

118TH CONGRESS
2D SESSION

H. RES. 1354

Impeaching Samuel Alito, Jr., Associate Justice of the Supreme Court of
the United States, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2024

Ms. OCASIO-CORTEZ (for herself, Ms. ESCOBAR, Ms. CROCKETT, Mr. FROST, Ms. STANSBURY, Mr. CASAR, Mr. BOWMAN, Ms. LEE of California, Ms. OMAR, Mrs. RAMIREZ, Mr. TAKANO, Ms. TLAIB, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. BUSH, and Ms. WILSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Samuel Alito, Jr., Associate Justice of the Supreme Court of the United States, for high crimes and misdemeanors.

1 *Resolved*, That Samuel Alito, Jr., Associate Justice
2 of the Supreme Court of the United States, is impeached
3 for high crimes and misdemeanors and that the following
4 articles of impeachment be exhibited to the United States
5 Senate:

6 Articles of impeachment exhibited by the House of
7 Representatives of the United States of America in the
8 name of itself and of the people of the United States of

1 America, against Samuel Alito, Jr., Associate Justice of
 2 the Supreme Court of the United States, in maintenance
 3 and support of its impeachment against him for high
 4 crimes and misdemeanors.

5 ARTICLE I: REFUSAL TO RECUSE FROM CASES IN WHICH
 6 HE HAD A PERSONAL BIAS OR PREJUDICE CON-
 7 CERNING A PARTY

8
 9 The Constitution provides that the House of Rep-
 10 resentatives “shall have the sole Power of Impeachment”
 11 and that all civil officers of the United States “shall be re-
 12 moved from Office on Impeachment for, and Conviction
 13 of, Treason, Bribery, or other high Crimes and Mis-
 14 demeanors”. Section 455 of title 28, United States Code,
 15 provides that “[a]ny justice, judge, or magistrate judge
 16 of the United States shall disqualify himself in any pro-
 17 ceeding in which his impartiality might reasonably be
 18 questioned”.

19 On January 31, 2006, when Justice Alito assumed
 20 his role on the Supreme Court, he took two oaths of of-
 21 fice—a Constitutional Oath and a Judicial Oath of office.
 22 When taking the Constitutional Oath codified at section
 23 3331, of title 5, United States Code, Alito promised to
 24 “support and defend the Constitution of the United States
 25 against all enemies, foreign and domestic”. When taking
 26 the subsequent Judicial Oath codified at section 453, of

1 title 28, United States Code, Alito promised to “faithfully
2 and impartially discharge and perform all the duties in-
3 cumbent upon me as an Associate Justice of the Supreme
4 Court, under the constitution and laws of the United
5 States”.

6 Samuel Alito, in his conduct as an Associate Justice
7 of the Supreme Court of the United States, engaged in
8 high Crimes and Misdemeanors, by refusing to disqualify
9 himself from proceedings in which his impartiality might
10 reasonably be questioned, as follows:

11 In January 2021, Justice Alito allowed an upside-
12 down American flag to be flown outside his primary resi-
13 dence for several days. At the time, an upside-down Amer-
14 ican flag was widely understood to be an expression of
15 support for the criminal efforts to overturn the results of
16 the 2020 election and was a symbol displayed by those
17 who attacked the Capitol on January 6, 2021, an event
18 that occurred only shortly before Justice Alito allowed the
19 flags to be flown outside his residence. By displaying this
20 flag, he showed support for domestic enemies of the
21 United States, some of whom engaged in an insurrection
22 at the U.S. Capitol building, in violation of his Constitu-
23 tional Oath of office.

24 In summer 2023, by allowing a flag associated with
25 the criminal efforts to overturn the results of the 2020

1 election and with a partisan faction of a political party
2 to be flown outside his secondary residence for several
3 months, Justice Alito’s behavior showed a lack of impar-
4 tiality as required by his Judicial Oath of office, thereby
5 undermining public confidence in the integrity and impar-
6 tiality of the judiciary.

