

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewatch.org]
Sent: Friday, June 29, 2007 4:46 PM
To: 'info@justiceatstake.org'
Cc: 'abapresident@abanet.org'; 'VagenasK@staff.abanet.org'; 'sanderson@ajs.org'; 'cgray@ajs.org'; 'kmaeder@ajs.org'; 'michael.waldman@nyu.edu'; 'burt.neuborne@nyu.edu'; 'deborah.goldberg@nyu.edu'; 'james.sample@nyu.edu'; 'vsloan@constitutionproject.org'; 'legalinstitute@du.edu'; 'lww@lww.org'; 'zarguedas@lww.org'; 'bcavendish@appleseeds.net'; 'redgar@commoncause.org'; 'redgar@nccusa.org'; 'edavis@commoncause.org'; 'justice@moderncourts.org'; 'advocacy@moderncourts.org'; 'Dahlia.Lithwick@slate.com'; 'lylden@aol.com'; 'jturley@law.gwu.edu'; 'Andrew Horwitz'
Subject: "Working to Keep Our Courts Fair and Impartial" -- as Empirically Tested by the "Disruption of Congress" Case
Attachments: 6-29-07-justice-at-stake.pdf; 6-19-07-justice-at-stake.pdf; 6-20-07-from-justice-at-stake.pdf

TO: Bert Brandenburg, Executive Director
 JUSTICE AT STAKE CAMPAIGN

Attached is my already faxed letter to you of today's date. Although our immediate past exchange of correspondence is posted on CJA's website, www.judgewatch.org, accessible via the sidebar panel "Searching for Champions (Correspondence)-Organizations", it is additionally attached herewith for the benefit of the indicated recipients.

As for the latest draft of the cert petition in the "disruption of Congress" case, it is accessible via the top panel "Latest News" and the sidebar panel "'Disruption of Congress'-The Appeal".

I await your response and that of the Justice at Stake Board of Directors.

Thank you.

Elena Sassower, Director
 Center for Judicial Accountability, Inc. (CJA)
 914-421-1200

cc: **JUSTICE AT STAKE CAMPAIGN PARTNERS:**
 American Bar Association & its Standing Committee on Judicial Independence
 American Judicature Society
 Brennan Center for Justice
 The Constitution Project
 Institute for the Advancement of the American Legal System
 League of Women Voters Judicial Independence Project
 Appleseed Foundation
 Common Cause
 The Fund for Modern Courts
 Dahlia Lithwick/Slate
 Lyle Denniston/Scotusblog
 Professor Jonathan Turley
 Professor Andrew Horwitz

6/29/2007

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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BY FAX & E-MAIL (3 pages)

June 29, 2007

Bert Brandenburg, Executive Director
Justice at Stake Campaign
717 D Street, N.W., Suite 203
Washington, D.C. 20004

RE: “Working to Keep Our Courts Fair and Impartial” – as Empirically Tested by the
“Disruption of Congress” Case: Elena Ruth Sassower v. United States of America

Dear Mr. Brandenburg:

This follows up the voice mail message I left for you at approximately 11 a.m. on June 27th, requesting to speak with you about your June 20th letter, sent to me by regular mail. I have received no return call.

Your letter, which states that you have “reviewed the materials [I] sent you”, gives no explanation for why the Justice at Stake Campaign “take[s] no position on the merits of the litigation”. Is this because the draft cert petition in the “disruption of Congress” case chronicles not “fair and impartial courts”, but lawlessness and corruption at the D.C. Superior Court and Court of Appeals and the worthlessness of “mechanisms” that Justice at Stake purports “hold judges accountable”?

Were you to even comment on the case – beginning with the judicial independence issues presented by my draft cert petition – it would be obvious that Justice at Stake should be providing guidance and assistance, if not an *amicus curiae* brief. You give no explanation for why Justice at Stake will not file an *amicus* brief, other than that it has not filed such briefs in the past, and no explanation for why it is not “in a position to provide guidance or assistance, including forwarding” my June 19, 2007 memo addressed to “Justice at Stake Campaign & Its Campaign Partners” to the Campaign Partners.

* The **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens’ organization, documenting, by independently-verifiable empirical evidence, the dysfunction, politicization, and corruption of the processes of judicial selection and discipline on federal, state, and local levels.

I would appreciate the benefit of your explanations. I would also appreciate your response to the further requests in my June 19th memo which you have ignored. Among these, that Justice at Stake identify:

“what ‘mechanisms’ are available to hold judges ‘accountable’ in this case, apart from Supreme Court review”.

