

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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September 8, 2006

Wayne Barrett
Senior Editor, The Village Voice
Adjunct Professor, Columbia University Graduate School of Journalism

RE: ELECTIONS 2006: Investigative Reporting of the *Readily-Verifiable* Evidence of Systemic Governmental Corruption Directly Germane to the Races for New York Attorney General, Governor, and U.S. Senator from New York – With Questions for the Candidates

Dear Mr. Barrett:

This follows up our *face-to-face* conversation on September 6th immediately after the debate between the candidates for the Democratic nomination for attorney general, sponsored by the New York Law Journal and Association of the Bar of the City of New York.

You had just heard the three candidates recite their standard rhetoric, *without challenge* from the Law Journal, the City Bar, or each other: praise for Attorney General Spitzer and the “professionalism” of his office and pledges that, if elected, they would make going after governmental corruption and the dysfunction in Albany among their top priorities. I, therefore, urged you to give investigative coverage to issues of systemic governmental corruption involving the attorney general’s office – impacting on that electoral race and on the races for governor and U.S. senator. Your response was not to ask me for details. Rather, you stated that The Village Voice had already given coverage by Kristen Lombardi’s article about me (“*The Scourge of Her Conviction*”, February 2-8, 2005). When I protested that such article was an indefensible cover-up and asked you whether you hadn’t read my Letter to the Editor about it, you replied either that you hadn’t read it or that you couldn’t recall whether you had read it, or both.

Consequently, I enclose a copy of that Letter to the Editor, published by The Voice under the title “*Activists, judges*” (February 16-22, 2005), and take this opportunity to highlight its second sentence:

“Such a story [by Ms. Lombardi] shamelessly covers up the corruption of federal judicial selection involving a Who’s Who of the high and mighty in New York and Washington. It hardly befits a newspaper that holds itself out as maintaining a

tradition of 'no holds-barred reporting and criticism.'”

The Letter goes on to refer to a politically-explosive public interest lawsuit involving the corruption of the New York State Commission on Judicial Conduct and “merit selection” to the New York Court of Appeals. This is the SAME lawsuit as is particularized by CJA’s electorally-decisive June 20, 2006 memo-letter to the candidates for attorney general, a full copy of which I gave you, *in hand*, when we spoke. I also gave you a copy of CJA’s follow-up September 1, 2006 memo to these same attorney general candidates, putting them on notice of our request to the Law Journal and City Bar that they question the candidates at the debate as to why each of them had not responded to that important June 20, 2006 memo-letter with its particularized description of the lawsuit record.

As detailed by this correspondence, which you initially refused to take from me – and as summarized by CJA’s August 25, 2006 memo to New York media, faxed and e-mailed to you and your Village Voice colleagues the week before¹ – the lawsuit record documentarily establishes systemic governmental corruption involving Attorney General Spitzer personally, his predecessor attorneys general personally, as well as the hoax of Mr. Spitzer’s touted public integrity unit.

A summary of that public interest lawsuit, which we had brought against the Commission on Judicial Conduct and taken up to the New York Court of Appeals, is embodied in CJA’s March 26, 2003 written statement of opposition to the confirmation of New York Court of Appeals Judge Richard Wesley to the Second Circuit Court of Appeals². My published Letter to the Editor highlights that Senator Clinton was duty-bound to have made findings of fact and conclusions of law with respect to that written statement, but that Ms. Lombardi’s article had concealed this duty and left unanswered the question as to what Senator Clinton’s findings of fact and conclusions of law were. Nor had The Voice come forward with its own findings of fact and conclusions of law, as it could easily have done based on the documents from the lawsuit record which I had provided and reviewed with Ms. Lombardi and which were otherwise available from CJA’s website, www.judgewatch.org.

The Voice’s current article about attorney-general candidate Cuomo – which you authored and about which the media has been giving substantial publicity – examines the record of a lawsuit which Mr. Cuomo approved when he was H.U.D. Secretary. Such makes The Voice’s examination of the record of CJA’s public interest lawsuit against the Commission all the more compelled. Not only are the material facts of the Commission lawsuit clear, unambiguous, and *independently-verifiable* within a few hours, but the payoff is political dynamite. In one fell swoop, The Voice could upend all three statewide races: for governor, attorney general, and U.S. Senator – and propel MAJOR reform of so much of the judicial and political corruption which Voice articles routinely purport to

¹ That memo is prominently posted on CJA’s website, www.judgewatch.org, accessible via the sidebar panel “Elections 2006: Informing the Voters”. A copy is nonetheless enclosed, for your convenience.

