

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel. (914) 421-1200  
Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Doris L. Sassower, Director  
Elena Ruth Sassower, Coordinator

DATE: November 6, 1998

TO: House Judiciary Committee:

Republican Majority: ATT: Tom Mooney, Chief of Staff/General Counsel;  
Mitch Glazier, Chief Counsel, Courts Subcommittee;

Democratic Minority: ATT: Julian Epstein, Staff Director/Chief Counsel;  
Perry Apelbaum, General Counsel;  
Robert Raben, Counsel, Courts Subcommittee

U.S. Justice Department:

Lee Radek, Chief, Public Integrity Section/Criminal Division

Seth P. Waxman, Solicitor General

Administrative Office of the U.S. Courts

ATT: William Burchill, General Counsel

Jeffrey Barr, Assistant General Counsel

Commission on Structural Alternatives for the Federal Courts of Appeals

ATT: Byron White, Chairman

American Bar Association

ATT: Philip S. Anderson, President

Association of the Bar of the City of New York

ATT: Michael A. Cooper, President

RE: Your *continuing* ethical and professional obligations, based on the record-supported presentation in *Sassower v. Mangano, et al.*, S.Ct. #98-106

Enclosed is a copy of the petition for rehearing in *Sassower v. Mangano, et al.*, as well as the certificate of service filed with the U.S. Supreme Court, which specified that the rehearing petition would be mailed to each of you. The rehearing petition is being provided to enable you to meet your *continuing* ethical and professional duty to protect the public from unchecked judicial corruption that has wholly subverted the Constitution and anything resembling the rule of law. For that reason, you were each previously provided with a copy of the record in *Sassower v. Mangano*<sup>1</sup>, the cert petition, and the supplemental brief.

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<sup>1</sup> The copy of the record provided to the Justice Department's Public Integrity Section [SA-47] was also for use by the Solicitor General [SA-11]; supplemental brief, at p. 10.

Exhibit D-2

The *sole* issue presented by the rehearing petition is the official misconduct of the Supreme Court Justices, rising to a level warranting their impeachment under the most stringent definition of impeachable offenses.

Four grounds for the Justices' impeachment are asserted in the rehearing petition:

- (1) their subversion of the Constitution by their October 5, 1998 summary denial of the *Sassower v. Mangano* cert petition -- with *no* disciplinary or criminal referral of the lower federal judges whose corruption was documented therein;
- (2) their subversion of "the principal disqualification statute in the federal system, 28 U.S.C. §455"<sup>2</sup>, by their wilful failure to adjudicate petitioner's September 23, 1998 application thereunder for their disqualification [RA-6] -- although said statute applies to each Justice [A-3] -- and by their wilful failure to respond to petitioner's October 14, 1998 judicial misconduct complaint based thereon [RA-52];
- (3) their betrayal of their oath of office, requiring each Justice to "faithfully and impartially discharge and perform all duties incumbent upon [him] under the Constitution and laws of the United States" [RA-1]; and
- (4) their abuse of power by "lying to the American People" as to the federal judiciary's adherence to ethical codes and the adequacy of enforcing mechanisms to protect the public from judicial bias and corruption, among them, the federal judicial disqualification and disciplinary statutes [RA-35-48].

Additionally, as to Chief Justice Rehnquist, who also heads the Judicial Conference of the United States, there is a further ground for his impeachment. It rests on his complicity in the Judicial Conference's knowingly false and deceitful representations to the House Judiciary Committee as to the efficacy of the federal judicial disqualification and disciplinary statutes -- 28 U.S.C. §§144, 455, and 372(c) [A-2-5] -- most particularly by his wilful failure to ensure that the Judicial Conference retracted those representations when, by letter dated May 29, 1998 (Exhibit "A"), the true facts were brought to his *direct* attention<sup>3</sup>. Petitioner's *unadjudicated* September 23, 1998 application for the

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<sup>2</sup> Characterization of Justice Kennedy, writing the dissenting opinion in *Liteky v. U.S.*, 510 U.S. 540, 557 (1994) -- in which three other Justices joined, including Justices Stevens and Souter.

