

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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FAX COVER SHEET

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DATE: 1/11/99 TIME: 6⁵⁰ pm FAX #: 212-475-8944

TO: Vince in Research
Village Voice

RE: Fact Checking

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: Enclosed is our press release,
similar to the one faxed to
James Ridgeway last week

As discussed he may wish to include
the attribution as to who the chief
justice's critics are who have
filed the impeachment complaint -
since I believe coverage will begin
appearing about the complaint in the
coming days!

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, non-profit citizens' organization documenting how judges break the law and get away with it.

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Elena Ruth Sassower, Coordinator

January 11, 1999

PRESS RELEASE

As Chief Justice William Rehnquist presides over the President's Senate impeachment trial, 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. Indeed, the complaint involves the Chief Justice's corruption of his office to cover up corruption in the lower federal judiciary, completely annihilating the rule of law.

* [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 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. Like all federal judges, he also has an absolute duty of impartiality, imposed by his oath of office and ethical rules and, by 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]. In fact, the background to that law includes the Chief Justice's failure to recuse himself from a case when he first came on the bench¹ -- a failure described as "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, at p. 209].

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, including by judicial decisions which falsified the factual record in EVERY material respect (in other words, decisions which were "judicial perjuries") and, further, that ALL mechanisms to discipline and remove these federal judges, in each of the three governmental branches, were corrupted or otherwise non-functional. At the same time, a formal application was presented to the Chief Justice that he disqualify himself from the Court's consideration of the petition or that he disclose the facts bearing upon his relationships with the subject lower federal judges, who would face criminal prosecution and impeachment were he to meet his mandatory supervisory and ethical duties in the case. The Chief Justice response? He ignored the application, made pursuant to law, and permitted the associate justices to likewise ignore it, although it was 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

¹ That 1972 case is cited in a column by Joe Conason in the December 28-January 4, 1999 New York Observer, "Stakes Are High For Chief Justice", which highlights Justice Rehnquist's insensitivity to conflict of interest and disqualification issues. [at p. 5: copy annexed].

the subject federal judges, as required by ethical rules applicable to the justices. Thereafter, the Chief Justice and other justices ignored a judicial misconduct complaint against them, filed with the Court, based on their subversion of the disqualification/disclosure law and of ethical rules in the context of record proof of the annihilation of the rule of law by lower federal judges, both systemic and unredressed.

This is the background to CJA's 4-page impeachment complaint against all the justices, dated November 6, 1998, 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 impeachment complaint, and *expressly* part of it, is a rehearing petition 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".

Included in the record before the Chief Justice in connection with the petition for a writ of certiorari was CJA's FIVE-YEAR correspondence with the House Judiciary Committee, showing that the Committee does NOT investigate, refer, or even acknowledge the hundreds of judicial impeachment complaints it receives from citizens². 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"³, as it is supposed to, and further concealing those complaints by withholding them from public access, although they are supposed to be available upon request [*Cf. Report of the National Commission on Judicial Discipline and Removal*, 1993, at p. 35]. The record also included CJA's June 1998 written statement to the House Judiciary Committee⁴, 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 evidentiary proof that the federal judiciary had corrupted that mechanism. **This is the media-unreported reality behind the House Judiciary Committee, whose Chairman, Henry Hyde, publicly proclaims 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 even the most flagrant, *readily-verifiable* judicial corruption -- like the story of CJA's impeachment complaint against Chief Justice Rehnquist for his cover-up and complicity in that corruption -- is a *DEUS EX MACHINA* with the potential to blow apart the Senate impeachment trial of the President. They certainly expose the hypocrisy and *official* misconduct of the House Judiciary prosecution team and of the presiding Chief Justice.

² The three judicial impeachments in the 1980's were the product of Justice Department criminal prosecutions, where two of the judges were convicted and the third was the subject of a referral from the federal judiciary. 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. Before those three, the last judicial impeachment was 50 years earlier -- in 1936.

³ 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.

⁴ The statement is accessible from CJA's website: www.judgewatch.org -- as is 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].