As you have not disagreed with my characterization that the “disruption of Congress” case is a “PERFECT casestudy of the worthlessness of ‘mechanisms’ for ensuring judicial independence”, isn’t Justice at Stake professionally and ethically obligated to ensure that such case is made the subject of scholarship? And isn’t this even more compelled as you have not denied my assertion that there has been no “empirical research and scholarship on judicial independence drawn from case files -- and advocacy based thereon”? Indeed, what is the empirical basis, drawn from case files, for Justice at Stake’s website assertion:

“there are mechanisms to hold judges accountable. Rulings can be appealed up to the Supreme Court. Laws can be changed. Wrongdoing and ethical violations can be punished. In most states, judges must stand for re-election”,

for which Justice at Stake offers not the slightest qualitative or quantitative assessment of adequacy. As I told you on June 19th, when you returned my prior telephone messages and I briefly outlined the substance of my then nearly completed memo to you, our non-partisan, non-profit citizens’ organization can provide you with a multitude of cases, in addition to the “disruption of Congress” case, establishing these “mechanisms” to be utterly ineffectual, where not outrightly corrupted.

While I look forward to your response, I believe our exchange of correspondence is sufficiently serious and substantial that it should be referred to all eleven members of the Justice at Stake Board of Directors for their review and additional response – and I hereby so request.

Meantime, I will most immediately forward this exchange to the below nine Justice at Stake Campaign Partners.¹ This includes the five Campaign Partners specified by your “Why Judicial Independence Matters” webpage as having websites with “more on how judicial independence is critical to upholding a system of fair and impartial courts”: the American Bar Association & its Standing Committee on Judicial Independence, American Judicature Society, Brennan Center for Justice, The Constitution Project, and the Institute for the Advancement of the American Legal System.* From these five, if not from all nine, I request the courtesy of their responses as to what *amicus curiae* and other legal and media assistance they can provide for the cert petition in the “disruption of Congress” case – and, if none, the reasons therefore and what steps they will take to

¹ The exchange is also posted on CJA’s website, www.judgewatch.org, accessible *via* the sidebar panel “Searching for Champions (Correspondence)-Organizations”- “Justice at Stake”, with the latest draft of the cert petition accessible *via* the top panel “Latest News” and ““Disruption of Congress’-The Appeal”.

bring the case into scholarship so that advocacy about judicial independence can, at long last, bear some resemblance to the on-the-ground reality.²

Thank you.

Yours for a quality judiciary,



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

cc: Justice at Stake Campaign Partners:

- * American Bar Association
& its Standing Committee on Judicial Independence
- *+American Judicature Society
- *+Brennan Center for Justice
- *+The Constitution Project
- * Institute for the Advancement of the American Legal System
League of Women Voters Judicial Independence Project
- +Appleseed Foundation
- +Common Cause
- +The Fund for Modern Courts

Dahlia Lithwick/Slate
Lyle Denniston/Scotusblog
Professor Jonathan Turley
Professor Andrew Horwitz

² Of the nine Campaign Partners, I previously sent six of them my June 19, 2007 memo to you, followed by my June 22, 2007 memo to Ralph Nader, etc. These six are American Judicature Society, Brennan Center for Justice, The Constitution Project, Common Cause, Appleseed Foundation, and The Fund for Modern Courts.+ I received but one response: a June 22nd e-mail from the Brennan Center, whose single sentence read: “The Brennan Center will not be participating in this matter.” This, from James Sample, counsel in its Fair Courts Project, with whom I directly spoke about the significance of the case on June 18th.

I also left telephone messages on June 12th and June 18th for Seth Anderson, Executive Vice President of American Judicature Society (515-271-2281), from whom I have received no return call, nor other communication.

Not among these six – but among the nine – is the American Institute for the Advancement of the American Legal System. I called it on June 12th (303-871-6600), leaving a message for its Executive Director, Rebecca Love Kourlis, to which I have received no return call. Likewise, I have received no return call from Konstantina Vagenas, who works for the American Bar Association’s Standing Committee on Judicial Independence, for whom I left a voice mail message on June 27th (800-238-2667 x5105) nor from the League of Women Judicial Independence Project, for which I left a June 27th voice mail message (202-429-1965).



Justice at Stake
c a m p a i g n

June 20, 2007

Ms. Elena Ruth Sassower
Director
Center for Judicial Accountability
P.O. Box 8220
White Plains, NY 10602

Dear Ms. Sassower:

Thank you for your inquiry. I have reviewed the materials you sent me. The Justice at Stake Campaign has not filed amicus curiae briefs in the past, and has no plans to begin doing so. Nor are we in a position to provide guidance or assistance in your case, including forwarding your request. We take no position on the merits of the litigation. Since the positions of Justice at Stake partners are their own, I am not speaking for any other organization.

Best Regards,


Bert Brandenburg
Executive Director

phone 202-588-9700 fax 202-588-9485

www.justiceatstake.org

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