

Judiciary Committee has delegated the initial inquiry to different subcommittees. The subcommittee may investigate or choose not to investigate the facts behind any particular resolution.

In 1986, the Subcommittee on Judicial Administration and Intellectual Property elected not to pursue the impeachments of three federal judges. Thousands of citizen petitions had complained about an appellate court's decision to grant a petition for habeas corpus in a notorious murder case. None of the complaints alleged unethical or criminal activity. The chairman of the subcommittee determined that federal judges should not be impeached for judicial decision-making even if the decision is an erroneous one. Standing alone, the act of rendering a judicial decision does not rise to the level of a "high crime or misdemeanor." If this were otherwise, the impeachment remedy would become merely another avenue for review and thereby compromise the separation of powers.<sup>13</sup>

Complaints of judicial misconduct are sent directly to the Committee on the Judiciary or are referred to the Committee by any member of the House or Senate who receives them. The complaints sent to the Judiciary Committee are similar to those received by the circuit courts under the 1980 Act. Some 80 percent of the complainants in the 98th and 101st Congresses were disgruntled civil or criminal litigants, or friends or relatives of those litigants. Concerned citizens and attorneys were also complainants. Over one-half of the complaints were directed at the behavior of federal district judges, while a much smaller number challenged the conduct of circuit judges or Supreme Court justices (approximately 10 percent in the 98th and 101st Congresses). Other complaints named magistrates, court clerks, tax court judges, or state court judges. Finally, a small but significant group of the complaints was directed at the federal judiciary without identifying a particular judge.<sup>14</sup> The Judiciary Committee refers these complaints to its subcommittee with responsibility for matters relating to the federal courts, the Subcommittee on Intellectual Property and Judicial Administration.

Since 1983, the Committee has kept a record of the number and nature of judicial discipline complaints it has received and has reported this data in the Summary of Activities published each Congress. Every Congress these complaints are archived and may be made available upon request. Today the Committee responds to every complaint with a letter acknowledging receipt of the complaint and directing the complainant's attention to the 1980 Act. Further, the Committee has developed and

Exhibit "A"