CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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June 29, 2023

TO: ProPublica Reporter Joshua Kaplan

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

RE: TESTING ProPublica's "non-partisan" motivation for its Supreme Court journalism by a NON-PARTISAN STORY PROPOSAL –
(a) Disqualification/disclosure applications to the Justices;
(b) Impeachment complaints vs the Justices;
(c) CJA's 2008 Critique of the Breyer Committee Report.

I am director and co-founder of the non-partisan, non-profit citizens' organization Center for Judicial Accountability, Inc. (CJA) – and known by ProPublica's top editors, president, and reporters including Justin Elliott to be a powerful source of information and EVIDENCE for truly non-partisan investigative journalism.

In the interview you gave to MSNBC on June 22nd, you denied that your June 20th article "*Justice Samuel Alito Took Luxury Fishing Vacation With GOP Billionaire Who Later Had Cases Before the Court*" and your prior April and May articles about Associate Justice Clarence Thomas[1] were motivated by partisanship. You stated:

> "To be clear, we are covering the Supreme Court because last year my colleague Justin and I were thinking about how it seems like the judiciary just doesn't get covered like other branches of government. There is vigorous coverage of congresspeople of both parties, of presidents, of cabinet officials. And there is

[1] The following articles, written by you, Justin Elliott, and Alex Mierjeski:
APRIL 6, 2023: "*Clarence Thomas and the Billionaire*"; APRIL 6, 2023: "*Lawmakers Call for Investigation and Ethics Reforms in Response to ProPublica Report on Clarence Thomas*"; APRIL 7, 2023: "*Clarence Thomas Defends Undisclosed 'Family Trips' With GOP Megadonor. Here Are the Facts.*"; APRIL 10, 2023: "*Congress Members Announce Hearing, Demand Chief Justice Investigate Clarence Thomas' Trips*"; APRIL 13, 2023: "*Billionaire Harlan Crow Bought Property From Clarence Thomas. The Justice Didn't Disclose the Deal.*"; MAY 4, 2023: "*Clarence Thoms Had a Child in Private School. Harlan Crow Paid the Tuition.*"; MAY 4, 2023: "*Clarence Thomas' Friend Acknowledges That Billionaire Harlan Crow Paid Tuition for the Child Thomas Was Raising 'as a Son'*".
Additionally, and by others:
APRIL 12, 2023 "*Ethics Watchdog Urges Justice Department Investigation Into Clarence Thomas' Trips*" (Brett Murphy); MAY 11, 2023: "*The Origins of Our Investigation Into Clarence Thomas' Relationship With Harlan Crow*" (Stephen Engelberg, Jesse Eisinger).

> relatively, there is not a history of investigative coverage of the Supreme Court or the lower courts, for that matter. And, you know, it turns out, as we started digging, that there is a lot to find there, I think because the rules that exist in these other branches just aren't in place when it comes to the Supreme Court.
>
> ...we are actively reporting on all the justices and we are eager to learn as much as we can about ethics and the Supreme Court with no regards to partisanship." (at 9 mins./55 secs.).

If so, here's your TEST – an investigative expose as to:

(1) how the Supreme Court and the justices handle applications for disqualification/disclosure, pursuant to 28 U.S.C. §455, made by parties in connection with their petitions for writs of certiorari; and

(2) how the House Judiciary Committee handles impeachment complaints against the justices, including for their violations of disqualification/disclosure mandates, pursuant to 28 U.S.C. §455, as well as impeachment complaints against lower federal judges.

