

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY HAND

November 9, 1999

Mr. Clifford Levy/The New York Times
New York, New York

RE: *"Philip Morris Gifts to a Pataki Sponsor Are Investigated"*
(article, 11/4/99);
"Governor Pataki's Friends"
(editorial, 10/16/99);
"Pfizer Says It Donated to Group that Paid for Two Pataki Trips"
(article, 10/12/99);
"After Paying Pataki's Fare, A Free Office"
(article, 10/11/99);
"Tobacco Giant Gave to Backer of Pataki Trip"
(article, 9/28/99).

Dear Mr. Levy:

Your November 4th article, *"Philip Morris Gifts to a Pataki Sponsor Are Investigated"*, states that the New York State Ethics Commission has initiated an investigation *"in response to articles in The New York Times in September and October..."*, which were distributed to the Ethics Commissioners at their recent meeting.

Is there much surprise that the Ethics Commission – whose misfeasance and nonfeasance were particularized by CJA's March 26, 1999 ethics complaint (in your possession for the past two months) was propelled to initiate an investigation based on your series of articles, crowned by a Times' editorial, *"Governor Pataki's Friends"* (10/16/99)? Indeed, such investigation poses little threat for the Governor-indebted Commission since Governor Pataki professes *"that he and his aides knew nothing about... the backers"* of the Hungarian-American Chamber of Commerce – a fact noted by your November 4th, October 11th, and September 28th articles.

That the Ethics Commission is, in fact, continuing to protect Governor Pataki from the CRIMINAL consequences of his official misconduct, may be seen from its on-

going NON-RESPONSE to CJA's March 26th ethics complaint. That complaint – more serious than anything in your series of articles -- establishes, by supporting evidentiary proof, the Governor's *direct knowledge and complicity* in: (1) subverting the Ethics Commission, including by his appointment of Paul Shechtman to the Ethics Commission, first as a member and then as its chairman; (2) corrupting the process of state judicial appointments, including the "merit selection" process to the New York Court of Appeals; and (3) covering up the corruption of the New York State Commission on Judicial Conduct.

The Ethics Commission's NON-RESPONSE to the March 26th complaint is particularized by CJA's September 15, 1999 supplement thereto, which I identified to you in my telephone call to you on September 29th – the day after your article, "*Tobacco Giant Gave to Backer of Pataki Trip*", appeared¹. A copy of the September 15th supplement is enclosed. The Commission's NON-RESPONSE to it is detailed in CJA's subsequent complaint, dated October 27, 1999, a copy of which is also enclosed.

It must be noted that at the SAME "recent meeting" of the Ethics Commission at which the investigation reported by your November 4th article was authorized, CJA's October 27th ethics complaint was on the agenda. More than that, portions were read to the Commissioners by Walter Ayres, the Ethics Commissioners public information office. This, according to Mr. Ayres himself.

Please advise when CJA may transmit to you the evidentiary proof establishing the Governor's knowledge of and participation in the systemic, governmental corruption chronicled by the March 26th complaint. It was long ago duplicated for you in the expectation that once you reviewed the complaint, you would want to examine the substantiating proof for yourself. This, not only to confirm its seriousness, but to follow-up on your August 16th front-page article, "*Widening Inquiry on Pataki Donors and Parole Board*", pertaining to the U.S. Attorney's corruption investigation of Governor Pataki. Indeed, it was because your August 16th article reported that there was "no evidence that [Governor Pataki] had any involvement in the parole decisions", that CJA transmitted to the U.S. Attorney a copy of the March 26th ethics complaint, WITH the substantiating evidentiary proof of Governor Pataki's knowledge and direct involvement in the corruption of the Ethics Commission, judicial selection, and judicial discipline. As you know, a copy

¹ That article quotes former Ethics Commissioner Reverend Robert Eggenchiller. As reflected by CJA's December 16, 1997 letter to the Ethics Commissioners – part of the evidentiary proof supporting CJA's March 26th ethics complaint – Reverend Eggenchiller characterized the Commission's work as "swatting flies" in a telephone conversation with me.

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of CJA's September 7th coverletter to Andrew Weissmann, Deputy Chief of the Criminal Division of the U.S. Attorney for the Eastern District of New York was hand-delivered for you at the Times on that date, along with the March 26th complaint.

Yours for a quality judiciary,

A handwritten signature in black ink, appearing to read "Elena Ruth Sassower", with a stylized flourish at the end.

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

Enclosures