

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

BY FAX: 212-608-1240 (16 pages)

February 11, 2000

Mr. David Rohde/The New York Times  
100 Centre Street  
New York, New York

RE: AN INVESTIGATIVE EXPOSE

On the occasion of the 3<sup>rd</sup> lawsuit against the NYS Commission on Judicial Conduct to be "thrown" by a fraudulent judicial decision of Supreme Court/NY County

Dear Mr. Rohde:

Just as I feared would happen in the absence of media-attention and/or intervention by the proposed intervenor public agencies and officers, my important Article 78 proceeding against the NYS Commission on Judicial Conduct has been "thrown" by a fraudulent judicial decision. This is *readily-verifiable* from the most cursory comparison of the January 31, 2000 decision of Acting Supreme Court Justice Wetzel – which you requested that I fax you -- and the case file, which I urged you to requisition from the Clerk's Office (NY Co. #99-108551) and examine for yourself.

The file is "hard evidence" of the true facts of the case, which MUST be the subject of an *investigative expose* by the Times – not the least reason being because it documentarily establishes that the NYS Commission on Judicial Conduct – the taxpayer-funded state agency charged with the duty to protect the public from unfit judges -- is NOT "viable and efficient", as reported in your August 26<sup>th</sup> column, but is utterly corrupt, and that it has been aided and abetted by our State's highest law enforcement officer, Attorney General Spitzer, whose proclaimed commitment to ethical standards is a hoax, as likewise, his "public integrity unit" – contrary to John Sullivan's August 28<sup>th</sup> story. Both your column and Mr. Sullivan's article were featured on the front-page of the Metro section.

Based on the file of the case – copies of which *both* the Commission and the Attorney General possess – CJA has put the Commission and Attorney General on notice of their "ethical and professional duty to take steps to protect the integrity of

the judicial process” – wilfully subverted by Justice Wetzel – and by Administrative Judge Stephen Crane, who twice interfered with the random assignment of the case – the second time to “steer” it to Justice Wetzel<sup>1</sup>, who was more disqualified than ANY of his six judicial predecessors<sup>2</sup>.

A copy of that February 7, 2000 notice is enclosed. In addition to calling upon the Commission and the Attorney General to *expeditiously* move to vacate the decision for fraud, it calls upon them to *immediate* warn the Governor against reappointing Justice Wetzel to the Court of Claims, his term having expired *more than seven months ago*, and likewise against designating Administrative Judge Crane to the Appellate Division.

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<sup>1</sup> Your January 4<sup>th</sup> article “*Program to Assign Lawsuits to 5 Judges*” reported that “under the old system, cases against the government were randomly assigned among the roughly 45 Supreme Court justices in Manhattan.” In response, I sent you a January 5<sup>th</sup> letter, enclosing the computerized court record in this case showing that Administrative Judge Crane “steered” it to Justice Wetzel (#007) and, prior thereto, to Justice Ronald Zweibel (#004) – both gubernatorially-appointed Court of Claims judges. Further establishing that Justice Wetzel did not get the case by random assignment is the November 5, 1999 order of his judicial predecessor, Acting Supreme Court Justice Barbara Kapnick, in which, for reasons undisclosed, she recused herself and remanded the proceeding “pursuant to the directive of the Administrative Judge to the Motion Support Office for reassignment to the Hon. William Wetzel.” (emphasis in the original).

<sup>2</sup> My December 14, 1999 letter to you enclosed two of the exhibits to my December 2, 1999 application for Justice Wetzel’s recusal relating to his self-interest in the proceeding. One of these was the Governor’s June 12, 1996 certificate of nomination of Justice Wetzel for a Court of Claims term expiring on June 30, 1999.

It deserves note that the ONLY other application I made in the case was for Justice Zweibel’s recusal. The transcript of that application, which I made orally is in your possession. It is annexed as Exhibit “O” to my July 28, 1999 affidavit in support of my omnibus motion. YOU SHOULD READ IT [pp. 8-16, 22-23] – since it not only describes how the proceeding criminally implicates the Governor, but because Justice Zweibel thereafter recused based on my application so as to preserve the appearance of impartiality. He, thereby, implicitly recognized my assertion that the expiration of his Court of Claims term in 2001 made him dependent upon the Governor. Of course, Justice Wetzel, who was even more dependent on the Governor by virtue of his already-expired Court of Claims judgeship – concealed such fact from his January 31, 2000 decision – as, likewise, he concealed every other fact which my December 2, 1999 recusal application presented as warranting his recusal.

On the issue of the power over judges wielded by appointive authorities, you should read Juan Gonzalez’ January 18, 2000 column, “*Pols Rule Courtrooms: Acting Judges Owe Their Jobs to Pataki, Rudy*” in the Daily News. For your convenience, a copy is enclosed

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Also enclosed is a copy of CJA's February 7, 2000 letter to the Executive Director of the Governor's screening committee, which enclosed a copy of the February 7, 2000 notice. As identified therein, CJA will be submitting to the Governor an extensive presentation as to the official misconduct of Justices Wetzel and Administrative Judge Crane in the Article 78 proceeding – for which each “*must* be removed as threats to the public and rule of law”. I will send you a copy as soon as it's complete – which should be by Monday or Tuesday of next week.

Finally, as the February 7, 2000 notice reflects, CJA has also called upon the Commission and Attorney General to take other corrective steps – such as belatedly moving to vacate the fraudulent decisions in the two other Article 78 proceedings against the Commission on which Justice Wetzel EXCLUSIVELY relied to “throw” my proceeding. The record before Justice Wetzel included my fact-specific analyses of each of these decisions, showing them to be fraudulent – analyses which neither the Commission nor Attorney General denied or disputed in any way and whose very existence Justice Wetzel wholly obliterated from his decision. Indeed, further substantiating my analyses were copies of the file of those two Article 78 proceedings. Thus, when you requisition the file of my proceeding – you will simultaneously have before you the file of those other Article 78 proceedings.

Until next week...

Yours for a quality judiciary,



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

Enclosures