So that you can see what an explosive story this is – establishing criminal collusion of the Supreme Court, the Administrative Office of the United States Courts, the Judicial Conference, Congress, and the Justice Department, among others, in the worthlessness of 28 U.S.C. §455 and other provisions for judicial disqualification/disclosure and for judicial misconduct complaints, concealed and falsified by the August 1993 Report of the National Commission on Judicial Discipline and Removal and by the September 2006 Report of the Judicial Conduct and Disability Act Study Committee, whose chair was Associate Justice Stephen Breyer – here is some primary-source, documentary EVIDENCE to get you started:

- a September 23, 1998 disqualification/disclosure application to the justices, who were then Chief Justice William Rehnquist and, in order of seniority, John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer. Sent to the Clerk's office, with nine originals for distribution to the justices, it bore the title "Invocation of Judicial Disqualification and Disclosure under 28 U.S.C. §455 – *Sassower v. Mangano, et al*. #98-106; Conference Calendar 9/28/98" and summarized the justices' conflicts of interest in the unopposed cert petition then before them in the federal civil rights action *Doris L. Sassower v. Mangano, et al.*, whose defendants included the then 20 justices of New York's Appellate Division, Second Department and the New York attorney general, sued for corruption involving New York's court-controlled attorney disciplinary system, and whose odyssey in the Southern District of New York and at the Second Circuit Court of Appeals – recited by the cert petition and further elaborated on by a supplemental brief – established that ALL remedies purported by the National Commission's 1993 Report to prevent and rectify corruption by federal judges were sham and corrupted, including, specifically,

28 U.S.C. §455 and §144;[2]

- an October 14, 1998 letter to the Court's clerk, enclosing nine originals for distribution to the justices, inquiring as to the Court's procedures for applications to recuse the justices and judicial misconduct complaints against them – and constituting an improvised misconduct complaint against the justices for their "wilful failure to adjudicate" the September 23, 1998 disqualification/disclosure application "while proceeding to summarily deny" the unopposed *Sassower v. Mangano* cert petition seeking the Court's mandatory review under its "power of supervision" and referral of the subject lower federal judges to disciplinary and criminal authorities, consistent with ethical codes of conduct;[3]

- CJA's November 6, 1998 impeachment complaint against the nine justices, filed with the House Judiciary Committee, nine copies of which I sent to the Court's clerk for distribution to the justices by a November 6, 1998 letter – with further particulars elaborated by an October 30, 1998 petition to the justices for rehearing of their denial of the cert petition;

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[2] §§ 455 and 144 were the subject of Point II of the cert petition, which stated, in pertinent part (at pp. 29-30):

> "…Here presented in one case is an unparalleled opportunity for the Court to address a range of recusal questions, with which it has never dealt – and perhaps dodged. The 'objective observer' might find it startling that, notwithstanding the critical and ever-recurring nature of judicial disqualification issues, some of the most basic procedural and adjudicative questions pertaining to both §§144 and 455, individually and in combination, have not been resolved by this Court. The result is an irreconcilable confusion within the Circuits uniformly reflected by the treatises and law review articles.[fn] Indeed, the uniformity achieved by this Court's failure to take cases involving §§144 and 455 is the consistent view by scholars that these vital statutes have been reduced to complete ineffectiveness by the strict interpretations imposed by the lower federal courts, contrary to normal rules of construction for remedial legislation:
>
> "…'While the text of sections 144 and 455 appear to create a relaxed standard for disqualification that would be relatively easy to satisfy, judicial construction has limited the statutes' application, so that recusal is rare, and reversal of a district court refusal to recuse, is rarer still.', Charles Gardner Geyh '*Means of Judicial Discipline Other Than Those Prescribed by the Judicial Discipline Statute, 28 U.S.C. Section 372(c)*', Research Papers of the National Commission on Judicial Discipline and Removal, Vol. I, at 771 (1993)."

[3] There was no response from the Court's clerk to the October 14, 1998 letter – and the particulars of this were recounted by my October 26, 1998 letter to the deputy clerk and by my October 26, 1998 letter to the clerk – the latter letter (at p. 2) expanding on the requests for information about recusal and misconduct complaints sought by the October 14, 1998 letter. I received no response.

