

CENTER for JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

Box 69, Gedney Station  
White Plains, New York 10605

By Fax and Priority Mail  
212-669-2660

February 27, 1996

Manhattan Borough President Ruth Messinger  
Municipal Building, 19th Floor South  
1 Centre Street  
New York, New York 10007

Dear Borough President Messinger:

This letter follows up my telephone conversation yesterday with your press secretary, Andrew Breslaw. I told Mr. Breslaw that I had read in Saturday's Times that you had called for Judge Duckman's removal (Exhibit "A-1") and that I was concerned that, in taking such position, you may have relied on what we believe is misinformation about the Judge being propagated by Mayor Giuliani and the Brooklyn District Attorney, among others.

Although Mr. Breslaw informed me that Saturday's Times had erroneously stated your position--which was limited to calling for "the judge's suspension pending the outcome of an inquiry into allegations that he had beaten his wife"--and that a correction appeared in Monday's Times (Exhibit "A-2"), such position has undoubtedly also been influenced by the much publicized transcript of Judge Duckman reducing the bail of Benito Oliver.

I believe that you--like so many of us--trusted Mayor Giuliani, in his press conferences, in interviews, and on radio to accurately portray and quote from that court transcript, which was the "starting point" for tremendous vilification of Judge Duckman. We likewise expected that the Brooklyn District Attorney, as well as the press--which acknowledged being in possession of the transcript--to accurately represent it.

Based on our review of the January 24-26, 1996 transcript, we believe they have not done so. Our letter on the subject to Mayor Giuliani, listing you as an indicated recipient, is enclosed, as is the transcript.

Also enclosed is a copy of our February 20, 1996 letter to Mayor Giuliani, which transmitted a full set of the papers in our Article 78 proceeding against the Commission on Judicial Conduct.

You already have a set of those papers. If you have had them reviewed by legal advisors who are unconflicted by personal and professional relationships with the Commission's members, its

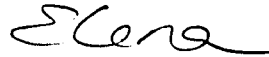
February 27, 1996

staff, or anyone else who would be adversely affected by a Commission which investigated the kind of facially-meritorious complaints, as are annexed to the Article 78 petition, then you know that immediate action on behalf of the public must be taken.

We ask that you, as Manhattan Borough President, refer the Commission on Judicial Conduct for criminal investigation, much as we requested the Mayor to do in the final paragraph of our February 20, 1996 letter to him.

Finally, let me take this opportunity to thank you for your kind letter to me, following our breakfast together.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.

Enclosures