

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 585-389-7627 (7 pages)

June 21, 2002

B. Thomas Golisano, Gubernatorial Candidate
Independence Party

ATT: Ilene Siekerski, secretary

RE: The Hard Evidence to Knock out the Gubernatorial-
Attorney General Incumbents

Dear Ms. Siekerski:

As discussed, enclosed is my May 18, 2002 covernote to Mr. Golisano, transmitting to him two cartons containing a copy of the complete file of my politically-explosive public interest lawsuit against the New York State Commission on Judicial Conduct.

The significance of the lawsuit is summarized by my May 17, 2002 e-mail to the Working Families Party – a copy of which I provided to Mr. Golisano, along with the recent article about the case, “*Appeal for Justice*”, in Albany’s alternative newspaper, Metroland (April 25-May 1, 2002).

IF Mr. Golisano has referred the file for review by his legal staff, he knows the multiple respects in which this lawsuit criminally implicates the Governor. In addition to the recitation appearing in my December 22, 2000 Appellant’s Brief in the Appellate Division, First Department (at pp. 1-2, 5-6, 16-19, 28-30, 34, 42-49), this is most clearly recited at ¶¶15-31 of my August 17, 2001 motion to disqualify that Court’s judges and for sanctions, under the heading, “This Court’s Justices have a Self-Interest in the Appeal to the Extent they are Dependent on Governor Pataki for Reappointment to this Court and for Elevation to the New York Court of Appeals”. As reflected therein, the case file *physically* incorporates CJA’s September 7, 1999 criminal complaint against Governor Pataki, filed with the U.S. Attorney for the Eastern District of New York, as well as CJA’s ethics complaints against him, including our March 26, 1999 complaint, filed with the New York

State Ethics Commission. These complaints are STILL PENDING – neither having been dismissed by the U.S. Attorney and Ethics Commission, which has been “sitting” on them all this time.

Thanking you in advance for your assistance,

Yours for a quality judiciary,
and meaningful elections,



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

Enclosures

TRANSMISSION VERIFICATION REPORT

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To: B Romeo Wilson, gubernatorial
candidate

From: Elena R. Sassone, coordinator
Center for Judicial Accountability, Inc

Re: Knocking out the gubernatorial -
Attorney General incumbents

Date: Sunday, May 18, 2002

These case files re physical
dynamite - as independent
evaluation will confirm.

To the benefit of the Independence
Party - & for New Yorkers
please secure such review.

I am available to make an
oral presentation - by phone or
in person - to whoever you may
assign to this important task.

Thank you.

Elena 914-421-1200

Subj: **Shaking Up the 2002 Elections to Vindicate the Public's Rights**
Date: 5/17/02 1:02:15 PM Eastern Daylight Time
From: Judgewatchers
To: wfp@workingfamiliesparty.org
CC: elenaruth

TO: WORKING FAMILIES PARTY

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

RE: Shaking Up the 2002 Elections to Vindicate the Public's Rights:
Beginning with the Race for Attorney General

DATE: Friday, May 17, 2002

This follows up my phone conversation yesterday with Oscar Owens (718-222-3796).

I am the co-founder and co-ordinator of the Center for Judicial Accountability, Inc. (CJA), a non-partisan, non-profit citizens' organization which, for more than a decade, has documented the dysfunction, politicization, and corruption of the behind-closed-doors processes of judicial selection and discipline.

It is extremely important that the Working Families Party run a strong candidate for State Attorney General -- as Attorney General Eliot Spitzer is eminently beatable, based on HIS RECORD IN OFFICE.

Although Attorney General Spitzer speaks eloquently about being "the People's Lawyer" and restoring the integrity of public institutions and accountability, he has used his office to cover-up systemic governmental corruption, involving, *inter alia*, Governor Pataki, high-ranking judges, and the NYS Commission on Judicial Conduct. Not only is his touted "Public Integrity Unit" a hoax, but, in defending the Commission on Judicial Conduct, sued for corruption, he has wilfully subverted the judicial process by fraudulent defense tactics.

In addition to my *direct, first-hand* experience with Attorney General Spitzer -- going back to his candidacy for Attorney General and spanning his tenure in office, I have a treasure trove of correspondence with him -- establishing my personal contacts with him and his *direct knowledge and personal liability*. Such correspondence is an integral part of my public interest lawsuit against the Commission on Judicial Conduct, commenced in April 1999 -- NOW on appeal to the NY Court of Appeals -- a lawsuit which requests, and documents my entitlement to, disciplinary and criminal referral of Mr. Spitzer *personally*.

I do not believe I exaggerate in saying that Attorney General Spitzer's official misconduct in connection with my public interest lawsuit against the Commission will be THE decisive issue in the race for Attorney General -- with ramifications on the race for Governor. Public exposure of the lawsuit will not only end Mr. Spitzer's re-election prospects and political career, but his legal career as well. Indeed, it may prove equally devastating for Mr. Pataki.

The file evidence of hard-core corruption involving Mr. Spitzer, Mr. Pataki, and the judiciary, embodied by my public interest lawsuit against the Commission, is political dynamite -- offering this State's "third parties" an extraordinary opportunity to upset the *status quo* and knock the two most powerful incumbents out of the election for the benefit of the People of this State.

I am duplicating the file of the lawsuit so that each of the "third parties" will have its own copy to review and independently assess. Needless to say, I would be pleased to assist in that review and assessment with a personal presentation. Indeed, tomorrow and Sunday, I will be attending the Independence Party's Convention at the Marriott Hotel in Brooklyn for that purpose.

I look forward to your enthusiastic response.

Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc. (CJA)
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April 25-May 1, 2002

Appeal for Justice

Lawsuit alleges corruption at the state Commission on Judicial Conduct—and seeks to disqualify all members of the Court of Appeals from hearing it

MAY 1 IS A FITTING DAY FOR Elena Ruth Sassower to serve her papers with state Attorney General Eliot Spitzer and the state Commission on Judicial Conduct. May 1, after all, is Law Day—a day established by congressional resolution in 1961 to celebrate liberty, equality and justice under the law. Likewise, the point of Sassower's public-interest suit, a proceeding against the Commission on Judicial Conduct alleging that it is corrupt and has failed to fulfill its mandate to investigate civilians' complaints against judges, is to draw attention to people's rights to "justice under law." Or, in some instances, the lack thereof.

As coordinator for the Center for Judicial Accountability Inc., a nonprofit citizens' organization that for more than a decade has been dedicated to revealing the secretive and insular nature of the commission, Sassower is filing a motion with the Court of Appeals to compel the organization to investigate *all* complaints against judges, as required by state law. As it stands now, the commission investigates complaints at its own discretion, and critics say that all too often, complaints against politically connected, higher-level judges are dismissed; when a complaint against a powerful judge is heard, the resulting punishment often is little more than a slap on the wrist.

The charges and evidence in Sassower's petition are intensely critical of the commission, its administrators and members, and of Spitzer, whom Sassower says has helped insulate the commission from public accountability and judges from receiving complete investigations. In essence, she has assembled an exhaustive set of legal papers that implicates officials as high up as Gov. George Pataki in what she calls "willful misconduct," and an attempt to subvert oversight of the judiciary—especially members of the judicia-

ry who have friends in high places.

So far, Sassower's case has been dismissed out of hand by lower courts; she points out, however, that her case was steered before judges who had a vested interest in seeing its demise, although the

Nomination. Sassower believes that Rosenblatt was not forthcoming with the commission when it asked him whether he had ever been a subject of misconduct complaints. The Commission on Judicial Conduct dismissed Sassower's complaint without investigation in December 1998. It was after failing to receive satisfactory answers to her repeated questions about the dismissal of her complaint—and subsequent related complaints—that Sassower began her legal proceedings against the Commission on Judicial Conduct.

"It's the complaint against him based upon his perjury in his application to the

panel hearing a case brought by Sassower's mother, Doris Sassower, which alleged corruption in election laws as it pertains to judges. The case resulted in the abrupt and unconditional suspension of Doris Sassower's law license without a hearing or notice of charges.

The only Appeals Court judge who is not somehow directly involved with the case is Richard Wesley. But Sassower says that he should also be disqualified because of the "appearance that he cannot be fair and impartial" if his colleagues are all implicated in the suit.

"Because virtually every judge in the

The criminal ramifications of this lawsuit reach this state's most powerful leaders upon whom judges are directly and immediately dependent and with whom they have personal and professional relationships.

assistant solicitor general Carol Fischer, acting on behalf of the attorney general's office, argued in 2000 that "any question of judicial bias is meritless." Practically no one in state government or the court system is willing comment on it.

This time around, Sassower's case is going to be particularly difficult for the courts to contend with because she is asking that none of the judges sitting on the Court of Appeals be allowed to preside over it.

"What is most dramatic [about this case] is not the fact that I'm going to be serving my notice of appeal on the commission and its attorney, the state attorney general," Sassower commented. "But that I am also accompanying that with an unusual motion to disqualify the judges of the Court of Appeals."

According to Sassower, all save one of the Appeals Court judges have "personal and pecuniary" interests in her case.

Take, for instance, Associate Judge Albert Rosenblatt. In 1998, Sassower made a judicial misconduct complaint against him, charging that he committed perjury when he was being interviewed for his position by the commission in charge of appointing Appeals Court judges, the Commission on Judicial

Court of Appeals which was dismissed by the commission, so he has direct interest," Sassower said. She said that both Judge George Bundy Smith and Judge Victoria Graffeo were involved in the events that gave rise to the initial suit—the "ramming through" of the approval of Rosenblatt despite complaints against his appointment—and should also be disqualified from the case.

As for Chief Judge Judith Kaye, Sassower said that over the past two years, she has provided her with full copies of her complaints and lawsuit against the commission: "I said, 'You need to appoint a special inspector general [to investigate]. . . . But what does she do? She says she has no authority. I say she sure does have the authority to undertake an official investigation. So I filed a misconduct complaint [against her] with the commission based on the ethical rules that a judge must take appropriate action when faced with evidence of violative conduct taking place in front of him.'"

Judge Carmen Ciparik ought to be disqualified, Sassower contended, because she served on the commission from 1985 through 1993.

Judge Howard Levine should be disqualified, she said, because he sat on a

state is under the commission's disciplinary jurisdiction and because the criminal ramifications of this lawsuit reach this state's most powerful leaders upon whom judges are directly and immediately dependent and with whom they have personal and professional relationships," Sassower's court papers state, "I raised legitimate issues of judicial disqualification and disclosure in the courts . . . Their disqualifying interest is based on participation in the events giving rise to this lawsuit or in the systematic governmental corruption it exposes—as to which they bear disciplinary and criminal liability."

Sassower acknowledged that her suit has already been denied by both the Supreme and Appellate courts in the past, but she said she's not going to be dissuaded, even if Appeals Court refuses her again: "I did not bring this case with the idea that the public's rights would be vindicated in the court," she said. "I brought this case because, if the courts are corrupt from bottom to top, I was going to put it all together in a neat package where it could be presented to the public in a neat form. . . . The public needs to know what's going on with judiciary discipline and judicial nomination."

—Erin Sullivan