

Unimpeachable Judges are Judges Above the Law

Chief Justice John Roberts is the seventeenth chief justice of the Supreme Court since John Jay became the first chief justice in 1789 upon his nomination by President George Washington. In the same 217 years comprising the whole judicial history of the United States under the Constitution of 1789, only thirteen federal judges have been impeached in Congress.¹ This means that a federal judge has a higher statistical chance of becoming the next chief justice of the Supreme Court than of being impeached.

In addition, there is the pattern of the chief judges of the courts of appeals and the judges of the circuit councils systematically dismissing² judicial misconduct complaints under 28 U.S.C. §351 et seq.³ In practice this means that judges protecting their own have rendered useless that mechanism of judicial self-discipline entrusted to the federal judiciary; official statistics of the Administrative Office of U.S. Courts⁴ proves it. By so doing, judges have intentionally and through coordination violated the constitutional mandate that they „*shall* hold their Offices during good Behaviour“.⁵ (emphasis added)

As a result, federal judges are not subject to any effective system of supervision and discipline. Without any such control, their exercise of judicial power becomes absolute. Thereby the condition for the application of the aphorism ensues: „Power corrupts and absolute power corrupts absolutely“. It makes possible for a federal judgeship to become a safe haven for wrongdoing and for federal judges to become a class of wrongdoers immune to the principle inscribed on the frieze below the pediment of the Supreme Court building, „Equal Justice Under Law“. Federal judges are the only ones in our society that, as a matter of historic fact and established practice,⁶ are people above the law and beyond prosecution. (cf.A:1662§D)

¹ Only seven federal judges have been removed. Federal Judicial Center at [http://www.fjc.gov/>Federal Judicial History>Judges of the United States Courts> Impeachments of Judges](http://www.fjc.gov/>Federal%20Judicial%20History>Judges%20of%20the%20United%20States%20Courts>Impeachments%20of%20Judges) (<http://www.fjc.gov/history/home.nsf>). Cf. "In the years since [1805] the Chase trial [of Justice Samuel Chase], eleven federal judges have been impeached. Of those, three were acquitted, two resigned rather than face trial, and six were convicted. One conviction -- that of Judge West H. Humphreys in 1862 -- was by default since he had accepted appointment as a Confederate judge in Tennessee. The other five convictions were for offenses involving financial improprieties, income tax evasion, and perjury -- misconduct far removed from judicial acts." Remarks of the Chief Justice [William Rehnquist] Federal Judges Association Board of Directors Meeting May 5, 2003 (http://Judicial-Discipline-Reform.org/docs/CJ_Rehnquist_impeachments.pdf)

² The Supreme Court Justices and the Chief Judges Semi-annually Receive Official Information About the Self-immunizing Systematic Dismissal of Judicial Conduct Complaints, But Tolerate It With Disregard for the Consequent Abuse of Power and Corruption (http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf)

³ Judicial Conduct and Disability Act of 1980. (http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf)

⁴ http://Judicial-Discipline-Reform.org/docs/Administrative_Office_statistics.pdf

⁵ U.S. Constitution, Art. III, Sec. 1 (http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf)

⁶ But as a matter of law, judicial immunity is not a protection attached to a federal judgeship by the Constitution. Cf. Federal Judges Have No Grant of Immunity From The Constitution: In a system of "Equal Justice Under Law" they must be liable to prosecution as defendants in a class action like anybody else (http://Judicial-Discipline-Reform.org/docs/no_judicial_immunity.pdf)