

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY PRIORITY MAIL

CERTIFIED/RRR: Z-509-073-743

March 7, 2000

Patricia Salkin, Associate Dean and Director
Government Law Center
Albany Law School
80 New Scotland Avenue
Albany, New York 12208

RE: (1) Your non-response to CJA's correspondence; and
(2) Your ethical and professional duty to ensure that the file of the Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551), is presented to *unconflicted* proponents of government ethics at bar associations, law schools, etc.

Dear Professor Salkin:

It is now nearly a month since I left a telephone message for you with the Government Law Center and faxed you a February 9, 2000 letter, specifically requesting that you

“advise, ASAP, whether – and to what extent – CJA can count on you, the Government Law Center, Albany Law School, and the large constellation of law schools, bar association committees, etc. with which you are involved to vindicate the rule of law and public interest in this important [above-entitled Article 78 proceeding]”

CJA has received *no* response to that letter – a “hard copy” of which is enclosed for your convenience, together with the documents it transmitted: Justice Wetzel's January 31, 2000 decision¹ and CJA's February 7, 2000 notice to the Attorney General and Commission on Judicial Conduct of their ethical and professional duty

¹ The decision (#12) is clipped to a revised Inventory of the Article 78 file which now includes my December 2, 1999 letter to Administrative Judge Crane (#9) – a copy of which is also clipped to the Inventory.

to take corrective steps in face of such *verifiably* fraudulent judicial decision.

Also enclosed are CJA's subsequent correspondence to public officers and agencies, charged with the duty to protect the public from the kind of systemic governmental corruption which the Article 78 file *documentarily establishes*:

- (1) CJA's February 23, 2000 letter to Governor George Pataki, calling upon him (at pp. 33-35) to put aside his conflicts of interest and appoint a Special Prosecutor or an investigative commission to investigate the corruption of the Commission on Judicial Conduct and the active complicity of the New York Attorney General and state judges in subverting the judicial process to defeat Article 78 challenges to the Commission's corruption²³;
- (2) CJA's February 25, 2000 memorandum to the proposed intervenors in the Article 78 proceeding: the New York Attorney General, the Manhattan District Attorney, the U.S. Attorney for the Southern District of New York, and the New York State Ethics Commission, calling upon them to address the threshold conflict-of-interest issues presented by CJA's previously-filed ethics and criminal complaints so as to investigate those *uninvestigated* complaints and intervene to vacate Justice Wetzel's fraudulent judicial decision;
- (3) CJA's March 3, 2000 letter to Chief Judge Judith Kaye, calling upon her (at pp. 7-9) to put aside her conflicts of interest and appoint a "Special Inspector General" to investigate the Commission on Judicial Conduct's corruption and the active complicity of the Attorney General and state judges in subverting the judicial process to defeat Article 78 challenges to the Commission's corruption;
- (4) CJA's March 3, 2000 letter to the Commission on Judicial Conduct, constituting a judicial misconduct complaint against Justice Wetzel and Administrative Judge Crane for official misconduct of which the Commission is the *direct* beneficiary, and calling upon it (at pp. 3-4), by reason of its conflict of interest, to take steps to ensure that the complaint is independently determined;

All of this correspondence highlights conflicts of interest preventing independent evaluation and investigation. In that connection, CJA's January 24, 2000 letter to you, which identified (at p.3) the conflicts of interest afflicting the proposed intervenors to whom we had also filed ethics and criminal complaints, asked (at fn.

² An analysis of Justice Wetzel's fraudulent decision appears at page 25-29, prefaced by an analysis of Administrative Judge Crane's complicity therein at pages 6-14.

3) whether you had – or could obtain for us -- information about the “applicable procedures for resolving conflicts of interest” at the offices of the Manhattan District Attorney and U.S. Attorney for the Southern District of New York – both these offices having ignored our requests for such information.

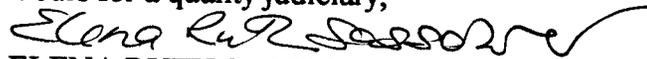
As yet, we have received *no* response from you to that very *simple* request – much as we have received *no* response from you to the other requests presented by our January 24, 2000 letter relative to your ethical and professional duty in connection with the transmitted copy of the Article 78 file. Indeed, notwithstanding the Article 78 file resoundingly establishes the *untruth of the hearsay on which you relied* in proclaiming Attorney General Spitzer’s ethics commitment and support for his “public integrity unit”, it would appear you have taken *no* corrective steps to secure the retraction of your laudatory comment in the Attorney General’s January 6, 2000 self-promoting press release, “*Legal Experts Praise Spitzer’s First Year*”. As of today’s date, the same press release is still on Attorney General’s Spitzer’s website, misleading the press and the public.

Please advise as to whether your inaction is due to your own conflicts of interest, born of your personal and professional relationships, *inter alia*, with the contributors to your recently-published book, Ethical Standards in the Public Sector, among them, Richard Rifkin, former Executive Director of the Ethics Commission and now Mr. Spitzer’s Deputy Attorney General for State Counsel

Please also advise as to how you intend to obviate such conflicts of interest and whether, as requested by CJA’s January 24th letter (p. 4), you have presented the *primary source* Article 78 file “to others, like yourself, involved with ethics and government issues at academic institutions, at bar associations, and in other venues *for their immediate attention and emergency action.*”

Based on the Article 78 file, these proponents of ethical conduct in government should waste no time in coming forward to *publicly* support CJA’s requests for a special prosecutor, investigative commission, “Special Inspector General” – or, at very least, referral to the Public Integrity Unit of the U.S. Justice Department’s Criminal Division – which we herein formally request them to do *forthwith*.

Yours for a quality judiciary,


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

Enclosures

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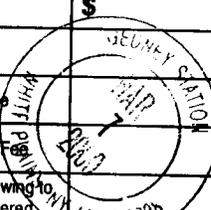
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Associate Dean & Director
Government Law Center
Albany Law School
80 New Scotland Avenue
Albany, NY 12208

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