

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewidth.org]
Sent: Tuesday, March 15, 2011 3:36 PM
To: 'wintta_woldemariam@gillibrand.senate.gov'
Subject: CJA's Requests to NY Home-State Senator Kirsten Gillibrand RE: Confirmation of Former NY Solicitor General Caitlin Halligan to the US Court of Appeals for the DC Circuit
Attachments: 3-14-11-ltr-to-reid-8pp.pdf; 3-14-11-ltr-to-mcconnell-1p.pdf

Dear Ms. Woldemariam,

Thank you for your return call earlier today. As discussed, attached is the Center for Judicial Accountability's March 14th letter to Senate Majority Leader Reid, reflecting what I was told on March 10th by Senator Leahy's Senate Judiciary Committee staff, *to wit*, that in order for CJA's March 9th letters to the Senate Judiciary Committee opposing Caitlin Halligan's confirmation to be part of the record, we must ask one of our home-state Senators to so request.

It was for this reason that I telephoned Senator Gillibrand's D.C. office on March 10th and 11th, as well as yesterday, Monday, March 14th.

So that the record may properly reflect the Senate Judiciary Committee's misfeasance and nonfeasance with respect to CJA's non-partisan citizens' opposition to Ms. Halligan's confirmation, we respectfully request that Senator Gillibrand submit, for the record, our March 14th letter to Senate Majority Leader Reid, with its annexed March 9th letters to the Judiciary Committee, and, additionally, our March 14th letter to Senate Minority Leader McConnell, pertaining thereto. Both are attached.

Based on these letters, CJA further respectfully requests that Senator Gillibrand vindicate the rights of the People of the State of New York and protect the interest of the nation by taking steps to secure the withdrawal of Ms. Halligan's confirmation from the Senate's Executive Calendar and/or that the Senator put a "hold" on the confirmation until such time as the Senate has investigated the *readily-verifiable* record proof of Ms. Halligan's official misconduct as New York Solicitor General, summarized by our March 9th letters to the Senate Judiciary Committee. This would include requiring Ms. Halligan to now respond to CJA's October 2, 2001 letter to her as New York Solicitor General – and, especially, to the "three 'highlights'" indicated at page 7 therein, as these were, and are, dispositive of the rights of the People of New York.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
631-377-3583

CENTER for **J**UDICIAL **A**CCOUNTABILITY, INC.*

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Elena Ruth Sassower, Director

BY FAX: 202-224-2499 (9 pages)

BY E-MAIL

March 14, 2011

Senate Minority Leader Mitch McConnell
Washington, D.C.

RE: Citizen Demand for Withdrawal from Today's Senate Executive Calendar
&/or Senate Hold on the Confirmation of Caitlin J. Halligan to the United
States Court of Appeals for the District of Columbia Circuit –

Dear Senate Minority Leader McConnell:

Following up my telephone call to your office and voice mail message for your counsel, Russell Coleman, at approximately 9:30 this morning, enclosed is CJA's self-explanatory of today's date to Senate Majority Leader Reid, to which you are indicated recipient.

I specifically draw your attention to the final paragraph:

“Suffice to say, if you and/or Senate Minority Leader Mitch McConnell do not withdraw Ms. Halligan's confirmation from today's Executive Calendar – and do not place a ‘hold’ on the confirmation based on the facts herein set forth and reflected by CJA's enclosed March 9th letters – CJA requests that you and Senate Minority Leader McConnell distribute this letter and its enclosures to the other 98 Senators so that they may take appropriate action to safeguard the rights and interests of the public they are duty-bound to serve.”

Thank you.

Yours for a quality judiciary,



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

Enclosure
cc: Press
Academia

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

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Elena Ruth Sassower, Director

BY FAX: 202-224-7327 (8 pages)

BY E-MAIL

March 14, 2011

Senate Majority Leader Harry Reid
Washington, D.C.

