

Unjudicial Behavior

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Disclosure that the Internal Revenue Service has been conducting a prolonged investigation of the financial dealings of the Parvin Foundation underscores the unwisdom of Justice William O. Douglas's original involvement in the foundation's work.

Albert Parvin, the foundation's originator and until recently its finance committee chairman, has had a long career in Las Vegas, where he was a business associate of various underworld figures. He was named as an alleged co-conspirator but not indicted by the grand jury in the stock manipulation case that sent Louis Wolfson to prison. Against this background, it is not surprising that I.R.S. should take a careful look at his management of the foundation's tax-exempt funds. It would have been remiss not to do so.

In a letter to Mr. Parvin which was described in this newspaper yesterday, Justice Douglas expressed the belief that the failure to conclude the investigation which began nearly three years ago represented an effort "to get me off the Court." Since the I.R.S. would have no bureaucratic motive of its own, this is presumably an allusion to the Nixon Administration. While his resignation as the paid president of the Parvin Foundation ends this unseemly chapter in his career, Justice Douglas, in fairness to himself, to the Supreme Court and to the public, ought to draw the correct inferences from this episode.

Although he has many critics because of his sometimes extreme dissenting views and because of his rather cavalier style as a judge, he also has many admirers who respect his incisive mind and very considerable legal talents. Whatever may be the wishes or intentions of his enemies, the substance of Justice Douglas's work on the Court is not the issue. The issue is his unjudicial behavior in involving himself and the good name of the Court with a private businessman whose own background and associations could at best only be described as embarrassing.

The same objection would lie against his involvement with a foundation even if its source of funds were above reproach. Some highly respected and prestigious foundations can also be quite controversial because of the nature of their grants and projects. The only wise rule for Justice Douglas and his fellow judges at every level of the judiciary is to keep clear of any outside involvements, paid or unpaid, which could bring discredit to their judicial office or place their complete impartiality in doubt. It is encouraging that the Judicial Conference under the leadership of Chief Justice Earl Warren appears to be moving toward adoption of a code of behavior based on this essential premise.