

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

E-Mail: prebono@delphi.com

Box 69, Gedney Station

White Plains, New York 10605

By Certified Mail/RRR: P-624-546-596

March 28, 1996

Tom Mooney, Chief Counsel
Subcommittee on Courts and Intellectual Property
B-351-A Rayburn Building
Washington, D.C. 20515

RE: Amending 28 U.S.C. §372(c)
Our 6/9/93 judicial misconduct complaint

Dear Mr. Mooney:

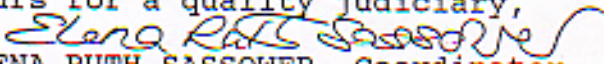
We thank you for having personally met with us for 45 minutes on February 5th and look forward to assisting the Subcommittee in ensuring the efficacy of procedures for reviewing and investigating complaints of misconduct by federal judges.

Immediately following our meeting, we arranged with the Federal Judicial Center to send you the three-volume research papers and hearing testimony for the Report of the National Commission on Judicial Discipline and Removal.

Michael Straight's important recommendation as to the need to amend 28 U.S.C. §372(c) to prevent the Circuits from dismissing bias complaints as "merits related" may be found in Volume II, at page 1747. His observation about such dismissals is set forth at page 1704--with his pertinent footnote 43 spanning to page 1706. For your convenience, those pages are annexed.

As you know, for over two and a half years, we tried to get an answer from the House Judiciary Subcommittee as to whether the bias complaint we filed with it on June 9, 1993 would be justiciable under §372(c) or would be dismissed as "merits related". We received no answer from it, any more than we had from the National Commission on Judicial Discipline and Removal.

Pursuant to our discussions together last month, we have now filed our bias complaint with the Second Circuit as a complaint under §372(c). A copy of that §372(c) complaint, dated and filed on March 4th, is enclosed, as are copies of the Second Circuit's two letters of acknowledgement.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

cc: Michael Straight, Esq.
Congresswoman Nita Lowey
Congressman Jerrold Nadler