

## CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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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".

March 27, 1998

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.

March 27, 1998

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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# True Believers

**H**eroes don't have to be perfect, they don't have to be male, and these days, they're certainly not the people we've entrusted with the power to run things. Yet, there are heroic acts being performed daily by ordinary people all around us.

To mark Women's History Month, the Weekly has chosen six women whose belief in an ideal has informed their life work to the benefit of the entire community. We chose them because they aren't afraid to be fierce, unconventional, visionary and persistent. They remind us that there are things that are worth fighting for...

The following profiles were written by Patrick R. McDonald, Susan J. Polese and Robert Nixon. Photographs by Anthony Maddaloni.



**Mother and Daughter Team:** "It seems so radical," says Doris Sassower, the gray-haired mother of Elena. "But all we're talking about is our democratic values."

## Whistleblowers

**E**lena and Doris Sassower are true believers of the justice system. For them, the law is sacred, holy and incorruptible. When a judge dirties this holiness, he can expect the Sassowers to be all over him. This mother and daughter team do not take judicial misconduct lightly.

"It seems so radical," said Doris Sassower, the gray-haired mother of Elena. "But all we're talking about is our democratic values."

The Sassowers co-founded the Center for Judicial Accountability in 1989. Back then it was known as the Ninth Judicial Committee, which is the judicial district of Westchester County. Along with lawyer Eli Vigliano, the Sassowers looked into an apparent "cross-endorsement" deal between Democrats and Republicans that deprived voters of their constitutional right of election—the major party slates were identical. Doris Sassower then spearheaded a lawsuit to challenge the deal. In 1991, Sassower's law license was indefinitely suspended. Doris, who was the first woman chair of the National Conference of Lawyers and Social Workers as well as the first female member of the New York Bar's Judiciary Committee, claimed political retaliation was the reason for her suspension. Like the people she represented in her practice, Sassower became another whistleblowing victim.

Whistleblowing and fighting the system are nothing new to the Sassowers. Doris' former husband was disbarred after he, as Elena put it, "vigorously challenged" a judge's ruling. Doris, who graduated from New York University Law School in 1956, constantly bumped into blatant sexism as she became a highly-distinguished lawyer. The climate was hostile toward women lawyers in the late 1950s; Sassower decided the only way to practice law was to open her own office. As the daughter of idealistic Jewish immigrants, the experience forever changed her view of America.

"I was a part of the American Dream," Doris said. "But I have seen it in my lifetime turn into the American Nightmare. And I wanted to make it so it wouldn't happen to others as it happened to me."

So now the Sassowers take on judges, who, in New York State, control the disciplining and licensing of lawyers [See The Hack Report on page 6]. This kind of authority tends to make lawyers think twice about reporting judicial misconduct, especially when they hear about Doris Sassower. But the Sassowers plan to provide cover for these people.

"We want to provide a national umbrella of all of the judicial activists and organizations around the country that are merging to deal with a problem that is profound and pervasive," Doris said. "That is the perversion and pollution of our judicial system. They are judges not following the letter of the law...I'm talking about paybacks and return of favors."

Elena performs much of the research work for the center, and she keeps tabs on New York State judges as well as federal judges. She is a graduate of Brown University, but she downplays the importance of attending an Ivy League school.

"That doesn't really matter," Elena said of her degree. "My credential is that I am the daughter of not one but two whistleblowers. And what happens to whistleblowers, inevitably, is their lives are destroyed."

The White Plains-based center has members in 30 states, and it is the only organization in the United States that brings together individuals who have complaints against judges and gives them the opportunity for redress. The work is never easy, and oftentimes the center is ignored by the powers that be, but the Sassowers remain firm in their commitment.

"We know if we don't do it, it won't be done," Elena said.



## ***A Giraffe's been sighted in your territory!***

*The Giraffe Project, a national nonprofit organization that finds and honors heroes,  
has commended*

***Doris L. Sassower of White Plains***

*for sticking her neck out for the common good.  
We invite you to tell her story.*

Attorney Doris Lipson Sassower has been named a "Giraffe" for her risktaking civic activism and for founding the Center for Judicial Accountability, Inc. (CJA), a national nonpartisan, nonprofit citizens' organization. CJA is working to reform the way federal, state, and local judges are selected and disciplined; the organization has members in more than 30 states.

Ms. Sassower stuck her neck out for decades as a pioneer in the women's movement and for family law reform. But her 35-year career at the bar ended after she brought a lawsuit against the two major political parties for their manipulation of 1990 judicial elections in New York State's Ninth Judicial District. As pro bono counsel, she challenged a written judge-trading deal between the parties in which they agreed to cross-endorse seven judicial candidates over a three-year period, required resignations of sitting judges to create judicial vacancies, and pledged to split judicial patronage. Her suit also cited the judicial nominating conventions' violation of Election Law quorum, roll call, and other requirements.

Ms. Sassower paid a heavy price for her reform advocacy and for championing the public interest by this politically sensitive Election Law case. Within days of her announcement that she would take the case to the highest state court, a New York court suspended her law license—without charges, without a hearing, without findings, without reasons, and without any right of appeal. She has been fighting ever since to regain her right to practice her profession: her federal civil rights action against the state court judges who suspended her is soon headed for the US Supreme Court.

Ann Medlock, President of the Giraffe Project, said that the organization was founded 15 years ago, "to overcome apathy and feelings of powerlessness by showing what people with courage and caring can do." In receiving the award, Ms. Sassower said, "The Giraffe Award is a powerful symbol that fortifies me in my challenging of ostrich-like 'leaders' who bury their heads in the sand while the rule of law is being obliterated by those who are part of the political power structure. Citizens care about having an honest judiciary and through CJA are working to make it happen. This award should make politicians realize that reforming the way lawyers become—and remain—judges is a key political issue for 1998." —end—

*There is more information on Doris Sassower's work at <http://www.judgewatch.org>  
You can arrange an interview with her by calling 914-997-1677, emailing [judgewatch.org](mailto:judgewatch.org)  
or faxing 914-684-6554.*

*For further information about the Giraffe Project, about other Giraffes, about Giraffe speakers, or about Giraffe educational programs, call (360) 221-7989 during west-coast (continental US) business hours or go to <http://www.giraffe.org/giraffe/>*

# COMMENDATION

WHEREAS: sticking one's neck out for the Common Good is an inspiration to all;  
WHEREAS: such Risk-taking is vital to a compassionate, peaceful and just world;  
WHEREAS: The Giraffe Project is commissioned to seek out such Risk-takers  
and to honor them for their deeds;



THE GIRAFFE PROJECT

herewith declares

**Doris L. Sassower**

TO BE A GIRAFFE

whose courageous actions illumine all our lives  
making manifest the Truth  
that people who believe in themselves and care for others  
can meet any challenge life presents.

Given: October 21, 1997

  
President