



AMERICANS FOR LIMITED GOVERNMENT

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May 11th, 2011

The Honorable Mitch McConnell
Senate Minority Leader
361-A Russell Senate Office Building
Washington, D.C. 20510

Dear Leader McConnell:

On Jan. 15, 2011, Barack Obama nominated for the 2nd Circuit Court of Appeals, Susan Carney, Deputy General Counsel for Yale University. She has been voted out of the Judiciary Committee, and currently is awaiting full Senate consideration. Unfortunately, as with other Obama nominees, serious questions have been raised about Susan Carney's lack of integrity. The allegations arise from Carney's tenure at Yale University, and call into question both her judgment as an attorney and her temperament to serve as a federal judge.

In 2007, when it was revealed that a Dongguk University professor, Shin Jeong-ah, had not received a doctorate degree from Yale, Carney allegedly engaged in a cover-up to prevent information from surfacing showing that Yale had indeed confirmed to Dongguk that Shin was a Yale graduate, as revealed by court documents filed by Dongguk.¹

At the time, Carney said the confirmation fax verifying Shin's doctorate sent by Yale was "not authentic," even though it turned out that it was. She did not even apparently fully investigate Dongguk's claim until the U.S. Justice Department issued a subpoena in the matter, and failed to even attempt to verify the authenticity of the fax, according to the plaintiffs.

But Dongguk may have been too kind in its filings. It gives Yale and Carney the benefit of the doubt that they were merely negligent in their internal investigation of the matter.

It would be reasonable for Senators to question Carney about why it took a U.S. Attorney enforcing a U.S.-Korean treaty on cooperation in criminal matters to discover that, indeed, Yale University had confirmed that Shin had received the degree (see page 98 for Yale's reply to the subpoena).² It would be equally reasonable to question whether Yale University knew all along that it had sent the fax to Dongguk confirming the degree, and whether it was, with Carney's knowledge, covering this fact up to salvage its own reputation.

After more than four months of Yale dragging its feet, Carney finally admitted that the University had indeed confirmed that Shin received the degree. She claimed that she had "inadvertently provided one piece of incorrect information" and that the confirmation had only been sent by an associate dean "in the rush of business".

¹ <http://washingtonalert.org/wp-content/uploads/2011/03/DonggukvYaleDocketcomplaint1.pdf>

² <http://washingtonalert.org/wp-content/uploads/2011/03/files-dongguk-university.pdf>

Dongguk University was not satisfied, and replied saying, “if Yale University had revealed the fact in your first reply of July 10, 2007, Dongguk University would not have received a lot of harsh criticism from the public.” In Korea, the scandal has been dubbed “Shin-gate” by media.

The letter continued, “Your inaccurate information of July 10, 2007 has ruined our one hundred year-long built reputation. What was worse was that in September 2005, we had no choice but to take facsimile document sent... as an authentic one as it is now, and officially believed that Yale University awarded a Ph.D. to Jeong Ah Shin in May 2005”. Shin was hired by Dongguk in 2005, and worked for two years before it was discovered that she may not have actually obtained a degree from Yale University. That is when Dongguk notified Yale of the potential problem and attempted to deal with the matter promptly. Instead, Dongguk’s inquiry got stonewalled until the Korean government intervened, invoking the treaty requiring U.S. cooperation in Korean criminal proceedings, in this case against Shin.

Dongguk has now sued Yale for \$50 million in damages caused by the scandal, which they say would have been mitigated if Yale had simply admitted its error up front. While Carney was publicly denying Dongguk’s factual assertions in the scandal, her internal memorandum indicates that she advised that Dongguk’s assertions could possibly be true.

Carney’s dishonorable willful disregard for the truth and promotion of a falsehood disqualifies her from consideration to a lifetime appointment to the second highest court in the land. It was not until the Justice Department intervened that it was revealed Yale University was the party at fault in this case, raising the question of what Carney knew and when she knew it.

Either, without ever conducting a proper investigation, Carney was publicly denying that Yale had ever sent the confirmation of Shin’s degree that she in fact had never received. Or, she knew Yale had sent the confirmation and was doing her best to cover it up — which would be a scandal of Nixonian proportions. Whichever it was, neither instance qualifies her for the federal bench. For anyone else, Carney’s reckless actions would have warranted being fired. The plaintiffs described Carney as “negligent and careless” in her conduct in this scandal.

We urge you and the Senate Republican Conference to do all in your power not to allow the Carney nomination to go through unchallenged, including placing legislative holds on her nomination and blocking any move at cloture.

The questions surrounding “Shin-gate” and Carney’s conduct were apparently never raised in the Judiciary Committee and warrant further investigation before Carney receives a lifetime appointment. She has not been fully vetted, and her apparent ethical lapses and incompetence in this scandal cannot and must not be overlooked.

Sincerely,



William Wilson
President
Americans for Limited Government

CC: Members of the U.S. Senate