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Elena Ruth Sassower, Coordinator

BY FAX: 518-432-8255 (5 pages)

BY PRIORITY MAIL

March 27, 2001

New York State Ethics Commission
39 Columbia Street
Albany, New York 12207-2717

RE: Agenda of the April 3, 2001 meeting of the Ethics Commissioners

(1) Inaction on CJA's ethics complaints – born of the Ethics Commissioners' disqualifying conflicts of interest;

(2) Request for intervention in the appeal of the Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against Commission on Judicial Conduct of the State of New York (NY Co. #99-108551)*, now pending in the Appellate Division, First Department

Dear Ethics Commissioners:

This letter, for the agenda of the Commission's April 3, 2001 meeting, protests your continuing wilful violation of your mandatory duties under Executive Law §94.12(a). In pertinent part, that statutory provision states:

“If the commission receives a sworn complaint alleging a violation of section... seventy-four of the public officers law by a state officer or employee subject to the provisions of... seventy-four of the public officers law..., the commission *shall* notify the individual in writing, describe the possible or alleged violation of section... seventy-four and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the commission thereafter makes a determination that further inquiry is justified, it shall give the individual an opportunity to be heard... If the commission determines at any stage of the proceeding, that there is no violation or that any potential conflict of interest has been rectified, it *shall* so advise the individual and the complainant, if any...” (emphases added).

CJA's September 15, 1999 letter to you, itself a supplement to CJA's March 26, 1999 ethics complaint, quoted (at p. 6) the above excerpt from Executive Law §94.12(a). This, in the context of protesting your inaction on CJA's March 26, 1999 ethics complaint, itself protesting your inaction on CJA's December 16, 1997 ethics complaint. Thereafter, by an October 27, 1999 ethics complaint and supplement, CJA continued to protest your inaction.

These complaints, as likewise, CJA's subsequent document-supported memoranda to you, dated February 25, 2000, March 17, 2000, and April 24, 2000, put you on notice of the on-going catastrophic injury to the public resulting from your inaction. This inaction was stated to be a manifestation of your conflicts of interest born of your disqualifying personal and professional relationships with the public officers and agencies that have been the subject of CJA's ethics complaints¹ – the most prominent being the Attorney General and the Governor.

The Ethics Commissioner with perhaps the strongest disqualifying relationships is Chairman Paul Shechtman, whose participation with Governor Pataki in corrupting judicial selection to the "lower" state bench and in covering up the Commission on Judicial Conduct's corruption is encompassed in CJA's March 26, 1999 ethics complaint (See pp. 2, 15-20).

On December 9, 2000, Mr. Shechtman – who also chairs the Governor's State Judicial Screening Committee -- was participating in the program "How to Become a Judge", sponsored by the Association of the Bar of the City of New York. At the conclusion of the panel presentation, I approached Mr. Shechtman, introduced myself, and asked when CJA could expect to receive a response from the Ethics Commission to our many ethics complaints. Mr. Shechtman replied: "you've gotten all the response you'll be getting". When I answered that we had gotten NO response at all, Mr. Shechtman just smiled and turned away from me.

As you know, the Ethics Commission's inaction on CJA's ethics complaints, furthering the systemic governmental corruption which those complaints documented, led to our filing criminal complaints with the U.S. Attorneys for the Eastern and Southern District of New York. Indeed, CJA's September 7, 1999 criminal complaint to the U.S. Attorney for the Eastern District of New York not only highlighted (at p. 3) Mr. Shechtman's pivotal corrupting role, but transmitted to the U.S. Attorney a

¹ See CJA's March 26, 1999 ethics complaint: pp. 4-5; CJA's September 15, 1999 ethics complaint: pp. 8-10; CJA's October 27, 1999 ethics complaint: p.2; CJA's February 25, 2000 memorandum: p. 2.

duplicate of the boxload of substantiating evidentiary proof that had accompanied CJA's March 26, 1999 ethics complaint².

You already have copies of CJA's March 17, 2000 and April 24, 2000 follow-up letters to the U.S. Attorney for the Eastern District, complaining of that office's inaction on CJA's September 7, 1999 criminal complaint. Likewise, you have copies of CJA's follow-up March 17, 2000 and April 24, 2000 letters to the U.S. Attorney for the Southern District, regarding that office's improper dismissal of CJA's October 21, 2000 criminal complaint. From this correspondence you know that each of these offices failed to address the threshold conflict of interest issues presented by CJA's criminal complaints. These include personal and professional relationships between those offices and Mr. Shechtman³.

CJA has had further correspondence with both U.S. Attorneys— to which the Ethics Commission has been an indicated recipient. Copies are enclosed⁴. Also enclosed is CJA's March 23, 2001 complaint of professional misconduct against the U.S. Attorneys and their culpable staff, filed with the U.S. Justice Department's Office of Professional Responsibility. As chronicled therein, the U.S. Attorneys have continued to wilfully disregard the disqualifying conflict of interest issues presented by CJA's criminal complaints, such as those relating to Mr. Shechtman.

By this letter, CJA requests that the Ethics Commission advise as to its intentions with respect to CJA's unresponded-to December 16, 1997, March 26, 1999, September 15, 1999, and October 27, 1999 ethics complaints. The misconduct by public officers and agencies complained-about in those ethics complaints has continued unabated — warranting further supplemental complaints. However, it makes no sense for CJA to expend valuable time and money to further supplement ethics complaints if the Ethics Commission is intending to continue to ignore the prior ethics complaints and

² The inventory of this substantiating documentation is annexed as Exhibit "B-1" to CJA's September 7, 1999 criminal complaint to the U.S. Attorney for the Eastern District of New York.

³ Mr. Shechtman's relationships with those offices are particularized at pp. 3-4 of CJA's March 17, 2000 letter/supplement to the U.S. Attorney for the Eastern District of New York and at pp. 2, 19-20 of CJA's October 21, 1999 criminal complaint to the U.S. Attorney for the Southern District of New York.

⁴ CJA's further correspondence with the U.S. Attorney for the Eastern District of New York: CJA's August 14, 2000 and September 6, 2000 letters to U.S. Attorney Loretta Lynch. CJA's further correspondence with the U.S. Attorney for the Southern District of New York: CJA's August 9, 2000 and September 6, 2000 letters to U.S. Attorney Mary Jo White.

supplements.

Finally, CJA requests that the Ethics Commission intervene in the Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551) – now before the Appellate Division, First Department. As you know, the Ethics Commission never responded to CJA's requests for its intervention in Supreme Court/New York County. This enabled the Attorney General, representing the Commission on Judicial Conduct, to corrupt the judicial process in Supreme Court/New York County by flagrant litigation misconduct – and to be the beneficiary of a fraudulent judicial decision. Such is *readily-verifiable* from the file of the Article 78 proceeding – a full copy of which CJA long ago transmitted to you, together with a full copy of the Supreme Court file in the Article 78 proceeding, *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #99-108655). This, to substantiate CJA's ethics complaints against the Attorney General and the Commission on Judicial Conduct, as well as our requests for the Ethics Commission's intervention in *Elena Ruth Sassower v. Commission*.

The Attorney General is now corrupting the appellate process in *Elena Ruth Sassower v. Commission* – replicating his corrupting of the appellate process in *Mantell v. Commission*. Should you wish to see the Attorney General's appellate submissions in the *Mantell* case, which facilitated a fraudulent appellate decision, CJA will transmit them to you. Meantime, enclosed is a copy of CJA's December 1, 2000 notice to the Attorney General and Commission on Judicial Conduct, calling upon them to take steps to vacate the fraudulent *Mantell* appellate decision. Also enclosed are the pertinent papers relating to the appeal in *Elena Ruth Sassower v. Commission*:⁵ (1) my December 22, 2000 appellant's brief and appendix; (2) my January 10, 2001 letter to the Attorney General, calling upon him to disavow his representation of the Commission on Judicial Conduct and support my appeal; (3) the signed and so-order January 11, 2001 stipulation extending the Commission on Judicial Conduct's time to submit a brief to March 23, 2001; (4) my January 11, 2001 letter to the Attorney General; and (5) the Attorney General's March 22, 2001 opposing brief.

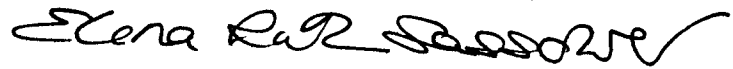
Needless to say, just as intervention by the Ethics Commission and other public officers would have safeguarded the integrity of the judicial process in Supreme

⁵ CJA especially requests that Commission members Robert J. Giuffra, Jr. and O. Peter Sherwood review the enclosed appellate papers as they are both "faculty" and, in Mr. Giuffra's case also "co-chair" in a well-advertised New York Law Journal program on "Civil Litigation" for which lawyers can "earn up to 13 hours of New York CLE credits in ethics, practice and skills".

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Court/New York County, so intervention now would safeguard the integrity of the appellate process.

Yours for a quality judiciary
and government integrity,

A handwritten signature in black ink, reading "Elena Ruth Sassower". The signature is written in a cursive style with a large, sweeping flourish at the end.

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

Enclosures: As indicated