4-21-1970

House of Representatives Proposed Impeachment of an Associate Supreme Court Justice

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PROPOSED IMPEACHMENT OF AN
ASSOCIATE SUPREME COURT
JUSTICE

SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCloskey) is recognized for 60 minutes.

Mr. McCloskey. Mr. Speaker, I rise in response to the remarks of my distinguished colleague from Michigan (Mr. Gerald R. Ford) last Wednesday evening, the gentleman from Michigan, with his views on the constitutional power of impeachment and stated certain facts and figures in his judgment, justified his vote for the immediate impeachment of Associate Supreme Court Justice William O. Douglas. The dialogue which ensued is reported in the Congressional Record of April 15, 1970, at pages H3112 through H3127.

I respectfully disagree with the basic premise, that "all impeachable offenses are whatever a majority of the House of Representatives considers it to be at a given time in history."

To accept this view, in my judgment, would do grave damage to one of the most treasured cornerstones of our liberties: the principle of judicial independence. It is a principle fundamental to the American Bar Association, free not only from public passions and emotions, but also from fear of executive or legislative disfavor except under already-defined rules and precedents.

The arguments presented last Wednesday day raise grave constitutional issues, and I hope my colleagues will understand that I speak not in derogation of my leader's judgment, but to express a differing view of the law of impeachment and the criteria to be applied by the House in exercising its authority as a member of the Judiciary. I do not speak in defense of Justice Douglas, whom I have met but once. I would like to speak, however, for the principle of judicial independence, that Congress should not challenge a sitting judge except under the clearest showing of misconduct.

Also, in view of the fact that the issues are those of law and precedent, I think it is especially incumbent on those of us who are lawyers to discuss all aspects of the case from the various points of view traditional to our profession.

The first two sentences of the canons of ethics of the American Bar Association impose a special duty on lawyers: "It is the duty of the lawyer to maintain the courts a respectful attitude, not only for the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free from popular influence, are properly entitled to receive the support of the bar against inappropriate interference."

In my State of California, the attorney's duty to the courts has been referred to as "among the foremost of his obligations."

The members of the legal profession should join the other members of society in the first to uphold the dignity of judicial tribunals and to correct those forces into which that prestige to which they would be hastened if proceedings before them were conducted without order or decorum.


Attorneys must observe the principles of truth, honesty, and fairness, especially in criticism of the courts. In 1824, Humphrey, 174 Cal. 290, 295 (1871).

To me, it would question that our duties to the Nation as Members of Congress, by virtue of the Oath, as set forth in Article VI, should command this Nation that our courts are not to be subject to the same manner as Members of Congress, might criticize political opponents or members of the executive branch.

There are specific origins for Members of the House who are also privileged to be members of the Supreme Court to lay before the House the history of difficulties, interferences, and legal argument as may warrant the construction of the term "good behavior" than those urging impeachment have suggested.

If I were like to discuss the concept of an impeachable offense that whatever the majority of the House of Representatives considers it to be at any given time in history. If this concept were accurate, then of course there are no limitations on what a political majority might determine to be less than good behavior. It follows that judges of the Court could conceivably be removed whenever the majority of the House and two-thirds of the Senate agreed that a better judge might fill the position. But this concept is an anachronism, either in our constitutional history or in actual case precedent. It is the尔s of the framers of the Constitution was clearly to protect Judges from political disagreement, rather than to establish a new process for their removal.

The Original Colonies had a long history of difficulties with the administration of justice under theBritish Crown. The Declaration of Independence states that grievance against the King:

"He has made Judges dependent on his Will alone, to grant to judges the tenure of their offices and the amount and payment of their salaries.

The signers of the Declaration of Independence were primarily concerned about preserving the independence of the judiciary from direct or indirect pressures, and particularly from the pressure of discretionary termination of their services or diminution of their salary.”

In the debates which took place in the Constitutional Convention 11 years later, this concern supported the tradition of the major proposals presented to the delegates. The Virginia and New Jersey plans both contained language substantially similar to that finally adopted, as amended by the Committee on the Constitution.

