

Judge Tanya Chutkan

"CONFLICTED AND COMPROMISED"

by [Joseph DeMaio](#), ©2023



Judge [Tanya Chutkan](#) is an immigrant from Jamaica and was nominated to the federal bench by Barack Hussein Obama, to whose campaign she had donated (public domain)

(Aug. 6, 2023) — Judge Tanya Chutkan of the Washington, D.C., U.S. District Court for the District of Columbia is the “randomly selected” – *really?* – jurist who will oversee the most recent indictment trial of Donald Trump, *aka* “45.” That case, of course, involves the assertion that he conspired to overthrow the United States government and precipitated the chaotic events of Jan. 6, 2021 at the U.S. Capitol by having the gall to object to the results of the 2020 general election. Scandalous!

While the Department of “Justice” [*sic*] prosecutor, Jack Smith, claims that he has 45 “dead to rights,” many other attorneys and legal scholars note that Smith’s “ham sandwich masquerading as a crime” is grounded in a fatal refusal to see President Trump’s words as being absolutely protected political speech, shielded by the bane of Democrats everywhere: the 1st Amendment.

Moreover, even if Trump were to be convicted – in a nearly 77% registered Democrat *v.* 5% registered GOP [jury pool](#) Washington, D.C...., *ya think...., really?* – the Supreme Court would overturn the conviction based on prior precedent, at least if it adheres to the inscription chiseled into the granite over its entrance: “Equal Justice Under Law.”

But I digress.

The focus of this offering is on Judge Chutkan and the provisions of the “[Code of Judicial Conduct](#)” applicable to U.S. District Court Judges in Washington, D.C., including her.

Canon 1 of that code states: “A Judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and ***shall avoid impropriety and the appearance of impropriety.***” (Emphasis added) In addition, Rule 1.2 under that Canon, entitled “Promoting Confidence in the Judiciary,” states: “A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and ***shall avoid impropriety* and the appearance of impropriety.***” (Emphasis added)

The asterisk references in the Rules relating to the judge’s “impartiality” and “personal knowledge” of facts in dispute concern the definition of those terms in the “Terminology” section of the Code and as used in the code sections and related comments. There, for example, the terms are defined thusly: “‘Knowingly,’ ‘knowledge,’ ‘known,’ and ‘knows’ mean actual knowledge of the fact in question. A person’s knowledge *may be inferred from circumstances.*” (Emphasis added) As for the term “impartial” and its derivatives, it is defined thusly: “‘Impartial,’ ‘impartiality,’ and ‘impartially’ mean *absence of bias or prejudice* in favor of, ***or against,*** particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.” (Emphasis added)

Comment 5 under Rule 1.2 regarding “improprieties” states: “Actual improprieties include violations of law, court rules or provisions of this Code. ***The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge*** violated this Code or ***engaged in other conduct that reflects adversely on the judge’s*** honesty, ***impartiality,*** temperament, or fitness to serve as a judge.” (Emphasis added).

Canon 2, entitled “A judge shall perform the duties of judicial office impartially, competently, and diligently,” includes thereunder Rule 2.11, captioned “Disqualification.” It states: “(A) A judge ***shall*** disqualify himself ***or herself*** in any proceeding in which the judge’s impartiality* ***might reasonably be questioned,*** including but not limited to the following circumstances: (1) The judge has a ***personal bias or prejudice concerning a party*** or a party’s lawyer, ***or personal knowledge* of facts that are in dispute in the proceeding.***” (Emphasis added).

Notably, Rule 2.11 includes several “comments,” including that “[1] Under this Rule, a judge is disqualified whenever the judge’s impartiality *might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply...*” and “[2] A judge’s obligation not to hear or decide matters in which disqualification is required ***applies regardless of whether a motion to disqualify is filed.***” (Emphasis added)

These comments are important, because they confirm that if the judge himself – or as in Judge Chutkan’s case, herself – is internally aware, regardless of whether anyone else is aware, of a basis for self-disqualification – even if not listed and whether or not a motion to disqualify is filed – the judge is obliged, *sua sponte*, to disqualify and recuse. Laudable..., in theory.