² The March 26, 2003 written statement – the most important document on the “paper trail”, referred to by my published Letter to the Editor – is accessible via the sidebar panel, ““Disruption of Congress’ – Paper Trail to Jail”.

expose, with NO discernible results to show for it.

Since you are an adjunct professor at Columbia University's Graduate School of Journalism, presumably teaching investigative reporting focused on government and politics issues and obtaining student interns on that premise, and since The Voice's incoming Editor-in-Chief, David Blum, is also an adjunct professor there, I am sending a copy of this letter to Columbia University's Graduate School of Journalism for purposes of directly soliciting its journalism students, particularly those who already hold law degrees or who are simultaneously taking degrees at Columbia University Law School. It would be a sorry reflection on the future of journalism if among students seeking to develop skills in political and legal reporting there were none eager to review the *readily-verifiable* record of CJA's public interest lawsuit against the Commission, as summarized by CJA's March 26, 2003 written statement, and to report their findings of fact and conclusions of law, including for the struggling web-based Columbia Journalism Review Daily, which purports to provide "an on-going critique of political journalism". Indeed, such electorally-powerful investigative project would also be perfect for students of the journalism school's newly-formed Stabile Center for Investigative Journalism, whose curriculum includes developing in students "a sharp instinct for recognizing corruption, conflict of interest, and hypocrisy".

Finally, if it is NOT your intention, as a senior editor at The Voice, to undertake the proposed *easily-accomplished* investigative reporting of the systemic governmental corruption issues particularized by CJA's June 20, 2006 memo-letter to the attorney general candidates and highlighted by my published Letter to the Editor – including by obtaining answers from the attorney general candidates to the specific, targeted questions about the record of CJA's lawsuit against the Commission posed by our September 1, 2006 memo to them, as well as obtaining Senator Clinton's answer to the question as to what were her findings of fact and conclusions of law with respect to CJA's March 26, 2003 written statement, please at least disclose the conflicts of interests that are impeding such electorally-relevant coverage. This would also include disclosure as to why, throughout the many years I have solicited your investigative reporting of the systemic governmental corruption stories embodied by the Commission lawsuit – each one of them political dynamite and for which I consistently provided and proffered to you the *readily-verifiable* documentary proof – you ignored all my written and telephonic entreaties, without the slightest explanation.³

I look forward to your expeditious response – one consistent with so much of your prior and recent investigative reporting, including "*Fees and Thank You*" (July 18, 2006) and "*Andrews Amnesia*" (August 1, 2006) – which Daily News Political Editor Ben Smith undoubtedly read before asking Attorney General Spitzer "which side are you on?". The media-unreported continuation of Mr. Spitzer's much-publicized retort "ridiculous question" – was:

³ My many years worth of written communications to you and your interns, as well as with other Village Voice reporters – Kristen Lombardi among them – are posted on CJA's website, accessible *via* the sidebar panel, "Press Suppression – The Village Voice".

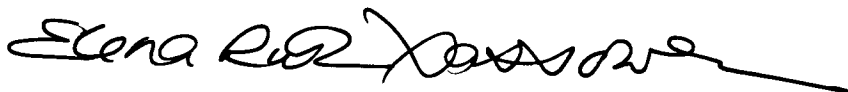
“Let it be perfectly clear, I created a public integrity unit that has done more at the Attorney General’s office, has used its jurisdiction more creatively, more aggressively, than ever in history....There has been nobody tougher, more aggressive, more determined to root out government fraud and corruption than this Attorney General’s office...”.

As the record of CJA’s lawsuit against the Commission establishes, such is a flagrant deceit – to which the candidates for attorney general, governor, and U.S. Senator are all complicitous.

Please promptly advise as to your intentions so that I may be guided accordingly.

Thank you.

