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Conduct of Associate Justice Douglas (William O. Douglas)

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Mr. GERALD R. FORD, Mr. Speaker.

Last May 8 I joined with the gentleman from Ohio (Mr. TAYLOR) in introducing H.R. 11109, a bill requiring financial disclosure by members of the Federal Judiciary. This was amid the allegations swirling around Mr. Justice Fortas. Before and since, other Members of this body have proposed legislation of similar intent. To the best of my knowledge, all of these have been referred to the Judiciary where they were referred.

On March 19 the U.S. Judicial Conference announced the adoption of new ethical standards governing the personal conduct of judges. The purpose of these standards was to prevent the conflict of interest. They are described as a significant step toward establishing a high level of integrity and propriety; they should not have to be enforced by the judiciary but should remain voluntary and binding upon all judges.

In any event, they are not binding upon the Judicial Ethics of the American Bar Association, which states the practice of the United States Supreme Court

In the last year of the extrajudicial activities and personal feelings toward Mr. Justice Douglas, I received literally hundreds of inquiries and protests from concerned judges, attorneys, and the public. The behavior of Mr. Justice Douglas was a highly sensitive matter. Probably I would disagree, were it necessary to exclude him from serving on the Supreme Court, which results in a sweeping change and the extraordinary conflict of interest. They were described as being characterized by inconsistency and the disregard for the performance of their duties

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The American Revolution was an event of great importance in our history. It was a turning point in the development of constitutional law. The Constitution is the supreme law of the land.

The President, Vice President, and all civil Officers of the United States, shall be removed from office on impeachment for, and conviction of, Treason, Bribery or other high Crimes and Misdemeanors.

This has been the most controversial of the constitutional references to the impeachment power. Impeachment is a process by which the House of Representatives may charge the President, Vice President, and all civil Officers of the United States with high crimes and misdemeanors.

It has been used to remove the President from office after the democrats took control of the House of Representatives in the 114th Congress.

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In other words, impeachment resembles trial in form but not in substance. Unlike a civil trial, it is not the same thing. It resembles a criminal trial but it is not the same thing.

Some officials, such as Members of the Congress, are so anxious to reproach their opponents with the removal by the complicated impeachment route that they have, on occasion, made the whole matter a campaign issue. But nine out of ten judges, including one Associate Justice of the Supreme Court, have been impeached solely for perjury during their service in the Senate; four were acquitted; four convicted; and one resigned without trial and the impeachment was dismissed.

In short, a logjam trial conducted by the other body, that of U.S. Judge Halsted L. Ritter of the southern district of Florida, who was removed in 1936, the point of judicial behavior was paramount, since the criminal charges were admittedly thin. This case was in the context of P. D. E.'s effort to pack the Supreme Court. What makes it likable: Judge Ritter was a transplanted conservative who Bumperized his code on the Federal bench in solidly Democratic Florida by President Coolidge was convicted by a coalition of liberal Republicans, New Deal Democrats, and Farmer-Labor and Progressives who in what is called the northwestern strategy of that era. Nonetheless, the arguments were persuasive.

A joint statement, Senators Borah, La Follette, Pender, and Shipstead released.

We therefore did not, in passing upon the facts presented to us in the matter, find imperative proceedings against Judge Halsted L. Ritter, seek to satisfy ourselves as to whether the acts of which he was accused and of which he was convicted were intent or corrupt motive; we sought only to answer the question whether his conduct had been such as to amount to misbehavior in office as to which he had conducted himself in a way that was calculated to bring disrepute upon the public confidence in the courts and to create a sense of scandal. There are many great things which one may not do at a given moment in which coming, wholly inebriated, in the conduct of a justice, these things might not amount to a crime.

Senator Elbert Thomas of Utah, citing the domestic economic and colonial aspects of the impeachment process, bluntly declared:

"There is good behavior . . . is in no sense a guarantee of a life job, and misbehavior in the ordinary, dictionary sense of the term will cause it to be cut short on the vote, under special oath, of two-thirds of the Senate, if charges are first brought by the House of Representatives. . . . To assume good behavior means that one good behavior would be to cast a reflection upon all others. Whether the fathers wrote themselves in understandable language.

