From: Dahlia.Lithwick@slate.com
To: judgewatchers@aol.com
Subject: RE: Building Honest Scholarship & Pedagogy: March 27, 2007 symposium "Are Federal Judges Political?..."
Date: Fri, 23 Mar 2007 8:08 AM

Forwarding along to Lyle as well.
Best
Dahlia

From: judgewatchers@aol.com [mailto:judgewatchers@aol.com]
Sent: Thursday, March 22, 2007 8:57 PM
To: cgrimes@syr.edu; nscherer@wellesley.edu
Cc: kjbybee@maxwell.syr.edu; mjobbie@syr.edu; ladolak@law.syr.edu; semortim@syr.edu; bekaufma@syr.edu; stober@toberlaw.com; lee-epstein@northwestern.edu; Dahlia Lithwick
Subject: Building Honest Scholarship & Pedagogy: March 27, 2007 symposium "Are Federal Judges Political?..."

TO: Professor Charlotte Grimes & Assistant Professor Nancy Scherer

RE: Institute for the Study of the Judiciary, Politics, and the Media
March 27, 2007 symposium "Are Federal Judges Political?..."

Attached is my memo of yesterday's date -- which came back as undeliverable, apparently because the enclosures exceeded size limits.

The four indicated enclosures to the memo will be sent in the next four successive e-mails.

Since I do not have an e-mail or other contact address for Lyle Denniston, an indicated recipient -- and Institute Directory Bybee & Assistant Director Obbie have refused to assist me in that regard -- I ask Dahlia Lithwick to kindly forward this and the next four e-mails on to Mr. Denniston, after herself reviewing their content.

Thank you.

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
Tel: 914-421-1200

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8220 *Tel. (914) 421-1200* *E-Mail: judgewatch@aol.com*
White Plains, New York 10602 *Fax (914) 428-4994* *Web site: www.judgewatch.org*

Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com

BY E-MAIL

November 17, 2006

Institute for the Study of the Judiciary, Politics, and the Media
Syracuse University
Syracuse, New York

ATT: Keith Bybee, Director

RE: Advancing Scholarship – and Reform – with Primary Source Documentary Evidence

Dear Mr. Bybee,

This follows up our telephone conversation on Tuesday, October 17, 2006 – two days before the Institute's October 19, 2006 symposium "*The Last Umpires? The News Media, the ABA and Other Independent Voices in the Federal Judicial Confirmation Process.*"

I stated to you that our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), has a goldmine of primary source documentary evidence to contribute to the Institute's scholarship on this and other topics that have been, or were going to be, the subject of Institute symposia and lectures. In substantiation, I directed you to CJA's website, www.judgewatch.org, which posts hundreds of primary source documents chronicling our direct, first-hand experiences with the processes of judicial selection and discipline on federal and New York state levels, spanning more than a decade and a half. My question to you was how we could best contribute this primary source evidence to advancing the Institute's scholarship.

To make our discussion most immediately relevant, I pointed out that CJA's primary source documents not only rebutted the implicit assumption of the Institute's October 19th symposium that the "News Media" and "ABA" are "Independent Voices", but established the essential role of citizen participation in the federal judicial confirmation process – a role not explicit in the symposium's title, description, or list of presenters. I further stated that all actors in the process, including the "News Media" and "ABA", had sought to wipe out this decisive "citizen voice". In that regard, I drew your attention to what is perhaps the only case in U.S. history where a citizen's respectful

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* The **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization, based in New York, working, since 1989, to ensure that the processes of judicial selection and discipline are effective and meaningful.

request to testify in opposition to a federal judicial nominee at a U.S. Senate Judiciary Committee public confirmation hearing resulted in her arrest, prosecution, conviction, and six-month incarceration for "disruption of Congress" – and that I was that citizen. I further told you that such historic case underlies another historic case: a first-of-its-kind public interest lawsuit against The New York Times for libel and journalistic fraud, arising from its cover-up of the corruption of federal judicial selection, exposed by the "disruption of Congress" case, involving the American Bar Association, the Association of the Bar of the City of New York (City Bar), New York's two home-state Senators, the Senate Judiciary Committee, the Senate leadership, and the President, in addition to a panoply of non-partisan and partisan organizations, both liberal and conservative, that routinely advocate on judicial issues. Indeed, CJA's "Disruption of Congress" webpage DIRECTLY links to our "Suing The New York Times" webpage by a section entitled: "Bringing accountability to The New York Times – & other media that has suppressed, obscured, and falsified the 'disruption of Congress' case".

Although I asked you to bring CJA's website and its significance to the attention of the symposium participants and to professors and students, whether at the Institute or at other academic institutions, I have not heard from you or anyone since. Meantime, I have watched the video of the October 19th symposium, which you had told me would be posted on the Institute's website. Such reinforces the decisive value of our primary source documents, as the symposium was seriously and substantially misleading.

As illustrative, although there is a world of difference between how the federal judicial confirmation process works to the lower federal courts and to the U.S. Supreme Court, none of the panelists identified such fact[1] or corrected statements by fellow panelists that would create misperceptions. Among the most glaring was what Stephen Tober, former Chair of the ABA Standing Committee on Federal Judiciary, said at the outset of his remarks: that the 20-25 page explanation of the Committee's rating of Judge Samuel Alito, Jr. "gives insight into the process". What Mr. Tober did not say, but should have, is that the Committee only provides an explanation for its ratings of Supreme Court nominees. It does not do so when it favorably rates nominees for the lower federal courts. Those ratings are unaccompanied by the slightest explanation – even when they include a "Not Qualified" minority rating.

Had Mr. Tober revealed the completely barebones nature of the Standing Committee's favorable ratings for lower federal court nominees – and confronted the important recommendations addressed to that issue TWENTY YEARS AGO by the 1986 Common Cause report Assembly-Line Approval and TEN YEARS AGO by the Miller Center Commission on Judicial Selection at the Senate Judiciary Committee's May 21, 1996 hearing on "*The Role of the American Bar Association in the*

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[1] This excepts the passing reference by Professor Epstein, approximately half-way through the symposium, that the role of the Senate Judiciary Committee is "a lot more important at lower levels" than is the role of interest groups. She did not expound upon this in any way. Indeed, I believe that none of the speakers, throughout the nearly two-hour symposium, cited ANY examples from confirmations to the lower federal courts to illustrate their points, but rested entirely on examples of Supreme Court confirmations.

the Judicial Selection Process"[2] – his presentation would have advanced understanding of legitimate obstacles to recognizing the ABA as an "independent voice". Certainly this would have been true had Mr. Tober discussed publicly-made challenges to the integrity of ABA ratings made by those who had interacted with the ABA Standing Committee, such as CJA. As CJA can attest, these challenges give scandalous "insight into the process" and how the ABA operates.

