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Watchdog Group Calls For Supreme Court Ethics Code Amid Conflict Of Interest Fears

Amy Coney Barrett and other Supreme Court justices are not bound by the same rules as other judges, noted former government ethics chief Walter Shaub.

By Mary Papenfuss

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Creating a code of conduct was one of a number of recommendations in a report issued Thursday by the [Project on Government Oversight](#) to “enhance the legitimacy” of the nation’s highest court amid vicious political infighting over the confirmation of judges.

“No ethics? No problem! We’re the Supremes!” quipped [Walter Shaub](#), the former director of the Office of Government Ethics and now a senior fellow with POGO.

“The Supreme Court is one of the most powerful and least accountable bodies in government, and it has no code of ethics. That needs to change,” Shaub said in a statement, calling the situation a “disgrace.” The “time has come for the Supreme Court to adopt a code of ethics or for Congress to impose one on it,” he added.

The report, issued by panel of former judges and legal scholars convened last year by POGO, also called for reforming the court’s “approach to ethics and recusal,” as well as the “accessibility and transparency” of its famously opaque decision-making.

The panel also recommended increasing the number of seats on the court, imposing term limits, and having smaller panels of justices hear cases as opposed to all nine presiding over each one to break up static voting blocks. All of the former judges on POGO's panel were appointed by Republican governors or presidents.

Interest in a code of conduct has surged recently, especially in some eyebrow-raising situations with new conservative Justice [Amy Coney Barrett](#).

Barrett this year [refused to recuse herself](#) from a case involving the [right-wing dark-money group Americans for Prosperity Foundation](#), which spent at least \$1 million to push her own confirmation in the Senate last year.

The [foundation's case before the Supreme Court](#) challenged a California law demanding that major donors to charities be identified to the state. Barrett vigorously participated in the proceedings, [didn't reveal her connection](#) to the organization, and voted with the majority handing the foundation a win to keep its donors secret.

Nor did Barrett [recuse herself from a case](#) against the Royal Dutch Shell oil company, [her father's employer for 29 years](#). The city of Baltimore sued Shell, BP and several other oil companies demanding damages for the effects of [climate change](#). Justice Samuel Alito, who owns stock in several oil and gas companies, [did recuse himself](#) from the case. The court's [decision in the case](#) was seen as favorable to Shell and the other oil companies.

court, reportedly with a [conservative imprint of Penguin Random House](#). Will she recuse herself from any future case involving Penguin Random House — or a competitor of the company that’s paying her \$2 million? It will be up to her.

Other justices who have written books while serving on the court face similar dilemmas.

And she's far from the first Justice to turn her high office into a profit center. Others currently sitting with her on the high court have done the same. What's ethics got do with justice? A lot. What's ethics got to do with a Justice? Absolutely nothing it seems.

— Walter Shaub (@waltshaub) [April 19, 2021](#)

Here are a few of the more recent books from a court with no ethics code:

Sonia Sotomayor: My Beloved World 2013

Stephen Breyer: Making Our Democracy Work: a Judge’s View 2010

Clarence Thomas: My Grandfather’s Son: a Memoir 2007

Neil Gorsuch: A Republic, If You Can Keep It 2019

— Walter Shaub (@waltshaub) [April 19, 2021](#)

In a notorious case from 2003, Supreme Court Justice [Antonin Scalia](#) went hunting and dined with with his longtime buddy Vice President [Dick Cheney](#) while Cheney had a case before the Supreme Court, a situation that would not have been tolerated for a lower court judge.

“I do not believe my impartiality can reasonably be questioned,” [Scalia decided](#) for himself in a memorandum about his apparent conflict of interest. Scalia [chummed around with Cheney](#) three weeks after the court decided to hear a case over whether the White House had to turn over documents relating to the energy task force Cheney headed in 2001. The justices [effectively ruled in Cheney’s favor](#) at the time and the case was [ultimately thrown out](#).

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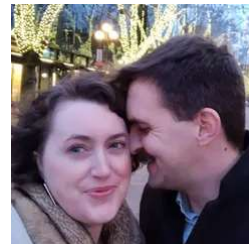
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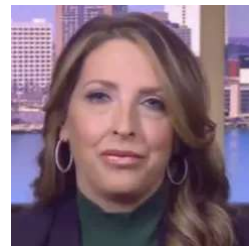
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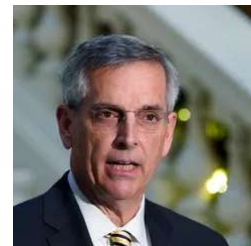
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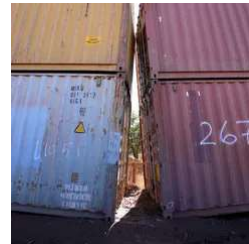
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