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March 21, 2011

Nan Aron, President
Alliance for Justice
11 Dupont Circle, N.W.
Washington, D.C. 20036

RE: Championing the Citizen's Role in Federal Judicial Selection: Request that Alliance for Justice Withdraw its Support of Caitlin Halligan's Nomination to the U.S. Court of Appeals for the D.C. Circuit & that it Call upon Senate Leadership to Remove her Name from the Senate's Executive Calendar &/or Place a Hold on her Confirmation

Dear Ms. Aron,

This follows my telephone conversation yesterday with your legislative counsel, Joe Steinberg, requesting that Alliance for Justice withdraw its support of Caitlin Halligan's nomination to the United States Court of Appeals for the District of Columbia Circuit, based on her official misconduct as New York's Solicitor General. The particulars of Ms. Halligan's misconduct – irreparably injuring the People of the State of New York by her corrupting of the judicial process, on two appellate levels, to perpetuate a corrupt New York State Commission on Judicial Conduct – are summarized by CJA's citizen opposition, set forth by our March 9, 2011 letters to the Senate Judiciary Committee, both its Democratic Majority and its Republican Minority, posted on CJA's webpage: <http://www.judgewatch.org/web-pages/judicial-selection/federal/judicial-selection-fed-2011.htm>. Such links to the substantiating record documents, from which you can *readily-verify* Ms. Halligan's unfitness for any position of public trust – and that, should she be elevated to the bench, she could not credibly rule on judicial and attorney disqualification and misconduct issues – or, for that matter, on high-level governmental corruption.

* 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.

That the Alliance's undated report on Ms. Halligan begins by quoting President Obama's praise of her "unwavering integrity" reinforces the appropriateness of the Alliance withdrawing its support of her nomination on integrity grounds, the *sine qua non* for all judicial candidates, no matter how otherwise qualified.

Additionally, CJA requests that the Alliance take long-overdue steps to protect the public from the corruption of the judicial confirmation process. With respect to Ms. Halligan's nomination, this corruption is chronicled by our March 14, 2011 letters to Democratic Senate Majority Leader Reid and Republican Senate Minority Leader McConnell, posted on the above-indicated webpage, summarizing the Senate Judiciary Committee's misfeasance and nonfeasance when we notified it of our citizen opposition to Ms. Halligan's confirmation based on our direct, first-hand experience with her as New York Solicitor General. The particulars of those letters present a reality diametrically opposite to what is purported by the Alliance's 1993 guide, Justice in the Making: A Citizen's Handbook for Choosing Federal Judges, whose page 22 "CITIZEN ACTION MEMO" states:

"Committee staff is open to input from citizens and outside organizations and is particularly eager to hear about first-hand experiences from those in the community where nominees have been practicing law. The Committee will receive information from confidential sources and honor an individual's request for anonymity, but it prefers to place the information in the public record. Information held in confidence may limit the Committee's ability to completely investigate an issue.

A letter to the Committee requesting an opportunity to testify is generally sufficient to trigger a call from a Committee investigator. If allowed to testify, witnesses should be prepared for intense questioning by the Senators.

...Groups may also want to draft questions that can be sent to the nominee after a hearing if any issues need further exploration..."

As you know, CJA has repeatedly demonstrated that the Senate Judiciary Committee – and the other components of the judicial selection/confirmation process – brazenly disregard, without inquiry, without investigation, and without findings, "input from citizens and outside organizations", as ours, when that "input" (a) is not motivated by any partisan, ideological agenda; and (b) is dispositive of nominee unfitness. We demonstrated this in 1992, in 1996, in 1998, and in 2003, by our nonpartisan citizen opposition to confirmation of five federal judicial nominees and, additionally, in 2001, by our written statement for the record of the Senate Judiciary Committee's hearings on the role of ideology in judicial nominations – all memorialized by a "paper trail" of irrefutable primary-source documentary proof, posted on CJA's website, www.judgewatch.org, accessible *via* the left sidebar panel "Judicial Selection-Federal". Perhaps this explains why the Alliance has never reissued or updated its 1993 Citizen's Handbook – and at some point after June 2004, when I requested a copy of the Handbook after

discovering a reference to it on the Alliance's website, removed the website reference.¹

That the Alliance nonetheless purports – on its website and presumably in other fora – that it “plays a leading role in encouraging public participation in the selection and confirmation process”, mandates that it demonstrate its “leading role” now. Based on CJA's March 14, 2011 letters – to which there has been no response from Senate Majority Leader Reid and Senate Minority Leader McConnell – the Alliance must, at minimum, call for investigation of what is therein set forth, including the rigging of the Senate Judiciary Committee vote, concealed by the Committee's transmittal of Ms. Halligan's nomination to the Senate “without printed report”, and lend its influential voice to our request that the nomination be withdrawn from the Senate's Executive Calendar and/or that a “hold” be placed on her confirmation until she is called upon to respond – and does respond – to our document-based March 9, 2011 letter of citizen opposition, as to which I am ready to swear, under oath, and under penalties of perjury.

As in the past, I look forward to speaking with you directly and to answering your questions so that the Alliance may yet champion the vital role of citizen participation in federal judicial selection.

Thank you.

Yours for a quality judiciary,



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

cc: The Public & Other Interested Parties

¹ CJA's website does not post the Alliance's 24-page Citizen's Handbook because the copy you authorized to be faxed me on May 27, 2004 – as identified at footnote 7 of my June 8, 2004 memo – has become so faded that we cannot achieve a readable scan. Kindly have your staff again send me the Handbook – preferably in pdf format – so that it may be added to CJA's webpage of our nearly 20 years of correspondence with the Alliance, accessible *via* the left sidebar panel “Searching for Champions – Organizations”.