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Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL

August 18, 1998

Irene Emsellem, ABA Staff Liaison
ABA Standing Committee on Federal Judiciary
Governmental Affairs Office
740 Fifteenth Street, N.W.
Washington, D.C. 20005-1009

RE: The ABA's Deficient Federal Judicial Screening Procedures -- and their Consequence

Dear Ms. Emsellem:

Following up our phone conversation early last week, enclosed is a copy of CJA's August 11th letter to ABA President Anderson.

The pertinent substance of that conversation is reflected at page 8 of the letter:

"According to Ms. Emsellem, the ABA will not disclose when the Standing Committee completed its evaluation of Mr. Hellerstein. Nor will it confirm or deny whether it was before or after its receipt of our December 2, 1997 letter (Exhibit "I-1") or whether the Standing Committee communicated to the Justice Department and White House notification of our opposition to Mr. Hellerstein's nomination, as we had requested."

Should the foregoing be erroneous in any respect, please let us know. Also, please explain why the ABA considers the foregoing information to be "confidential" so that we can include it in our intended presentation to the Senate Judiciary Committee in opposition to Mr. Hellerstein's confirmation.

As discussed, I am enclosing a copy of the 1986 report, Assembly-Line Approval: A Common Cause Study of Senate Confirmation of Federal Judges, as to which you stated you were unfamiliar. Please note the recommendations, highlighted at pp. 4-5 of the Executive Summary and detailed at pages 25-33 of the Report. Also enclosed are pages 7-8 of the Twentieth Century Fund's 1988 report, Judicial Roulette: Report of the Twentieth Century Fund Task Force on Judicial Selection -- a report with

which you stated your disagreement. These are the recommendations referred to at footnote 6 of our letter to President Anderson -- a footnote which concludes as follows:

"We request to know whether the ABA ever responded to these recommendations. If it did not, we ask that the ABA promptly do so -- and in the context of a statement to the Senate Judiciary Committee regarding its procedures in relation to Mr. Hellerstein's confirmation." (fn. 6, at p. 11)

We would greatly appreciate your assistance in ascertaining whether there ever was an ABA response and, if not, in securing responses to the nine enumerated Common Cause recommendations and the asterisked recommendation of the Twentieth Century Fund.

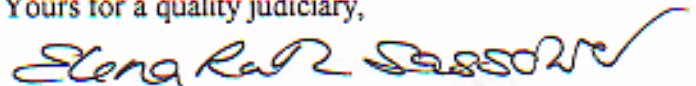
Since you stated to me that you do not maintain files for the ABA Standing Committee, but, rather, that correspondence which you receive is directed to whoever is the Standing Committee's Chair, we trust that after reviewing this letter and its enclosures, you will direct them to the new Chair, who you identified as Michael Greco, Esq. As I mentioned, I met Mr. Greco at the 1993 ABA Annual Meeting. Indeed, the final exhibit to CJA's "Correspondence Compendium II" (transmitted to the Senate Judiciary Committee under our May 27, 1996 coverletter¹) is my September 22, 1993 letter to Mr. Greco. A copy of that never responded-to letter to Mr. Greco is enclosed.

Finally, so that you can appreciate the staggering end-result of the ABA's dysfunctional screening procedures for prospective federal judicial nominees, namely, corrupt judges who use their judicial offices for ulterior purposes and unabashedly obliterate anything resembling the rule of law, enclosed is a copy of the cert petition in *Sassower v. Mangano, et al.*, which is summarized at pp. 3-6 of our letter to President Anderson. Before passing the petition on to Chairman Greco, please share it with others in the Office of Governmental Affairs -- particularly Denise Cardman, Legislative Counsel, who last year sent us a copy of the 1997 Report of the ABA's Commission on Separation of Powers and Judicial Independence and last week sent us the transcripts of the Commission's three hearings. The cert petition refers to the ABA Commission's Report at p. 25 and in its appendix at A-303-304.

¹ CJA's May 27, 1996 letter to Senate Judiciary Chairman Orrin Hatch, as reprinted in the record of the Senate Judiciary Committee's May 21, 1996 hearing on "The Role of the American Bar Association in the Judicial Selection Process" is Exhibit "N" to our enclosed letter to President Anderson.

It is our hope -- and request -- that Chairman Greco duplicate the *Sassower v. Mangano* cert petition and distribute it to each of the members of the ABA's Standing Committee on Federal Judiciary, and, especially, to Second Circuit representative, Patricia Hynes, so as to afford them a "reality check" of the inadequacy of federal judicial screening procedures, beyond what we have heretofore demonstrated by our 1992 critique and subsequent correspondence.

Yours for a quality judiciary,



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

Enclosures: As indicated

cc: (of this letter only)

Michael Greco, Chairman, ABA Standing Committee on Federal Judiciary

Patricia Hynes, Second Circuit Representative, ABA Standing Committee on Federal Judiciary