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December 2, 2003

Jill Pearson, Executive Director
Commission on Judicial Conduct
14 Beacon Street Suite 102
Boston, Massachusetts 02108

Dear Director Pearson:

We have been advised to follow-up our November 25 letter regarding Superior Court Justice Richard J. Chin, and the accompanying complaint of judicial misconduct. Our goal remains to get to the bottom of fraud apparent in Judge Chin's February 25, 2002 dismissal of our suit "Beck v. DOE." As you may recall, we charged that numerous falsifications of the record are self-evident in comparing material exhibits before the Court with passages from Judge Chin's decision and order.

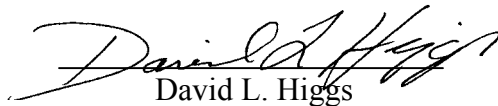
We are confident that our complaint, revised November 25, complies with your Commission's format, and that our charges of *ethical* misconduct by Judge Chin are now properly before your body. Nonetheless, we are counseled to acknowledge an alternate, *legal* basis for our allegations.¹ Since receiving your November 10 letter rejecting our grievance of October 14, we have filed a preliminary criminal complaint with the Federal Bureau of Investigation, Boston Field Office.

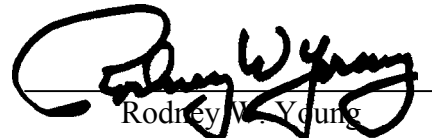
Title 18, Part I, Chapter 47 [**"Fraud and False Statements"**], Section 1001 of the federal code describes as a crime the "... **mak[ing] or us[ing of] any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement**" While this statute "... **does not apply to a party to a judicial proceeding**" happily it does not except the presiding judge or his staff. The Bureau's public-corruption unit is considering the law's applicability to our allegations, particularly – as illustrated in our current complaint – the falsification of an official FBI report.

The Office of the US Attorney advised that before the federal government would initiate investigation, we should have exhausted all remedies provided by the state – then, if still not satisfied, have demonstrated why the state's response was wanting. By our revised complaint of November 25, and by this communication, we have endeavored to meet all CJC reporting requirements.

Accordingly, we request respectfully that the CJC acknowledge our current complaint as having been properly submitted. If the Commission still deems our charges and evidence of misconduct to be without merit, then the matter might proceed to a criminal investigation by the Bureau.

Sincerely yours,


David L. Higgs


Rodney W. Young

copy: Public Corruption Unit, Federal Bureau of Investigation.

¹ A year prior to submitting our October 2003 complaint to your office, we had several conversations with William Porter, head of the Administrative Law Division of the Office of the Attorney General. Because the A.G. is representing several defendants in our civil action "Beck v. DOE," Porter, on behalf of the A.G., declined to act on our charges and evidence, but did suggest we might file a non-criminal complaint with the Commission on Judicial Conduct.