- CJA's February 12, 2004 letter to Chief Justice Rehnquist entitled:

> "The Supreme Court's impeachable repudiation of congressionally-imposed obligations of disqualification and disclosure under 28 U.S.C. 455 and disregard of the single recommendation addressed to it by the 1993 Report of the National Commission on Judicial Discipline and Removal that it consider establishing an internal mechanism to review judicial misconduct complaints against its Justices";

- CJA's identically-titled February 12, 2004 letter to the Court's eight associate justices, the same associate justices who, with Chief Justice Rehnquist, had repudiated their oaths of office and constitutional, statutory, and ethics duties in *Sassower v. Mangano* –furnishing them with copies of the February 12, 2004 letter to Chief Justice Rehnquist and quoting its final paragraph that copies were also being furnished to seven pertinent Senate and House Committee chairs and ranking members:

> "with a request that they not simply invite your responses, but secure them, by subpoena if necessary, as part of the House Judiciary Committee's long-overdue investigation of CJA's November 6, 1998 impeachment complaint against the Justices. Such investigation must proceed forthwith."[4]

- CJA's February 13, 2004 memo to the seven indicated Senate and House committee chairs and ranking members, bearing the identical title as the February 12, 2004 letter to Chief Justice Rehnquist that it transmitted, requesting that they:

> "each personally examine the record evidence substantiating the November 6, 1998 impeachment complaint, which we long ago furnished to both the Republican majority and Democratic minority sides of the House Judiciary Committee. Such must be retrieved from the Committee's archive – represented to exist by the 1993 Report of the National Commission on Judicial Discipline and Removal." (underlining in the original);[5]

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[4] The Court's clerk's office responded to these February 12, 2004 letters by sending them back, with an inexplicable February 17, 2004 letter. This is recounted by my March 12, 2004 letter to the Court's clerk, which I sent with nine copies of the letter for distribution to the justices, in addition to enclosing the returned February 12, 2004 letters for distribution to them. The March 12, 2004 letter is additionally important because (at pp. 7-8) it further expanded upon the requests for information about recusal applications and misconduct complaints made by the October 14, 1998 letter and October 26, 1998 letter. As with those letters, to which I received no response, I received no response to the March 12, 2004 letter.

[5] This was re-sent on February 17, 2004, with a request that the February 14, 2004 memo be "personally read by the indicated Senators and Congressmen themselves, not merely by staff (some of whom suffer from direct conflicts of interest arising from their underlying official misconduct[fn])."

ALL the foregoing were exhibits to CJA's March 6, 2008 Critique of the Breyer Committee Report, bound in a Compendium, whose Exhibit A was CJA's critique of the 1993 National Commission Report, as embodied by my article "*Without Merit: The Empty Promise of Judicial Discipline*', published in the summer of 1997 by the Massachusetts School of Law in its journal The Long Term View. Three free-standing folders further substantiated the Critique. Folder #3 contained my correspondence with the Administrative Office,[6] spanning from 1995 – 1998, including for transmittal to the Judicial Conference. The other two folders contained the records of three judicial misconduct complaints – all three empirically testing the National Commission's 1993 Report and all three directly involving the judge who was then the federal judiciary's highest judicial officer overseeing federal judicial discipline, the chair of the Judicial Conference's Committee on Judicial Conduct and Disability, Second Circuit Court of Appeals Judge Ralph Winter. Folder #1 contained the judicial misconduct complaint described by my "*Without Merit*" article in the section entitled "Direct, First-Hand Experience" (at pp. 95-97). Folder #2 contained the two judicial misconduct complaints against the lower federal judges in *Sassower v. Mangano*, these being against the district judge and against the three Second Circuit Court of Appeals judges who covered up what the district judge had done.

