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Elena Ruth Sassower, Coordinator

BY FAX: 202-225-3673 (19 pages)
July 19, 2001

Melissa McDonald, Esq.
Counsel, House Judiciary Committee
Courts Subcommittee
B-351A Rayburn House Office Building
Washington, D.C. 20515

RE: Upcoming Oversight Hearings over the Federal Judiciary

Dear Ms. McDonald:

Thank you for your phone call. CJA is honored to be asked by the House Judiciary Committee's Republican majority to assist it in preparing for hearings in October on the efficacy of 28 U.S.C. §§144 and 455 – pertaining to judicial disqualification – and 28 U.S.C. §372(c) -- pertaining to the judicial complaint mechanism reposed in the federal judiciary. These are the very statutes intended by Congress to safeguard the integrity of the federal judiciary.

I look forward to our meeting together on Thursday, July 26, 2001 – and will plan to spend the whole day with you, from 11:00 a.m. onward, and, if necessary, the next, so that you can understand for yourself the dispositive nature of the evidentiary proof substantiating CJA's March 10 and March 23, 1998 memoranda to the House Judiciary Committee – annexed to CJA's July 3, 2001 letter to Senator Schumer as Exhibits "N-2" and "N-3", respectively.

The significance of this proof is recited by the memoranda: it establishes that the federal judiciary has reduced 28 U.S.C. §§144, 455, and 372(c) to "empty shells" and, further, that the federal judiciary has knowingly and deliberately misled Congress as to the efficacy of these statutes. Additionally, it establishes that the 1993 Report of the National Commission on Judicial Discipline and Removal -- which the federal judiciary and American Bar Association, among others, have used to lull Congress into believing that no emendation of these statutes is necessary -- is a deceit. CJA's published article, "*Without Merit: The Empty Promise of Judicial Discipline*" – annexed as Exhibit "N-1" to our July 3, 2001 letter to Senator Schumer – contains a critique of the National Commission's "methodologically-flawed and dishonest" 1993 Report.

July 19, 2001

As discussed, CJA long ago provided the House Judiciary Committee with this evidentiary proof – a fact highlighted at page 17 of CJA's July 3, 2001 letter to Senator Schumer. CJA's July 9, 2001 letter to House Judiciary Committee counsel expressly requested that both the Republican and Democratic sides of the Courts Subcommittee make efforts to locate the duplicate sets that CJA provided to each side. Please let me know by Monday, July 23rd, what portions of this voluminous evidentiary material you have been able to recover.

In the event you do not have CJA's July 9, 2001 letter, a copy is enclosed – as likewise, CJA's correspondence with the other public officers who are indicated recipients of CJA's July 3, 2001 letter to Senator Schumer, which you requested me to fax you. These public officers are: (1) the Senate Majority/Minority Leaders; (2) Senate Judiciary Committee Members; (3) President George W. Bush; and (4) Senator Hillary Rodham Clinton.

Inasmuch as the federal judiciary's subversion of the judicial disqualification and disciplinary statutes transcends politics – a fact reflected by CJA's aforesaid letters -- CJA respectfully requests that the Committee's Republican majority invite counsel for the Committee's Democratic minority to participate at next week's meeting – and, if deemed appropriate, that Republican and Democratic counsel from the Senate Judiciary Committee also be invited. The issues are too important for all sides not to work together, from the outset, in a spirit of non-partisan cooperation.

Thank you.

Yours for a quality judiciary,



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

Enclosures

cc: **Sam Garg, Minority Counsel/House Judiciary Committee**
By Fax: 202-225-7680 [2 pages]
Senator Charles Schumer, Chairman, Senate Judiciary Committee Courts Subcommittee
By Fax: 202-228-0525 [2 pages]
Senator Patrick Leahy, Chairman, Senate Judiciary Committee
By Fax: 202-224-9516 [2 pages]
Senator Orrin Hatch, Ranking Member, Senate Judiciary Committee
By Fax: 202-224-9102 [2 pages]