



NINTH JUDICIAL COMMITTEE

Box 70, Gedney Station
White Plains, New York 10605-0070
Tele: (914) 997-8105 / Fax: (914) 684-6554

By Certified Mail: RRR
P 801 449 654

October 13, 1992

Senator Joseph Biden
Chairman, Senate Judiciary Committee
Russell Senate Office Building, Room 221
Washington, D.C. 20510

Dear Chairman Biden:

As coordinator the Ninth Judicial Committee, a non-partisan citizens' group dedicated to a quality judiciary, I wish to inform you of the unprofessional and inefficient manner in which the staff of the Senate Judiciary Committee conducts itself, as well as the extraordinary unconcern of your office in connection therewith.

I also wish to request a meeting with you, as Chairman of the Committee, since it is you who bear ultimate responsibility for the matters herein described.

This complaint is born of direct personal experience with the Senate Judiciary Committee staff over a period of ten months from November 13, 1991, when I first telephoned the Committee, to my visit to the Senate Judiciary Committee and your office on September 17-18, 1992, when, in despair over the Committee's non-responsive conduct--and the indifference of your office--I personally made a trip to Washington from White Plains, New York for the announced purpose of speaking to the Staff Director of the Senate Judiciary Committee, Cynthia Hogan, or someone else in authority.

In so doing, my sole objective was to ascertain basic information which we were unable to obtain by phone--including information as to the status of review of the critique which we submitted to the Senate Judiciary Committee in May 1992--more than four months earlier.

Ex "2"

For present purposes, I will omit from this letter recitation of the conduct of your Committee staff prior to submission of our critique, except to refer you to our January 10, 1992 letter, which concluded with the observation that there seemed to be "no apparent desire by your staff for citizen input" (Exhibit "C" in the compendium of exhibits accompanying our critique).

Suffice it to say that our critique represents the triumph of perseverance and dedication in the face of repeated and unnecessary obstacles placed before us by your Committee staff--as to which your office rendered no discernable assistance.

Indeed, in response to our periodic calls to your office since last February protesting the manner in which the Senate Judiciary Committee staff was conducting itself, we were always told that there was nothing your office could do--and that we had to direct ourselves to the Senate Judiciary Committee.

For the purposes of establishing our credentials and the seriousness of our critique, may I suggest you access our critique from the Senate Judiciary Committee, as well as a copy of our May 18th letter to Senate Majority Leader Mitchell--calling for a halt to all confirmation of judicial nominees based thereon.

Although our documentary presentation mandated decisive action, in the five months since submission of our critique, no staff member of the Committee has contacted us as to our findings--and our attempts to speak with anyone on the subject are repeatedly rebuffed. Every time we have called the Senate Judiciary Committee--which was a great many times over the past many months--we are informed by the Committee's receptionists that no one is available, but that someone will get back to us. No one ever does. Often our messages have been left for named individuals on the Committee staff such as Amy Nash, the nominations clerk. But neither she nor anyone else returns our calls. This cycle repeats itself each and every time we call--with a new message left by us, but no return call. Our on-going complaints about such behavior--costing us to waste extraordinary amounts of time and money--are unavailing.

It is against this background that I made the trip to Washington, described in the accompanying letter to Ms. Hogan. This letter should be read in conjunction with the companion letter to Ms. Hogan, which provides a fuller context for the shocking and unjustified fashion in which your personal office staff treated me on Friday, September 18th.

On that date, your Office Manager, Leah Jenkins, summoned Capitol Hill Police to your office to have me removed--for absolutely no reason whatsoever except that I asked a question as to the

supervisory role exercised by your office over the Senate Judiciary Committee staff.

So that the record is perfectly clear, on Monday, September 14th, I left a detailed message with Melissa for your Chief of Staff, Ted Kaufman, relative to the serious reasons why I was planning a special trip to Washington for Thursday, September 17th. By Wednesday, September 16th, with no response from your office--or Ms. Hogan, with whom I hoped to have a meeting the following day--I called your office again, this time speaking with Christine. Christine confirmed that Ms. Hogan was the appropriate individual to address the matter and took a detailed message, which she said would be transmitted to Ms. Hogan.

As detailed by my letter to Ms. Hogan, when I arrived at the Senate Judiciary Committee the next day, Ms. Hogan was not available and no arrangements were in place for me to speak with anyone else.

I thereupon went to your office to confirm that the two phone messages left with Melissa and Christine had, in fact, been transmitted. I also asked to speak with someone in your office about the manner in which the Senate Judiciary Committee was conducting itself--and that I would return the following day. Christine advised me to write a note--which I addressed to you. I also left a duplicate copy of our critique, together with other relevant materials--including a Letter to the Editor, published in the July 17, 1992 issue of The New York Times. A copy of that note and The Times letter are herein attached.

