

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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By Priority Mail

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Ralph Nader, Esq.
Center for Responsive Law
P.O. Box 19367
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Dear Mr. Nader:

It was a great privilege to hear your powerful presentation in New York on September 26th at the program on third-party election alternatives and to meet you afterward. I was honored that you remembered our telephone conversation, now nearly two years ago, and was struck by your *reiteration* of what you had told me then: that fear of judicial retaliation prevents established organizations -- even public interest organizations -- from "taking on" issues of judicial misconduct.

As you know, it is for this reason that we have been building the Center for Judicial Accountability, Inc., a non-partisan, non-profit, citizens' action organization focused exclusively on issues of judicial selection and discipline on local, state, and national levels. You *eagerly* accepted from me a copy of CJA's funding Proposal that we have been circulating, containing an extensive recitation of our seven-year portfolio of activities and our work plan for the future.

The Introduction to our Proposal states:

"All of CJA's work is empirically based -- drawing on direct, first-hand experience, all of it documented and verifiable . . . CJA has shattered basic assumptions about judicial independence and accountability and exposed a gaping void where 'eternal vigilance' -- the price of good government -- should be." (at p. 1)

An important part of the "gaping void", described over and over again in our Proposal (pp. 5, 8-9, 10, 11, 14, 15), is the media's failure and refusal to report evidence showing that judicial selection and discipline processes are not only unnecessarily secretive, but dysfunctional and politicized.

You more than anyone know the problem of media suppression and its devastating repercussions on our democracy, which depends upon an informed citizenry.

Much as you were a 1995 award recipient of Project Censored, so we have "followed your lead" in sending in a nomination to Project Censored for 1996. Our nomination was of the important stories about judicial selection, discipline, and retaliation against judicial whistle-blowers, detailed in the "Ground-breaking Activities and Achievements" section of our Proposal (pp. 3-15), which have been suppressed by the media, most particularly, by *The New York Times*.

A copy of our October 15, 1996 nomination is enclosed, together with the coversheet inventories of the seven documentary compendia substantiating our nomination¹. Page 10 of our nomination recites the recommendation you made to me -- in our January 1995 phone conversation -- that I contact *Times*' Managing Editor, Gene Roberts, and Metro Editor, Michael Oreskes, regarding the *Times* censorship we had experienced, which I thereafter embodied in my January 17, 1995 letter. I gave you a copy of that letter when I saw you on September 26th.

That neither of these two men nor *The Times* were "responsive" may be seen from the subsequent pages of our nomination, as well as from our December 2, 1996 supplement to our nomination², a copy of which I also enclose.

As our nomination and supplement demonstrate, CJA's work product is, in every respect, professional and meticulously documented. Of course, you already know this from our 1992 investigative critique and supporting compendia documenting the failure of the federal *pre-nomination* screening process and the complicity and cover-up of the U.S. Senate Judiciary Committee, Senate leadership, and bar associations³. These were sent to you under our August 2, 1994 letter, following your courageous testimony in opposition to the Supreme Court nomination of Stephen Breyer.

I might add that at this year's Project Censored awards presentation, described on page 1 of our October 15, 1996 nomination, I met James Love, with whom you shared the 1995 award from Project Censored. I told Mr. Love about the critique and compendia we had sent you and he expressed great interest. I would greatly appreciate if you would make it available to him.

¹ So as not to burden you unduly, we are not sending you the compendia themselves, which are voluminous. However, should you wish to see them, we would be most pleased to send them to you.

² Such suppression continues notwithstanding *Times*' publication on November 16th of my Letter to the Editor "On Choosing Judges, Pataki Creates Problems", as detailed in the December 2, 1996 supplement.

³ See the "Ground-Breaking Activities and Achievements" section of our funding Proposal, pp. 6-8.

By way of completeness, I enclose a copy of our June 28, 1996 letter to Senate Judiciary Committee Chairman Hatch, detailing the failure of the *post-nomination* judicial screening process and the sham and fraudulent nature of the Senate Judiciary Committee's "confirmation" hearings for "lower court" judicial nominees⁴.

In that connection -- and so you can see the non-partisan spirit in which our small unfunded organization has been trying to prod more established organizations on diametrically opposite sides of the political spectrum to advance necessary reform of the federal judicial confirmation process, as summarized in our "Work Plan" (p. 16 of our funding Proposal) -- I enclose a copy of our August 13, 1996 letter to Nan Aron of the Alliance for Justice. That letter proposed formation of a "coalition for non-partisan reform" to advance recommendations made ten years ago by Common Cause and eight years ago by the Twentieth Century Fund and was also sent to Michael Pendleton of the Free Congress Foundation.

What was the reaction? Neither Alliance for Justice nor Free Congress Foundation responded in writing. When I called Alliance for Justice last week, I was told that they have "limited" resources, are "simply overwhelmed", and that they are not doing anything about the confirmation process itself because there are over 60 judicial vacancies that have to be filled. It is quite obvious -- and I so stated -- that had a Republican been elected to the White House, the Alliance would not be taking the palpably partisan position that vacancies must be filled as quickly as possible, without concern for the integrity of the nomination and confirmation process. As for the Free Congress Foundation, it liked our idea of advocating systemic reform so much that it will be making some sort of presentation to the 105th Congress -- in its own name. So much for the non-partisan spirit, without which, as I told the Foundation, I do not believe the battle for reform can be won.

I might add that we also wrote Common Cause, hoping they would join a coalition to advance their ten-year old recommendations. A copy of our August 19, 1996 letter to Common Cause is enclosed -- to which we also got no written response. When I called today, I was told that Common Cause is too busy with other issues and doesn't have enough resources.

⁴ See the "Ground-Breaking Activities and Achievements" section of our funding Proposal, p. 8.

This, of course, brings us back to our own resources and funding issues. **WE NEED HELP.**

If you like what we are doing, please *seriously* consider our invitation to you to join CJA's Board of Directors. At least, won't you provide us with guidance and assistance?

So far, we have not located *any* outside funding. Of course, this does not deter us -- as may be seen from the enclosed copy of our paid ad in the November 20th *New York Law Journal*. It does, however, slow us down and make things very, very difficult.

Happy Holidays.

Yours for a quality judiciary,



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

Enclosures

P.S. We congratulate you on your newly-published book, *No Contest*. We have already brought a copy and made it part of our library. It sits beside your other books, which you generously provided us two years ago: *Whistle Blowing* and *Verdicts on Lawyers* (See our "Work Plan" section of our funding Proposal, p. 16). Most importantly, we have already benefited from *No Contest* by contacting The Appleseed Foundation, whose phone number and Statement of Purpose appears in the appendix. Like The Appleseed Foundation, we are working for systemic, structural change.