Article III, Section 1 states: "The Judges of the Supreme and inferior Courts shall hold their offices during good Behavior, and shall, at stated times, receive for their services, a compensation, which shall neither be diminished during their Continuance in Office."

The "good behavior" standard thus was not drafted and alone. It is worth noting we read with reference to the clear intention of the farmers to protect the independent judiciary against executive or legislative action on their compensation, specifically or because of the danger of political disagreement.

If, in order to protect judicial independence, Congress is specifically protected from terminating or reducing the salaries of Judges, it seems clear that Congress was not intended to have the power to designate "as an impeachable offense whatever a majority of the House of Representatives considers it to be at a given moment."

If an independent judiciary is to be preserved, the House must exercise due restraint and caution in its definition of what is less than good behavior.

As we honor the Court's self-imposed doctrine of judicial restraint, so we might likewise honor the principle of legislative restraint in considering egregious charges against members of a coequal branch. The Members of Congress have wished to keep free from political tensions and emotions.

The trial from Michigan has properly mentioned the analogy of impeachment to a prosecution, with the House acting as prosecutor and the Senate sitting as judge and jury. In this construction of the impeachment proceeding with roots going back in our colonial history long preceding the adoption of the Constitution itself.

The Fundamental Orders of Connecticut, adopted in 1638, first gave the power to the colonial assembly to remove officials, and the Charter of Rhode Island and Providence Plantations, and this principle was later adopted in various forms in the constitutions of a number of the original 13 States.

The Founding Fathers considered impeachment of judges as an office of the House who are also privileged to be members of the Supreme Court to lay before the House of Representatives, the Senate, and the House the history of difficulties, interferences, and legal argument as may warrant the construction of the term "good behavior" than those urging impeachment have suggested. The trial of all criminal offenses (except in cases of impeachment) shall be in the state where they shall be committed; and shall be by jury.

Under common law, a prosecutor must generally prove his case beyond a reasonable doubt. The one who is innocent until proven guilty by his own admission as an impec- tions and legal argument as may warrant the construction of the term "good behavior" than those urging impeachment have suggested.

No prosecutor, for example, should take a case to trial unless he is reasonably satisfied of the guilt of the accused. Merely "thinking" that the accused is guilty is not enough. I suggest that the hope that further investigation may develop facts which will prove his case should not Justify the prosecutor's institution of a criminal charge, nor should it justify the House in filing an impeachment if impeachment is indeed analogous to a criminal proceeding.

There is a far greater question, however, with the argument that "good behavior" or lack of it, is whatever the majority of the House wants to make it, it is not steadfast, applicable solely to their judicial performance and capacity and not to their private and nonjudicial conduct unless the same is violative of the law. Alcoholism, arrogance, nonjudicial acts, and other identifiable offenses will interfere with judicial performance and properly justify impeachment. I can find no precedent, however, for impeachment of a Judge for nonjudicial conduct which falls short of violation of law.

In looking to the titles of im-
peachment of Judges spanning 181 years of our national history, in every case involving, the impeachment was based on either improper judicial conduct or non-judicial behavior which was considered as criminal in nature.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I will yield.

Mr. GROSS. What is the standard form of contract be- tony? There is merit, I think, in a strict con- struction of the words 'good behavior' as including conduct which compiles with judicial ethics while on the bench and with the criminal and during trials.

Mr. McCLOSKEY. If his private or personal conduct is not in keeping with the public expectations of a Judge.

Mr. MCCLOSKEY. The third statement might constitute an impeachable offense. The gentleman from New Hampshire (Mr. Wyman) suggests that a judge should declare his personal opinions on controversial subjects.

Mr. MCCLOSKEY. The bulk of these challenges to the decisions of the judges involved, the impeachment was based on either improper judicial conduct or non-judicial behavior, which is considered as criminal in nature.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I will yield.

Mr. GROSS. What is the standard form of contract being about? The gentleman from New Hampshire (Mr. Wyman) suggests that a judge should declare his personal opinions on controversial subjects.

