

CENTER for JUDICIAL ACCOUNTABILITY, INC. *

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Elena Ruth Sassower, Director

BY HAND

Jeffrey Toobin, Esq.
New York, New York

RE: Your Publicly-Made Promise to Examine the Evidence:
The U.S. Supreme Court & the Corruption of Federal Judicial Discipline

Dear Mr. Toobin:

This follows up my public question to you and Linda Greenhouse on January 13, 2008 at the New York Times Center, which was as follows:

“For nearly ten years there has been an impeachment complaint against the Supreme Court Justices pending, uninvestigated, in the House Judiciary Committee, detailing their cover-up of the corruption of federal judicial discipline. Would either of you consider writing about that impeachment complaint – and about the fraud on the public committed by Associate Justice Breyer by his 2006 committee report, presented to Chief Justice Roberts and by both of them to the American People, purporting that federal judicial discipline, reposed in the federal judiciary is – with the exception of ‘highly-visible’ complaints – working very well.”

After initially opining that you did not believe there was corruption in the federal judiciary, you responded to my follow-up question as to whether you would be “open-minded” and examine the evidence by stating that you would. Linda Greenhouse, however, would not respond to either my initial question or my follow-up – prompting me to declare that such demonstrated the truth of David Margolick’s critical comments about Supreme Court beat reporters in his New York Times review of your book, The Nine: Inside the Secret World of the Supreme Court, *to wit*, that they are reluctant to critically scrutinize the performance of the Justices.¹

* 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 The month earlier I had e-mailed you and Ms. Greenhouse about empirical evidence establishing David Margolick’s assertion. Following the program, I handed you hard copies of the e-mail, including the correspondence it had enclosed to Mark Obbie, Associate Director of the Institute for the Study of the Judiciary, Politics, and the Media at Syracuse University and Director of its Carnegie Legal Reporting Program.

Thereafter, as you were autographing my copy of The Nine, I told you that I was working on a critique of the Breyer Committee Report that would substantiate my question. You stated that I could provide it to you. I am now doing so – along with CJA’s March 6, 2008 letter to Chief Justice Roberts, calling upon him to take appropriate action responsive to its showing that the Report is “a knowing and deliberate fraud on the public” and that the federal judiciary’s new rules for federal judicial discipline, based on the Breyer Committee Report, “violate and affirmatively misrepresent the congressional statute they purport to implement”.

Additionally, I enclose a copy of my March 11, 2008 e-mail to Linda Greenhouse – to which you were an indicated recipient – forwarding my prior e-mail to The Times’ Washington Bureau about CJA’s March 6, 2008 letter to the Chief Justice and the Judicial Conference’s closed-door deliberations on the proposed new rules. My transmitting message to her (& to you) was as follows:

“Following up our public exchange at The New York Times on January 13th, in the question-answer portion of your discussion with Jeffrey Toobin on the Supreme Court.

I take the opportunity to point out that CJA’s attached March 6, 2008 letter to the Chief Justice quotes from and cites (at p. 3) your September 20, 2008 article ‘*Federal Judges Take Steps to Improve Accountability*’. Likewise, CJA’s referred-to Critique cites your article – on its first page.

Please let me know how I can facilitate your covering this important story.

Thank you.”

I received no response from either Ms. Greenhouse or The Times, whose March 12, 2008 “National Briefing-Washington” reported on the newly-adopted rules for federal judicial discipline by a four-sentence blurb, entitled “*More Information on Judges*”, bearing an A.P. attribution.

Please advise how I may assist you in reporting on this important story about the corruption of federal judicial discipline – for which, as stated by our March 6th letter and detailed by our Critique, there must be hearings, investigation, and radical overhaul of the façade that presently exists.

Yours for a quality judiciary,



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

Enclosures

cc: The New York Times: Linda Greenhouse, Arthur Sulzberger, Jr.
David Margolick, Esq.
Institute for the Study of the Judiciary, Politics, and the Media

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewidth.org]
Sent: Tuesday, March 11, 2008 5:11 PM
To: 'ligree@nytimes.com'; 'lindagree@house@yahoo.com'
Cc: 'jeffrey.toobin@turner.com'
Subject: FW: TODAY'S Closed-Door Judicial Conference Deliberations on the Proposed New Rules for Federal Judicial Discipline
Attachments: 3-6-08-ltr-to-chief-justice.pdf

Dear Ms. Greenhouse:

Following up our public exchange at The New York Times on January 13th, in the question-answer portion of your discussion with Jeffrey Toobin on the Supreme Court:

I take the opportunity to point out that CJA's attached March 6, 2008 letter to the Chief Justice quotes from and cites (at p. 3) your September 20, 2006 article "*Federal Judges Take Steps to Improve Accountability*". Likewise, CJA's referred-to Critique cites your article -- on its first page.

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Thank you.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewidth.org]
Sent: Tuesday, March 11, 2008 4:44 PM
To: 'bbecker@nytimes.com'; 'washnews@nytimes.com'
Subject: TODAY'S Closed-Door Judicial Conference Deliberations on the Proposed New Rules for Federal Judicial Discipline

The New York Times:

For transmittal to the reporters covering the federal judiciary AND Supreme Court

Today's Judicial Conference proceedings on the proposed new rules for federal judicial discipline are taking place behind-closed-doors.

You can peek behind those "closed-doors" by examining the Center for Judicial Accountability's March 6, 2008 letter to Chief Justice Roberts, as head of the Judicial Conference. Such will make clear that the Chief Justice should be discussing the fact that the rules are violative and non-conforming with the congressional statute they purport to implement, 28 USC Sec. §§351-364 -- requiring that they be disapproved for adoption.

The letter, hand-delivered on March 7th to both the Executive Secretariat of the Judicial Conference and the Supreme Court, is attached, for your convenience. The letter is also accessible from CJA's website, www.judgewidth.org -- via the sidebar panel: "Judicial Discipline-Federal", where it is posted with the March 7th response of James C. Duff, Secretary to the Judicial Conference and CJA's March 10th reply. Also posted, CJA's underlying Critique of the Report to the Chief Justice on the Implementation of the Judicial Conduct and Disability Act of 1980, which accompanied hand-delivery of the March 6th letter to the Chief Justice.

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3/11/2008

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Elena Sassower, Director
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By Fax - 202-862-0340

Center for Judicial Accountability, Inc. (CJA)

6 pages

ATT: Bernie

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