As a member of the ABA Standing Committee in 2003, Mr. Tober would have been personally involved in its barebones approval rating for the nominee to the Second Circuit Court of Appeals which underlies the "disruption of Congress" case. Mr. Tober's name, in fact, appears on the Standing Committee's April 28, 2003 letter to then Senate Judiciary Committee Chairman Orrin Hatch, unanimously approving that nominee as "Well Qualified", as well as on the Standing Committee's April 16, 2003 letter to Chairman Hatch, unanimously approving a nominee to the District Court of the Southern District of New York as "Well Qualified". The outrightly fraudulent and indefensible nature of both these ratings is READILY-VERIFIABLE and was the subject of an extensive June 13, 2003 memorandum from CJA to the Standing Committee's then Chair, as well as to the Chair of the City Bar's Judiciary Committee, which had also given barebones approval ratings for these two nominees. Entitled "Bringing accountability to the ABA and City Bar", the fact-specific 22-page memorandum expressly called upon these bar associations: (1) to justify their barebones ratings for the two nominees by "disgorging" their findings with respect to a March 26, 2003 written statement that CJA had addressed to them, outlining the documentary evidence of the unfitness of these nominees – evidence which CJA had transmitted; (2) to respond to the recommendations of the 1986 Common Cause report and of the 1996 Miller Center Commission for "substantiated" bar ratings; and (3) to "confront the fundamental standards disqualifying candidates for judicial office" which CJA's March 26, 2003 written statement had articulated.[3]

Although Mr. Tober purported that there hadn't been a "test" of the ABA since the Robert Bork Supreme Court nomination – and no "logical platform for discussion or explanation" of what the ABA Committee does – CJA's June 13, 2003 memorandum was a most formidable "test". Indeed, so serious and substantial was this "test" that we had requested that it be provided to "each and every member" involved in the Standing Committee's "'investigation' and rating" of the two nominees, as well as to the ABA's President. How did the ABA score? It failed – just as it failed our previous "tests" to its deficient and fraudulent ratings in 1992, 1996, and 1998.[4] Indeed, the Standing Committee's only response to our June 13, 2003 memorandum was to a footnote (#8) which had

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[2] The pertinent pages of the Common Cause report and Miller Center Commission testimony are exhibits C and D to CJA's May 5, 2003 memorandum to the Senate Judiciary Committee, posted on the "Paper Trail to Jail" in the "disruption of Congress" case. The full Common Cause report is also posted as part of CJA's "Library".

[3] The referred-to documents are all posted on the "Paper Trail to Jail" in the "disruption of Congress" case.

[4] See sidebar panel "Judicial Selection - Federal".

commented that the Committee had not returned to us the documents which our March 26,2003 written statement had focally-discussed and identified as sufficient in establishing the unfitness of the two nominees[5]. The Committee then returned these documents, by letters dated June 17 and 18, 2006, enclosing, as well, the further documents we had supplied with the March 26, 2003 written statement to enable the ABA to recognize the DIRECT conflicts of interests it faced in evaluating the nominations.[6]

Of course, it is to be expected that Mr. Tober would tout the ABA and its Standing Committee's evaluation as honest, objective, and unique – with "the resources and ability to put people on the ground and in the field", "work[ing] hard on behalf of the American People to assure that the most qualified and best…get on the bench".[7] But what about academia, as represented by Professor Lee Epstein, and the media, as represented by Lyle Denniston?

As for Professor Epstein – with whom I had spoken briefly on October 17, 2006, alerting her to CJA's website and the "disruption of Congress" case – her response during the symposium was a dodge. She stated that there was "the perception of the ABA as not independent", which was why it had been excluded from the process by President George W. Bush. She then confessed, "Whether it is an independent voice, I don't know". She did not identify why she did not know – as for instance because, as Mr. Tober several times identified, the Standing Committee's investigative and evaluative "peer review" process is "behind the curtain" and "confidential", thereby impeding scholarly examination of it. Nor did she identify the existence of such other information sources as CJA from which assessment could be made about ABA investigations and ratings.

This obviously raises the question as to how Mr. Denniston, who is not a scholar of the confirmation process, as Professor Epstein is, could so emphatically proclaim, as he did repeatedly during the symposium, that the "ABA Standing Committee is wonderfully distinguished"; performing "a

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[5] The June 13, 2003 memorandum was itself preceded by my urgent May 16, 2003 telephone message for the then Chair of the Standing Committee on Federal Judiciary, whose response was not to return my call, but, rather, a May 22, 2003 letter stating:

> "We have afforded you time and courtesy in the Standing Committee's work to rate these two nominees to the federal judiciary. We now ask that you not contact us again, as consideration of these nominations is before the Senate Judiciary Committee.
>
> We will appreciate your honoring this request."

[6] These transmitted documents, establishing the ABA's direct conflicts of interest, were itemized by an inventory annexed to the June 13, 2003 memorandum itself. These documents are posted on our webpage devoted to our history of correspondence with the ABA, accessible *via* the sidebar panel "Searching for Champions (Correspondence): Bar Associations".

[7] The ABA's rank dishonesty and deceit upon the public in matters pertaining to judicial selection, judicial discipline, and the integrity of the legal profession is documentary established by our long history of correspondence with it, going back to 1992, accessible *via* the sidebar panel "Searching for Champions (Correspondence): Bar Associations".

profoundly important wonderful function with great civic virtue" and to bemoan, "would that it be heard". Surely, as a seasoned reporter, Mr. Denniston does not rely on the ABA's word that its barebones ratings for lower federal court nominees are based on appropriate investigation and review. However, Mr. Denniston gave no detail as to the basis for his enthusiastic endorsement of the ABA.

