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Helen Dewar
The Washington Post

RE: Proposal for an investigative expose of the Senate's wilful refusal to "scrutinize" the qualifications of "noncontroversial" federal judicial nominees, including its rebuff of nonpartisan citizen opposition, by a casestudy examination of its confirmation of New York Court of Appeals Judge Richard C. Wesley's nomination to the Second Circuit Court of Appeals

Dear Ms. Dewar:

In our telephone conversation on April 26th I alerted you to the corruption of federal judicial selection/confirmation underlying my arrest last year for "disruption of Congress" – the trial of which had been the subject of two Washington Post stories, "Conduct Trial Gets Off to Rough Start" (4/15/04); "Activist Convicted Of Disrupting Senate Committee" (4/21/04)¹. Your memorable response to my description of how the Senate Judiciary Committee treats citizens who contact it with information about nominee unfitness was "what would citizens have to contribute?" – for which reason I particularly urged you to read my June 16, 2003 memo to Ralph Nader, Public Citizen, and Common Cause, featured at the top of the homepage of CJA's website, www.judgewatch.org, with the substantiating underlying documents posted as part of a "Paper Trail", also on the homepage.

You told me you would make inquiries at the Senate Judiciary Committee as to my assertion that the Committee not only does NOT permit citizens to testify in opposition to lower federal judicial nominees (a *media-unreported* story), but that its refusal to do so is NOT based on

¹ I had previously phoned you on that April 21st date. My call to you five days later was because I had received no response to the voice mail message I had left.

any vetting of their testimony beforehand (also a *media-unreported* story). As I stated, the Committee altogether ignores and rebuffs information and documentary proof from such citizens -- at least in those overwhelming majority of cases where the federal judicial nominee is NOT "ideologically-objectionable".

Having not heard back from you for three weeks, I called you this past Monday, May 17th -- leaving a voice mail message. I brought to your attention my Letter to the Editor, "*Correcting the Record*", in the May 10th issue of Roll Call, about "the scandalous state of affairs, where the Senate Judiciary Committee wilfully ignores evidence of nominee unfitness in order to consummate the political deals which Senators make over judgeships". I also alerted you to Robert Novak's important May 17th column, "*Judicial scandal*", about the Senate Judiciary Committee's manipulation of the confirmation of a particular federal judicial nominee, when the Committee was under democratic control (and involving Senator Kennedy).

It is now three days later and I have received no return call. I see, however, that you have been busy reporting on related stories: "*Democrats Ask to Recall Haynes*" (May 18th) and "*President, Senate Reach Pact On Judicial Nominations*" (May 19th). These stories are essentially "fed" to you and other media by Senators who have long concealed the truth about "noncontroversial" federal judicial nominations and how they are handled. Such successful concealment and manipulation is clear from comparison of your May 18th story about how "Key Senate democrats"—notably Senator Kennedy -- are seeking further examination, beyond that previously undertaken, of Defense Department General Counsel William J. Haynes II, nominated to the Fourth Circuit Court of Appeals, with CJA's "paper trail" of correspondence with Senate Democrats pertaining to Senate confirmation of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals. Particularly pertinent are CJA's June 4, 2003 memo to Senator Kennedy² and June 6, 2003 memo to Senate Minority Leader Daschle.

As to your May 19th story about the "bipartisan deal" for confirmation of "25 mostly noncontroversial nominations" -- as to which you have included a quote from New York Senator Charles Schumer -- it was my proposal to you when we spoke on April 26th that The Washington Post examine the Senate's handling of "noncontroversial" nominees -- as, for example, by a casestudy of Judge Wesley, whose nomination was engineered by Senator

² A *propos* of my description to you in our April 26h conversation of the background to CJA's advocacy on federal judicial selection -- going back to our 1992 critique -- our correspondence in that period with Senator Kennedy's office with respect thereto is posted on our website. See, *Correspondence-Federal Official: "Senate Judiciary Committee"* Also, "*Other Senators*" (9/4/02; 9/15/02; 10/23/02; 11/4/02).

Schumer and whose *readily-verifiable* corruption on New York's highest state court neither Senator Schumer nor anyone else involved in the federal judicial selection/confirmation process would confront.

I am not sure whether, in leaving my May 17th voice mail message I alerted you to my May 11th written proposal to The New York Times or to my May 4th written proposal to scholars – both posted as part of the “Paper Trail”. If not, I take this opportunity to now do so. I also take this opportunity to draw to your attention to my yesterday's published Letter to the Editor in the New York Law Journal, “*Portrayal in News Item Found 'Denigrating'*”, whose closing paragraph reads:

“Judge Wesley's ‘documented corruption’ – covered up by the bar associations, Senators Schumer, Clinton, and the Senate Judiciary Committee, among others – is a major political scandal, yet to be reported. Its explosive ramifications would rightfully derail Senator Schumer's re-election campaign and Senator Clinton's talked-about future candidacy for president...”

Please let me know, as soon as possible, whether you will be investigating this “major political scandal” -- as I am to be sentenced on June 1st to up to six months in jail and a \$500 fine in connection with my wrongful conviction on the bogus, indeed, retaliatory, “disruption of Congress” charge. At very least, won't you begin by asking Senator Schumer, Senator Clinton, Senate Judiciary Committee Chairman Hatch, Ranking Member Leahy, and Senator Chambliss the question posed by my Roll Call Letter, “how much jail time they deem appropriate for such a concocted crime”? This -- and the *media-unreported* fact that the protestors at the May 7th Senate Armed Services Committee hearing, who unfurled a banner and shouted out for Defense Secretary Rumsfeld's resignation, were NOT even arrested, let alone prosecuted, for “disruption of Congress” -- could easily be written up in a story and run before June 1st.

You may be assured of my full assistance – including by copies of ALL primary source materials posted on CJA's website and otherwise substantiating this explosive story.

Thank you.

Yours for a quality judiciary,


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