

## 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](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

*Elena Ruth Sassower, Coordinator*

### BY HAND

January 28, 2002

Professor Alan Dershowitz  
c/o Barnes & Nobles  
2289 Broadway  
New York, New York

RE: HELP in obtaining *amicus* and other assistance, including media coverage, for the public interest lawsuit *Elena Ruth Sassower, Coordinator of the Commission on Judicial Conduct, acting pro bono publico against Commission on Judicial Conduct of the State of New York (S.Ct/NY Co. #108551; App. Div. 1<sup>st</sup> Dept. #5638)* – now headed for the New York Court of Appeals

Dear Professor Dershowitz:

This follows up our *face-to-face* conversation on May 3, 2001 at the Schottenstein Cultural Center of Yeshiva University, following your presentation on “Jewish Justice”. In that conversation, I stated that there was no possibility of “Jewish Justice” – or any kind of justice – without a “fit judge” – and that you yourself had recognized as much by your outspoken writings and comments about the gross injustices caused by abusive, biased, and dishonest judges.

I identified that the best protection against unfit judges was ensuring the integrity of oversight mechanisms. In this regard, I stated that the New York State Commission on Judicial Conduct was corrupt and, based thereon, that I had a public interest lawsuit against it, then on appeal. You responded that you would be very interested in seeing the papers. My recollection was that this was even before I told you that I had been unable to find *amicus* assistance and organizational support and that my purpose in approaching you was to get your help in garnering such assistance, support, and media coverage – as only this could prevent the appeal from being “thrown”. In any event, I handed you an envelope containing a copy of the papers in my above-entitled appeal. Your response to my statement that ALL the work had already been done on the appeal was that you would have to make your own determination based on your review, that you like to put in your own papers, and that you would get back to me. Indeed, you *expressly* asked if my name and phone number were inside the envelope. It may have been only then that I identified myself and that I was co-founder and coordinator of the non-partisan, non-profit citizens’ organization Center for

Judicial Accountability, Inc. (CJA), and that we had spoken together on previous occasions.

One such previous occasion was back in March and April 1996, when I turned to you for help in connection with a prior lawsuit against the Commission, "thrown" by a fraudulent judicial decision. The envelope I handed you contained the relevant correspondence from this period (Exhibits "A-1" – "A-4")<sup>1</sup> – which my hand-written May 3<sup>rd</sup> covernote<sup>2</sup> summarized by stating, "The same problem that existed then, exists now. We can't find any lawyers to champion the public's rights against a corrupted State Commission on Judicial Conduct". My covernote concluded with a plea echoing one I had made to you five years earlier (Exhibit "A-3"): "Please help – or, at least, help us find courageous voices in the legal-public interest community that can help".

I heard nothing from you thereafter – notwithstanding your most *cursory* review of my appellate papers would have revealed to you the lawsuit's transcending importance, that it exposed systemic governmental and judicial corruption, reaching to the highest echelons of power, and that it had been "thrown" by a fraudulent decision [A-9-14], jettisoning ALL adjudicative standards and falsifying, fabricating, and distorting the record *in every material respect*. Indeed, the dismissal of my lawsuit was based, *exclusively*, on two lower court decisions in two other lawsuits against the Commission: *Doris L. Sassower v. Commission* – the lawsuit for which I had turned to you for assistance in 1996 (Exhibit "A-1") – and a 1999 lawsuit, *Michael Mantell v. Commission*. This, despite the fact that the record before the lower court in my proceeding contained proof that these two other lower court decisions [A-189-194; A-299-307] were each judicial frauds [A-52-53; A-321-334].