With respect to whether the media is an "independent voice", Professor Epstein was seemingly non-committal. Although she stated, explicitly in contrast to Richard Davis' book, Electing Justice, that the "media has played an extremely useful role in the nominations process", she asserted that this was not because the press was "objective". Rather it was because of the useful information the press can provide and "more information is better, especially when it is reasonably accurate". Yet, she offered no assessment as to whether the information that the press has provided to the public about lower federal court nominations (numbering in the thousands) – as opposed to Supreme Court nominations (a relative handful) – has been "reasonably accurate".

For his part, Mr. Denniston was contradictory about the media. While criticizing it as a "deliverer of information generated by outside groups" and "oriented to the bottom line", and not concerned about process, etc., he nonetheless bestowed some fairly significant accolades upon it. Among these, that the media plays "a magnificent role" and that it does an "excellent job as watchdog"; that "investigative journalism is as good as it has ever been" and that the "American media whatever vices they have, don't lack the capacity to pursue things to the ends of the earth". In so doing, his only references – like Professor Epstein's – were to Supreme Court nominations, not nominations to the lower federal courts.

Here, too, the "disruption of Congress" case – capped by the "Factual Allegations" of the verified complaint in our public interest lawsuit against The Times – is decisive: establishing the news media's refusal to investigate READILY-VERIFIABLE documentary proof of the corruption of the federal judicial selection process, compounded by distorted reporting that deprives the public of even a remotely accurate narrative of events and their significance, including with respect to the judicial process and court proceedings. This, too replicates what we have documented about the news media time, after time, after time.[8]

From the perspective of our direct, first-hand experience with the federal judicial selection process, spanning a decade and a half, Mr. Denniston's greatest contribution lay in his scathing condemnation of the Senate Judiciary Committee and outside interest groups that have it in their grip. Yet, strangely, Mr. Denniston, who described the Committee as run by the majority and primarily by its chairman, did not have harsh words for its longtime former chairman, Senator Hatch, who he instead described as running the Committee in a "reasonably fair way". Again, Mr. Denniston did not identify the evidentiary basis for such claim – and our extensive interactions with Chairman Hatch underlying the "disruption of Congress" case and stretching back to our first interactions with him in 1996, when I was also arrested, resoundingly refutes such description.

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[8] See sidebar panel "Press Suppression", particularly The New York Times.

The foregoing are only an illustrative sampling of the symposium statements made by Mr. Tober, Professor Epstein, and Mr. Denniston which we invite them to retract and/or clarify based on the primary source documentary evidence posted on CJA's website. The starting point of their examination should be the "disruption of Congress" case – whose "Paper Trail to Jail" includes the ABA's letters to the Senate Judiciary Committee, bearing Mr. Tober's name and conveying the barebones "Well Qualified" ratings. Needless to say, CJA would be pleased to assist Mr. Tober, Professor Epstein, Mr. Denniston – and the Institute – by providing hard copies of all posted documents so that a CLEAR AND ACCURATE assessment can be made of the "independent voices" in the federal judicial confirmation process, including the "voice" no one mentioned: that of citizens having no partisan agenda.

As Mr. Denniston proclaimed that it would be "wonderful" if an organization came into being to spearhead reform of the process, we invite him to be the first to answer whether CJA's steadfast devotion to, and sacrifice for, the integrity of the process, demonstrated over and again by our 15 years of painstaking advocacy, does not entitle us to be recognized as such organization – one which, even in face of intimidation, arrest, and incarceration, never once wavered as an "independent voice" for the public's rights and interests.

We trust that the Institute will be using its symposia and lectures to trigger follow-up inquiry and scholarship on the important topics presented. Based on our decade and a half of in-the-trenches experience – virtually all of it "at the intersection of law, politics, and the media" – we can suggest a multitude of critical areas of inquiry and scholarship which we would readily share with you and other scholars and students searching for powerful and relevant topics to develop and explore. We specifically invite students who would like to apply for the Institute's research fellowships and project grants, but don't yet have a topic, to contact us before the December 1st deadline so that we might discuss with them these exciting possibilities, all having the potential to contribute to substantive, imperatively-needed reform for the benefit of ALL our nation's citizens.

Please let us hear from you soon, including as to whether you will be a liaison for us to the other entities within Syracuse University which have collaborated in forming the Institute and whose separate scholarship would also be advanced by our primary source materials. These include: the Maxwell School of Citizenship and Public Affairs, where you hold the Michael O. Sawyer Chair of Constitutional Law and Politics and direct the Sawyer Law and Politics Program, and which co-sponsored the "*The Last Umpires? The News Media, the ABA and Other Independent Voices in the Federal Judicial Confirmation Process*" symposium; the College of Law, where you have a courtesy appointment; the Carnegie Legal Reporting Program at Newhouse, whose Director, Mark Obbie, is an Associate Director of the Institute[9]; the newly-formed Tully Center for Free Speech at Newhouse;

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[9] I believe it was Mr. Obbie who asked the important question as to "what's stopping" the media from covering process and substance, as opposed to focusing on outcome and winners and losers. Mr. Denniston's response, punctuated by his accolades of the press, was that there is a habit among the American media to look for a "fight". Noting that the media's institutional bias is not roused by "good news", Mr. Denniston's position was "stir controversy and the press will return in droves". Yet such claim, like his claims about the press investigating and acting as "watchdog", do not hold up empirically – at least when it comes to reporting on

and, of course, the S.I. Newhouse School of Public Communications, with its Knight Chair in Political Reporting, held by Charlotte Grimes, who will be a panelist at the Institute's March 27, 2007 symposium "*Are Federal Judges Political? Views from the Academy, the Bench, and the Press*", co-sponsored by the College of Law.[10]

Thank you.

