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TO: Governor George Pataki
New York State Commission on Judicial Conduct
New York State Attorney General
New York State Assembly Judiciary Committee
New York State Senate Judiciary Committee
New York State Ethics Commission
Manhattan District Attorney Robert Morgenthau
U.S. Attorney for the Southern District of New York
Mayor Rudolph Giuliani
Manhattan Borough President Ruth Messinger
Association of the Bar of the City of New York
New York State Bar Association
"Committee to Preserve the Independence of the Judiciary"
c/o New York County Lawyers' Association
Fund for Modern Courts

FROM: Elena Ruth Sassower, CJA Coordinator

RE: File of Article 78 proceeding,
Doris L. Sassower v. Commission on Judicial Conduct
N.Y. Co. Clerk # 95-109141

DATE: May 5, 1997

On May 14, 1997, the Special Committee on Judicial Conduct of the Association of the Bar of the City of New York will be holding a public hearing, specifically inquiring into the New York State Commission on Judicial Conduct.

CJA will be presenting testimony that the Commission on Judicial Conduct is corrupt: that it unlawfully dismisses, *without* investigation, facially-meritorious, documented complaints of judicial misconduct -- including complaints of criminal conduct by high-ranking, politically-connected judges -- and that it is the beneficiary of a fraudulent state court decision, without which it could *not* have survived our Article 78 challenge, *Sassower v. Commission*, in which it was sued for corruption.

These assertions are not new to any of you -- public officials and agencies responsible for the public welfare or with specific oversight over the Commission on Judicial Conduct and eminent bar associations and professional and civic groups rhetorically supportive of the Commission. During the past two years, CJA has repeatedly and very publicly articulated them. This includes in a Letter to the Editor, "*Commission Abandons Investigative Mandate*", in the August 14, 1995 New York Law Journal, and in a \$1,650 paid ad, "*A Call for Concerted Action*" in the November 20, 1996 Law Journal (Exhibits "A-1" and "A-2").

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The proof of these assertions -- that the Commission is corrupt and that it has corrupted the judicial process -- is *readily-verifiable* from the file of the Article 78 proceeding. This fact was publicly-proclaimed in both those published pieces, each of which gave the New York County Clerk index number of the file.

However, you did not have to rely on easy-access to the County Clerk file since CJA duplicated its own litigation file and provided each of you with a copy. Each, except the New York State Attorney General, who having represented the Commission in the Article 78 proceeding, has his own litigation file -- which, obviously, the Commission has available to it.

Other than the New York State Senate Judiciary Committee, which unceremoniously returned to us the copy of the file we gave it, the copies we provided each of you are, presumably, still in your possession, together with our correspondence relative thereto -- some of which is quite, quite voluminous. This correspondence included an analysis, buttressed by file references, showing that the court decision dismissing the Article 78 proceeding is a fraud, being legally insupportable and factually fabricated. A copy of that analysis, as set forth at pages 1-3 of CJA's December 15, 1995 letter to the New York State Assembly Judiciary Committee, is annexed (Exhibit "B").

Your standard response to that analysis and the transmitted file has been no response and complete inaction. As highlighted by our November 20, 1996 Law Journal ad, we have yet to "find anyone in a leadership position willing to even comment on the Commission file".

Since such file establishes that the Commission is corrupt and has corrupted the judicial process, your failure to take corrective steps, when specifically called upon to do so, constitutes knowing complicity in corruption and gross violation of your professional and ethical responsibilities to the public.

By this letter, we call upon you to defend -- if you can -- the record of your wilful inaction, as established by our correspondence with you, which we intend to fully present at the hearing. We specifically invite your testimony about CJA's challenge to the Commission's self-promulgated rule, 22 NYCRR §7000.3, *as written and as applied*, and your rebuttal to our analysis that the court's dismissal decision is a fraud.

Needless to say, you have an on-going professional and ethical responsibility to take steps to protect the public from the extraordinary governmental corruption and cover-up that is revealed by the file and correspondence.



Elena Ruth Sassower, CJA Coordinator