RE: Citizen Demand for Withdrawal from Today's Senate Executive Calendar
&/or Senate Hold on the Confirmation of Caitlin J. Halligan to the United
States Court of Appeals for the District of Columbia Circuit –

Dear Senate Majority Leader Reid:

Following up my telephone conversation with your staff assistant, Luke Gallagher, and my voice mail message for your counsel, Gavin Parke, at about 9:15 a.m. this morning, as well as my phone messages at the office of Senate Minority Leader Mitch O'Connell shortly thereafter, this is to object to your placing Caitlin Halligan's confirmation to the U.S. Court of Appeals for the D.C. Circuit on today's Senate Executive Calendar.

Such calendaring – which is all the more egregious as it is “without printed report” of the Senate Judiciary Committee – was also without anyone from your office contacting me about my March 10th telephone call to Mr. Gallagher and voice mail message for Mr. Parke, notifying them of serious dysfunction at the Senate Judiciary Committee, voiding the integrity of its March 10th party-line vote approving Ms. Halligan's nomination and making it otherwise improper to proceed with Senate confirmation.

As stated to them, prior to the Committee's solid Democratic vote approving Ms. Halligan's nomination over a solid Republican vote against, counsel for Democratic Senate Judiciary Committee Chairman Leahy never contacted me about CJA's citizen opposition to Ms. Halligan. Instead, I was relegated to leaving messages with Judiciary Committee staff – Aaron, on Monday morning, March 7th, and Sarah, on Tuesday morning, March 8th – because, allegedly, counsel were too busy. This counsel, whose names neither Aaron nor Sarah would disclose, continued

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to be too busy on Wednesday morning, March 9th, even though I had by then independently discovered that the Committee had scheduled Ms. Halligan's nomination for a vote at its next day's Executive Business Meeting.

Nor did Chairman Leahy's counsel call me in the afternoon of March 9th, following my transmittal of CJA's March 9th letter addressed to "Chairman Leahy & Democratic Majority Members", in which I recapped what I had stated by phone over the previous two days about dispositive and readily-verifiable evidence of Ms. Halligan's official misconduct as New York's Solicitor General, disqualifying her from any office of public trust – as to which Ms. Halligan's response was mandated before any further consideration could be given to her nomination.

Enclosed is a copy of that important March 9th letter, faxed to both Chairman Leahy's Judiciary Committee and Senate offices, as well as e-mailed to the only e-mail addresses Chairman Leahy's Committee and office staff would provide. The accompanying e-mail message read:

"Please immediately distribute to ALL Committee members & their relevant counsel so that their deliberations may be properly informed." (capitalization in the original).

Although I was led to believe on Wednesday, March 9th, that such distribution would be – and had been – made, I was told on Thursday, March 10th, upon calling Chairman Leahy's Committee office to ascertain the results of the Committee's Executive Business Meeting – that: (1) it had not been distributed; (2) it is not Chairman Leahy's policy to make such distribution, even to members of his own Democratic Majority – and; (3) I would have to furnish it to each Committee member myself.

I also learned that CJA's March 9th letter would not be part of the Committee's record of Ms. Halligan's nomination, unless I specifically made such request, and that for such purpose I would have to contact my home-state senator – which I did, Senator Kirsten Gillibrand. When I asked about other citizen opposition to Ms. Halligan's nomination, stating that I wished to see it, as well as submissions made by interests groups – none of which is on the Senate Judiciary Committee's website of "Nomination Materials" – I was told that I'd have to search for it on the internet. .

As for what the Senate Judiciary Committee provides to the Senate to enable it to discharge its "advise and consent" function, I was told the Committee furnishes nothing. Indeed, based on the Senate's March 14th Executive Calendar, it appears that the Committee forwards judicial nominees for confirmation "without written report", thereby depriving Senators of information about such opposition as the Committee received and its investigation thereof, if any.

Under such circumstances, the members of the Senate cannot meaningfully exercise their "advise and consent" function – just as members of the Senate Judiciary Committee, who had no knowledge of CJA's March 9th citizen opposition, could not intelligently cast a vote on Ms.

