

DORIS L. SASSOWER

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By Priority Mail

June 9, 1993

Edward O'Connell, Counsel
House Judiciary Committee
Room 207
Cannon House Office Building
Washington, D.C. 20515

RE: Judicial Accountability

Dear Mr. O'Connell:

This letter is intended as a formal complaint of misconduct by certain members of the federal judiciary. The serious charges herein made are fully documentable and arise out of a case of national portent. The asserted misconduct rests on a profound abuse of judicial power for improper and retaliatory purposes.

Such misconduct encompasses a pattern of wilful and deliberate perversion and disregard of controlling law by the District Court Judge sitting in White Plains, New York, including a final decision¹ which was false and fabricated in all material respects.

The District Court's decision, shown on appeal to be without any factual or legal foundation², was, nonetheless, affirmed by the Second Circuit³, which relied on a claimed "inherent power" to impose nearly \$100,000 sanctions against civil rights plaintiffs.

¹ The District Court's decision is reprinted in the Petition for Certiorari at CA-28.

² The factual baselessness of the District Court's decision was meticulously detailed, with record references, at pp. 8-40 of our Appellants' Brief--and un rebutted by Defendants in their Opposing Brief (see Appellant's Reply Brief, pp. 1-2, 9-12, 15-16, 22-3). The legal baselessness of that decision was discussed at pp. 42-54 of our Appellants' Brief and at pp. 1-2, 12-14, 16-18, 23-6 of our Reply.

³ The Second Circuit's decision is reprinted in the Petition for Certiorari at CA-6.

Exhibit A 2

The foregoing was made the basis for a Petition for Certiorari to the U.S. Supreme Court--wherein we requested that Court to exercise its "power of supervision" (at pp. 19, 28) to summarily reverse the Second Circuit's decision, which, on its face, similarly violates statutory and rule provisions, as well as controlling decisional law⁴.

Following denial of certiorari by the Supreme Court, we filed a Petition for Rehearing and Supplemental Petition for Rehearing, which we have just learned have also been denied. Those two documents--which we recommend as the starting point for your review--provide the framework for this most extraordinary case--identifying the ulterior and retaliatory motives of the Second Circuit Judges, who failed to disqualify themselves notwithstanding they were obligated by law and ethical rules to have recused themselves.

The subject decisions are comprehensively analyzed and discussed in the materials herein transmitted, which include not only the submissions before the Supreme Court, but those before the Second Circuit as well. Such submissions should enable you to recognize that an immediate investigation of the judicial authors of those decisions is mandated--since fabrication of fact and perversion of law is not part of the judicial function.

This case calls for your examination for another reason: by its denial of "cert", the Supreme Court has now given the "green light" to the lower federal courts to use "inherent power" to override congressional intent, as expressed in statutory and rule provisions--such as the Fair Housing Act, 28 U.S.C. §1927, and Rule 11--and to do so without the slightest showing of "necessity" or compliance with due process requirements.

Since the Congress is currently considering proposed amendments to the Federal Rules of Civil Procedure, legislative review of this case is particularly propitious at this time. As set forth in our Petition for Certiorari (at p. 14):

"This case is a microcosm of the very issues now under study...in connection with the proposed amendments to the Federal Rules of Civil Procedure--Rule 11, discovery, and case management. Those proposed amendments are the product of hundreds of written comments from the bench, bar, and public over a three-year period and of public hearings. Yet, as this case illustrates, the enormous effort

⁴ A concise summarization of such facial violations appears at pp. 4-6 of the Supplemental Petition for Rehearing.

expended in the rule-making process is all for naught if inherent power is to be a 'fall-back' for federal courts unwilling to adhere to the text-based requirements of those rules, amended or not."

Any objective investigation of this case will confirm the extent to which our third branch of government has obliterated constitutional and statutory safeguards by sheer usurpation of power. Because the Supreme Court has failed to perform its monitoring function where the lower courts' decisions do not conform with law or the factual record, Congress must step in to protect the public from the destruction of our constitutional system by courts which have run amok.

We trust that this matter will be given all due care and consideration. Upon request, we will be pleased to transmit to you our submissions before the District Court, including our Rule 60(b)(3) motion, referred to in the decisions of the Second Circuit and District Court. Said motion dramatically highlights the extent of to which judicial office has been misused to promulgate decisions which are in every way dishonest, deceitful, and deliberately defamatory.

Very truly yours,


DORIS L. SASSOWER⁵


ELENA RUTH SASSOWER

cc: Charles Stephen Ralston, Esq.
NAACP Legal Defense and Educational Fund

Enclosures: see annexed page

⁵ To counter the grossly false and defamatory Second Circuit decisions, a copy of my credentials, as last set forth in Martindale-Hubbell's Law Directory, is annexed hereto. Such publication has given me its highest rating of "AV" for all the years I was in my own private practice. It may be further noted that I am also a Fellow of the American Bar Foundation, an honor reserved for less than one-half of one percent of the practicing bar in each State.

