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March 15, 1999

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

ATT: Inell Willis

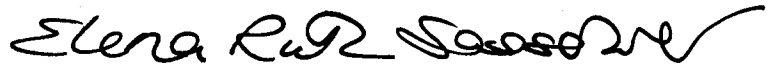
Dear Editor:

RE: "Caseload Forcing Two-Level System for U.S. Appeals" (Front-Page, March 14):

The legitimacy of the federal judiciary's claims that the growing number of appeals affirmed by one-word rulings are "frivolous" or that those decided without argument and/or by unpublished decisions are "straightforward" can easily be tested. It requires no more than examination of the files of appeals that received the "short-cut" treatment -- including the one featured by your article. This would also expose the extent to which "sketchy rulings may sometimes be used by judges who want to reach a certain legal result but are not anxious for their decision to be scrutinized" -- a profound form of judicial misconduct.

Last year, our citizens' organization proposed precisely such file-based examination to the Commission on Structural Alternatives for the Federal Courts of Appeals, then studying whether the federal appellate courts were disposing of their caseload "consistent with fundamental concepts of

fairness and due process". In support, we provided copies of illustrative files showing the corruption of the appellate process concealed by short-cut procedures. The response of this taxpayer-supported commission, all of whose members were appointed by Chief Justice Rehnquist, was to ignore such evidence-supported proposal and endorse the usefulness of "short-cut" procedures in a December 1998 report to Congress and the President.



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

P.S. CJA's written statement, presented at the April 24, 1998 public hearing of the Commission on Structural Alternatives for the Federal Courts of Appeals, may be accessed from our website: www.judgewatch.org .