

SENATE RESOLUTION No. 36

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senator CARDINALE

1    **A SENATE RESOLUTION** memorializing the United States Congress to institute  
2       impeachment proceedings against two federal judges.  
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4    **WHEREAS**, N.J.S.A.2C:7-1 to N.J.S.A.2C:7-11, known as "Megan's Law,"  
5       requires community notification of certain sex offenders; and  
6    **WHEREAS**, These statutes were duly enacted by the Legislature and Governor  
7       in order to protect the public from dangerous and repetitive criminals; and  
8    **WHEREAS**, The enactment of "Megan's Law" was prompted by the heinous  
9       rape and murder of seven-year old Hamilton Township resident Megan  
10      Kanka allegedly by a neighbor, Jesse Timmendequas, who had a history  
11      of repeated sex offenses; and  
12   **WHEREAS**, Timmendequas' criminal history was not known to the other  
13      residents of his neighborhood who would undoubtedly have taken  
14      precautions and warned their children if they had only been informed of his  
15      record; and  
16   **WHEREAS**, The enactment of "Megan's Law" is intended to prevent such  
17      heinous crimes from happening again, by way of warning community  
18      residents of the presence of dangerous sex offenders in their midst; and  
19   **WHEREAS**, On March 15, 1996, in the case of W.P., et al., v. Poritz et al.,  
20      Civ. No. 96-97, a class action suit filed by a group of convicted sex  
21      offenders, Judge John W. Bissell of the United States District Court for the  
22      District of New Jersey granted an injunction that restrained the community  
23      notification provisions of Megan's Law; and  
24   **WHEREAS**, Judge Bissell's opinion in the case held that a failure to grant the  
25      injunction would encroach upon the individual constitutional rights of those  
26      persons in the suit, who had all been convicted of sex crimes; and  
27   **WHEREAS**, On February 1, 1996, in the case of E.B. v. Poritz et al., Civ. No.  
28      96-160, Judge Nicholas Politan of the United States District Court for the  
29      District of New Jersey enjoined the State of New Jersey from notifying the  
30      community of the presence of "E.B.," a paroled resident of Englewood who  
31      had previously been convicted of three sexual assaults on young boys and  
32      two murders; and  
33   **WHEREAS**, Judge Politan's opinion in the case held that E.B.'s "individual  
34      rights guaranteed by the United States Constitution" must not "give way"  
35      to the public interest of protecting the safety of the citizenry; and

1 **WHEREAS**, These decisions demonstrate that Judge Bissell and Judge Politan  
2 have woefully failed to carry out the proper role of the judiciary which is to  
3 protect the public and not to protect criminal defendants; and

4 **WHEREAS**, Because this failure constitutes a betrayal of the public trust and  
5 a betrayal of the public welfare, and may well constitute grounds for  
6 impeachment of these members of the judiciary pursuant to federal law;  
7 now, therefore,

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9 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

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11 1. The United States House of Representatives is respectfully  
12 memorialized to commence impeachment proceedings against Judge John W.  
13 Bissell and Judge Nicholas Politan of the United States District Court for the  
14 District of New Jersey on grounds that they have betrayed the public trust and  
15 endangered the public welfare by failing to uphold the community notification  
16 provisions of "Megan's Law," N.J.S.A.2C:7-1 through N.J.S.A.2C:7-11.

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18 2. A copy of this resolution, signed by the President of the Senate and  
19 attested by the Secretary of the Senate shall be transmitted to every member  
20 of the United States House of Representatives.

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23 **STATEMENT**  
24

25 This resolution memorializes the United States House of Representatives  
26 to commence impeachment proceedings against two federal judges on grounds  
27 that their failure to enforce the community notification provisions of "Megan's  
28 Law" constitutes a betrayal of the public trust.

29 In two recent decisions, Judge John W. Bissell and Judge Nicholas Politan  
30 of the United States District Court for the District of New Jersey restrained  
31 enforcement of the law on grounds that it potentially violates sex offenders'  
32 constitutional rights. This egregious failure to understand that the proper role  
33 of the judiciary is to protect the public and not to protect convicted criminals  
34 may constitute an impeachable offense under federal law; the resolution  
35 requests Congress to commence impeachment proceedings on these grounds.

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2  
3 Memorializes Congress to institute impeachment proceedings against two  
4 federal judges who have failed to enforce the community notification provisions  
5 of "Megan's Law."