

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-416-8962 (2 pages)

September 7, 2001

Deputy Solicitor General Michael S. Belohlavek
Office of New York State Attorney General Eliot Spitzer
120 Broadway
New York, New York 10271

RE: 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. #108551/99;
App. Div. Cal. #2000-5434, October 2001 Term)

Dear Mr. Belohlavek:

I received your yesterday's fax stating:

"we would be happy to review [a] critique in considering your request that
Ms. Fischer's opposition to your motion be withdrawn."

I TRUST such fax is not some cruel joke – designed to have me undertake the laborious work of preparing a fact-specific, law-supported critique *only* so that you can then send me a letter, declining, *without reasons*, to withdraw Ms. Fischer's August 30th Affirmation and Memorandum of Law in opposition to my motion. This is what you did by your June 14th letter, responding to my 66-page May 3rd Critique of Ms. Fischer's Respondent's Brief, wherein, *without reasons*, you blithely stated "we have no intention of withdrawing Ms. Fischer's brief". That letter is now Exhibit "X-1" to my August 17th motion.

IF you are sincere, the Attorney General's Office should be preparing to withdraw Ms. Fischer's Respondent's Brief. This, because Ms. Fischer's Affirmation and Memorandum of Law do NOT deny or dispute the accuracy of my 66-page Critique of her Respondent's Brief in ANY respect – a fact Ms. Fischer's August 30th Memorandum of Law (at pp. 9-12) shamelessly tries to justify by a spurious legal argument that the Attorney General's Office can engage in whatever



misrepresentation of documents and decisions it wishes, but that this is not “fraud on the court” because these documents and decisions are “clearly before the Court in their complete form in Petitioner-Appellant’s Appendix” (at p. 11) and because I have been able to challenge the Attorney General’s misrepresentations by my advocacy (at p. 12).

IN THE HOPE you are sincere, I have begun work on the critique and will do my best to have it for you by Wednesday, September 12th. In the meantime, in view of Ms. Fischer’s deceit, *inter alia*, that I have made “*unsupported, unproven* allegations of widespread judicial wrongdoing” (Memorandum of Law, at p. 6, emphases added)– as to which she conceals my *uncontroverted* analyses of the factually-fabricated and legally-insupportable decisions of Justices Cahn and Lehner – it is your supervisory duty to verify the truth of those analyses [A-52-5; 321-334]. As these were before Justice Wetzel in my proceeding, as likewise before the Appellate Division, First Department on the *Mantell* appeal, your verifying the accuracy of these analyses would, in essence, be verification of the fraudulence of Justice Wetzel’s appealed-from decision, resting, *exclusively*, on the decisions of Justices Cahn and Lehner, and of the Appellate Division, First Department’s appellate decision in *Mantell*, resting on Justice Lehner’s decision. Moreover, as these analyses – and the evidentiary record which supported them – were, as my August 17th motion details (at pp. 9-28) and by annexed exhibits documents¹, provided to Governor Pataki and Chief Judge Kaye, you will be able to also verify that my appeal exposes the misfeasance and criminal complicity of each of these high public officers – contrary to Ms. Fischer’s deceit that my motion is based on “*rank speculation* which has *no* record support” (Memorandum of Law, at p. 7, emphases added).

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Petitioner-Appellant *Pro Se*

¹ See Exhibits “F”-“Q” to my August 17th motion.

TRANSMISSION VERIFICATION REPORT

TIME : 09/07/2001 14:35

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