Yours for a quality judiciary,
meaningful elections, & responsible journalism,



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

Enclosures: (1) “*Activists, judges*”, my Letter to the Editor, Village Voice, February 16-22, 2006
(2) CJA’s August 28, 2006 memo to you and your Village Voice colleagues

cc: Village Voice recipients of CJA’s August 28, 2006 memorandum

David Blum, Incoming Editor-in-Chief

Ward Harkavy, Interim Editor-in-Chief

Laura Conaway, Executive Editor

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Jeff Richard, Associate Dean for Development and Alumni Relations

Victor Navasky, Chairman, Columbia Journalism Review

& Columbia Journalism Review Daily

Sheila Coronel, Director, Stabile Center for Investigative Journalism

Letters

Activists, judges

I am the subject of "The Scourge of Her Conviction" by Kristen Lombardi [February 2-8], purporting to be about my arrest, conviction, and six-month incarceration on a "disruption of Congress" charge. Such a story shamelessly covers up the corruption of federal judicial selection involving a *Who's Who* of the high and mighty in New York and Washington. It hardly befits a newspaper that holds itself out as maintaining a tradition of "no-holds-barred reporting and criticism."

Among the high and mighty who get off "scot-free" or virtually so: senators Schumer and Clinton. Your story makes it appear that they—and likewise the U.S. Senate Judiciary Committee—could freely ignore documentary evidence of corruption by New York Court of Appeals judge Richard Wesley, which I presented to them weeks before the committee's May 22, 2003, hearing to confirm his nomination to the Second Circuit Court of Appeals. Indeed, you nowhere identify that senators Schumer and Clinton were duty bound to examine that evidence and had the power to

prevent the nomination from proceeding to a hearing. Nor do you mention that the nomination was the product of a political "agreement," announced by Senator Schumer in a press release—let alone explore Governor Pataki's role in that "agreement." Omitted is that Judge Wesley was a pal of the governor from their days in the New York legislature and the governor's first appointee to the New York Court of Appeals. Also omitted is the Center for Judicial Accountability's evidence-based assertion that the nomination was a "payback" to Judge Wesley for having protected Governor Pataki in a politically explosive public interest lawsuit directly implicating him in the corruption of the State Commission on Judicial Conduct and "merit selection" to the New York Court of Appeals.

As to the documentary evidence of Judge Wesley's corruption in that lawsuit, you make no qualitative assessment—and garble what Judge Wesley did and what the lawsuit was about. Indeed, you so completely protect the guilty that you do not call the commission by its name, but euphemistically refer to it as "the state's judicial-review board."

Senator Schumer is a Harvard Law School graduate, Senator Clinton a graduate of Yale Law School. What were their findings of fact and conclusions of law with respect to what you describe as the "27-page memorandum that outlined, in meticulous detail, the center's opposition"? And why has the *Voice*, which has a copy of that March 26, 2003, memorandum and the pertinent substantiating evidence of Judge Wesley's misconduct in the commission case and in an earlier case challenging the constitutionality of billions of dollars of New York bonds, not itself come forward with findings of fact and conclusions of law?

That you smear me as a "pest" and otherwise besmirch my proper and professional advocacy only further underscores your betrayal of fundamental standards of journalism. *Voice* readers can judge this for themselves by examining the paper trail of documents pertaining to the "disruption of Congress" case, posted on the center's website, judgewatch.org.

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DATE: August 28, 2006

TO: THE VILLAGE VOICE

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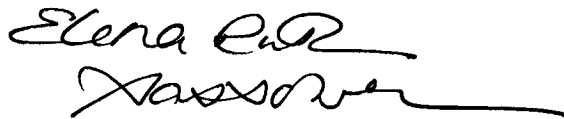
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FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: **YOUR ONGOING ELECTION COVERAGE: The Races for New York Governor, U.S. Senator from New York, and New York Attorney General**

Memo enclosed.



cc: Ryan McWilliams, Editorial Administrative Assistant
rncwilliams@villagevoice.com

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DATE: August 25, 2006

TO: **NEW YORK MEDIA: EDITORIAL BOARDS & NEWS DEPARTMENTS**

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: **YOUR UPCOMING EDITORIAL ENDORSEMENTS AND ONGOING ELECTION COVERAGE:** The Races for New York Governor, U.S. Senator from New York, and New York Attorney General

This is to bring to your attention – to aid you in both your upcoming editorial endorsements and ongoing election reporting – primary source documentary evidence establishing the unfitness of the Democratic and Republican candidates for Governor, Senator, and Attorney General. Such evidence is posted on the Center for Judicial Accountability's website, www.judgewatch.org, accessible via the sidebar panel "Elections 2006: Informing the Voters".

