

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 518-486-9693 (17 pages)

June 18, 2001

Nan Weiner, Executive Director
Governor Pataki's Judicial Screening Committee
The Capitol
Albany, New York 12224

RE: Governor Pataki's Reappointment of Judge William A. Wetzel to the Court of Claims, Scheduled for a Senate Judiciary Committee Confirmation Hearing on Wednesday, June 20, 2001

Dear Ms. Weiner:

Following up our phone conversation a short time ago, enclosed is CJA's June 17, 2001 letter to the Senate Judiciary Committee - to which you are an indicated recipient. As Governor Pataki is also an indicated recipient - and his fax number is the same as yours - you stated that I could fax a single copy and that you would pass it on to the Governor and, specifically, his counsel, James McGuire.

For your convenience, I direct your attention to the following text on pages 5-6, relating to you:

As reflected by [CJA's] February 23, 2000 letter, which was sent to the attention of Nan Weiner, Executive Director of the Governor's Judicial Screening Committees, it transmitted a copy of the substantiating lower court record in *E.R. Sassower v. Commission*. On Friday, June 15th, I left two voice mail messages for Ms. Weiner, one at 11:15 a.m. at her Albany office (518-474-1289) and the other at 11:50 a.m. at her New York office (212-681-4540), requesting that this copy of the record be promptly transmitted to the Senate Judiciary Committee to review in connection with Judge Wetzel's confirmation. Additionally, I requested that she transmit to the Senate Judiciary Committee the mountain of subsequent

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correspondence that CJA provided the Governor pertaining to Judge Wetzel's misconduct in *E.R. Sassower v. Commission* (Exhibit "C-2"- "C-5"). Included therewith are not only all the letters which are part of File Folder "A" – to which the Governor was an indicated recipient on virtually each and every one – but CJA's September 7, 1999 criminal complaint against the Governor, filed with the U.S. Attorney for the Eastern District of New York, and CJA's September 15, 1999 ethics complaint, filed with the New York State Ethics Commission. These are referred to at page 3 of CJA's February 23, 2000 letter as

“highlighting that [*E.R. Sassower v. Commission*] arose from events particularized in an earlier ethics complaint against the Governor, dated March 26, 1999. All these complaints involved the Governor's role in systemic governmental corruption. This included his corruption of the judicial appointment process to the lower state courts and Court of Appeals, as well as his complicity in the corruption of the Commission on Judicial Conduct. We sent the Governor copies of each of these three complaints.”⁶

These ethics and criminal complaints, for which CJA sought investigation and prosecution, were subsequently supplemented to include Judge Wetzel's corruption of the judicial process in *E.R. Sassower v. Commission* by his fraudulent decision – a fact reflected by CJA's February 25, 2000 memorandum-notice – contained in File Folder "A" – as well as by the voluminous other correspondence the Governor received from CJA (Exhibits "C-2" – "C-5").

⁶ These three complaints are all part of the record in *E.R. Sassower v. Commission*. CJA's March 26, 1999 ethics complaint is Exhibit "E" to my July 28, 1999 omnibus motion, with the September 15, 1999 supplement to that ethics complaint annexed as Exhibit "G" to my September 24, 1999 reply affidavit in further support of my omnibus motion. CJA's September 7, 1999 criminal complaint is Exhibit "H" to my September 24, 1999 reply affidavit. [NOTE: CJA's March 26, 1999 ethics complaint and September 15, 1999 supplement are also annexed as Exhibits "A-2" and "B", respectively to CJA's October 16, 2000 report, transmitted to you under CJA's November 13, 2000 coverletter.]

Also relating to you is the following paragraph in bold-faced type on page 7:

By copy of this letter to both Ms. Weiner and Chairman Shechtman, CJA calls upon them to identify *whether*, in fact, they ever apprised the State Judicial Screening Committee's membership of CJA's February 23, 2000 letter opposing consideration of Judge Wetzel— and *whether* they themselves examined the lower court record in *E.R. Sassower v. Commission* or arranged for it to be examined as part of the "thorough inquiry" and "thorough investigation" which the State Judicial Screening Committee is required to do of each candidate, pursuant to Executive Order 10.1, ¶2c, as well as the "Uniform Rules for N.Y.S. Judicial Screening Committees"⁷, Section VIII, ¶4.

For the Governor's convenience, I draw his attention to the letter's final paragraph on page 11:

As for the "written report" for Judge Wetzel on which his original appointment to the bench on June 15, 1995 was based, the record in *E. R. Sassower v. Commission* shows CJA's December 2, 1999 request to the Governor for such report [A-281-283]. To date, the Governor has not produced that report. By copy of this letter to the Governor, CJA reiterates its right to that 1995 report of Judge Wetzel's qualifications, as well as to the most recent report of Judge Wetzel's qualifications on which the Governor has now based his reappointment of this demonstrably unfit judge. This, pursuant to the Governor's own Executive Orders and the Freedom of Information Law.

⁷ The Governor's Executive Order creating his judicial screening committees expressly allows the Committee to make disclosure to the Senate in connection with its confirmation function [See Executive Order No. 10.1, ¶2d]. Likewise, his "Uniform Rules for N.Y.S. Judicial Screening Committees" [See Rule XIV "Confidentiality"].

Nan Weiner, Executive Director

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So as not to overburden your fax, the exhibits to the letter will be supplied with the hard-copy of the letter, which I will hand-deliver on Wednesday morning before the Senate Judiciary Committee's scheduled 10:00 a.m. confirmation hearing. Should the hearing be postponed, I will mail them to you.

Meantime, an inventory of the exhibits is annexed. Should you wish to see any of these exhibits before Wednesday, please telephone and I will fax them to you.

Yours for a quality judiciary,

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

Enclosures

cc: Senate Judiciary Committee

TRANSMISSION VERIFICATION REPORT

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