But the best summary, in my opinion, was that of Senator William O. Douglas of California, son-in-law of Woodrow Wilson and Secretary of the Treasury:

"I therefore object from the start to the idea that the principle of impeachment against a federal judge rests in the evaluation of the whole man, or in the point of the general conduct of this judge while up on the bench or Performing his duty in a variety of situations in the impeachment and the evidence submitted in the trial. The picture thus presented, to my mind, that of a man who is so lacking in any proper conception of professional ethics and those high standards of judicial character and conduct as to make him a menace in the highest judicial positions, and to render him unfit to hold a judicial office."

"Good behavior, as it is used in the Constitution, means: First, a judge must meet the standards of public and private rectitude. No judge can harmonize the robes he wears by his conduct constructed in the custom of the cloth. Conduct results from whatever offense or offenses are triable, and the third of the other body must be sufficiently serious to require removal of the accused from office. Any individual's private conduct and political climate are important: there are few fixed standards among the handful of precedents.

It is fair to come to one conclusion about the usual impeachment arguments: a higher standard is expected of Federal judges than of any other public officials. The President and Vice President, and all persons holding office under the Constitution, can be thrown out of office by the voters at least every 4 years. To remove them in midstream—it has been tried only twice and never done—would indeed require crimes of the magnitude of sedition, treason, and bribery. Other public officials, such as Members of the Congress, are so anxious to reproach their opponents with the removal by the complicated impeachment route has not even been used, since 1868.

And now that we have disposed of the real case, surely the most sensitive, the illusion of legal opinion: Mr. Ginsburg is editor and publisher of a number of magazines on the coffee table, not commonly found on the family coffee table. If the magazine had to be examined to permit discussion—"not immediately for writing it. I would think, however, that the phrase by William O. Douglas, Associate Justice, U.S. Supreme Court, and a full paid大片, as in the case of his publication, to a publisher and a magazine with two aspects of the behavior of Mr. Justice Douglas and his alleged words of Mr. Justice Cardozo, whether they meant "not honesty alone, but the punctuality, accuracy and precision that is most sensitive."

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appeals pending in the U.S. courts.

However, Justice Douglas did not disqualify himself from taking part in the Goldwater-Baker case. He was asked for his appearance, but had the decision been a close 5-to-4 split, as was the earlier one, Ginsburg was asked to make the decision. Actually, neither the quantity of the burn nor the quality of the injury or the outcome makes a bit of difference in the gross impropriety involved.

The text follows...
Also on hand in Santo Domingo to celebrate the occasion of the increased power were Mr. Albert Parvin, President of the Parvin-Dohrmann Co., and the President of the Parvin Foundation, Mr. Justice William O. Douglas of the United States Supreme Court.

Again there is conflicting testimony as to the reason for Mr. Justice Douglas’ presence in the Dominican Republic at this time. Parvin-Dohrmann stockholders have long maintained that Mr. Justice Douglas was there to advise President Bosch on writing a new Constitution for the Dominican Republic.

There is little about the reasons behind the trip in Douglas’ own words. Singly and regrettably of known gambling figures and Mafia types in Santo Domingo, however. With the change of political regimes the rich gambling concessions of the Dominican Republic were up for grabs. These were generally not owned and operated by the hotels, but were granted concessions by the government—specifically by the President.

It is not surprising that Mr. Justice Douglas described Mr. Justice Douglas’ curious obsession with the gambling industry, particularly with organized crime, this brought such known gamblers as Bobby Baker and Ed Levinson together. Bobby Baker met with Juan Bosch, soon to be inaugurated as the new, liberal President.

On October 22, 1962, Bobby Baker turned up in Las Vegas for a 3-day stay. His hotel bill was paid by Ed Levinson, President of the Parvin-Dohrmann Co., and Levinson’s attorney. On Baker’s registration card a handwritten note had noted—“is with Barbara.”

Bobby was then, of course, majority shareholder of the company considered as the right hand of the then Vice President of United Airlines. It is unclear whether the note meant literally that Mr. Justice Douglas was also there, or whether it meant only to identify Baker as a Douglas associate.

In December 1962, I have learned, Bobby Baker met with Juan Bosch, soon to be President of the Dominican Republic, in New York City.

In January 1963 the Albert Parvin Foundation decided to drop all its Latin American projects and to concentrate on the Dominican Republic. Douglas described President-elect Bosch as an old friend.

February 26, 1963, however, we find Bobby Baker and Ed Levinson together again—this time on the other side of the continent.” There is now much speculation as to whether the Parvin Foundation’s move to Santo Domingo was in response to future difficulties with the Internal Revenue Service, or simply a strategic maneuver to increase the Parvin-Levinson-Lansky interests.

