



Center for Judicial Accountability, Inc.

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March 14,
2003

March 19,
2003

March 26,
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PAPER TRAIL TO JAIL

Documenting the Corruption of Federal Judicial Selection & the "Disruption of Congress" Case it Spawned

CJA's letter to Senate Judiciary Committee, expressing citizen opposition to the nominations of New York Court of Appeals Judge Richard Wesley to the Second Circuit Court of Appeals and of P. Kevin Castel, Esq. to the U.S. District Court for the Southern District of New York, requesting to testify in opposition, and requesting information. [[view](#)]

CJA's fax to Senator Schumer, requesting information about his purported judicial screening committee, the basis for his "agreement" with the White House to nominate Judge Wesley and Mr. Castel, and for a meeting to discuss their unfitness and his use of his "blue slip" prerogative to prevent Senate confirmation. [[view](#)]

CJA's written statement to the American Bar Association and Association of the Bar of the City of New York, particularizing the documentary evidence establishing the unfitness of Judge Wesley and Mr. Castel for the federal judgeships to which they were nominated. [[view](#)]

- Ex A-1: ABA's "Evaluation Criteria"
- Ex A-2: City Bar's "Guidelines for Evaluating Candidates for Judicial Office"
- Ex B: pages from Wesley's questionnaire
- Ex C: pages from August 17, 2001 motion for disqualification/disclosure in Appellate Division, First Dept.
- Ex D: October 6, 1998 judicial misconduct complaint
- Ex E: pages from Castel's questionnaire
- Ex F-1: "Restraining 'Liars in the Courtroom' and on the Public Payroll", CJA's \$3,077 ad, NYLJ, 8/27/97
- Ex F-2: "Without Merit: The Empty Promise of Judicial Discipline", by Elena Sassower, The Long Term View (Massachusetts School of Law) summer 1997

THE FINAL TWO MOTIONS IN THE COMMISSION CASE: [Test Cases-State (Commission)]

(1) Elena Sassower's October 15, 2002 motion for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief

- Exhibit A: Sassower's October 7, 2002 letter to Chief Motion Clerk
- Exhibit B-1: Court of Appeals' September 12, 2002 decision/order (#581)
- Exhibit B-2: Sassower's May 1, 2002 notice of motion for disqualification/disclosure & pp. 1-8 of moving affidavit
- Exhibit C-1: Ct of Appeals' September 12, 2002 decision/order (#719)
- Exhibit C-2: Sassower's May 1, 2002 notice of appeal
- Exhibit C-3: Sassower's June 17, 2002 notice of motion for sanctions, etc. vs. Attorney General
- Exhibit D: *NYS Association of Criminal Defense Lawyers v. Kaye*, 95 NY2d 556 (2000)
- Exhibit E-1: Ct of Appeals' decision/order in *Schulz v. NYS Legislature* (Mo.# 1075)
- Exhibit E-2: *Schulz v. NYS Legislature*, 92 NY2d 917 (1998)
- Exhibit F-1: *Sims v. NYS Commission on Judicial Conduct*, 62 NY2d 884 (1984)
- Exhibit F-2: *NY Criminal and Civil Bar Association v. NY*, 46 NY2d 730 (1978)
- Exhibit G: Robert Schulz' August 17, 1998 disqualification motion in *Schulz v. NYS Legislature*

(2) Elena Sassower's October 24, 2002 motion for leave to appeal

- Exhibit A-1: Appellate Division's December 18, 2001 decision/order
- Exhibit A-2: Appellate Division's March 26, 2002 order
- Exhibit B-1: Ct of Appeals' September 12, 2002 decision/order on disqualification (#581)
- Exhibit B-2: Ct of Appeals' September 12, 2002 decision/order on notice

Ex AA-2

of appeal and sanctions (#719)

- Exhibit C: Justice Wetzel's January 31, 2000 decision/order
- Exhibit D: Justice Cahn's July 13, 1995 decision/order in *Doris L. Sassower v. Commission*
- Exhibit E: Justice Lehner's September 30, 1999 decision/order in *Mantell v. Commission*
- Exhibit F: Appellate Division's November 16, 2000 decision/order in *Mantell v. Commission*
- Exhibit G: CJA's March 3, 2000 letter to Chief Judge Kaye, with inventory of transmitted record
- Exhibit H: 3-page analysis of Cahn's July 13, 1995 decision in *Doris Sassower v. Commission*
- Exhibit I: 13-page analysis of Justice Lehner's September 30, 1999 decision in *Mantell v. Commission*
- Exhibit J: March 27, 2000 ltr of Counsel, Unified Court System
- Exhibit K: 1-page analysis of Appellate Division's December 16, 2000 decision in *Mantell v. Commission*
- Exhibit L-1: 19-page analysis of Appellate Division's December 18, 2001 decision (1/7/02 notice-complaint)
- Exhibit L-2: Commission's February 27, 2002 acknowledgment letter
- Exhibit M-1: "I rise in defense of state courts", Chief Judge Kaye, Daily News, 1/17/02
- Exhibit M-2: "State judicial system is accountable to public", Judge Kaye, Albany Times Union, 2/10/02