7 According to section 455(b)(1) of title 28, United
8 States Code, a justice of the Supreme Court, like any
9 judge, must recuse from matters in which he “has a per-
10 sonal bias or prejudice concerning a party”. Separately,
11 section 455(a) of such title requires recusal in the cir-
12 cumstances that “his impartiality might reasonably be
13 questioned”. Justice Samuel Alito, Jr.’s failure to recuse
14 in *Trump v. United States*, No. 23–939 (July 1, 2024),
15 *Fischer v. United States*, No. 23–5572 (June 28, 2024),
16 and *Trump v. Anderson*, No. 23–719 (March 4, 2024) vio-
17 lates both provisions of section 455 and serves as the legal
18 basis for impeachment.

19 *Trump v. United States*, a Supreme Court case about
20 the preservation of a functioning democracy, asked the
21 question of whether a former president is entitled to abso-
22 lute immunity from criminal prosecution for actions within
23 his constitutional authority. The case arose from charges
24 filed against Donald J. Trump for his role in inciting an

1 insurrection in an attempt to stop the certification of votes
2 following the 2020 election.

3 Fischer v. United States asked whether
4 section 1512(c)(2) of title 18, United States Code, a provi-
5 sion of the Sarbanes-Oxley Act, can be applied to the in-
6 surrectionists who stormed the Capitol building on Janu-
7 ary 6, 2021, in order to attempt to stop the certification
8 of votes following the 2020 election.

9 Trump v. Anderson asked whether a State court
10 could enforce Donald Trump’s disqualification from office
11 for engaging in insurrection against the United States
12 Constitution when he incited the January 6th insurrection
13 at the Capitol building and disrupted the transfer of presi-
14 dential power in violation of Section 3 of the 14th Amend-
15 ment.

16 By repeatedly—over a period of multiple years—fly-
17 ing flags associated with the attempt to overturn the elec-
18 tion results and stop the peaceful transfer of power, Jus-
19 tice Alito publicly displayed a bias toward those who in-
20 cited and executed the January 6 insurrection. Because
21 Justice Alito engaged in a pattern of declaring sympathy
22 with the parties before the Supreme Court in Trump,
23 Fischer, and Anderson, section 455 of title 28, United
24 States Code, required Justice Alito to recuse from all mat-
25 ters related to the insurrection.

1 Section 455 of title 28, United States Code, does not
2 require an investigation into the heart and mind of indi-
3 vidual justices. Subsection (a) of such section requires
4 recusal whenever a justice’s impartiality “might reason-
5 ably be questioned”. Since a “stop the steal” symbol first
6 flew on a flagpole outside Justice Alito’s home, it has been
7 reasonable to question Justice Alito’s ability to impartially
8 adjudicate matters related to the January 6 insurrection.
9 The proper functioning of the United States Supreme
10 Court depends on justices’ commitment to impartiality in
11 both fact and appearance. By disregarding his impartiality
12 and aligning himself through public conduct and state-
13 ments with the insurrectionary cause, the laws of the
14 United States required Justice Alito to recuse himself in
15 Trump v. United States, Fischer v. United States, and
16 Trump v. Anderson.

17 Failure to comply with subsection (a) and subsection
18 (b)(1) of section 455 of title 28, United States Code, by
19 refusing to recuse in Trump v. United States, Fischer v.
20 United States, and Trump v. Anderson, each of which con-
21 cerned the attempt to overturn the 2020 election by inter-
22 fering with the Joint Session of Congress to certify the
23 election on January 6, 2021, is cause for impeachment
24 for high crimes and misdemeanors.

