

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

Elena Ruth Sassower, Coordinator

February 18, 1999

PRESS RELEASE

Coming Up Next: The Impeachment of Chief Justice Rehnquist

In his parting remarks to the Senate, at the end of the President's impeachment trial, Chief Justice Rehnquist expressed the "hope that our several paths may cross again under happier circumstances." Majority Leader Lott responded in kind, on behalf of the entire Senate, "Y'all come back soon. But I hope that's not taken the wrong way -- and not for an occasion like this one."

Actually, IF the Constitution works -- and "the rule of law" and "the integrity of the judicial process" mean anything -- it will not be long before the Senate reconvenes as a Court of Impeachment. However, Justice Rehnquist will not be presiding: he will be defending himself against impeachment articles more serious, by far, than those against the President. This, because the Chief Justice's violation of the rule of law, obstruction of justice, and abuse of power arise from his *official* conduct.

During the five weeks that Chief Justice Rehnquist was presiding over the Senate's impeachment trial of the President, an impeachment complaint against him was pending in the House Judiciary Committee, detailing how he had corrupted his office to cover up corruption in the lower federal judiciary, completely annihilating "the rule of law." The complaint, filed in November 1998 by the Center for Judicial Accountability, Inc. (CJA), a national, non-partisan, non-profit citizens' organization documenting judicial corruption, rests on the Chief Justice's *official* misconduct as head of the Supreme Court and of the administration of the federal judiciary. In both capacities, his supervisory and ethical duties require him to ensure that corrupt federal judges are disciplined and removed -- and that mechanisms are adequate for the purpose.

As all judges, the Chief Justice 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 [28 U.S.C. §455]. Among the factors leading Congress to pass that law in 1974 was the Chief Justice's failure to recuse himself from a case when he first came on the bench -- a failure described by former Washington Post/New York Times writer John MacKenzie as "one of the most serious ethical lapses in the Court's history."¹

Chief Justice Rehnquist has long-standing personal and professional relationships with lower federal judges, particularly with Court of Appeals judges and chief judges. In September 1998, a case about corruption by lower federal judges came before the Supreme Court on a petition for a writ of certiorari. Presented was record evidence that lower federal judges had abandoned ALL adjudicative and ethical standards by judicial decisions which falsified the factual record in EVERY material respect (decisions tantamount to "judicial perjuries"). Additionally presented was documentary proof that ALL

¹ The Appearance of Justice, 1974, at p. 209.

mechanisms to discipline and remove these federal judges -- in each of the three governmental branches -- were corrupted or non-functional. At the same time, the Chief Justice was presented with a formal application that he disqualify himself from consideration of the petition or disclose the facts bearing upon his relationships with the subject federal judges, who would face criminal prosecution and impeachment were he to meet his supervisory and ethical duties. The Chief Justice's response was to ignore the recusal/disclosure application, made pursuant to law, and to permit the Associate Justices to likewise ignore it, although also addressed to them. With them, the Chief Justice then denied the cert petition, which by reason of the judicial corruption issues involved, had sought mandatory review under the Court's "power of supervision" and, at minimum, referrals against the subject federal judges, required by ethical rules applicable to the justices. The Chief Justice and Associate Justices, thereafter, ignored a judicial misconduct complaint filed against them for their subversion of the disqualification/disclosure law and of ethical rules, protecting their corrupt judicial "buddies."

This is the background to CJA's 4-page impeachment complaint against all the Justices, dated November 6, 1998. It 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 impeachment complaint, and *expressly* part of it, is a rehearing petition filed with the Supreme Court, summarizing -- 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."

CJA offers copies of the complaint -- and the substantiating Supreme Court submissions on which it is based -- to journalists interested in exploring the House Judiciary Committee's commitment to uphold the "the rule of law", "the integrity of the judicial process", and "equal justice" -- the proclaimed basis for its drive to impeach and remove the President -- when it comes to holding our nation's highest federal judges accountable to the most minimal ethical standards and legal standards.

In that connection, media response will be part of an empirical study by CJA demonstrating whether -- and to what extent -- the National Commission on Judicial Discipline and Removal -- a study commission formed following the three judicial impeachments in the 1980's -- had any basis for its statement:

"that any publicly-made (non-frivolous) allegation of serious misconduct...against a Supreme Court Justice would receive *intense scrutiny in the press...*" (Report of the National Commission on Judicial Discipline and Removal, p. 122, emphasis added)².

² CJA long ago exposed the National Commission's Report as methodologically-flawed and dishonest, including in its published article, "*Without Merit: The Empty Promise of Judicial Discipline*" [The Long Term View (Massachusetts School of Law), Vol 4, No. 1, summer 1997] -- accessible on CJA's website, www.judgwatch.org.