

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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BY PRIORITY MAIL

December 20, 1998

Mr. Gary Spencer
The New York Law Journal
29 Elk Street
Albany, New York 12209

RE: Vindicating the public interest in "merit selection" and government integrity

Dear Mr. Spencer:

In the 20 years since elections to the Court of Appeals were scrapped, has the Senate Judiciary Committee ever -- until last Thursday -- held a confirmation hearing to the Court of Appeals WITHOUT NOTICE¹ and WITHOUT OPPORTUNITY FOR THE PUBLIC TO BE HEARD IN OPPOSITION?

The enclosed primary source materials will enable you to VERIFY that Justice Rosenblatt's nomination was rammed through the Senate because -- as our December 16th letter to David Gruenberg asserted -- "it would NOT survive CJA's publicly-presented testimony and press scrutiny of the documentation we supplied to the Commission on Judicial Nomination."²

Do recall that you admitted to me that in your 10 years in Albany, working for the New York Law Journal, you had NEVER seen materials submitted to the Commission on Judicial Nomination regarding candidacies it was considering. The enclosed materials, transmitted to the Commission on Judicial Nomination under our October 5th coverletter, will afford you an unprecedented window into the Commission. In one fell swoop, these materials expose Justice Rosenblatt's unfitness for *any* judicial office AND the fraudulent "merit selection" process that resulted in his nomination to the Court of Appeals. Indeed, they expose more than the corruption of the Commission on Judicial Nomination -- concealed from public view by the confidentiality of its proceedings -- but the corruption of the State

¹ Annexed are the New York Law Journal notices for the 1993 confirmation hearings for Howard Levine and Carmen Ciparick to the Court of Appeals. As you know, CJA testified in opposition at those hearings. Our testimony is accessible from our website: www.judgewatch.org

² See last sentence of CJA's December 16th letter to David Gruenberg, faxed to you on Thursday, December 17th.

Commission on Judicial Conduct -- likewise concealed by the confidentiality of its proceedings. On top of this, our November 18th letter to the Executive Committee of the City Bar, with copies to the Governor and other bar leaders, exposes the bar's complicity in the corruption of these two state commissions -- and the fact that Governor Pataki's decision to nominate Justice Rosenblatt was NOT, as touted by the New York Times, a "wise choice"³, but a corrupt one. ALL THIS the Senate Judiciary Committee KNOWINGLY covered up by its no-notice, "by invitation only" confirmation hearing of Justice Rosenblatt -- at which CJA was denied the opportunity to testify in opposition.

This is an explosive story of systemic governmental corruption, one which will bring down the Commission on Judicial Nomination, the Commission on Judicial Conduct, and some of the most powerful state figures -- Governor Pataki and Senate leaders, among them. If -- because the New York Law Journal is an organ of the courts and legal establishment -- your editors would deprive the general legal community of this important story, we would appreciate your passing the enclosed materials on to a journalist not so compromised. Should you be unwilling to do that, kindly return the materials to us so that we may "recycle" them for other journalists. Needless to say, they are costly and time-consuming for our non-profit citizens' organization to reproduce and assemble.

Happy Holidays.

Yours for a quality judiciary,



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

P.S. Enclosed, FYI, is yesterday's article, "*Activist Denied Entrance to Judge's Confirmation Hearing*", appearing in Gannet's Journal News, 12/19/98

Enclosures:

- (1) 8/23/93 and 12/10/93 NYLJ notices for confirmation hearings of Howard Levine and Carmen Ciparick to the Court of Appeals.
- (2) "*Governor Pataki's Wise Choice*", NYT editorial, 12/12/98.
- (3) "*Activist Denied Entrance to Judge's Confirmation Hearing*", Journal News, 12/19/98
- (4) Annexed Inventory of Transmittal

CENTER FOR JUDICIAL ACCOUNTABILITY, INC. (CJA)
INVENTORY OF TRANSMITTAL

Correspondence:

CJA's 12/16/98 ltr to David Gruenberg, Senior Counsel, Senate Judiciary Committee

Commission on Judicial Nomination (CJN)

CJA's 10/5/98 ltr

CJN's 11/25/98 ltr

CJA's 12/1/98 ltr

Commission on Judicial Conduct (CJC)