Scroll down the "Elections 2006" webpage to the section entitled "Searching for Champions", posting our correspondence to all Democratic and Republican candidates for Governor: Tom Suozzi and John Faso, for U.S. Senate: Jonathan Tasini, John Spencer, and Kathleen Troia McFarland, and for Attorney General: Andrew Cuomo, Mark Green, Charlie King, Sean Patrick Murphy, and Jeanine Pirro – except for Attorney General Eliot Spitzer and Senator Hillary Rodham Clinton, whose corruption in office the correspondence summarizes.

With respect to Attorney General Spitzer, elected in 1998 on a pledge that he was going to clean up government and establish a "public integrity unit", our correspondence summarizes that his "public integrity unit" was a hoax – and that Mr. Spitzer refused to investigate and root out systemic governmental corruption involving a pattern and practice of litigation fraud engaged in by his predecessor Attorneys General in defending state judges and the Commission on Judicial Conduct, sued for corruption – for which they were rewarded with fraudulent judicial decisions. Instead, he engaged in the same litigation fraud to defend the Commission when we sued it for corruption – for which state judges, at every level, rewarded him with fraudulent judicial decisions. In so doing, Attorney General Spitzer not only perpetuated a documentably corrupted Commission on Judicial Conduct, leaving the People of the State of New York defenseless against the most flagrant lawlessness by state judges – including those who "threw" the lawsuit – but perpetuated the corruption of the state judicial appointments process, including "merit selection" to the New York Court of Appeals, which the lawsuit encompassed.

* The Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, based in New York, working, since 1989, to ensure that the processes of judicial selection and discipline are effective and meaningful.

With respect to Senator Clinton, she not only covered up – and thereby perpetuated – the systemic governmental corruption challenged and chronicled by the documentary record of our lawsuit against the Commission, but, additionally, the corruption of federal judicial selection and discipline. To accomplish this and effectuate a behind-the-scenes political deal seating a corrupt New York Court of Appeals judge on the Second Circuit Court of Appeals, she maliciously set in motion and complicitly acquiesced in my wrongful arrest, prosecution, conviction, and six-month incarceration on a bogus “disruption of Congress” charge. My “crime”? At the U.S. Senate Judiciary Committee’s public hearing to confirm the judge, I respectfully requested to testify in opposition based on his on-the-bench corruption, as established by the record of our lawsuit against the Commission – a record Senator Clinton was duty-bound to have examined, making findings of fact and conclusions of law.

All the summaries presented by our posted correspondence identify the substantiating primary source documentary evidence – and where it is posted on our website. You can thereby *readily verify* its serious and substantial nature, warranting criminal investigation and prosecution of Attorney General Spitzer and Senator Clinton for corruption.

In presenting this to the other Democratic and Republican candidates, as would-be champions of the public, we requested that they use the opportunity of their candidacy to expose the corruption of these incumbents for the benefit of all New Yorkers. That they did not do so – indeed, that they did not even favor our request for a meeting so that we could answer their questions and provide them with hard copies of the website-posted evidence – preferring instead to mount candidacies made futile by the landslide leads enjoyed by Attorney General Spitzer and Senator Clinton and, in the case of the candidates endeavoring to succeed Mr. Spitzer as Attorney General, extolling him and seeking the mantle of his “greatness” – can only be explained one way. Notwithstanding their posturing and rhetoric about being reformers who are going to “fix Albany” and make government work, they will NOT touch the vested political interests and their friends and patrons involved in the systemic governmental corruption that reaches into and pollutes the judiciary. Such will remain unchanged upon their election – subjecting countless innocent New Yorkers and our state at large to continuing injustice and irreparable injury.

Only the media can make the difference.

We offer you our fullest assistance so that you can discharge your First Amendment responsibilities to the voters by reporting on this powerful election-altering evidence – rather than on polls, financial war chests, political endorsements, and handicapping that have become the standard fare of political reporting, contributing to the demise of competitive elections.

Elena Ruiz
Xarsova