

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewidth.org]
Sent: Friday, March 11, 2011 12:32 PM
To: 'benchmemos@nationalreview.com'; 'mm-tips@mediamatters.org'
Subject: Caitlin Halligan: Balancing your Party-Line Fighting with Non-Partisan Reporting
Attachments: 3-9-11-sjc-dem-majority.pdf, 3-9-11-sjc-rep-minority.pdf

**TO: BENCH MEMOS – NATIONAL REVIEW ONLINE – ATT: Ed Whelan,
 Carrie Severino, Gary Marx
 MEDIA MATTERS FOR AMERICA – ATT: Adam Shah & Staff**

Following up your party-line battle with each other over Caitlin Halligan's nomination to the U.S. Court of Appeals for the D.C. Circuit, there's a critical back story to yesterday's Senate Judiciary Committee 10-8 party-line vote sending her nomination on to the Senate for confirmation. It is reflected by the Center for Judicial Accountability's March 9th letters of "citizen opposition" addressed to the Senate Judiciary Committee's majority & minority sides, transmitted by the **below e-mail** – with copies to four scholars of the supposedly non-partisan Brookings Institute, each participants in its February 28th program "Breaking the Judicial Nominations and Confirmations Logjam".

These March 9th letters – and the documentary proof of Ms. Halligan's official misconduct as New York State's Solicitor General -- having NOTHING to do with political ideology, but, rather, her litigation fraud in a landmark public interest lawsuit against the New York State Commission on Judicial Conduct, sued for corruption – are posted on our website, www.judgewidth.org, accessible via the top panel "Latest New", and also, directly by this link: <http://www.judgewidth.org/web-pages/judicial-selection/federal/judicial-selection-fed-2011.htm>.

These primary-source materials warrant a journalistic expose of how the Senate Judiciary Committee handles citizen opposition to judicial nominees. Indeed, the Committee's disrespect of ANY role of citizens in the confirmation process is evidenced by its own website, which makes not the slightest mention of how citizens having information about the fitness of judicial nominees may provide same to the Committee – and its investigative procedures with respect thereto.

Please call me for further information and substantiating documents for this explosive, prize-winning story.

Thank you.

Elena Sassower, Director
 Center for Judicial Accountability, Inc. (CJA)
 631-377-3583
www.judgewidth.org

SEE BELOW E-MAIL MESSAGE -----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewidth.org]

3/11/2011

Sent: Wednesday, March 09, 2011 12:32 PM

To: 'info@judiciary-dem.senate.gov'; 'senator_leahy@leahy.senate.gov'; 'david_best@judiciary-rep.senate.gov'; 'blazer_smith@grassley.senate.gov'

Cc: 'ted_schroeder@coons.senate.gov'; 'alvaro_bedoya@franken.senate.gov'; 'david_barlow@lee.senate.gov'; 'stephen_higgins@judiciary-rep.senate.gov'; 'tmann@brookings.edu'; 'sbinder@brookings.edu'; 'bwittes@brookings.edu'; 'rwheeler@brookings.edu'

Subject: Tomorrow's Executive Business Meeting: Citizen Opposition to Confirmation of Caitlin Halligan to the US Court of Appeals for the DC Circuit

Attached are the Center for Judicial Accountability's already-faxed letters to the Senate Judiciary Committee's Democratic & Republican sides pertaining to Caitlin Halligan's nomination, on the Committee's agenda for tomorrow's Executive Business Meeting.

Please immediately distribute to ALL Committee members & their relevant counsel so that their deliberations may be properly informed.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
631-377-358

3/11/2011

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 3002
Southampton, New York 11969

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Elena Ruth Sassower, Director

BY FAX: 202-224-9516 (2 pages)
BY E-MAIL: info@judiciary-dem.senate.gov

March 9, 2011

Chairman Patrick J. Leahy & Democratic Majority Members
United States Senate Judiciary Committee
Washington, D.C.

RE: Citizen Opposition to Confirmation of Caitlin J. Halligan to the
United States Court of Appeals for the District of Columbia Circuit –
on the Agenda of the Senate Judiciary Committee's
March 10, 2011 Executive Business Meeting

Dear Chairman Leahy & Democratic Majority Members:

This follows my telephone notification to the Senate Judiciary Committee Majority Office on Monday morning, March 7th, and then again yesterday morning, of the official misconduct of Caitlin J. Halligan as New York State Solicitor General, disqualifying her for any position of public trust, let alone for a judgeship.

