

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Wednesday, July 19, 2023 12:30 PM

**To:** 'roger.hodge@theintercept.com'; 'jeremy.scahill@theintercept.com';  
'rashmee.kumar@theintercept.com'; 'ryan.grim@theintercept.com';  
'akela.lacey@theintercept.com'; 'daniel.boguslaw@theintercept.com';  
'david.bralow@theintercept.com'; 'nick@nickpinto.net';  
'ken.klippenstein@theintercept.com'

**Cc:** 'jpaladino@pogo.org'

**Subject:** **Letter to Senators Durbin & Whitehouse for tomorrow's Senate  
Judiciary Committee meeting & vote on the "Supreme Court Ethics,  
Recusal, and Transparency Act"**

**Attachments:** 7-18-23-letter-to-durbin-whitehouse.pdf

TO: The Intercept

Following up my [July 7<sup>th</sup> e-mail to you](#) furnishing The Intercept with the SAME [June 29<sup>th</sup> non-partisan story proposal](#) as I had furnished ProPublica, without response from it and, thereafter, from you, below, with the above-attached, is my today's e-mail to ProPublica for its investigative reporting of my July 18<sup>th</sup> letter to Senate Judiciary Committee Chair Durbin and Courts Subcommittee Chair Whitehouse about "Setting the Record Straight", now also sent to you for investigative reporting.

Will you be reporting on the letter in keeping with your mission of "holding the powerful accountable through fearless, adversarial journalism" – and, if not, what is the reason, other than your violation of codes of conduct pertaining to conflicts of interest, applicable to The Intercept.

I am available to assist you. What are you waiting for?

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)  
-----

---

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Wednesday, July 19, 2023 9:31 AM

**To:** 'justin@propublica.org' <[justin@propublica.org](mailto:justin@propublica.org)>; 'joshua.kaplan@propublica.org'  
<[joshua.kaplan@propublica.org](mailto:joshua.kaplan@propublica.org)>; 'alex.mierjeski@propublica.org' <[alex.mierjeski@propublica.org](mailto:alex.mierjeski@propublica.org)>;  
'paul.kiel@propublica.org' <[paul.kiel@propublica.org](mailto:paul.kiel@propublica.org)>

Cc: 'stephen.engelberg@propublica.org' <[stephen.engelberg@propublica.org](mailto:stephen.engelberg@propublica.org)>; 'Tracy.Weber@propublica.org' <[Tracy.Weber@propublica.org](mailto:Tracy.Weber@propublica.org)>; 'Charles.Ornstein@propublica.org' <[Charles.Ornstein@propublica.org](mailto:Charles.Ornstein@propublica.org)>; 'alexandra.zayas@propublica.org' <[alexandra.zayas@propublica.org](mailto:alexandra.zayas@propublica.org)>; 'eric.umansky@propublica.org' <[eric.umansky@propublica.org](mailto:eric.umansky@propublica.org)>; 'Jeremy.Kutner@propublica.org' <[Jeremy.Kutner@propublica.org](mailto:Jeremy.Kutner@propublica.org)>; 'robin.sparkman@propublica.org' <[robin.sparkman@propublica.org](mailto:robin.sparkman@propublica.org)>; 'dick.tofel@propublica.org' <[dick.tofel@propublica.org](mailto:dick.tofel@propublica.org)>; 'Jesse.Eisinger@propublica.org' <[Jesse.Eisinger@propublica.org](mailto:Jesse.Eisinger@propublica.org)>; 'brett.murphy@propublica.org' <[brett.murphy@propublica.org](mailto:brett.murphy@propublica.org)>; 'robin.fields@propublica.org' <[robin.fields@propublica.org](mailto:robin.fields@propublica.org)>; 'brett.murphy@propublica.org' <[brett.murphy@propublica.org](mailto:brett.murphy@propublica.org)>

**Subject: Letter to Senators Durbin & Whitehouse for tomorrow's SJC meeting & vote on the "Supreme Court Ethics, Recusal, and Transparency Act"**

**TO: ProPublica Reporters Elliott, Kaplan, and Mierjeski**

A *propos* of your non-investigative July 12<sup>th</sup> article "[Senators Ask Billionaire Paul Singer and Power Broker Leonard Leo For Full Accounting of Gifts to Supreme Court Justices](#)", which purports "a new phase in the Senate investigation of Supreme Court ethics", uncritically quotes the [July 10<sup>th</sup> press release](#) of Senate Judiciary Committee Chair Durbin and Courts Subcommittee Chair Whitehouse "To hold these nine Justices to the same standard as every other federal judge is not a radical or partisan notion", and reports their scheduling of a July 20<sup>th</sup> Committee vote on the "[Supreme Court Ethics, Recusal, and Transparency Act](#)", above-attached is my yesterday's letter to Senators Durbin and Whitehouse, sent by the below e-mail.

