

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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June 7, 1996

Eleanor D. Acheson, Assistant Attorney General
Office of Policy Development
U.S. Department of Justice
Washington, D.C. 20530

RE: Informational Requests

Dear Ms. Acheson:

We are most disappointed not to have heard from you regarding our request for disclosure of the American Bar Association's rating of Justice Lawrence E. Kahn, nominated last April by President Clinton for a district court judgeship in the Northern District of New York.

As discussed by phone on May 22nd, both with you and your assistant, Joseph Thesing, we hoped to include that information in our letter of that date to Kolan Davis, Chief Counsel of the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts. Indeed, following our phone conversations, we faxed you a draft of that letter with a cover note request that read:

"...please let us know ASAP whether the Justice Dept., acting for this Administration, will release Justice Lawrence Kahn's ABA rating."

Enclosed is a copy of that finalized letter. Also enclosed is our May 27, 1996 letter to Chairman Hatch, for inclusion in the record of the Senate Judiciary Committee's May 21st hearing on the role of the ABA in federal judicial selection. Our letter to Chairman Hatch explicitly identifies and describes the indefensible manner in which the ABA handled our submission to it, documenting Justice Kahn's unfitness for judicial office. On the subject of the ABA's secret rating of Justice Kahn, our letter to Chairman Hatch stated as follows:

"We would note that we have tried to obtain Justice Kahn's ABA rating from the ABA. Irene Emsellem, the ABA liaison to the Standing Committee, told me last week that the ABA only makes the rating public after the nomination is made public. However, she

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refused to explain why the nomination is not considered public when it is announced by the President.

We have also tried to obtain Justice Kahn's ABA rating from the U.S. Justice Department. I spoke with Eleanor D. Acheson, the Assistant Attorney General in charge of these matters, as well as her assistant, Joseph Thesing, inquiring if the Justice Department, on behalf of the President, would disclose this and other ABA ratings at the time of nomination. They have not gotten back to us." (at page 4).

We reiterate our aforesaid request for Justice Kahn's ABA rating, as well as our further informational request, discussed in our telephone conversation on May 22nd, as to whether, as a matter of policy, the Administration will make the ABA rating of federal judicial nominees available from the time the nomination is announced. If not, we would like to know why not.

Since the extensive documentation we sent to Chairman Hatch with our May 27, 1996 letter establishes the inadequacy and dishonesty of the ABA's screening of judicial nominees, its contempt for the public, and its disregard of fundamental ethical and professional duty obligations, we transmit a duplicate to you.

These materials dispositively refute your sanguine view of the ABA's Standing Committee on Federal Judiciary, set forth in your May 21, 1996 written statement to the Senate Judiciary Committee, in the context of its hearing on the ABA's role, that:

"...the [ABA] Committee's work adds immeasurably--and justifiably--to the public's confidence in the judicial selection process and in the judiciary itself."

Indeed, such materials demonstrate that the ABA is unworthy of the Administration's confidence and that the Administration must, at very least, supplement its sources of information about the qualifications of prospective judicial nominees.

We, respectfully, submit that the Center is an important non-partisan source for such information. We, therefore, request that before the President makes his judicial nominations, the Justice Department contact us.

Should the Justice Department not do so, we request that it notify the Center of the President's judicial nominations upon announcement so that we can present to the Senate Judiciary Committee, in conjunction with its confirmation hearings, the information we have as to those nominees.

We look forward to your response, on behalf of the Administration.

Yours for a quality judiciary,



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

Enclosures: (a) 5/22/96 ltr to Kolan Davis, Esq.
(b) as indicated on 5/27/96 ltr to Chairman Hatch