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## Letter to Honorable Roger J. Traynor Regarding the Draft of Revised Canons of Judicial Ethics

Ivan Lee Holt Jr.

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CIRCUIT COURT

TWENTY-SECOND JUDICIAL CIRCUIT OF MISSOURI

CIVIL COURTS BUILDING

10 NORTH 12TH STREET

ST. LOUIS, MISSOURI 63101

IVAN LEE HOLT, JR., JUDGE

May 26, 1971

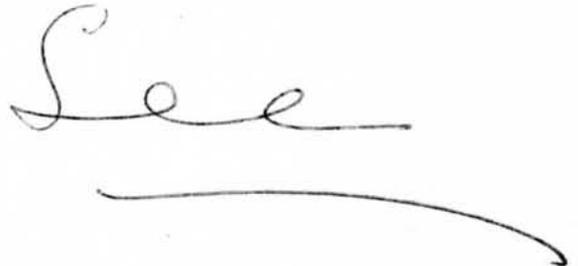
Honorable Roger J. Traynor  
Hastings College of the Law  
198 McAllister Street  
San Francisco, California 94102

Dear Roger:

I enclose a copy of an article on our last draft that appeared in last Sunday's Post-Dispatch, which I thought you and the other members of the Committee might be interested in seeing.

It was good to see you in Washington and I'll be looking forward to seeing you in October if not before.

Sincerely,



ilh, jr/un  
cc's: The Committee

# Tighter Judicial Ethics Urged

By JAMES C. MILLSTONE  
A Washington Correspondent of  
the Post-Dispatch

WASHINGTON, May 22 — A select committee of the American Bar Association Saturday proposed a new code of judicial ethics that would bar a judge from hearing any case in which he or a family member had even the slightest interest.

The committee, made up of judges, lawyers and legal scholars, proposed also that judges not be permitted to serve as officers, directors, employers or advisers of any business.

The recommendations would require judges to disclose compensation received from outside sources but would not require disclosure of personal investments or income from those investments.

## Suggestions Sought

The proposals were termed a tentative draft and were mailed to about 15,000 persons throughout the nation for discussion and suggestions. A committee spokesman said a final version will be prepared for an association meeting next February in anticipation of approval by the Bar Association in August 1972.

If the association acts, the new canons will replace a code that has been in effect for 47 years. It has been criticized in recent years as being out-of-date and vague. If the new code is approved, the association will ask bar groups, state legislatures and judges' organizations to adopt the new code and apply it to all federal and state judges.

The committee that drew up the proposals has been working since August 1969. The chairman is Roger J. Traynor, retired chief justice of the California Supreme Court. Among its members are Supreme Court Justice Potter Stewart and Judge Ivan Lee Holt of the St. Louis Circuit Court.

## Misconduct Publicized

Preparation of new standards for judges grew out of a series of widely publicized incidents involving the outside activities of members of and nominees to the Supreme Court. These included the association of former Justice Abe Fortas with a charitable foundation established by financier Louis E. Wolfson, who subsequently went to prison for stock market manipulations; Justice William O. Douglas's paid position as president of the Parvin Foundation, also a charitable organization, and the business holdings of Judge Clement F. Haynsworth of the United States Court of Appeals for the Fourth Circuit.

Fortas resigned as a result of the Wolfson disclosures. An effort was made to impeach Douglas, but an investigation by a House committee cleared

him. Haynsworth was nominated for the supreme court but was rejected by the Senate. He continues to serve as an appeals court judge.

## Code Called Essential

Edward L. Wright, president of the bar association, said it was "essential that we adopt a modern code regulating judicial conduct."

"The public's confidence has been shaken in recent years," Wright said. "The public is entitled to know that judges respect and conform to higher standards."

A spokesman said the committee had wanted to draft specific and precise canons so judges would know what was permissible without having to seek varying interpretations.

Thus, the draft states that a judge should disqualify himself from any proceeding in which he or a member of his family has a financial interest, no matter how small. A question in the Haynsworth case concerned the

propriety of the judge considering a case involving a company in which he had a small amount of stock. The proposed canons would clearly forbid Haynsworth from sitting in such a case.

## No Current Ban

Existing canons do not prohibit judges from serving as officers or directors of private businesses. The proposed code would bar them from any role in private business except that of an investor or stockholder.

"He should not serve as officer, director, employe or adviser of any business organization, nor should he take an active role in the management of any business," the proposed canon states.

It also would require a judge to divest himself of financial interests in any case that might come before him.

