

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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**BY HAND**

March 15, 2000

Judge Bertram R. Gelfand  
123 Main Street, Suite 1700  
White Plains, New York 10601-3100

RE: Your March 7, 2000 letter

Dear Judge Gelfand:

In view of your powerful testimony against the New York State Commission on Judicial Conduct at the May 14, 1997 hearing at the Association of the Bar of the City of New York<sup>1</sup>, including your recommendation for a "special prosecutor" to

"examine the past conduct of the Commission and review the extent to which its vast powers have been used for purposes which if not in fact criminal, have fostered, protected, and promoted corruption" (at p. 7),

I am curious as to why you have not taken "the golden opportunity" presented by CJA's February 23, 2000 letter to Governor Pataki (at pp. 33-35), requesting appointment of a special prosecutor or investigative commission, and CJA's March 3, 2000 letter to Chief Judge Judith Kaye (at p. 2), requesting appointment of a "Special Inspector General", to *publicly add your endorsement*. This would have included offering the Governor and Chief Judge the "vast amount of material" in your possession supporting "beyond a reasonable doubt" your May 14, 1997 testimony (at p. 10) so as to reinforce the necessity of their establishing an independent investigative body.

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<sup>1</sup> To ensure that you still had your May 14, 1997 written statement, I brought a copy to you when I first visited your law office on February 10<sup>th</sup>. Thereafter, I provided you with a second copy - annexed as Exhibit "D" to CJA's February 23, 2000 letter to the Governor, which I hand-delivered to your office on February 24<sup>th</sup>, under a coverletter of that date.

I am also curious as to why – in view of your statement that you “cannot devote any further time to [CJA’s] efforts” – you have NOT requested me to pick up the copy of 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), which I delivered to your office for review. Assuredly, you recognize that the “vast volume of material”, constituting the file, is expensive and time-consuming for our unfunded citizens’ organization to reproduce and assemble – and that CJA would want to make it available to others in leadership positions, willing to champion the public’s rights against a demonstrably corrupt Commission.

Since your March 7<sup>th</sup> letter makes it appear that you have no use for the file, whose evidentiary value you are unwilling to even acknowledge, please advise me as to when I can pick it up. Please also advise whether you would be willing to provide CJA with some of the “vast amount of material” in your possession – which you told me you had unavailingly offered to the City Bar, as well as to the New York Legislature, to support your allegations of the Commission’s corruption<sup>2</sup>. CJA would be grateful for the opportunity to incorporate such material to further support its public interest advocacy for an independent body to investigate the Commission – a goal you share.

Finally, in view of the fact that your letter does not identify the “little” you have read, either of the file in *Elena Ruth Sassower v. Commission* or subsequent correspondence, I am at a complete loss to understand what you are referring to by your “only suggestion” that I be more “succinct and focused”. Indeed, being “more succinct” runs counter to your immediately-following advice that in order to be “taken seriously”, I must support my “serious allegations” with evidence so as to distinguish between “what [I] may feel I know, and what [I] can prove”. Even cursory review of the Article 78 file, as likewise of CJA’s correspondence to the Governor and Chief Judge, shows that I have made that distinction and that the “vast volume” of both the file and correspondence is the direct result of the meticulous evidentiary proof that is integral to my presentations.

While I appreciate that it was in the spirit of providing “constructive assistance” that your March 7<sup>th</sup> letter offered its “only suggestion”, I would appreciate it even more if you would identify the “little” you have read so that I might know what it is you’re referring to and if you would also specify some of the “serious allegations”

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<sup>2</sup> CJA would also appreciate a copy of the statement you told me you had presented to the Legislature.

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for which you contend that I have provided "no evidence except what [I] surmise to be the inner workings of people's minds". Frankly, I am unaware of a single "serious allegation" for which I have provided "no evidence". Indeed, the file of *Elena Ruth Sassower v. Commission* not only shows that I have provided mountains of evidence, but that it is all undenied and undisputed. This includes my fact-specific, law-supported analyses of Justice Cahn's decision in *Doris L. Sassower v. Commission* (NY Co. #95-109141) and Justice Lehner's decision in *Mantell v. Commission* (NY Co. #99-108655), detailing the respects in which they are "fraudulent"<sup>3</sup>.

Needless to say, the most "constructive assistance" you could offer would be your assessment of those two analyses and, even more importantly, your assessment of the analysis of Justice Wetzel's January 31, 2000 decision in *Elena Ruth Sassower v. Commission*, set forth at pages 15-29 of CJA's February 23, 2000 letter to the Governor. Not only are these analyses a logical "starting point" for someone, like yourself, having an "interest[] in what is transpiring with reference to the State Commission on Judicial Conduct", but they are the basis for CJA's requests for an independent investigative body.

I await your response to the foregoing – as well as your response to my belief that an important undisclosed fact is manifested by your March 7<sup>th</sup> letter, *to wit*, that your commitment to exposing the Commission's corruption is sharply compromised by a network of personal and professional relationships. These include your relationships with judges who would be adversely affected by your independent evaluation of the *Elena Ruth Sassower v. Commission* Article 78 file, and on whom you currently rely for court assignments.

Thanking you in advance,

Yours for a quality judiciary,



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

<sup>3</sup> The 3-page analysis of Justice Cahn's decision is annexed as part of Exhibit "A" to the Verified Petition, whose sworn allegations about the decision and analysis are set forth at ¶¶ NINTH - FOURTEENTH. The 13-page analysis of Justice Lehner's decision is annexed to my December 9, 1999 letter to Justice Wetzel as Exhibit "D".