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Elena Ruth Sassower, Coordinator

## BY FEDERAL EXPRESS

October 8, 1998

Mr. Knut Royce  
Newsday -- Washington Bureau  
1730 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

RE: Henry Hyde and the House Judiciary Committee's *Other* Impeachment Duties

Dear Knut:

As discussed at length, enclosed is CJA's statement for inclusion in the record of the House Judiciary Committee's June 11, 1998 "oversight hearing of the administration and operation of the federal judiciary" -- *with* supporting evidentiary compendium [R-]. Such supporting compendium contains 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], which commenced with our filing, in June 1993, of our first document-supported impeachment complaint [R-35] and has continued beyond our filing of a second document-supported impeachment complaint in March of this year [R-15].

Such substantiated statement -- as well as our enclosed July 27, 1998 letter to the Chief of the Public Integrity Section of the U.S. Justice Department, *with* annexed exhibits -- were lodged with the Clerk of the U.S. Supreme Court in connection with the Court's consideration of the *unopposed* petition for a writ of certiorari and supplemental brief in *Sassower v. Mangano, et al.* (S.Ct. #98-106) -- the case from which our second impeachment complaint arises. 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. 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 and that it empirically demonstrates the breakdown of the checks on federal judicial misconduct identified by the Report as existing in the three government Branches.

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The result of this 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.

ALL of the foregoing materials are in the possession of the House Judiciary Committee in support of our March 1998 impeachment complaint. This is reflected by CJA’s September 4, 1998 letter to the House Judiciary Committee, which is enclosed together with our June 19, 1998 letter to the Committee. That earlier letter cites to the final sentence of our June 1998 statement to the House Judiciary Committee (“Meantime, this Subcommittee has impeachment investigations to attend to...”) and specifically asks “please advise what steps will be taken by the Subcommittee to proceed with impeachment investigations of the federal judges involved...”. Characteristically, we have heard nothing from the House Judiciary Committee.

The Supreme Court’s response -- just received and enclosed -- is its October 5, 1998 order denying the petition and making no other disposition. The Court’s contemptuous failure to meet its ethical duty to make criminal and disciplinary referrals against the subject federal judges -- including referral to the House Judiciary Committee, as expressly requested by the cert petition (at 25-26) and reiterated in the supplemental brief (at 2-3, 5) -- must be seen in the context of this HISTORIC period when the hotly debated standards for impeachment are UNIFORMLY recognized to apply to situations involving official misconduct where a public officer has subverted his office -- precisely what was shown to have been done by the federal judges in *Sassower v. Mangano*. By contrast to the impeachment case against President Clinton, largely resting on allegations of perjury and obstruction of justice in proceedings *unconnected* to his presidential office, the *uncontroverted* record before the Court showed that the *Sassower v. Mangano* judges subverted their judicial office and the judicial process by wholly fraudulent decisions.

As discussed, the Supreme Court has also jettisoned its ethical and statutory obligations relating to judicial disqualification. The Court’s Deputy Chief Clerk has advised that the Justices have NOT acted on our September 23, 1998 recusal/disclosure application -- a copy of which is enclosed -- and that, notwithstanding our September 29, 1998 letter expressly requesting that the application be docketed, it has not been. In such fashion, the Justices have concealed that their denial of the cert petition and failure to make impeachment referral against the subject federal judges is tainted by their failure to first address the threshold issue of their impartiality. Such misconduct, including concealment of the unadjudicated disqualification issue, replicates the misconduct of the Circuit Court, particularized in the

cert petition and for which review was expressly sought (2nd Question Presented, Point II, at 26-30).

Finally, as to the reporting requirements of the three government Branches relative to judicial misconduct complaints, enclosed are the following:

(1) As to the Legislative Branch: pp. 34-39 of the National Commission's Report relative to the House Judiciary Committee's duties vis-a-vis impeachment complaints against federal judges -- including that the number of complaints are recorded, each Congress, in the Committee's "Summary of Activities" and that the complaints themselves "may be made available upon request" (at p. 35) [See CJA's enclosed statement to the House Judiciary Committee, pp. 5-6, fn. 5]<sup>1</sup>.

(2) As to the Judicial Branch: Administrative Office of the U.S. Court's 1996/1997 Annual Reports: Re §372(c) complaints.

(3) As to the Executive Branch: See last paragraph of our enclosed July 27, 1998 letter to the Chief of Public Integrity Section of the Justice Department -- AND Exhibits "L-1" and "L-2" thereto.

Looking forward to working together on this important contextual backdrop to the current all-consuming public debate on Congress' impeachment obligations to proceed against President Clinton, for his obstruction of justice, and his violations of the rule of law and the integrity of the judicial process, etc. -- all of which is less serious, BY FAR, than what the enclosed materials chronicle as to *readily-verifiable* fraud by federal judges in performance of their official duties.

Yours for a quality judiciary,



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

Enclosures

P.S. Also enclosed are "hard copies" of the materials faxed yesterday: our correspondence with Salon Magazine, the "Bio" of Jerome Marcus, appearing in the National Commission's Report and his consultant's study, "The 1790 Statute and Control of a Judge's Tenure in Office."

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<sup>1</sup> Enclosed is an illustrative exchange of correspondence between Ann Ryder, her Congressman, and Chairman Henry Hyde regarding an impeachment complaint against a federal judge: letters dated 4/16/97; 5/26/97; 6/16/97; and 11/10/97.