

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

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

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

BY FAX: 202-224-9102 (6 pages)
FOR IMMEDIATE DELIVERY
1:55 p.m.

July 30, 1998

Senate Judiciary Committee
Room 224, Dirksen Senate Office Building
Washington, D.C. 20510-6275

ATT: Leah Belaire, investigative counsel

RE: CITIZEN OPPOSITION TO SENATE CONFIRMATION OF ALVIN K. HELLERSTEIN, DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Dear Ms. Belaire:

This letter follows up my telephone message about an hour ago, immediately upon seeing the notice in today's New York Law Journal, announcing today's Judiciary Committee's hearing to confirm Alvin K. Hellerstein to the district court in the Southern District of New York. We received *no* prior notice of today's hearing, although in my extensive conversation with you last month I detailed for you the basis for our strenuous opposition and our desire to so testify at any confirmation hearing to be held.

As discussed, our non-partisan, non-profit citizens' organization, the Center for Judicial Accountability, Inc. (CJA) has *direct, first-hand* experience with Mr. Hellerstein in his capacity as Chairman of the Judiciary Committee of the Association of the Bar of the City of New York. That experience convinces us that not only is Mr. Hellerstein unworthy of the public trust represented by his judicial appointment, but that his appointment is a political payback to him for having covered up the corruption of the federal judicial screening process -- which he was duty bound to expose.

In our conversation, I informed you of the primary source materials, already in the possession of the Senate Judiciary Committee, which would establish, *prima facie*, Mr. Hellerstein's betrayal of the public trust in his capacity as Chairman of the City Bar's Judiciary Committee. Such materials were transmitted by us under a May 27, 1996 letter to Senate Judiciary Chairman Orrin Hatch -- a letter submitted in connection with the Senate Judiciary Committee's May 21, 1996 hearing on

Ex. M-1

94
July 30, 1998

"The Role of the American Bar Association in the Judicial Selection Process" and reprinted in the record of that hearing (S.Hrg. 104-497). The transmitted materials included the 50-page critique of the federal judicial screening process, which we had submitted to the Senate Judiciary Committee in May 1992, supported by a compendium of over 60 exhibits. Also included was a compendium of our correspondence with the City Bar about that critique, containing an exchange of correspondence between ourselves and Mr. Hellerstein (Exhibits "L" - "P").

By the critique, the culmination of a six-month investigative study, we documented the failure of the federal judicial screening process at all levels -- including screening by the City Bar. Indeed, we showed that whereas the ABA had inadequately investigated the qualifications of the prospective nominee who was the focus of our critique, the City Bar had not only not adequately investigated, but had actually "screened out" information bearing adversely on the nominee's qualifications. For this reason, we called upon the City Bar to retract its demonstrably insupportable and fraudulent rating and to join us in our call for a Senate investigation of the gross deficiencies of the federal judicial screening process, as documented by the critique, and for a moratorium on all judicial confirmations in the interim.

The critique, compendium of exhibits, and compendium of correspondence not only resoundingly put the lie to Mr. Hellerstein's self-promoting response to the Senate Judiciary Committee questionnaire inquiry as to his "significant legal activities", to wit, that the City Bar's Judiciary Committee "performed its investigations and evaluations of candidates according to strict and high standards, thus contributing to a high quality of justice in the courts within, and affecting, New York City...", but demonstrate Mr. Hellerstein's complicity in perpetuating a demonstrably dysfunctional federal judicial screening process -- for which he has been rewarded with this nomination. Assuredly, had Mr. Hellerstein met his ethical and professional obligations to protect the public by taking the corrective steps warranted by our critique's evidentiary presentation of dysfunction and corruption, he would have kissed goodbye his own federal judicial aspirations. Such aspirations -- rather than the public interest -- having been uppermost in Mr. Hellerstein's considerations, he should be disqualified from consideration for *any* public office, let alone for a federal judgeship.

Yours for a quality judiciary,



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

Enclosure: CJA's 5/27/96 ltr to Chairman Hatch

cc: Free Congress Foundation
Alliance for Justice
Citizens for Independent Courts