<sup>3</sup> U.S. Supreme Court Clerk William Suter personally accepted hand-delivery of CJA's May 29, 1998 letter for Chief Justice Rehnquist in his capacity as head of the Judicial Conference [SA-21; RA-11]. For the Chief Justice's convenience, copies of the essential documents referred to by the May 29th letter were enclosed therewith. These documents are reprinted in the appendix to the cert petition [A-] or in the appendix to the supplemental brief [SA-]. They are: CJA's March 10 and March 23, 1998 Memoranda to the House Judiciary Committee [A-295; A-

Justices' disqualification pursuant to §455 identified the Chief Justice's failure to take corrective steps as illustrating a pattern of cover-up by him of corruption in the lower federal judiciary [RA-11].

As set forth in the rehearing petition:

“Once Congress has concluded its impeachment deliberations as to the President, it will have the benefit of its newly-acquired expertise to turn its attention to the indisputably impeachable conduct of the federal judiciary.” (at p. 10)

Consequently, the Center for Judicial Accountability (CJA) requests that the House Judiciary Committee deem this memorandum and enclosed rehearing petition an impeachment complaint against the Justices, individually and collectively -- and, particularly, should the Justices continue to disregard their constitutional, statutory, and ethical duty by denying the rehearing petition. Such impeachment complaint must be given top priority on the Committee's agenda since it presents “substantial and credible” evidence of corruption at the highest level of our federal judiciary, covering up pervasive corruption in the lower federal judiciary, which itself covers up state judicial corruption.

As to the lower federal judiciary's corruption, CJA long ago provided the House Judiciary Committee with *prima facie* proof. This may be seen from CJA's March 10 and March 23, 1998 Memoranda to the Committee [A-295; A-301], whose significance was highlighted by CJA's written statement for inclusion in the record of the Committee's June 11, 1998 “oversight hearing of the administration and operation of the federal judiciary” [SA-17].

Finally, annexed hereto (Exhibit “B”) is a copy of pages 121-123 from the 1993 Report of the National Commission on Judicial Discipline and Removal pertaining to the Supreme Court. Those pages were Exhibit “B” to petitioner's October 14, 1998 judicial misconduct complaint against the Justices [RA-52], but inadvertently omitted from the appendix to the rehearing petition.

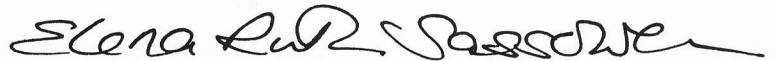
Over and beyond the National Commission's recommendation therein that the Supreme Court adopt “policies and procedures for the filing and disposition of complaints against [its] Justices” (at p. 123) -- which the Court did not do -- is the Commission's expressed belief:

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301]; CJA's published article, “*Without Merit: The Empty Promise of Judicial Discipline*”, The Long Term View, (Massachusetts School of Law) Vol. 4, No. 1 (summer 1997) [A-207]; CJA's November 24, 1997 letter to Jeffrey Barr, Assistant General Counsel for the Administrative Office of the U.S. Courts [SA-79]; and CJA's April 24, 1998 testimony before the Commission on Structural Alternatives for the Federal Courts of Appeals [SA-29]. In addition, these documents -- including the May 29th letter itself [R-61-65] -- are contained in the evidentiary compendium to CJA's written statement to the House Judiciary Committee for inclusion in the record of its June 11, 1998 “oversight hearing of the administration and operation of the federal judiciary” -- a copy of which was “lodged” with the Clerk's office [RA-4; RA-20].

“that any publicly-made (non-frivolous) allegation of serious misconduct...against a Supreme Court Justice would receive intense scrutiny in the press and would come to the attention of the House Judiciary Committee.” (at p. 122).

CJA’s next stop will be the press. By reason of the House Judiciary Committee’s ongoing inquiry into whether the President has committed impeachable offenses -- a question which has filled the airwaves and been the stuff of countless articles and editorials in newspapers, magazines, and in the electronic media -- the press should be more sensitive than ever to both impeachment standards and the Committee’s critical impeachment role.



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

Read and Approved by:



DORIS L. SASSOWER  
Petitioner *pro se*, *Sassower v. Mangano, et al.*  
Director, Center for Judicial Accountability, Inc.

Enclosures

cc: Justices of the United States Supreme Court  
[Certified Mail/RRR: 471-036-400]  
New York State Attorney General,  
Counsel to *Sassower v. Mangano* respondents  
and himself a respondent