



Written by [David Kelly](#) on November 14, 2023

SCOTUS Adopts First-ever Code of Conduct

The U.S. Supreme Court announced Monday its first-ever [code of conduct](#) policy after facing months of criticism over accusations and allegations of ethics lapses by conservative members of the bench.

The 14-page document included five canons of conduct that set guidelines on recusal and disqualification in proceedings as well as covering justices' responsibilities regarding financial, fiduciary, fundraising, and a number of other external activities.

In the opening statement regarding the code of conduct, the justices made clear that they have always adhered to "common law ethics rules" and were "promulgating this Code of Conduct to set out succinctly and gather in one place the ethics rules and principles that guide the conduct of the Members of the Court."

The justices' statement continued, "The absence of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by any ethics rules. To dispel this misunderstanding, we are issuing this Code, which largely represents a codification of principles that we have long regarded as governing our conduct."

The Court has been under pressure to act since [reports](#) of possible ethics [violations](#) when Justice Clarence Thomas and Samuel Alito received gifts and travel reimbursements from Republican donors. Both Thomas and Alito have [reportedly](#) denied any wrongdoing and claim that they had consulted with colleagues about disclosure requirements.

However, the suspected ethics violations apparently prompted the need for a code of conduct. According to [HuffPost](#), "Justices Amy Coney Barrett, Elena Kagan and Brett Kavanaugh have all voiced support for an ethics code in recent months as ProPublica and other outlets have reported on Thomas' ties to conservative megadonor Harlan Crow."

Focusing on the issue of gifts that justices may receive, the code specifically states:

A Justice should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Regulations on Gifts now in effect. A Justice should endeavor to prevent any member of the Justice's family residing in the household from soliciting or accepting a gift except to the extent that a Justice would be permitted to do so by the Judicial Conference Gift Regulations. A 'member of the Justice's family' means any relative of a Justice by blood, adoption, or marriage, or any person treated by a Justice as a member of the Justice's family.



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The release of the code guidelines brought about sharp criticism from progressive groups, as well as from Senate Judiciary Committee Chairman Dick Durbin (D-Ill.).

NTD [reported](#):

Mr. Durbin responded to the code of conduct by saying in part that it didn't go far enough but was a step in the right direction. Quoting the justices' statement that many of the rules weren't new, Mr. Durbin said on the Senate floor, "That's a problem because the Court's previous practices were plainly inadequate."

He added that the code "does not appear to contain any meaningful enforcement mechanism to hold justices accountable for any violations of the code. It also leaves a wide range of decisions up to the discretion of individual justices, including decisions on recusal from sitting on cases."

Progressive groups joined in the criticism of the SCOTUS Code of Conduct. NPR [shared](#):

Take Back the Court said in a statement, "With 53 uses of the word 'should' and only 6 of the word 'must,' the court's new 'code of ethics' reads a lot more like a friendly suggestion than a binding, enforceable guideline." Another group, United for Democracy, said, "While it's great to see the Supreme Court finally respond to public pressure and acknowledge that they have serious ethics and corruption issues that must be addressed, the code of ethics announced today is woefully inadequate."

In response to the critics, and exposing the potential motive of some Democratic activists, [Judicial Crisis Network](#) President Carrie Severino, who was a law clerk to Justice Clarence Thomas, [posted](#) on X, "I doubt this Code will satisfy Senate Democrats and their liberal dark-money backers, as their campaign has never really been about ethics but rather intimidating a Court that it despises for being faithful to the Constitution."

Severino is right. The Left will never be happy with the actions of Supreme Court justices until they are able to gain a Court majority that will use SCOTUS to permanently change the United States into their version of a utopian paradise.



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