At present, it is not known whether Judge Chutkan has complied with the “suggestion” of comment #5 under the Rule, stating: “A judge *should disclose on the record* information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.” (Emphasis added). The “weasel-word” *should* is not the same as the mandatory word “shall.”

**CODE OF JUDICIAL CONDUCT
DISTRICT OF COLUMBIA COURTS**

Preamble

[1] An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

[https://www.dccourts.gov/sites/default/files/2018%20Edition%20of%20the%20Code%20of%20Judicial%20Conduct%20\(2021%20Supp.\).pdf](https://www.dccourts.gov/sites/default/files/2018%20Edition%20of%20the%20Code%20of%20Judicial%20Conduct%20(2021%20Supp.).pdf)

We now know that, prior to becoming a judge, as a lawyer, Tanya Chutkan (1) worked at the D.C. law firm [Boies, Schiller & Flexner LLP](#), the same firm that employed Hunter (“does-this-bong-make-me-look-dumber-than-my-dad?”) Biden and the firm that lobbied for the Ukrainian energy company, Burisma, where the ne’er-do-well crackhead sat on the [board](#) for \$80+K per month; (2) made at least [two donations](#) in 2008 and 2009 to the political campaign of Barack Hussein Obama; and (3) was [nominated](#) to the D.C. bench by Barack Hussein Obama in 2014.

And now, (4), as a judge having earned the title of *the* toughest [sentencing](#) D.C. jurist in criminal trials of the so-called “January 6 Defendants,” she is [quoted](#) in the December 17, 2021 sentencing before her of one Robert Palmer: “He [*i.e.*, President Trump] ***did not go to the United States Capitol out of any love for our country. ... He went for one man.***” (Emphasis added)

Recall that on January 6, 2021, Donald Trump was still the President of the United States of America..., and he was being accused by Judge Chutkan at Palmer’s sentencing – the same judge now overseeing the trial of Jack Smith’s ham sandwich prosecution against him – as having no “love for our country...,” but instead purportedly and selfishly acting only “for one man...,” tacitly implying: Donald Trump. If this judicial slander does not shriek “bias” and “prejudice” – let alone confirm the “appearance of impropriety” – nothing does.

If this is the pinnacle of judicial “independence,” “integrity” and “impartiality” in the District of Columbia, then the phrase “equal justice under law” – and for that matter the rest of the D.C. Code of Judicial Conduct – has lost all meaning. The spectacle will have devolved into either a 21st Century [Star Chamber](#) proceeding or a reprise of the Third Reich’s [Volksgerichtshof](#). Stated otherwise in the vernacular, it would become a common “[kangaroo court](#).”



In August 1944, numerous “trials” in which defendants were automatically declared guilty and sentenced to death took place in Hitler’s Volksgerichtshof, or “[People’s Court](#)”

Against this undisputed factual backdrop, no “reasonable mind” (thereby excluding all radical and most “moderate” Democrats) could arrive at any conclusion *other* than that Judge Chutkan is hopelessly and irredeemably *actually* conflicted and compromised.

Moreover, at absolute minimum, by failing to acknowledge her conflicted status as presenting the essence of an *appearance of impropriety* under the Code governing her behavior and by failing to act on her *own* volition and sense of “judicial integrity” to self-disqualify and recuse, she is confirming – beyond *any* doubt, let alone a “reasonable” one – that 45 will have no chance of a fair trial if it is conducted before her or, likely, before any District Court judge in D.C.

Accordingly, not only should Judge Chutkan self-disqualify, she should herself, *sua sponte*, recommend to the presiding judge of the court, Chief Judge [James Boasberg](#), that a new judge and a change of venue to a court and locale outside of the District of Columbia be ordered. This, of course, will never happen, because that would telegraph an objective to accord 45 a fair trial.

And it goes without saying that such a “fair trial” goal – being exactly contrary to what the anti-Trump narrative dictates – cannot be tolerated. Move along... nothing to see here.... let the [keelhauling](#) begin. Tell me again why the Democrats and their apparatchiks throughout D.C. have not forfeited any and all claims of competency or character to govern a free people in a constitutional republic.

I'll wait.