



Written by [D. Michael DeRidder](#) on December 5, 2023

## Alito Won't Recuse Himself From SCOTUS Tax Case

Justice Samuel Alito was interviewed by Attorney David Rivkin [for the Wall Street Journal](#). Rivkin, who is a practicing attorney and journalist, is one of the attorneys involved in the case *Moore v. U.S.*, a case regarding the ability of the federal government to tax unrealized gains as income scheduled to be heard by the Supreme Court. For this reason, Senator Richard Durbin (D-Ill.) has called on Alito to recuse himself from *Moore v. U.S.*

Alito refuses to recuse himself from the case, saying in a [statement released by the Supreme Court](#), "There is no valid reason for my recusal in this case," and called the argument unsound. He makes note of Justices Breyer and Sotomayor having interviewed with NPR, and not recusing themselves in *Yeager v. National Pub. Radio*, when NPR was respondent in that case. Alito stated the Court is required to judge cases based solely on the law and the facts, and stated, "And that is what we do."



AP Images  
Samuel Alito



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