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BY FAX AND BY MAIL

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November 30, 1998

Mr. Anthony Lewis
The New York Times
2 Faneuil Hall Market Place
Boston, Massachusetts 02109

RE: Testing the Rhetoric about Judicial Independence and Accountability

Dear Mr. Lewis:

"A few generalities". That is how you characterized your luncheon remarks on November 19th at the symposium on "Judicial Independence and Accountability" at USC Law School. In fact, those "generalities" were confined to judicial independence. It is my recollection, also reflected by my notes, that you said nothing about judicial accountability.

With all respect, more is expected of a journalist -- particularly one of your stature. The role of a journalist is NOT simply to repeat standard claims, but to explore them. It was for that reason that I telephoned you back in September about an extraordinary, fully-documented case, before the U.S. Supreme Court, which explodes EVERY myths about judicial independence and accountability -- including those articulated by Justice Kennedy in a 1996 speech, a copy of which I annexed as Exhibit "D" to my fact-specific September 14th letter to you.

Nevertheless, it was quite clear from my chance encounter with you at the hotel on the morning of your luncheon remarks that you had NOT reviewed the *unopposed* cert petition and supplemental brief in that case, sent with my letter -- and perhaps NOT even read the letter itself. It also seemed that you had NOT reviewed my subsequent express-mailed November 15th letter, with its enclosed rehearing petition and impeachment complaint against all nine Justices. For that reason, I left in your hands a copy of the November 15th letter, whose Exhibit "A" was my September 14th letter to you.

Following your luncheon remarks and without taking any questions¹, you returned to your seat, at a table at which Justice Kennedy had also been seated. I approached you after the luncheon concluded, requesting the opportunity to speak to you. Your response was that you were "not interested in an individual case".

So that the record is clear, that "individual case", *Sassower v. Mangano, et al.*, is -- as identified by my September 14th letter (at p. 2) -- an unprecedented case study, empirically refuting the conclusions of the 1993 Report of the National Commission on Judicial Discipline and Removal as to the adequacy and efficacy of mechanisms to restrain federal judicial misconduct. The case presents a readily-verifiable demonstration of flagrant corruption of the rule of law by supposedly "independent" federal judges -- including by Supreme Court justices, who enjoy the ultimate in "judicial independence". As I stated to you at the luncheon, the National Commission believed that serious complaints of judicial misconduct against Supreme Court Justices would receive "intense scrutiny in the press". CJA's impeachment complaint against the Justices, enclosed with my November 15th express-mail letter, is, in every respect, profoundly serious.

Later this week, you will again be speaking at a symposium on judicial independence and accountability. Here, too, Justice Kennedy will be a speaker, joined by Justice Breyer. This time, the symposium is sponsored by the ABA. The ABA is well familiar with the *Sassower v. Mangano* case. As reflected by the impeachment complaint (at p. 1), the ABA was provided a copy, together with the *Sassower v. Mangano* rehearing petition. Prior thereto, the ABA was not only provided with the cert petition and supplemental brief in *Sassower v. Mangano*, but the substantiating case file. This, to enable it to meet its professional and ethical responsibilities to protect the public from the unchecked judicial corruption the case documents. The ABA's wilful abdication of its responsibilities is reflected by the supplemental brief (at pp. 1, 3, 10) which reprints, in its appendix, CJA's fact-specific letters to then ABA President Jerome Shestack [SA-90] and to current ABA President Philip Anderson [SA-102].

These two letters, as well as a further memorandum to President Anderson, reprinted in the rehearing petition [RA-25], constitute primary source materials establishing the ABA's rhetorical hypocrisy about judicial independence and accountability, sharply contrasting to CJA's advocacy by its in-the-trenches, front-line labors. The ABA has ignored our correspondence. Indeed, the ABA's ONLY response to our communications has been to deny our November 12th written request for an invitation to its "by invitation only" symposium on judicial independence and accountability², joined with a threat that "any attempt [by us] to enter...will be dealt with appropriately."

¹ The USC symposium dispensed with virtually all questions and comments from symposium attendees.

² A copy of that written request was Exhibit "C-3" of my November 15th letter to you.

Even more than the USC symposium, it is quite plain that the ABA symposium is a "controlled event", excluding those whose advocacy runs counter to ABA hype. Nevertheless, by your upcoming speech, you have an opportunity to make an important contribution and do what journalists are supposed to: confront standard "generalities" with contrary empirical proof. It cannot be too strongly emphasized that the proof presented by *Sassower v. Mangano*, culminating in the impeachment complaint against the Justices, blows to smithereens the conventional claims about judicial independence and accountability.

Of course, it may be that your independence as a journalist has been compromised by your long-standing relationships with the judicial and legal establishment, among others. If that is the case, we ask that you pass on the Supreme Court papers in *Sassower v. Mangano* and the impeachment complaint to another journalist not so compromised. Should you be unwilling to do even that, we request that you return the *Sassower v. Mangano* materials, which were costly and time-consuming for us to reproduce, so that they can be "recycled" for other members of the press.

We await your response.

Yours for a quality judiciary,



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