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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL: Certified Mail/RRR: P-801-449-689

March 27, 1998

Jerome J. Shestack, President  
American Bar Association  
c/o Wolf, Block, Schorr & Solis-Cohen  
12th Floor Packard Building  
S.E. Corner 15th & Chestnut Streets  
Philadelphia, Pennsylvania 19102-2678

RE: The ABA's Professional and Ethical Duty to Address Evidentiary Proof of Misconduct by Federal Judges and the Subversion of Remedies Within the Second Circuit

Dear President Shestack:

We have received *no* response from you -- or anyone else at the ABA -- to my mother's January 26th letter, enclosing the file in her §1983 federal action, *Sassower v. Mangano, et al.*, and requesting you to transmit it to "appropriate ABA committees for *amicus* and other assistance" (at p. 5). The letter stated that she was going to seek review in the U.S. Supreme Court. Last month, she sought an extension of time to file the cert petition -- which was granted to May 16th. We need the ABA's help if we are going to meet that deadline.

Nearly three weeks ago, I telephoned your office to inquire as to when we could expect a response to the January 26th letter and, specifically, to ascertain the status of my mother's *amicus* request. Your secretary took a message and I gave her not only CJA's telephone number, but my mother's direct number for your return call -- which we never received. Is it your intention that the ABA, under your leadership, will ignore the profoundly serious issues set forth in that January 26th letter?

Those issues, which include the Second Circuit's subversion of anything resembling a judicial/appellate process in *Sassower v. Mangano*, including respect for the federal recusal statutes, 28 U.S.C. §144 and §455, now encompass its subversion of the disciplinary process provided under 28 U.S.C. §372(c). Enclosed is a copy of the order of its Chief Judge who, *without* addressing or identifying my mother's contention that her §372(c) judicial misconduct complaints had to be transferred to another Circuit because he and the Circuit were disqualified for bias and self-interest, dumped the complaints as "merits-related".

Needless to say, his dismissal order<sup>1</sup> reflects the same kind of dishonesty and non-compliance with the recommendations of the National Commission on Judicial Discipline and Removal and the Judicial Conference of the United States as is described in CJA's article "*Without Merit: The Empty Promise of Judicial Discipline*" (at p. 96), which was annexed as Exhibit "F" to my mother's January 26th letter.


The January 26th letter (at p. 8) *expressly* invited the ABA to comment on that article *in advance* of the congressional hearing on the Report of the National Commission on Judicial Discipline and Removal, recommended by the ABA's Commission on Separation of Powers and Judicial Independence. It further stated CJA's view that "Congress would undoubtedly find it extremely useful if the ABA would place its comments about the article in the context of what is demonstrated by the file [in *Sassower v. Mangano*], including the two §372(c) judicial misconduct complaints it contains." (at p. 8)

We have now transmitted copies of that article and the *Sassower v. Mangano* file to the House Judiciary Committee. The circumstances surrounding such transmittal and its transcending significance beyond the House Judiciary Committee's immediate consideration of H.R. 1252 are reflected by CJA's two Memoranda to it, dated March 10th and March 23rd -- copies of which are enclosed.

CJA's March 23rd Memorandum, which names you as an indicated recipient, highlights (at p. 2) the aforesaid hearing recommendation of the ABA Commission on Separation of Powers and Judicial Independence. It also lays down a challenge to the ABA, among others, that if it disagrees with our assertion that "**Judges who, for ulterior purposes, render dishonest decisions -- which they know to be devoid of factual or legal basis -- are engaging in impeachable conduct**", it should provide the House Judiciary Committee with a rebuttal and, additionally, "provide a rebuttal, addressed to the evidence" if it disagrees that the district and circuit judges in *Sassower v. Mangano* should be among the first so-investigated for impeachment based on the "the *readily-verifiable* evidentiary record...of [their] outright fraud." (at pp. 10-11).

We await your prompt response -- as, assuredly, the House Judiciary Committee does, as well.

Yours for a quality judiciary,



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

P.S. In contrast to the cold-shoulder and mistreatment we have received from the ABA, as chronicled in the January 26th letter, my mother and I, as

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<sup>1</sup> As soon as we finalize the petition for review to the Second Circuit Judicial Council, we will send you a copy.

CJA's co-founders, were celebrated in last week's issue of The Westchester County Weekly. It featured us as among "six women whose idealism has transformed a community" (coverstory). A copy of the article is enclosed, as is a copy of my mother's Giraffe award -- a national honor given annually by the Giraffe Project to people who "stick their necks out" for the public good.

Enclosures

cc: U.S. House Judiciary Committee

Judicial Conference of the United States

c/o Administrative Office of the United States Courts

ATT: William Burchill, General Counsel

Jeffrey Barr, Assistant General Counsel

ATT: Art White, Deputy Assistant Director

Office of Legislative Affairs

Professor Stephen B. Burbank

P 801 449 689  
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