CJA's September 18, 2000 letter to Mr. Castel
-- CJA's June 20, 2000 letter to City Bar President Davis

- April 2, 2003 CJA's transmittal letter to Judge Wesley and Mr. Castel, requesting their response to CJA's March 26, 2003 written statement. [view]

- April 23, 2003 CJA's letter to Home-State Senator Schumer, requesting information as to his judicial screening committee, the basis of his "agreement" with the White House on the federal court nominations of Judge Wesley and Mr. Castel, and that he use his "blue slip" to block their Senate confirmations based on CJA's March 26, 2003 written statement. [view]
 - CJA's July 3, 2001 letter to Sen. Schumer [view]
 - CJA's July 26, 2001 memo to Sen. Schumer, etc. [view]

- April 23, 2003 CJA's letter to Home-State Senator Clinton, requesting that she use her "blue slip" to block Senate confirmation of the federal court nominations of Judge Wesley and Mr. Castel, as well as information as to whether she has a judicial screening committee. [view]
 - CJA's July 14, 2001 letter to Sen. Clinton [view]
 - CJA's July 26, 2001 memo to Sen. Clinton, etc. [view]

- CJA's May 2, 2003 letter to Josh Alpert/Legislative Correspondent to Senator Clinton -- faxing again the April 23, 2003 letter

- May 5, 2003 CJA's memorandum-letter to Senate Judiciary Committee Chairman Hatch and Ranking Member Leahy, requesting that they call on the American Bar Association and Association of the Bar of the City of New York to reconcile their bare bones ratings with CJA's March 26, 2003 written statement. [view]

- May 5, 2003 CJA's letter to President Bush, requesting that he withdraw the federal court nominations of Judge Wesley and Mr. Castel. [view]

- May 19, 2003 CJA's memorandum-letter to Senate Judiciary Committee Chairman Hatch and Ranking Member Leahy, requesting cancellation of the May 22, 2003 hearing on Judge Wesley's confirmation, based on their personal review of CJA's March 26, 2003 statement and supervisory oversight of Senate Judiciary Committee staff -- otherwise, permission to testify in opposition. [view]

- May 19, 2003 CJA's memorandum-letter to Home-State Senators Schumer and Clinton, requesting personal review of CJA's March 26, 2003 statement and, based thereon, withdrawal of "blue slip" approvals and endorsement of the requests to Chairman Hatch and Ranking Member Leahy in CJA's May 19, 2003 accompanying memorandum to them. [view]

- May 21, 2003 CJA's memorandum-letter to Capitol Police on "NOT BEING ARRESTED" at the May 22, 2003 hearing on Judge Wesley's confirmation. [view]
 - enclosing CJA's July 3, 2001 letter to Senator Schumer,
 - with its Exhibit H: transcript pages from the Senate Judiciary Committee's June 25, 1996 confirmation "hearing" -- at which Sassower requested to testify



- May 21, 2003 CJA's memorandum-letter to Senate Judiciary Committee Chairman Hatch and Ranking Member Leahy requesting NOT TO BE ARRESTED "simply for exercising a citizen's right in a democracy to peaceably and publicly request to testify in opposition." [\[view\]](#)
- May 21, 2003 CJA's letter to Home-State Senator Schumer, requesting his personal involvement, in particular, his endorsement of CJA's request to testify — and that he take steps to ensure that CJA's Coordinator is NOT ARRESTED for publicly requesting to testify at the May 22, 2003 hearing on Judge Wesley's confirmation. [\[view\]](#)
- May 21, 2003 CJA's transmittal letter to Home-State Senator Clinton. [\[view\]](#)
- May 22, 2003 CJA's memorandum-letter to Senate Judiciary Committee Chairman Hatch and Ranking Member Leahy reinforcing the urgency of their personal supervisory oversight and response. [\[view\]](#)



NOW FEATURING:

The "CELLULOID DNA":
Videotape & Still-Frame Analysis
of US Senate Judiciary Committee's May 22, 2003 hearing

- May 28, 2003 CJA's memorandum to Senate Judiciary Committee Chairman Hatch and Ranking Member Leahy to halt Senate confirmation of Judge Wesley while the criminal case of *United States of America v. Elena Ruth Sassower* is pending — and there are NO FINDINGS as to CJA's March 26, 2003 statement of Judge Wesley's unfitness. [\[view\]](#)
- May 30, 2003 CJA's letter to Miller Reporting Company to verify accuracy of transcript of Senate Judiciary Committee May 22, 2003 hearing on Judge Wesley's confirmation. [\[view\]](#)
- May 30, 2003
Criminal Case Elena Sassower's letter to Pre-Trial Services regarding address verification via Senator Edward M. Kennedy and the Democratic Senatorial Campaign Committee. [\[view\]](#)
- June 4, 2003 CJA's memo to Senator Kennedy on "Demonstrating that Good-Government and Respect for Fundamental Citizen Rights would be Served by a Democratic Senate Majority in 2004". [\[view\]](#)
-- transmitting June 4, 2003 covermemo to Ranking Member Leahy, Senators Schumer, Russell Feingold, and Jonathan Edwards
- June 6, 2003 CJA's letter to President Bush, requesting that he notify the Senate to defer vote on Judge Wesley's confirmation pending review of CJA's March 26, 2003 written statement by his counsel Alberto Gonzales. [\[view\]](#)
- June 6, 2003 CJA's memo to Senate Majority Leader Frist and Senate Minority Leader Daschle, requesting that they independently defer the Senate vote on Judge Wesley's confirmation pending their personal review of CJA's March 26, 2003 written statement. [\[view\]](#)
- June 6, 2003 Sen. Schumer's e-mail. [\[view\]](#)
- June 11, 2003
Press CJA's memo to THE NEW YORK TIMES alerting it to the scandal of federal judicial selection in the Second Circuit and the betrayal of the People of New York by New York Senators Schumer & Clinton. [\[view\]](#)
- June 13, 2003 CJA's memo to ABA and City Bar, calling upon them to substantiate their barebones ratings of Judge Wesley and Mr. Castel by disgorging their findings pertaining to CJA's March 26, 2003 statement. [\[view\]](#)
- June 16, 2003
Organizations Elena Sassower's memo to Ralph Nader, Public Citizen, and Common Cause as to the significance and catalytic power of *United States of America v. Elena Ruth Sassower*, warranting their assistance. [\[view\]](#)
- June 19, 2003
Press CJA's letter to THE NEW YORK TIMES, proposing that its examination of procedures for handling complaints begin with CJA's June 11, 2003 memorandum-complaint. [\[view\]](#)
-- documented history of New York Times suppression, protectionism, & blackballing

