

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 202-228-0282 (3 pages)

BY HAND - NY OFFICE

April 23, 2003

Senator Hillary Rodham Clinton
780 Third Avenue, Suite 2601
New York, New York 10017

RE: Citizen Opposition to Senate Confirmation of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals and P. Kevin Castel to the District Court of the Southern District of New York

Dear Senator Clinton:

This follows up my March 19 and 26, 2003 telephone conversations with your legislative correspondent, Josh Albert, requesting that you to protect the rights and welfare of your New York constituents by using your "blue slip" prerogative to prevent Senate confirmation of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals and of P. Kevin Castel to the District Court of the Southern District of New York.

To enable you to recognize the appropriateness of such action – as well as the appropriateness of my further request to Mr. Albert for a meeting with you to discuss this and related issues -- I am today hand-delivering to your New York office a copy of CJA's March 26, 2003 written statement to the American Bar Association and the Association of the Bar of the City of New York, summarizing the documentary evidence we provided them in connection with their ratings of these nominees – evidence requiring that both nominees be found "NOT QUALIFIED" based on their lack of integrity, arising from their wilful violation of mandatory rules of professional responsibility designed to safeguard the integrity of the judicial process and the rule of law. The portions of this documentary evidence most focally discussed by CJA's March

April 23, 2003

23, 2003 written statement are itemized below, as I will be hand-delivering copies to your New York office to enable you to verify its dispositive nature. Also to be delivered is a copy of CJA's April 2, 2003 letter to Judge Wesley and Mr. Castel, transmitting to them a copy of CJA's March 26, 2003 written statement and inviting their response. None has been forthcoming.


Inasmuch as I was informed yesterday by the Senate Judiciary Committee's nominations clerk, Swen Prior, that on or about April 16, 2003 the Committee received an ABA rating for Mr. Castel, unanimously conferring upon him its highest "well qualified" rating -- unaccompanied by the slightest elaborative comment -- it is appropriate that I bring to your attention CJA's July 14, 2001 letter to you, enclosing a copy of our July 3, 2001 letter to Senator Schumer, then chairman of the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts. Such July 3, 2001 letter recited CJA's experience with the ABA and City Bar, documenting their grotesquely inadequate, where not outrightly fraudulent, judicial ratings -- and our unsuccessful attempts to get the Senate Judiciary Committee to address the documentary proof we repeatedly provided it of the bar associations' misconduct in rendering and adhering to insupportable and deceitful ratings, endangering the public.

Because of the relevance of this correspondence, not only as relates to federal judicial selection, but federal judicial discipline -- and because we received no response from you to it -- copies will also be transmitted to your New York office. This includes a copy of CJA's unresponded-to July 26, 2001 letter to New York's congressional delegations, which I hand-delivered to your Washington office on that date.

As "Law Day", May 1, 2003, is just a week away, it would be especially meaningful if your office would contact us on or before that date to schedule a meeting with you in the not-too-distant future. Certainly, a week should be sufficient time for your office to finally advise us as to whether you have a judicial screening committee, its membership, and its rules of procedure -- information Mr. Albert was unable to provide in either our March 19th or March 26th telephone conversations.

Thank you.

Yours for a quality judiciary,


ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

cc: President George W. Bush
Senator Orrin G. Hatch, Chairman, U.S. Senate Judiciary Committee
Senator Patrick Leahy, Ranking Member, U.S. Senate Judiciary Committee
Senator Charles Schumer

Enclosures:

- (1) CJA's March 26, 2003 written statement to the ABA and City Bar and CJA's April 2, 2003 transmittal letter to Judge Wesley and Mr. Castel
 - A. October 15, 2002 motion for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief and October 24, 2002 motion for leave to appeal in *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against Commission on Judicial Conduct of the State of New York* -- with the Court of Appeals' two December 17, 2002 decisions thereon
 - B. CJA's September 18, 2000 letter to Mr. Castel, enclosing CJA's June 20, 2000 letter to City Bar President Evan Davis (w/o two free-standing compendia of exhibits)
- (2) CJA's July 14, 2001 letter to you and transmitted correspondence:
 - A. CJA's July 3, 2001 letter to Senator Schumer
 - B. CJA's July 11, 2001 letter to Senate Majority/Minority leaders
 - C. CJA's July 11, 2001 letter to Senate Judiciary Committee members
 - D. CJA's July 14, 2001 letter to President George Bush
 - E. CJA's July 9, 2001 letters to House Judiciary Committee counsel
- (3) CJA's July 26, 2001 letter to New York's congressional delegation

*Senator Hillary
Rodham Clinton*

TRANSMISSION VERIFICATION REPORT

TIME : 04/23/2003 12:14

NAME : CJA

FAX : 9144284994

TEL : 9144211200

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