Douglas and Ralph Ginzburg through *Avant Garde* was virtually non-existent. Clearly it was not extensive, not intimate, not continuing and failure to disqualify was not improper.

b. Citizens Committee To Clean Up the Courts

On May 20, 1970, Sherman H. Skolnick, Chairman, Citizens Committee To Clean Up the Courts, advised Chairman Celler that his organization had undertaken an investigation of the Albert Parvin Foundation and related Albert Parvin companies. In his investigation, he said he had acquired information about Associate Justice William O. Douglas. In part, Mr. Skolnick's letter stated:

> "As you might know, Justice Douglas has asserted that he did not participate in any case in his court involving the Albert Parvin Foundation. I happen to have personal knowledge that this assertion by Justice Douglas is untrue; he, in fact, failed to disqualify himself in a Supreme Court of U.S. matter directly involving the Albert Parvin Foundation. I offer to outline the full particulars."

Arrangements were made to interview Mr. Skolnick at his residence in Chicago, Illinois on June 5, 1970. When the Special Subcommittee staff members arrived for the interview, they were met by a group of news reporters and TV photographers. News coverage had been arranged by Mr. Skolnick. During the interview, Mr. Skolnick provided copies of seven documents which he claimed were relevant to the investigation of Associate Justice William O. Douglas. The documents provided were pleadings in *Skolnick* v. *Campbell*, No. 1206, October

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1967 Term, U.S. Supreme Court. *Akshun Manufacturing Co. and U.S. Ice Machine Co., Inc.* v. *North Star Ice Equipment Co.*, No. 1100, October 1965 Term, U.S. Supreme Court, and *E. J. Albright* v. *W. O. Douglas, Abe Fortas and John M. Harlan*, No. ——, October 1968 Term.

Mr. Skolnick's explanation of these documents and his statements in the interview concerning Justice Douglas were disorganized and confusing. In order to obtain an understanding of Mr. Skolnick's charges, he was requested to prepare a narrative statement and to submit such statement to the Special Subcommittee for examination and review. As of the date of this Report, Mr. Skolnick has not responded to the Special Subcommittee's request.

Skolnick v. Campbell

On November 22, 1966, a voters-taxpayers class action, with Sherman H. Skolnick as Plaintiff, was brought against the Mayor and City Council of Chicago, and Board of Election Commissioners of Chicago, Illinois to force reapportionment of the city's election wards. A three-judge court, with Judge William J. Campbell as a member, was appointed. On December 30, 1966, Mr. Skolnick moved that Judge Campbell be disqualified because of his relationships as a director of the Albert Parvin Foundation. Such relationships, it was alleged, would cause a "great loss of public confidence in the administration of justice in the Northern District of Illinois" if Judge Campbell were permitted to continue to participate in the reapportionment case. Plaintiff's motion was denied and on January 9, 1967, Mr. Skolnick filed a motion for *writs of mandamus and prohibition* in the Supreme Court of the United States under its general supervisory jurisdiction, 28 U.S.C. 1651. In the Supreme Court, the motion was assigned Number 1206, October 1966 Term, and placed on the Miscellaneous Docket.

Mr. Skolnick's motion contends that Judge Campbell's association with the Albert Parvin Foundation, Albert Parvin and the Parvin-Dohrmann Company would bring his court in disrepute. His motion, among other charges, contended that Judge Campbell, as a former director of the Albert Parvin Foundation, could be liable in a taxpayer's suit for an accounting because he "as a director allowed, permitted and endorsed that a fellow judge Justice William O. Douglas, . . . be paid $12,000 per year, which appears to be an exorbitant amount in comparison to the charitable disbursements of the Parvin Foundation." On this basis, he requested a Supreme Court order to enforce his right to subpoena the books and minutes of the Parvin Foundation.

Other allegations in the motion were that Albert Parvin had a criminal record. Mr. Skolnick cited a criminal court case in 1925 that was stricken, a criminal court case in 1928 that was dismissed by the State's Attorney, and a criminal court case in 1946, where one Albert Parvin was the complainant. Mr. Skolnick's allegations were derived from court records, and no assertion was made that an attempt had been made to verify the identity of the persons named. Investigations by the Internal Revenue Service have not located any criminal record concerning the Albert Parvin involved in this investigation.

