

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
Website: www.judgewatch.org

BY FAX: 205-278-8522 (2 pages)
BY E-MAIL: michael@judicialactiongroup.com

June 16, 2008

Michael Poythress, Executive Director
Judicial Action Group (JAG)
One Perimeter Park South
Suite 330 North
Birmingham, AL 35243

RE: Realizing JAG's Mission of Curtailing Judicial Activism through
Judicial Accountability

Dear Michael:

Thank you for your telephone call on Thursday, June 12th, acquainting me with JAG's mission to secure federal judicial accountability. I was encouraged by our lengthy conversation together – and by your follow-up phone message on Friday afternoon, requesting that I send you CJA's Critique of the Breyer Committee Report, which I had offered to do.

I will mail you the Critique, its substantiating Compendium of Exhibits¹, and the other enclosures to CJA's May 13, 2008 memo to Congress in support of congressional hearings on the Breyer Committee Report and, pending same, deferment of congressional action on Senate and House bills to raise judicial salaries 29%. As you know, I had recommended the memo as your starting point for review of the documents posted on CJA's website, www.judgewatch.org, accessible *via* the sidebar panel "Judicial Discipline-Federal".

Will JAG support the relief sought by our May 13, 2008 memo – and actively advocate in favor? This would be consistent with JAG's own proposal for "Congressional Hearings on Judicial Activism and Accountability" (at p. 13) in its White Paper "*Judicial Activism and Judicial Accountability: Remediating the Biggest Problem in American Politics*" by JAG President Phillip L. Jauregui, Esq. Certainly, too, hearings would clarify the "specific definitions of the grounds for impeachment of federal judges and of the termination of their terms of office due to lack of 'good behavior'" – definitions the White Paper proposes be congressionally-articulated by a "Judicial Conduct Act" (at p. 12). This clarification is key to reinvigorating the impeachment remedy on which the White Paper rightfully focuses (at pp. 13-21), though without articulating the SIMPLE, STRAIGHT-FORWARD PROPOSITION

¹ Not included, simply because they are so time-consuming to reproduce and assemble, are the Critique's three free-standing file folders of further substantiating primary-source documents. These are posted on CJA's website – and will be supplied upon your specific request for same.

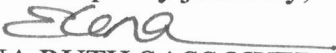
that judges are properly the subject of discipline and impeachment when their decisions wilfully and deliberately disregard black-letter law and falsify or conceal the material facts.

The distinction between good-faith and bad-faith decision-making is CRITICAL and has been knowingly obscured by scholars, bar associations, and a wide panoply of organizations in their trumpeting of judicial independence, misleading both Congress and the public.² As I discussed with you, their betrayal is demonstrated by our extensive correspondence with them, posted on our website – including in connection with our Critique of the Breyer Committee Report and May 13, 2008 memo to Congress. All this should be the subject of “Congressional and/or Staffer Briefings on Judicial Activism and Accountability”, also proposed by JAG’s White Paper (at p. 13). Such will appropriately educate and motivate Congress for the hearings to be held, at which scholars and bar and organizational representatives should be mercilessly grilled by members of Congress so as to vindicate the public’s trampled rights.

I look forward to the JAG’s enthusiastic support of CJA’s May 13, 2008 memo – and to working collaboratively to achieve our common goal of federal judicial accountability.

Until then,

Yours for a quality judiciary,


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

Enclosures: CJA’s May 13, 2008 memo to Congress
& its indicated enclosures, excepting the three free-standing file folders

² The White Paper’s extensive section on impeachment (pp. 13-21) states that the Founding Fathers “would be surprised that the People, the Congress, and the Executive are failing to utilize the ‘checks and balances’ that the Founders gave us to keep the judiciary in check” (p. 13) – and then repeats “[The Founders] provided sufficient means for the People and their Congress to ‘check and balance’ such usurpations. What would perhaps surprise the Founders is the fact that Congress has failed to keep the Courts accountable.” (p. 20).

Yet, if the Founders knew of the blizzard of misinformation generated and propagated by scholars, bar associations, and organizations, they would understand the brainwashing of the People, Congress, and the Executive that has prevented utilization of impeachment and other “checks and balances”. Indeed, among the pivotal scholars who have misled the People and Congress is former House Judiciary Committee counsel, turned-professor. Charles Gardner Geyh, including by his 2006 book When Courts & Congress Collide (with its chapter on impeachment) and his 2006 law review article “Rescuing Judicial Accountability from the Realm of Political Rhetoric”. This is revealed by reading each of these works in their entirety (as opposed to the extracts quoted by CJA’s May 13, 2008 memo to Congress (at fn. 3, p. 5)), and also comparing them to Professor Geyh’s testimony before the House Judiciary Committee on two separate occasions in 2006: on June 29, 2006, in opposition to the bill to establish an Inspector General for the Judicial Branch, and on September 21, 2006, in opposition to the resolution for U.S. District Judge Manuel Real’s impeachment.