

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Godfrey Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 518-486-9603⁹ / 212-681-4821 (3 pages)

February 7, 2000

Nan Weiner, Executive Director
Governor Pataki's Judicial Screening Committee
The Capitol
Albany, New York 12224

Dear Ms. Weiner:

Enclosed is a copy of CJA's notice of today's date to the Attorney General and Commission on Judicial Conduct relative to the official misconduct of Justices William Wetzel and Stephen Crane in the Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico against the Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551).

As you know, CJA has been preparing an extensive written presentation to the Governor, particularizing the official misconduct of each of these judges in the above-entitled Article 78 proceeding, as well as the official misconduct of Justice Crane in another case, *Doris L. Sassower v. Kelly, Rode & Kelly, et al.* (NY Co. #93-120917). It is nearing completion and will be transmitted to the Governor, together with copies of the substantiating files or the relevant portions thereof.

Should you or James McGuire, the Governor's counsel, wish to speak with us about these cases – or wish us to fax a draft of the aforementioned written presentation – please don't hesitate to call. Under no circumstances should the Governor give favorable consideration to either of these judges. They are wholly unfit for judicial office and, indeed, *must* be removed as threats to the public and rule of law.

Yours for a quality judiciary,



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

Enclosure

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TO: NEW YORK STATE ATTORNEY GENERAL ELIOT SPITZER
ATT: David Nocenti, counsel
Peter Pope, Chief, "Public Integrity Unit"
William Casey, Chief Investigator,
"Public Integrity Unit"

NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT
ATT: Commissioners
Gerald Stern, Administrator

FROM: ELENA RUTH SASSOWER, COORDINATOR

RE: *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 (NY Co. #99-108551)*

DATE: February 7, 2000

This puts you on notice of your ethical and professional duty to take steps to protect the integrity of the judicial process, wilfully subverted by Acting Supreme Court Justice William A. Wetzel in the above-entitled public interest Article 78 proceeding.

By decision/order dated January 31, 2000, Justice Wetzel denied petitioner's recusal application, dismissed the proceeding, and, enjoined the petitioner and non-party Center for Judicial Accountability, Inc. (CJA) from initiating "related" proceedings -- of whose "relatedness" Justice Wetzel appointed himself the judge. The fraudulence of the decision, brazenly falsifying and fabricating the Article 78 record in EVERY material respect, as well as its total lack of notice and opportunity to be heard on the injunction issue, is evident from the most cursory examination of that record -- copies of which you each have.

Based on the record, the public has a right to expect, indeed to demand, that you will not only expeditiously move to vacate Justice Wetzel's decision/order for fraud, but *immediately* notify the Governor that Justice Wetzel, whose Court of Claims judgeship expired *more than seven months ago*, is unfit for reappointment. This,

February 7, 2000

in addition to taking steps to ensure that Justice Wetzel, who sits on the bench as a "hold over", is promptly removed and criminally prosecuted.

Additionally, since the record shows that Administrative Judge Stephen Crane *twice* interfered with the random assignment of this proceeding -- the second time to "steer" it to Judge Wetzel -- and that he then failed to respond to petitioner's December 2, 1999 letter inquiring as to the basis for his actions and as to his awareness of the facts pertaining to Justice Wetzel's disqualification, as set forth in petitioner's recusal application, the public has a right to demand that you also so notify the Governor. Like your notification to the Governor relating to Justice Wetzel, this must be done *immediately*. The Governor is presently considering Administrative Judge Crane's application for designation to the Appellate Division.

Needless to say, all of the foregoing is *preliminary* to your taking other corrective steps, such as belatedly vacating for fraud the judicial decisions in the two prior Article 78 proceedings against the Commission, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141) and *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #99-108655). CJA long ago, and repeatedly, put you on notice of your duty to protect the public from the consequences of the decisions in these proceedings, whose fraudulence CJA particularized in fact-specific analyses. That Justice Wetzel should have rested his dismissal of the instant Article 78 proceeding ENTIRELY on these fraudulent judicial decisions is a reflection not only of your failure to take such corrective steps, but of your affirmative misconduct in the instant proceeding, prodding Justice Wetzel to rest his dismissal on decisions that not only you knew to be frauds, but which, from the record before him containing those analyses¹, he knew to be frauds as well.



cc: Governor George Pataki
Manhattan District Attorney
U.S. Attorney for the Southern District of New York
New York State Ethics Commission
U.S. Attorney for the Eastern District of New York
Acting Supreme Court Justice William Wetzel
Administrative Judge Stephen Crane

¹ CJA's 3-page analysis of Justice Cahn's fraudulent decision in *Doris L. Sassower v. Commission* is annexed as part of Exhibit "A" to the Verified Petition in the instant proceeding. CJA's 13-page analysis of Justice Lehner's fraudulent judicial decision in *Michael Mantell v. Commission* is Exhibit "D" to petitioner's December 9, 1999 letter to Justice Wetzel.