

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Fax: 202-225-3737
and Certified Mail: RRR P-386-579-486

December 2, 1994

Hayden Gregory, Counsel
Subcommittee on Intellectual Property
and Judicial Administration
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

RE: Unfinished Business

Dear Mr. Gregory:

Several times in the past three months I have telephoned your office, leaving detailed messages. Each time, I have been told that you would return my call. However, you have not done so. I have also left telephone messages for Edward O'Connell, your Assistant Counsel, who, likewise, has not returned my calls.

It is now almost a year and a half since we filed our June 9, 1993 formal complaint with your office, seeking an investigation of judges in the Second Circuit, who have demonstrably used their judicial office for ulterior, retaliatory purposes (Exhibit "A").

Likewise, it is more than fifteen months since our August 26, 1993 letter requesting clarification from Mr. O'Connell and Allen Erenbaum--each liaisons from the Committee to the National Commission on Judicial Discipline and Removal--of a critical discrepancy we identified in the Report of that Commission relating to the House Judiciary Committee's role in investigating complaints of judicial misconduct (Exhibit "B").

Only after being repeatedly prodded by the office of our congresswoman, Hon. Nita Lowey, did Mr. O'Connell finally write us on January 4, 1994 (Exhibit "C"). As pointed out in our responding letter of January 31, 1994 (Exhibit "D"), Mr. O'Connell's perfunctory letter did not inform us as to the status of our formal complaint. Nor did it answer any of the serious questions raised by our August 26, 1993 letter.

We assume that with the upcoming changes in the chairmanship and members of the House Judiciary Committee, there will be other personnel changes as well. Therefore, we request that you ensure that this correspondence is answered while those familiar with this matter are still on staff.

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December 2, 1994

To facilitate your handling this matter in a responsible fashion --as heretofore not evidenced by the House Judiciary Committee-- we are enclosing the aforesaid correspondence. In addition, for purposes of completeness, we are enclosing our letter to Mr. O'Connell dated July 29, 1993 (Exhibit "E"), as well as our July 14, 1993 and July 22, 1993 letters to the National Commission on Judicial Discipline and Removal (Exhibit "F" and "G", respectively) and our July 21, 1993 and August 30, 1993 letters to Congresswoman Nita Lowey (Exhibits "H" and "I", respectively)--copies of which were sent to Mr. O'Connell.

At this juncture, based upon our aforementioned experiences with the House Judiciary Committee and our reading of Peter Hutt's study of past complaints received by the Committee, printed as part of the Research Papers underlying the Report of the National Commission on Judicial Discipline and Removal, it appears that the House Judiciary Committee's modus operandi for dealing with complaints which raise "discipline and impeachment issues" is simply to ignore them until the complainants give up and go away.

Such attrition tactic, underscoring Mr. O'Connell damning admission to me that "there has never been an investigation of an individual complaint in the history of the House Judiciary Committee" (Exhibit "B"), would explain how there could have been no responsive action by the Committee on any of the complaints identified by Mr. Hutt's study as warranting investigation (Exhibit "J": Research Papers, Vol. I, at pp. 102-5).

We are going to insist that the new leadership and staff at the House Judiciary Committee uphold their obligations to protect the public from demonstrably corrupt judges. Therefore, we request that after you respond to our outstanding informational requests, you ensure that our formal June 9, 1993 complaint--and the extensive supporting documentation we provided--be placed in an "active file" so that it can be readily accessed when we contact the Committee at the beginning of the next session.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator

Enclosures: sent by mail

cc: Congresswoman Nita Lowey

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