

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Monday, February 09, 2015 12:18 PM
To: jacob_neilson@judiciary-rep.senate.gov
Cc: info@judiciary-dem.senate.gov; whistleblower@judiciary-rep.senate.gov;
david_rybicki@judiciary-rep.senate.gov
Subject: Request for: (1) Transcripts of the SJC's Jan. 28-29 Hearing to Confirm AG Nominee Loretta Lynch; (2) the Members' "Written Questions" to the Nominee; (3) Posting on the SJC Website

Dear Jake,

This is to reiterate my today's telephone request for the transcripts of the Senate Judiciary Committee's hearing to confirm U.S. Attorney Lynch's nomination as Attorney General – and for their prompt posting on the Senate Judiciary Committee's website. Doubtless the Committee secures such transcripts on an expedited basis so that Committee members can use them for their written questions for the nominee. The Committee's two-day confirmation hearing concluded on Thursday, January 29th – and the members' written questions were required to have been submitted to the Committee within seven days. That would have been last Thursday, February 5th.

Additionally, with respect to the written questions which you told me the Committee forwards to the nominee in a single transmittal, with no editing of what each individual member has asked, I request a copy of all such written questions – and, likewise, that they be promptly posted on the Senate Judiciary Committee's website. If the Committee's practice is not to post the members' written questions until the nominee has returned written answers, I request that the written questions and U.S. Attorney Lynch's written answers be promptly posted at that time.

Finally, as discussed, notwithstanding my below February 3rd e-mail, which you assured me you had passed on to Committee staff (whose names you tell me you cannot furnish), there has been no change in the Committee's webpage of "Letters Received": <http://www.judiciary.senate.gov/nominations/executive/pn2136-113>. Nor have I gotten any confirmation that CJA's December 17, 2014 and January 6, 2015 opposition letters addressed to the Senate Judiciary Committee – and all other letters of opposition the Committee received – will be included in the Committee's record of its proceedings on the nomination. Nor have I been notified as to what procedures I must follow to ensure that they are included.

The courtesy of a response to all the foregoing would be greatly appreciated.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Tuesday, February 03, 2015 12:55 PM
To: 'jacob_neilson@judiciary-rep.senate.gov'
Cc: info@judiciary-dem.senate.gov; 'info@judiciary-rep.senate.gov'; whistleblower@judiciary-rep.senate.gov;
david_rybicki@judiciary-rep.senate.gov

Subject: ENSURING THE ACCURACY: of the Senate Judiciary Committee's webpage for the nomination of US Attorney Loretta Lynch as Attorney General -- & the Committee's "record"

Dear Jake,

This follows up our phone conversation yesterday afternoon, February 2, 2015.

Attached is the Center for Judicial Accountability's superseding December 17, 2014 letter to the Senate Judiciary Committee in opposition to Senate confirmation of U.S. Attorney Loretta Lynch as Attorney General. This is what the Senate Judiciary Committee should have posted on its webpage for the nomination, <http://www.judiciary.senate.gov/nominations/executive/pn2136-113>, rather than the superseded December 17, 2014 letter, which the Committee belatedly posted on January 23, 2015 under the heading "LETTERS RECEIVED".

Apart from the inaccurate posting of CJA's superseded December 17, 2014 letter, the Senate Judiciary Committee's posting of "LETTERS RECEIVED" is also incomplete in failing to post:

CJA's December 19, 2014 letter to U.S. Attorney Lynch, to which the Senate Judiciary Committee was an indicated recipient – and which was e-mailed to the Committee on that date.

CJA's January 6, 2015 letter to the Senate Judiciary Committee, enclosing our January 5, 2015 letter to President Obama & coverletter to his counsel – e-mailed to the Committee on January 6, 2015.

These two omitted letters are also attached – as is a pdf of CJA's four e-mails transmitting our letters to the Committee – with the four e-mail acknowledgments from "the Judiciary Committee's Republican Oversight and Investigations staff". This includes a pdf of our December 18, 2014 e-mailing of the superseding December 17, 2014 letter – and the e-mail acknowledgment thereof.

No less importantly, please confirm that CJA's attached December 17, 2014, December 19, 2014, and January 6, 2014 letters will ALL be part of "the record" of the Senate Judiciary Committee's proceedings on the nomination. As discussed, at the Committee's January 29, 2015 confirmation hearing, Ranking Member Leahy held up a pile of letters, a few of which he identified, requesting that they be "put in the record":

January 29, 2015 C-Span VIDEO: at 1:05 mins. <http://www.c-span.org/video/?323994-1/us-attorney-general-nominee-confirmation-hearing-day-2-recess-votes>

Senate Judiciary Committee VIDEO: at 1:23 mins. <http://www.judiciary.senate.gov/meetings/attorney-general-nomination-part2>

Senator Leahy: "Thank you, Mr. Chairman. I appreciate your courtesy. I'd ask consent to put in the record."

Chairman Grassley: "Without objection."

Senator Leahy: "I just mention a number of letters, former F.B.I. Director Louis Freeh, we all know very well, supportive of Loretta Lynch, and Congressman John Lewis, a number of Justice Department officials, both the Bush administration's and various democratic administrations', the F.B.I. Agents Association. I won't list all of them but they could all just be part of the record."

Chairman Grassley: "They will be, Senator Leahy."

Am I correct that the pile of letters Ranking Member Leahy held up and requested be put "in the record" were only letters supportive of the nomination – these being, in essence, the supportive letters the Committee posted on its webpage as "LETTERS RECEIVED"? If so, will Chairman Grassley be putting "in the record" the letters opposing the nomination that the Committee received, such as CJA's three letters? If not, why not?

What is the procedure for ensuring that opposition letters are put "in the record" and included in the Committee's report to the Senate and, ultimately, in the bound volume on the confirmation? Can only senators who are among the Committee's 20 members request that opposition letters be put "in the record" – or can any of the Senate's 80 other members make that request?

Please advise, without delay, so that I may be guided accordingly.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
Tel: 914-421-1200
elena@judgewatch.org