

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Fax: 202-225-3673

June 30, 1995

Tom Mooney, Counsel
Subcommittee on Intellectual Property
and Judicial Administration
B-351A RHOB
Washington, D.C. 20515

RE: Our First Telephone Conversation Today

Dear Mr. Mooney:

This letter follows up our telephone conversation earlier today--our first in the many months I have been trying, unsuccessfully, to reach you.

In view of your admission to me that the Subcommittee on Intellectual Property and Judicial Administration confines itself to legislation and does not investigate complaints of judicial misconduct filed with it, I reiterate that it is incumbent upon you--as its counsel--to take immediate steps to correct the Report of the National Commission on Judicial Discipline and Removal (pp. 32-38).

That Report, which purported to examine the adequacy of present mechanisms of judicial discipline, expressly identified the House Judiciary Committee as the proper recipient of complaints of judicial misconduct (pp. 35-6). Nowhere did the Report state or suggest that complaints alleging impeachable conduct would not be investigated.

The aforesaid critical discrepancy between the National Commission's Report and the reality of what the Committee does--or, rather, does not do--has been the subject of four letters from us to your predecessors, dated August 26, 1993, January 31, 1994, December 2, 1994, and December 27, 1994--all of which have been unresponded to. For immediate purposes and since you stated you were unfamiliar with our correspondence, I enclosed a copy of our August 26, 1993 letter (Exhibit "A").

As discussed by phone, such letter reflects the fact that when we first filed our judicial misconduct complaint with the House Judiciary Committee, on June 9, 1993, we did so on the advice of the Chief Deputy Clerk of the Supreme Court, who told us that the House Judiciary Committee investigates complaints of misconduct by federal judges.

Ex "A-2"

R-92

June 30, 1995

More recently, that view was reiterated by our Congresswoman, Hon. Nita Lowey, in a letter dated February 7, 1995, expressing regret that we have "not yet received an acknowledgement from the Judiciary Committee that [our] complaint has been investigated". A copy of Congresswoman Lowey's aforesaid letter to me, together with a copy of her letter of the same date addressed to you, are annexed hereto as Exhibits "B" and "C", respectively.

It is our position that back in 1992 and 1993, during the tenure of the National Commission, the House Judiciary Committee had an affirmative duty to come forward and disencumber the Commission members, who would be preparing a Report, as well as government officials and members of the public, of the "popular" notion that the House Judiciary Committee investigates complaints of misconduct by federal judges. It is evident from the National Commission's Report that the Judiciary Committee not only failed to do that, but created the opposite impression.

If--as you several times indicated during our telephone conversation--it is budgetary constraints that prevent the House Judiciary Committee from fulfilling its investigative duty, a memorandum must immediately issue so that appropriate allocations may be made for such essential purpose. Indeed, sufficiency of the Judiciary Committee's resources was one of the recommendations made by the National Commission:

"The Commission recommends that the House ensure that its Committee on the Judiciary has the resources to deal with judicial discipline matters..." (pp. 37, 148)

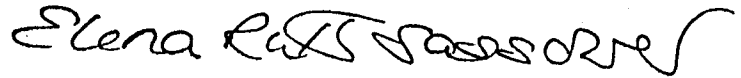
Since Congresswoman Lowey is a member of the Committee on Appropriations, she will, assuredly, be particularly interested in the funding issues relating to the currently unfulfilled investigative function of the House Judiciary Committee.

I look forward to pursuing this critical matter with you in the near future--a period in which the Congress breaks for its summer recess. Please access our June 9, 1993 complaint and supporting documentation, as well as our above-cited correspondence with the Committee so that your discussions with me and Congresswoman Lowey's office can be fully informed.

R-93

In the event you or anyone at the House Judiciary Committee can meet with me next Wednesday or Thursday when I plan to be in Washington, I would greatly appreciate it.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator

Enclosures

cc: Congresswoman Nita Lowey

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