

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

May 30, 2024

Honorable Richard J. Durbin  
Honorable Sheldon Whitehouse  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Durbin and Senator Whitehouse:

Thank you for your letter of May 23, 2024.

In regard to questions concerning any Justice's participation in pending cases, the Members of the Supreme Court recently reaffirmed the practice we have followed for 235 years pursuant to which individual Justices decide recusal issues. See Commentary to Code of Conduct for Justices of the Supreme Court of the United States at 11 (Nov. 13, 2023); Statement on Ethics Principles and Practices at 2 (Apr. 25, 2023). It is my understanding that Justice Alito has sent you a letter addressing this subject.

I must respectfully decline your request for a meeting. As noted in my letter to Chairman Durbin last April, apart from ceremonial events, only on rare occasions in our Nation's history has a sitting Chief Justice met with legislators, even in a public setting (such as a Committee hearing) with members of both major political parties present. Separation of powers concerns and the importance of preserving judicial independence counsel against such appearances. Moreover, the format proposed – a meeting with leaders of only one party who have expressed an interest in matters currently pending before the Court – simply underscores that participating in such a meeting would be inadvisable.

Respectfully,



cc: Honorable Lindsay O. Graham  
Honorable John N. Kennedy