harlan Crow seeking information on gifts and travel given to Justice Clarence Thomas. Durbin also sent letters to Leonard Leo, Robin Arkley, Paul Singer, Paul Novelly, and David Sokol requesting information.

In addition, the Committee voted to advance the *Supreme Court Ethics, Recusal, and Transparency (SCERT) Act* in July 2023. Introduced by Senator Sheldon Whitehouse (D- RI), and cosponsored by Chair Durbin and every Committee Democrat, the bill would require Supreme Court justices to adopt a binding code of conduct, create a mechanism to investigate alleged violations of the code of conduct and other laws, improve disclosure and transparency when a justice has a connection to a party or amicus before the Court, and require justices to explain their recusal decisions to the public. In June 2024, Durbin and other Committee Democrats went to the Senate floor and asked for unanimous consent (UC) for the Senate to pass the *SCERT Act*. Senate Republicans blocked Durbin's UC request.

Durbin repeatedly asked Crow and Leo to comply with the Committee's legitimate oversight requests due to their involvement with the Supreme Court ethics investigation. Following their refusal, Durbin and Committee Democrats voted to authorize subpoenas for both Crow and Leo.

[Visit this page](#) for full background on the Committee's efforts to reform Supreme Court ethics, including a timeline, releases, correspondence, and information on the *SCERT Act*.