

# 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](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Coordinator

January 7, 1999

## PRESS RELEASE

As Chief Justice William Rehnquist presides over the Senate impeachment trial of the President, an impeachment complaint is pending against him in the House Judiciary Committee. It is more serious, by far, than the impeachment articles against the President -- because the Chief Justice's violation of the rule of law, obstruction of justice, and abuse of power arise from his *official* conduct.

The complaint was filed two months ago by the Center for Judicial Accountability, Inc. (CJA), a national, non-partisan, non-profit citizens' organization which documents judicial corruption. It rests on his *official* misconduct as head of the Supreme Court and the administration of the federal judiciary. In both capacities, his supervisory and ethical duty require him to ensure that corrupt federal judges are disciplined and removed -- and that mechanisms are adequate for the purpose. Like all federal judges, he also has an absolute duty of impartiality -- imposed by his oath of office and ethical rules -- and, by federal law, is required to disqualify himself where his impartiality might reasonably be questioned, unless he discloses the facts bearing upon the appearance of his disqualification. The background to such law includes the Chief Justice's failure to recuse himself from a case when he first came on the bench, described as being "one of the most serious ethical lapses in the Court's history." by former Washington Post/New York Times writer John MacKenzie. [The Appearance of Justice, 1974, p. 209]. That case is referred to in last week's New York Observer, in an column by Joe Conason, highlighting Justice Rehnquist's insensitivity to conflict of interest and disqualification issues. ["Stakes Are High For Chief Justice", at p. 5: copy annexed].

Chief Justice Rehnquist has long-standing personal and professional relationships with lower federal judges, particularly with court of appeals judges and chief judges. The impeachment complaint rests on his *official* misconduct when presented with a petition for a writ of certiorari about these judges' corruption in office, accompanied by a formal application that he disqualify himself or disclose the facts bearing upon those relationships and the appearance of his lack of impartiality. The Chief Justice ignored the disqualification/disclosure application, permitted his associate Supreme Court justices, who likewise have personal and professional relationships with those judges, to also ignore it, and then, without dissent, denied the cert petition, which by reason of the corruption issues involved, had sought mandatory review under the Court's "power of supervision" or, at minimum, criminal and impeachment referral against the subject federal judges, as required by ethical rules applicable to the justices. The Chief Justice and associate justices then ignored a judicial misconduct complaint, filed against them, based on their wilful violation of the law of disqualification/disclosure and of their mandatory supervisory and ethical duties.

This is the background to the 4-page impeachment complaint, which identifies four grounds for impeachment, with an additional ground relating to the Chief Justice's *official* misconduct as head of

the administration of the federal judiciary. Accompanying the complaint and expressly part of it is a petition for rehearing filed with the Supreme Court, which summarizes -- in a 10-page narrative and by specific reference to the *simultaneously-occurring* impeachment proceedings against the President -- the basis for the justices' impeachment "under the most stringent definition of impeachable offenses". It recaps the documentary record before the justices, one which established that the subject federal judges, in order to protect state judges, sued for corruption, had annihilated anything resembling judicial and appellate processes, including by judicial decisions which falsified the factual record in *every* material respect and further, that ALL mechanisms to discipline and remove these federal judges, in each of the three governmental branches, had been corrupted or were otherwise dysfunctional or non-functional.

One of those mechanisms -- now in the public spotlight -- is impeachment. The record before the justices, which included CJA's FIVE-YEAR correspondence with the House Judiciary Committee, showed the Committee does NOT investigate, refer, or even acknowledge the hundreds of judicial impeachment complaints it receives from citizens<sup>1</sup>. These complaints, instead, fall into a "black hole" -- with the House Judiciary Committee NOT even statistically recording the numbers of complaints it receives each Congress in its "Summary of Activities"<sup>2</sup>, as it is supposed to do, and further concealing the complaints by withholding them from public access, although the complaints are supposed to be available upon request [*Cf. Report of the National Commission on Judicial Discipline and Removal*, 1993, at p. 35]. The record before the justices also included CJA's June 1998 written statement to the House Judiciary Committee<sup>3</sup>, detailing the deliberateness with which the Committee, in addition to abandoning its impeachment duties *vis-a-vis* citizen complaints against federal judges, has jettisoned its oversight duties over the federal judiciary's implementation of a judicial disciplinary mechanism -- even in the face of an evidentiary demonstration that the federal judiciary had corrupted that mechanism. This is the media-unreported story behind the House Judiciary Committee, whose Chairman, Henry Hyde, has been repeatedly stressing the importance of "the rule of law" to our constitutional system, likening it to a "three-legged stool", whose first leg is "an honest judge".

The shocking and scandalous story of the House Judiciary Committee's "green light" to judicial corruption -- like the related story of CJA's impeachment complaint against the Chief Justice Rehnquist -- is a *DEUS EX MACHINA* with the potential to blow apart the Senate impeachment trial of the President. It certainly would expose the hypocrisy and official misconduct of the House Judiciary prosecution team and of the justice presiding.

---

<sup>1</sup> The three judicial impeachments in the 1980's came out of Justice Department criminal prosecutions, in which two of the judges were convicted and where the third, was the subject of a referral from the federal judiciary, after his acquittal. This seems to have lulled the media into assuming that there is a functioning process at the House Judiciary Committee, rather than doing *any* investigation on the subject.

<sup>2</sup> Last available figures are for the 101st and 102nd Congresses, when the House Judiciary Committee's "Summary of Activities" respectively reported that 141 and 120 complaints against federal judges were received.

<sup>3</sup> The statement is accessible from CJA's website: [www.judgewatch.org](http://www.judgewatch.org) -- as it CJA's published article, referred to therein, "*Without Merit: The Empty Promise of Judicial Discipline*" [*The Long Term View* (Massachusetts School of Law) Vol. 4, No. 1, summer 1997].