

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY HAND

October 24, 2000

Governor George Pataki
New York City Office
633 Third Avenue
New York, New York 10017

(J. O'Brien) FOR: J. McGuire

Time: 12:15 Received

Dated: 10/24/00

ATT: James McGuire, Counsel

RE: CJA's October 16, 2000 Report evaluating the Commission on Judicial Nomination's October 4, 2000 Report of Recommendees for the Court of Appeals

Dear Mr. McGuire:

Following up my telephone conversation last Friday, October 20th with your secretary, Chalesse Phipps, who confirmed receipt of CJA's October 16, 2000 Report, enclosed is a superseding copy of that Report. This superseding copy reflects changes set forth in CJA's October 18, 2000 memorandum to bar association recipients, faxed to them, as well as to the New York State Commission on Judicial Nomination and the New York State Commission on Judicial Conduct, on that date. For your convenience, a copy of that faxed memorandum is annexed as Exhibit "A"¹.

Additionally enclosed are the substantiating evidentiary materials to CJA's October 16, 2000 Report *not* already in the Governor's possession. The Governor already possesses virtually all the substantiating evidentiary materials listed on the inventory to File Folder "A", annexed to the October 16, 2000 Report. This may be seen from (1) CJA's February 24, 2000 letter to the Governor; (2) CJA's March 7, 2000 letter to the Governor; (3) CJA's March 17, 2000 memorandum, to which the Governor

¹ Page numbers on the superseding October 16, 2000 Report are also changed so that the prefatory text preceding the Table of Contents begins on page 1, rather than page 2. This text is now entitled "Introduction".

EX "9-5"

is an indicated receipt of a copy; and (4) CJA's April 24, 2000 memorandum to which the Governor is the first designated recipient. For your convenience, copies of this correspondence -- and the corresponding copies of certified mail/return receipts -- are annexed hereto as Exhibits "B-1", "B-2", "B-3", and "B-4", respectively.

The substantiating materials for File Folder "A" to CJA's October 16, 2000 Report not already in the Governor's possession and herewith transmitted are: Items #2 and #3 from "CJA's additional correspondence with Chief Judge Kaye" consisting of CJA's June 30, 2000 letter to Chief Judge Kaye and CJA's August 3, 2000 judicial misconduct complaint against her, filed with the NYS Commission on Judicial Conduct.

Items #1, #2, and #3 from "CJA's additional correspondence with Commission on Judicial Conduct" consisting of CJA's May 17, 2000 letter to the Commission; CJA's June 26, 2000 letter to Chairman Salisbury, and Chairman Salisbury's July 19, 2000 letter to CJA.

As for File Folder "B", the Governor already possesses ALL the materials listed on the inventory annexed to CJA's October 16, 2000 Report. The three 1994 facially-meritorious judicial misconduct complaints and the Commission's acknowledgment and dismissal letters are all annexed to the verified petition in *Doris L. Sassower v. Commission*² (NY Co. #95-109141), which was hand-delivered for you at the Capitol on May 7, 1996, along with the file of that Article 78 proceeding.

All of the remaining inventoried materials are part of the file of the Article 78 proceeding³ *Elena Ruth Sassower v. Commission* (NY Co. #99-108551),

² CJA's September 19, 1994 complaint is Exhibit "G" thereto; CJA's October 26, 1994 complaint is Exhibit "I", and CJA's December 5, 1994 complaint is Exhibit "J". The attachments to these complaints -- which were not annexed to the verified petition in the Article 78 proceeding, but which were provided to the bar association recipients with free-standing copies of these three complaints, should have long ago been procured by you from the NYS Commission on Judicial Nomination (see, p. 2 of CJA's November 18, 1998 letter: Exhibit "I" to CJA's October 16, 2000 Report). As for the Commission's September 28, 1994, November 4, 1994, and December 14, 1994 acknowledgment letters, these are Exhibits "K-5", "K-7", and "K-8" to the verified petition. The Commission's December 13, 1994 and January 24, 1995 dismissal letters are Exhibits "L-5" and "L-6" thereto.

³ CJA's October 6, 1998 complaint is Exhibit "C-1" to the verified petition. The Commission's November 3, 1998 acknowledgment letter is Exhibit "D-2" and its December 23,

transmitted to the Governor under CJA's February 23, 2000 letter to him. This includes all the materials listed under the inventory heading "Exchange of Correspondence".

