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Elena Ruth Sassower, Coordinator

BY E-MAIL & FAX (4 pages)

DATE: September 8, 2005

TO: DEMOCRATIC CANDIDATES FOR BROOKLYN DISTRICT ATTORNEY
Arnold Kriss
Mark G. Peters
John Sampson

FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc. (CJA)

RE: **Informing the Voters – and the Mainstream and Editorializing Press – of Brooklyn D.A. Hynes' Cover-Up of Systemic, High-Level Judicial Corruption, Including with Respect to "Clubhouse" Control of Nominations for Elective Judgeships**

This memo follows up my phone calls to your offices yesterday morning. Its purpose is to formally call upon you – as contenders in the Democratic primary for Brooklyn District Attorney – to take forceful steps to rebut the myth perpetrated by Brooklyn D.A. Charles Hynes¹, and expressly adopted by The New York Times in endorsing his re-election², that he is cleaning up judicial and political corruption.

Through you, the voters must be informed of the TRUE FACTS. D.A. Hynes has been knowingly and deliberately covering up systemic, high-level judicial corruption – including with respect to "clubhouse" control of nominations for elective judgeships. Such is comprehensively

¹ In televised debate, D.A. Hynes publicly stated, "We've been involved in the most extensive political and judicial corruption investigation in all the state" – at least according to an August 25, 2005 New York Times article "*Brooklyn District Attorney Finds Plenty of Combat in TV Debate*" (by Jonathan Hicks), which, additionally, included a prefatory paraphrase that Mr. Hynes "also noted that his office had conducted a wide-ranging inquiry into judicial corruption that has resulted, among other things, in the indictment of the Brooklyn Democratic leader, Assemblyman Clarence Norman Jr."

² Headlined "*For Cleaner Courts in Brooklyn*", The Times' September 4, 2005 editorial endorsement asserted that casting a ballot for D.A. Hynes would give voters "a chance to register their disgust with the cozy clubhouse-courthouse ties that lie at the heart of the borough's judicial patronage and corruption scandal, and the undue influence of Clarence Norman's local Democratic machine." A vote for D.A. Hynes -- according to The Times -- combined with a vote for Brooklyn Surrogate Court candidate Margarita Lopez Torres, would "amount to a referendum on cleaning up the local political and justice system."

detailed by CJA's November 6, 2003 letter to D.A. Hynes – posted on our website, www.judgewatch.org.³ Also posted, in substantiation of that letter, is our prior correspondence with D.A. Hynes – going back to April 27, 1994 – along with an illustrative portion of the documentary proof we had provided him and proffered to support criminal indictments and convictions of the highest state judges within his jurisdiction – those of the Brooklyn-based Appellate Division, Second Department.

We received NO RESPONSE from D.A. Hynes to this November 6, 2003 letter, notwithstanding I hand-delivered it on that day to assistant district attorneys purportedly involved in his judicial corruption investigations.⁴ Such underscores what the letter itself makes obvious: that his belated discovery of himself, in 2003, as a reformer of “clubhouse” control of nominations for elective judgeships and his supposed investigation into judicial corruption was then, as it is now, media posturing – not genuine commitment.⁵ That The Times has endorsed D.A. Hynes, as if he has meaningfully pursued these issues, dangerously misleads voters. Likewise, The New York Post's endorsement of his supposed “proven record of accomplishment and integrity”.⁶

Inasmuch as The Post claims that “Hynes’ opponents do not present a convincing case for his removal” – not even deeming your candidacies worthy of identifying you by name -- you now have a golden opportunity to not only distinguish yourselves, but to put before voters an ironclad case for D.A. Hynes’s indictment and conviction for corruption. This, while giving substance to your various public statements during the televised debate, as, for instance, Mr. Sampson’s assertion that “Corruption has festered during [D.A. Hynes’] tenure” – for which The Village Voice has criticized him for offering “no specifics”.⁷ Similarly, Mr. Kriss’ high-minded

³ Accessible via the sidebar panel, “CORRESPONDENCE – NYS Officials: Brooklyn District Attorney Charles Hynes” – for which there is a direct link on our [homepage](#) [scroll down to LATEST NEWS – Election 2005].

⁴ This includes no response with respect to D.A. Hynes’ membership on a committee appointed by the Appellate Division, Second Department’s presiding justice – a committee he allowed to be a front to perpetuate that court’s corrupting of the attorney disciplinary process, including to retaliate against judicial whistle-blowing attorney Doris L. Sassower for her legal challenge to political manipulation of nominations for elective judgeships. As this legal challenge and the retaliation is succinctly summarized by our \$16,770 public interest ad, “Where Do You Go When Judges Break the Law?”, published on The New York Times’ October 26, 1994 op-ed page and reprinted on November 1, 1994 as a \$2,280 ad in the New York Law Journal, a copy is enclosed, for your convenience.

⁵ D.A. Hynes brought charges against Mr. Norman “only... after the Daily News editorial board repeatedly slammed him for failing to address corruption in the borough’s courts.”, Village Voice article (by Tom Robbins) “Prosecution complex: The Brooklyn D.A.’s office is ailing, but the cure may be worse than the ailment”, September 7-14, 2005 issue.

⁶ “Morgenthau and Hynes”, The New York Post editorial, September 7, 2005.

⁷ “Prosecution complex: The Brooklyn D.A.’s office is ailing, but the cure may be worse than the ailment”, The Village Voice, September 7-14, 2005 issue.