The next day, Friday, September 18th, after being again informed at the Senate Judiciary Committee that no one could see me, I returned to your office whereupon Christine told me that no one in your office could see me either and that the critique had been forwarded to the Committee since only they could "help".

I reiterated to Christine that this was precisely the problem--since the Committee was not "helping" at all. I further made clear that, as an unfunded citizens' group, we could not afford to provide duplicate copies of our critique to the Committee (at a cost of approximately \$25)--when the Committee already had the original in its possession and had not done anything with it. At my request, Christine called the Committee to have the duplicate critique available for me to pick up.

I then told Christine that I planned to write a letter about the unresponsive and inefficient conduct of the Senate Judiciary Committee--and what seemed to be the lack of oversight exercised by your office. I said that I wished to be accurate and, therefore, wanted to know whether the fact that the duplicate of our critique had been sent to the Senate Judiciary Committee

meant that there was no oversight being directly exercised by your office. Christine responded by stating that she had initially delivered the critique to your "Executive Office". She did not, however, disclose who in your "Executive Office" had received it--which naturally prompted me to ask whether that meant that she did not know who it was or that she could not tell me.

At this point--without any provocation other than the foregoing question--Christine inexplicably turned from cordiality to hostility. She told me that she was not going to answer my questions, that she was through with "helping the Judiciary Committee and helping [me]" and that I could leave. I told her that I simply wished to understand whether--and through whom--your office supervises the Judiciary Committee staff--which I believed was a reasonable enough request.

With that, Christine picked up the telephone, dialed, and complained to whoever was on the other end that someone--meaning me--was in the office who "would not leave". Approximately half a minute later, a young woman came into the office, approached me, and--without so much as an introduction--demanded that I step out into the corridor. I asked her who she was--and only then did she identify herself as your Office Manager, Leah Jenkins.

Although I asked Ms. Jenkins whether we could sit down and discuss the matter, she refused and accused me of "harassing" the staff and of having been there "for two days". We then stepped out into the corridor where I tried to explain to Ms. Jenkins the true facts. Ms. Jenkins would not listen and would not answer my question as to whether your office exercises supervision of the Senate Judiciary Committee. Instead, she repeated that there was "nothing we can do [about this matter] in the personal office" and threatened me that if I did not leave she would call security. I told her to go ahead.

Ms. Jenkins then entered the office and placed a call to Capitol Hill Police. Uniformed officers arrived within a minute or two thereafter. Unlike Ms. Jenkins, the officers immediately asked me what the problem was and were most courteous.

We stepped out into the corridor--and for at least twenty minutes I explained to them the chronology of what had happened--beginning with the Clarence Thomas hearings when you and the other Senators had announced before the nation that something was wrong with the confirmation process. I told the officers that the truth of the matter was that neither you nor the staff of the Senate Judiciary Committee were at all interested in what was wrong--as evidenced by the way we had been treated during the many, many months when we sought to alert you to the documented findings of our critique.

October 13, 1992

The officers who responded to your Office Manager's call were Officer Tony D'Ambrosio, Officer Vicki Williams, Officer William Guthrie, and Sergeant Davis. They should be called upon to verify the foregoing--as well as my request to them that a contemporaneous police report be made as to the unjustified and obscene manner in which I was treated by your office.

The officers stated that it was "not a police matter" and that they could not write up a report. They suggested that I would be able to file a report with the Sergeant at Arms or the Rules Committee. They also suggested that I take the story "to the press".

Pursuant to their advice, I spent the next 1-1/2 hours attempting to file a report with the Sergeant at Arms and the Rules Committee. In each place, however, I was told that such a matter was not within their purview.

It thus appears that no oversight exists over the Senate Judiciary Committee staff--and that, likewise, no oversight exists over the conduct of the office staff of the Committee's Chairman.

Please advise us whether we are mistaken in this perception--and whether, with the Senate now in recess, you would be willing to meet with us to discuss the foregoing serious matters so that corrective measures might be properly evaluated--and directly instituted.

Please also advise whether you will support the suggestion contained at page 6 of our enclosed letter to Ms. Hogan, i.e., that the Senate Judiciary Committee request the American Bar Association to evaluate our critique and render a report thereon.

Yours for a quality judiciary,



ELENA RUTH SASSOWER

Coordinator, Ninth Judicial Committee

Enclosures:

- (a) 9/17/92 note to Chairman Biden
- (b) 7/17/92 NYT Letter to the Editor
- (c) 9/21/92 ltr from Cynthia Hogan
- (d) 10/1/92 ltr to Cynthia Hogan

cc: Senate Judiciary Committee

Capitol Police: 301 First Street

Washington, D.C. 20510

ATT: Officer Tony D'Ambrosio, Officer Vicki Williams
Officer William Guthrie, Sergeant Davis
Lieutenant Robert Howse, Sergeant John Krug

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