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at present agree, but I am not sure I shall never approve them. For, having lived long, I have seen all the commissions of all kinds of instances of maladministration, by better information or fuller consideration, the following facts, even on some of the most important subjects, which I once thought right, but now consider wrong. I have, therefore, concluded, that the older I grow the more am I to doubt my own judgment, and to pay more re spect to the judgment of others.

The second charge against Justice Douglas stems from his book, "Points of Law and Fact," and the speeches of last Wednesday evening, and while again reasonable minds may differ, I can see no reason for the assertion that this is an examination of the United States, or some of the arguments I have heard in this House when we were faced with a kindred question in the same branch operation. Nor am I compelled to the conclusion that this fact, which has been placed before us, I share the hope that we have had the privilege of many more quiet hours of judicial research before discussing these views in the House. I will be grateful for such corrections as my more knowable colleagues may have to my attention.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman.

Mr. GROSS. I thought the gentleman stated at the opening of his remarks that he was not rising to defend Justice William O. Douglas.

Mr. MCCLOSKEY. That is correct. I do not think anyone and there are very few here—but I do not think anyone who has listened to the proceedings in the House of the House in the last few years could possibly construe what he has said as anything but a defense of Douglas. That is No. I.

Mr. GROSS. If I may respond to that, I have prepared to do is to respond to the factual allegations against Justice Douglas and encourage them with the strict constitutional criteria of either good behavior or criminal conduct which requires a judge to be removed. If we were going to try to prove a case beyond all reasonable doubt, I have suggested that the historical and constitutional background of impeachment requires that we, as a House, as prosecutors, as the gentleman from Michigan suggested last Monday, beyond reasonable doubt, so much as the evidence against any prosecutor has—that we must assure ourselves that the evidence presents a case beyond a reasonable doubt, and, if we take it further, I contend that whatever Justice Douglas may be or whoever he is, the facts alleged against him do not meet that test.

Mr. MCCLOSKEY. The gentleman seems to want to put Justice Douglas on the same footing as a Member of the House, for which I do not ask. I would not ask of the House the same standard of judicial behavior as a Member, or the same standard of behavior as a Member, because it is a coequal branch of government, operated as an adjunct of government together with the legislative and the legislative branches.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate Mr. Speaker, I yield to the gentleman from Illinois.

Mr. MCCLOSKEY. I have noted that we are quite free to criticize the Court, but when we refer to ourselves, it is that the Congress in its wisdom has done so.

Mr. PUCINSKI. The fact of the matter is that the Supreme Court is a coequal branch of the United States appointed for life, it is the highest court in the land. And when we make these judgments of the Supreme Court on these very important subjects that it rules on, when we have the full responsibility of the conduct does not beget such criticism.

And I find it difficult to see how the American people can find confidence in this Court if they have full responsibility for the conduct of the Court. We cannot expect the American people to accept these judgments without question, and, therefore, we can expect the American people to ask to settle the relationship in a free society.

When we see this one member of the Court permitting his publisher to have a book that contains a lot of the sort of things that may be correct, that contains a lot of the sort of things that are incorrect, that contains a lot of the sort of things that are not correct, that is not a matter of public interest, we can understand then there is at least a slight difference between the two positions—a Justice of the U.S. Supreme Court, who is appointed for life, morally removable only for cause, and a Member of the House, who can be taken out at the end of every 2 years without very much difficulty by the voters.

Mr. GROSS. Mr. Speaker, I find it in large part, and it was precisely the desire of the framers of the Constitution that we set aside even the name of the institution, and attack by either legislative or executive means so that they could deliberate on the major questions of our time without any worry about public clamor or personal attacks.

Mr. GROSS. A Justice of the Supreme Court is not on all fours with respect to the investigation of a Member; is that correct?

Mr. MCCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman.

Mr. ZAPART. As I listened to the gentleman's speech, I thought the comparison that he made, between members of the House and Members of the Supreme Court and Members of the House was with respect to the question of the payment of honorariums; namely, the gentleman was referring to the acceptance by Justice Douglas of a sum of money for serving on the foundation on which he served, and he compared that to the fact that Members of Congress receive no salary, and I posed the question as to whether or not honoraria that they receive should be subject to impeachment.

