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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

October 9, 1998

WallBuilders, Inc.
P.O. Box 397
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ATT: Liz McClendon, Research

Dear Liz:

Thank you for sending David Barton's books, Impeachment! Restraining an Overactive Judiciary and Original Intent: The Courts, the Constitution & Religion. I eagerly look forward to reading them and to discussing them with Mr. Barton, who, I hope, will call after reviewing the enclosed materials.

As discussed, these materials constitute a meticulously-documented case-study, *empirically* demonstrating the complete absence of remedies in any of the three governmental Branches for even the most corrupt and impeachable judicial misconduct. These materials are the *unopposed* petition for a writ of certiorari in *Sassower v. Mangano, et al*, the supplemental brief, and the two documents "lodged" with the Supreme Court Clerk in connection therewith: (1) the evidentiary compendium supporting CJA's written statement to the House Judiciary Committee for inclusion in the record of the Committee's June 11, 1998 "oversight hearing of the administration and operation of the federal judiciary" and (2) the exhibits to our July 27, 1998 letter to the Chief of the Justice Department's Public Integrity Section, Criminal Division.

The cert petition demonstrates not only how the federal judiciary has subverted 28 U.S.C. §§144, 455, and 372(c) -- the essential statutes intended by Congress to ensure judicial integrity and safeguard the public against biased, abusive, dishonest judges -- but the breakdown of other checks on federal judicial misconduct, identified by the 1993 Report of the National Commission on Judicial Discipline and Removal as existing within the Judicial Branch. As for the supplemental brief and "lodged" documents, they demonstrate the breakdown of checks on federal judicial misconduct, identified by the National Commission as existing within the Legislative and Executive Branches.

The result of the breakdown of checks in all three government Branches is that:

“the constitutional protection restricting federal judges’ tenure in office to ‘good behavior’ does not exist because all avenues by which their official misconduct and abuse of office might be determined and impeachment initiated (U.S. Constitution, Article II, §4 and Article III, §1 [SA-1]) are corrupted by political and personal self-interest. The consequence: federal judges who pervert, with impunity, the constitutional pledge to ‘establish Justice’, (Constitution, Preamble [SA-1]) and who use their judicial office for ulterior purposes.” supplemental brief, p. 2.

Also enclosed is the Supreme Court’s response to these extraordinary documents, which sought its review under its “power of supervision” or, at minimum, disciplinary and criminal referral of the subject federal judges. Its October 5, 1998 order denied the petition and made no other disposition. The Court’s failure to refer the judges to the House Judiciary Committee, as expressly requested by the cert petition (at 25-26) and reiterated in the supplemental brief (at 2-3, 5) must be seen in the context of this HISTORIC period when, despite the hot debate as to the precise standards for impeachment, it is UNIFORMLY recognized to apply to situations where a public officer has subverted his office -- precisely what was shown to have been done by the federal judges in *Sassower v. Mangano*¹.

Finally, I am also enclosing a copy of our September 23, 1998 recusal/disclosure application, distributed to each of the Court’s Justices. According to the Supreme Court’s Chief Deputy Clerk, the Justices did *not* act on it and, for that reason, it has *not* been docketed. In such fashion, the Justices have concealed that their denial of the cert petition and failure to refer the subject federal judges for criminal and disciplinary investigation is tainted by their failure to address the threshold issue of their impartiality. Such misconduct replicates the misconduct of the Second Circuit, whose concealment of unadjudicated disqualification applications was particularized in the cert petition and a further ground upon which the Court’s review was sought (2nd Question Presented, Point II, at 26-30).

We are presently working on a petition for rehearing -- focused on the Court’s misconduct by its failure to rule on the recusal/disclosure application, etc. It is our hope to append a list of organizations expressing concern about the constitutional breakdown, reflected by the cert materials, and urging Supreme Court review. So far, however, despite our distribution of the *Sassower v. Mangano* cert materials to a range of public interest/think tank organizations -- both conservative and liberal -- we have gotten no response. Based on preliminary examination of the books you sent, we would hope that

¹ By contrast to the impeachment case against President Clinton, largely resting on allegations of perjury and obstruction of justice in proceedings *unconnected* to his presidential office, the *uncontroverted* record before the Court showed that the *Sassower v. Mangano* judges subverted their judicial offices and the judicial process by wholly fraudulent decisions. Such decisions are properly viewed as judicial perjury -- the judges being under oath.

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WallBuilders will be different in that regard -- and, additionally, will help in locating organizations to "sign on", in defense of constitutional principles and the rule of law.

Yours for a quality judiciary,

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

Enclosures:

As indicated, plus CJA's informational brochure