Entitled "[Setting the Record Straight: 'Supreme Court Ethics, Recusal, and Transparency Act' – & the mirage of ethics codes & enforcement in the lower federal judiciary – & elsewhere](#)", the letter requests that they distribute it to ALL senators and place it on the agenda of the Committee's July 20<sup>th</sup> meeting so that discussion of the Act "may be informed by the relevant facts, rather than, as it has been, infused with falsehoods and partisanship on both sides".

As most of the EVIDENCE furnished by the letter was provided to you by my [June 29<sup>th</sup> non-partisan story proposal](#), you have a HUGE head-start in your investigative reporting, NOW.

Please call me to confirm that you will be reporting on it – or explain how your not doing so is consistent with codes of conduct applicable to [ProPublica](#) pertaining to conflicts of interest.

I am available to assist you. What are you waiting for?

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

---

---

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Tuesday, July 18, 2023 4:43 PM

**To:** 'info@judiciary-dem.senate.gov' <[info@judiciary-dem.senate.gov](mailto:info@judiciary-dem.senate.gov)>; 'josh\_sorbe@judiciary-dem.senate.gov' <[josh\\_sorbe@judiciary-dem.senate.gov](mailto:josh_sorbe@judiciary-dem.senate.gov)>; 'scheduling@whitehouse.senate.gov' <[scheduling@whitehouse.senate.gov](mailto:scheduling@whitehouse.senate.gov)>

**Cc:** 'info@judiciary-rep.senate.gov' <[info@judiciary-rep.senate.gov](mailto:info@judiciary-rep.senate.gov)>

**Subject: Distribution -- Setting the Record Straight: "Supreme Court Ethics, Recusal, and Transparency Act" -- Letter for Distribution & Inclusion on the Agenda of SJC's July 20th meeting, etc.**

TO: Senate Judiciary Committee Chair/Majority Whip Dick Durbin, ESQ.  
Senate Judiciary Committee/Courts Subcommittee Chair Sheldon Whitehouse, ESQ.

Following up my below e-mail pertaining to my above-attached letter.

The senators' webpage messaging systems, which are for "comment", allowing for NO attachments, are TOO time-consuming and cumbersome for me to use – and it makes no sense for me to do so when you can so speedily forward this e-mail to the Senate Judiciary Committee's other 19 members and Senate Majority Leader Schumer and Senate Minority Leader McConnell.

I request that you forward my e-mail to them – and will assume that you have done so, unless I hear from you to the contrary.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

---

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Tuesday, July 18, 2023 4:00 PM

**To:** 'info@judiciary-dem.senate.gov' <[info@judiciary-dem.senate.gov](mailto:info@judiciary-dem.senate.gov)>; 'josh\_sorbe@judiciary-dem.senate.gov' <[josh\\_sorbe@judiciary-dem.senate.gov](mailto:josh_sorbe@judiciary-dem.senate.gov)>; 'scheduling@whitehouse.senate.gov' <[scheduling@whitehouse.senate.gov](mailto:scheduling@whitehouse.senate.gov)>

**Cc:** 'info@judiciary-rep.senate.gov' <[info@judiciary-rep.senate.gov](mailto:info@judiciary-rep.senate.gov)>

**Subject: Setting the Record Straight: "Supreme Court Ethics, Recusal, and Transparency Act" -- Letter for Distribution & Inclusion on the Agenda of SJC's July 20th meeting, etc.**

TO: Senate Judiciary Committee Chair/Majority Whip Dick Durbin, ESQ.  
Senate Judiciary Committee/Courts Subcommittee Chair Sheldon Whitehouse, ESQ.

Above attached – and here [linked](#) – is my letter of today’s date entitled: Setting the Record Straight: “Supreme Court Ethics, Recusal, and Transparency Act” – & the mirage of ethics codes & enforcement in the lower federal judiciary – & elsewhere”.

I request that it be distributed to ALL senators and placed on the agenda of the Senate Judiciary Committee’s July 20<sup>th</sup> meeting so that discussion of the important “Supreme Court Ethics, Recusal, and Transparency Act” may be informed by the relevant facts, rather than, as it has been, infused with falsehoods and partisanship on both sides.

To assist you in doing this, I am cc’ing Senate Majority Leader Schumer and Senate Minority Leader McConnell and will alert the other 19 Senate Judiciary Committee members *via* their webpage messaging systems and provide the link to CJA’s webpage posting this letter, which is: <https://www.judgewatch.org/web-pages/judicial-discipline/federal/2023-menu.htm>.

I am available to answer questions.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
[elena@judgewatch.org](mailto:elena@judgewatch.org)  
914-421-1200