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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 13, 1996

MARK R. DISLER, *Chief Counsel*  
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Ms. Elena Ruth Sassower  
 Center for Judicial Accountability, Inc.  
 Box 69, Gedney Station  
 White Plains, NY 10605

Dear Ms. Sassower:

Thank you for the copy of your recent letter to Senator Hatch concerning the American Bar Association's role in evaluating judicial nominees.

The President and the Congress have adequate resources to properly and thoroughly investigate the background of individuals nominated to the federal judiciary. Neither the Constitution nor federal statute provide a formal role for the ABA's Standing Committee to evaluate choices made by the President to serve in the federal judiciary. Of course, these nominees are carefully reviewed by the Senate, and we give due consideration to the views of others prior to a vote on confirmation. As some have stated, no other private association is given the influence over nominees -- nominees who may ultimately impact their business -- as currently given the ABA.

The American Banking Association does not enjoy a special status to evaluate nominees to the Federal Reserve Board. Additionally, the Senate does not grant the American Association of Retired Persons special status to evaluate a nominee to serve as Administrator of the Social Security Administration. Similarly, the American Medical Association does not have the comparative strength of the ABA in evaluating a nominee to serve as Surgeon General. These are a few examples to illustrate the influential role adopted by the ABA in the nominating process.

It is my belief that we should continue to receive testimony and give consideration to the views of the ABA, but we should treat them equally with other groups and private associations in the nominating process. The ABA should not continue to be accorded its preeminent role and special status in the judicial selection process which goes beyond that accorded any other private group or organization.

The ABA has adopted policy statements and filed amicus briefs on controversial issues such as abortion, capital punishment, affirmative action, discrimination on the basis of sexual orientation, gun control, habeas corpus, prison administration, criminal forfeiture, exclusionary rule, redistricting, voting rights, and others. I am concerned that

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there is a perception of potential conflict if the ABA is allowed to continue its quasi-public role in evaluating candidates for judicial office, while at the same time advancing public policy positions and certain litigation positions in the federal courts.

Please be assured that I appreciate your providing me with your views on this matter, and I will keep them in mind as the Judiciary Committee continues its discussion on the American Bar Association and judicial nominees.

With kindest regards and best wishes,

Sincerely,



Strom Thurmond

ST:sr