

Such materials and my discussions thereon with you are reflected in my January 16, 1996 letter (Exhibit "B", p. 2), which transmitted -- at your request -- documentation regarding the manipulation and dysfunction of the closed-processes of judicial appointment.

By letter dated January 31, 1996 (Exhibit "C"), you complimented me for coming "to the breakfast with issues to discuss" and for laying them out "so substantively and speedily". Indeed, you took copious notes throughout our breakfast.

Your letter then stated:

"I learned a lot just from listening to what you said and I look forward to having a more comprehensive review of both the correspondence and the case material. I will be asking a few people I know who have some experience with and interest in judicial selection and accountability to look at the material for me and keep me informed on what they learn."

Four weeks later, by letter to you dated February 27, 1996 (Exhibit "D"), I responded:

"If you have had [the Article 78 file] reviewed by legal advisors who are unconflicted by personal and professional relationships with the Commission's members, its 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 taken²."

filed with that office.

² Cf. The donor of your name to the B'nai Jeshurun Auction was Ricki Lieberman, active in your campaign and in the political careers of other prominent New Yorkers, who, through her, have "gone up on the B.J. auction block" and for whom I was the high bidder, i.e. Congressman Jerrold Nadler and Assemblyman Scott Stringer, at the November 14, 1994 B.J. Auction (Exhibits "F-1", "F-2"). As you know, Rick Lieberman's husband, Hal, is the court-appointed head of the Attorney Disciplinary Committee for the First Judicial Department. He is, among other things, complicitous in the perpetuation of the Appellate Division, Second Department's fraudulent and retaliatory suspension of my

I then asked you to refer the Commission for criminal investigation -- a request I similarly made to Mayor Giuliani when I transmitted to him a copy of the Article 78 file, beneath a coverletter dated February 20, 1996, a copy of which I enclosed for you.

mother's law license -- having received from me in May 1995 a copy of her cert petition to the U.S. Supreme Court -- and having taken no corrective steps relative thereto. Several of the summarily-dismissed judicial misconduct complaints filed with the Commission on Judicial Conduct and annexed to the Article 78 Petition concern that fraudulent and retaliatory suspension.

Additionally, the cert petition I gave Mr. Lieberman detailed the unconstitutionality of New York's attorney disciplinary law. Although such unconstitutional law affects tens of thousands of attorneys in New York, Mr. Lieberman has refused to discuss such law with me. This is reflected by the enclosed August 14, 1995 letter (Exhibit "A-2", p. 2). For this reason, when I saw that Mr. Lieberman was himself donating an hour consultation as part of the B.J. silent auction -- the same December 9, 1995 auction at which a breakfast/lunch with you was publicly auctioned -- I decided to bid. However, after my successful \$100 bid (Exhibit "A-3"), Mr. Lieberman, without making any inquiry of me as to who would be using the consultation or for what purpose, caused B.J. to refund the money to me (Exhibit "A-4").

I would note that I was so repulsed by B.J.'s failure to afford me the courtesy of even being heard with respect to Mr. Lieberman's one-sided communication -- contravening Jewish law, not just American principles of due process and fairness -- that I discontinued my five-year old B.J. membership. Needless to say, before taking such step, I tried, unsuccessfully, to contact the auction organizers. Shortly before Rosh HaShana 1996, I also met with Rabbi Marcelo Bronstein of B'nai Jeshurun to discuss the matter with him and the Jewish community's obligation not to "stand idly by" as to issues of judicial corruption and the unconstitutionality of New York's attorney disciplinary law, which is used to retaliate against judicial whistle-blowing attorneys as my mother. So as to reinforce the urgency of action by the Jewish community, I provided Rabbi Bronstein with the relevant documentation: the cert petition to the U.S. Supreme Court and the file of our Article 78 proceeding against the Commission on Judicial Conduct. Although the Rabbi promised that he would have such materials reviewed, I heard nothing from him or B.J. in the eight months that have elapsed since our two-hour meeting.

Thereafter, on March 7, 1996, under a note on which I wrote "following up my 2/27/96 letter, Re: criminal prosecution of NYS Commission on Judicial Conduct" (Exhibit "E"), I sent you a copy of our March 5, 1996 letter to the Deputy Bureau Chief of Special Prosecutions for Manhattan District Attorney Morgenthau. That letter particularized the Manhattan D.A.'s gross inaction and cover-up of our criminal complaints against the Commission.

In pertinent part, our March 5, 1996 letter read:

"Because of the danger to the public represented by a corrupted Commission on Judicial Conduct, which now is the beneficiary of a demonstrably fraudulent decision of dismissal, we have already transmitted duplicate copies of the file in the Article 78 proceeding to both Mayor Giuliani and to Manhattan Borough President Messinger -- with a request that they take steps to secure a criminal investigation of the Commission...

"We believe that the Mayor, the Manhattan Borough President, and the Assembly Judiciary Committee will be particularly interested in knowing the extent to which District Attorney Morgenthau has been personally involved in the decision-making regarding our criminal complaint against the Commission and our request for his intervention in the Article 78 proceeding..."

Thereafter, we never heard from you -- just as we never heard from the Manhattan District Attorney, the Mayor, and the Assembly Judiciary Committee. According to my notes, on April 25, 1996, I left a telephone message with your office, requesting a meeting with you about the Commission on Judicial Conduct. However, my call was not returned.

As set forth in CJA's \$1,650 ad, "A Call for Concerted Action", in the November 20, 1996 New York Law Journal:

"...the politicians to whom we have given copies of the court file [of our Commission case] have ignored it. Indeed, we cannot find anyone in a leadership position willing to even comment on the Commission file".

At this juncture, having paid \$625 to provide you with a breathtaking opportunity to demonstrate leadership, CJA expects some response to the substantial documentary materials we gave

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you, in particular the Article 78 file. We would appreciate knowing who -- among your "trusted" advisors -- reviewed the file and what they told you. Indeed, in view of the prima facie evidence therein presented that the Commission is corrupt, that it corrupted the judicial process, and that it is the beneficiary of a fraudulent decision without which it could not have survived our litigation challenge, we believe it appropriate for such advisors to present testimony on the subject at the City Bar's May 14, 1997 public hearing.

In that regard, faxed herewith is our May 5, 1995 letter to a long list of officials, agencies, associations, etc. who received from us a copy of the Article 78 file -- including yourself. A hard copy has probably arrived in today's mail.

In view of your mayoral candidacy, I reiterate the closing paragraph of my January 16, 1996 letter (Exhibit "B", p. 4) as a reminder of your public duty and the public-interest reason I bid \$625 for direct access to you:

"...we look to you now as Manhattan Borough President, for leadership on the critical issues of judicial selection and discipline. The documentary materials we have supplied you provide a sound basis on which to demonstrate your courageous commitment to the People of this City -- not to the politicians who have a vested interest in a palpably corrupt status quo."

Yours for a quality judiciary,



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

Enclosures

cc: Hal and Ricki Lieberman
B'nai Jeshurun Synagogue
ATT: Rabbi Marcelo Bronstein