On March 7, 2008, I hand-delivered this Critique to the Administrative Office and to the Supreme Court, accompanied by a March 6, 2008 letter addressed to Chief Justice Roberts, requesting that he:

> (1) prevent the Judicial Conference from adopting new rules for judicial discipline that were based on the Breyer Committee Report because they affirmatively misrepresented and undermined the congressional statute they purported to implement and did not comply with its requirement of "appropriate public notice and an opportunity for public comment", at least not in a meaningful way; and
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> (2) hold hearings, by the Judicial Conference, on the Breyer Committee Report, based on the proof presented by the Critique, that it – like the Report of the National Commission on Judicial Discipline and Removal – was "superficial, methodologically-flawed, and 'a knowing and deliberate fraud on the public".

The ONLY response I received to this transmittal was a non-responsive five-sentence March 7, 2008 letter from the Administrative Office's then director, James Duff. To this I replied by a March 10, 2008 letter requesting clarification and particularizing his "profound self-interest" arising from the fact that he had been administrative assistant to Chief Justice Rehnquist from 1996-2000 and "would

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[6] Most of the correspondence was with the Administrative Office's assistant deputy counsel, Jeffrey Barr, who had been a "consultant" for the National Commission on Judicial Discipline and Removal and author of one of its seminal underlying reports pertaining to the judicial discipline statute. This is referred-to by my article-critique, which also expressed the view that his position at the Administrative Office might be a reward for his role in the Commission's fraud. His prior position, while a "consultant" to the Commission, was as a staff attorney at the First Circuit Court of Appeals, handling judicial discipline complaints for its chief judge, Stephen Breyer.

have reasonably received, in 1998, the key documents referred to by the Critique and included in the Compendium of Exhibits". The letter therefore stated: "please confirm that you will be recusing yourself from any participation in, or determination of, this matter, consistent with applicable rules governing conflict of interest".

Two months later, in the absence of response from Mr. Duff or anyone else in the federal judiciary, I supplied this correspondence to Congress, with a May 13, 2008 memo addressed to the majority and minority leaders of the Senate and House. Supported by the March 6, 2008 Critique and an executive summary, the memo requested congressional hearings on the Breyer Committee Report and, pending same, deferment of congressional action on Senate and House bills to raise judicial pay 29%, being pushed by Chief Justice Roberts and other justices, such as Associate Justices Breyer, Alito, and Kennedy. Each of these four justices was *cc*'d– and, on May 16, 2008, I hand-delivered four copies of the May 13, 2008 memo for them to the Supreme Court and hand-delivered a copy for Mr. Duff at the Administrative Office.

I also hand-delivered delivered the Critique and May 13, 2008 memo to: (a) the Senate and House Judiciary Committees, both its majority and minority sides; (b) Presidential Candidates Senators John McCain, Barak Obama, and Hillary Clinton; (c) my congresswoman who was ranking member of the House Appropriations Committee. All were also *cc*'d on the memo. Indeed, the only named *cc* for whom I did not hand-deliver, or subsequently send, the memo and Critique was then President George W. Bush.

Five and a half weeks later, in the absence of response from the four leaders of Congress, the four leaders of the two Judiciary Committees, and the four leaders of the two courts subcommittees of the two Judiciary Committees, I addressed to them a June 25, 2008 memo, inquiring as to the status of their review. I recited that on May 13, 2008, during a nearly hour-long meeting with the Senate majority leader's counsel, I had suggested that in evaluating CJA's May 13, 2008 memo and Critique of the Breyer Committee Report, "Congress should have the assistance of scholars and organizations with expertise in the federal judiciary and judicial independence and discipline issues". I stated that to facilitate this, I had written to scholars[7] and organizations,[8] inviting them "to serve

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[7] These included Professor Charles Geyh, to whom I sent an April 21, 2008 letter, without response from him, and who I thereafter *cc*'d on six additional letters, including my May 5, 2008 letter to the American Bar Association, of whose Standing Committee on Federal Judicial Improvements he was a member, and my May 30, 2008 letter to the American Judicature Society, whose Center for Judicial Independence he had been director.