On February 13, 1967, the Supreme Court denied Mr. Skolnick's motion. *Skolnick* v. *Campbell*, 386 U.S. 904 (1967). Justice Douglas did not disqualify himself from participation.

Notwithstanding the relationship between Justice Douglas and Judge Campbell on the Albert Parvin Foundation and the allegations regarding the Albert Parvin Foundation, failure of Justice Douglas to disqualify himself in this instance is not improper.

During this investigation, the Special Subcommittee has obtained information about procedures employed in the Supreme Court to dispose of matters on the Miscellaneous Docket from the Clerk of the Supreme Court, Mr. E. Robert Seaver, and from Supreme Court aides and former law clerks. Justice Douglas also furnished relevant documents. When a petition for an extraordinary writ is received, it is placed on the Miscellaneous Docket and initially screened by the Clerk. If the matter appears to be frivolous, it is sent to the office of the Chief Justice for review. The petition is processed by the staff of the Chief Justice and a digest is distributed to the other Justices. If the staff's examination shows that the matter is frivolous, the Chief Justice "special lists" it. A "special listed" case is withdrawn from the regular order of cases filed in the Court and placed with similar cases in a separate category. When a case is "special listed," unless at least one of the Justices affirmatively requests that the matter be discussed, it is never discussed by the judges at the weekly Friday conference. Denial by the Supreme Court is automatic. Such was the situation in *Skolnick* v. *Campbell*. The matter was never the subject of deliberations by the court, nor was there any discussion on it. Mr. Skolnick's motion was denied on February 13, 1967.

The Clerk of the Supreme Court indicated that it is a virtually universal practice for Justices of the Supreme Court not to disqualify themselves in a case of this kind that has been "special listed" on the Miscellaneous Docket. See *Hearings*, The Supreme Court, Subcommittee on Separation of Powers, Committee on the Judiciary, United States Senate, Ninetieth Congress, Second Session, pp. 115–117 (1968).

In Re Albright

The petition to the Supreme Court in *Akshun Manufacturing Co.* and *U.S. Ice Machine Co.* v. *North Star Ice Equipment Co., Inc.*, was substyled *E. J. Albright* v. *William O. Douglas, Abe Fortas and John M. Harlan* when the "Petition for an Investigation" was filed in May, 1969. Mr. Albright is a member of the Citizens Committee to Clean up the Courts. His petition requests a court-directed investigation of a purported fraud upon the Federal District Court for the Northern District of Illinois in which Justices Douglas, Harlan and Fortas participated. The petition was filed in May, 1969 and denied June 9, 1969. (395 U.S. 942 (1969)). In addition to his request for an investigation of the alleged fraud by Justices Douglas, Fortas and Harlan, Mr. Albright requested that the 1966 Supreme Court denial of his petition for certiorari (No. 1150, October 1965 Term) be purged from the Court's records.

Mr. Albright has had a long history of unsuccessful litigation relating to his claims for a high speed ice machine. His patent was held valid but not infringed in 1962. Subsequently, Mr. Albright moved to

vacate on the grounds of fraud, and certiorari was denied. Mr. Albright then sought to bring an independent suit alleging fraud. This case was dismissed and the Court of Appeals for the Seventh Judicial Circuit refused to grant leave to file suit. Subsequently, Mr. Albright brought another action, against the Carrier Corporation. Justice Douglas' relationship to these matters is described in Mr. Albright's motion as follows:

"3. This matter involves a multi-million dollar patent claim (a high-speed ice maker), torpedoed by fraud upon the court. [No. 1100, Oct. Term, 1965, petition, pp. 11–12]. That was compounded by a further fraud upon this Court, conflict of interest and obstruction of justice here, as herein described, resulting in a failure of justice and grievous damage to E. J. Albright.

"4. Carrier Corporation has been a large quantity maker of ice machines infringing the Lees' patents, owned by E. J. Albright.

"5. The following matters have come to the attention of E. J. Albright within the last week:

"(*a*) Respondent William O. Douglas has been a paid official of the Albert Parvin Foundation which is interlocked, financially and otherwise, with the Parvin Dohrmann Co., and various subsidiary Parvin companies and Parvin interests nationwide.

"The Parvin-Dohrmann Co., and its subsidiaries furnish and equip restaurants, hotels, and gambling casinos. Albright states on information and belief that ice-making machines infringing his patents are handled or used by the various Parvin Companies, or some of them.