- June 23, 2003** President Bush's letter. [\[view\]](#)
- July 7, 2003** Elena Sassower's letter to the American Civil Liberties Union. [\[view\]](#)
Organizations
-- with accompanying memorandum analyzing the underlying prosecution documents, transcript, & videotape of the Senate Judiciary Committee's May 22, 2003 hearing [\[view\]](#)
- August 6, 2003** Elena Sassower's motion to adjourn the August 20, 2003 conference for
Criminal Case ascertainment of counsel. [\[view\]](#)
- August 12, 2003** Elena Sassower's First Discovery Demand to Assistant U.S. Attorney Aaron
Criminal Case Mendelsohn. [\[view\]](#)
- August 15, 2003** Elena Sassower's letter to Assistant U.S. Attorney Aaron Mendelsohn.
Criminal Case [\[view\]](#)
- August 17, 2003** Elena Sassower's motion for reargument, disclosure by, and disqualification
Criminal Case of, Senior Judge Stephen Eilperin, and for transfer of this case to a court outside the District of Columbia [\[view\]](#)
- August 26, 2003** CJA's letter to Jill Abramson, Outgoing Washington Bureau Chief/Incoming
Press Managing Editor for Newsgathering for THE NEW YORK TIMES, requesting that she respond to CJA's June 11, 2003 memorandum-complaint, etc. [\[view\]](#)
- August 29, 2003** CJA's memorandum to Senate Judiciary Committee Chairman Hatch and
2003 Ranking Member Leahy for supervisory oversight. [\[view\]](#)
- September 10, 2003** CJA's memo to Public Citizen, People for the American Way, Alliance for
Organizations Justice, Constitution Project/Courts Initiative, Justice at Stake Campaign, Common Cause. [\[view\]](#)
-- See history of correspondence with these organizations
- September 10, 2003** CJA's letter to Courts Initiative of the Constitution Project to develop an
Organizations action agenda to advance the unimplemented non-partisan, good-government recommendations for reform of the federal judicial confirmation process, long ago made by The Ralph Nader Congress Project (1975), Common Cause (1986), and the Twentieth Century Fund Task Force on Judicial Selection (1988). [\[view\]](#)
-- See history of correspondence with these organizations
- September 16, 2003** CJA's memo to American Judicature Society, Brennan Center for Justice.
Organizations [\[view\]](#)
-- See history of correspondence with these organizations
- September 25, 2003** CJA's letter to Bill Keller, NEW YORK TIMES Executive Editor, requesting
Press that he provide a "role model example" or handling CJA's unresponded-to June 11, 2003 memorandum-complaint in the absence of a public editor/ombudsman or, alternatively, that he refer it to the soon to-be appointed public editor/ombudsman as his/her FIRST order of business. [\[view\]](#)
-- documented history of New York Times suppression, protectionism, & blackballing
- October 13, 2003** CJA's letter to Bill Keller, NEW YORK TIMES Executive Editor, requesting
Press that he provide a "role model example" for handling CJA's unresponded-to June 11, 2003 memorandum-complaint in the absence of a public editor/ombudsman, alternatively, that he refer it to the soon-to-be appointed public editor/ombudsman as his/her FIRST order of business. [\[view\]](#)
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- October 14, 2003** Elena Sassower's letter to American Civil Liberties Union. [\[view\]](#)
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- October 30, 2003** Elena Sassower's motion to enforce her discovery rights and the
Criminal Case prosecution's disclosure obligations. [\[view\]](#)
-- Ex. M: [Elena Sassower's 9/22/96 police misconduct complaint](#)

- November 1, 2003**
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CJA's letter to Bill Keller, NEW YORK TIMES Executive Editor, inquiring as to status of its time-sensitive complaints against THE NEW YORK TIMES embodied in its September 25, 2003 and October 13, 2003 letters to him. [view]
-- documented history of New York Times suppression, protectionism, & blackballing
- December 1, 2003**
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CJA's letter to Daniel Okrent, NEW YORK TIMES public editor/ombudsman about bringing accountability and responsiveness to THE NEW YORK TIMES. [view]
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Elena Sassower's affidavit in reply and in further support of her motion to enforce her discovery rights and the prosecution's disclosure obligations. [view]
- December 29, 2003**
CJA's memo to Senate Judiciary Committee Chairman Hatch's press secretary regarding LONG OVERDUE SUPERVISORY OVERSIGHT over Senate Judiciary Committee Staff whose Disregard of CJA's Document Requests has Included Withholding from CJA the Public Portions of Questionnaires of Judicial Nominees Being Confirmed by the Committee and Senate. [view]
- December 31, 2003**
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Elena Sassower's affidavit in opposition to the prosecution's motion *in limine* and in further support of defendant's motion for discovery, disclosure & sanctions. [view]
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Elena Sassower's letter to Judge Brian Holeman. [view]
- January 29, 2004**
CJA's memo to Senate Judiciary Committee Chairman Hatch's press secretary regarding repeatedly-requested supervisory oversight. [view]

CJA's memo to Senate Judiciary Committee Ranking Member Leahy for supervisory oversight [view]
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Elena Sassower's letter to Judge Brian Holeman.[view]
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- February 23, 2004**
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Elena Sassower's motion to disqualify Judge Brian Holeman & for postponement/continuance of the March 1, 2004 trial date pending responsive, written adjudication of her October 30, 2003 motion to enforce her discovery rights, the prosecution's disclosure obligations, and for sanctions. [view]
- February 26, 2004**
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Elena Sassower's letter to Senate Legal Counsel as to the basis for her subpoenaing Senators Hatch, Leahy, Chambliss, Schumer, Clinton and Senate staff to testify at her upcoming trial. [view]
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Elena Sassower's first memo for immediate supervisory oversight of Judge Holeman. [view]
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Elena Sassower's letter to Judge Brian Holeman. [view]
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Elena Sassower's third memo for immediate supervisory oversight over Judge Holeman. [view]
- March 22, 2004**
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Elena Sassower's motion to vacate orders of Judge Holeman & to remove/transfer case to the U.S. District Court for the District of Columbia. [view]