Professor Geyh is described by your June 20th article as a "leading expert on recusals" – and your hyperlink is to his book Judicial Disqualification: An Analysis of Federal Law, available through the U.S. Government Bookstore. Mr. Elliott would single out Professor Geyh and the book in the ProPublica video conversation between himself and Mr. Eisinger (at 8 mins.), whose link is at the end of Mr. Eisinger's June 25th article "*Behind the Scenes of Justice Alito's Unprecedented Wall Street Journal Pre-buttal*" that he co-authored with Mr. Engelberg.

As Mr. Geyh was a "consultant" for the National Commission on Judicial Discipline and Removal and, prior thereto, counsel to the House Judiciary Committee's courts subcommittee, he is fully aware of the fraud of the National Commission's Report – and received from me, *in hand*, on November 21, 1998, not only my "*Without Merit*" article critiquing it, but the further substantiating *Sassower v. Mangano* cert petition,

Congress – and the American People – by their scholarship". As none had responded to me, I suggested they might be more receptive to a direct request from Congress. Additionally, I asked that Congress "vindicate the public's rights by demanding the federal judiciary's response to each of the Critique's 20 sections, including under oath, at congressional hearings" – and that culpable federal judges should "not be additionally compensated, but, rather, removed from the bench for their corruption and betrayal of the public trust".

Chief Justice Roberts and Associate Justices Breyer, Alito, and Kennedy were the first of the memo's *cc*'s, followed by Mr. Duff as "Judicial Conference Secretary and Director of the Administrative Office". By a July 3, 2008 letter, faxed and e-mailed to Mr. Duff, I enclosed the June 25, 2008 memo, stating: "Please forward to the Justices".

I received no responses from anyone – and, apparently, just then, or the following week, Justice Alito would take the vacation "in early July" recounted by your June 20th article.

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supplemental brief, petition for rehearing, culminating November 6, 1998 impeachment complaint, and, additionally, my June 11, 1998 statement for the record of the House Judiciary Committee's so-called "oversight hearing" of the "administration and operation of the federal judiciary", with its supporting documentary compendium, which were part of the Sassower v. Mangano record before the Court. Professor Geyh's disingenuous, dissembling refusal to comment was the subject of correspondence between us, in November and December 1998.

On June 24, 20023, at the Senate Judiciary Committee's Courts Subcommittee hearing "*Ensuring an Impartial Judiciary: Supreme Court Ethics, Recusal and Transparency Act of 2023*", Subcommittee Chair Sheldon Whitehouse would identify (at 27 mins) that Professor Geyh had submitted a written statement for the hearing.

[8] Among these organizations, the Brennan Center for Justice. From 2005 to 2009, James Sample was counsel for its Democracy Program-Fair Courts Project. He left, in 2009, to become a professor at Hofstra University Law School and, as such, testified at the June 24, 2023 Senate Judiciary Committee Courts Subcommittee hearing chaired by Senator Whitehouse. Among his credentials, reflected by his faculty webpage, an article "*Supreme Court Recusal: From Marbury to the Present Day*", published in 2013 in the Georgetown Journal of Legal Ethics, and his co-authorship of the 6th edition of Judicial Conduct and Ethics, with Professor Geyh.

As with Professor Geyh, in 2008, I sent Mr. Sample the Critique of the Breyer Committee Report and my correspondence thereon. My four memos to him and the Brennan Center's executive director, legal counsel, and its director of the Democracy Program-Fair Court Project were sent by fax and e-mail on April 3, 2008, April 22, 2008, May 1, 2008, and May 30, 2008, without response.

This was not my first communication with Mr. Sample. In 2007, I reached out to him and them for *amicus curiae* support for my "disruption of Congress" cert petition seeking to establish "the simple legal proposition – critical to ensuring judicial neutrality – that a court's willful failure to confront disqualification/disclosure issues is *prima facie* disqualifying, misconduct *per se*, and divests it of jurisdiction to proceed further", as to which I stated: "The Court has never spoken on the subject." (at pp. 2-3).

