

CENTER for  
JUDICIAL  
ACCOUNTABILITY



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May 6, 1994

Hon. Helene Weinstein  
Chairwoman, Assembly Judiciary Committee  
L.O.B. Room 831  
Empire State Plaza  
Albany, New York 12248

ATT: Patricia Gorman, Legislative Assistant

RE: Castracan v. Colavita

Dear Ms. Gorman:

As recently discussed by telephone, since 1990 our citizens group<sup>1</sup> has provided former Assemblyman Koppell, as Chairman of the Assembly Judiciary Committee, with information concerning two Election Law cases we spearheaded in 1990 and 1991: Castracan v. Colavita and Sady v. Murphy. Those cases involved the trading of seven judgeships in the Ninth Judicial District by a written cross-endorsement deal between the two major parties--which we challenged as illegal, unethical, and unconstitutional--and, in the case of Castracan, violations of the Election Law at the 1990 Democratic and Republican Judicial Nominating Conventions.

On May 12, 1992, a complete set of court papers in those pivotal cases was transmitted to Chairman Koppell for inclusion as part of the record of the joint Judiciary Committee hearings then being held on the subject of judicial selection and the report of the Governor's Task Force on Judicial Diversity. A copy of our transmittal letter is enclosed for your convenience, which, as you can see, included a copy of our March 20, 1992 letter to the Governor's Task Force.

Prior to that date--and subsequent thereto--then Chairman Koppell received from us various correspondence related to our ongoing attempt to obtain redress for the people of the Ninth Judicial District and the State of New York from the fraud committed upon them by powerful political leaders of both major parties, the New York State Board of Elections, and the courts of this State.

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<sup>1</sup> The Center for Judicial Accountability is the successor to the Ninth Judicial Committee.

Such correspondence included our three letters to Governor Cuomo in 1991<sup>2</sup>, calling for appointment of a Special Prosecutor, as well as our correspondence with the Commission on Judicial Conduct, the New York State Ethics Commission, and the Assembly Judiciary Committee. Thus, the Assembly Judiciary Committee file of our materials should, by now, be quite voluminous.

Enclosed for further inclusion in that file is our most recent letter to the New York State Ethics Commission, dated April 8, 1994--which annexes our previous correspondence with that body. Also enclosed is our April 26, 1994 letter to the U.S. Justice Department relative to its investigation of judicial elections in New York. Because of the profound seriousness of this matter, all of the exhibits to our letter to the Justice Department are being furnished herewith, with the exception of Item "C", referred to at p. 2: the Castracan and Sady files already in your possession.

Following your review of these materials, we request you to arrange a meeting for us with Chairwoman Weinstein so that we can personally familiarize her with the scandalous and important public issues involved, answer her questions, and discuss remedial legislation which must be enacted to safeguard the integrity of judicial elections and the judicial process.

On a separate but nonetheless related subject, we reiterate our desire to testify as to the proposed amendment for the repeal of Judiciary Law §90(10) when and if hearings are held on Bill #A9988, now before your Committee. You will recall that you were good enough to locate such legislation for us in response to our telephone inquiry--and we thank you for it.

The issue of attorney confidentiality protected by Judiciary Law §90(1) is one of several critical issues in the Article 78 proceeding, Sassower v. Mangano, et al., referred to at p. 6 of our letter to the U.S. Justice Department. Indeed, in addition to enclosing herewith pp. 5-8 of our March 14, 1994 submission to the Court of Appeals in that case, we are including pp. 18-19 as well, since they summarize current legislative proposals relative to the confidentiality issue in the context of the underlying disciplinary proceeding challenged in Sassower v. Mangano, et al.

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<sup>2</sup> All three letters appear in the enclosed Compendium of documents to our December 15, 1993 testimony before the Senate Judiciary Committee in opposition to the confirmation of Carmen Ciparick to the New York State Court of Appeals. See, pp. 143-158, 164a-193. The first letter, dated October 24, 1991 (pp. 143-158), provides a good overview of what Castracan v. Colavita and Sady v. Murphy are about.

Ms. Patricia Gorman

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We look forward to speaking with you upon your review of the enclosed materials.

Yours for a quality judiciary,

A handwritten signature in cursive script that reads "Elena Ruth Sassower". The signature is written in dark ink and is positioned above the typed name.

ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability

Enclosures