"The Albert Parvin Foundation, although pretendedly a tax-exempt foundation, is actually a hoodlum-front organization using its facilities for money manipulation and influence peddling in high places. Among the persons connected in one way or another with the Parvin Foundation are Marcus Lipsky, gangster, and specialist in multiple murders [Chicago Daily News, front page, April 20, 1964]; Harry A. Goldman, a gangster gambler; Edward Levinson, who had a contract with Parvin-Dohrmann Co., interlocked with the Parvin Foundation, and who is connected with John (Jack) Pullman, crime syndicate 'banker' [Chicago Sun-Times, April 11, 1969, p. 6].

"(*b*) Carolyn Agger, who practices tax law under her maiden name, is the wife of respondent Abe Fortas. She has been a paid counsel, consultant, or employee, of the Albert Parvin Foundation, interlocked with Parvin-Dohrmann Co., and other Parvin interests, which are using or handling ice-making machines infringing Albright's patents."

This Albright case and the Skolnick cases are typical of litigation generated by disappointed and disgruntled plaintiffs. Mr. Skolnick has pursued litigation against Judge Campbell over an extended period. When Judge Campbell's association with Justice Douglas and the Albert Parvin Foundation became known to Mr. Skolnick, he sought to identify the public controversy with his pending case. As with Mr. Albright's patent litigation, the attempts to connect new events with old litigation are obvious. The Citizens Committee to Clean Up the Courts is not a productive source of information on the subject of this investigation. There was no need for Justice Douglas to disqualify himself in the Albright matter in these circumstances.

When he was interviewed, Mr. Skolnick charged that the May, 1969 petition to conduct an investigation of Mr. Albright had "mysteriously disappeared" from the Supreme Court files. He provided a copy of a letter dated August 4, 1969, from the Clerk's Office to support his contention. The letter states:

AUGUST 4, 1969.

DEAR SIR: In reply to your letter of July 20th, I have been unable to find your petition or motion to conduct investigation and for other remedy. If such a document had been received by this office, it would have been returned to you. It is not the function of the Court to conduct investigations but to review the cases that are properly filed.

Very truly yours,

JOHN F. DAVIS, *Clerk.*
By MICHAEL RODAK, JR.,
Deputy Clerk.

Supreme Court Clerk E. Robert Seaver, at the July 15, 1970 conference was interrogated on this matter. The file was brought up from storage and the Special Subcommittee staff was shown the original petition and associated papers.

c. Long Beach Federal Savings and Loan Association

On April 8, 1968, the Supreme Court denied certiorari in *Elliott et al.* v. *Federal Home Loan Bank Board et al.* and *Ross* v. *Federal Home Loan Bank Board et al.*, Nos. 1118 and 1119, October Term, 1967. (390 U.S. 1011, (1968)). Justice Douglas did not disqualify himself in these cases.

Examination of documents provided by the Internal Revenue Service disclosed that some IRS employees believed that the failure to disqualify was noteworthy in connection with IRS consideration of revocation of the tax exempt status for the Albert Parvin Foundation. In his discussion of the Long Beach Federal transaction in the affairs of the Albert Parvin Foundation, an Internal Revenue Service employee in a memorandum dated February 19, 1970, described the litigation and the Supreme Court action and said:

"The case was appealed to the Supreme Court but a hearing was not granted. It is noted that the president of the Foundation sat on that Court, as did the husband (Justice Fortas) of one of the tax representatives on the power of attorney of the Foundation. In the published denial of certiorari in this instance there was no indication of disqualification by any of the Justices."

The affairs of the Long Beach Federal Savings and Loan Association [illegible] the subject of controversy, investigation and litigation since [illegible] transactions related to the *Elliott* and *Ross* cases had their [illegible] 1960 and were in connection with efforts to merge the Long [illegible] Federal Savings and Loan Association with Equitable Savings [illegible] Association.

[illegible] 22, 1960, the Federal Home Loan Bank Board took over [illegible] of Long Beach Federal on a determination that Long [illegible] had engaged in unsound financial operations. Resulting [illegible] between the Board and Long Beach Federal was settled in [illegible] by an agreement which permitted the return of Long [illegible] to private management and permitted Long Beach Fed- [illegible] pursuant to a specified plan.