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BY FAX: 202-955-2549 7 pages

January 21, 1999

Ted Gest, National News Editor
& Supreme Court correspondent

U.S. News & World Report

202-955-2366

RE: IMPEACHMENT COMPLAINT AGAINST CHIEF JUSTICE REHNQUIST

Dear Mr. Gest:

Enclosed is CJA's November 6, 1998 impeachment complaint against Chief Justice Rehnquist. As discussed, it is based on his *official* misconduct in a case which came before the Supreme Court in September 1998, on a petition for a writ of certiorari, as well as prior thereto when the case was brought to his attention in his capacity as head of the Judicial Conference.

The Supreme Court docket number of the cert petition is #98-106 -- and the caption is *Doris L. Sassower v. Hon Guy Mangano et al.*. The case is a civil rights action under 42 U.S.C. §1983 in which high-ranking New York State judges and the New York State Attorney General were sued for corruption¹.

As the impeachment complaint makes plain (at p. 3), the **rehearing petition** is an integral part. Among the documents in the record, you should start with it. Indeed, the appendix to the rehearing petition reprints the disqualification/disclosure application presented to the justices [RA-6] and the judicial misconduct complaint against them [RA-52].

As to the cert petition and supplemental brief, may I direct your attention to the following:

In the cert petition, the FIRST "Question Presented" is the supervisory and ethical duty of the Supreme Court and its justices. This is discussed at pp. 21-23, "*Reasons for Granting the Writ*" and pp. 23-26,

¹ The allegations of the federal complaint are reflected by CJA's \$20,000 public interest ad, "*Where Do You Go When Judges Break the Law?*" (The New York Times, 10/26/94, Op-Ed page; and New York Law Journal, 11/1/94, p. 9) -- reprinted in the appendix of the cert petition [A-269]. For actual ad, see Exhibit "I-2" to July 27, 1998 criminal complaint to the U.S. Justice Department's Public Integrity Section.

Point I: “*This Court’s Power of Supervision is Mandated*” and “*This Court has a Duty to Make Disciplinary and Criminal Referrals*”. Such pages detail that, absent Supreme Court review, there is NO remedy, within the Judicial Branch, for the corrupt conduct of the lower federal judiciary, demonstrated by the cert petition. This is because the lower federal judges had not only corrupted the judicial/appellate processes, but the judicial disciplinary process under 28 U.S.C. §372(c)².

In the supplemental brief, pages 1-3 and 7-10 further underscore the mandatory duty of Supreme Court review -- demonstrating the complete breakdown of ALL checks on judicial misconduct, in the Legislative and Executive Branches, such that:

“the constitutional protection restricting federal judges’ tenure in office to ‘good behavior’ does not exist because all avenues by which their official misconduct and abuse of office might be determined and impeachment initiated (U.S. Constitution, Article II, §4 and Article III, §1 [SA-1] are corrupted by political and personal self-interest. The consequence: federal judges who pervert, with impunity, the constitutional pledge to ‘establish Justice’, (Constitution, Preamble [SA-1]) and who use their judicial office for ulterior purposes.” [supplemental brief, at p. 2]

In substantiation of the breakdown of Legislative and Executive checks, two submissions were “lodged” with the Clerk’s office: (1) the documentary compendium to CJA’s June 1998 statement to the House Judiciary Committee [printed at SA-17]³ and (2) the exhibits to our July 27, 1998 criminal complaint to the Justice Department’s Public Integrity Section [printed at SA-47]⁴.

² **The §372(c) misconduct complaints against the district judge and appellate panel judges are printed in the appendix of the cert petition:** the §372(c) complaints are at A- 242; A-251; the dismissal order of the Chief Judge: A-28; the petition for review to the Circuit Judicial Council: A-272; the affirmance order of the Circuit Judicial Council: A-31. *NOTE:* The federal judiciary’s *own* statistics as to its 100% dismissal rate for §372(c) complaints, set forth in its 1996 and 1997 annual reports, are referred to in CJA’s June 11, 1998 statement to the House Judiciary Committee, printed in the appendix to the supplemental brief at SA-19.]

³ **The impeachment complaint against the district judge and appellate panel judges is printed in the appendix of the cert petition:** It is contained as part of CJA’s March 23, 1998 memorandum to the House Judiciary Committee [A-301, *See* A-316] and reinforced in CJA’s June 11, 1998 statement to the House Judiciary Committee. The statement is printed in the appendix to the supplemental brief: SA-17, *See* SA-26-28 and itself reflects the House Judiciary Committee’s response to the impeachment complaint.

⁴ **The criminal complaint against the district judge and appellate panel judges is printed in the appendix to the supplemental brief [SA-47].** In the nearly six months since the criminal complaint was filed, we have received NO response whatever from the Justice Department’s Public Integrity Section. *NOTE:* As highlighted by the last paragraph of the complaint [SA-59], notwithstanding the requirement of 28 U.S.C. §529 that the Attorney General annually “report to Congress on the activities and operations of the Public Integrity Section”, the Public Integrity Section’s most recent annual report was for 1995.

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I would point out that CJA's FIVE-YEAR correspondence with the House Judiciary Committee, which is referred to in our press release, is part of the documentary compendium to the June 11, 1998 statement. As discussed, that correspondence chronicles our "voyage of discovery" as to the true facts about the House Judiciary Committee -- and about 28 U.S.C. §372(c) -- concealed by the methodologically flawed and dishonest 1993 Report of the National Commission on Judicial Discipline. For an overview of what we discovered, I strongly recommend that you read CJA's published article, "*Without Merit: The Empty Promise of Judicial Discipline*" (The Long Term View, Vol 4. No. 1, summer 1997). Indeed, it discusses PRECISELY that sentence of page 39 of the National Commission's draft report that we discussed together by phone: "well over 90% of the complaints [filed with the House Judiciary Committee] do not raise genuine issues pertinent to judicial discipline and impeachment.]. The article is reprinted in the appendix to the cert petition [A-207], as well as included in the documentary compendium to our June 1998 statement [R-5] -- in addition to being on our website: www.judgewatch.org.

Upon request, I will promptly transmit to you copies of any and all of the submissions that were before the Court in *Sassower v. Mangano, et al.* (#98-106) -- all substantiating that the November 6, 1999 impeachment complaint sets forth grounds for the Chief Justice's impeachment "**under the most stringent definition of impeachable offenses.**"

Yours for a quality judiciary,



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

Enclosure