



TERRI A. SEWELL
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
ALABAMA, DISTRICT 7

November 12, 2014

The Honorable Bob Goodlatte
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member
House Committee on the Judiciary
2142 Rayburn House Office Building
Washington, DC 20515

Chairman Goodlatte and Ranking Member Conyers:

I am writing to urge the House Judiciary Committee to commence an investigation into whether the Congress should impeach U.S District Court Judge Mark Everett Fuller. Judge Fuller's recent arrest and subsequent plea to domestic violence is an indefensible violation of public trust which compromises the integrity of the Federal Court. Given that we are in the final two months of the 113th Congress, it is not realistic to expect impeachment proceedings can be instituted prior to the seating of the next Congress in January. However, it is my hope that the House Judiciary Committee will begin its own investigation into Judge Fuller's conduct.

Judge Fuller was appointed to the United States District Court for the Middle District of Alabama by President George W. Bush in August 2002 pursuant to Article III of the Constitution to hold that office "during good behavior." On August 9, 2014, Judge Fuller was arrested in Atlanta, Georgia on charges of misdemeanor battery, after attacking his wife in their Atlanta hotel room. In September, Judge Fuller accepted a plea bargain that would expunge his record if he undergoes a drug and alcohol evaluation, completes a counseling program, and attends a domestic violence program for 24 weeks. In accepting the plea, Judge Fuller admitted to the battery and is currently attending a domestic violence program.

In response to the arrest of Judge Fuller, the Eleventh Circuit Court of Appeals reassigned all of Judge Fuller's cases to other judges in the Middle District and will not assign any more cases to him until further order from the Court. Under the Rules for Judicial Conduct Proceedings, the Eleventh Circuit immediately formed a US Judicial Council to investigate disciplinary actions against Judge Fuller. The Judicial Council is led by Eleventh Circuit Judge

Gerald Tjoflat and comprised of two U.S. District judges and two U.S. Circuit judges. The Judicial Council has not announced a timetable by which their investigation would end.

In September, I called on Judge Fuller to resign his appointment as a Federal Judge because I fervently believe that Judge Fuller's violent actions, arrest and subsequent behavior have violated the public trust. The integrity of the Federal Court has already been severely compromised and irreparably broken by such indefensible acts of domestic violence. Federal Judges hold a position of high authority and I no longer have confidence in Judge Fuller's ability to sit in judgment of others. Alabama Senators Shelby and Sessions have also called for Judge Fuller's resignation and we have been joined by nearly all of the other members of the Alabama congressional delegation.

While I believe the Eleventh Circuit Judicial Council investigation and findings are important parts of the process, the Judicial Council only has the power to make recommendations. Only Congress can impeach a sitting Federal Judge. We must be prepared to do our job if Judge Fuller does not resign.

Judge Fuller's conduct is prejudicial to the effective administration of justice and an inexcusable violation of the public trust. **I urge the House Judiciary Committee to begin an investigation into the impeachment of Judge Mark Fuller. While I am fully prepared to file an impeachment resolution in the 114th Congress, during these waning days of the 113th Congress, the Judiciary Committee should waste no time in conducting its own investigation as a necessary first step.**

Thank you for your consideration. I look forward to working with the Committee on this important issue.

Sincerely,



TERRI A. SEWELL
Member of Congress