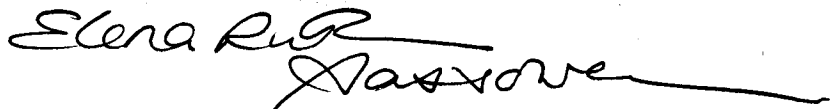
comment that "Once a district attorney's integrity has been questioned, then the voters must disqualify this district attorney from serving in public office". Mr. Kriss, as likewise Messrs. Sampson and Peters – all of you reported in Tuesday's Times as having called for an investigation into \$80,000 contributions accepted by Mr. Hynes' re-election campaign from relatives of a man who had received a plea bargain sentence in connection with a fatal car crash⁸ -- can now move beyond appearances of impropriety to a paper trail of *prima facie* documentary proof of D.A. Hynes' official misconduct constituting collusion with corruption. As Mr. Peters has won the New York Daily News' endorsement because of "superior qualifications" based on his background as "Eliot Spitzer's chief corruption fighter"⁹ – and has promoted his candidacy by asserting that "judicial and political corruption" would be a focus of the Brooklyn D.A.'s office, were he to be elected¹⁰, this is an important moment for him to showcase how he would tackle D.A. Hynes' demonstrated cover-up of high-level judicial and political corruption embracing the State Commission on Judicial Conduct and how he would overcome the profound conflicts of interest he would face with respect thereto, involving not only his former boss, but himself, as former head of Attorney General Spitzer's "public integrity unit".

Should you wish hard copies of our correspondence with D.A. Hynes – including the casefile proof it transmitted and proffered of corruption by the highest-ranking state judges within his jurisdiction – we will furnish it to you without delay.

Your swift calls for investigation of D.A. Hynes for the \$80,000 campaign contributions -- reported by The Times on Tuesday, based on The Post report of the contributions on Monday – highlights that the 4-1/2 days between now and next Tuesday's primary – is time enough for you to publicly call for D.A. Hynes to account for his official misconduct with respect to our November 6, 2003 letter – and to enlist the press in securing his response.

Whether in this election – or in your future electoral ventures – voters will rightfully view your own response to the November 6, 2003 letter as the measure of your true commitment to "*Cleaner Courts in Brooklyn*" and of your fitness for positions of public trust.

Thank you.



Enclosure

cc: Brooklyn District Attorney Charles Hynes
The Press & The Public

⁸ "Challengers See a Conflict Over Plea Deal and Donations", New York Times, September 6, 2005 (article by Jonathan Hicks).

⁹ "Dump Hynes, elect Peters", New York Daily News editorial, August 29, 2005.

¹⁰ See Citizens Union summary of Mr. Peters' candidacy [citizensunion.org/voter_dir_05_pri/Brooklyn/pdf]. Also, his own website, www.petersforbrooklyn.com.

Where Do You Go When Judges Break the Law?

FROM THE WAY the current electoral races are shaping up, you'd think judicial corruption isn't an issue in New York. Oh, really?

On June 14, 1991, a New York State court suspended an attorney's license to practice law—immediately, indefinitely and unconditionally. The attorney was suspended with no notice of charges, no hearing, no findings of professional misconduct and no reasons. All this violates the law and the court's own explicit rules.

Today, more than three years later, the suspension remains in effect, and the court refuses even to provide a hearing as to the basis of the suspension. No appellate review has been allowed.

Can this really happen here in America? It not only can, it did.

The attorney is Doris L. Sassower, renowned nationally as a pioneer of equal rights and family law reform, with a distinguished 35-year career at the bar. When the court suspended her, Sassower was *pro bono* counsel in a landmark voting rights case. The case challenged a political deal involving the "cross-endorsement" of judicial candidates that was implemented at illegally conducted nominating conventions.

Cross-endorsement is a bartering scheme by which opposing political parties nominate the same candidates for public office, virtually guaranteeing their election. These "no contest" deals frequently involve powerful judgeships and turn voters into a rubber stamp, subverting the democratic process. In New York and other states, judicial cross endorsement is a way of life.

One such deal was actually put into writing in 1989. Democratic and Republican party bosses dealt out seven judgeships over a three-year period. "The Deal" also included a provision that one cross-endorsed candidate would be "elected" to a 14-year judicial term, then resign eight months after taking the bench in order to be "elected" to a different, more patronage-rich judgeship. The result was a musical-chairs succession of new judicial vacancies for other cross-endorsed candidates to fill.

Doris Sassower filed a suit to stop this scam, but paid a heavy price for her role as a judicial whistle-blower. Judges who were themselves the products of cross-endorsement dumped the case.

Other cross-endorsed brethren on the bench then viciously retaliated against her by suspending her law license, putting her out of business overnight.

Our state law provides citizens a remedy to ensure independent review of governmental misconduct. Sassower pursued this remedy by a separate lawsuit against the judges who suspended her license.

That remedy was destroyed by those judges who, once again, disobeyed the law — this time, the law prohibiting a judge from deciding a case to which he is a party and in which he has an interest. Predictably, the judges dismissed the case against themselves.

New York's Attorney General, whose job includes defending state judges sued for wrongdoing, argued to our state's highest court that there should be no appellate review of the judges' self-interested decision in their own favor.


Last month, our state's highest court — on which cross-endorsed judges sit — denied Sassower any right of appeal, turning its back on the most basic legal principle that "no man shall be the judge of his own cause." In the process, that court gave its latest demonstration that judges and high-ranking state officials are above the law.

Three years ago this week, Doris Sassower wrote to Governor Cuomo asking him to appoint a special prosecutor to investigate the documented evidence of lawless conduct by judges and the retaliatory suspension of her license. He refused. Now, all state remedies have been exhausted.

There is still time in the closing days before the election to demand that candidates for Governor and Attorney General address the issue of judicial corruption, which is real and rampant in this state.

Where do you go when judges break the law? You go public.

Contact us with horror stories of your own.

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The Center for Judicial Accountability, Inc. is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.

The New York Times