

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8220
White Plains, New York 10602

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: cja@judgewatch.org
Web site: www.judgewatch.org

BY FAX & E-MAIL (2 pages)

DATE: August 24, 2007

TO: Justice at Stake Campaign & Its Campaign Partners
American Bar Association & its Standing Committee on Judicial Independence
American Judicature Society
Brennan Center for Justice
The Constitution Project
Institute for the Advancement of the American Legal System
League of Women Voters Judicial Independence Project
Appleseed Foundation
Common Cause
The Fund for Modern Courts

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

RE: Championing Judicial Independence at the U.S. Supreme Court by your *amicus curiae* support for the filed and docketed cert petition in the “disruption of Congress” case – *Elena Ruth Sassower v. United States of America*, #07-228

Following up my June 19, 2007 and July 2, 2007 memos to you, this is to proudly announce that the petition for a writ of certiorari in the “disruption of Congress” case, *Elena Ruth Sassower v. United States of America*, was timely filed on August 17, 2007 and docketed on August 21, 2007. It is posted on CJA’s website, www.judgewatch.org, conveniently accessible via the top panel “Latest News” and the side panel ““Disruption of Congress-The Appeals””¹.

I have checked with the Clerk’s Office to confirm that you still have time – until September 20, 2007 – to collectively and/or individually champion the judicial independence issues presented by the petition by filing *amicus curiae* briefs in support of Supreme Court review. As stated by the Court’s Rule 37.1: “An *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court.”

¹ “The Appeals” webpage also posts my June 19, 2007 and July 2, 2007 memos to you, which were exhibits to my successful August 7, 2007 motion to Chief Justice Roberts to add 5-1/2 pages to the cert petition.

* 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.

Your *amicus* support would be particularly appropriate as the petition's "Statement of the Case" leads off with the quote from Associate Justice Kennedy:

"The law makes a promise – neutrality. If the promise gets broken, the law as we know it ceases to exist." (at p. 2)

for which the attribution is as follows:

"This quote is from a speech Justice Kennedy gave at the American Bar Association symposium, "Bulwarks of the Republic: Judicial Independence and Accountability in the American System of Justice", held December 4-5, 1998 in Philadelphia, Pennsylvania. The quote is featured on the website of the Justice at Stake Campaign (www.justiceatstake.org) as to "Why Judicial Independence Matters", followed by the assertion "there are mechanisms to hold judges accountable. Rulings can be appealed up to the Supreme Court."

Obviously, appealing rulings "up to the Supreme Court" is worthless if courts with discretionary appellate jurisdiction, such as the Supreme Court, do not accept review of cases involving flagrant violations of judicial independence and the most basic rules of judicial disqualification and disclosure – as here at issue.

Please let me know if you would like me to send you a bound copy of the cert petition to facilitate your consideration of this *amicus curiae* request – and to enable you to develop accurate, empirically-based scholarship about judicial independence and accountability, including the delusion that "merit selection" ensures judicial integrity and impartiality. This, in addition to developing accurate, empirically-based scholarship about federal judicial selection, whose corruption is also exposed by the "disruption of Congress" case.

Finally, I once again ask that you alert your abundant media contacts to this historic, law-making case.

Thank you.



cc: Professor Jonathan Turley
Professor Andrew Horwitz
Richard E. Flamm, Judicial Disqualification: Recusal and Disqualification of Judges
Dahlia Lithwick/Slate
Lyle Denniston/Scotusblog
Tony Mauro/Legal Times
Linda Greenhouse/The New York Times