There are reports that Douglas met with Bosch and other officials of the new government in February or early March of 1963, and that he met with Bobby Baker and with Albert Parvin. In April 1963, Baker and Ed Levinson returned to Santo Domingo, and in that same month the Albert Parvin Foundation was granted tax-exempt status by the Internal Revenue Service.

In June, I believe it was June 20, Bobby Baker and Ed Levinson returned to New York where Baker introduced Levinson to President Lyndon Baines Johnson. The Intercontinental Hotel Corp. Mr. Gates has testified that Levinson was interested in the casino company, as was Senator John Sparkman—Bobby Baker in Santo Domingo. My information is that Baker and Levinson made at least one more trip to the Dominican Republic about this time but, that despite all this influence peddling, the gambling franchise was not granted to the Parvin-Levinson-Lansky interests after all.

In August, President Bosch awarded the leases on gaming in Santo Domingo to two former Governor of Nevada who also happen to be Ed Levinson.

When this happened, the further interest of the Albert Parvin Foundation in the Dominican Republic abruptly ceased. I am told that some of the educational television equipment already delivered was suddenly transferred to the Dominican Republic.

On October 25, 1963, President Bosch was ousted and all deals were off. He was later to lead a comeback effort with Communist support. His overthrow resulted in the deposition of President Johnson’s dispatch of U.S. Marines to the Dominican Republic.

May 11, 1968, Parvin-Dohrmann Co. which he had acquired, Albert Parvin, President of the Centaur Hotel in Las Vegas in 1966 from Edward Levinson and Edward Torres, for some $16 million. In 1968, Parvin-Dohrmann acquired the Aladdin Hotel and casino in the same Nevada city, and in 1969 was denied permission to sell its shares to to buy the Stardust Hotel. This brought an investigation before the Securities and ExchangeCommission in Parvin-Dohrmann stock by the SEC, which led to a finding of the company’s employment of Nathan Voloshen.

But in the interim Albert Parvin is said to have acquired an interest in the Riviera Hotel and to have retired to concentrate on his foundation, from which Mr. Justice Douglas received hundreds of thousands of dollars in the last few years.

On May 1969, Mr. Justice Douglas reportedly wrote a letter to Albert Parvin in which he discussed the pending sell-off of the Centaur Hotel. In that letter, Justice Douglas apparently wrote to Albert Parvin that any disinterested judge should have been appointed by the United States, as he was not in the Vice President’s party.

On October 24, 1968, the Parvin Foundation was offering to finance an educational television project in the Dominican Republic. It is reported that Mr. Justice Douglas was there to advise President Bosch on writing a new Constitution for the Dominican Republic.

In conclusion, we can say that the Parvin Foundation was offering to finance an educational television project in the Dominican Republic. It is reported that Mr. Justice Douglas was there to advise President Bosch on writing a new Constitution for the Dominican Republic.

Mr. Speaker, we are the elected representatives of the people of this country, and we have a duty to protect them from the corrupting influence of organized crime in the United States. The Parvin Foundation’s ties to gambling and organized crime are well documented, and we cannot ignore the possibility of a conflict of interest.

We need to ensure that our government is not beholden to powerful interests, and that our legal system is free from corruption. This is in the best interests of our democracy, and we must take action to prevent this kind of influence from interfering with our justice system.

Thank you for your time and attention. I urge my colleagues to support this important legislation to protect our democracy from the influence ofcorruption.
speakers upon whom the Associate Justice of the Supreme Court is attempting to place the blame for violent rebellion in this country. What he means by representing the establishment I do not know except that he and his young hotheaded revolutionaries regard it as evil. I know very well who I represent, however, and if the patriotic and law abiding and hard-working and God-fearing people of America are the establishment, I am proud to represent such an establishment.

Perhaps it is appropriate to examine at this point who Mr. Justice Douglas represents. On the basis of the facts available to me, and presented here, Mr. Justice Douglas appears to represent Mr. Albert Parvin and his silent partners of the international gambling fraternity, Mr. Ralph Ginzburg, and his friends of the pornographic publishing trade, Dr. Robert Hutchins, and his intellectual incubators for the New Left and the SDS, and others of the same ilk. Mr. Justice Douglas does not find himself in this company suddenly or accidentally or unknowingly, he has been working at it for years, profiting from it for years, and flaunting it in the faces of decent Americans for years.

