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Priority Mail/Certified, RRR: P-386-579-484

December 27, 1994

Hon. Nita Lowey
House of Representatives
2421 Rayburn House Office Building
Washington, D.C. 20515

ATT: Scott Fleming, Chief of Staff

RE: Investigation by the House Judiciary Committee of our June 9, 1993 complaint of impeachable conduct by Second Circuit judges

Discrepancies in the Report of the National Commission on Judicial Discipline and Removal

Dear Mr. Fleming:

This letter follows up my telephone conversation with you on August 9, 1994--wherein you told me that you believed you could locate "within a week" our file of correspondence with your office in the above matters. Thereafter, although I left telephone messages for you on August 26th, September 8th, September 12th, September 22nd, and November 7th--some of which specifically inquired as to whether you had succeeded in locating the file--I received no call-back from you or from anyone else of your office.

You may recall that in our only conversation on August 9th, I expressed concern that Jordan Frankl, the Congresswoman's legislative assistant for judicial affairs, who had ostensibly handled our matters for the previous ten months--and in whose understanding of the issues we had invested a great deal of time and money in long-distance calls and faxes--had left the Congresswoman's staff on July 29, 1994. Such departure was without any notification to us--although, coincidentally, I called to speak with Mr. Frankl on July 27th and 29th--leaving two messages on those dates, which he did not return. Even more shockingly, I told you that it appeared that Mr. Frankl had failed to take any discernible steps to arrange for the handling of our matters by someone else on the Congresswoman's staff.

I would note that my last conversation with Mr. Frankl was on May 24th--following his receipt of a May 5th letter that he asked me to prepare, summarizing the need for the Congresswoman's personal intercession with the House Judiciary Committee. Thereafter, I left two telephone messages for Mr. Frankl on June 22nd and June 28th, which he did not return.

So as not to waste any further time, I am providing you with duplicates of our correspondence addressed to the Congresswoman in this matter, which totals four letters: they are our July 21, 1993[1], August 30, 1993[2], January 31, 1994[3] and May 5, 1994 leters to her.

However, to facilitate your understanding of where we are at this juncture--seventeen months after our first contact with the Congresswoman about this matter--may I suggest you begin with our December 2, 1994 letter to Hayden Gregory, counsel to the House Judiciary Committee's Subcommittee on Intellectual Property and Judicial Administration. After you have finished it--and the annexed exhibits--all of which we previously sent to the Congresswoman--I recommend you review our May 5th letter to the Congressman, described hereinabove.

Finally, to bring the Congresswoman completely up-to-date, I enclose a copy of our December 27, 1994 letter to Hayden Gregory--which refers to and annexes my December 9, 1994 testimony before the Long Range Planning Committee of the Judiciary Conference in Washington, D.C.

We trust that after the enclosed correspondence is reviewed, prompt steps will be taken by the Congresswoman--at long last--to secure an investigation by the House Judiciary Committee of our fully-documented judicial misconduct complaint, filed on June 9, 1993[4], and to obtain answers from that Committee to the

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[1] See Exhibit "H" to our December 2, 1994 letter to Hayden Gregory.

[2] See Exhibit "J" to our December 2, 1994 letter to Hayden Gregory.

[3] See Exhibit "C" to our May 5, 1994 letter to Congresswoman Lowey.

[4] See Exhibit "A" to our December 2, 1994 letter to Hayden Gregory.

discrepancies in the National Commission's Report, which our correspondence has amply identified.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator

Enclosures: (a) 12/2/94 ltr to Mr. Hayden Gregory
(b) 5/5/94 ltr to Hon. Nita Lowey
(c) 12/27/94 ltr to Mr. Hayden Gregory

P 386 579 484

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Chief of Staff

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December 2, 1994

Hayden Gregory, Counsel
Subcommittee on Intellectual Property
and Judicial Administration
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

RE: Unfinished Business

Dear Mr. Gregory:

Several times in the past three months I have telephoned your office, leaving detailed messages. Each time, I have been told that you would return my call. However, you have not done so. I have also left telephone messages for Edward O'Connell, your Assistant Counsel, who, likewise, has not returned my calls.

It is now almost a year and a half since we filed our June 9, 1993 formal complaint with your office, seeking an investigation of judges in the Second Circuit, who have demonstrably used their judicial office for ulterior, retaliatory purposes (Exhibit "A").

Likewise, it is more than fifteen months since our August 26, 1993 letter requesting clarification from Mr. O'Connell and Allen Erenbaum--each liaisons from the Committee to the National Commission on Judicial Discipline and Removal--of a critical discrepancy we identified in the Report of that Commission relating to the House Judiciary Committee's role in investigating complaints of judicial misconduct (Exhibit "B").

Only after being repeatedly prodded by the office of our congresswoman, Hon. Nita Lowey, did Mr. O'Connell finally write us on January 4, 1994 (Exhibit "C"). As pointed out in our responding letter of January 31, 1994 (Exhibit "D"), Mr. O'Connell's perfunctory letter did not inform us as to the status of our formal complaint. Nor did it answer any of the serious questions raised by our August 26, 1993 letter.

We assume that with the upcoming changes in the chairmanship and members of the House Judiciary Committee, there will be other personnel changes as well. Therefore, we request that you ensure that this correspondence is answered while those familiar with this matter are still on staff.