Moreover, from my January 10, April 18, and May 3, 2001 letters to the Commission's attorney, State Attorney General Eliot Spitzer, copies of which were also in the envelope I handed you, you could *readily* see that the corruption of the judicial process extended up the appellate ladder and that not only had the fraudulent lower court decision in *Mantell* been "affirmed" on appeal in a four-sentence decision, but such "affirmance" added something particularly pernicious, which was *not* part of the lower court decision therein – *to wit*, an ambiguous single-sentence, *unsupported* by legal authority or any facts, that Mr. Mantell lacked "standing". Nevertheless, you could see that the Attorney General was urging that the *Mantell* appellate decision be the basis for an affirmance of the lower court decision in my appeal and that he was engaging in a level of defense misconduct which, if committed by a private attorney, would be grounds for disbarment. This was crystal clear from my 66-page Critique of the Attorney General's Respondent's Brief,

---

<sup>1</sup> A copy of this correspondence is annexed, but without the exhibits to my March 20, 1996 letter, which were provided to you on May 3, 2001.

<sup>2</sup> A hand-copied duplicate of that covernote is annexed hereto as Exhibit "B".

demonstrating, by a virtual line-by-line analysis, that Respondent's Brief was fashioned on knowingly false and misleading factual claims and disregard of controlling law.

As the weeks passed, I heard nothing from you. On Friday, June 15th, a front-page item in the New York Law Journal reported Governor Pataki's reappointment of the very lower court judge who had "thrown" my lawsuit against the Commission, with the New York Senate Judiciary Committee confirmation hearing scheduled for the following week. I immediately telephoned your Harvard Law School office [617-495-4617]. It was then approximately 12:40 p.m. and I left an urgent voice mail message asking for your help in stopping the confirmation. Considering your "clout" and ability to get media coverage, you could have *easily* accomplished this by a written statement to the Senate Judiciary Committee, *publicly released*, as to the results of your review of the appellate papers I had handed you almost six weeks earlier.

On Tuesday, June 19<sup>th</sup>, (10:35 a.m.), in the absence of any return call, I again telephoned your Harvard Law School office. This time your secretary Peggy answered. She stated that she had given you my recorded message, but that you had told her that you couldn't do anything to help. In response to my question as to your opinion of the appellate papers, Peggy told me you had "no opinion". I exclaimed that it was impossible for you to have reviewed the papers and not had an opinion and that if that was so and if you couldn't do anything, including referring us to any other lawyers who could help with the lawsuit, you should set that forth in writing. I also told Peggy that I wanted the appellate papers back. As Peggy balked at this further request, I pointed out that five years earlier when I had unsuccessfully asked for your help in the prior lawsuit against the Commission, you had returned the litigation papers (Exhibits "A-2" and "A-4").

Again the weeks passed and I did not hear from you – or receive any letter. Nor did I receive the return of the appellate papers in my lawsuit against the Commission so that I could pass them on to others in the legal community who might be able to provide *amicus* assistance and other support or to journalists who might write a story about the case.

I thought Shabbat Shoftim, which fell on August 25<sup>th</sup>, would be an appropriate occasion for me to write you. However, I was too exhausted by the enormous effort in bringing an August 17th motion to strike the Attorney General's Respondent's Brief as a "fraud on the court", based on my 66-page Critique, whose accuracy the Attorney General had not denied or disputed. Such motion also presented an extensive fact-specific, document-supported presentation to disqualify the Appellate Division, First Department for interest, as well as bias, actual and apparent.

I also thought the 10 days of atonement between Rosh HaShana and Yom Kippur would be an appropriate time for me to send you a letter. Yet, this, too, was a busy, exhausting period for me in connection with my August 17<sup>th</sup> motion. All I managed was a phone call to your Harvard Law School office on September 25th (3:00 p.m.), the day before Yom Kippur, when I again spoke with

your secretary Peggy.

Thereafter, I hoped that your November 15<sup>th</sup> lecture on your Letters to a Young Lawyer at this same Barnes & Nobles would be an opportunity for me to speak with you directly. However, I continued to be swamped because of the Appellate Division's behind-the-scenes manipulations in connection with my August 17<sup>th</sup> motion, *fully-submitted a month earlier*, but nonetheless, *sua sponte* and *without* notice or opportunity to be heard, adjourned by it to November 21<sup>st</sup> -- the very day of oral argument of my appeal.

