

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Hand

February 5, 1997

Susan Hansen, Senior Reporter
The American Lawyer
600 Third Avenue
New York, New York 10016

Dear Ms. Hansen:

Following up your interest in the Center for Judicial Accountability, Inc. (CJA) -- and your probing for story ideas -- enclosed is our informational brochure, together with a variety of our published pieces. These include our ad in the November 20, 1996 New York Law Journal, "*A Call for Concerted Action*", inviting lawyers to join CJA in protecting the public from unfit judges -- and from politicians who, for their own political purposes, misrepresent the issue of judicial misconduct.

A more detailed background of our lawyer-founded, non-partisan, public interest organization can be accessed through our web-site:

<http://www.judgewatch.org/judicial>

As part of our 7-year portfolio of activities, summarized in CJA's web-site, you'll find a description of our documented investigation of the dysfunctional federal judicial screening process: both *pre-* and *post-*nomination. Such dysfunction is *absolutely* verifiable, *not* speculative, and extends beyond the ABA Standing Committee on Federal Judiciary, the focus of American Lawyer's extensive article last June, "*Star Chamber?*" by Stan Yarbro.

That article raised key questions about the integrity and fairness of the ABA's behind-closed-doors screening process. Indeed, on May 21, 1996, the Senate Judiciary Committee held a hearing on "The Role of the American Bar Association in the Judicial Selection Process". Surprisingly, *none* of the individuals quoted in the article -- who for Mr. Yarbro much to say about the ABA -- either testified or presented written statements for the Senate Judiciary Committee. This is pretty shocking considering the Senate Judiciary Committee hearing was *the place* in which to air -- and resolve -- the serious issues concerning ABA procedures highlighted by Mr. Yarbro's article.

By contrast, CJA *did* present for the Senate Judiciary Committee a written statement, which was made part of the record. That statement, dated May 27, 1996, set forth our direct, first-hand experience with the ABA: to wit, that its Standing Committee had rejected, *without examination*, information dispositive of the unfitness of a federal court recommendee, whose qualifications it purported to review. It also pointed out that years earlier our citizens organization had *pierced* the veil of secrecy attaching to ABA screening and had publicly called for an official investigation of its inadequacies, which we had documented in a written critique. A copy of our May 27, 1996 statement and of our July 17 1992 New York Times Letter to the Editor, "*Untrustworthy Ratings?*", referred to therein is enclosed.

So that you can understand the extent to which The American Lawyer article, although exhaustive, did not go far enough in exploring the ABA secretive screening and, moreover, created the *misimpression* that the Justice Department and the Senate Judiciary Committee are "on the up and up", I enclose a copy of our June 28, 1996 letter, addressed to Senate Judiciary Committee Chairman Orrin Hatch, recounting the response of the Senate Judiciary Committee and Justice Department to our May 27, 1996 statement and leaving no doubt as to their complicity in a demonstrably dishonest and politically-motivated ABA review of judicial recommendees.

What was the subsequent response to our shocking June 28, 1996 letter? None, except that two weeks later, the Senate Republican and Democratic leadership -- each of which had received a copy by certified mail, return receipt -- agreed between themselves to the confirmation of the nominee in question, whose *verifiable* unfitness had never been investigated. The result was his confirmation, without *any* discussion on the floor of the Senate or even *any* vote being taken.

We have no doubt but that the foregoing would be a terrific follow-up/sequel to Mr. Yarbro's article -- one which could serve as an catalyst for long-overdue reform. Perhaps you are unaware that eleven years ago the dysfunctional and sham nature of the Senate judicial confirmation process was the subject of documentary study by Common Cause, whose superlative report, "*Assembly-Line Approval*", is as true today as when it was issued.

Single-handedly, CJA has been attempting to breathe life into the easily-implemented reforms, recommended by Common Cause, as well reforms recommended by the Twentieth Century Fund, whose report, "*Judicial Roulette*", issued nine years ago, gave historical perspective to the politics behind federal judicial nominations and confirmations.

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Since Mr. Yarbro's article quotes generously the usual sources on the political left and right that purport to "monitor" the selection of federal judicial nominees, the Alliance for Justice and the Free Congress Foundation -- whose involvement in the process is to advance their ideological agendas, *not* to safeguard its integrity -- I enclose a copy of our August 13, 1996 letter to those organizations inviting them into a coalition to advance non-partisan reform.

Finally, based on the assumption that you do *not* read Penthouse magazine, enclosed is a copy of "Playing Politics with Justice", a hard-hitting article from the November 1996 issue, honing in on the deal-making behind the nomination and confirmation of federal judges and quoting us on the subject.

Should you wish additional story ideas, we have a great many dynamite stories to offer, all supported by breath-taking *primary source* materials.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

cc: Stan Yarbro