CENTER for JUDICIAL ACCOUNTABILITY

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By Express Mail

May 23, 1994

Chris Herren Esq.
Civil Rights Division: Voting Section
Department of Justice
320 First Street, N.W.
Room 816
Washington, D.C. 20534

RE: Justice Department Investigation

Dear Mr. Herren:

Enclosed herewith is a duplicate of the transmittal sent to you under a May 10, 1994 coverletter--which you have told me has still not arrived[1].

I am also enclosing the following additional materials, as discussed in our several telephone conversations:

(A) 5/12/94 Decision and Order of the N.Y. Court of Appeals dismissing the appeal of the Article 78 proceeding Sassower v. Hon. Guy Mangano, et al., "upon the ground that no substantial constitutional question is directly involved". After you review my mother's enclosed two submissions to the Court of Appeals, we trust you will agree that that Court's stated reason for dismissing the appeal is as insupportable as its identically-stated reason for dismissing the Castracan v. Colavita appeal--which it did on October 15, 1991 (See Castracan file, inter alia, Docs. G-8, G-16, G-17);

(B) 4/23/91 New York Times, "High Court Hears Arguments on Election of Judges". This article provides the context within which to view the Appellate Division, Third Department's refusal to grant the request of Sherrilyn Ifill[2], on behalf

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[1] Since we trust you will not need two copies, please return one set to us when our May 10th transmittal eventually reaches you.

[2] See Castracan file, Doc. E-1.

of NAACP/LDF, for a week's additional time to submit an amicus brief in Castracan (necessitated by the fact that Ms. Ifill was then facing a deadline in the U.S. Supreme Court for her brief on "the issue of the application of section 2 of the Voting Rights Act to judicial elections"), as well as that Court's May 2, 1991 decision, sustaining dismissal--rendered less than two weeks after this article appeared.

(C) Three articles about the New York State Judicial Commission on Minorities:

(1) 7/13/89, Gannett, "Panel Says N.Y. Courts Are Seen As Biased";

(2) 6/5/91, New York Law Journal, "State Commission Finds Racism in Court"

(3) 6/5/91, Gannett, "Study: State's Justice System Racially Unequal At All Levels"

The Commission's activity--from 1988-1991--also provides an important context for the Castracan case, including the Court of Appeals' refusal to review it[3].

Since you indicated that you have not obtained the Commission's Report, you might wish to contact James Goodale, who was Chairman of the Commission when the final Report was rendered. His number is (212) 909-6000.

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[3] See our 3/20/92 ltr to the Governor Cuomo's Task Force on Judicial Diversity, comparing (at p. 2) the Governor's creation of that body in response to the U.S. Supreme Court Chisom v Roemer decision, with the Court of Appeals's dismissal of Castracan in that same period.

(D) My today's fax to you, enclosing two articles:

(1) 9/17/92 Daily News, "An Honest Jurist Gets Unjust Reward"; about the ulterior and retaliatory motivations behind a judicial cross-endorsement in Nassau County

(2) 4/26/94 New York Newsday, "Cops Hang Easily", alluding to "repercussions" faced by individuals challenging judges and lawyers on the top "of the food chain of the criminal justice system"

(E) 10/24/90 story about Castracan by Marc Humbert, a prize-winning A.P. journalist. Although released for publication over the A.P. wire, Mr. Humbert's story was--to our knowledge--not printed anywhere in the New York metropolitan area or elsewhere. As discussed, Mr. Humbert refers to M.L. Henry, then executive director of the Committee for Modern Courts, as describing Castracan as perhaps "the first to challenge the process in court" by which "judges get to be judges".

(F) The following papers in the Election Law case of Reda v. Mehiel, challenging Election Law violations of the 1993 Democratic Judicial Nominating Convention in the Ninth Judicial District:

(1) Order to Show Cause and Petition;

(2) Verified Answer of New York State Board of Elections;

(3) 10/15/93 "Special Meeting" of the New York State Board of Elections;

(4) Notice of Appeal, with 10/19/93 Decision/Order of Supreme Court, Westchester County; and

(5) Appellate Division, Second Department's 10/25/93 Decision/Order.

As soon as I receive the transcript of the hearing held on Mr. Reda's Objections from the State Board of Elections, I will send them on to you--together with a detailed comparison of the treatment accorded by the State Board to Mr. Reda--as Chairman of the Rockland County Republican Committee--with that which it accorded Dr. Mario Castracan and Professor Vincent Bonelli. As discussed, the State Board's disparate and invidious treatment reflects yet another reason why cross-endorsement is so pernicious--it neutralizes the partisan forces that make the checks and balances of government and governmental agencies function.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures: As indicated above