CJA's webpage for the Brennan Center, posting this 2007 outreach and my years of other correspondence to the Brennan Center, starting with my first September 8, 1998 letter to its then executive director, which was for *amicus curiae* support for the *Sassower v. Mangano* cert petition, is here.

Although neither the Senate or House advanced the federal judicial pay raise bills to which my May 13, 2008 memo had objected, the Supreme Court justices and the lower federal judges do get automatic pay increases through cost-of-living "adjustments" – and the consequence of this, in New York, is a constant clamor by New York's state judges for pay parity with their federal brethren. As on the federal level, there is NO examination, whatever, as to whether mechanisms are functioning to ensure that corrupt judges are booted from the bench, not given pay raises.

As for the Breyer Committee Report, it—and the violative and subverting rules it engendered for the disposition of judicial misconduct complaints against lower federal judges[9] – would preserve a worthless and corrupt federal judicial complaint process. Meanwhile, as exposed by the Critique, there is a catastrophic absence of functioning remedies elsewhere.

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[9] Emblematic of the federal judiciary's fraud with respect to the rules is the Administrative Office's webpage "Archives of the Committee on Judicial Conduct and Disability", divided into three sections "Judicial Conduct and Disability Rules", "Public Hearings" and "Breyer Committee Report".

The referred-to "Committee on Judicial Conduct and Disability" is that of the Judicial Conference and September 27, 2007 was when it held its hearing on the draft rules that emanated from the Breyer Committee Report. As reflected by the posted transcript (at p. 55), Judge Winter, its chair, refused to allow an "unidentified speaker", which was me, to testify and stated "The comment period on the rules is still open. It is open until October 15th. If you would like to comment on the rules, please do so.".

On October 15th I did furnish my "comment" – a formal written statement – and the final exhibit – Exhibit T – of the Compendium of Exhibits, establishes this. Yet, it is not posted with other "Written Statements" on the Archive webpage, which states and posts the following:

> "On September 27, 2007, the Judicial Conduct and Disability Committee held a public hearing on the proposed Rules for Judicial-Conduct and Judicial-Disability Proceedings (adopted March 11, 2008). A transcript of the September 27, 2007, public hearing and related written statements are included below.
>
> - Transcript of Proceedings (pdf)
> - Written Statements
>   - Dr. Richard Cordero, Esq. (pdf)
>   - Arthur D. Hellman (pdf)
>   - Francis C. P. Knize (pdf)".

The reason my statement is not posted is not difficult to ascertain. It is obvious from reading it, exposing, as it does, the violative, deceitful nature of the rules. This is also why Judge Winter did not allow me to testify at the hearing, purporting he did not know of my request to testify, yet unwilling to examine the proof I had brought with me. Pages 66-71 of the Critique, under the section heading "The Federal Judiciary's Charade of Public Comment & its Continued Subversion of Federal Judicial Discipline by its New Rules", furnishes the particulars as to my request to testify and the draft statement I e-mailed to the Administrative Office prior to the hearing – and the exhibits of the Compendium substantiating it are S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9 and T.

As for Mr. Duff, whose conflicts of interest are summarized by my March 10, 2008 letter to him (at pp. 3-5) – and further highlighted by his wikipedia entry – he suffered no consequences for his cover-up and nonfeasance. To the contrary, he was rewarded. Having been appointed director of the Administrative Office by Chief Justice Roberts in July 2006 and stepping down in September 2011 to become CEO of the Newseum, he was welcomed back, three years later, by Chief Justice Roberts, who lauded him in a November 4, 2014 press release, stating:

> "Jim earned the full confidence of the Judiciary during five years of exceptional service between 2006 and 2011, and we are very fortunate that he has agreed to return."

He served until January 2021 and now is executive director of the Supreme Court Historical Society.

