

CENTER *for* **JUDICIAL ACCOUNTABILITY, INC.***

*Post Office Box 8220
White Plains, New York 10602*

*Tel. (914) 421-1200
Fax (914) 428-4994*

*E-Mail: cja@judgewatch.org
Web site: www.judgewatch.org*

Elena Ruth Sassower, Director

BY E-MAIL: kjbybee@maxwell.syr.edu

December 21, 2008

Professor Keith Bybee, Director
Institute for the Study of the Judiciary, Politics, and the Media
Syracuse University
Syracuse, New York

RE: Building Honest, Unconflicted, Scholarship, Pedagogy, & Journalism

Dear Professor Bybee,

This follows up my December 11, 2007 letter to Professor Obbie – to which you were an indicated recipient and which, when I e-mailed it to him, I simultaneously e-mailed to you, to David Margolick, and to Jeffrey Toobin.

I received Professor Obbie's response less than an hour later. In the event you are unaware of the e-mail he sent me – and Professor Obbie did not indicate any recipients other than me – a copy is enclosed. In full, it states:

“Dear Ms. Sassower,

I don't enjoy being rude by ignoring you. But your missives make no sense to me. All I can tell from them is that if I decided to devote a huge amount of time to figuring out exactly what triggered this deluge of words from you, I'd ultimately conclude that it's something very meaningful to you but to no one else. I'm sorry that you're agitated by the courts and the media and what all. But I really can't help you. Sorry.”

As you are Professor Obbie's superior at the Institute for the Study of the Judiciary, Politics, and the Media, please advise:

- (1) whether you believe Professor Obbie is actually unable to make “sense” of my “missives”;

* The **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization dedicated to ensuring that the processes of judicial selection and discipline are effective and meaningful – a goal that cannot be achieved without honest scholarship and a press discharging its First Amendment responsibilities.

- (2) whether you concur in his opinion that they present nothing that would be “very meaningful” to anyone but me; and
- (3) whether you attribute Professor Obbie’s abusive, disparaging response to conflicts of interest born of his personal and professional relationships with the individuals whose misfeasance is the subject of the “missives” – the journalists and scholars, in particular.

For the record, the “sense” and “meaningful[ness]” of these “missives” are clear from their titles:

- (1) my November 17, 2006 letter to you, entitled “Advancing Scholarship – and Reform – with Primary Source Documentary Evidence”, to which Professor Obbie was an indicated recipient;
- (2) my January 10, 2007 letter to Professor Obbie, entitled “Advancing Scholarship – and Reform – with Primary Source Documentary Evidence – & Likewise the Quality of Legal Reporting”, to which you were an indicated recipient;
- (3) my March 21, 2007 memo to Syracuse University Professor Charlotte Grimes (& Wellesley College Professor Nancy Scherer), entitled “BUILDING HONEST SCHOLARSHIP & PEDAGOGY: ‘*Are Federal Judges Political? Views from the Academy, the Bench, and the Press*’”, to which you and Professor Obbie were indicated recipients;
- (4) my November 21, 2007 e-mail to Andrew Cohen, entitled “Defending Your Column ‘*Hey Justices: Stop Talking, Start Working*’ vs Mark Obbie’s Lawbeat Blog”, to which Professor Obbie and you were indicated recipients;
- (5) my November 27, 2007 e-mail to David Von Drehle, entitled “Follow-up to your coverstory ‘*Does the Supreme Court Still Matter?*’ – Bringing Accountability to the U.S. Supreme Court”, to which Professor Obbie and you were indicated recipients;
- (6) my December 11, 2007 letter to Professor Obbie, entitled “PROPOSAL FOR SCHOLARSHIP & TEACHING BY EXAMPLE: Examining the Evidence Supporting David Margolick’s Criticism of U.S. Supreme Court Beat Reporters and Scholars – Including against Your Own Favorite, Most Recommended Journalists and Scholars”.

This correspondence is all posted on CJA’s website, www.judgewatch.org, most comprehensively on the webpage for the Institute, accessible *via* the sidebar panel, “Searching for Champions (Correspondence)-Academia”. As you know, the mountain of primary source documentary evidence substantiating the correspondence – including the record of the “disruption of Congress” case and of

CJA's landmark public interest lawsuit against The New York Times for journalistic fraud – is also posted on the website.

By copy of this letter to Professor Grimes, the only indicated recipient of my December 11, 2007 letter to whom I have not yet furnished a copy – I ask that she, as Professor Obbie's colleague at Newhouse, training and serving as role model for future journalists and scholars, state her view of Professor Obbie's e-mail.

I would appreciate your response no later than Monday, January 7, 2008. Should you not respond – including by confronting your own conflicts of interest, as you are duty-bound to do – I request that you refer this letter, as a complaint, to the University's Dean, to its Provost, and to the Deans of the three schools within the University whose collaboration has created the Institute – *to wit*, the College of Law, the S.I. Newhouse School of Public Communications, and the Maxwell School of Citizenship and Public Affairs.

Thank you.

Yours for a quality judiciary,
& honest, unconflicted scholarship & journalism,



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

Enclosure: Professor Obbie's December 11, 2007 e-mail to me

cc: Professor Mark Obbie
Professor Charlotte Grimes
David Margolick, Esq.
Jeffrey Toobin, Esq.
The Public *via* CJA's website

Center for Judicial Accountability, Inc. (CJA)

From: Mark Obbie [mjobbie@syr.edu]
Sent: Tuesday, December 11, 2007 2:46 PM
To: Elena Ruth Sassower
Subject: Re: Scholarship & Teaching -- Bringing Accountability to the U.S. Supreme Court by Examining David Margolick's Criticism of Reporters & Scholars

Dear Ms. Sassower,

I don't enjoy being rude by ignoring you. But your missives make no sense to me. All I can tell from them is that if I decided to devote a huge amount of time to figuring out exactly what triggered this deluge of words from you, I'd ultimately conclude that it's something very meaningful to you but to no one else. I'm sorry that you're agitated by the courts and the media and what all. But I really can't help you. Sorry.

Mark Obbie
mjobbie@syr.edu
Magazine Department, Newhouse School
Carnegie Legal Reporting Program
LawBeat blog

On Dec 11, 2007, at 1:56 PM, Elena Ruth Sassower wrote:

TO: Professor Mark Obbie

[cc: David Margolick, Jeffrey Toobin, Professor Keith Bybee]

Attached is my letter to you of today's date, entitled

**"PROPOSAL FOR SCHOLARSHIP & TEACHING BY EXAMPLE:
Examining the Evidence Supporting David Margolick's Criticism of
U.S. Supreme Court Beat Reporters and Scholars -- Including
Against Your Own Favorite, Most-Recommended Journalists and
Scholars".**

Also attached are my transmitting memos to David Margolick and Jeffrey Toobin, each indicated recipients of my letter to you.

My transmitting memos to the other many indicated recipients, similar to that to Mr. Toobin, will be posted on CJA's website, www.judgewatch.org, accessible via the sidebar panel "Disruption of Congress'-The Appeals" by its link to "Media -- & Academia". That is where this correspondence will also be posted.

12/21/2007

I look forward to your response.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

914-421-1200

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<12-11-07-margolick-2pp.pdf>

<12-11-07-toobin-2pp.pdf>