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CJA's research proposal to scholars: Beyond Statistics to Documentary Evidence : The Corruption of Federal Judicial Selection/Confirmation, as Readily-Verifiable from Case-Studies of So-Called "Mainstream", "Consensus" Nominations -- Including those Engineered by Senator Charles Schumer. [\[view\]](#)
-- CJA's July 3, 2001 letter to Senator Schumer
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CJA's proposal to THE NEW YORK TIMES to critically examine Senator Schumer's record on judicial selection, discipline, and constituent services relating thereto. [\[view\]](#)
- May 20, 2004**
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CJA's proposal to THE WASHINGTON POST for an investigative expose of the Senate's wilful refusal to "scrutinize" the qualifications of "noncontroversial" federal judicial nominees, including its rebuff of nonpartisan citizen opposition, by a casestudy examination of its confirmation of New York Court of Appeals Judge Wesley's nomination to the 2nd Circuit Court of Appeals. [\[view\]](#)
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CJA's proposal to NEW YORK TIMES editors responsible for election coverage for a critical examination of the record of Senator Charles Schumer on judicial selection, discipline, and constituent services relating thereto. [\[view\]](#)
- May 27, 2004**
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CJA's memo to ROLL CALL, THE WASHINGTON POST, LEGAL TIMES, NEW YORK LAW JOURNAL for follow-up trial coverage, including investigative reporting of the primary source documents establishing the corruption of federal judicial selection/confirmation. [\[view\]](#)
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Elena Sassower's first letter to Judge Holeman for postponement of June 1, 2004 sentencing date. [\[view\]](#)
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- May 28, 2004**
CJA's memo to Senate Judiciary Committee Chairman Hatch, Ranking Member Leahy, Senators Schumer, Clinton, and Chambliss regarding June 1st sentencing and long-ago requested documents. [\[view\]](#)

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CJA's memo to Ralph Nader, Public Citizen, Common Cause, People for the American Way, Alliance for Justice, Brennan Center for Justice, American Judicature Society, Constitution Project/Courts Initiative, Open Society Institute, Justice at Stake Campaign, Appleseed Foundation on the subject of their "On-Going Responsibility to 'Champion Basic Citizen Rights -- & the Vital Importance of Citizen Participation in Federal Judicial Selection'" [[view](#)]

-- **Elena Sassower's draft memo on the unconstitutionality of the "disruption of Congress" statute, as written & as applied**

[see history of correspondence with these organizations]

June 9, 2004
Organizations

CJA's memo to Free Congress Foundation, Washington Legal Foundation, Cato Institute, and Judicial Watch on the subject of their "(On-Going) Responsibility to 'Champion Basic Citizen Rights - & the Vital Importance of Citizen Participation in Federal Judicial Selection'" [[view](#)]

-- **Elena Sassower's draft memo on the unconstitutionality of the "disruption of Congress" statute, as written & as applied**
[see history of correspondence with these organizations]

June 17, 2004
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CJA's complaint to NEW YORK TIMES Public Editor Daniel Okrent on the subject of "Times 'Protectionism' of NY Senator Charles Schumer, Arising from its Multitudinous Conflicts of Interest -- Covering-Up his Pivotal Role in the Corruption of Judicial Selection & Discipline -- & Depriving New Yorkers of the Information Necessary to their Casting of an Intelligent Vote in the 2004 Senate Election" [[view](#)]

-- documented history of New York Times suppression, protectionism, & blackballing

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Elena Sassower's letter to Judge Holeman as to whether Senator Chambliss had submitted a statement for the presentence report [[view](#)]

June 24, 2004

CJA's memo to Senate Judiciary Committee Chairman Hatch, Ranking Member Leahy, and Senators Schumer, Clinton, and Chambliss regarding June 28, 2004 sentencing and their as-yet NOT received response to CJA's May 28, 2004 memo [[view](#)]

June 25, 2004
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CJA's memo to ROLL CALL, THE WASHINGTON POST, LEGAL TIMES, and NEW YORK LAW JOURNAL for follow-up coverage of the June 28th sentencing -- with copy to THE NEW YORK TIMES [[view](#)]

June 28, 2004
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Elena Sassower's affidavit commenting upon and correcting the May 28, 2004 Presentence Report of D.C. Court Services & in opposition to the U.S. Attorney's June 1, 2004 Memorandum in Aid of Sentencing [[view](#)]

**Amended Transcript of June 28, 2004 sentencing:
Judge Holeman sentences Elena Sassower to six months incarceration, to begin immediately, and denies her request for release pending appeal.**

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