

Privileged and Confidential

January 28, 1991

Michael Tabak, Esq.
United States Attorney's Office
150 Grand Street
White Plains, New York 10601

ATT: Lisa Margaret Smith, Esq.
Assistant U.S. Attorney

RE: Castracan v. Colavita

Dear Ms. Smith:

I am enclosing a copy of Petitioners' Reply Brief, filed last Friday in the above matter, which I believe should be part of your review and investigation relative to political influence in this County. I draw your attention, specifically, to portions relating to Mr. Colavita's violation of Election Law Sec. 6-126(1) at the Republican Judicial Nominating Convention in 1990 so as to ensure that there would be no deviation by the Delegates which could affect the judge-trading deal made between him and his Democratic counterpart.

You should also note that, notwithstanding the aforementioned violation which appears on the face of the Certificate of Nomination, the New York State Board of Elections--inexplicably and in violation of the Election Law, ruled the Certificate valid.

Indeed, the New York State Board of Election likewise failed to investigate or take any action upon a citizen's complaint made in 1989 regarding this, as well as other, violations at the 1989 Judicial Nominating Conventions of both the Democratic and Republican Party. Petitioners' Reply Brief (pp. 12-13) and annexed Appendix ("A-3") detail not only the scandalous inaction of the New York State Board of Elections, but the impropriety in the unexplained possession of confidential records of the New York State Board of Elections in the hands of the Westchester Republican County Committee. As pointed out, the Enforcement Officer of the Board of Elections, Patricia Martinelli, Esq., may be related to the former Police Chief of Eastchester, which is the town where Mr. Colavita's private law offices are based.

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Also enclosed are materials forwarded to the Advisory Committee on Judicial Ethics for their consideration in rendering an ethical opinion on the request made by Judges Emanuelli, Scancarelli and Pirro relative to their participation in a \$175-a-plate Republican fundraiser. As set forth in my previous letter to your office, dated January 10, 1990, Messrs. Colavita and Parisi have stated that the proceeds of such fundraiser were to be used as a defense fund against "a lawsuit brought by a citizens group challenging the legality of the cross-endorsements of judges", i.e., Castracan v. Colavita.

May I draw your attention, in particular, to the compendium annexed to that letter, especially Exhibits "4" and "5" relative to the "arm-twisting" by Messrs. Colavita and Parisi last August to prevent Justice Emanuelli from reneging on his contracted-for resignation from the Supreme Court.

Very truly yours,



DORIS L. SASSOWER
Pro Bono Counsel
Ninth Judicial Committee

P.S. Please feel free to keep the enclosed January 16, 1991 letter to the Advisory Committee and its annexed compendium. We would, however, appreciate the return of Petitioners' Reply Brief. The enclosed copy is unbound to facilitate your reproduction of same.

DLS/er
Enclosures