

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
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 518-486-9652 (3 pages)

BY CERTIFIED MAIL/RR: 7001-0360-0002-6822-1916

January 16, 2003

Governor George Pataki
Executive Chamber, The Capitol
Albany, New York 12247

ATT: James McGuire, Counsel

RE: Information and F.O.I.L. Request Pertaining to Susan P.
Read's Tenure as Governor Pataki's Deputy Counsel
"1995-1997"

Dear Mr. McGuire:

According to the 10-line "summary" of the career of Susan P. Read, attached to the Commission on Judicial Nomination's December 2, 2002 report of "well qualified" nominees for appointment to the New York Court of Appeals, she was the Governor's Deputy Counsel from "1995-1997". No precise dates are given and there is no information as to her duties as Deputy Counsel. Request is therefore made for this *basic* information – which, if you do not know of your own personal knowledge, is readily available to you.

Presumably, documents exist constituting a "job description" for Deputy Counsel, containing precise dates for Ms. Read's tenure, and representing her work product. Consequently, please also consider this a request under the Freedom of Information Law [Public Officers Law, Article VI] to inspect and copy same. Pursuant to F.O.I.L [Public Officers Law §89.3], your response is required within five (5) business days of receipt.

Please also confirm that during 1995-1997, there was but a single position of Deputy Counsel – which was between the single position of Governor's Counsel and the single position of Governor's First Assistant Counsel – the latter two positions being filled by Michael Finnegan and yourself, respectively¹.

¹ Upon information and belief, Mr. Finnegan was Counsel until October 1, 1997 and you assumed the Counsel position that same month (News Update, New York Law Journal, 8/15/97; "Pataki's Chief Deal Maker Departs", New York Times, 10/2/97; "Governor's Counsel in Synch with His Boss", New York Law Journal, 4/6/98).

Unless we hear from you to the contrary, we will assume that Ms. Read, as Deputy Counsel, was privy to CJA's extensive correspondence with Mr. Finnegan and yourself in 1996 and, depending on the concluding date of her tenure, in 1997 as well. This would include CJA's hand-delivered May 6, 1996 letter to you, transmitting a copy of the file of the lawsuit, *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (S.Ct/NY Co. #109141/95) and petitions signed by 1,500 New Yorkers, calling upon the Governor to appoint "a State Commission to investigate and hold public hearings on judicial corruption and the political manipulation of judgeships in the State of New York". I believe also transmitted with that litigation file was a copy of CJA's December 15, 1995 letter to the Assembly Judiciary Committee – the first three pages of which were a critique of the fraudulent July 13, 1995 judicial decision "throwing" the case.

Ironically, CJA's first letter to you upon your becoming Counsel was a December 23, 1997 letter, with a RE: clause asserting "The Public's Right to *Basic* Information about the Governor's Judicial Selection Process..." Its first page expressly asked, in bold type, "please advise as to what became of our litigation file against the Commission on Judicial Conduct and of the petitions signed by 1,500 New Yorkers." You never responded to such straightforward inquiry -- nor to the balance of that incriminating letter. Nor did you respond to any of CJA's subsequent, similarly incriminating, correspondence. This includes CJA's March 26, 1999 ethics complaint against Governor Pataki, filed with the New York State Ethics Commission, a copy of which we sent you². Such complaint, encompassing the period in which Ms. Read was Deputy Counsel, particularized the Governor's manipulation of the judicial selection process, including by "rigged" ratings, his complicity in the Commission on Judicial Conduct's corruption, and his subversion of the Ethics Commission – the state agency with disciplinary jurisdiction over him.

Unless you contend that Ms. Read, as Mr. Finnegan's second-in-command and your direct superior, was kept "in the dark" as to CJA's 1996-7 correspondence with Mr. Finnegan and yourself on these issues and that there was no discussion in the Counsel's office following publication of CJA's letter to the editor, "*On Choosing Judges, Pataki Creates Problems*" (New York Times, 11/16/96), and public interest ads, "*A Call for Concerted Action*" (New York Law Journal, 11/20/96, p. 3), and "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (New York Law Journal, 8/27/97, pp. 3-4), she is chargeable with complicity in the official misconduct in the relevant time frame outlined by the March 26, 1999 ethics

² A copy of the certified mail/return receipt to you, as well as of the March 26, 1999 ethics complaint itself, is Exhibit "A-2" to CJA's October 16, 2000 report on the Commission on Judicial Nomination's corruption of "merit selection". Your receipt of that important report was confirmed by your secretary – as reflected by CJA's October 24, 2000 letter to you.

complaint.

As you know, such complaint, as likewise CJA's September 7, 1999 criminal complaint against the Governor based thereon, filed with the U.S. Attorney for the Eastern District of New York, have never been dismissed. Rather, these fact-specific, meticulously documented complaints remain pending, *uninvestigated*, because those disciplinary and criminal authorities, as others to whom CJA has turned, have collusively failed and refused to respect *fundamental* conflict of interest rules by referring them to outside bodies, such as the Public Integrity Section of the U.S. Justice Department's Criminal Division³.

Had such complaints been investigated, Ms. Read would have had NO chance of being elevated to the New York Court of Appeals – and may well have had to resign the Court of Claims judgeship, bestowed upon her by the Governor, based on her facilitating role in a relevant portion of the complained-of unethical and criminal acts.

We await your response.

Yours for a quality judiciary,



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

³ Among the myriad of conflicts which have served to insulate the Governor from investigation is his appointment of Paul Shechtman, his former Director of Criminal Justice and member of his so-called "Temporary" Judicial Screening Committee, to the Chairmanship of both his State Judicial Screening Committee and the State Ethics Commission. Indeed, CJA's March 26, 1999 ethics complaint against the Governor is conjoined with one against Mr. Shechtman (pp. 14-20).

CNA's 1/16/03 ldr to
James McGuire
see A-
herein

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1. Article Addressed to:

General Joe Rotoli
ATT: James McGuire
Counsel
Executive Chamber
The Capitol
Albany, NY 12247

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