

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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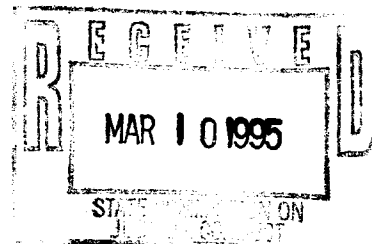
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By Hand

March 10, 1995

State of New York Commission on Judicial Conduct
801 Second Avenue
New York, New York



RE: Complaint against Justices of the Appellate Division,
Second Department--and, particularly, William Thompson,
a member of the Commission on Judicial Conduct

Dear Commissioners:

I draw your attention to the editorial "Who Judges the Judges?", appearing in the March 7th issue of the *New York Post*, a copy of which is enclosed (Exhibit "A"). That editorial, which characterizes the Commission on Judicial Conduct as "a distressingly toothless tiger", notes that the effectiveness of the Commission is confined to the lower echelons of judicial office. In the *Post's* words,

"...the commission is hell on wheels when it comes to disciplining rural justices of the peace and other small-town magistrates, many of whom are not lawyers. The next time it comes to New York City to do serious business, however, will be the *first* time it does so." (emphasis in the original)

Yet, there is nothing "toothless" about the Commission's powers to admonish, censure, or remove a judge for cause (Judiciary Law §44; 22 NYCRR §7000.9) which--at least on paper--apply equally to every "judge or justice of any court in the unified court system" (Judiciary Law §40(2); 22 NYCRR §7000.1(k)).

Nevertheless, consonant with the *Post's* view, it has long been my contention that the Commission has a "double standard" when a judge with the right political 'connections' is the subject of complaint before it." Such position--and the documentary evidence to support same--was presented by me *more than two years ago* in a letter addressed to Albert Lawrence, Clerk of the Commission, following his notification to me of the Commission's peremptory dismissal of my December 4, 1992 complaint against Supreme Court Justice Samuel G. Fredman, a former Chairman of the Westchester Democratic party, who sits on the bench in Westchester County. A copy of that letter, dated January 22, 1993, is annexed hereto as Exhibit "B-1". To date, notwithstanding numerous follow-up phone calls and a fax reminder (Exhibit "B-2"), I have received *no* response.

Mr. Lawrence's notification to me of the Commission's dismissals of my subsequently filed complaints, dated September 19, 1994, October 5, 1994¹, October 26, 1994, and December 5, 1994--all without reasons (Exhibits "C-1" and "C-2") and in the face of dispositive documentary evidence--has only further confirmed that when it comes to the more powerful and politically-connected judges of the higher courts, the Commission protects them, even where their misconduct rises to criminality. Indeed, as reflected by my four 1994 complaints, the criminal conduct being protected is that of Appellate Division, Second Department justices--and, most particularly, Justice William C. Thompson, himself a member of the Commission on Judicial Conduct.

Such criminal conduct by justices of the Appellate Division, Second Department, conspiring and colluding with one another, includes the retaliatory and baseless "interim" suspension of my license by order dated June 14, 1991--unlawfully perpetuated for nearly four years, without my ever having had a hearing as to its basis prior thereto or since--and the knowing and deliberate violation of *mandatory* rules of judicial disqualification (Judiciary Law §14) so as to obstruct, impair, and pervert the administration of law (Penal Law §195.05) and advance ulterior personal and political goals through dishonest and fraudulent decisions (Penal Law §175.30), intended to injure me and deprive me of my property and good name (Penal Law §195).

Three months ago, after Mr. Lawrence notified me that the Commission had dismissed my September 19, 1994 and October 26, 1994 complaints, my daughter sent Mr. Lawrence a letter, dated December 15, 1994 (Exhibit "D"), requesting information as to the basis therefor. She also sought information as to:

"...whether the Commission members themselves reviewed [the complaints], the date of the formal meeting at which the Commission members made their dismissal disposition, and the number of Commission members present and voting",

as well as

"whether and on what date the Commission members voted [if they ever did] that the 'appearance of impropriety' did not require referral of these fully-documented complaints [of criminal conduct by Justice Thompson], involving, inter alia, violation of Judiciary Law §14 and §195 of the Penal Law, to the District Attorney of Kings County, if not to the Governor for investigation by a special prosecutor."