Mr. GROSS. If the gentleman will yield, I might say in answer to the question as to whether Members of the House might have as nebulous a claim on the House as a Member of the Court.

Mr. ZAPART. I am making my comment with respect to what the gentleman has said in his speech.

Mr. GROSS. He covered the waterfront.

Mr. YATES, No. He did not.

Mr. PUCINSKI. I wish to congratulate Mr. Speaker, Mr. Gross, will the gentleman yield?

Mr. MCCLOSKEY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to congratulate Mr. McCloskey.

Mr. MCCLOSKEY. I yield to the gentleman from Illinois.

But I am troubled with some of the conclusions that the gentleman has stated. We have a responsibility to review the Supreme Court as an adjunct of government. It is a coequal branch of Government, coequal with the executive and the legislative branches.

Mr. PUCINSKI. The gentleman seems to I find it difficult to understand how we...
these other things, I would say that is in bad taste, and there is some question of his judgment. But we sit here as pros- ecutors and judges, and as such we would have to satisfy ourselves, as we would be likely to ultimately to satisfy the Senate, that there are issues in doubt, and to speculate is beyond the dig- nity of the office of the United States.

Mr. PUCINSKI. I may be wrong, and time will have to prove that but, the gentleman from Illinois is making the issue now that Justice Douglas has a right to participate in the duties of one, as a member of the high tribunal of the United States, and as a member of society who is just another citizen.

The thing that bothers me—and I may be wrong and time may prove me wrong—there are the practical effects upon the role of the Supreme Court and the behavior of judges on that Court in this Republic of ours, which must also be considered, that everybody loses confidence, the people, the institutions, the Court itself in that tenure. The Court must be outstanding and enjoy the respect of the people, because it sits in inestimable dignity.

I would say to the gentleman I think there has been a complete error in assuming the role of an ordinary citizen when he ought to be exercised extraordinarily, and that is the reason you can consider in the past to constitute a violation if we dare bring this up as public officials, and what we wanted to say outside of the conduct of our official positions on political, ethical or bad judgment such as to judicial matters.

I do not disagree with what the gentleman says. I merely say if we add up that conduct of the gentleman and the proof we should require before we in- sist the very minimum of legal proof, which is as serious as a case of impeachment; and that is that his conduct that his standard of conduct should be exemplary.

I merely point out that when we write an article or a book, that has a strong burden of proof. I would say to the gentleman I think this dissertation by the gentleman for yielding.

Mr. McCLOSKEY. I yield. Mr. Speaker, will the gentleman conduct which was used and expended in the g entleman for yielding .

Mr. WHALEN. Mr. Speaker, will the gentlemen hold that in the gentleman for yielding.

Mr. McCLOSKEY. I yield. Mr. Speaker, will the gentleman hold that in the gentleman for yielding.

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

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Mr. McCLOSKEY. I yield to the gentleman from Illinois.
Mr. WHALEN. Mr. Speaker, I would like to respond briefly to the questions of Members of Congress vis-à-vis the conduct of Members of Congress, and more particularly the conduct of Members of the Supreme Court.

Mr. McCLOSKEY. Mr. Speaker, I want to commend the gentleman for that suggestion, because I do not think that in these terms of rapidly changing technology, population explosion, and the tremendous pressures that our institutions are under to respond to the tremendous new problems that were not the case earlier, we do benefit by a more rapid turnover of our executive and of our legislative branches.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I would like to respond briefly to the questions of Members of Congress vis-à-vis the conduct of Members of the Supreme Court, I make four observations in this regard.

First, the conduct of Members of both bodies should be above reproach.

Second, I believe for that reason there should be no dual standard. The conduct of Members of the Supreme Court should be above reproach to that of Members of the House and Senate. Mr. Speaker, I mentioned previously that only theoretically are coequal, but in practical terms Members of Congress are given more power, the power of life and death, than do the members of the Supreme Court.