Yours for a quality judiciary,

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

cc: Stephen L. Tober, Esq.
Professor Lee Epstein
Lyle Denniston
Staff of the Institute for the Study of the Judiciary, Politics, & the Media
Lisa Dolak, Associate Director
Mark Obbie, Associate Director
Sara Mortimer, Director of Public Relations
Bert Kaufman, Graduate Assistant

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actual judicial corruption and the corruption of the processes of judicial selection and discipline – none of which are "good news". Establishing this is our lawsuit against The New York Times, as well as the hundreds of documents chronicling our interactions with the press on these issues, accessible *via* our "Press Suppression" webpage. Virtually all of this interaction was with newspapers – which Mr. Denniston identified as being "alone" among the media with the capacity to look at a subject in depth. Indeed, Mr. Denniston was himself among the newspaper journalists to whom we turned, unsuccessfully, in 1998, for coverage of our fully-documented impeachment complaint against U.S. Supreme Court Justice William Rehnquist and all eight Associate Justices. The press releases we sent Mr. Denniston at that time and our correspondence with him and other journalists, transmitting the substantiating documents – including the impeachment complaint and its expressly incorporated rehearing petition – are all posted and accessible from the "Press Suppression" webpage, as part of the "SPECIAL TOPIC":

> "TESTING THE PROPOSITION: THAT 'ANY PUBLICLY MADE (NON-FRIVOLOUS) ALLEGATION OF SERIOUS MISCONDUCT…AGAINST A SUPREME COURT JUSTICE WOULD RECEIVE INTENSE SCRUTINY IN THE PRESS…' (1993 Report of the National Commission on Judicial Discipline & Removal, at p. 122)."

[10] Professor Nancy Scherer will be representing academia at that symposium. I take this opportunity to note that Professor Scherer was an indicated recipient of CJA's May 4, 2004 memorandum entitled "Beyond Statistics to Documentary Evidence: The Corruption of Federal Judicial Selection/Confirmation, as *Readily Verifiable* from Case-Studies of So-Called 'Mainstream', 'Consensus' Nominations – Including those Engineered by Senator Charles Schumer." Such memorandum, which set forth a proposal for scholarship, is posted on the "Paper Trail to Jail" in the "disruption of Congress" case. It is also accessible, together with my June 15, 2004 fax to Professor Scherer, *via* the sidebar panel, "Searching for Champions (Correspondence): Academia". That is where this letter will also be posted.

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.*

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BY E-MAIL

January 10, 2007

Professor Mark Obbie
Associate Director, Institute for the Study of the Judiciary, Politics, and the Media
Director, Carnegie Legal Reporting Program @ S.I. Newhouse School of Public Communications
Syracuse University
Syracuse, New York

RE: Advancing Scholarship – and Reform – with Primary Source Documentary Evidence – & Likewise the Quality of Legal Reporting

Dear Professor Obbie,

I have received no response to my November 17, 2006 letter to the Institute for the Study of the Judiciary, Politics, and the Media, sent to Keith Bybee, as Director – with copies to you, as Associate Director, and fellow Institute staff, which I e-mailed on that date and then again on December 1, 2006. This includes even to the limited extent of confirmation that my November 17, 2006 letter had been forwarded on to Lyle Denniston, as I had requested.

Why is that? For your convenience, I enclose a copy of my two transmitting e-mails and the November 17, 2006 letter.

Please note that the penultimate paragraph of my November 17, 2006 letter had asked Director Bybee whether he would be

> "a liaison for us to the other entities within Syracuse University which have collaborated in forming the Institute and whose separate scholarship would also be advanced by our primary source materials. These include…the Carnegie Legal Reporting Program at Newhouse, whose Director, Mark Obbie, is an Associate Director of the Institute…" (at p. 6).

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* The **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization working to ensure that the processes of judicial selection and discipline are effective and meaningful.

An appended footnote then stated

> "I believe it was Mr. Obbie who asked the important question as to 'what's stopping' the media from covering process and substance, as opposed to focusing on outcome and winners and losers. Mr. Denniston's response, punctuated by his accolades of the press, was that there is a habit among the American media to look for a 'fight'. Noting that the media's institutional bias is not roused by 'good news', Mr. Denniston's position was 'stir controversy and the press will return in droves'. Yet such claim, like his claims about the press investigating and acting as 'watchdog', do not hold up empirically – at least when it comes to reporting on actual judicial corruption and the corruption of the processes of judicial selection and discipline – none of which are 'good news'..."

Kindly confirm that it was you who asked that question at the October 19, 2006 symposium "*The Last Umpires? The News Media, the ABA and Other Independent Voices in the Federal Judicial Confirmation Process*". Please also advise as to when we can expect a response to my request, which I first made to Director Bybee on October 17, 2006, that the Institute build scholarship from CJA's wealth of empirical evidence establishing the cover-up and collusive performance of the press with respect to the corruption of the processes of judicial selection, discipline, and the judicial process itself – evidence spanning more than a decade and a half and posted on our website, www.judgewatch.org,

As Director of the Carnegie Legal Reporting Program, who – since October 30, 2006 – has had a "LawBeat" blog on the Program's website (http://newhouse-web.syr.edu/legal/) that "watches journalists who watch the law" and which is "meant to start a conversation – here and in the classroom – about the quality of journalism focusing on the justice system, lawyers, and the law", please also answer why you have not been blogging about any of what my November 17, 2006 letter gave you direct notice. Is it not your intention to report on CJA's first-of-its-kind public interest lawsuit against The New York Times for journalistic fraud, arising from its knowingly false and misleading reporting and editorializing with respect to judicial selection and discipline? And, if so, why?

Please further advise as to why – as it plainly appears – you have also not alerted the students you are training at the Carnegie Legal Reporting Program to the unparalleled opportunity to do what The Times and seasoned legal reporters have demonstrably not done: investigate CJA's goldmine of primary source documentary evidence so as to write the powerful, indeed history-making, stories that need to be written about the corruption of judicial selection and discipline.[1] This, despite the fact,

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[1] The uncritically-reported positions, reflected by your November 21, 2006 article, "*Renovating the Judge Factory, Part III*", which you wrote for Judicial Reports, that New York's unconstitutional convention system for electing Supreme Court justices should be replaced by "merit selection" appointment, reinforces the invaluable contribution that the up-and-coming journalists of the Carnegie Legal Reporting Program can make to public discourse by their examination of the press-suppressed documentary evidence establishing the

reflected by your two "What I Teach" webpages (accessible *via* your "LawBeat: Author's Disclaimer"), that on October 30, 2006 you lectured on "Document-Based Reporting Resources" and on December 1, 2006 lectured on "Enterprise Reporting on the Web". CJA is not among your listed resources and websites for either lecture.

Finally, I note that the Legal Reporting Program's website features a sidebar panel of "Research links" and invites suggestions for further links. Please confirm that you will be including CJA as a link on the Legal Reporting Program's website and, if not, the reason. This is separate and apart from the request made by my December 1, 2006 e-mail for CJA's inclusion as a "Resource" on the Institute's website (http://jpm.syr.edu/index.html), and inquiring as to the "qualifying criteria".

