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*Elena Ruth Sassower, Coordinator*

BY FAX: 816-234-4923

January 6, 1999

Mr. Joe Stephens  
The Kansas City Star  
1729 Grand Boulevard  
Kansas City, Missouri 64108

RE: A Sequel to "*On Their Honor: Judges and Their Assets*": the federal judiciary's subversion of §372(c) AND the House Judiciary Committee's cover-up and jettisoning of its own impeachment duties *vis-a-vis* citizen complaints against federal judges

Dear Joe:

Rather than delay your receipt of the materials we discussed together by phone yesterday, I mailed them to you without a coverletter. This is that coverletter.

First, let me again congratulate you on your important series, "*On Their Honor: Judges and Their Assets*" -- which did an excellent job highlighting many of the problems that exist relative to the recusal/disclosure statute and judicial misconduct complaints. I was really impressed that you flew to Washington to be present at the House Judiciary Committee's June 11, 1998 so-called "oversight hearing" -- and was struck by your impression that but, for your presence, there would have been no discussion of the financial conflict-of-interest/disqualification issues raised by the series.

After you read CJA's statement for inclusion in the record of the House Judiciary Committee's June 11th "hearing", the sham nature of what you witnessed on that day should be even more evident to you. Indeed, its utter obscenity will be even clearer once you review the supporting evidentiary compendium [R-], containing CJA's FIVE-YEAR correspondence with the House Judiciary Committee [R-35, R-74, R-75, R-79, R-80, R-84, R-87, R-90, R-92, R-95, R-98, R-99, R-103, R-105, R-108, R-110, R-1, R-15, R-40, R-66], including our letters pertaining to the June 11th hearing and our requests to testify [See Green Folder.].

As discussed, that correspondence commenced with our filing, in June 1993, of our first document-supported impeachment complaint [R-35] and continued to our filing of a second document-supported impeachment complaint, as part of our March 23, 1998 Memorandum [R-15, at R-25], whose

significance is highlighted by our statement. Such correspondence chronicles our "voyage of discovery" of the true facts about the House Judiciary Committee and about 28 U.S.C. §372(c) -- concealed and falsified by the methodologically flawed and dishonest 1993 Report of the National Commission on Judicial Discipline and Removal.

For your convenience, I have enclosed pp. 35-39 from the National Commission's Report about the House Judiciary Committee [See Purple Folder]. Page 35 is particularly important in that it identifies that the House Judiciary Committee tabulates the number of judicial impeachment complaints it receives in its "Summary of Activities" and that these are available upon request. CJA's July 10, 1995 letter, which made that request, is part of the compendium [R-95]. However, I have also provided you with a free-standing copy of the letter -- because it contains the exhibits, including the pertinent pages of the House Judiciary Committee's "Summary of Activities" for the 101st, 102nd, and 103rd Congresses. The tables of contents for the "Summary of Activities" for the 104th Congress -- which, like the 103rd Congress, reflects NO section with statistical information on judicial impeachment complaints -- are also enclosed. Such omission was pointed out by us in our enclosed written statement to the House Judiciary Committee [at p.5, fn. 5]<sup>1</sup>.

A copy of our statement *with* supporting compendium was provided to the Supreme Court<sup>2</sup> in connection with its consideration of the *unopposed* petition for a writ of certiorari and supplemental brief in *Sassower v. Mangano, et al.* (S.Ct. #98-106) [See Manila Folder #1]-- the case from which our second impeachment complaint arises, as well as our subsequently-filed impeachment complaint against Justice Rehnquist and the associate Justices [See Manila Folder #2].

The cert petition chronicles the annihilation of the rule of law and *all* cognizable adjudicative standards by sitting federal judges, who rendered fraudulent judicial decisions to protect high-ranking New York state judges and the State Attorney General, sued for corruption<sup>3</sup>. Indeed, fraudulent decisions not

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<sup>1</sup> CJA's statement also noted the federal judiciary's statistics for 1996 and 1997 relative to judicial misconduct complaints filed with it under §372(c). I have also enclosed the pertinent pages of the Annual Reports for you.

<sup>2</sup> The Court was also provided with a copy of our July 27, 1998 criminal complaint to the Chief of the Public Integrity Section of the U.S. Justice Department -- which I have enclosed for you. [See Orange Folder] (NOTE: Exhibit "J-1" thereto contains a copy of our first §372(c) complaint -- the same one as is referred to in our published article, "*Without Merit: The Empty Promise of Judicial Discipline*" (at p. 96).) Parenthetically, we have received NO response, whatever to the July 27, 1998 complaint. See, also, final paragraph thereof.

<sup>3</sup> The basis for the federal suit against the state judges and state attorney general may be gleaned from CJA's \$20,000 public interest ad, "*Where Do You Go When Judges Break the Law?*" -- which ran in the New York Times (Op-Ed page, 10/26/94) and The New York Law Journal (p. 9, 11/1/94). I enclosed a copy for you, together with a copy of our subsequent \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public*

only corrupted anything resembling a judicial/appellate process, but, likewise, the §372(c) disciplinary process. Since you told me that you had NEVER seen a §372(c) judicial misconduct complaint, the complete record of our two §372(c) complaints against the lower federal judges in *Sassower v. Mangano* -- consisting of the complaints [A-242; A-251], the Chief Judge's dismissal order [A-28], our petition for review to the Circuit Judicial Council [A-272], and the Circuit Judicial Council's order [A-31], reprinted in the appendix to the cert petition, should be an "eye-opener", to say the least

The supplemental brief *expressly* identifies that the *Sassower v. Mangano* case explodes the "all's well" conclusions of the 1993 Report of the National Commission on Judicial Discipline and Removal -- *empirically* demonstrating the breakdown of the checks on federal judicial misconduct identified by the Report as existing in the three government Branches. The result of the breakdown of checks in the Judicial, Legislative, and Executive Branches is 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, p. 2.

It was this constitutionally-violative, evidence-based reality that was before the Justices when they denied the *Sassower v. Mangano* cert petition, without disciplinary or criminal referrals of the subject lower federal judges. This is highlighted by our petition for rehearing in the case, which was filed with the House Judiciary Committee as part of our impeachment complaint against the Justices [See Manila Folder #1]. The petition for rehearing particularizes, in narrative form -- and by specific reference to the *simultaneously-occurring* impeachment proceedings against the President -- the basis for the Justices' impeachment "under the most stringent definition of impeachable offenses".

Finally, I have enclosed a column by Joe Conason in the current issue of The New York Observer about the Chief Justice's insensitivity to conflict-of-interest and disqualification issues. The 1972 case referred to in Mr. Conason's column, in which Justice Rehnquist failed to recuse himself, is described at page 7 of the rehearing petition as part of the legislative history of the federal recusal statute. The rehearing petition details how that statute (the same as was featured by your series) was subverted by Chief Justice Rehnquist and the other Justices -- by their *wilful failure* to adjudicate a formal application based, *inter alia*, on their long-standing, personal and professional relationships with the lower federal judges, whose corrupt conduct was the subject of the *Sassower v. Mangano* case.

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*Payroll*' (NYLJ, 8/27/97) -- whose closing paragraphs describe the corruption of the federal judicial process by the federal district judge.

Mr. Joe Stephens

Page Four

January 6, 1998

The enclosed primary-source and analytic materials provide a solid basis for you to develop a dynamite sequel to your last year's series. We look forward to working with you on such vital undertaking.

Yours for a quality judiciary,



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

Enclosures

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