There have been many questions put to me in recent days. Let me unequivocally answer the most important of them for the record now.

Mr. Speaker, is this action on my part in response to, or retaliation for, the rejection by the other body of two nominees for the Supreme Court, Judge Haynsworth and Judge Carswell. In a narrow sense, no. The judicial misbehavior which I believe Mr. Justice Douglas to be guilty of began long before anybody thought about elevating Judges Haynsworth and Carswell. But in a larger sense, I do not think there can be two standards for membership on the Supreme Court, one for Mr. Justice Fortas, another for Mr. Justice Douglas.

What is the ethical or moral distinction, I ask those arbiters of high principle who have studied such matters, between the Parvin Foundation, Parvin-Dohrman's troubles with the SEC, and Parvin's $12,000-a-year retainer to Associate Justice Douglas—on the one hand—and the Wolfeon Family Foundation, Louis Wolfson's troubles with the SEC and Wolfson's $20,000-a-year retainer to Associate Justice Portas? Why, the cast of characters in these two cases is virtually interchangeable.

Albert Parvin was named a coconspirator but not a defendant in the stock manipulation case that sent Louis Wolfson to prison. Albert Parvin was again under investigation in the stock manipulation action against Parvin-Dohrman. This generation has largely forgotten that William O. Douglas first rose to national prominence as Chairman of the Securities and Exchange Commission. His former law pupil at Yale and fellow New Dealer in those days was one Abe Portas, and they remained the closest friends on and off the Supreme Court. Mrs. Fortas was retained by the Parvin Foundation in its tax difficulties. Abe Portas was retained by Bobby Baker until he withdrew from the case because of his close ties with the White House.

I will state that there is some difference between the two situations. There is no evidence that Louis Wolfson had notorious underworld associations in his financial enterprises. And more important, Mr. Justice Fortas had enough respect for the so-called establishment and the personal decency to resign when his behavior brought reproach upon the U.S. Supreme Court. Whatever he may have done privately, Mr. Justice Portas did not consistently take public positions that damaged and endangered the fabric of law and government.

Another question I have been asked is whether I, and others in this House, want to set ourselves up as censors of books and magazines. This is, of course, a stock liberal needle which will continue to be inserted at every opportunity no matter how often it is plainly answered in the negative. But as the "censor" was an ancient Roman office, the supervisor of public morals, let me substitute, if I might, another Roman office, the tribune. It was the tribune who represented and spoke up for the people. This is our role in the impeachment of unfit judges and other Federal officers. We have not made ourselves censors; the Constitution makes us tribunes.

A third question I am asked is whether the step we are taking will diminish public confidence in the Supreme Court. That is the easiest to answer. Public confidence in the U.S. Supreme Court diminishes every day that Mr. Justice Douglas remains on it.

Finally, I have been asked, and I have asked myself, whether or not I should stand here and impeach Mr. Justice Douglas on my own constitutional responsibility. I believe, on the basis of my own investigation and the facts I have set before you, that he is unfit and should be removed. I would vote to impeach him right now.

But we are dealing here with a solemn constitutional duty. Only the House has this power; only here can the people obtain redress from the misbehavior of appointed judges. I would not try to impose my judgment in such a matter upon any other Member; each one should examine his own conscience after the full facts have been spread before him.

I cannot see how, on the prima facie case I have made, it is possible to object to a prompt but thoroughgoing investigation of Mr. Justice Douglas' behavior. I believe that investigation, giving both the Associate Justice and his accusers the right to answer under oath, should be as nonpartisan as possible and should interfere as little as possible with the regular legislative business of the House. For that reason I shall support, but not actively sponsor, the creation of a select committee to recommend whether probable causes does lie, as I believe it does, for the impeachment and removal of Mr. Justice Douglas.

Once more, I remind you of Mr. Justice Cardozo's guidelines for any Judge: Not honest alone, but the punctilio of an honor the most sensitive, is then the standard of behavior.

Why should the American people demand such a high standard of their dictionary? Because justice is the foundation of our free society. There has never been a better answer than that of Daniel Webster, who said:

There is no happiness, there is no liberty, there is no enjoyment of life, unless a man can say when he rises in the morning, I shall be subject to the decision of no unwise judge today.