

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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June 17, 2008

David M. Schizer, Dean
Columbia University School of Law
New York, New York

**RE: What is Your Response? -- Serving Congress and the Public
with Critical Scholarship:**

- (1) Federal Judicial Pay Raises; &
- (2) Breyer Committee Report on the Implementation
of the Judicial Conduct and Disability Act of 1980

Dear Dean Schizer:

We have received no response to CJA's May 23, 2008 letter to you on the subject of "Serving Congress and the Public with Critical Scholarship". Why is that? Do you not believe that our letter to you raises issues requiring scholarship for the benefit of Congress and the American People? Would you be "more receptive to a request coming directly from Congress?" A copy of our three-page letter is enclosed, for your convenience.¹


We have also received no response from any of the 129 other law school deans. Is it possible that you did not transmit our May 23, 2008 letter to them, as requested? Please advise so that we may know whether we are to be burdened with sending the letter to them ourselves.

Additionally, we have received no response from any of the "countless constitutional scholars at Columbia University School of Law and the other 129 law schools who are experts on the federal judiciary and judicial independence and accountability issues".

If you have not transmitted our May 23, 2008 letter to relevant scholars at Columbia University School of Law, as also requested, please so-advise and provide their names so that we may send it to them ourselves.

Thank you.

Yours for a quality judiciary,


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

Enclosure: May 23, 2008 letter (& same cc's)

¹ The full 19-page letter, transmitting our May 13, 2008 memo to Congress and our Executive Summary of our Critique of the Breyer Committee Report, is posted on our website, www.judgewatch.org, accessible via the sidebar panel "Judicial Discipline-Federal", which links to "Outreach-Academia".

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Elena Ruth Sassower, Director

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May 23, 2008

David M. Schizer, Dean
Columbia University School of Law
435 West 116th Street
New York, New York 10012

RE: **Serving Congress and the Public with Critical Scholarship:**
(1) Federal Judicial Pay Raises; &
(2) Breyer Committee Report on the Implementation
of the Judicial Conduct and Disability Act of 1980

Dear Dean Schizer:

Posted on the website of the Administrative Office of the United States Courts¹ is your February 14, 2007 letter to Senate Judiciary Committee Chairman Patrick Leahy “in support of Chief Justice John Roberts’ call for an increase in the compensation of federal judges.” The letter, indicating Chief Justice Roberts as a recipient, is signed by you and “129 additional signatories”, these being deans of 129 other law schools.

Our national, nonpartisan, nonprofit citizens’ organization has a different view of Chief Justice Roberts’ call for an increase in federal judicial compensation, opposing it for reasons we presented by a May 13, 2008 memo to leaders of Congress. The memo – to which Senate Judiciary Committee Chairman Leahy and Chief Justice Roberts are indicated recipients – points out that the same sentence of the United States Constitution as gives federal judges undiminished compensation during their “Continuance in Office” predicates such “Continuance” on their “good Behaviour”. Yet, Chief Justice Roberts and other advocates of increased judicial compensation ignore this. Your own February 14, 2007 letter says nothing about the “good Behaviour” predicate to judicial tenure and compensation.

* The **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens’ organization, documenting, by independently-verifiable empirical evidence, the dysfunction, politicization, and corruption of the processes of judicial selection and discipline on federal, state, and local levels.

¹ <http://www.uscourts.gov/judicialcompensation/index.htm>

We invite you and the 129 additional law school deans who signed the February 14, 2007 letter to provide Congress with scholarly responses to our May 13, 2008 memo, including our request that Congress defer action on the Senate and House bills for a 29% increase in judicial salaries pending congressional hearings on the Report on the Implementation of the Judicial Conduct and Disability Act of 1980, rendered by a judicial committee headed by Associate Justice Breyer in September 2006. Our request for deferment and congressional hearings is based on our 73-page Critique of the Breyer Committee Report, detailing and documenting that it covers up systemic and longstanding violations of “good Behaviour” within the federal judiciary, for which removal from office, not increased compensation, is constitutionally-dictated.

We, therefore, request that you forward this letter to the 129 law school deans, along with our enclosed May 13, 2008 memo and Executive Summary of our 73-page Critique. As for the Critique itself, it is posted on our website, www.judgewatch.org, accessible *via* the sidebar panel “Judicial Discipline-Federal”. That is where the other substantiating documents referred-to by our May 13, 2008 memo are also posted, including our March 6, 2008 letter to Chief Justice Roberts, transmitting the Critique to him and calling upon him to take corrective steps to keep the federal judiciary’s “house in order”, without intervention of the other governmental branches.

As there are countless constitutional scholars at Columbia University School of Law and the other 129 law schools who are experts on the federal judiciary and judicial independence and accountability issues, we also request that you and the 129 law school deans furnish this letter to the relevant scholars at your respective law schools so that they might serve Congress – and the American People – by their answers to the following questions based on our Critique and March 6, 2008 letter to the Chief Justice:

(1) Do you agree that the federal judiciary’s new rules for federal judicial discipline “violate and affirmatively misrepresent the congressional statute they purport to implement^[fn], 28 U.S.C. §§351-364, and do not comply with its requirement of ‘appropriate public notice and an opportunity for comment’ (§358), at least not in a meaningful, good-faith way”?

If so,

(a) What is your view of the Judicial Conference’s adoption of the rules on March 11, 2008?;

(b) Do you agree that this is a matter properly brought to Congress’ attention?

(2) Do you agree that the Breyer Committee Report is superficial, “methodologically-flawed and dishonest”, and “a knowing and deliberate fraud

on the public”?

If so,

(a) Do you agree that such warrants “congressional hearings, disciplinary and criminal investigations, and radical overhaul of the façade of federal judicial discipline that currently exists”?;

(b) Isn’t action by our other government branches, Congress and the President, even more compelled in light of the Chief Justice’s failure to respond to CJA’s March 6, 2008 letter – including by taking such action as Congress empowered the Judicial Conference to take, pursuant to 28 U.S.C. §331, to “hold hearings, take sworn testimony, issue subpoenas and subpoenas duces tecum, and make necessary and appropriate orders in the exercise of its authority”?

Needless to say, we would be pleased to provide hard copies of the Critique and related primary source documents to all scholars willing to answer these questions for Congress or otherwise engaging in evidence-based scholarship.

Should you and the other 129 law school deans be unwilling to furnish this letter to the relevant scholars of your respective law schools, as here requested, please advise why and whether you would be more receptive to a request coming directly from Congress.

We trust you would agree that the nation is not well served when

“...none of this nation’s scholars who write and speak about federal judicial discipline...have done any critical analysis of the Breyer Committee Report....”
(Executive Summary, ¶2).

Thank you.

Yours for a quality judiciary,



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

Enclosures: (1) CJA’s May 13, 2008 memo to leaders of Congress
(2) Executive Summary of CJA’s Critique of the Breyer Committee Report

cc: all recipients of CJA’s May 13, 2008 memo