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THE NEW YORK TIMES
LETTERS TO THE EDITOR

TO: _____

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FROM: Elena Ruth Sassower, Coordinator _____

If you are not going to publish this letter--and even if you do-- it is urgently requested that you transmit this to the news department for follow up with a story.

As highlighted by my September 25th letter to the Editor--which has not been published--your own September 17th editorial "New York's Mystery General" identifies the "meat and potatoes work" of the Attorney General as one about which the candidates must be questioned and the voters informed before Election Day.

So far, all my attempts to get Times reporters to follow up with what the Times editorial board has recognized as important public issues have been unfruitful. Times reporters do not even return my phone messages for them.

Please, please do something.

*Elena Ruth
Sassower*

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October 5, 1994

Letter to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Editor:

There is an important, but scarcely recognized, connection between the Times' September 27th editorial "No Way to Pick a Judge" and its September 17th editorial "New York's Mystery General". What the September 27th editorial describes is a reprehensible and cynical horse-trade in judgeships. However, in 1990 and 1991 when a similarly noxious manipulation of judgeships was challenged in the Election Law case of Castracan v. Colavita, judges of our state courts--themselves beneficiaries of judge-trading deals--dumped that case by disregarding the law and falsifying the factual record. They then used their judicial office to go after the lawyer who, pro bono, had brought such precedent-setting challenge to judge-trading. That lawyer, Doris L. Sassower, was suspended by the Appellate Division, Second Department in an order stating no reasons, making no findings, and not preceded by any hearing.

The Appellate Division knew such order was unlawful at the time it was issued. Yet, in the more than three years that have since elapsed, it has, without reasons, refused to vacate such findingless suspension order and refused to direct an immediate hearing as to the basis of that suspension.

This brings us to your September 17th editorial which asks about the function of the New York State Attorney General. When Ms. Sassower thereafter sued the Appellate Division, Second Department for retaliating against her by a fraudulent suspension of her license, it was the Attorney General, our state's highest law officer, who defended the judges. And how did the Attorney General defend his judicial clients in Sassower v. Hon. Guy Mangano, et al.? By disregarding unequivocal law and rules regarding judicial disqualification and arguing, without any legal authority, that his judicial clients were not disqualified from deciding their own case. And who did the Attorney General argue this to? None other than to his own judicial clients, the Appellate Division, Second Department, who were only too happy not to allow allegations that they had engaged in criminal conduct to be decided by an independent and impartial tribunal--as the law required.

Last week, the New York State Court of Appeals denied review of the Appellate Division, Second Department's self-interested dismissal of Sassower v. Hon. Guy Mangano, et al. much as it had, three years earlier, denied review of Castracan

v. Colavita. It did so in both cases by falsely ruling that there was "no substantial constitutional question".

And so, with the blessings of our state's highest court and our state's highest law officer, judgeships will continue to be traded--and few lawyers will be willing to challenge the "business as usual" politicking in judgeships, when to do so means putting their licenses and livelihoods on the line.



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

The Center for Judicial Accountability is a non-partisan citizens' group working to improve the quality of the judiciary.