¹ The October 5, 1994 complaint was more formally embodied in my October 26, 1994 complaint.

Thereafter, following a letter from Mr. Lawrence advising that I, rather than my daughter, would have to make such informational request (Exhibit "E"), I sent a letter dated January 19, 1995 (Exhibit "F"), affirming my daughter's authority to obtain same on my behalf--further pointing out that I had still had no response from him to my January 22, 1993 letter, which I signed (Exhibit "B-1").

Although almost two months have now elapsed since my January 19, 1995 letter, I have yet to receive any response from Mr. Lawrence. Meanwhile the justices of the Appellate Division, Second Department have continued their documentably criminal conduct, with complete impunity, secure in the knowledge that the Commission will permit them to get away with anything. Such on-going criminal conduct involves covering up and protecting politically-connected Supreme Court judges, sitting in Westchester County, among them Justice Samuel Fredman and Justice Nicholas Colabella, the latter having been a close friend and former law partner of Anthony Colavita, Chairman of the Westchester Republican party and former Chairman of the State Republican Party, to whom he owes his judicial office. As reflected by incontrovertible transcript and other documentary evidence, each of those judges are themselves guilty of criminal conduct in knowingly and deliberately misusing their judicial offices for political and personal gain.

I again request the information reasonably sought by me in my daughter's December 15, 1994 letter (Exhibit "D") and hereby expand that request to encompass the same information as to the Commission's subsequent dismissal of my December 5, 1994 complaint. While you are at it, please also pull out your files on my October 24, 1991 and January 2, 1992 complaints relating to the Election Law case of *Castracan v. Colavita*, in which I challenged the trading of seven judgeships by the Democratic and Republican party leaders of the Ninth Judicial District. Please also retrieve the file on my initial October 5, 1989 complaint against Supreme Court Justice Samuel Fredman, wherein I first brought to your attention the unprecedented written cross-endorsements Deal, by which Justice Fredman procured an uncontested 14-year term, following interim appointment to the Supreme Court by then Governor Mario Cuomo. Inasmuch as the Commission dismissed each of those complaints without reasons, please provide me that same information as to those three dismissals.

As to the *eight* complaints filed by me with the Commission since 1989, I also wish you to confirm that all the dismissals thereof were *without investigation*.

Since the *Post's* recent series on "New York's 10 Worst Judges" did not include an expose of our appellate court judges or of how they and other politically-connected judges are protected by the Commission on Judicial Conduct, a copy of this letter is being furnished to the *Post* with a suggestion that their next series focus on these two important, but as yet unreported, subjects. The taxpayers of this State pay over 1.5 million dollars to fund the Commission. They deserve to know that they are not getting a meaningful and functioning guardian of the integrity and independence of the judiciary, but rather "window-dressing" to disguise the fact that high-level judges can brazenly break the law they have sworn to uphold, secure in the knowledge that they will be protected by the Commission.

March 10, 1995

Because the Commission's dismissals of my aforesaid *eight* complaints are *prima facie* evidence that the Commission is not only guilty of gross malfeasance and nonfeasance in connection with its official functions, but of wilfully protecting judges with "the right political connections" in violation of Public Officers Law §74.3(d), (f), and (h), I am simultaneously filing a complaint against it with the New York State Ethics Commission, pursuant to Executive Law §94.9(g).

In view of the serious and immediate threat to the public interest created by a Commission set up to monitor our judiciary, which, instead, wilfully allows corrupt and dishonest judges to destroy the lives of blameless individuals and their families, I am also filing a criminal complaint with the Manhattan and Brooklyn District Attorney's office. Their most cursory investigation will reveal that the conduct of the Commission is nothing short of complicity in the criminal conduct of the high-ranking and politically-connected judges involved.

Very truly yours,



DORIS L. SASSOWER

DLS/er
Enclosures

cc: New York Post
Eric Breindel, Editorial Page Editor
Jack Newfield/William Neuman, "Ten Worst Judges"
New York State Ethics Commission
District Attorney, New York County
District Attorney, Kings County