The foregoing primary-source, documentary EVIDENCE is posted on CJA's website, www.judgewatch.org, accessible from the side panel "Judicial Discipline-Federal". The direct link is here.

I am available to answer questions – and am eager to do so and to also discuss with you other aspects of the Court's "ethics". This includes what the Court did in 2007 – only a few short months before I hand-delivered to the Court my March 6, 2008 letter to Chief Justice Roberts, with the Critique of the Breyer Committee Report. Here, too, the EVIDENCE is primary-source and documentary. It consists of the record of the cert petition of the "disruption of Congress" case against me – a bogus charge by the Senate Judiciary Committee in May 2003 to cover-up its corrupting of its duties in confirming a New York Court of Appeals state judge to the Second Circuit Court of Appeals, involving, directly, then Senator Clinton and the Senate's now majority leader, Senator Charles Schumer[10] – whose odyssey in the D.C. Superior Court and D.C. Court of Appeals paralleled that in *Sassower v. Mangano, to wit*, the wholesale obliteration of the rule of law. Here, too, the "Questions Presented" by the "disruption of Congress" cert petition pertained to judicial disqualification and disclosure, sought mandatory review consistent with the Court's "power of supervision", referrals to disciplinary and criminal authorities – and was unopposed. As in *Sassower v. Mangano*, the Court's clerk and staff engaged in flagrantly improper conduct, including falsification of records, to insulate the justices from their duties and accountability – and the rehearing petition particularized this, substantiated by appendix documents that included my two complaints to Chief Justice Roberts against the clerk and his staff, dated October 9, 2007 and

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[10] CJA's website features the "Disruption of Congress" case by the side panel of that name, much as it features the *Sassower v. Mangano* case by the side panel "Test Case-Federal (*Mangano*)".

As for the also featured "Test Case-State (*Commission*)", it is CJA's state lawsuit against the New York State Commission on Judicial Conduct, arising from the October 6, 1998 judicial misconduct complaint I filed with it based on *Sassower v. Mangano*. This state lawsuit, commenced April 1999, would conclude in December 2002, at the New York Court of Appeals, one of whose judges, Richard Wesley, would be nominated by President Bush three months later to the Second Circuit of Appeals. It is Judge Wesley's corruption at the New York Court of Appeals in 2002 when the lawsuit case came before him, and in 1998 in another lawsuit – the particulars of which I set forth by a March 26, 2003 memorandum, with the case file proof hand-delivered to the Senate Judiciary Committee on May 5, 2003, 2-1/2 weeks before its May 22, 2003 hearing on Judge Wesley's confirmation, that underlies the "Disruption of Congress" case.

October 26, 2007. To this I would add a November 14, 2007 complaint to Chief Justice Roberts against the Court's counsel – copies of which I sent for distribution to each associate justice. The ONLY response to these three complaints would be on November 26, 2007, by the standard two-sentence form letter that the Court denied the petition for rehearing, auto-signed by the clerk. There was no response to my subsequent December 24, 2007 letter to the clerk's office.

Please confirm, by no later than Monday, July 3, 2023, that you will be investigating and reporting this monumental corruption-eradicating story, having not the slightest taint of partisanship – and, if not, the reason.

To date, despite my herculean efforts in 1998 – 1999, 2004, 2007, and 2008, there has been ZERO press reporting of any piece of this far-reaching, FULLY-DOCUMENTED story about the Supreme Court justices and their "ethics" – contrary to the view of the 1993 Report of the National Commission on Judicial Discipline and Removal that:

> "any publicly made (non-frivolous) allegation of serious misconduct…against a Supreme Court Justice would receive intense scrutiny in the press…" (at p. 122)

How do you explain that?

Thank you.

s/Elena Ruth Sassower

cc: Justin Elliott
Alex Mierjeski
Jesse Eisinger
Brett Murphy

ProPublica recipients of my June 16, 2023 e-mail to ProPublica
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