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Bar Finds Little Opposition to Proposed Judicial Ethics Code

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BY JACK C. LANDAU

The 40 federal, state and local judges who attended the initial hearing appeared generally satisfied with the proposed code, which would:

- Bar a judge from sitting on any case in which he has any financial interest.
- Stop him from participating in a group, such as the Warren Commission on the Kennedy Assassination, that may become politically controversial.
- Severely limit partisan political activity even for judges who are elected.

Under the current canons of judicial ethics, adopted in 1924, a judge is only barred from hearing a case in which he has a “significant” financial interest — a determination that he alone makes in the secrecy of his own conscience.

Other provisions of the new code would require a judge to divest himself “as soon as possible” of stocks and bonds that might lead to frequent disqualification.

A judge also is required to publicly report all outside income from such "extrajudicial" and "quasijudicial" activities as speechmaking, teaching and writing.

This provision was particularly aimed at the Secretary of Interior who was accused of participating in the controversy surrounding the sale of federal lands at under-market prices. The code would require any judge to accept any financial interest. The one provision of the new code that appears to be controversial is the proposed rule that would bar a judge from accepting appointment "to a government committee charged with resolving issues of fact or policy" unconnected to legal activities.

This rule is aimed particularly at situations such as the Warren Commission. After the commission completed its report, there were repeated charges that President Johnson had exploited the office of chief justice for political ends.

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More hearings on the code will be held before it is presented to the entire ABA for approval, probably next February.