

Subj:	Pataki's appointments
Date:	10/8/02 8:25:37 PM Eastern Daylight Time
From:	<u>Judgewatchers</u>
To:	<u>mckinley@nytimes.com</u>

How did you respond so fast?

Terrific. Let's take it from what you say interests you -- "Who has Pataki appointed to the bench and are they qualified". This will lead us back to the same important place.

The lawsuit file gives you a window into the Governor's judicial appointments process on virtually every level: (1) Albert Rosenblatt, elevated to the Court of Appeals; (2) Victoria Graffeo, elevated to the Court of Appeals; (3) Stephen Crane elevated to the Appellate Division, Second Dept.; (4) William Wetzel, reappointed to the Court of Claims; (5) Milton Williams, elevated to Presiding Justice of the Appellate Division, First Dept.; (6) Joseph Sullivan, Richard Andreas, and Betty Weinberg Ellerin redesignated to the Appellate Division, First Dept.

More importantly, it gives you an extraordinary inside view of the Governor's utterly sham and corrupted judicial appointments "process".

For starters, and by way of background to this corrupted "process" -- encompassing, as well, the Governor's reappointment of Juanita Bing Newton to the Court of Claims and his appointment of then Westchester County Executive Andrew O'Rourke -- please read the recitation of the "process" beginning at pp. 15 (last 2 lines) of CJA's *never dismissed* March 26, 1999 ethics complaint to the NYS Ethics Commission against, *inter alia*, the Governor, Mr. Spitzer, the Commission on Judicial Nomination, and the Commission on Judicial Nomination. It is in the folder marked as containing ethics and criminal complaints.

As you know, when I met with you on June 28th I brought with me a separate little carton containing the primary source materials pertaining to the Governor's corruption of judicial selection -- which contained ALL the documents to which the recitation in the ethics complaint refers. I took it back with me because you had more than enough to review in the two cartons, containing extensive primary source documents relating to the Governor's appointments of the many different judges involved with the Commission case in various ways. Indeed, for your convenience, I separated those documents from the various motions of which they were part -- and gathered them together for you in a single folder.

The motions to which they were part contain extremely useful summary recitations. For instance, my August 17, 2001 motion in the Appellate Division, First Department has an extensive section well worth reading for an overview of things: see paras. 15-31.

Truth to tell, I respectfully suggest that you do what, quite obviously from your e-mail you have not yet done -- READ my appellant's brief -- especially those underlying documents in the appendix relating to Justice Rosenblatt's appointment and confirmation to the Court of Appeals. I am not "barking up the wrong tree" -- and, in short order, you will see for yourself, what I have endless tried to tell you.

I am NOT complaining about "unfair[ness]" by the Commission -- but, rather, a Commission which has REWRITTEN its mandatory duty to investigate facially-meritorious complaints under Judiciary Law 44.1 by a self-promulgated rule, 22 NYCRR 7000.3, which unlawfully gives to the Commission unfettered discretion to do anything or nothing with the complaints it receives -- with the result that the Commission dismisses, without investigation facially-meritorious complaints -- such as the one I filed against Justice Rosenblatt, based on his believed perjury on his publicly-inaccessible application for the Court of Appeals.

I am also not talking about judicial decisions with which I "disagree", but decisions which are FRAUDULENT. If you read my appellant's brief you would know that for yourself -- and know why. Please, just READ again the short second page of my analysis of Justice Cahn's decision -- which, in addition to being in my appellant's brief [A-53; A-189-194] -- I provided for you in a separate folder. We reviewed this together and you then understood perfectly well the fraud perpetrated by Justice Cahn's decision.

You ask what Mr. Spitzer was supposed to do? How about investigating CJA's \$3,000 ad, "Restraining 'Liars in the Courtroom' and on the Public Payroll" -- by examining the files described therein -- the first being my mother's 1995 lawsuit against the Commission and Justice Cahn's fraudulent judicial decision. Isn't that what he implied he would do when in my public exchange with him on January 27, 1999, after having announced the establishment of his "public integrity unit", he said "anything that's given to us we'll look at it"? How about his investigating what took place in connection with Rosenblatt's appointment and confirmation to the Court of Appeals -- also presented to him for investigation. Please read again -- or read for the first time if you never did -- my September 18th letter to you.

Executive Law 63.1 -- which I sent you and would be perfectly willing to send you again -- tells you precisely what Mr. Spitzer was "supposed to do". He was supposed to determine the "interest of the state" -- and, if that "interest" rested with me -- he was supposed to join with me in vindicating the public's rights.

The last thing that Mr. Spitzer ever cared about was "a fair decision" -- that was not why he engaged in the kind of fraudulent defense tactics, which I fully documented in three sanctions motions

"[A] fair decision" would declare what is obvious to anyone examining Judiciary Law 44.1 and 22 NYCRR 7000.3: they are irreconcilable and the decision of Justice Cahn pretending they are compatible is a hoax, as likewise the decision of Justice Lehner pretending that Judiciary Law 44.1, pertaining to the Commission's receipt from an outside source, and Judiciary Law 44.2, pertaining to complaints initiated by the Commission are the same. [Take a look at the Court of Appeals' decision in Matter of Nicholson, 50 NY2d 597, 610-611 -- a copy of which I gave you -- for confirmation.

"...the Commission must investigate following receipt of a complaint, unless that complaint is determined to be facially inadequate (Judiciary Law 44, subd1) an may on its own motion initiate an investigation upon the filing of a written complaint signed by the administrator of the commission (Judiciary Law 44, subd 2)."

A "fair decision", don't make me laugh -- such a decision, as Mr. Spitzer well knew, would bring down the Commission -- and all those complicitous in its corruption, who were and are Mr. Spitzer's patrons, colleagues, and friends.

Call me. I will help you with whatever you need to make this momentous story happen -- but please understand that unless you invest the minimal amount of time to read the essential documents, you will never resolve your truly unwarranted assertions about what it is I am saying -- nor confront the verifiable reality of judicial corruption, including at the appellate level -- which is pervasive when the issues involve judicial self-interest.

I am tired and hungry. I haven't even had lunch, let alone dinner. I have a great deal to do -- including motions to the Court of Appeals to reargue and for leave to appeal. For the record, the Commission is NOW the beneficiary of SEVEN fraudulent judicial decisions without which it could not survive -- the latest two being from the Court of Appeals. Verifying the fraudulence of these takes about a minute -- if that long.

Elena Sassower (914) 421-1200