

January 9, 2012

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

Dear Chief Justice and Associate Justices of the United States Supreme Court:

We write to urge the Supreme Court of the United States to formally and publicly adopt the Code of Conduct for U.S. Judges, which currently applies to all federal judges *except* Supreme Court justices. The Court itself has recognized that ethical rules “serve to maintain the integrity of the judiciary and the rule of law.”¹ The administration of justice is harmed when Americans lose faith in the ability of our courts to act as fair and impartial arbiters of the disputes of our time.

It is time for the same rules that guide district and circuit court of appeals judges to apply to Supreme Court justices. The policy advanced by the Code of Conduct – to protect public confidence in the judiciary – applies equally, if not in greater force, to members of the highest court in the land. Supreme Court decisions have the broadest impact, are frequently divisive, and can turn on the vote of a single justice. They also face the most public scrutiny.

Some justices have stated that while the Code does not formally apply to the Court, it is looked to for guidance. Yet, recent reports, if true, suggest that some justices have engaged in activity that would run afoul of the Code, if it applied. The Court’s implicit practice of looking to the Code for guidance should be formalized by unambiguously subjecting the Court to the Code’s constraints.

While there have been calls for Congress to extend the Code of Conduct to the Court, adopting the Code is something that the Court can do on its own. The Court should take it upon itself to agree to be bound by the Code, and should do so unequivocally and publicly. The integrity of our judicial system is at stake.

Sincerely,

Alliance for Justice
American Association of University Women (AAUW)
Center for Media and Democracy
Citizens for Responsibility and Ethics in Washington
Common Cause
Communications Workers of America
CREDO Action
Equal Justice Society
League of United Latin American Citizens
National Employment Lawyers Association
People for the American Way Foundation
U.S. Public Interest Research Group

¹ *Caperton v. A.T. Massey Coal Co.*, ___ U.S. ___, 129 S.Ct. 2252, 2266 (2009).