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Governor David Paterson	518 474-8390
Senator John L. Sampson	718 528-4898
Senator Kirsten Gillebrand	212 688-7444
Senator Malcolm A. Smith	518 455-2816
Mayor Michael Bloomberg	212 312-0700
Judge Edwina Richardson Mendelson	718 297-2826
Judge Carol Stokinger	718 297-2826
Rep. Velmanette Montgomery	718 237-4137
Queens D. A. Richard A. Brown	718 286-6575
OCFS Commissioner Gladys Carrion	212 383-1811
ACS Commissioner John Mattingly	212 341-0942

Dear Government Leaders:

I now write you this open letter because I have been writing and calling your offices for more than three years without meaningful response. I therefore request your answers again, in a public venue. It is an outrage that you cannot continue to sweep under the rug.

It regards the blatant violations of human rights being committed by the Queens County Family Court (QCFC) and other funded agencies and individuals against countless families and children. Even the Supreme Court acknowledges the destructive effect upon the families dragged through the system.¹ It is also an unfortunate reality that false charges of domestic violence can be equally destructive, and are commonly employed by one parent in a troubled relationship for the substantial advantages in any continued litigation. There is a growing public awareness of abuse in these proceedings, which are federally funded. These malfunctioning agencies and individuals are commonly referred to as the Domestic Violence Industry. In my recent experience in the QCFC, this has evolved so far beyond official misconduct that it amounts to corruption and mass crime against children and their parents.

The events often begin with a report (possibly anonymous) to the State Central Register (SCR,) who in turn send the case to NYC Administration of Children's Services, (ACS.) Investigators then go through a series of violations of the privacy of our homes and inter-family relations. Any consent to these intrusions upon our liberty is given under duress for the obvious threat of losing one's children. Investigators apparently have no obligation to investigate exculpatory information. Their own misconduct and withholding of material information in ACS reports to the Family Court was covered up by their supervisors, **Commissioner John Mattingly, Deputy Commissioners of Child Protection Jan Flory & Gilbert Taylor.** Your own files show that

you were aware the case against me was fraudulent from inception, and contrary to the best interests of my children, you allowed it to proceed. You admitted your obligation to protect our children from abuse, regardless of the source, Queens Deputy Commissioner **Lori Levine**. **Why do you do nothing when the QCFC acts in a manner contrary to the best interests of the children?**

ACS is “supervised” by the State Office of Children’s and Family Services, (OCFS,), **Gladys Carrion, John Stupp, Esq., Valerie McNeil**, who make false promises to aggrieved parties, and in fact use the information to give legal counsel to ACS officials in their denials of misconduct and criminal acts. Are your jobs to address and remedy the malfunctioning of your agency, or to help those under your supervision escape responsibility for the harm they cause? Is there any factor of ACS wanting to justify their existence being reflected in their investigations and reports? How do you justify your procedure of having your agents do the investigations upon the complaints against themselves?

Falsely Swearing and False Reporting of an Incident are crimes, **Queens District Attorney Richard A. Brown**, but your office does not accept such complaints directly, according to your **Lt. Abruzzo**. He stated cases are taken only by referral from NYPD after police make an arrest upon a complaint filed at the precinct. The 105th precinct does not accept complaints for these violations. They offer copious misinformation, but refuse to identify themselves. How does this discourage false filings in Family Court? **What exactly is our public policy with respect to these crimes which destroy our children and families? How many prosecutions were there in recent years for these crimes? Convictions?**

The cases are then typically brought to family court where the respondent enjoys no presumption of innocence, no right to a speedy jury trial, nor the right to confront the evidence against them. **Why is the public routinely excluded from proceedings that statute requires to be public?** The QCFC willingly takes in cases which are clearly devoid of any merit, and promptly assigns counsel from the government funded 18-b panel. *Ex-parte* Orders of Protection and Custody are issued contrary to law and binding precedent. Judicial staff disregards the law, the facts and the best interests of the children. Fundamental rights are cruelly violated, and the judges defiantly act *ultra-vires* their authority without consequence. The Judges and their staff enjoy total immunity. If you sue the State, the case must go to the Court of Claims, where there is no right to a jury trial, and only about 5% of the claims filed against the state result in recovery. This leaves the Bill of Rights and Fourteenth Amendment meaningless, **Governor Paterson**. **Why does the Office of Court Administration ignore complaints about ethical violations by family court assigned counsel?** What allows a judge to relieve my attorney of their obligations under the rules of conduct while compelling me to accept assignment of this attorney? Does this give legitimacy to proceedings conducted in my absence?