How fitting that in the week preceding Shabbat Yitro, after so many arduous exhausting years working, single-handedly, to reform the corrupted processes of judicial discipline, both state and federal, *without help from you*<sup>3</sup>, I should again have the opportunity to speak with you *face-to-face*. This, in the context of your lecture and book-signing on Shouting Fire: Civil Liberties in a Turbulent Age.

One doesn't have to be a "civil liberties advocate" or a "legal mastermind" -- as you are touted by the Barnes & Nobles' advertisement of your today's lecture in the January 21<sup>st</sup> New York Times -- to be revolted by the evidence presented by the materials in the envelope I handed you on May 3<sup>rd</sup>, establishing that the Commission, the sole state agency charged with enforcing judicial standards, had been the beneficiary of FOUR fraudulent judicial decisions, *without which it would not have survived*, and that New York's highest law enforcement officer, the State Attorney General, was polluting the appellate process with demonstrated lies and deceit.

How then to explain your "stand[ing] idly by" -- not even so much as providing me with a referral to any of the hundreds, if not thousands, of attorneys you know or who would be privileged to receive a phone call from you asking them to help vindicate the important public rights at stake on my appeal. How, too, is it possible that with the media constantly "beating a path to your door", you could not see fit to "tip off" a single journalist about this monumental case, having the potential to bring about major reform and which, on top of everything else, is being championed by a *non-lawyer* -- because no one in the legal community will touch the "powder keg" of

---

<sup>3</sup> As to my attempt to obtain your assistance in addressing the corruption of the federal judicial disciplinary mechanism, provided by 28 USC §372(c), I enclose a copy of my April 15, 1996 letter to you (Exhibit "C") -- written on the very same day your secretary was reiterating that you could provide no assistance in addressing the corruption of the New York State Commission on Judicial Conduct (Exhibit "A-4").

The dire situation existing on the federal level -- including at the House Judiciary Committee -- is reflected by my published article, "*Without Merit: The Empty Promise of Judicial Discipline*" (The Long Term View, (Massachusetts School of Law), Vol. 4, No. 1, summer 1997) -- a copy of which I believe was enclosed in CJA's informational brochure that was in the envelope I handed you on May 3<sup>rd</sup>. In the event I am mistaken, a copy is annexed hereto (Exhibit "D").

systemic corruption it exposes.

I believe the *only* explanation for your otherwise inexplicable conduct, so contrary to everything you publicly stand for, is that you are compromised by a plethora of personal and professional relationships with those responsible for corrupting and perpetuating the corruption of the New York State Commission on Judicial Conduct. Indeed, as I was doing year-end cleaning, I came upon a New York Post article from December 26, 1998 (Exhibit "E"), "*Nameless Nut Slimes Dershowitz*", reflecting that your sister-in-law had been the beneficiary of an appointment as special referee by then Administrative Judge Stephen Crane. Certainly, you did not have to read more than a couple of pages of my Appellant's Brief to know that this same Administrative Judge Crane committed serious misconduct in my lawsuit against the Commission – for which I asserted that the Appellate Division's duty, at minimum, was to take steps to secure his demotion from his administrative position – if not removal from the bench (Appellant's Brief, pp. 3-4).

If, in fact, there is an explanation for your conduct other than your undisclosed conflicts of interest, I ask that you set it forth so that I do not judge you harshly -- or otherwise "slime" your reputation as a fearless advocate for justice, the "rule of law", and ethical mandates of professional responsibility. I also reiterate my request for your HELP in obtaining *amicus* assistance, organizational support, and media coverage – this time, as I endeavor to secure review by the New York Court of Appeals of the Appellate Division's fraudulent seven-sentence "affirmance" decision, rendered on December 18, 2001. So that you can see for yourself what an unspeakable corruption this decision is by five appellate judges sworn to uphold the "rule of law", whose combined salary costs New York taxpayers nearly three quarters of a million dollars yearly, I enclose a copy of my January 17, 2002 reargument motion.