Thank you.

Yours for a quality judiciary
& responsible journalism,

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

Enclosures
cc: All recipients of CJA's November 17, 2006 letter & transmitting e-mails

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corruption of the "merit selection" appointment process to the New York Court of Appeals – as likewise the demonstrably corrupt and corrupting decisions that have emanated from that and other purportedly "merit selected" courts.

Subject: **October 19th Symposium -- "The Last Umpires? The News Media, the ABA, & Other Independent Voices in the Federal Judicial Confirmation Process"**
Date: 11/17/2006, 6:13 AM
From: Ctr for Judicial Accountability <judgewatchers@aol.com>
To: Keith Bybee <kjbybee@maxwell.syr.edu>
cc: stober@toberlaw.com, lee-epstein@northwestern.edu, ladolak@law.syr.edu, mjobbie@syr.edu, semortim@syr.edu, bekaufma@syr.edu
Organization: Center for Judicial Accountability, Inc.

Dear Professor Bybee:

Attached is my letter to you of today's date. As I do not have any e-mail or other contact information for Lyle Denniston, who is an indicated recipient, kindly confirm that you will be forwarding this on to him.

I look forward to you response -- and that of the other participants in the October 19th symposium, all recipients of this letter.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
Tel: 914-421-1200
Direct E-Mail: judgewatchers@aol.com

11-17-06-ltr-syracuse-institute.pdf (647KB)

Subject: **Re: October 19th Symposium -- "The Last Umpires? The News Media, the ABA, & Other Independent Voices in the Federal Judicial Confirmation Process"**
Date: 12/1/2006, 10:45 AM
From: Ctr for Judicial Accountability <judgewatchers@aol.com>
To: Keith Bybee <kjbybee@maxwell.syr.edu>
cc: stober@toberlaw.com, lee-epstein@northwestern.edu, ladolak@law.syr.edu, mjobbie@syr.edu, semortim@syr.edu, bekaufma@syr.edu
Organization: Center for Judicial Accountability, Inc.

Dear Professor Bybee,

Throughout the past two weeks, I have been awaiting response from you and the other recipients of my November 17th letter, as well as from students and scholars applying for the Institute's research fellowships, whose deadline is today. There has been no response -- not even confirmation from you that you would be forwarding the letter to Lyle Denniston, as I had requested.

Please confirm that you did, in fact, forward the letter to Mr. Denniston and advise as to when I can expect to receive your substantive response to my November 17th letter -- beginning with my initial question, which I had asked you on October 17th, as to how the Center for Judicial Accountability can best contribute its wealth of primary source documentary evidence to advancing the Institute's scholarship.

I note that the Institute's webpage of "Resources" lists "Justice at Stake", "Brennan Center for Justice" and "Judicial Reports" as "Related institutes and organizations". What are the qualifying criteria -- and can the Center for Judicial Accountability also be listed?

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

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Ctr for Judicial Accountability wrote on 11/17/2006, 6:13 AM:

> Dear Professor Bybee:
>
> Attached is my letter to you of today's date. As I do not have any e-mail or other contact information for Lyle Denniston, who is an indicated recipient, kindly confirm that you will be forwarding this on to him.
>
> I look forward to you response -- and that of the other participants in the October 19th symposium, all recipients of this letter.
>
> Thank you.
>
> Elena Sassower, Director
> Center for Judicial Accountability, Inc. (CJA)
> Tel: 914-421-1200
> Direct E-Mail: judgewatchers@aol.com

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Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com

DATE: March 21, 2007

TO: Professor Charlotte Grimes
S.I. Newhouse School of Public Communications/Syracuse University
Knight Chair in Political Reporting
Assistant Professor Nancy Scherer
Wellesley College, Department of Political Science

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: BUILDING HONEST SCHOLARSHIP & PEDAGOGY: "Are Federal Judges Political? Views from the Academy, the Bench, and the Press"

On March 27, 2007, you will be participating in a symposium "Are Federal Judges Political? Views from the Academy, the Bench, and the Press", sponsored by Syracuse University's Institute for the Study of Judiciary, Politics, and the Media and its College of Law. The symposium is slated to include "What role does politics play in determining who sits on the lower federal courts and how decisions on those courts are made?" and will be moderated by the Institute's Director Keith Bybee,

Please be advised that more than four months ago I sent Professor Bybee a November 17, 2006 letter, offering the Institute and other entities at Syracuse University the benefit of CJA's goldmine of primary source documents to advance scholarship and contribute to topics that had been, or were going to be, the subject of Institute symposia and lectures. Indeed, the value of such documents – and of our direct, first-hand experiences from which they emerge – was highlighted by the letter's recitation of a succession of materially false and misleading representations by panelists at the Institute's October 19, 2006 symposium "The Last Umpires? The News Media, the ABA, and Other Independent Voices in the Federal Confirmation Process".

Among the entities at Syracuse University to which my November 17, 2006 letter expressly asked Director Bybee to act as liaison: the S.I. Newhouse School of Public Communications, where

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* The **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization dedicated to ensuring that the processes of judicial selection and discipline are effective and meaningful – a goal which cannot be achieved without honest scholarship and a press discharging its First Amendment responsibilities.

Professor Grimes holds the Knight Chair in Political Reporting.[1] The letter identified that Professor Grimes was to be a panelist at the Institute's March 27, 2007 symposium. It further noted that Professor Scherer was also to be a panelist and that back in 2004 CJA had provided her with a proposal for evidence-based scholarship entitled "Beyond Statistics to Documentary Evidence: The Corruption of Federal Judicial Selection/Confirmation, as *Readily-Verifiable* from Case-Studies of So-Called 'Mainstream', 'Consensus' Nominations – Including those Engineered by Senator Charles Schumer".[2]

To date, I have received no response from Director Bybee to this November 17, 2006 letter. Nor have I received a response from the other Institute recipients to whom I sent it – including the Institute's Associate Director Mark Obbie, who is Director of the Carnegie Legal Reporting Program at Newhouse. Similarly, I have received no response from them to my follow-up January 10, 2007 letter, addressed to Professor Obbie. Likewise, I have received no response from the participants of the October 19, 2006 discussion to whom I also sent my letters: Stephen L. Tober, Esq. and Professor Lee Epstein.[3]

Copies of these November 17, 2006 and January 10, 2007 letters are enclosed for your examination so that you can come to your own conclusions as to your professional and ethical responsibilities both with respect to the Mach 27, 2007 symposium and your further scholarship and teaching.