CJA's 10/6/98 complaint

CJA's 11/3/98 ltr

CJC's 11/3/98 acknowledgment

CJC's 12/2/98 acknowledgment

CJA's 12/10/98 ltr

Bar Leaders -- Governor Pataki

CJA's 11/18/98 ltr to Executive Committee of the City Bar,
with fax and certified mail receipts to Governor Pataki

CJA's 1994 Judicial Misconduct Complaints against Justice Rosenblatt:

CJA's 9/19/94 misconduct complaint

CJA's 10/26/94 misconduct complaint

CJA's 12/5/94 misconduct complaint

CJC's ltrs of acknowledgment and dismissal:

9/28/94; 11/4/94; 12/13/94; 12/14/94; 1/24/95

Sassower v. Mangano, et al. #98-106

unopposed cert petition

supplemental brief

errata sheets

Criminal Complaint: U.S. Department of Justice

8/27/98 letter to Lee Radek, Chief, Public Integrity Section
U.S. Department of Justice, Criminal Division

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NEW YORK, MONDAY, AUGUST 23, 1993

S NEWS

update

The State Senate will return for a special session Sept. 7 to consider the nomination of Justice Howard A. Levine of the Appellate Division, Third Department, for the Court of Appeals. A spokesman for Senate Majority Leader Ralph Marino said Friday the one-day session will be devoted to his confirmation, and there are no plans to deal with other matters. Governor Cuomo nominated Justice Levine, 61, on Aug. 12 to fill the vacancy created when Judith S. Kaye became Chief Judge.

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NEW YORK, FRIDAY, DECEMBER 10, 1993

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The State Senate Judiciary Committee will hold a confirmation hearing Wednesday on Justice Carmen Beauchamp Ciparick's nomination to the Court of Appeals. The full Senate would vote on Thursday if the committee approves her.

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NY Times editorial 12/12/98

Governor Pataki's Wise Choice

The choice of a judge for the state's highest court is among the most important decisions a governor makes. This week Gov. George Pataki chose well, nominating Albert Rosenblatt, a widely respected New York State Appellate Division judge to a seat on the state's Court of Appeals.

Mr. Pataki's harsh attacks on the court during his first term for decisions he viewed as too sympathetic to the rights of criminal defendants raised concern he would appoint blindly pro-prosecution judges. But in selecting Justice Rosenblatt as his second appointment to the seven-member bench, Governor Pataki opted for a moderate whose background includes stints as a Dutchess County prosecutor and as the state's chief administrative judge.

Though more conservative than Justice Vito

Titone, the fierce defender of civil liberties he is to replace, Justice Rosenblatt has produced a string of well-written opinions that suggest a thoughtful approach not captive to any rigid ideology. Justice Rosenblatt's imposition of the death penalty in 1983 under provisions of the state's old capital punishment statute no doubt helped him gain favor with Mr. Pataki, an ardent death penalty supporter. But the judge's regrettable ruling in that case does not necessarily foretell how he will vote 15 years later on issues concerning the state's new death penalty law or other criminal justice matters.

While Justice Titone's principled voice will be missed, the selection of Justice Rosenblatt adds a fair and capable jurist to a court that decides the vast majority of its cases by unanimous decision.

Activist denied entrance to judge's confirmation hearing

Woman protests being shut out of hearing for Rosenblatt

BRUCE GOLDING
The Journal News

WHITE PLAINS — A judicial-reform activist contends she was unfairly prevented from testifying against the promotion of state Justice Albert Rosenblatt to New York's highest court.

The state Senate unanimously confirmed Rosenblatt's nomination to the Court of Appeals on Thursday after no one spoke

against him during a Judiciary Committee hearing. Officials said testimony at the hearing was "by invitation only."

Elena Sassower, coordinator of the nonprofit Center for Judicial Accountability, said she tried repeatedly to arrange an appearance at the hearing to protest Rosenblatt's nomination. She said she was told Wednesday that she could not speak at the hearing, but was not told it would take place the next day.

"Justice Rosenblatt's nomination would not have survived our

opposition — that's why they rammed it through," Sassower said.

David Gruenberg, chief counsel to the Judiciary Committee, confirmed that he barred Sassower from speaking at the hearing.

"We decided to have testimony by invitation only," he said.

Sassower's opposition to Rosenblatt stems in part from his role as an Appellate Division judge in upholding the suspension of her mother's law license.