To facilitate your handling this matter in a responsible fashion --as heretofore not evidenced by the House Judiciary Committee-- we are enclosing the aforesaid correspondence. In addition, for purposes of completeness, we are enclosing our letter to Mr. O'Connell dated July 29, 1993 (Exhibit "E"), as well as our July 14, 1993 and July 22, 1993 letters to the National Commission on Judicial Discipline and Removal (Exhibit "F" and "G", respectively) and our July 21, 1993 and August 30, 1993 letters to Congresswoman Nita Lowey (Exhibits "H" and "I", respectively)--copies of which were sent to Mr. O'Connell.

At this juncture, based upon our aforementioned experiences with the House Judiciary Committee and our reading of Peter Hutt's study of past complaints received by the Committee, printed as part of the Research Papers underlying the Report of the National Commission on Judicial Discipline and Removal, it appears that the House Judiciary Committee's modus operandi for dealing with complaints which raise "discipline and impeachment issues" is simply to ignore them until the complainants give up and go away.

Such attrition tactic, underscoring Mr. O'Connell damning admission to me that "there has never been an investigation of an individual complaint in the history of the House Judiciary Committee" (Exhibit "B"), would explain how there could have been no responsive action by the Committee on any of the complaints identified by Mr. Hutt's study as warranting investigation (Exhibit "J": Research Papers, Vol. I, at pp. 102-5).

We are going to insist that the new leadership and staff at the House Judiciary Committee uphold their obligations to protect the public from demonstrably corrupt judges. Therefore, we request that after you respond to our outstanding informational requests, you ensure that our formal June 9, 1993 complaint--and the extensive supporting documentation we provided--be placed in an "active file" so that it can be readily accessed when we contact the Committee at the beginning of the next session.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER, Coordinator

Enclosures: sent by mail

cc: Congresswoman Nita Lowey

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December 27, 1994

Hayden Gregory, Counsel
Subcommittee on Intellectual Property
and Judicial Administration
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

RE: Setting the Record Straight

Dear Mr. Gregory:

Reference is made to the "Proposed Long Range Plan for the Federal Courts", which lists you as one of its contributors (Exhibit "A").

On December 9, 1994, I testified in Washington, D.C. before the Long Range Planning Committee, challenging as misplaced and erroneous its reliance on the Report of the National Commission on Judicial Discipline and Removal. My testimony not only described the National Commission's Report as "methodologically flawed" but deliberately dishonest.

In pertinent part, I stated:

> "Although the Long-Range Plan endorses what it calls the National Commission's 'central recommendation' as to impeachment, available evidence suggests that not only is the impeachment process--as initiated by the House Judiciary Committee upon individual complaints--moribund, but that the National Commission knew it to be so when it concealed that fact in its Report." (emphasis added)

In support of these serious charges, I submitted to the Long Range Planning Committee a copy of my December 2, 1994 letter to you, as counsel to the subcommittee of the House Judiciary Committee which handles complaints of judicial misconduct.

As you know, that letter annexed our correspondence with Mr. O'Connell, the subcommittee's assistant counsel and also its liaison to the National Commission (Exhibit "B"), whose startling admission to me that "there has never been an investigation of an individual complaint in the history of the House Judiciary Committee" is reflected in my letters to him dated August 26, 1993 and January 31, 1994[1]. Such admission by Mr. O'Connell--which neither he nor Allen Erenbaum, the House Judiciary Committee's counsel and its liaison to the National Commission (Exhibit "B"), have repudiated--would explain the House Judiciary Committee's non-action on our fully documented June 9, 1993 complaint[2] of impeachable conduct by federal judges of the Second Circuit in Sassower v. Field, among them now Chief Judge Jon Newman.

Inasmuch as my as yet unanswered December 2, 1994 letter to you--annexing my unanswered August 26, 1993 and January 31, 1994 letters to Mr. O'Connell--is part of the record of the Long Range Planning Committee[3], we believe the Committee would be greatly interested in your response thereto as it considers needed revisions to its Proposed Long Range Plan. Indeed, we expect that the Committee would also be interested in comments from you to my written testimony, particularly as to the unavailability of the impeachment remedy. A copy of my testimony is, therefore, enclosed (Exhibit "D").

By duplicate copy of this letter to the Long Range Planning Committee, we are hereby requesting that it be made part of the record of its proceedings.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER, Coordinator

Enclosures
cc: Long Range Planning Committee
(By Certified Mail, RRR: P-386-579-481)
Congresswoman Nita Lowey
(By Certified Mail: RRR: P-386-579-484)

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1 See Exhibits "B" and "D" to my December 2, 1994 letter to you.

2 See Exhibit "A" to my December 2, 1994 letter to you.

3 My December 2, 1994 letter to you was not only specifically referred to at the conclusion of my testimony, wherein I itemized the documents I was submitting to the Long Range Planning Committee, but is reflected by my December 16, 1994 transmittal letter to that Committee (Exhibit "C").

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DATE 11/20/91 TIME 12:15 pm

TO: Hon. Richard L. Bradley

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This fax consists of a total of _____ pages, including this cover sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105

FROM: Elena Sassower, Coordinator

MESSAGE:

Att: Adam Bradley, Esq.

P.S. - Good luck in yr new job!