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By Hand

February 19, 1997

Letters to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Att: George Gustines
Inell Willis

Dear George and Inell:

In view of today's publication of both an article about and a letter by Senate Judiciary Chairman Hatch, I enclosed a different version of my yesterday's Letter to the Editor for your consideration.

I will also deliver to the Times this evening a copy of the submission that went to Chairman Hatch and the Senate leadership, which I had hoped you would have called to request based on yesterday's Letter.

These two proposed Letters are no less shocking and important than my Letter which you published last November. Should you have any suggestions as to how to improve its "publishability", I would greatly appreciate your letting me know.

Yours for a quality judiciary,



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

Enclosure

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The New York Times
229 West 43rd Street
New York, New York 10036

Dear Editor:

In his Feb. 19 letter, Senate Judiciary Chairman Hatch proclaims he will "continue to oversee a fair confirmation process", filling our federal courts with "qualified judges". In a separate Feb. 19 article, he repeats his periodic claim "that the time has come...to decide what role, if any [the American Bar Association] should play in the Senate judicial confirmation process."

The direct, first hand experience of our citizens' organization with Senator Hatch, his Committee, and the Senate leadership illustrates that this is rhetorical hype. Last year, in a written presentation to Chairman Hatch, we detailed our opposition to a particular judicial nominee and gave an inside account of the ABA's secret pre-nomination screening process, which is secret even from the Judiciary Committee. We described the ABA's wilful refusal to investigate documentary evidence of that nominee's unfitness, which we had provided it. How did Chairman Hatch respond? His Committee failed to interview us or

to request from us substantiating documentation as to either the nominee's unfitness or the ABA's malfeasance. He then signed a letter denying, without reasons, our request to testify at the nominee's confirmation hearing. Parenthetically, Chairman Hatch's letter informed us that his Committee has "no written guidelines in evaluating judicial nominees".

Chairman Hatch ignored our written request that he reconsider his denial of our request to testify. And when his Committee notified us of the nominee's confirmation hearing, it was a mere four hours before the hearing was to begin. Beating the odds, we arrived in time from New York, hauling with us the dispositive documentary proof that the Committee had never asked to see.

Chairman Hatch did not preside at the confirmation hearing. However, in a written submission to him, with copies to the Senate majority and minority leadership, we described what took place: his Committee staff intimidated and harassed us during and after the hearing, which itself was a sham, ceremonial exercise: six nominees introduced amid the self-congratulations of the sponsoring Senators, with the five district court nominees called up, en masse, to answer superficial, generic questions in assembly-line fashion by the two Committee members then present. There was no presentation of opposition testimony whatever. Although we rose, requesting to present our citizen opposition, we were denied that opportunity by the presiding chairman, who

announced that the record would remain open for three days for written submissions. Yet a day and a half later, Chairman Hatch's Committee, sitting in executive session, passed all six judicial nominees onto the Senate for confirmation.

Did Chairman Hatch, who purports to care about fairness and the integrity of the process take any steps, as our submission requested, to have his Committee immediately reconsider and reverse its premature and illegal vote, where, additionally, the documentary record showed the ABA had failed to do proper pre-nomination investigation and that his Committee had failed to do proper post-nomination investigation? Or did the Senate leaders take any steps, as we requested they do -- and as the evidence before them required they do -- for an official inquiry, with a moratorium of all judicial confirmations in the interim. Not at all. Rather, they went to work, behind closed doors, hammering out "agreements" for "unanimous consent", such that not one of the 17 judicial confirmations in the second session of the 104th Congress -- including the nominee whose unfitness we had documented -- was the subject of discussion or vote on the Senate floor.

All 17 judicial confirmations were after our formal call for a moratorium.



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