Third, I would say that if Justice Douglas at this time were a member of the House and had been nominated for membership on the Supreme Court, his conduct probably would lend itself to that nomination. I think what did it in the case of Mr. Carswell, Mr. Frankfurter, and Mr. Fortas.

The fourth point I would like to make is simply this: that this is not a constitutional proceeding. For justice Douglas, that decision was made 31 years ago. Rather we are talking here about impeachment.

I think that the basic question, the one that the gentleman [Mr. McCLOSKEY] asks, is: is it impeachable? Should it lead to impeachment? And to my knowledge and my research on it I have seen no evidence that has not been broken. His conduct on occasion may have been questioned, but to my knowledge and my research there is no research that it should lead to impeachment of Justice Douglas.

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I do not think that there is a basis now to ignore the 130-year tradition of accusations, the investigations or impeachment of the President.

And I think we should not use that as a permanent committee of this House. If there were some 40 impeachment proceedings, if there were any cases that those save the one jurisdiction has gone to the Judiciary Committee; the one exception being 1919.

Does the gentleman feel there is a basis now to ignore the 130-year tradition of impeachment or investigation of impeachment of the President? Or is that a basis instead of that adopting a proposal to set up a select committee to conduct an impeachment investigation? Mr. McCLOSKEY. I can only say from my own research and experience I do not believe that we should have select committee to conduct what is in essence the impeachment process.

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I certainly would agree with my colleague from Ohio on all four of his points. I think that the facts as they were presented to the House were, in any manner we are trying to set up a standard on personal conduct or ethics.

But I do think there is a basis now to ignore the 130-year tradition of impeachment or investigation of impeachment of the President. If one is impeachable, and where in all those instances it was either for criminal behavior or for that behavior on the bench was primarily not judicial in nature, I should go so very slowly before bringing an impeachment proceeding without showing that those criteria have been met.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I certainly would agree with my colleague from Ohio on all four of his points. I think that the facts as they were presented to the House were, in any manner we are trying to set up a standard on personal conduct or ethics.

But I do believe there is a basic difference. Members of the great institutional branch of the Government, the President, a member of the executive branch of the Government, and the Judiciary, we in this House are divided into two party systems, one into majority and a minority leader and a minority leader. The very essence of the two-party system of a critical institution is the constant in every day in this House. It is also reected in the philosophy that the White House and the executive branch of the Government, and that shows the wisdom of the Founding Fathers. They wish to prevent that third coequal branch of the Government, the Supreme Court, is totally apolitical. Their apoliticalness is to interpret the Constitution as they apply to the Constitution.

So I say again—and I must admit with my colleague that I believe that impeachment might be a very extraordinary effort, that we do not want to take in this case. I think the gentleman has done a good job today in putting into proper perspective the dilemma we find ourselves in here, but the fact still is that this does not in any way mitigate the fact that which is not only a Congress, but every other citizen in this Republic, has to be extraordinarily careful in his conduct, and I think that Justice Douglas has been impeached. Now, there is a charge against that, but I am not too sure that we have a clear picture of appearances and how it is to pursue the impeachment road. That is why I feel that we ultimately ought to have a constitutional amendment, or whatever it takes, Mr. Speaker, and I think because then we would not have that question, and this would take care of both good justices and bad justices.

Mr. McCLOSKEY. Mr. Speaker, I want to commend the gentleman for that suggestion, because I do not think that in these terms of rapidly changing technology, population explosion, and the tremendous pressures that our institutions are under to respond to the tremendous new problems that were not the case earlier, we do benefit by a more rapid turnover of our executive and of our legislative branches.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I want to say on my own behalf, that I think I understand very clearly Mr. Speaker, that in California has made his statement. I do not regard his remarks as being a personal defense of Justice Douglas. I believe the gentleman is deeply concerned, as I am, with what is going on in the country. And I think the gentleman is saying that regardless of the personal feelings or attitudes of the Judge Douglas, the question of impeachment of a Justice is one that should be approached with the serious caution and restraint, with the deepest concern for precedent and then on occasion, or other misconduct Justices should give a reason for.