The proposed code would permit judges to speak, write, and lecture on nonlegal subjects and to engage in the arts and

sports as long as they "do not detract from the dignity of his office or interfere with his judicial duties."

The canons would permit a judge to be an officer, director or trustee of educational, religious and charitable organizations as long as such groups were not likely to be involved in litigation. However, they would not permit judges to solicit funds or to speak at fundraising events for such organizations, and they would require judges to re-examine such affiliations regularly.

## Annual Reports Suggested

The committee proposed that judges report outside income, except investments, at least once a year. As for investments, the committee said there was no reason to deny a judge "the rights of an ordinary citizen to maintain the privacy of the financial circumstances of himself and his family."

Another new proposal would

prohibit judges from serving on fact-finding governmental committees or commissions that deal with nonlegal subjects. Such a canon would have prevented President Lyndon B. Johnson from naming former Chief Justice Earl Warren to head the commission to investigate the assassination of President John F. Kennedy. It would have blocked the appointment of Judge Otto Kerner of the U.S. Court of Appeals for the Seventh Circuit to head the National Advisory Commission on Civil Disorders, and it would have halted the naming of other judges to commissions on violence and campus disruptions.

The committee said that judges had given valuable service on commissions but that such assignments must be reassessed because of the increasing manpower problem in the courts and because of the need to keep the courts out of nonjudicial controversies.

## Activities Limited

Other sections of the proposed code would prohibit judges from consulting with or appearing before executive or legislative bodies on matters other than judicial administration. They would continue the existing bar against photographic equipment and television cameras in courtrooms except when intended for purely educational use and would require a judge to resign from the bench should he become a candidate for any nonjudicial office.

Members of the committee, in addition to Traynor, Stewart and Holt, are Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit; Chief Judge Edward T. Gignoux of the U.S. District Court of Maine; Judge George H. Revelle of the Superior Court of King County, Wash.; Whitney North Seymour, former bar association president and a New York lawyer; William L. Marbury, a Baltimore lawyer; E. Dixie Beggs, a Pensacola, Fla., lawyer; Walter P. Armstrong Jr., a Memphis lawyer, and Robert A. Leflar, former dean of the University of Arkansas law school.

## Many Dead, Wide Damage Reported In Turkey's 2nd Quake In 10 Days

ANKARA, Turkey, May 22 (UPI) — A strong earthquake shook eastern Turkey Saturday night and caused widespread death and destruction. It was the second such disaster in the country in 10 days.

Government officials said there was no immediate estimate of the number of dead, but initial news reports from the area indicated it might be in the hundreds.

The most heavily damaged town was reported to be Bingol, which has 53,000 residents. It is in the center of the area hit by the quake, a mountainous terrain about 375 miles east of Ankara.

## Landlord Avenges Postal Rate Boost

PENTWATER, Mich., May 22 (AP) — John Findley owns the building that houses the post office in Pentwater, population 1000. Shortly after the department's latest rate increase, he increased the rent.

"In keeping with the great past tradition of the U.S. Post Office Department of continual browbeating the American public with waste, cost increases and inefficiency, you are hereby notified that to continue with such a program in my building in Pentwater will cost an additional \$50 a month to make a total monthly rent of \$200 beginning June 1, 1971," Findley wrote.

The earthquake's shocks also rolled through the towns of Erserum, Erzincan, Tunceli, Mus, Tatvan, Diarbakir, Siirt, Elazig, Malatya and Genc.

Reports from the area said Genc, a town of 31,000 near Bingol, was destroyed.

The Kandilli Observatory at Istanbul said the earthquake registered more than six points on the Richter Scale, far greater intensity than the quake in Burdur Province in southwestern Turkey that killed 54 persons on May 12.

In Washington, the United States National Earthquake center said the tremor registered 6.8 on the Richter Scale.

One of the towns reported hit by the quake Saturday, Erzincan, was struck by a major quake in 1939 that killed 39,000 persons.

In Ankara, Deputy Premier Sadi Kocas said reports from the quake zone Saturday indi-

cated widespread death and destruction.

"We have dispatched troops from garrisons neighboring Bingol with relief and rescue materials. Rescue teams are forming. The Red Crescent (Turkey's Red Cross) is rushing aid into the devastated area," Kocas said.

The governor of Elazig Province, Zekeriya Celikbilekli, said he managed to get a telephone call through to his Bingol counterpart after the quake but the line collapsed after five minutes.

"The governor of Bingol said there was extensive damage and loss of life in the city. He appealed for help," the Elazig governor said.

Reports from Tunceli, Mus, Malatya and other towns said that the tremors cracked building walls and that in nearby peasant village houses collapsed.

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