Specifically, Ms. Halligan corrupted the judicial process to defeat a landmark public interest lawsuit against the New York State Commission on Judicial Conduct, sued for corruption. She did this by countenancing the repudiation of ALL litigation standards by the Solicitor General's office and the obliteration of ALL adjudicative standards by New York State judges, including as to judicial disqualification and disclosure.

Such misconduct is *readily-verifiable* and fully-documented by the lawsuit record, the particulars of which were brought to Ms. Halligan's direct attention within days of her becoming Solicitor General by an October 2, 2001 letter to her, which I hand-delivered to her office.

* Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Chairman Patrick J. Leahy & Democratic Majority Members
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March 9, 2011

Entitled, “Your Duty to Comply with Fundamental Rules of Supervisory and Professional Responsibility in the appeal...”, this October 2, 2001 letter is featured on CJA’s website, www.judgewatch.org, on a webpage devoted to our opposition to Ms. Halligan’s confirmation: <http://www.judgewatch.org/web-pages/judicial-selection/federal/judicial-selection-fed-2011.htm>.¹ It is the most convenient starting point for your verifying the litigation fraud she condoned and allowed her office to commit, warranting the relief I requested then and thereafter in motion papers: her referral to disciplinary and criminal authorities. That would have happened, but for Ms. Halligan’s success in depriving me – the petitioner in the lawsuit, acting for the public – of a fair and impartial tribunal, which she did both before New York’s Appellate Division, First Department and the New York Court of Appeals, covering up a similar deprivation in Supreme Court/New York County.

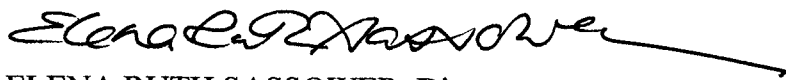
Inasmuch as Ms. Halligan did not respond to the October 2, 2001 letter – because doing so would have required her to concede the litigation fraud of the Solicitor General’s office and the judicial fraud of state judges without which the Commission could not prevail – she must be required to respond now – before any further consideration is given to her nomination. This would especially include her response to the “three ‘highlights’”, identified at page 7 of my October 2, 2001 letter and in my subsequent correspondence and motion papers as “dispositive” of both branches of my August 17, 2001 motion: the first branch being for judicial disqualification/disclosure and the second branch pertaining to the Attorney General’s disqualification and the Solicitor General’s litigation misconduct.

The full record of the lawsuit is accessible *via* our webpage pertaining to our opposition to Ms. Halligan’s confirmation, as well as *via* the left sidebar panel “Test Case-State (*Commission*)”. Nonetheless, I would be pleased to provide you with a hard copy – as well as to come to Washington to answer your questions and give testimony under oath.

Finally, so that you may glimpse the irreparable injury that Ms. Halligan caused the People of New York by her corrupting of the judicial process to protect a corrupted Commission on Judicial Conduct, I urge that you view the videos of the 2009 hearings on the Commission, held by the New York State Senate Judiciary Committee, posted on CJA’s website at: <http://www.judgewatch.org/web-pages/judicial-discipline/nys/nys-sjc-hearing.htm>

Thank you.

Yours for a quality judiciary,



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

¹ Also accessible *via* our website’s top panel “Latest News”.

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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Elena Ruth Sassower, Director

BY FAX: 202-224-9102 & 202-224-6020 (2 pages)
BY E-MAIL: david_best@judiciary-rep.senate.gov

March 9, 2011

Ranking Member Charles Grassley & Republican Minority Members
United States Senate Judiciary Committee
Washington, D.C.

RE: Citizen Opposition to Confirmation of Caitlin J. Halligan to the
United States Court of Appeals for the District of Columbia Circuit –
on the Agenda of the Senate Judiciary Committee’s
March 10, 2011 Executive Business Meeting

Dear Ranking Member Grassley & Republican Minority Members:

This follows my telephone conversation on Monday morning, March 7th, with David Best, your counsel for judicial nominations, about the official misconduct of Caitlin J. Halligan as New York State Solicitor General, disqualifying her for any position of public trust, let alone for a judgeship.

Specifically, Ms. Halligan corrupted the judicial process to defeat a landmark public interest lawsuit against the New York State Commission on Judicial Conduct, sued for corruption. She did this by countenancing the repudiation of ALL litigation standards by the Solicitor General’s office and the obliteration of ALL adjudicative standards by New York State judges, including as to judicial disqualification and disclosure.

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Yours for a quality judiciary,



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

¹ Also accessible *via* our website’s top panel “Latest News”.