Halligan's nomination at the Committee's March 10th Executive Business Meeting. Such unintelligent, lemming-like Committee vote is reflected by its Democratic-Republican 10-8 party-line split, which followed the deceitful presentations of both Chairman Leahy and Ranking Member Grassley at that meeting.

Time does not permit me to particularize the betrayal of the public trust by Ranking Member Grassley, his counsel, David Best, and other counsel serving Senators of the Senate Judiciary Committee's Republican Minority in connection with Ms. Halligan's confirmation – or by counsel to various Senators of the Democratic Majority. Suffice to say, they should be required to disclose what they did upon my notification to them, beginning on Monday morning, March 7th, of CJA's citizen opposition to Ms. Halligan's confirmation. For immediate purposes, a copy of CJA's March 9th letter addressed to "Ranking Member Grassley & Republican Minority Members" of the Senate Judiciary Committee – e-mailed for Ranking Member Grassley and the various counsel with our letter for "Chairman Leahy & Democratic Majority Members" – is enclosed.

Suffice to say, if you and/or Senate Minority Leader Mitch McConnell do not withdraw Ms. Halligan's confirmation from today's Executive Calendar – and do not place a "hold" on the confirmation based on the facts herein set forth and reflected by CJA's enclosed March 9th letters – CJA requests that you and Senate Minority Leader McConnell distribute this letter and its enclosures to the other 98 Senators so that they may take appropriate action to safeguard the rights and interests of the public they are duty-bound to serve.

Thank you.

Yours for a quality judiciary,



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

Enclosures

cc: Senate Minority Leader Mitch McConnell
Press
Academia

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Elena Ruth Sassower, Director

BY FAX: 202-224-9516 (2 pages)

BY E-MAIL: info@judiciary-dem.senate.gov

March 9, 2011

Chairman Patrick J. Leahy & Democratic Majority Members
United States Senate Judiciary Committee
Washington, D.C.

RE: Citizen Opposition to Confirmation of Caitlin J. Halligan to the
United States Court of Appeals for the District of Columbia Circuit –
on the Agenda of the Senate Judiciary Committee’s
March 10, 2011 Executive Business Meeting

Dear Chairman Leahy & Democratic Majority Members:

This follows my telephone notification to the Senate Judiciary Committee Majority Office on Monday morning, March 7th, and then again yesterday morning, of the official misconduct of Caitlin J. Halligan as New York State Solicitor General, disqualifying her for any position of public trust, let alone for a judgeship.

Specifically, Ms. Halligan corrupted the judicial process to defeat a landmark public interest lawsuit against the New York State Commission on Judicial Conduct, sued for corruption. She did this by countenancing the repudiation of ALL litigation standards by the Solicitor General’s office and the obliteration of ALL adjudicative standards by New York State judges, including as to judicial disqualification and disclosure.

Such misconduct is *readily-verifiable* and fully-documented by the lawsuit record, the particulars of which were brought to Ms. Halligan’s direct attention within days of her becoming Solicitor General by an October 2, 2001 letter to her, which I hand-delivered to her office.

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Chairman Patrick J. Leahy & Democratic Majority Members
Page Two
March 9, 2011

Entitled, “Your Duty to Comply with Fundamental Rules of Supervisory and Professional Responsibility in the appeal...”, this October 2, 2001 letter is featured on CJA’s website, www.judgewatch.org, on a webpage devoted to our opposition to Ms. Halligan’s confirmation: <http://www.judgewatch.org/web-pages/judicial-selection/federal/judicial-selection-fed-2011.htm>.¹ It is the most convenient starting point for your verifying the litigation fraud she condoned and allowed her office to commit, warranting the relief I requested then and thereafter in motion papers: her referral to disciplinary and criminal authorities. That would have happened, but for Ms. Halligan’s success in depriving me – the petitioner in the lawsuit, acting for the public – of a fair and impartial tribunal, which she did both before New York’s Appellate Division, First Department and the New York Court of Appeals, covering up a similar deprivation in Supreme Court/New York County.

