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ONE HUNDRED FOURTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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Mr. Sully Jaffer
400 East 54th Street
New York, NY 10022

Dear Mr. Jaffer:

Thank you for your letter requesting records and information from the House Committee on the Judiciary under the Freedom of Information Act ("FOIA"). The Act applies only to "records" maintained by "agencies" within the executive branch of the Federal government, including the Executive Office of the President and independent regulatory agencies. It does not apply, pursuant to section 551(1)(A) of the Act, to records maintained by Congress or the Federal courts. In Dow Jones & Co. v. Department of Justice, 917 F.2d 571, 574 (D.C. Cir. 1990), the Court, citing section 551(1) of FOIA, reaffirmed that Congress is not an "agency" for any purpose under the Act. See also Formaldehyde Institute v. Department of Health and Human Servs., 889 F.2d 1118, 1123 (D.C. Cir. 1989); Goland v. CIA, 607 F.2d 339, 348 (D.C. Cir. 1978), cert. Denied, 445 U.S. 927 (1980).

Regarding your inquiry for filing a complaint against a Justice of the United States Supreme Court, no formal complaint mechanism or procedure exists under a statute. A Member of the House, however, may bring a complaint to the attention of the Committee on the Judiciary. A Member may also introduce a resolution of impeachment, which is usually referred to the Committee. The impeachment of a Supreme Court Justice, or any Federal judge, is a serious proposition, and it was made intentionally difficult by the Founding Fathers in order to maintain and protect the independence of our federal judiciary. The fact that an impeachment resolution has been introduced and referred to the Committee, or that a formal complaint has been brought by a Member, does not mean that an investigation will take place automatically; but absent an impeachment resolution or a complaint by a Member, it is less likely that the Committee will undertake such a major investigation.

This letter is not meant to suggest that you contact your representative requesting that an impeachment resolution be introduced or that a complaint be filed, but to assist in informing you as to the process followed in the Congress and by the Committee.

Sincerely,



HENRY J. HYDE
Chairman

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