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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 20, 2023

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

Dear Chief Justice Roberts:

I invite you, or another Justice whom you designate, to appear before the Senate Judiciary Committee on May 2, 2023, at 10:00 a.m. in room 216 of the Hart Senate Office Building to testify at a public hearing regarding the ethical rules that govern the Justices of the Supreme Court and potential reforms to those rules. In extending this invitation, I offer that the scope of your testimony can be limited to these subjects, and that you would not be expected to answer questions from Senators regarding any other matters.

Your last significant discussion of how Supreme Court Justices address ethical issues was presented in your *2011 Year-End Report on the Federal Judiciary*. Since then, there has been a steady stream of revelations regarding Justices falling short of the ethical standards expected of other federal judges and, indeed, of public servants generally. These problems were already apparent back in 2011, and the Court's decade-long failure to address them has contributed to a crisis of public confidence. The status quo is no longer tenable.

There is ample precedent for sitting Justices of the Supreme Court to testify before Congress, including regarding ethics. The Senate Judiciary Committee most recently heard testimony from sitting Justices on October 5, 2011, and that hearing included robust exchanges about the Court's approach to ethics matters. The opportunity for the American people to hear from Justices in this setting presents a moment that could strengthen faith in our public institutions.

The time has come for a new public conversation on ways to restore confidence in the Court's ethical standards. I invite you to join it, and I look forward to your response.

Sincerely,



Richard J. Durbin
Chair

cc: Lindsey Graham, Ranking Member