The sanctioning body for judges, the Commission on Judicial Conduct, (CJC,) operates in total secrecy. **Senator John L. Sampson**, you defended this saying it was necessary to protect the reputations of the judges. You did not answer: **Why should judges have protection that WE, THE PEOPLE, do not have?** In September 2009, you took testimony from one person after another recounting incident after incident of misconduct by the bench, and public negative perception and dissatisfaction with the CJC. In 2008, they took *secret, unspecified* disciplinary

action in only 89 cases after almost 2,000 complaints. You claim to be a proponent of “transparency” in government, **Why not in this case?** You interrupted my testimony to identify a QCFC Judge, and subject of an ignored complaint to the CJC as a blood relative of yours. As Senate Chair of the Ethics and Judiciary committees, you should certainly recognize the conflict of interest, and should not have been the person to hold the public hearings. You stated that you would be forming a task force to investigate. **What were your task force’s conclusions?**

Senator Sampson, why was there no mention of the meritless cases and misconduct in the Family Court Report you published in October 2009?² **How do you justify your recommendation to reduce restrictions** to the appointment of more Family Court judges, thereby increasing the size and reach of a horribly malfunctioning agency? The system does not, and in my opinion cannot distinguish between families who need counseling and therapy, and not judges and lawyers? I respectfully submit that this is why the court dockets are overloaded.

Is it not clear that more scrutiny is necessary for “political plum” judgeships? *Your own report findings very clearly indicate that Due Process is not possible in the Family Court.* **When will strict scrutiny be applied to government interference with parental rights?** Considering the level of integrity and efficiency our government routinely demonstrates, the doctrine of *Parens patriae* must be recognized as the legal fiction it truly is.

Why do you, **Judges Judith Kaye, Ann Pfau, Joseph M. Lauria, Edwina Richardson-Mendelson, and Carol Stokinger**, and other supervising and administrative judges ignore pleas to observe when judges are violating the law and destroying our children and families? You claim you may not interfere in a pending proceeding. **Can you not observe without intervening?** **Does this absolve you of any duty to investigate misconduct?** These proceedings are illegitimate, violate the most sacred of our civil rights under (tenuous) color of state law, and accordingly, you are obliged both morally and by the Code of Judicial Conduct to look into the proceedings to confirm any legitimacy, and to verify that these powerful and unaccountable judges are not being arbitrary and capricious, or otherwise harming litigants inappropriately. It was no consolation when you stated that cases like mine are common. **How can you explain my case (and the *de-facto* termination of my parental rights,) going into the FOURTH year in the QCFC, in the complete absence of maltreatment, and the only thing established is the mother’s unhappiness? How much has my case cost the taxpayers so far?**

Many of you have been lauded for the concern you have exhibited for children and families. The question is not how many times did you do the right thing, but **why did you fail to do the right thing when you were informed** of this reprehensible situation?

The behavior of the judges can only be described as tyrannical. This official misconduct cannot be reviewed because our legal system disallows recordings, and negligently refuses to modernize, by adopting the long established technology of making audiovisual recordings of all persons participating in trials. This would enable appellate review of lower courts arbitrary and capricious determination of the facts, and issuance of rulings and orders. A party would be able to get the recording of the proceedings on DVD on their way out of the courthouse at minimal expense. It would also eliminate the unnecessary expense and inaccuracy of court stenographers,

and would remove the severely chilling effect that the delay and expense of obtaining transcripts has upon the exercise of our fundamental right to appeal.