1 Justice Samuel Alito, Jr., has engaged in a pattern
2 of conduct that is incompatible with the trust and con-
3 fidence placed in him as a justice of the Supreme Court
4 by failing to disqualify himself from cases in which he had
5 a personal bias or prejudice concerning a party. Section
6 455 of title 28, United States Code, provides that any
7 “justice, judge, or magistrate judge of the United States
8 shall disqualify himself in any proceeding in which his im-
9 partiality might reasonably be questioned” or if “he has
10 a personal bias or prejudice concerning a party”. Justice
11 Alito has indicated sympathy with the efforts to overturn
12 the 2020 election by allowing symbols of support for those
13 efforts to be flown outside his residences. Contrary to the
14 clear dictates of the federal recusal statute, which requires
15 disqualification if a justice’s impartiality might reasonably
16 be questioned, Justice Alito did not recuse himself in
17 *Trump v. United States*, No. 23–939 (July 1, 2024),
18 *Fischer v. United States*, No. 23–5572 (June 28, 2024),
19 or *Trump v. Anderson*, No. 23–719 (March 4, 2024) all
20 of which concerned the attempt to overturn the 2020 elec-
21 tion by interfering with the Joint Session of Congress to
22 certify the election on January 6, 2021.

23 In all this, Justice Alito betrayed his Constitutional
24 Oath to “support and defend the Constitution of the
25 United States against all enemies, foreign and domestic”

1 and his Judicial Oath to “faithfully and impartially dis-
2 charge and perform” his duties “under the Constitution
3 and laws of the United States”.

4 Wherefore, Samuel Alito Jr., by such conduct, thus
5 warrants impeachment and trial, removal from office, and
6 disqualification to hold and enjoy any office of honor,
7 trust, or profit under the United States.

8 ARTICLE II: FAILURE TO DISCLOSE

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10 The Constitution provides that the House of Rep-
11 resentatives “shall have the sole Power of Impeachment”
12 and that all civil officers of the United States “shall be
13 removed from Office on Impeachment for, and Conviction
14 of, Treason, Bribery, or other high Crimes and Mis-
15 demeanors”. Sections 13103 and 13104 of title 5, United
16 States Code, require judicial officers, including Associate
17 Justices of the Supreme Court, to file annual reports dis-
18 closing financial income, gifts and reimbursements, prop-
19 erty interests, liabilities, transactions, among other infor-
20 mation. Specifically, section 13104(a)(2)(A) of such title
21 requires disclosure of the “identity of the source, a brief
22 description, and the value of all gifts” exceeding minimal
23 value, and section 13104(a)(5)(A) of such title requires
24 disclosure of “a brief description, the date, and category
25 of value of any purchase, sale or exchange” of real prop-
26 erty exceeding \$1,000.

1 Justice Samuel Alito, Jr., has engaged in a pattern
2 of corrupt conduct that is incompatible with the trust and
3 confidence placed in him as a justice of the Supreme Court
4 by accepting and failing to disclose trips funded by private
5 organizations and individuals, contrary to federal law and
6 the ethical guidelines that govern the conduct of federal
7 judges. After accepting luxury travel from a wealthy indi-
8 vidual with interests before the Supreme Court, Justice
9 Alito did not disclose the gift in his financial disclosure
10 reports as required by Ethics in Government Act and re-
11 peatedly chose not to recuse himself from hearing cases
12 in which the wealthy individual had direct interests in vio-
13 lation of section 7353 of title 5, United States Code.

14 By failing to disclose the gift of luxury travel and
15 failing to recuse from hearing cases affecting the donor's
16 business interests, Justice Alito has undermined the im-
17 partiality and integrity of the Supreme Court in violation
18 of the public trust. His conduct has caused a reasonable
19 person to believe the gift was offered and accepted in re-
20 turn for being influenced in the performance of an official
21 act and on a basis that would cause a reasonable person
22 to believe that he used his public office for his own private
23 gain or for the private gain of the donor.

24 In all of this, Justice Alito has acted in a manner
25 contrary to his trust as an Associate Justice of the Su-

1 preme Court of the United States, to the great prejudice
2 of the cause of law and justice, to the manifest injury of
3 the people of the United States.

4 Wherefore, Justice Alito, by such conduct, warrants
5 impeachment and trial and removal from office, and dis-
6 qualification to hold and enjoy any office of honor, trust,
7 or profit under the United States.

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