

By Fax and Certified Mail: RRR
P-407-707-236

16 Lake Street, Apt. 2C
White Plains, N.Y. 10603
January 31, 1994

Edward H. O'Connell, Jr.
Assistant Counsel
Subcommittee on Intellectual Property
and Judicial Administration
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Re: Judicial Discipline and Removal

Dear Mr. O'Connell:

Reference is made to your letter of January 4, 1994.

You state that you were informed by "Congressman Lowey's office" that we had requested a "formal acknowledgment" of our transmittal to the Subcommittee on Intellectual Property and Judicial Administration of what you refer to as "certain information in regard to District Court Judge Goettel and Circuit Judge Jon O. Newman". To the extent that such statement is correct, it dramatically understates what we have been requesting throughout these many months.

As reflected by my letter to you dated August 26, 1993, we have identified what appear to be serious discrepancies and inaccuracies in the Report of the National Commission on Judicial Discipline and Removal, as highlighted by your candid comment to me on August 12, 1993 that:

"There has never been an investigation of an individual complaint in the history of the House Judiciary Committee."

Although five months have now elapsed since you signed the U.S. Postal Service's return-receipt for the August 26, 1993 letter (copy enclosed), we have received no response from you or from anyone else on behalf of the House Judiciary Committee to the specific questions posed by that letter and no denial of the critical inaccuracies we have identified in the National Commission's Report.

R-80

In discussions with Congresswoman Lowey's office about such inaccuracies, I noted a further inaccuracy therein, to wit., the Commission's statement that:

"...the Committee responds to every complaint with a letter acknowledging receipt of the complaint and directing the complainant's attention to the 1980 Act." (at p. 35 of the Final Report, emphasis added)

I pointed out to Jordan Frankl, the Congresswoman's Legislative Assistant for Judicial Affairs, that we had received no such acknowledgment from the House Judiciary Committee--notwithstanding our June 9, 1993 formal complaint of judicial misconduct was received by the Committee on June 12, 1993--as reflected by the date stamped on a return-receipt of the U.S. Postal Service (copy enclosed).

Mr. Frankl assured me that he would speak with you about responding to my August 26, 1993 letter, as well as about acknowledging our June 9, 1993 complaint. It was my understanding that he had done so as to both matters on more than one occasion.

Belatedly and after prodding, you have now acknowledged our complaint--although you curiously do not use the word "complaint" in your January 4, 1994 letter, referring instead to "documents", "information" and "concerns". And you do not direct our attention to the 1980 Act, which the Report of the National Commission states is what you do when you acknowledge "every complaint". Do we infer from such omission that you do not believe our complaint to be justiciable under the Act? If that is the case, what avenue of redress is there if, as you told me last August, the House Judiciary Committee does not investigate individual complaints?

Indeed, are we to also infer from the fact that your January 4th letter does not state what the House Judiciary Committee has been doing these many months with our fully-documented formal complaint--or what it is intending to do with it--that, just as my August 26th letter surmised, the House Judiciary Committee does nothing with complaints raising serious "discipline [and] impeachment issues" except tabulate them for publication in its "Summary of Activities"?

R-81

In keeping with the National Commission's recommendation that:

"With a few changes, the Committee's responses to judicial complaints could be even more informative. The acknowledgment letter should tell complainants that the 1980 Act does not contemplate sanctions for judges' decisions or issues relating to the merits of litigation..." (at p. 36 of the Final Report),

we request elaboration of your January 4th letter, as well as your long-awaited response to my August 26th letter, a copy of which is enclosed for your convenience.

Yours for a quality judiciary,



ELENA RUTH SASSOWER

Enclosures:

- (a) U.S. Postal Service return-receipt for 8/26/93 ltr
- (b) U.S. Postal Service return-receipt for 6/9/93 ltr
- (c) 8/26/93 ltr

cc: Jordan Frankl, Legislative Assistant for Judicial Affairs
Office of Congresswoman Nita Lowey
Francis J. Lorson, Chief Deputy Clerk, U.S. Supreme Court
Cynthia Gray, Director
Center for Judicial Conduct Organizations
American Judicature Society
Charles Stephen Ralston, Esq.
NAACP Legal Defense and Educational Fund

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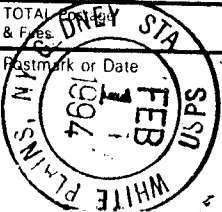


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Subcommittee on Intellectual Property
House Judiciary Committee
2138 Rayburn
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