

**CENTER for JUDICIAL ACCOUNTABILITY, INC.**

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BY FAX: 202-456-1647 (6 pages)

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June 6, 2003

President George W. Bush  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

ATT: Alberto R. Gonzales, Counsel

RE: Notifying the United States Senate to defer any vote to confirm the nomination of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals pending review of CJA's March 26, 2003 written statement, summarizing the documentary evidence of his corruption in office – as to which the Senate Judiciary Committee has undertaken NO investigation and made NO findings

Dear Mr. Gonzales:

This letter respectfully requests that President Bush immediately notify the United States Senate to defer its vote to confirm the nomination of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals, pending your personal review of CJA's March 26, 2003 written statement, particularizing the documentary evidence of his corruption as a New York Court of Appeals judge in two important public interest lawsuits involving far-reaching issues of public integrity, causing vast and irreparable injury to the People of the State of New York.

Such action is exigent, as the Senate Judiciary Committee has NOT investigated and made findings with respect to CJA's March 26, 2003 statement, hand-delivered to it on May 5<sup>th</sup>, with the substantiating documentary evidence contained in FIVE CARTONS AND ONE REDWELD FOLDER. This extraordinary misfeasance is chronicled by CJA's May 19<sup>th</sup> and May 22<sup>nd</sup> memoranda to Chairman Hatch and Ranking Member Leahy, requesting their supervisory oversight of Committee staff and cancellation of the scheduled May 22<sup>nd</sup> "hearing" on Judge Wesley's confirmation. Chairman Hatch and Ranking Member Leahy did not respond to these two memoranda – even to the limited extent of acknowledging their personal review of CJA's March 26, 2003 statement, as

expressly requested. Instead, they countenanced Capitol Police intimidating me so that I would be dissuaded from attending the Committee's May 22<sup>nd</sup> "hearing" – putting their imprimatur to, if not authorizing, my arrest at the conclusion of the May 22<sup>nd</sup> "hearing" for rising from my seat in the last row of the audience to ask:

"Mr. Chairman, there's citizen opposition to Judge Wesley based on his to documented corruption as a New York Court of Appeals judge. May I testify?"

The facts pertaining to the Committee's sham May 22<sup>nd</sup> "hearing" on Judge Wesley's confirmation and my arrest and 21-hour incarceration on a bogus "disruption of Congress" charge are summarized by CJA's May 28<sup>st</sup> memorandum to Chairman Hatch and Mr. Leahy, whose opening paragraph reads:

"This is to put you on notice that it would be a further betrayal of the American public – and, specifically, a betrayal of the People of the State of New York and the Second Circuit -- for the Senate Judiciary Committee to approve the nomination of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals – while the criminal case of *United States of America v. Elena Ruth Sassower* (Superior Court of the District of Columbia, No. M-4113-03) is pending. Especially is this so where, additionally, you have made NO FINDINGS as to the accuracy of CJA's March 26, 2003 statement, particularizing the documentary evidence establishing that Judge Wesley knowingly and deliberately obliterated the most basic judicial and ethical standards to "protect" a corrupt New York State Commission on Judicial Conduct and a panoply of corrupt and complicitous public officers and agencies. Among these, Judge Wesley's friend and political patron, New York's Republican Governor George Pataki, who has rewarded him by this federal judgeship." (emphases in the original).


As stated by the May 28<sup>th</sup> memorandum (pp. 4-5), Chairman Hatch and Ranking Member Leahy each knew – based on CJA's document-substantiated March 26, 2003 statement – that the testimony I would have offered as to Judge Wesley's "documented corruption as a New York Court of Appeals judge" would have been "TRUE and DISPOSITIVE of his unfitness" for the federal bench. Neither have denied this – nor otherwise responded to the May 28th memorandum – other than by proceeding with a Committee vote at yesterday's "Executive Business Meeting", approving Judge Wesley's confirmation 19-0. Upon information and belief, no Committee report has been furnished to the Senate in connection with this nomination.

As discussed yesterday morning with your staff assistant, Jonathan Ganter (10:10 a.m., 202-456-7900), CJA respectfully requests that you immediately arrange to have the Senate Judiciary Committee deliver to you the March 26, 2003 written statement and FIVE CARTONS AND ONE REDWELD FOLDER of substantiating documentary evidence – the most important of which are the two final motions which were before Judge Wesley in the public interest lawsuit, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York*. These two final motions, my October 15, 2002 motion for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief and my October 24, 2002 motion for leave to appeal, and the New York Court of Appeals' December 17, 2002 decisions thereon, are focally-discussed by the March 26, 2003 statement as *sufficient, in and of themselves, to establish Judge Wesley's corruption as a Court of Appeals judge*. For that reason, they were contained in the package of materials I sought to give Mr. Ganter, *in hand*, on May 5<sup>th</sup>. Unfortunately, security officers outside the Executive Office Building would not permit Mr. Ganter to take even a single document from that package – even CJA's one-page May 5<sup>th</sup> letter to the President, addressed to your attention, or a copy of your signed one-page letter to me dated July 17, 2001. Although I thereupon immediately mailed the package from the post office just down the street, Mr. Ganter advised that it has still not been received<sup>1</sup>.

Meantime, you may find CJA's March 26, 2003 written statement posted on the homepage of CJA's website, [www.judgewatch.org](http://www.judgewatch.org), under "Latest News", as likewise CJA's relevant correspondence with respect thereto – including the memoranda to Chairman Hatch and Ranking Member Leahy hereinabove recited.

With the expectation that you will swiftly act to defer the Senate vote on Judge Wesley's confirmation so as to verify the truth of CJA's March 26, 2003 statement, thereby safeguarding the rights and welfare of the People of New York and the Second Circuit, flagrantly disregarded by the Senate Judiciary Committee, as likewise by Home-State Senators Schumer and Clinton, who have similarly refused to acknowledge personal review of the March 26, 2003 statement and comment upon it -- we thank you.

Yours for a quality judiciary,

  
ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

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<sup>1</sup> I previously telephoned Mr. Ganter on May 15<sup>th</sup> and May 19<sup>th</sup>, asking whether the package had arrived. Immediately following my yesterday's conversation with him, I phoned the U.S. Postal Service. Upon providing relevant information, including from the postal receipt, I was told that the matter would be investigated.

**Enclosure:** CJA's May 5, 2003 letter to President Bush, requesting that he withdraw his nominations of New York Court of Appeals Judge Richard C. Wesley to the New York Court of Appeals and P. Kevin Caste to the District Court of the Southern District of New York

**cc:** Senate Majority Leader William Frist  
Senate Minority Leader Thomas Daschle  
Senate Judiciary Committee Chairman Orrin G. Hatch  
Senate Judiciary Committee Ranking Member Patrick J. Leahy  
Home-State Senator Charles E. Schumer  
Home-State Senator Hillary Rodham Clinton  
New York Court of Appeals Judge Richard C. Wesley  
P. Kevin Castel, Esq.  
The Press

*President Bush  
Cruz's Office*

TRANSMISSION VERIFICATION REPORT

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