

Congress of the United States
Washington, DC 20515

November 5, 2025

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

Dear Chief Justice Roberts:

We write to you in your capacity as the presiding officer of the Judicial Conference of the United States and as the Chief Justice of the United States. On October 11, 2025, *The New York Times* published an article titled, *Federal Judges, Warning of 'Judicial Crisis,' Fault Supreme Court's Emergency Orders*.¹ The article reports that: “[d]ozens of sitting judges shared with *The Times* their concerns about risks to the courts’ legitimacy as the Supreme Court releases opaque orders about Trump administration policies.”²

According to the reporting, *The Times* contacted more than 400 of the almost 1,500 federal judges and asked them to respond to a questionnaire about the use of the emergency docket by the Supreme Court of the United States.³ *The Times* specifically included all the judges from “districts that have handled at least one legal challenge in a major piece of Mr. Trump’s agenda.”⁴ Of the 400 judges contacted by *The Times*, sixty-five judges responded to the survey, and forty-seven of the responses indicated that the “Supreme Court had been mishandling its emergency docket since Mr. Trump returned to office.”⁵ *The Times* further reported:

In interviews, federal judges called the Supreme Court’s emergency orders “mystical,” “overly blunt,” “incredibly demoralizing and troubling” and “a slap in the face to the district courts.” One judge compared their district’s current relationship with the Supreme Court to “a war zone.” Another said the courts were in the midst of a “judicial crisis.”⁶

The Times explained that “the judges responded to the questionnaire and spoke in interviews on the condition of anonymity so they could share their views candidly, as lower court judges are governed by a complex set of rules that include limitations on their public statements.”⁷ *The Times* went on to characterize these responses and interviews as “overwhelmingly critical of the Supreme Court” and reflective of “extraordinary tensions within the judiciary.”⁸

¹ Mattathias Schwartz and Zach Montague, *Federal Judges, Warning of 'Judicial Crisis,' Fault Supreme Court's Emergency Orders*, THE N.Y. TIMES (Oct. 11, 2025), <https://www.nytimes.com/2025/10/11/us/politics/judicial-crisis-supreme-court-trump.html>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

Federal judges have made other recent public and anonymous statements to the press criticizing the Supreme Court. On September 4, 2025, *NBC News* published an article titled, *In rare interviews, federal judges criticize Supreme Court's handling of Trump cases*.⁹ The reporting alleges that twelve federal judges gave anonymous interviews, and ten of them said that “the Supreme Court needs to explain its rulings better.”¹⁰ One judge reportedly described the Supreme Court’s conduct as “inexcusable”; four of them said that you (the Chief Justice) “should do more to defend the courts”; and one said that the Supreme Court “is effectively assisting the Trump administration in ‘undermining the lower courts.’”¹¹

As the Chairmen of the Committees on the Judiciary in the United States Senate and United States House of Representatives, we preside over the congressional committees with legislative and oversight jurisdiction over the federal courts. We are deeply concerned that these public attacks on the Court from sitting federal judges damage the public’s faith and confidence in our judicial system. When judges call into question the legitimacy of their own branch of government, they erode faith in the institution itself.

We are also concerned that the conduct of the judges, as reported, may violate the ethical canons that apply to federal judges. Canon 1 of the *Code of Conduct for United States Judges* states that “[a] judge should uphold the integrity and independence of the judiciary.”¹² Canon 2(A) specifies “[a] judge . . . should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”¹³ And Canon 3(A)(6) states: “[a] judge should not make public comment on the merits of a matter pending or impending in any court.”¹⁴

Chief Judge Diaz of the U.S. Court of Appeals for the Fourth Circuit considered these canons in resolving a 2024 judicial complaint against Judge Michael Ponsor for publishing an essay in *The New York Times* titled, *A Federal Judge Wonders: How Could Alito Have Been So Foolish?*¹⁵ Chief Judge Diaz concluded that Judge Ponsor’s statements, which “expressed personal opinions on controversial public issues and criticized the ethics of a sitting Supreme Court justice” violated Canons 1 and 2(A) of the *Code of Conduct*.¹⁶ He also concluded that “it would be reasonable for a member of the public to perceive the essay as a commentary on partisan issues and as a call for Justice Alito’s recusal” in violation of Canon 3(A)(6).¹⁷

⁹ Lawrence Hurley, *In rare interviews, federal judges criticize Supreme Court's handling of Trump cases*, NBC NEWS (Sept. 4, 2025), <https://www.nbcnews.com/politics/supreme-court/supreme-court-trump-cases-federal-judges-criticize-rcna221775>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Code of Conduct for United States Judges*, Canon 1.

¹³ *Code of Conduct for United States Judges*, Canon 2(A).

¹⁴ *Code of Conduct for United States Judges*, Canon 3(A)(6).

¹⁵ Memorandum and Order, *In the Matter of a Judicial Complaint Under 28 U.S.C. § 351*, No. 04-24-90094 (4th Cir. Dec. 10, 2024); see also Michael Ponsor, *A Federal Judge Wonders: How Could Alito Have Been So Foolish?*, THE N.Y. TIMES (May 24, 2024), <https://www.nytimes.com/2024/05/24/opinion/alito-flag-supreme-court.html>.

¹⁶ Memorandum and Order, *In the Matter of a Judicial Complaint Under 28 U.S.C. § 351*, No. 04-24-90094, at 5 (4th Cir. Dec. 10, 2024).

¹⁷ *Id.*

The reasoning of Chief Judge Diaz in resolving the 2024 complaint appears to apply to the recent statements attributed to federal judges. Anonymous, public comments from sitting judges describing the relationship between the Supreme Court and lower courts as a “war zone,” accusing the Supreme Court of “undermining the lower courts,” and otherwise impugning the legitimacy of Supreme Court rulings undermines public confidence in the integrity and impartiality of the judiciary and violates Canons 1 and 2(A) of the *Code of Conduct*. Additionally, because of the timing of these comments and the substantial press coverage surrounding the litigation involving the Trump Administration, it would be reasonable for a member of the public to view these statements as commenting on partisan issues and ongoing litigation in violation of Canon 3(A)(6).

In light of these concerns, we urge you to consider the appropriateness of these public yet anonymous comments and whether they breach the ethical obligations of all federal judges. While we do not yet know the full extent of the comments or who the judges are, we remain convinced that judges should not be going to the press to undermine and denigrate the Supreme Court.

Additionally, to provide the Committees with information that will help us in the exercise of our constitutional duties, we ask for your responses to the following questions:

1. Does the Judicial Conference agree that making anonymous, public comments to the press that undermines public confidence in the courts violates the *Code of Conduct for United States Judges*, and has the Judicial Conference or other judicial branch authority cautioned or informed judges of that?
2. Has guidance been provided to the federal judiciary regarding the conduct of these anonymous judges? If not, does the judicial branch plan to provide such guidance?
3. Does the judicial branch plan to investigate or address this conduct? If so, when and how?

Thank you for your prompt attention to these matters and for your assistance as our Committees investigate and conduct oversight.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate



Jim Jordan
Chairman
Committee on the Judiciary
United States House of Representatives