

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Fax: 202-224-9102
2 pages

TO: Counsel, U.S. Senate Judiciary Committee

FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc.

SUBJECT: Failure of the U.S. Senate Judiciary Committee to conduct post-nomination investigations of judicial nominees and, in particular, to investigate opposition to Justice Lawrence Kahn based on his on-the-bench misconduct as a New York State judge

DATE: July 15, 1996

This confirms my telephone call a short time ago to your office, wherein I requested to speak with counsel. I was told by Mr. Pat McDaniel, who answered the phone, that counsel was not available.

I, therefore, left a detailed message with Mr. McDaniel, apprising him of my conversation with Steve Seale, Legislative Assistant to Senate Majority Leader Lott. Mr. Seale informed me that an "agreement was reached" between the Republicans and Democrats for Senate confirmation tomorrow of judicial nominees-- among them, Lawrence Kahn.

In my message to Mr. McDaniel, I requested that the Senate Judiciary Committee immediately transmit to Mr. Seale all materials relating to the Center's opposition to Justice Kahn. This includes the documentary background materials supplied to the Committee beneath our May 27, 1996 coverletter to Chairman Hatch and, specifically:

- (a) our May 1, 1992 critique of the federal judicial screening process, with its compendium of exhibits;
- (b) the three correspondence compendia of correspondence relating to our critique;

I also requested that the Senate Judiciary Committee transmit to Mr. Seale information as to all other opposition to Justice Kahn. I told Mr. McDaniel that I had just learned that at least two other citizens had expressed opposition to Justice Kahn's confirmation--making a trip down to Washington for that purpose. On June 7, 1996, Bill Van Allen and Faye Rabenda spoke to a Senate Committee staffer about Justice Kahn's dishonest, politically-motivated decision-making in a public interest case-- other than the one which was the basis for our opposition to Justice Kahn.

EX 'J-1'

Just as the Senate Judiciary Committee failed to follow-up with any interview of us or to request the documentary evidence of Justice Kahn's dishonest, politically-motivated decision-making in the public interest case of Castracan v. Colavita, these two citizens told me that no one from the Senate Judiciary Committee conducted any follow-up interview or request for substantiating proof as to what had occurred in their case.

I asked Mr. Daniel that the Senate Judiciary Committee confirm its transmittal of the aforesaid materials to Mr. Seale. Our phone number is 914-421-1200. Our fax number is 914-684-6554.

Finally, I would note that we have received no response to our June 28, 1996 letter to Chairman Hatch on the subject of the Senate Judiciary Committee's failure to conduct basic post-nomination investigation of judicial nominees and of our request for a moratorium of all judicial confirmations pending official investigation of the documentary proof we have presented of the gross deficiencies of both the pre- and post-nomination screening of judicial candidates.

Elena Ruiz
Seale

- cc: Senate Majority Leader Trent Lott
 - Att: Steve Seale, Legislative Assistant
 - 202-224-2262
- Senate Minority Leader Tom Daschle
 - Att: Caroline Fredrickson, Legislative Assistant
 - 202-224-2047