

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

E-Mail: probono@delphi.com

Box 69, Gedney Station

White Plains, New York 10605

By Fax and Mail: 9 pages
202-588-0386

September 14, 1995

Paul D. Kamenar, Executive Legal Director
Washington Legal Foundation
2009 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Kamenar:

I thank you again for your phone call yesterday--and for the thought, care, and attention with which you are obviously reviewing the materials I sent.

Per your request, I enclose a copy of Justice Fredman's July 13, 1989 decision as it appeared in The New York Law Journal on July 24, 1989¹. The predicate for the decision was my mother's supposed non-appearance on the July 10, 1989 return date of an order to show cause to hold her in contempt, which Justice Fredman characterized as a "capricious disappearance" and "gross insult visited upon [him]".

Also enclosed is the documentary proof--included as part of our record on appeal--that Justice Fredman's July 13, 1989 decision was an outright fraud, the case not even appearing on the calendar on July 10, 1989, no appearances by anyone, and no default taken.

As may be seen by Exhibit "F" to the Article 78 Petition, in 1992 we specifically brought such documentary proof to the attention of the New York State Commission on Judicial Conduct, supplying it with a copy of our appellate brief and record on appeal. Such documentation was submitted in support of our original 1989 complaint against Justice Fredman (Exhibit "C"), which the Commission had summarily dismissed (Exhibit "L-1").

¹ The numeric annotations on the Law Journal decision reflect a sampling of legal and factual errors in it which--to no avail whatever--my mother demonstrated in a submission to Justice Fredman following his refusal to permit her to put on a defense case. Justice Fredman's denial of fundamental due process is reflected by the enclosed appellate decision reversing on that ground.

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The Commission's response to our 1992 complaint against Justice Fredman (Exhibit "F") is reflected by paragraph "TWENTY-SIXTH" of the Article 78 Petition. The Commission rejected the complaint (Exhibit "L-4"), falsely contending that our 1992 complaint against Justice Fredman presented "no new allegations" beyond those previously disposed of by the Commission and, therefore, could not be reconsidered. Although we dispositively rebutted such claim in a letter to the Commission, dated January 22, 1993 (Exhibit "M")--as of this date--more than 2-1/2 years later--the Commission has refused to respond--notwithstanding our repeated requests that it do so.

Should you wish to see the appellate brief and record on appeal of the contempt proceeding before Justice Fredman, we would be most pleased to supply you with a copy. It is otherwise impossible to appreciate its utterly contrived nature, the heinous behavior of Justice Fredman, and the absolute cover-up by the Appellate Division, Second Department in its appellate decision which, nonetheless, reversed for lack of due process ("inter alia, the right to cross-examine witnesses and the right to present a defense").

Naturally, we would also be pleased to provide you with any other materials you might wish to see. They are just as overwhelming and impressive as what you already have--presenting issues of transcending importance to the integrity of our justice system.

Again, our sincerest thanks.

Yours for a quality judiciary,



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

Enclosures:

- (a) Fredman decision, NYLJ, 7/24/89
- (b) stenographer's affidavit and court calendar
- (c) Appellate Division, Second Dept. appellate decision, 11/28/94