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*Elena Ruth Sassower, Coordinator*

BY FAX: 212-608-1240 (11 pages)

January 5, 2000

Mr. David Rohde/The New York Times  
100 Centre Street  
New York, New York

RE: MEETING JOURNALISTIC RESPONSIBILITIES

Dear Mr. Rohde:

I find it hard to conceive that with the kind of transcending public issues presented by my Article 78 proceeding against the New York State Commission on Judicial Conduct – as to which, in four months, you have not had the time to examine the court papers I supplied you – let alone my periodic correspondence to you about them – you would not protest to your editors assignments requiring you to stand outside the courthouse so as to write two trivial stories about “Puff Daddy”, “*Actress and Rapper at Court Create a Spectacle Downtown*” (1/5/00) and “*Actress and Rapper Glamorize Courthouse*” (1/31/99). And I cannot understand why editors of the nation’s “paper of record” would think that Times readers would be interested in this tabloid-type reportage – particularly when two other Times reporters have written “Puff Daddy” stories in the past week: Dan Barry’s “*Between High Life and Street Life*” (12/29/99) and Amy Waldman’s “*Fans Mixed on Rapper’s Gun Arrest*” (12/30/99).

By my December 14<sup>th</sup> letter to you, I reiterated that my Article 78 proceeding against the Commission – *now before its 7<sup>th</sup> judge* –

“provides an important opportunity for educating the public about how judges are assigned to cases – and the law and ethical rules governing judicial disqualification and disclosure”

Yesterday, after I had read your article, “*Program to Assign Lawsuits to 5 Judges*” (1/4/00), I told you that the controversy surrounding the pilot project in Manhattan Supreme Court offered the perfect context for you to move forward with a story about how judges are assigned to cases. Indeed, I pointed out that notwithstanding

your article stated that "under the old system, cases against the government were *randomly assigned* among the roughly 45 Supreme Court justices in Manhattan" (emphasis added)<sup>1</sup>, *two* of the 7 judges assigned to my Article 78 proceeding against the Commission were NOT randomly assigned, but designated by Administrative Judge Crane, *for reasons unknown*. This is reflected by the three enclosed pages of the computerized assignment sheet for the case, showing that Administrative Judge Crane directed the case to Acting Supreme Court Justice William Wetzel (#007) and, before that, removed randomly-assigned Supreme Court Justice Carol Huff, to direct it to Acting Supreme Court Justice Ronald Zweibel (#004/#003).

The importance of "random assignment" of cases in preserving the appearance and actuality of judicial impartiality is obvious from the fact that your yesterday's article *three times* uses the phrase "random assignment" in describing the selection of judges to cases, whether under the current system or the new one – a fact I pointed out to you when we spoke yesterday. It is especially important in a politically-explosive case, such as mine, which, *if* adjudicated on the facts and law, will directly implicate the Governor and a whole host of top officials and agencies in criminal fraud and official misconduct.

Today's news coverage of the pilot project in the New York Law Journal's above-the-fold front-page story, "*Judges Oppose New Plan to Handle Public Suits*", about a meeting to be held about it "later this week" and by the New York Post's editorial, "*Reining in Judicial Arrogance*", reflects that this a lively controversy, presenting a number of critical issues. Surely, if "Puff Daddy" could command five separate articles in the Times over this past week, Times editors should recognize that the pilot project controversy deserves follow-up – and, additionally, that my Article 78 proceeding belies the representation that the current system is guided by "random assignment".

To that end, I urge you to inquire of Administrative Judge Crane (212-374-4726) – who is currently seeking gubernatorial appointment to the Appellate Division -- as to the basis upon which he *twice* interfered with the "random assignment" of my important Article 78 proceeding against the Commission, the legal authority for same, and the reason he has *not* responded to these very questions which I

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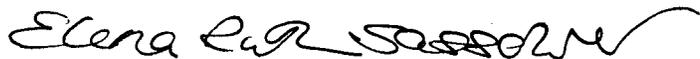
<sup>1</sup> A similar statement appears in today's New York Law Journal, "Currently, cases against public officials that raise constitutional and other broad policy questions are *randomly assigned* among the 45 judges who handle cases in Manhattan Supreme Court" (emphasis added), *infra*.

posed to him in a December 2<sup>nd</sup> letter to him. A copy of that letter, to which I received NO response, is enclosed, along with the certified mail/return receipt reflecting delivery.

Finally, so that there is no uncertainty as to your editors' full knowledge of the transcending significance of my Article 78 proceeding against the Commission in establishing (1) the corruption of that vital tax-payer supported state agency, whose duty is to safeguard judicial integrity; (2) the corruption of the state's highest law enforcement officer, Attorney General Spitzer, including the hoax of his "public integrity unit"; and (3) the corruption of the "merit selection" process to the state's highest court, in which the Governor, State Judiciary Committee Chairman, and leaders of the bar are directly complicitous, please arrange that my Verified Petition and my Affidavit in Support of my Omnibus Motion be *immediately* transmitted to them, along with my summarizing correspondence, including CJA's two October 21<sup>st</sup> criminal complaints against the Commission and the Attorney General, addressed to the Manhattan District Attorney and to the U.S. Attorney for the Southern District of New York (and, yes, the A & E video). Please request that upon your editors' review of these materials, they call me so that we can discuss appropriate - and timely -- Times coverage, including assignment of a team of investigative reporters to examine the systemic governmental corruption exposed by the case.

Thank you.

Yours for a quality judiciary,



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

Enclosures