

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

BY FAX: 212-688-4889

2 pages

January 13, 1999

Mr. Matt Fleischer
The New York Observer

RE: NATIONAL STORIES: Impeachment complaint against Chief Justice Rehnquist and the media-*unreported* story about how the House Judiciary Committee handles the hundreds of impeachment complaints it receives against federal judges

Dear Matt:

Following up my two telephone messages for you today, enclosed is the first article in James Ridgeway's *Mondo Washington* column in the *Village Voice*, whose first paragraph leads off -- albeit without attribution and by misrepresenting us as "on the left" -- with information from CJA's impeachment complaint against Chief Justice Rehnquist, which we sent him last week, together with Joe Conason's column.

Inexplicably, Mr. Ridgeway identifies our allegation that the misconduct of the federal judges under the Chief Justice's supervision was impeachable, yet omits our allegation that the Chief Justice's wilful failure to meet his supervisory and ethical duties is itself impeachable -- and the FACT that it is one of the grounds set forth in an impeachment complaint against the Chief Justice, pending in the House Judiciary Committee.

In the same first paragraph, he throws in Joe Conason's quote about the 1972 case in which Justice Rehnquist "clearly should have recused himself", without connecting it to the subsequently-passed federal law on disqualification/disclosure -- which was the reason why we highlighted the case from Mr. Conason's column to him. [See press release AND rehearing petition, p.7]

As you know, the Chief Justice Rehnquist's subversion of that federal law by his wilful failure to adjudicate our formal application for his disqualification -- or for disclosure of his relationships with the lower federal judges, whose impeachable conduct was before him -- is among the further grounds set forth in our impeachment complaint.

Please give me a call so I can have some idea as to how -- and if -- you are progressing with the story(ies). Again, I find it totally incomprehensible that Mr. Conason has still not seen fit to return any of my several phone calls for him about our impeachment complaint against the Chief Justice.

Elena Rupp
Sassow

To: ERS
From: RPS

Village Voice Jan. 19, 1999

MONDO WASHINGTON

by James Ridgeway

Rehnquist Opposes Impeachment

In the Interest of Justice

The Senate's presiding officer in the impeachment trial, Chief Justice William H. Rehnquist, could turn out to be the trial's big surprise. Hovering in the background, this icon of the conservative movement adds nuance to the drama played out across the solemn Senate chamber. Rehnquist has been attacked on the left as an unscrupulous judge who, as head of the Administrative Judicial Conference, ignored evidence of alleged misconduct by various federal judges under his supervision—judges whom critics claim ought to have been impeached. When Rehnquist was nominated for Chief Justice in 1986, Joe Conason wrote in the *Observer*: "He testified that he had known little about Army spying on anti-war protesters during his years at Justice, although documents were found providing that he had helped to plan the illegal surveillance program. He later cast the deciding vote in a 1972 lawsuit concerning those military abuses when he clearly should have recused himself."

On the right, there are raised eyebrows about Rehnquist's hesitation to impeach a president. Noting that the chief justice was "privately surprised and disappointed" when the House impeached Clinton, Frank Murray in the *Washington Times* quotes a 1992 interview in which the chief justice declared, "It just really significantly impairs—if it doesn't cripple—a president to be the subject of an impeachment trial."

A clue to the chief justice's thinking on impeachment may lie in a remark made more than 30 years ago. "In 1964," Murray writes, "as the lawyer hired to prosecute a double impeachment case before the Arizona Senate, [Rehnquist] called any impeachment trial a referendum of sorts on the issue of what sort of conduct have the people . . . a right to expect from their high public officials."