

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]  
**Sent:** Wednesday, December 12, 2007 9:09 AM  
**To:** 'bwittes@brookings.edu'  
**Subject:** Thank you for your invitation... Bringing Accountability to the U.S. Supreme Court -- Starting with Reporters & Scholars

Dear Mr. Wittes,

Thank you for your response, which I greatly appreciate. I am happy to clarify and to begin a constructive dialog on this vital subject.

As stated by my covermemo, you were a panelist at Syracuse Institute's September 18<sup>th</sup> symposium "*Supreme Makeover: Inventing a New Model of Judicial Openness on the High Court?*", along with Dahlia Lithwick and Tony Mauro.

What kind of meaningful new "openness" can there be when the Supreme Court press corps and other journalists do NOT investigate and report on lawlessness, etc. by the Court's Clerk's Office, covered up by the Court's Legal Office, sabotaging a cert petition in a politically-explosive "disruption of Congress" case? That is what was presented by CJA's November 19<sup>th</sup> press release "*How Does the U.S. Supreme Court Handle Misconduct Complaints against its Staff?*"

If – what you are saying – is that the Supreme Court's press corps is bombarded with press releases and that a press release is only one component of a process of contact, fair enough, but then how do you explain what Dahlia Lithwick and Tony Mauro did – as recounted by my letter to Professor Obbie, transmitted by my memo to you?

And the results? As recounted at pages 9-10 of my letter, each made representations at the symposium about disqualification by the Justices (& lower federal judges) and 28 USC 455, which were superficial and materially false and misleading. As stated,

"their comments bemoaning the arbitrary, unreviewable nature of judicial disqualification at the Supreme Court are utterly hypocritical as they both had it in their power to force change by reporting on the 1998 impeachment complaint and 2004 supplement. Such would have – and still will – create a public outcry, compelling congressional examination of the issue and remedial legislation."

Please read the letter – which encloses the November 19<sup>th</sup> press release – and then let's continue our conversation.

Shall I call you – or e-mail you – next week? What would be convenient?

With sincere thanks.

Elena

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**From:** benjamin.wittes@gmail.com [mailto:benjamin.wittes@gmail.com] **On Behalf Of** Benjamin Wittes  
**Sent:** Wednesday, December 12, 2007 8:10 AM  
**To:** Center for Judicial Accountability, Inc. (CJA)  
**Subject:** Re: Bringing Accountability to the U.S. Supreme Court -- Starting with Reporters & Scholars

Dear Ms. Sassower:

I am bewildered by your note. To what exactly are you looking for a response from me? If I received a press release from you on November 20, it would not be my normal practice to write a response; I receive

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enormous numbers of press releases and I respond to them only on extraordinary occasions. If you have a specific question you would like me to address, though, ask away...

Best wishes,  
/b

On Dec 12, 2007 7:58 AM, Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)> wrote:

Following up my November 20<sup>h</sup> e-mail to you, attaching CJA's press release " *How Does the U.S. Supreme Court Handle Misconduct Complaints against its Staff?*", attached is my December 11<sup>th</sup> memo to you, entitled:

"CONTRIBUTING TO SCHOLARSHIP & TEACHING : Examining the Truth of David Margolick's Criticism of U.S. Supreme Court Reporters and Scholars in His September 23, 2007 New York Times Book Review of *The Nine: Inside the Secret World of the Supreme Court* ".

I look forward to your response.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

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