Inasmuch as Ms. Halligan did not respond to the October 2, 2001 letter – because doing so would have required her to concede the litigation fraud of the Solicitor General’s office and the judicial fraud of state judges without which the Commission could not prevail – she must be required to respond now – before any further consideration is given to her nomination. This would especially include her response to the “three ‘highlights’”, identified at page 7 of my October 2, 2001 letter and in my subsequent correspondence and motion papers as “dispositive” of both branches of my August 17, 2001 motion: the first branch being for judicial disqualification/disclosure and the second branch pertaining to the Attorney General’s disqualification and the Solicitor General’s litigation misconduct.

The full record of the lawsuit is accessible *via* our webpage pertaining to our opposition to Ms. Halligan’s confirmation, as well as *via* the left sidebar panel “Test Case-State (*Commission*)”. Nonetheless, I would be pleased to provide you with a hard copy – as well as to come to Washington to answer your questions and give testimony under oath.

Finally, so that you may glimpse the irreparable injury that Ms. Halligan caused the People of New York by her corrupting of the judicial process to protect a corrupted Commission on Judicial Conduct, I urge that you view the videos of the 2009 hearings on the Commission, held by the New York State Senate Judiciary Committee, posted on CJA’s website at: <http://www.judgewatch.org/web-pages/judicial-discipline/nys/nys-sjc-hearing.htm>

Thank you.

Yours for a quality judiciary,



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

¹ Also accessible *via* our website’s top panel “Latest News”.

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Wednesday, March 09, 2011 12:32 PM
To: 'info@judiciary-dem.senate.gov'; 'senator_leahy@leahy.senate.gov'; 'david_best@judiciary-rep.senate.gov'; 'blazer_smith@grassley.senate.gov'
Cc: 'ted_schroeder@coons.senate.gov'; 'alvaro_bedoya@franken.senate.gov'; 'david_barlow@lee.senate.gov'; 'stephen_higgins@judiciary-rep.senate.gov'; 'tmann@brookings.edu'; 'sbinder@brookings.edu'; 'bwittes@brookings.edu'; 'rwheeler@brookings.edu'
Subject: Tomorrow's Executive Business Meeting: Citizen Opposition to Confirmation of Caitlin Halligan to the US Court of Appeals for the DC Circuit
Attachments: 3-9-11-sjc-dem-majority.pdf; 3-9-11-sjc-rep-minority.pdf

Attached are the Center for Judicial Accountability's already-faxed letters to the Senate Judiciary Committee's Democratic & Republican sides pertaining to Caitlin Halligan's nomination, on the Committee's agenda for tomorrow's Executive Business Meeting.

Please immediately distribute to ALL Committee members & their relevant counsel so that their deliberations may be properly informed.

Thank you.

Elena Sassower, Director
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BY E-MAIL: david_best@judiciary-rep.senate.gov

March 9, 2011

Ranking Member Charles Grassley & Republican Minority Members
United States Senate Judiciary Committee
Washington, D.C.

RE: Citizen Opposition to Confirmation of Caitlin J. Halligan to the
United States Court of Appeals for the District of Columbia Circuit –
on the Agenda of the Senate Judiciary Committee’s
March 10, 2011 Executive Business Meeting

Dear Ranking Member Grassley & Republican Minority Members:

This follows my telephone conversation on Monday morning, March 7th, with David Best, your counsel for judicial nominations, about the official misconduct of Caitlin J. Halligan as New York State Solicitor General, disqualifying her for any position of public trust, let alone for a judgeship.

Specifically, Ms. Halligan corrupted the judicial process to defeat a landmark public interest lawsuit against the New York State Commission on Judicial Conduct, sued for corruption. She did this by countenancing the repudiation of ALL litigation standards by the Solicitor General’s office and the obliteration of ALL adjudicative standards by New York State judges, including as to judicial disqualification and disclosure.

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Page Two
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Thank you.

Yours for a quality judiciary,



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

¹ Also accessible *via* our website’s top panel “Latest News”.