As I understand the gentleman, he is stating that allegations made earlier this week was by the distinguished minority leader, are not of themselves and without additional evidence of misconduct the question of impeachment should not be raised.

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I wonder if I could ask the gentleman a question.

One thing that since 1813 when the Judiciary Committee of the House of Representatives was established as a permanent committee of this House there have been some 40 impeachment proceedings. I think it is safe to say that those save the one jurisdiction has gone to the Judiciary Committee; the one exception being 1919.

Does the gentleman feel there is a basis now to ignore the 130-year tradition of impeachment or investigation of impeachment of the President? Or is that a basis instead of that adopting a proposal to set up a select committee to conduct an impeachment investigation? Mr. McCLOSKEY. I can only say from my own research and experience I do not believe that we should have select committee to conduct what is in essence the impeachment process.

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. WHALEN. Mr. Speaker, I certainly would agree with my colleague from Ohio on all four of his points. I think that the facts as they were presented to the House were, in any manner we are trying to set up a standard on personal conduct or ethics.

But I do believe there is a basic difference. Members of the great institutional branch of the Government, the President, a member of the executive branch of the Government, and the Judiciary, we in this House are divided into two party systems, one into majority and a minority leader and a minority leader. The very essence of the two-party system of a critical institution is the constant in every day in this House. It is also reected in the philosophy that the White House and the executive branch of the Government, and that shows the wisdom of the Founding Fathers. They wish to prevent that third coequal branch of the Government, the Supreme Court, is totally apolitical. Their apoliticalness is to interpret the Constitution as they apply to the Constitution.

So I say again—and I must admit with my colleague that I believe that impeachment might be a very extraordinary effort, that we do not want to take in this case. I think the gentleman has done a good job today in putting into proper perspective the dilemma we find ourselves in here, but the fact still is that this does not in any way mitigate the fact that which is not only a Congress, but every other citizen in this Republic, has to be extraordinarily careful in his conduct, and I think that Justice Douglas has been impeached. Now, there is a charge against that, but I am not too sure that we have a clear picture of appearances and how it is to pursue the impeachment road. That is why I feel that we ultimately ought to have a constitutional amendment, or whatever it takes, Mr. Speaker, and I think because then we would not have that question, and this would take care of both good justices and bad justices.

Mr. McCLOSKEY. Mr. Speaker, I want to commend the gentleman for that suggestion, because I do not think that in these terms of rapidly changing technology, population explosion, and the tremendous pressures that our institutions are under to respond to the tremendous new problems that were not the case earlier, we do benefit by a more rapid turnover of our executive and of our legislative branches.

Mr. McCLOSKEY. I have no idea of the facts of that matter other than as was set forth in the Record last Wednesday by the distinguished minority leader, and I thank the gentleman from New Hampshire, Mr. WILKES, for that. I have no idea of the facts at all in this case and I make no defense of the Justice and I attack him not.

But I do think, looking at the facts in the Record, that they would not be sufficient to justify impeachment and that is one of the questions that should be understood beforehand, before anyone here is to be considered.

Mr. McCLOSKEY. If the gentleman will indulge me in one quick observation, I think that the Justice of the Supreme Court are all that the American people can do, and it is the duty of the Supreme Court. That is why I feel that we ultimately ought to have a constitutional amendment, or whatever it takes, Mr. Speaker, and I think because then we would not have that question, and this would take care of both good justices and bad justices.

Mr. McCLOSKEY. I fully agree with the gentleman from Illinois, that if the facts marks I have heard the distinguished gentleman from Illinois, his concerns, and even he was used of the legislative schedule for this week, we, that set aside for consideration to turning back some of our pay, is the most impressive that I have heard this week. I think the gentleman from Illinois, the Supreme Court and all the Justices of the United States district and circuit courts a full working day and more rapid handling of cases before them.

Mr. McCLOSKEY. I want to criticize the Court when I feel that we here in the Congress are the ones considering the issue of the power of the people to write the law, to impose legislative restraint and caution on ourselves.