

US Supreme Court papers over rampant corruption with first-ever “Code of Conduct”

Kevin Reed

14 November 2023

On Monday, the Supreme Court of the United States published, for the first time in its history, a document concerning what it calls “ethics rules and principles that guide the conduct of the Members of the Court.”

The code elaborates five fundamental principles called “canons” and is signed by all nine justices on the court. The document also contains commentary from the court about this unprecedented statement.

The 15-page document begins with a “Statement of the Court Regarding the Code of Conduct” that dismisses the necessity for the code in the first place. It says the court “has long had the equivalent of common law ethics rules,” derived from various sources, “including statutory provisions, the code that applies to other members of the federal judiciary, ethics advisory opinions issued by the Judicial Conference Committee on Codes of Conduct, and historic practice.”

The opening statement, however, goes on to say that in recent years there has been a “misunderstanding” that Supreme Court Justices “regard themselves as unrestricted by any ethics rules.”

Where has this “misunderstanding” come from? Actually, there is no misunderstanding. Although the court cannot say so, its code of conduct has been made necessary by the fact that it has been exposed before the world as a bought-and-paid-for institution of the corporate and financial elite. A series of exposures over the past year, in particular, have revealed rampant corruption in the US Supreme Court.

These exposures included investigative reports published by *ProPublica* showing that far-right Justice Clarence Thomas was the recipient of millions of dollars in unreported gifts from billionaire Harlan Crowe, a Republican Party donor and Hitler admirer. Thomas, a member of the court since 1991, has been a central figure in the rightward trajectory of the court,

including its decision last year to overturn the constitutional right to an abortion.

ProPublica also revealed an undisclosed 2008 flight in a private jet that right-wing Justice Samuel Alito took on a luxury fishing trip to Alaska provided by hedge fund founder and billionaire Paul Singer.

Other reports have revealed that right-wing Justice Neil Gorsuch was involved in the sale of property for \$1.8 million in Colorado to the chief executive of the law firm Greenberg Traurig, which litigated cases before the high court. And Jane Roberts, the wife of Chief Justice John Roberts, took in \$10.3 million in commissions from elite law firms, at least one of which argued a case before the chief justice after paying his wife hundreds of thousands of dollars.

Meanwhile, corruption has also been revealed among the ostensible “liberal” justices with Justice Stephen Breyer taking 225 subsidized trips all over the world between 2004 and 2018, some of which were paid for by ultra-wealthy supporters of the Democratic Party. Also, the late Justice Ruth Bader Ginsburg went on a tour of Israel in 2018 that was funded by billionaire Morris Kahn, who had business before the court.

The content of the code and its five canons barely deserve to be mentioned. They are full of absurd references to the “integrity and independence of the judiciary,” the necessity that justices avoid “the appearance of impropriety in all activities,” that they perform the duties of office “fairly, impartially and diligently,” engage in “extrajudicial activities that are consistent with the obligations of the judicial office,” and refrain from “political activity.”

Clearly, the blatant corruption and political influence among the justices of the high court has reached such a degree that all involved have concluded that a statement of denial had to be issued.

Attempting to restore of the reputation of the court in the eyes of the American and world public, the Supreme Court has been working on the code of conduct since 2019. According to the *Wall Street Journal* on Monday, the court's legal counsel prepared a draft at that time, "which later was revised with advice from Justice Samuel Alito, but no action was taken for over a year."

The *Journal* report goes on to say that "a person familiar with the process" reported that Justice Roberts and his counselor Robert Dow "made additional changes to the code, which the justices discussed for the first time at their private meeting, known as the conference, on September 26." The unnamed individual said that the justices continued to discuss the proposal "over subsequent conferences," and on November 9, "all signed off on the version released Monday."

To some degree, the justices are attempting to head off a congressional effort to impose its own ethical standards on the court. Senator Sheldon Whitehouse, Democrat of Rhode Island, and Senate judiciary committee chairman, Senator Richard Durbin, Democrat of Illinois, have called for a law with limited rules and enforcement mechanisms.

Durbin called the Supreme Court's toothless code, "a step in the right direction," adding that he was concerned that, "the highest court in the land not languish with the lowest standard of ethics in our federal government." Whitehouse said, "... a code of ethics is not binding unless there is a mechanism to investigate possible violations and enforce the rules. The honor system has not worked for members of the Roberts Court."

The flagrant corruption among the justice of the high court is part of the degeneration of all the institutions of bourgeois rule that found its most overt expression in the presidency of the fascist Donald Trump and his attempt on January 6, 2021 to overthrow the US Constitution and remain in office by means of a mob assault on Congress.

Under the pressure of extreme wealth inequality, the pursuit of permanent imperialist wars that threaten a third world nuclear war and the growing assault on democratic rights within the US, the court has become a center of right-wing attacks on the working class.

The nine justices on the highest court in the country serve lifetime appointments, and no Supreme Court

judge has ever been removed in US history. Throughout its history, the court has been a bastion of political reaction, including the defense of slavery and upholding Jim Crow segregation in the American South.

The devolution of the Supreme Court achieved a qualitative transformation with the 5-4 decision in *Bush v. Gore* (2000) that halted the vote recount in Florida, stole the presidential election from Al Gore and handed it to George W. Bush, and put forward the argument that the voting public does not have the right to determine the President of the United States.

Other rulings since then that have intensified the attack on democratic rights include: *Citizens United v. FEC* (2010), which allowed unrestricted corporate donations in election campaigns; *Shelby County v. Holder* (2013), which removed the enforcement provision of the 1965 Voting Rights Act; and *Dobbs v. Jackson Women's Health* (2022), which abolished the constitutional right to an abortion.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact