

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney 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 E-MAIL: JCohen@DrCohen2006.com
BY FAX: 516-487-2331

DATE: January 27, 2006
TO: Dr. Jon Cohen, Candidate for the Democratic Nomination for Lieutenant Governor
FROM: Center for Judicial Accountability, Inc. (CJA)
RE: DON'T GIVE UP!

The Center for Judicial Accountability, Inc. (CJA) is a national, non-profit, non-partisan citizens' organization, based in New York, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

This follows up my lengthy telephone conversation with your chief of staff, Richard Schwabacher, on Tuesday, January 24th, occasioned by a Newsday article that Attorney General Spitzer's choice of New York State Senate Minority Leader David Paterson as his designee for Lieutenant Governor had "effectively ended [your] efforts" to be Lieutenant Governor¹.

I reiterate what I told him: you should not be discouraged and give up. CJA can provide you with readily-verifiable documentary evidence that will enable you to become the front-runner. Indeed, in one fell swoop, the evidence torpedoes the candidacies of Attorney General Spitzer and Senator Paterson – hypocritically posturing themselves as a "reform" ticket – and of Leecia Eve, formerly counsel to U.S. Senator Hillary Rodham Clinton.

A substantial portion of this evidence is posted on CJA's website, www.judgewatch.org – now updated with a sidebar panel entitled "Elections 2006: Informing the Voters". A click will bring you to a page from which you can conveniently access the primary source documents pertaining to Attorney General Spitzer, Senator Paterson, Ms. Eve -- as well as Senator Clinton, who shares in and bears responsibility for Ms. Eve's misfeasance, of which she was knowledgeable and from which she benefited.

At issue is their official misconduct – and the evidence common to all four is the record of the public interest lawsuit, *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*. This monumental case was born of Mr. Spitzer's nonfeasance, when, upon becoming

¹ "Spitzer fills his ticket", Newsday (Errol A. Cockfield, Jr./Albany Bureau Chief), 1/24/06

Attorney General in 1999, he wilfully ignored, without investigation or other response, the documentary evidence CJA provided him as to the corruption of the New York State Commission on Judicial Conduct, the corruption of "merit selection" to the New York Court of Appeals, and the *modus operandi* of his predecessor Attorneys General of engaging in litigation misconduct to corrupt the judicial process to defend state judges and the Commission, sued for corruption. This stunning nonfeasance by Mr. Spitzer was notwithstanding he had been elected as Attorney General in November 1998 on a pledge to clean up government and set up a "public integrity unit". Thereafter, although the law required him to intervene in the lawsuit on the public's behalf, he instead followed the path of his predecessors by corrupting the judicial process with litigation misconduct rising to a level of fraud. By the time the lawsuit ended at the New York Court of Appeals in December 2002 -- 3-1/2 years after it was begun in April 1999 -- the record contained a mountain of my correspondence directly with Mr. Spitzer, annexed to three comprehensive, fully-documented motions for his disqualification, for sanctions against him, *personally*, and for referral of his conduct to disciplinary and criminal authorities for investigation and prosecution.

The significance of this public interest lawsuit in bringing down Mr. Spitzer is summarized by a story proposal for election coverage, "The REAL Eliot Spitzer – *Not* the P.R. Version", which CJA widely circulated to the press in connection with Mr. Spitzer's 2002 campaign for re-election as Attorney General. Like all our prior efforts to secure coverage of Mr. Spitzer's official misconduct, going back to 1999, the press ignored it. This allowed Mr. Spitzer to be re-elected in a landslide and to posture himself as the runaway favorite in this year's race for Governor.

As for State Senator Paterson, a significant portion of the record of the lawsuit was provided to him during an October 17, 2001 meeting in his Harlem office². This, so that Senator Paterson could take steps to secure a legislative hearing and/or investigation of the Commission on Judicial Conduct. The necessity for such action was comprehensively summarized by CJA's October 26, 2001 letter to him, reiterating the substance of the October 17, 2001 meeting. If Senator Paterson -- then Deputy Minority Leader of the State Senate -- had any kind of instincts as a "reformer", let alone respect for his duty as a public officer, he would have immediately and forcefully acted to protect the public from the pervasive record of corruption that was then before him. Instead, he did nothing -- presumably because he has long played the political game and been a beneficiary of the *status quo*. Adding to this, his father, Basil Paterson, was a participant in the events giving rise to the lawsuit -- a conflict of interest CJA's October 26, 2001 letter expressly noted (at p. 8).

Having not "rocked the boat", Senator Paterson was subsequently elected by his brethren as New York State Senate Minority Leader in November 2002. Again, he showed no "reformer" instincts -- or respect for the public's rights and the Senate's duty. This is evidenced by CJA's December 16, 2002 letter to him, particularizing the official misconduct of New York State Senate Judiciary Committee Chairman James Lack, covering up and perpetuating the corruption of the judicial appointments process to New York's state courts and encompassing the corruption of the Commission on Judicial Conduct. Senator Paterson's response was to blithely join in the travesty of Chairman Lack's hasty Senate confirmation to the state bench.

² This includes a full copy of my August 17, 2001 motion for Attorney General Spitzer's disqualification, for sanctions against him, *personally*, and for disciplinary and criminal referrals.

As for Ms. Eve -- and her former boss, Senator Clinton -- the complete record of the 3-1/2 year lawsuit, contained in five boxes and a redweld folder -- was delivered to the U.S. Senate Judiciary Committee on May 5, 2003. This, in substantiation of CJA's opposition to Senate confirmation of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals. The basis for such opposition was set forth in a March 26, 2003 written statement, summarizing the documentary evidence establishing Judge Wesley's fraud, betrayal of the public trust, and disregard of mandatory rules of ethical and professional responsibility when the lawsuit came before him and his Court of Appeals brethren in 2002. Accompanying this delivery of evidence was CJA's May 5, 2003 memo to U.S. Senate Judiciary Committee Chairman Hatch and Ranking Member Leahy -- copies of which were delivered on that date to the Washington offices of Senators Clinton and Schumer. Prior thereto, under April 23, 2003 coverletters, CJA had delivered to Senator Clinton's Manhattan office³, as likewise to Senator Schumer's Manhattan office, packages containing the March 26, 2003 statement, substantiated by the final two motions in the lawsuit -- copies of which were enclosed. These two motions were expressly identified as being sufficient, in and of themselves, in documentarily establishing Judge Wesley's on-the-bench judicial misconduct in the lawsuit, as well as in a prior case -- causing vast and irreparable injury to the People of the State of New York.

Ms. Eve, a graduate of both Harvard Law School and the Kennedy School of Government at Harvard, well knew that her professional obligation was to make findings of fact and conclusions of law with respect to CJA's March 26, 2003 written statement so that Senator Clinton could take appropriate steps to protect her New York constituents, as well as the public at large. Indeed, what was before Ms. Eve was not only Judge Wesley's misconduct in the lawsuit, covering up systemic governmental corruption in New York State, in which Attorney General Spitzer was "front and center", but the corruption of federal judicial selection involving the American Bar Association, the Association of the Bar of the City of New York, and the U.S. Senate Judiciary Committee. This was evident from CJA's April 23, 2003 letter, from CJA's May 5, 2003 memo -- and from CJA's May 19, 2003 memo to Senators Clinton and Schumer, enclosing CJA's May 19, 2003 memo to Chairman Hatch and Ranking Member Leahy, both marked "EMERGENCY ATTENTION REQUIRED"⁴. Instead, what Ms. Eve did -- following a May 20, 2003 telephone conference with me in which I gave her further notice as to the significance of what was before her -- was to set in motion and, by her actions and inactions, participate in a train of events resulting in my arrest on May 22, 2003 on a bogus and malicious "disruption of Congress" charge -- thereafter followed by my prosecution, conviction, and maximum six-month jail sentence, which I was forced to fully serve, in violation of my absolute right to a stay pending appeal.

³ Details of this delivery and its receipt by the New York office, etc. are reflected by my May 2, 2003 letter to Senator Clinton's Legislative Correspondent Josh Albert and the internal e-mail exchange from Mr. Albert to Ms. Eve on May 2, 2003, May 13, 2003, and May 16, 2003, produced at my trial for "disruption of Congress", in response to my subpoena, *infra*.

⁴ I e-mailed the May 19, 2003 memo to Mr. Albert -- "for transmittal to Senator Clinton & Counsel Leecia Eve" -- and, as evidenced by his internal May 19, 2003 e-mail, he forwarded it to Ms. Eve.

Ms. Eve's indefensible and revolting behavior during our 35-minute May 20, 2003 phone conference and her retaliatory, manipulative contacting of Capitol Police, were brought to Senator Clinton's attention by my May 21, 2003 fax to her, enclosing a copy of my letter of that date to Senator Schumer⁵. Such is a "must read", as likewise Ms. Eve's evasive, shameful, and perjurious April 16, 2004 testimony at my trial (transcript pages 1116-1180). These are both part of the record on appeal of the "disruption of Congress" case – with summaries appearing at pages 3-4, 104-116 of my June 28, 2005 Supplemental Fact Statement.

All of the foregoing referred-to documents are readily-accessible from CJA's website, *via* the sidebar panel "Elections 2006", where the pages for Attorney General Spitzer, Senator Paterson, Ms. Eve, and Senator Clinton also contain pertinent links. Among these: links to the record of the lawsuit, also accessible *via* the sidebar panel, "Test Cases – State (*Commission*)", and links to the record of the "disruption of Congress" case, its "Paper Trail to Jail" and "The Appeal", also accessible *via* sidebar panels.

Needless to say, we would be pleased to facilitate your review of these politically-explosive documents by providing you with hard copies – and request to meet with you for purposes of making a personal presentation as to their dispositive, election-altering significance. With such irrefutable hard-evidence in-hand, you can make a powerful, history-making contribution to restoring competition to New York's 2006 electoral races and to bringing real reformers to office, committed to governmental integrity and the public welfare.

Yours for a quality judiciary,
governmental integrity, and meaningful elections,



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

cc: Richard Schwabacher, Chief of Staff
By e-mail: Richard@DrCohen2006.com

⁵ Mr. Albert forwarded this May 21st memo to Ms. Eve by an 8:38 a.m. May 22nd e-mail, simultaneous with his forwarding to her of my May 21st letter to Capitol Police. Three minutes later, at 8:41 a.m., he forwarded to Ms. Eve my May 22, 2003 memo to Chairman Hatch and Ranking Member Leahy.