Family court judges are appointed by you, **Mayor Michael Bloomberg**. I address particularly the case of “**Honorable**” **Maryellen Fitzmaurice**. On Tuesday, June 22, she forcibly “*excused*” me from my trial until such time as I refrain from objecting to her disgraceful violations of the law. I was threatened by the court officer at her direction, and would certainly have received my *second* beating from the court officers had I not run from the courtroom. (Judge Cheree Buggs had me beaten and arrested in December 2008 because I wanted to enter the courtroom when opposing counsel were conferencing the case.) **Is it acceptable for your judges to threaten with physical violence (disabled) parties who make lawful, good faith objections? Is it acceptable for your QCFC to have denied my children a Jewish education, and my son a Bar-Mitzvah?**

Mayor Bloomberg, have you ever actually observed the behavior of the judges you appoint, or is their appointment just the simple repayment of a political debt, and given no further thought? **Can you justify reappointing Fitzmaurice to the bench? Have you even done a Google search to see all the negative comments about her? Why does the staff at the Appellate Division refer to her by her first name? Why can't WE, THE PEOPLE, elect the judges who will be ruling over us?**

Why, Senators Kirsten Gillebrand, Malcolm A. Smith and John L. Sampson, do you declare yourselves to be fighters for civil rights, yet have refused multiple invitations to observe these atrocities committed against our families and children by those who are supposed to help? The next dates are September 16th and October 7th, both 2:30 PM, Part 14, if anyone cares to observe.

It seems ironic, **President Obama**, that federal funds covering the lion's share of these salaries and expenses are used to violate federal law. On TV and your website³ you encourage fathers to take active roles in their families, however you fund this perverse symbiosis of malfunctioning agencies and individuals who do the opposite. These people and agencies profit from family discord, keeping cases in the system as long as possible. They do far more harm than good. I understand from my contact with attorneys and family rights organizations that the situation is the same all over the country. By means of ambiguities in VAWA and Domestic Violence laws, illegal immigrants can be encouraged by government agents to illegally enter the country, file Family Court petitions which are later found by the court to be untrue, and be rewarded with U.S. residency, child custody, welfare, food stamps, housing, medical care, and absolved of the consequences of having sworn to false and misleading petitions. **Is it acceptable that your funding continues to separate my children from a father who is adjudged to have done nothing wrong?**

The families and children affected by what seems criminal conduct by the court are overwhelmingly minorities, poor, uneducated, and often do not even speak English. They have no understanding of their rights, or even what is going on in the court. This may be responsible for the lack of public awareness of this problem. These disenfranchised are exploited for their domestic problems, in order to gain access to the trough of federal monies where the people and agencies you fund may feed like gluttonous swine.

The only thing needed for evil to prevail is for good people to stand by and do nothing. Now that these questions have been presented to you in a public venue, **will you respond? Will you do something? Or will you continue to stand by and do nothing?**

As Americans, we owe our allegiance to our country. We must distinguish it from our government, to which we owe continuing scrutiny. When the government violates our rights and forecloses avenues of redress, public outrage is inevitable. The answer to failure in government is not more government and less human rights, it is transparency, accountability and responsibility of those in power. The Constitution was written for The People, not in some secret code to which only lawyers and judges are privy. The right to be free from governmental intrusion in our family affairs and raising of our children is arguably the most sacred of our fundamental rights. When will these rights be afforded the protections of strict scrutiny, jury trials, REAL Due Process, elevated standards of proof and equal protection? I await the answers and comments of each of the government leaders that receive this letter. I also respectfully request publication and/or editorial time from media recipients.

Very truly yours,

Ike Aruti, Esq.

cc:

President Barack Obama	202 456-2461
Senator Charles Schumer	212 486-7693
Rep. Thomas K. Duane	212 633-8096
Rep. Shirley L. Huntley	718 949-1619
Rep. Carolyn McCarthy	202-225-5758
Rep. Carl L Marcellino	516 922-1811
Rep. Roy J. McDonald	518 274-4635
Rep. Eric T. Schneiderman	212 544-0256
Rep. Gregory Meeks	718 725-9868
Rep. Charles Rangel	212 663-4277
Rep. Gary Ackerman	718 423-5053
Attorney General Andrew M. Cuomo	718 722-3951
Councilman James Sanders	718 527-4402
Public Advocate Bill DeBlasio	212 669-4701
NYSBA Stephen P. Younger	518 487-5517

Media: NY Times, Newsday, Daily News, NY Post, CBS, NBC, Fox5, ABC, WB11, Equal Parenting Party (for redistribution)

¹ Troxel v. Granville, 530 U.S. 57

² <http://www.nysenate.gov/files/pdfs/Family%20Court%20Report.pdf>

³ <http://www.whitehouse.gov/the-press-office/remarks-president-a-fathers-day-event>