



The SCERT Act: Improving Ethics and Transparency Laws for Supreme Court Justices

In recent years, Supreme Court justices have received undisclosed lavish gifts, failed to recuse themselves from cases despite conflicts of interest, and committed other serious ethical lapses.

The Supreme Court Ethics, Recusal, and Transparency (SCERT) Act addresses the ethics crisis at the Supreme Court by improving accountability and transparency standards. The legislation requires the Supreme Court to adopt a binding code of conduct; creates a process for investigating misconduct at the Court; strengthens recusal standards for justices and disclosure rules for special interests trying to influence the courts; and improves disclosure of travel and hospitality for justices. This bill was reported out of the Senate Judiciary Committee on July 20 by a vote of 11 to 10.

The Supreme Court's newly adopted code of conduct is not strong enough because it does not create any enforcement mechanism for receiving complaints or investigating possible violations. It falls short of what we should expect from a code of conduct and fails to restore the public's trust in the Supreme Court.

Why is ethics reform still needed?

- For decades, Justice Clarence Thomas received previously undisclosed lavish gifts, flights on private jets, luxury vacations, and real estate deals from billionaires. An investigation by the Senate Finance Committee shows that Justice Thomas failed to repay much of the \$267,230 loan he received from a wealthy friend to buy a luxury motorcoach.
- Justice Samuel Alito, after having accepted free travel on billionaire Paul Singer's private jet and a luxury Alaska vacation, participated in a case that resulted in a \$2.4 billion judgment benefiting Singer's hedge fund.
- Justice Thomas's wife, Ginni Thomas, has had connections to parties appearing before the Supreme Court on numerous occasions.
- Justice Alito agreed to sit for interviews conducted in part by an attorney with a case currently pending before the Court.
- National Rifle Association affiliates and Koch-funded groups have filed numerous briefs in high-profile cases without disclosing behind-the-scenes coordination and sources of funding between supposedly independent briefs.

How the SCERT Act will reform the Court:

- Requires the Supreme Court to adopt a binding code of conduct and establish a process to receive complaints, investigate, and report to the public on potential misconduct by justices.
- Strengthens the rule that Supreme Court justices must disclose information surrounding gifts, income, and reimbursements.
- Requires judges and justices to recuse themselves if they or their close family members recently received gifts or income from a party to a case.
- Requires that parties filing briefs before the Supreme Court disclose any gifts, income, or reimbursements that they have recently provided to a justice in that case and disclose more information about who is helping to fund those briefs.

A recent Gallup poll found the Supreme Court's approval rating at a historic low of 40%. A previous Gallup poll conducted last year found that only 25% of Americans had a "great deal of confidence" in the Supreme Court.

Senate Democrats have led the fight to shine a light on corrupt behavior by the Supreme Court and will continue their efforts to ensure that the highest court in the land does not have the lowest ethical standards.