You may be assured of our full assistance.

Enclosures
cc: see next page

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[1] So as to give Director Bybee the privilege of filling such important liaison role, I limited my contact with Professor Grimes to a single e-mail message, which I sent her on November 14, 2006, because I could not resist thanking her for the powerful vision of journalism and political reporting that was set forth by her website, http://knightpoliticalreporting.syr.edu/. A copy of my e-mail to her is enclosed.

[2] As that important May 4, 2004 proposal for scholarship is plainly germane to the March 27, 2007 discussion as to the role politics plays in judicial selection to the lower federal courts, a copy is enclosed.

[3] Nor have I received a response from Lyle Denniston, whose contact information I do not have and to whom I had requested that Professors Bybee and Obbie forward my letters. In the absence of any confirmation from Professors Bybee and Obbie that they had done so, I turned to Dahlia Lithwick, Senior Editor and Chief Legal Correspondent for Slate.com, who had participated in two separate Institute symposia. On February 16, 2007, I asked her if she would pass my November 17, 2006 letter on to Mr. Denniston – which she agreed to do. I gave her a copy, in hand, for that purpose, as well as to enable her to educate herself as to the readily-verifiable primary source evidence of corruption that academia has been refusing to confront and the news media refusing to report, for which reason I also gave her a copy of the May 4, 2004 proposal for scholarship.

cc: Institute for the Study of the Judiciary, Politics, & the Media
Keith Bybee, Director
Mark Obbie, Associate Director
Lisa Dolak, Associate Director
Sara Mortimer, Director of Public Relations
Bert Kaufman, Graduate Assistant
October 19, 2006 symposium participants
Stephen L. Tober, Esq.
Professor Lee Epstein
Lyle Denniston
Dahlia Lithwick, Senior Editor & Chief Legal Correspondent, Slate.com

NOVEMBER 14, 2006 E-MAIL TO PROFESSOR CHARLOTTE GRIMES:
Sent *via* the "Contact" feature of her website,
http://knightpoliticalreporting.syr.edu/

Subject: Bravo!, etc.

Message: Dear Professor,

What important -- and much needed -- skills and sensibilities you are teaching. Thank you!

Would that seasoned journalists covering politics and government embodied them, remotely.

I will be in contact with you further about the appalling reality of political and governmental reporting, subverting our democracy. Until then, may I refer you (& your students) to our website, www.judgewatch.org --and, in particular, to the sidebar panels "Elections 2006: Informing the Voters" and "Suing The New York Times".

Thank you.

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

TO: Academic Contributors to the April 15, 2004 Jurist Online Symposium, "*The Judicial Confirmations Process: Selecting Federal Judges in the Twenty-First Century*" -- *www.jurist.law.pitt.edu/*

Professor Michael J. Gerhardt (William & Mary Law School)
Professor Stephen B. Presser (Northwestern University Law School)
Professor John Anthony Maltese (University of Georgia)
Professor Elliot Slotnick (Ohio State University)
Professor Sheldon Goldman (University of Massachusetts/Amherst)
Professor Judith Resnik (Yale Law School)
Professor Nancy Scherer (University of Miami)
Professor Jack M. Balkin (Yale Law School)
Professor Stephen Choi (Boalt Hall School of Law/University of California/Berkeley)
Professor Mitu Gulati (Georgetown University Law Center)
Professor John V. Orth (University of North Carolina/Chapel Hill)
Professor Ahmed E. Taha (Wake Forest University School of Law)

FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc. (CJA)

DATE: May 4, 2004

RE: Beyond Statistics to Documentary Evidence: The Corruption of Federal Judicial Selection/Confirmation, as *Readily Verifiable* from Case-Studies of So-Called "Mainstream", "Consensus" Nominations – Including those Engineered by Senator Charles Schumer

This memorandum follows up my unreturned April 22nd voice mail message for Professor Bernard Hibbitts, Director of Jurist (412-648-2360), and my unreturned April 26th voice mail message for Professor Jason Mazzone (718-780-7514), editor of its Online Symposium, "*The Judicial Confirmations Process, Selecting Federal Judges in the Twenty-First Century*", who recruited your contributions. These phone messages alerted them to the important primary source materials which our national, non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), has to offer as to the corruption

of federal judicial selection/confirmation. Specifically, my messages brought to their attention the primary source documents posted on our website, *www.judgewatch.org*, most particularly, those on our homepage under the heading: "Paper Trail Documenting the Corruption of Federal Judicial Selection/Confirmation and the 'Disruption of Congress' Case it Spawned"[1].

Evident from your Symposium articles is that you are in dire need of these primary source materials. Although Professor Hibbett's "Forward" to the Symposium stated that you would be addressing the "overall judicial confirmations process" (emphasis added), it appears that other than statistics, you have NO information about the Senate's confirmation of the vast majority of ideologically "moderate" federal judicial nominees. If anything, you seem to view these as appropriate "consensus" and compromise nominations, whose confirmation by the Senate establishes that the process is not "broken"[2]. Except for a passing comment by

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[1] As to this "disruption of Congress" case, whose significance is summarized by my June 16, 2003 memo to Ralph Nader, Public Citizen, and Common Cause, posted at the top of the homepage, I identified that on April 15, 2004 – the very date the Jurist Symposium was published -- the trial was being held in D.C. Superior Court.

[2] Professor Slotnick:

"...it is ultimately an *empirical* question whether the judicial selection process is working well and, to answer that question, the preponderance of the facts should count rather than the headline grabbing exemplars of acrimonious politics that have dominated public discourse. As an empirical matter, we are far from a crisis...David Savage underscored in the *Los Angeles Times* of November 5, 2003, 'The vacancy rate on the federal bench is at its lowest point in 13 years...The intense partisan battle over a handful of judges aside, Bush has already won approval of more judges than President Reagan achieved in his first term in the White House...Bush has a better record this year than President Clinton achieved in seven of his eight years in office.'

