

CENTER for
JUDICIAL
ACCOUNTABILITY



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February 4, 1994

Cynthia Gray, Director
Center for Judicial Conduct Organizations
American Judicature Society
25 East Washington
Chicago, Illinois 60602

Dear Cindy:

This is to confirm the substance of our memorable telephone conversation on Thursday, January 27, 1994 wherein--without the benefit of having familiarized yourself with the materials I provided Jeff Shaman last summer--you not only rejected my proposal to collaborate on a critique of the Report of the National Commission on Judicial Discipline and Removal, but expressed so complete a disinterest in my summarization of the deficiencies and flaws in the National Commission's Report that you told me that you did not care to receive copies from us of future correspondence on the subject.

Indeed, you said that you really had not had time to review the materials, which Jeff told me he would give you to review when I telephoned him on December 23, 1993. Those materials consisted of our correspondence with the National Commission and the House Judiciary Committee, as well as our Supreme Court papers in Sassower v. Field--as to which you were particularly resentful. Although I explained to you that the Supreme Court papers were provided to assist you in gauging the enormity of the judicial misconduct in that case, forming the basis for our correspondence with the National Commission and House Judiciary Committee, the gist of your comments to me was that I had some nerve to think that you would spend time reading what you disparaged as an "individual complaint".

Even after devoting considerable minutes explaining the significance of Sassower v. Field as the "convincing demonstration" of the inadequacy of the existing disciplinary mechanism within the judicial branch--which the National Commission stated at page 6 of its Final Report was what it would require before it would recommend substantial reform--you expressed no greater willingness to review the matter. And you unequivocally rejected my request that American Judicature might assist us in securing responses from the House Judiciary Committee to the critical questions posed by our August 26, 1993 letter to it--albeit

I detailed to you the significance of those questions in establishing yet another critical inaccuracy of the National Commission's Report--this one as to the inadequacy of disciplinary mechanisms within the legislative branch.

Although I stated that I understood from my conversations with Jeff last summer that Frances Zemans had given testimony before the National Commission that was diametrically opposite to the conclusions it ultimately reached, you disputed that American Judicature had anything but minor disagreement with the National Commission's Report. You did agree to try to get me a copy of Ms. Zemans' testimony (which I had requested from Jeff back in September), although you told me that if it were lengthy, I would be charged 25 cents a page.

You refused to explain why you, as Director of American Judicature's Center for Judicial Discipline Organizations, had no interest in critically examining the work of the National Commission, whose methodology I described to you as flawed--most particularly because of the Commission's undisguised prejudice against "complainants", who it never even bothered to interview. It would appear, however, that your reaction to me and to the idea of reviewing our documented complaint of impeachable conduct by federal judges in the Sassower v. Field case is a reflection of similiar prejudice on your part. I would again, as I did in our conversation, direct your attention to the insightful work of Professor Anthony D'Amato, including his essay "The Ultimate Injustice: When a Court Misstates the Facts" (Cardozo Law Review, Vol. 11: 1313-47). In that connection, I further discussed with you that Sassower v. Field is not an isolated case--but, rather, illustrative of the insidious judicial misconduct about which Professor D'Amato has written so eloquently--but which the National Commission's Report wholly ignores.

Finally, you refused to tell to me what projects the Center for Judicial Discipline Organizations undertakes--if not those of the sort I was proposing--except to say that if I were a member of American Judicature Society and received its publications I would know.

I, therefore, enclose a membership application and dues so that we can be better enlightened as to why an organization, such as yours, that advertises itself in its brochure as "develop[ing] and sponsor[ing] many programs designed to enhance citizen participation in the judicial system..." has treated us with such discourtesy.

Ms. Cynthia Gray

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As you know, I made numerous entreaties to you about the importance of working together toward our common goal of improving the judiciary. Please let me know if, upon reflection, you reconsider your hostile position. It is with that hope that I have continued to include you as a recipient of our important correspondence.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosure: membership application and check
1/31/94 ltr to House Judiciary Committee
1/4/94 ltr from House Judiciary Committee

cc: American Judicature Society:
Frances Zemans, Executive Vice President and Director
Jeffrey Shaman, Senior Fellow/ Project Director

AMERICAN JUDICATURE SOCIETY

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MEMBERSHIP APPLICATION

94AJSJG

I accept your offer of membership in the American Judicature Society, the only national citizens organization committed to an independent and effective judicial system.

Please enroll me for a one-year membership at this level:

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| <input checked="" type="checkbox"/> Regular | \$ 55.00 | <input type="checkbox"/> Judge or Professor | 40.00 |
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Your membership includes a \$24.00 subscription to Judicature.
The balance of membership is fully deductible as a charitable contribution.

*Coordinator
Center for Judicial Accountability

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Please make your check payable to the American Judicature Society and enclose it with this form.