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Elena Ruth Sassower, Coordinator

BY HAND

December 4, 1998

Bruce Golding
Journal News
White Plains, New York

RE: PRIZE-WINNING STORIES THAT CHAMPION THE PUBLIC INTEREST

Dear Bruce:

As discussed in our lengthy conversation yesterday, CJA, once again, offers Gannett prize-winning stories about the dysfunction and corruption of essential governmental processes.

AS TO THE HOUSE JUDICIARY COMMITTEE AND ITS *OTHER* IMPEACHMENT DUTIES:

Enclosed are the certified mail/return receipts from the House Judiciary Committee's Republican Majority and Democratic Minority for CJA's November 6, 1998 impeachment complaint against the Justices. Such impeachment complaint, based on the Justices' official misconduct in *Sassower v. Mangano, et al.* (#98-106), follows up Doris Sassower's "fighting words", as quoted in your October 6th news story. It provides the Journal News with a powerful context within which to examine the MEDIA-UNEXAMINED questions of how -- and whether -- the House Judiciary Committee handles its *other* impeachment duties.

The same Article III, Section 1 of the Constitution [SA¹-1] that subjects the President to impeachment for "treason, bribery, and other high crimes and misdemeanors" applies to "all civil Officers of the United States". This includes ALL federal judges -- the nine Supreme Court Justices, as well as the nearly 1,000 judges of the "lower" federal courts.

According to the 1993 Report of the National Commission on Judicial Discipline and Removal (p. 35), the House Judiciary Committee is the proper place to file impeachment complaints against federal judges

¹ SA- refers to the appendix to the supplemental brief in *Sassower v. Mangano, et al.* (#98-106);
A- refers to the appendix to the cert petition.

-- and members of Congress, who receive impeachment complaints against federal judges from their constituents, are supposed to route them to the Committee. The Report notes that:

"Since 1983, the Committee has kept a record of the number and nature of judicial discipline complaints it has received and has reported this data in the Summary of Activities published each Congress. Every Congress these complaints are archived and may be made available upon request. Today the Committee responds to every complaint with a letter acknowledging receipt of the complaint..." (at p. 35).

In the four weeks that have elapsed, we have received NO letter from the House Judiciary Committee acknowledging our impeachment complaint against the Justices. Admittedly, the House Judiciary Committee has been preoccupied with impeachment proceedings against President Clinton. However, we have ALSO received NO letters from the House Judiciary Committee acknowledging any of our other impeachment complaints -- including our impeachment complaint against the district judge and appellate panel in *Sassower v. Mangano*, filed in March 1998 [RA-15, at RA-25], for their fraudulent judicial decisions.

The truth -- of which the public is completely unaware -- is that the House Judiciary Committee has completely abandoned its impeachment duties -- and the most minimal standards of professional responsibility -- *vis-a-vis* individual complaints against federal judges, filed with it². This is highlighted by CJA's published article, "*Without Merit: The Empty Promise of Judicial Discipline*" [A-207-220]³, detailing critical respects in which the National Commission's 1993 Report -- in which the House Judiciary Committee *fully* participated -- is deliberately dishonest. This includes that the House Judiciary Committee does NOT acknowledge the complaints of federal judicial misconduct it receives and does NOT permit those complaints to be inspected. Indeed, ever since the 103rd Congress, the House Judiciary Committee has NOT included any statistical information about the number of federal judicial complaints it receives in its "Summary of Activities" [See p. 5 and fn. 5] -- as noted in CJA's statement for inclusion in the record of the House Judiciary Committee's June 11, 1998 "oversight hearing of the administration and operation of the federal judiciary" [SA-17-28].

The enclosed supporting compendium to that statement provides a breath-taking paper trail of the House Judiciary Committee's wilful disregard of its impeachment responsibilities. It contains CJA's

² The impeachments of three federal judges in the late 1980's are deceptive. They were NOT based on individual complaints, but on criminal prosecutions of the judges by the U.S. Justice Department, two of whom were convicted and, in the case of Alcee Hastings, who was acquitted, referral from the U.S. Judicial Conference.