Within the next three weeks, I will have to make a motion for leave to appeal to the Court of Appeals -- for which I need HELP. Even more, I need HELP in determining whether there are substantial constitutional questions directly involved in the December 18<sup>th</sup> decision, entitling me to an appeal of right to the Court of Appeals.

It seems to me that there has got to be a substantial constitutional question when courts flagrantly trash "the rule of law" and corrupt the constitutional promise of justice and due process. What about my constitutional right to a fair and impartial tribunal? – for which my fact-specific, law-supported August 17<sup>th</sup> motion documented, *without controversion*, my entitlement to the Appellate Division's disqualification, including for interest. The last sentence of the seven-sentence decision purports to deny that threshold motion, *without* reasons or findings – misidentifying it, as well<sup>4</sup>.

---

<sup>4</sup> So that you can see this for yourself – as well as the fact that such motion could *not* be summarily denied, *without reasons or findings*, a copy of the notice of motion and moving affidavit are enclosed, along with my August 17<sup>th</sup> Reply Brief, expressly (at p. 5) incorporating the motion. Upon request, I would be pleased to provide you with a copy of the substantiating exhibits to the motion, a copy of the Attorney General's frivolous and

The December 18<sup>th</sup> appellate decision is rife with constitutional violations, including its imprimatur on the lower court's *sua sponte* and *without* due process filing injunction against me and the NON-PARTY Center for Judicial Accountability, Inc. – for which there exists not the slightest evidence in justification (Appellant's Brief pp. 61-68)<sup>5</sup>. Such injunction is but an illegitimate exercise of "inherent power", whose ulterior purpose, like the Appellate Division's pretense that I lack standing to sue the Commission [which was NOT a basis for the lower court's dismissal of my Verified Petition], is to insulate the Commission from the meritorious six Claims for Relief presented by my Verified Article 78 Petition [A-37-46] – which it plainly cannot otherwise survive.

Isn't there a constitutional right to petition for redress of grievances? How can the Commission, whose purpose is to protect the public, be placed beyond legal challenge and be permitted to operate in flagrant violation of statutory and constitutional requirements – including the interpretation of Judiciary Law §44.1 by the Court of Appeals in *Matter of Nicholson*, 50 NY2d 597, 610-611:

“... the commission MUST investigate following receipt of a complaint, unless that complaint is determined to be facially inadequate (Judiciary Law 44, subd 1)” (emphasis added).

I await your timely response – whether or not it coincides with a Shabbat whose parasha involves the importance of justice, secured by fair and honest judges<sup>6</sup>.

Yours for a quality judiciary,

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

---

fraudulent August 30<sup>th</sup> opposition and my October 15<sup>th</sup> reply affidavit – and any other parts of the record you desire to see.

<sup>5</sup> As pointed out at page 52 of my Appellant's Brief, a decision "totally devoid of evidentiary support" is "unconstitutional under the Due Process Clause" of the United States Constitution. *Garner v. State of Louisiana*, 368 US 157, 163 (1961); *Thompson v. City of Louisville*, 262 U.S. 199 (1960).

<sup>6</sup> As no one in the legal community has seen fit to utter the slightest appreciation, let alone praise, for my *pro bono publico* legal efforts – as to which I have NO formal legal training – and in the absence of other credentials to support my request for your assistance, except the "merit" that falls to one whose lawyer-parents "paid the price" for being judicial whistleblowers, I take the opportunity to put forward, on my own behalf, the stellar praise I have received for leading the Shabbat morning Family Service at Anshe Chesed Synagogue (Exhibit "F"). This, from Bible Professor Ed Greenstein, formerly of the Jewish Theological Seminary and now on the faculty of Hebrew University in Jerusalem. It is more than 13 years that I have continued to lead this Shabbat service – including with D'vei Torah.

**Enclosures**

- (1) Petitioner-Appellant's January 17, 2002 reargument motion
- (2) Petitioner-Appellant's August 17, 2001 notice of motion and supporting affidavit  
(w/o exhibits)
- (3) Petitioner-Appellant's August 17, 2001 Reply Brief