Martindale-Hubbell
Law Directory

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DORIS L. SASSOWER, born New York, N.Y., September 25, 1932; admitted to bar, 1955, New York; 1961, U.S. Supreme Court, U.S. Claims Court, U.S. Court of Military Appeals and U.S. Court of International Trade. *Education:* Brooklyn College (B.A., summa cum laude, 1954); New York University (J.D., cum laude, 1955). Phi Beta Kappa. Florence Allen Scholar. Law Assistant: U.S. Attorney's Office, Southern District of New York, 1954-1955; Chief Justice Arthur T. Vanderbilt, Supreme Court of New Jersey, 1956-1957. President, Phi Beta Kappa Alumnae in New York, 1970-71. President, New York Women's Bar Association, 1968-69. President, Lawyers' Group of Brooklyn College Alumni Association, 1963-65. Recipient: Distinguished Woman Award, Northwood Institute, Midland, Michigan, 1976. Special Award "for outstanding achievements on behalf of women and children," National Organization for Women—NYS, 1981; New York Women's Sports Association Award "as champion of equal rights," 1981. Distinguished Alumna Award, Brooklyn College, 1973. Named Outstanding Young Woman of America, State of New York, 1969. Nominated as candidate for New York Court of Appeals, 1972. Columnist: ("Feminism and the Law") and Member, Editorial Board, *Woman's Life Magazine*, 1981. Author: Book Review, *Separation Agreements and Marital Contracts*, *Trial Magazine*, October, 1987; *Support Handbook*, *ABA Journal*, October, 1986; Anatomy of a Settlement Agreement Divorce Law Education Institute 1982 "Climax of a Custody Case," *Litigation*, Summer, 1982; "Finding a Divorce Lawyer you can Trust," *Scarsdale Inquirer*, May 20, 1982. "Is This Any Way To Run An Election?" *American Bar Association Journal*, August, 1980; "The Disposable Parent: The Case for Joint Custody," *Trial Magazine*, April, 1980. "Marriages in Turmoil: The Lawyer as Doctor," *Journal of Psychiatry and Law*, Fall, 1979. "Custody's Last Stand," *Trial Magazine*, September, 1979; "Sex Discrimination—How to Know It When You See It," *American Bar Association Section of Individual Rights and Responsibilities Newsletter*, Summer, 1976; "Sex Discrimination and The Law," *NY Women's Week*, November 8, 1976; "Women, Power and the Law," *American Bar Association Journal*, May, 1976; "The Chief Justice Wore a Red Dress," *Woman In the Year 2000*, Arbor House, 1974; "Women and the Judiciary: Undoing the Law of the Creator," *Judicature*, February, 1974; "Prostitution Review," *Juris Doctor*, February, 1974; "No-Fault' Divorce and Women's Property Rights," *New York State Bar Journal*, November, 1973; "Marital Bliss: Till Divorce Do Us Part," *Juris Doctor*, April, 1973; "Women's Rights in Higher Education," *Current*, November, 1972; "Women and the Law: The Unfinished Revolution," *Human Rights*, Fall, 1972; "Matrimonial Law Reform: Equal Property Rights for Women," *New York State Bar Journal*, October, 1972. "Judicial Selection Panels: An Exercise in Futility," *New York Law Journal*, October 22, 1971; "Women in the Law: The Second Hundred Years," *American Bar Association Journal*, April, 1971; "The Role of Lawyers in Women's Liberation," *New York Law Journal*, December 30, 1970; "The Legal Rights of Professional Women," *Contemporary Education*, February, 1972; "Women and the Legal Profession," *Student Lawyer Journal*, November, 1970; "Women in the Professions," *Women's Role in Contemporary Society*, 1972; "The Legal Profession and Women's Rights," *Rutgers Law Review*, Fall, 1970; "What's Wrong With Women Lawyers?," *Trial Magazine*, October-November, 1968. Address to: The National Conference of Bar Presidents, Congressional Record, Vol. 115, No. 24 E 815-6, February 5, 1969; The New York Womens Bar Association, Congressional Record, Vol. 114, No. E5267-8, June 11, 1968. Director: New York University Law Alumni Association, 1974; International Institute of Women Studies, 1971; Institute on Women's Wrongs, 1973; Executive Woman, 1973. Co-organizer, National Conference of Professional and Academic Women, 1970. Founder and Special Consultant, Professional Women's Caucus, 1970. Trustee, Supreme Court Library, White Plains, New York, by appointment of Governor Carey, 1977-1986 (Chair, 1982-1986). Elected Delegate, White House Conference on Small Business, 1986. Member, Panel of Arbitrators, American Arbitration Association. *Member:* The Association of Trial Lawyers of America; The Association of the Bar of the City of New York; Westchester County, New York State (Member: Judicial Selection Committee; Legislative Committee, Family Law Section), Federal and American (ABA Chair, National Conference of Lawyers and Social Workers, 1973-1974; Member, Sections on: Family Law; Individual Rights and Responsibilities Committee on Rights of Women, 1982; Litigation) Bar Associations; New York State Trial Lawyers Association; American Judicature Society; National Association of Women Lawyers (Official Observer to the U.N., 1969-1970); Consular Law Society; Roscoe Pound-American Trial Lawyers' Foundation; American Association for the International Commission of Jurists; Association of Feminist Consultants; Westchester Association of Women Business Owners; American Womens' Economic Development Corp.; Womens' Forum. Fellow: American Academy of Matrimonial Lawyers; New York Bar Foundation.

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Enclosures:

Submissions to the United States Supreme Court:

- (1) Petition for a Writ of Certiorari
- (2) Respondent's Opposing Brief
- (3) Petitioners' Reply Brief
- (4) Petition for Rehearing
- (5) Supplemental Petition for Rehearing

Appellate submissions to the Second Circuit:

- (1) Appellants' Motion to Vacate Judgment for Lack of Jurisdiction
- (2) Appellants' Brief, Appendix, and Supplemental Appendix
- (3) Amicus Curiae Brief of NAACP Legal Defense and Educational Fund
- (4) Appellees' Brief and Appendix
- (5) Appellants' Reply Brief and Second Supplemental Appendix
- (6) Appellants' Petition for Rehearing

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