

Subject: Chief Judge Kaye LIED on two motions for her disqualification in two public interest cases

Date: 2/23/2007, 9:30 AM

From: Ctr for Judicial Accountability <judgewatchers@aol.com>

To: "Jochowitz, Jay" <JJochowitz@TimesUnion.com>

cc: mspain@timesunion.com, "Benjamin. Elizabeth" <ebenjamin@timesunion.com>, Jim Odato <jodato@timesunion.com>, Michele Bolton <mbolton@timesunion.com>, Rick Karlin <rkarlin@timesunion.com>

Organization: Center for Judicial Accountability, Inc.

when she stated "the Court has no authority to entertain the motion made on nonstatutory grounds". The two cases are *Sassower v. Commission on Judicial Conduct of the State of New York* (2002) and *Schulz v. New York State Legislature, et al.* (1998) -- and the motions for HER disqualification in each were made on statutory grounds: disqualification for interest, proscribed by Judiciary Law 14.

These lies and many others by Chief Judge Kaye are particularized, with facts and law, by my **October 15, 2002 reargument/vacatur for fraud motion in the Commission case** [see, in particular, paras. 18-27, 44 and the referred-to attached exhibits: B-1, B-2, E-1, E-2, & G].

Chief Judge Kaye's response, on December 17, 2002, was an order denying the motion, WITHOUT REASONS, and, simultaneously, a second order denying, WITHOUT REASONS, my October 24, 2002 motion for leave to appeal. Both motions were "dispositive" and "fully-documented", as examination of them readily shows.

The record in the Commission case -- constituting the "hard evidence" -- is posted on CJA's website, www.judgewatch.org, directly accessible via the sidebar panel "Test Cases-State (Commission)".

Please advise, WITHOUT DELAY, whether you "will consider exploring it further" -- so that my communication with your superiors may be properly informed.

As for my draft opposition statement to Chief Judge Kaye, which you say I should not send because "it will not be read", it concludes as follows:

"Although I am leaving this Committee -- and the press -- with the same record of the Commission case that was before Chief Judge Kaye at the Court of Appeals, it is not needed to verify the essential facts of her corruption in office, which can be speedily accomplished. All that is necessary are my reargument/vacatur for fraud motion and my motion for leave to appeal. Indeed, from the exhibits annexed to the reargument/vacatur motion, it takes less than ONE MINUTE to verify that Chief Judge Kaye LIED in purporting that my disqualification motion was made on 'nonstatutory grounds' -- with an additional MINUTE to verify that she LIED in likewise purporting with respect to Mr. Schulz' disqualification motion four years earlier. As to Chief Judge Kaye's knowledge that -- as to *matters of law* -- the three, and then five, judicial decisions of which the Commission was beneficiary were frauds -- this can be verified from my motion for leave to appeal in AN HOUR." (capitalizations in drafted statement).

Finally, the mountain of my prior correspondence with you and the Times Union, posted on CJA's website & accessible via the sidebar panel "Press Suppression" which links to the "Albany Times Union", puts the LIE, resoundingly, to your assertion that I have presented "conjecture, unfounded conspiracy theories, and the like" and that "nothing [I] have ever shown [you] could possibly be characterized as 'dispositive' or 'fully documented' by journalistic standards".

Since reporters who work under your "supervision" -- such as Jim Odato, Elizabeth Benjamin, and Rick Karlin -- have ongoing professional and ethical responsibilities and are expected to exercise their own judgment, I will continue to e-mail them so that they can properly discharge their critical duties, both to the newspaper and the public they purport to serve. Meantime, they can read your latest outrageous e-mail to me below.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
Tel: 914-421-1200
Direct E-Mail: judgewatchers@aol.com

Jochowitz, Jay wrote on 2/22/2007, 6:41 PM:

Dear Ms. Sassower,

As I've said repeatedly, we do not have time to deal with conjecture, unfounded conspiracy theories, and the like, and we will waste no further valuable time on this. Please do not send the draft opposition statement. It will not be read.

Once again: if you can state in 25 words or less a specific allegation (such as a violation of penal or public officers law) and the nature of the hard evidence to prove it, I will consider exploring it further. This must be in the body of an e-mail (no attachments) or letter (again, no attachments). I will not take your calls since, as I have communicated several times, you have been unable in past conversations to satisfy this simple, essential condition, and nothing you have ever shown me could possibly be characterized as "dispositive" or "fully documented" by journalistic standards.

I cannot speak for reporters working under other editors, but in the future, I must insist that you communicate directly with me and cease doing an end run around me by going to the reporters I supervise, who include Jim Odatto, Elizabeth Benjamin, and Rick Karlin. They have enough on their plate, and you are consuming their time sending them more e-mails to delete.

Thank you.

Jay Jochowitz
State Editor

-----Original Message-----

From: Ctr for Judicial Accountability [<mailto:judgewatchers@aol.com>]

Sent: Thursday, February 22, 2007 5:33 PM

To: Spain, Mike; Jochowitz, Jay; Odatto, Jim

Cc: Benjamin, Elizabeth; Bolton, Michele; Karlin, Rick

Subject: Background to Times Union Coverage -- & its February 15, 2007 article falsely reporting on Senate Confirmation of Chief Judge Kaye

Attached is my follow-up to yesterday's letter, particularizing my February 12th telephone conversations with Messrs. Odatto, Jochowitz, and Spain. The Senate Judiciary Committee hearing on Chief Judge Kaye's confirmation has now been scheduled for March 6, 2007, at 10 a.m., Room 124 of the Capitol. I look forward to developing appropriate coverage of CJA's opposition -- and likewise of the opposition of other citizens -- with Michele Morgan Bolton, or whoever else at the Times Union is responsible for reporting on the confirmation. Please advise, ASAP, so that no valuable time is wasted. I am ready to send you CJA's draft opposition statement so that you can more easily understand the dispositive nature of our fully-documented opposition.

Thank you.

Elena Sassower, Director
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