...Also instructive are direct comparisons between Bush's appointment success and that of Clinton before him. Again, assertions that judicial selection processes have escalated through a downward spiral are not borne out by the facts...Empirically, in terms of consummating judicial appointments, the assertion that things have gotten much worse in the Bush years simply does not wash.

Other metrics lend further credence to this claim.

...a preponderance of the evidence suggests that overall the process is working well..."

Professor Gerhardt:

"the Appointments Clause was designed to invite not just conflicts but also accommodation, in which each side makes concessions to the other for the sake of a greater good. Thus, most presidents have filled at least some judgeships with nominees suggested, or supported by, the other party's leaders...

...President Bush, too, has often achieved quick, widespread consensus, though he has rarely called attention to it. In fact, Democrats have acquiesced to the vast majority of President Bush's judicial nominees. In spite of President Bush's protestations of a crisis in judicial selection, he has achieved, with Democratic help, a record pace in getting his nominees through the Senate and a record number of judicial appointments approved for a president at this point in his presidency."

Professor Maltese:

"Despite these filibusters, the vacancy rate on the federal judiciary has dropped to its lowest point in 13

Professor Resnik that "one might be concerned that the Senate has moved too quickly to approve too many nominees", you do not suggest that there is anything remotely lacking in the manner in which the Senate Judiciary Committee has been handling these nominations[3]. Nor do you make any mention of the Committee's failure to implement critical non-partisan, good-government reform recommendations long ago made by the 1975 book, The Judiciary Committees, of The Ralph Nader Congress Project in its chapter, "*Judicial Nominations: Whither 'Advice and Consent'?*", by the 1986 Common Cause report, Assembly-Line Approval, and by the 1988 book, Judicial Roulette, of the Twentieth Century Fund Task Force on Judicial Selection.

Yet, would you not agree that the confirmation process is not just "broken", but corrupt if you had "hard-evidence" that the Senate Judiciary Committee is NOT scrutinizing the qualifications of these ideologically "mainstream" judicial nominees -- indeed, that it rejects documentary evidence of nominee unfitness, as well as documentary evidence of deficient and fraudulent bar ratings, and abuses and intimidates citizens who come forward to constructively contribute to its nominee evaluations, where it is unable to ignore them entirely? Such state of affairs is precisely what CJA has several times documented since 1992. We summarized this in an extensive July 3, 2001 letter to Senator Schumer, then Chair of the Senate Judiciary Committee's Courts Subcommittee, which we submitted for the record of his June 26, 2001 hearing on the role of ideology in judicial nominations

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years...

"Democrats have confirmed the vast majority of Bush nominees. They have targeted for filibuster only the ones they allege to be the most ideologically extreme."

Professor Goldman:

"...it is difficult to make a convincing argument that there is currently a confirmation crisis... In the first session of the 108th Congress, 55 district court and 13 appeals court nominees were confirmed. Overall, the vacancy rate on the lower federal courts is the lowest in well over a decade."

Professor Balkin:

"(It is worth noting that the vast majority of the President's judicial nominations have been confirmed)."

[3] Professor Maltese:

"It is only fitting that judicial nominees who, if confirmed, will enjoy life tenure and possess broad policymaking powers, be subjected to exacting public and political scrutiny."

Professor Gerhardt:

"Stellar credentials have never immunized judicial nominees from scrutiny or opposition; senators have never hesitated to use whatever means their rules and traditions allow them to defeat nominees with first-rate records..."

– a hearing at which Professor Presser testified and to which his Symposium article refers. This July 3, 2001 letter, published in the appendix to the hearing transcript, is attached for your convenience. It is also posted on our website, together with many of the primary source documents on which it rests[4]. These include our 50-page May 1, 1992 investigative critique, wherein we first established that:

> "...a serious and dangerous situation exists at every level of the judicial nomination and confirmation process – from the inception of the senatorial recommendation up to and including nomination by the President and confirmation by the Senate – resulting from the dereliction of all involved, including the professional organizations at the bar".

Also included on our website are CJA's May 27, 1996 letter to Senate Judiciary Committee Chairman Hatch, printed in the appendix to the Committee's May 21, 1996 hearing on the role of the American Bar Association in the selection of federal judges, as well as CJA's June 28, 1996 letter to Chairman Hatch, printed in the appendix to the Committee's June 25, 1996 judicial confirmation hearing.

It was based on these and other underlying documents, reflecting nearly a decade of direct, first-hand experience with the Senate Judiciary Committee, that our July 3, 2001 letter asserted, in bold type, that:

> ***"...except when the Senate Judiciary Committee is searching for some non-ideological 'hook' on which to hang an ideologically-objectionable nominee*** **– the Committee cares little, if at all, about scrutinizing the qualifications of the judicial nominees it is confirming. Indeed, the Committee wilfully disregards inconvertible proof of a nominee's unfitness, as likewise, of the gross deficiencies of the pre-nomination federal judicial screening process that produced him."** (p. 3, italics and bold in the original)

Nor is this flagrant misfeasance confined to the Senate Judiciary Committee. As detailed, it involves the Senate leadership, as well.

The accuracy of our July 3, 2001 letter -- including its assessment that the betrayal of the

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[4] CJA's July 3, 2001 letter to Senator Schumer, with its pertinent underlying documents, is best accessed by the sidebar panel, "*Testimony*".

public trust by the Senate Judiciary Committee and Senate leadership:

> "serves no purpose but to enable Senators to continue to 'wheel and deal' in judicial nominations, cavalierly using them for patronage or for trading with their Congressional colleagues and the President for other valuable consideration or promises thereof – to the lasting detriment of the People of this nation." (at p. 15)

is only reinforced by our subsequent experience, chronicled by the "paper trail" on our homepage.

As your examination of our website will readily reveal, we have made exhaustive efforts to present this documentary evidence of systemic corruption of federal judicial selection/confirmation – as likewise the documentary evidence of the systemic corruption of federal judicial discipline – to those in positions of leadership. This, so that they could *independently* verify it – and take appropriate steps consistent with their professional and ethical responsibilities. Their invariable response has been to refuse to even comment. Among those to whom we turned was the National Commission on Judicial Discipline and Removal[5], whose 1993 report recognized that a careful federal judicial appointments process acts as a prophylactic by reducing the likelihood of judicial misconduct. The National Commission failed to make any affirmative assertion that such careful appointments process exists – just as your own articles fail to identify whether, with respect to ideologically "moderate", "consensus" judicial nominees, appropriate scrutiny is undertaken.