Needless to say, should you be unable to locate the substantiating documentation in your possession, we will provide you with duplicate copies. This, so that the Governor may finally discharge his mandatory duty to the People of this State to protect them from the systemic governmental corruption reflected by CJA's October 16, 2000 Report.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

P.S. The final sentence on page 1 to CJA's October 16, 2000 Report refers to CJA's ongoing "massive correspondence" with public agencies and officers, particularly on the conflict of interest issues that have prevented investigation of the systemic governmental corruption chronicled by CJA's March 26, 1999 ethics complaint. As reflected by CJA's March 17, 2000 and April 24, 2000 memoranda (Exhibits "B-3" and "B-4", respectively), the Governor has already received much of this correspondence. Herewith enclosed is the balance, as inventoried on the accompanying page:

1998 dismissal letter is Exhibit "F-3". As for CJA's "Exchange of Correspondence, etc.", most of the inventoried documents are annexed to Exhibit "G" to the verified petition. Thus, #1, CJA's May 6, 1997 fax coversheet to the Commission is Exhibit "E-1" thereto; #3, CJA's May 13, 1997 faxed letter to Chairman Berger is Exhibit "E-2" thereto; #5, CJA's April 17, 1996 letter to Gerald Stern, Administrator, Commission on Judicial Conduct is Exhibit "D-11" thereto; and #6, Mr. Stern's April 18, 1996 letter to CJA is Exhibit "D-12". As for #2, CJA's May 5, 1996 memorandum to, *inter alia*, the Commission with annexed 3-page analysis, it is Exhibit "A" to the verified petition. As for #3, CJA's \$3,000 public interest ad, "Restraining 'Liars in the Courtroom' and on the Public Payroll" (NYLJ, 8/27/97, pp. 3-4), it is Exhibit "B" to the verified petition.

As for #7, it is CJA's July 28, 1999 Notice of Motion in the Article 78 proceeding. #8 is Exhibit "L" to my July 28, 1999 moving affidavit therein.

To Mary Jo White, U.S. Attorney for the Southern District of NY:

- (1) CJA's August 9, 2000 letter
- (2) CJA's September 6, 2000 letter

To Loretta E. Lynch, U.S. Attorney for the Eastern District of NY:

- (1) CJA's August 14, 2000 letter
- (2) CJA's September 6, 2000 letter

To Attorney General Eliot Spitzer:

- (1) CJA's September 27, 2000 letter

To the NYS Commission on Judicial Conduct:

- (1) CJA's September 25, 2000 letter
- (2) October 5, 2000 letter of Jean Savanyu, Commission Clerk

INVENTORY OF FILE FOLDER "A"
**IN OPPOSITION TO THE COMMISSION ON JUDICIAL
NOMINATION'S RECOMMENDATION OF ADMINISTRATIVE
JUDGE STEPHEN G. CRANE AS "WELL QUALIFIED" FOR
APPOINTMENT TO THE NEW YORK COURT OF APPEALS**

CJA's COMPLAINTS AGAINST ADMINISTRATIVE JUDGE CRANE:

- 1. CJA's February 23, 2000 letter to Governor Pataki
- 2. CJA's February 25, 2000 memorandum to NYS Attorney General, Manhattan District Attorney, U.S Attorney for the Southern District of New York, and NYS Ethics Commission
- 3. CJA's March 3, 2000 letter to Chief Judge Judith Kaye
- 4. CJA's March 3, 2000 judicial misconduct complaint against Administrative Judge Crane, filed with NYS Commission on Judicial Conduct

ARTICLE 78 FILE:

Elena Sassower's December 2, 1999 letter to Administrative Judge Crane, accompanied by a copy of her December 2, 1999 letter to Acting Supreme Court Justice Wetzel

CJA's ADDITIONAL CORRESPONDENCE WITH CHIEF JUDGE KAYE:

- 1. CJA's April 18, 2000 letter to Chief Judge Kaye
- ✓ 2. CJA's June 30, 2000 letter to Chief Judge Kaye
- ✓ 3. CJA's August 3, 2000 judicial misconduct complaint against Chief Judge Kaye, filed with NYS Commission on Judicial Conduct

CJA's ADDITIONAL CORRESPONDENCE WITH COMMISSION ON JUDICIAL CONDUCT:

- ✓ 1. CJA's May 17, 2000 letter to the Commission on Judicial Conduct
- ✓ 2. CJA's June 26, 2000 letter to Eugene Salisbury, Chairman, Commission on Judicial Conduct
- ✓ 3. Chairman Salisbury's July 19, 2000 letter to CJA