

Friday, December 5, 2008

The obscenity of Richard Nixon and Warren Burger discussing obscenity ex parte.

Â Bill of RightsÂ (From public domain.)Â Before getting disbarred over his role in the Watergate coverup, Richard Nixon was a lawyer. While president he was still a licensed lawyer.Â Litigating attorneysÂ are generally prohibited under governing ethics rulesÂ from communicating ex parte with judges about their pending litigation. Nixon was the ultimate boss of all federal lawyers, so it would not have been kosher for him to talk with judges about litigation likely to come before them, including obscenity. Â Â Rules or no rules, it is an outrage against justice to learn from recently-released Nixon White House tapes that Nixon and then-Chief Justice Warren Burger (placed on the Supreme Court after Nixon nominated him)Â discussed and commiserated on the landmark Miller v. California obscenity case in a one-on-one phone call. Listen to the tape (which is the second segment on this Olbermann video) and retch.Â Thanks to a listserv member for this Olbermann link, which includes some additional Nixon tape footage.Â Jon Katz.

Posted by Jon Katz in Constitutional Law at 00:00