³ A photocopy of the article appears in the enclosed compendium to CJA's statement to the House Judiciary Committee [R-5-9]. FYI, enclosed is a copy of the MUST-READ law review article, "*The Ultimate Injustice: When the Court Misstates the Facts*" by Professor Anthony D'Amato, referred to therein.

five-year correspondence with the House Judiciary Committee [R-35, R-74, R-75, R-79, R-80, R-84, R-87, R-90, R-92, R-95, R-98, R-99, R-103, R-105, R-108, R-110, R-1, R-15, R-40, R-66] -- a correspondence that began, back in June 1993, when we filed our first impeachment complaint against federal judges for fraudulent judicial decisions [R-35]. Also enclosed is our unresponded-to September 4, 1998 letter to the House Judiciary Committee, which cites to the final sentence of our attached June 19, 1998 letter to the House Judiciary Committee ("Meantime, this Subcommittee has impeachment investigations to attend to...") and specifically asks "please advise what steps will be taken by the Subcommittee to proceed with impeachment investigations of the federal judges involved...".

The recent House Judiciary hearings on impeachment standards (November 9th) and on perjury (December 1st) underscore the seriousness of CJA's fully-documented impeachment complaints against the lower federal judges for fraudulent decisions. Their decisions are, in every sense, "judicial perjuries", not only obstructing justice, but wholly obliterating the rule of law. As to the impeachment complaint against the Justices, based, *inter alia*, on their complicity in the corruption in the lower federal judiciary, achieved by their subversion of the *very* federal judicial statute that applies to them, I would point out that Professor Lawrence Tribe, testifying at the impeachment standards hearing, asserted that "letting partisan considerations affect one's decision ...is *always* an impeachable abuse of power in a judge" (emphasis added).

AS TO THE STATE COMMISSION ON JUDICIAL NOMINATION AND ITS SO-CALLED "MERIT SELECTION":

On December 15, 1993, CJA testified before the NY State Senate Judiciary Committee, raising questions as to whether the Commission on Judicial Nomination was observing "merit selection" principles and contending that the secrecy surrounding its evaluation of candidates is unconstitutional⁴.

Now, five years later, CJA has **RESOUNDINGLY** answered those questions in the negative, demonstrating that "merit selection" principles have been flagrantly abandoned by the Commission on Judicial Nomination -- and that the organized bar is complicitous in the corruption concealed by the confidentiality of the Commission's procedures.

This is clear from the Commission's recommendation of Justice Albert Rosenblatt as a "well qualified" candidate for the Court of Appeals in face of "court records and other documentary proof" of official misconduct by him, warranting his removal from the bench. These materials -- which included the cert petition and supplemental brief in *Sassower v. Mangano* -- as well as a series of three facially-meritorious complaints against him, each dumped by the Commission on Judicial Conduct -- were provided to the Commission on Judicial Nomination under our October 5th coverletter -- and, thereafter,

⁴ CJA's testimony, in opposition to Senate confirmation of Carmen Ciparick to the New York Court of Appeals, may be accessed from our website.

to the bar associations, under our November 18th coverletter. Copies of these coverletters are enclosed, as are the other materials we provided them: our September 9, 1994, October 26, 1994, and December 5, 1994 judicial misconduct complaints against, *inter alia*, Justice Rosenblatt, together with our facially-meritorious October 6, 1998 judicial misconduct complaint against him, still pending before the Commission on Judicial Conduct. Also enclosed, for purposes of completeness, is a free-standing copy, with exhibits, of CJA's July 27, 1998 criminal complaint, filed with the Public Integrity Section of the U.S. Justice Department [SA-47-60], for investigation and prosecution of criminal acts of public officials, Justice Rosenblatt included.

As always, you may be assured of our complete assistance and cooperation on these dynamite stories.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures

- (1) certified mail/return receipt: CJA's 11/6/98 impeachment complaint against the Justices
- (2) pp. 35-39 of the National Commission's Report
- (3) "*The Ultimate Injustice: When the Court Misstates the Facts*"
- (4) CJA's written statement to the House Judiciary Committee with Compendium
- (5) CJA's 9/4/98 ltr, with 6/19/98 ltr to House Judiciary Committee
- (6) CJA's correspondence with NYS Commission on Judicial Nomination, Bar Associations, and Commission on Judicial Conduct, with enclosures, plus assorted news clippings

P.S. Also included is the Supreme Court's letter, dated November 30, 1998, denying the petition for rehearing.