Professor Gerhardt was a consultant to the National Commission and authored its underlying report on "*The Senate's Process for Removing Federal Judges*". On February 18, 1999, at the conclusion of a program on impeachment at the National Press Club, to which he was a speaker, I introduced myself. I was unceremoniously rebuffed – with no subsequent follow-up by Professor Gerhardt to any of the materials I gave him, *in hand*: my article, "*Without Merit: The Empty Promise of Judicial Discipline*" (The Long Term View (Massachusetts School of Law), Vol. 4, No. 1 (summer 1997)), setting forth respects in which the

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[5] Our correspondence with the National Commission on Judicial Discipline and Removal is posted on CJA's website, accessible *via* the sidebar panel, "*Correspondence-Federal Officials*". See, in particular, pages 4-7 of our July 14, 1993 letter as to the significance of our 1992 critique of the federal judicial selection process to its work (at pp. 5-7). Other official study commissions to which we provided the critique have included: The Long-Range Planning Committee of the Judicial Conference (1994) and the Commission on Structural Alternatives for the Federal Courts of Appeals (1998). *See* sidebar panel, "*Testimony*"

Commission's 1993 report was methodologically-flawed and dishonest, and, as I recollect, the two February 18, 1999 press releases I was then circulating, "*House Judiciary Committee Ignores and Conceals Hundreds of Judicial Impeachment Complaints*" and "*Coming Up Next: The Impeachment of Chief Justice Rehnquist*"[6].

Many years before that, however, I had spoken by phone with Professor Sheldon Goldman. Reflecting this is my August 21, 1996 letter to him[7], transmitting for his review the most important primary source materials which, five years later, would be focally presented by CJA's July 3, 2001 letter to Senator Schumer. These materials sufficed to establish, *at that time*, the corruption of federal judicial selection, both pre-nomination and post-nomination – and that his confidence in the American Bar Association's evaluation of candidate qualifications was seriously misplaced. Yet, Professor Goldman never responded, even to the limited extent of returning the materials to us so that, as requested, we might "make them available to other scholars", if he was not going to use them for his own scholarship.

To all of you, Professors Gerhardt and Goldman included, we offer the kind of primary source materials that will enable you to critically examine – rather than statistically laud -- the nomination and confirmation of ideologically "mainstream", "consensus" federal judicial nominees. Indeed, we respectfully propose that Senator Schumer's engineering of New York Court of Appeals Judge Richard C. Wesley's nomination and confirmation to the Second Circuit Court of Appeals -- as featured on our homepage and reinforcing all that our July 3, 2001 letter set forth -- is a powerful case-study upon which scholarship should focus.

Finally, with regard to the Symposium's three articles under the title "*A Little Jousting Over a Tournament of Judges*", discussing markers by which to evaluate judicial performance and suitability for promotion to higher judicial office[8], altogether missing is how instances of

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[6] "*Without Merit: The Empty Promise of Judicial Discipline*" is accessible at a number of points on CJA's website, including *via* the sidebar panel, "*Published Pieces*". CJA's two February 18, 1999 press releases are accessible *via* the sidebar panel "*Test Cases-Federal (Mangano)*" – scroll down to "Illustrative Press Releases".

[7] This August 21, 1996 letter to Professor Goldman is posted on CJA's website, accessible *via* the sidebar panel "*Correspondence-Academia*".

[8] Needless to say, the generalized favorable comment about the ABA's "evaluative processes" in the joint article of Professors Choi and Gulati and the generalized favorable comment about the ABA's "approach in evaluating judicial nominations" as being "more qualitative" in Professor Taha's article should be placed alongside the documentary evidence CJA has been compiling since 1992 as to the deficiency and fraudulence of its evaluations. [CJA's fact-specific June 13, 2003 memo to the ABA – posted on the homepage under the "Paper Trial" – is our most recent expose on the subject].

judicial misconduct might be located and examined – let alone that judicial misconduct is something that exists. Likewise missing, except perhaps by Professor Orth's article, is any notion that litigants and those affected by judicial decisions might have an important contribution to make to the evaluation of a judge's performance – or that this contribution might trump other traditional markers. Such glaring omissions underscore that scholarship must finally step out of its cocoon of individual and institutional self-interest to examine the "on-the-ground" manifestations and permeations of judicial misconduct – and the worthlessness of the touted mechanisms and safeguards for restraining it. Here, too, CJA's July 3, 2001 letter to Senator Schumer – with its closing plea (at pp. 16-18) for oversight and investigation into the hoax of federal judicial discipline—reiterated by our July 2001 coverletters to Senate Judiciary Committee members, Senate Majority Leader Daschle and Senate Minority Leader Lott, Senator Clinton, President Bush, House Judiciary Committee Minority Counsel, and House Judiciary Committee General Counsel/Chief of Staff[9], and which thereafter culminated in a rigged House Judiciary Committee November 29, 2001 "oversight hearing" and superficial and bogus "Judicial Improvements Act of 2002"[10] -- is a powerful starting point for scholarly study.

We look forward to being of service to your scholarship.

cc: Professor Bernard Hibbitts, Director/Jurist
Professor Jason Mazzone, Editor/Jurist Symposium
The Public (*via* Internet)

Attachment: CJA's July 3, 2001 letter to Senator Charles Schumer

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[9] These six separate coverletters, spanning dates from July 9-14, 2001, are all posted on CJA's website, *via* the sidebar panel, "*Correspondence-Federal Officials*".

[10] This is chronicled by CJA's correspondence with the House Judiciary Committee, spanning from July 2001-July 2002, accessible *via* the sidebar panel, "*Correspondence-Federal Officials*". It is summarized at fn. 9 of CJA's June 4, 2003 letter to Senator Edward Kennedy, posted on CJA's homepage as part of the "Paper Trail". It is further identified at footnote 1 of CJA's February 17, 2004 memo to Senator Leahy, among others, posted on CJA's homepage under the heading, "The Supreme Court's impeachable repudiation of congressionally-imposed obligations of disqualification & disclosure under 28 U.S.C. §455 and disregard for the single recommendation addressed to it by the 1993 report of the National Commission on Judicial Discipline and Removal that it consider establishing an internal mechanism to review judicial misconduct complaints against its Justices".