

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 518-454-5819 (4 pages)

February 12, 2002

Howard Healy, Editorial Page Editor/Albany Times Union

RE: Proposed Letter to the Editor: Response to Chief Judge Kaye's
published column, "*State Judicial System is Accountable to Public*"
(2/10/02) and your editorial series on the New York State
Commission on Judicial Conduct (2/3/02-2/7/02)

Enclosed is my proposed Letter to the Editor. Upon request, I will readily transmit to you a copy of CJA's voluminous correspondence with Chief Judge Kaye on the subject of the Commission's corruption, including the judicial misconduct complaint we filed against her in connection therewith – a copy of which she received.

Meantime, I enclose my related Letter to the Editor, "*Judicial Reforms*", published in the December 7, 2001 New York Daily News.

Also enclosed, FYI, is my previously published Letter to the Editor "*AFL-CIO Actions Marked by Desperation and Panic*" in the September 13, 1997 Albany Times Union – representing my first and only other submission of a proposed Letter to the Times Union.

*

*

*

Chief Judge Kaye's response (2/10/02) to your five-part editorial series on the New York State Commission on Judicial Conduct (2/3/02-2/7/02) is a knowing cover-up. The Chief Judge fails to identify that less than 2% of the 1400 judicial misconduct complaints the Commission receives each year result in formal charges against the judge. Consequently, opening the Commission's proceedings against a judge once such charges are filed, which is all the Chief Judge endorses, will hardly "give the public greater confidence in the entire process" – a process where upwards of 80% of complaints are dismissed, *without investigation*.

Moreover, although you state that confidentiality prevents the public from "judg[ing] whether the process should be reformed", the Chief Judge knows that confidentiality long ago ceased to be an obstacle to judging the Commission. For the past decade, our non-profit citizens organization has pierced an ever-widening hole in this shroud of confidentiality, documentarily proving that the Commission is not, as you make it appear, "follow[ing] its mandate as outlined in state law". This documentary proof

is embodied in a public interest lawsuit against the Commission, commenced nearly three years ago and now wending its way to the Court of Appeals. It establishes that the Commission has operated in flagrant violation of statutory and constitutional requirements – with the result that it dismisses, *without* investigation, the very *facially-meritorious* complaints the law requires it to investigate. These include complaints of corrupt and criminal conduct by powerful, politically-connected judges. The record shows that the Commission had NO legitimate defense to the lawsuit. It survived this, as well as two other lawsuits brought by complainants whose *facially-meritorious* judicial misconduct complaints the Commission had dismissed, *without* investigation, only because it corrupted the judicial process by litigation misconduct and was rewarded by fraudulent judicial decisions, “protecting” the Commission and the judges legitimately complained about.

Nearly two years ago, we provided Chief Judge Kaye with a full copy of the lower court record of all three lawsuits, accompanied by a formal request that she appoint a special inspector general to investigate the Commission’s *readily-verifiable* corruption and the series of fraudulent judicial decisions of which it has been the beneficiary. Her response, by her counsel, in conclusory terms, was that she has no jurisdiction to investigate. She then failed to respond when we provided her with law pertaining to her jurisdiction “as the state’s Chief Judge” and as to her obligation to refer the record evidence of the Commission’s corruption to the jurisdictionally-proper body, if she nonetheless believed she had no jurisdiction. Indeed, although Chief Judge Kaye says she is “deeply distressed” when judges “betray the oath of office”, her own betrayal in face of proof that the state judiciary, in three separate lawsuits, obliterated the rule of law to “protect” a corrupted Commission, impelled us to file with the Commission a judicial misconduct complaint against her.

It is easy for Chief Judge Kaye to publicly proclaim the existence of judicial accountability. However, evidence speaks louder and more powerfully than self-serving rhetoric. The pending public interest lawsuit against the Commission documents the corruption of this foremost check on judicial misconduct, as well as of EVERY other check on judicial lawlessness. It will be the Court of Appeals’ duty to confront this horrifying evidence when, in the near future, the case reaches it for review.



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

Enclosures

cc: Ron Loeber, Jail4Judges
Jay Jochnowitz, Albany Times Union

DAILY NEWS

450 W. 33rd St., New York, N.Y. 10001

MORTIMER B. ZUCKERMAN, *Chairman & Co-Publisher*

FRED DRASNER, *Chief Executive Officer & Co-Publisher*

LES GOODSTEIN, *President & Chief Operating Officer*

EDWARD KOSNER, *Editor in Chief*

MICHAEL GOODWIN, *Executive Editor*

ROBERT SAPIO, *Senior Managing Editor*

BILL BOYLE, JANE FREIMAN, MICHAEL KRAMER, LOU PARAJOS, *Managing Editors*

RICHARD SCHWARTZ, *Editorial Page Editor* THOMAS P. RUIS, *Design Director*

Friday, December 7, 2001

IDEAS & OPINION

Judicial reforms

White Plains: Re your Dec. 4 editorial "Judges betray trust of those in need": Chief Judge Judith Kaye and Administrative Judge Jonathan Lippman deserve no credit for the probe into fiduciary appointments. The credit belongs to the media. If not for their coverage of the letter of two disgruntled lawyers complaining to party leaders that they were being denied patronage, Kaye would have done nothing. Away from the media spotlight, the Office of Court Administration hasn't lifted a finger when litigant and lawyer victims turned to them for help about violations of law by judges and lawyers regarding fiduciary appointments.

Moreover, the inspector general's report and follow up recommendations are an inside job. They cover up for the higherups in the court system, whose refusal to discharge their monitoring responsibilities has made abuses possible. It also covers up the corruption of other key governmental monitors — the Commission on Judicial Conduct, the attorney disciplinary committees and the attorney general's office. True reform will come only when their scandalous role is exposed.

Elena Ruth Sassower, Center for Judicial Accountability

TIMES UNION

Timothy O. White, *Publisher*

Jeff Cohen, *Editor*

Robert S. Wilson, *General Manager*

Harry M. Rosenfeld, *Editor-at-Large*

Rex Smith
Managing Editor,
News

Karen Potter
Managing Editor,
Features

William M. Dowd
Associate Editor

Michael V. Spain
Assistant Managing
Editor

George R. Hearst III
Operations Director
Thomas R. Maginn
Resident Controller
George Martin Jr.
Circulation Director
Robert Provost
Marketing Director
David P. White
Advertising Director

Joseph Brunetto
Production Manager
Tricia Brennan Buhr
New Ventures Manager
Michael C. Danieli
Display Advertising Manager
Nancy A. Meyer
Classified Advertising Manager
Art Raymond
Information Technology Director
Patricia A. Realbuto
Human Resources Manager

Joann M. Crupi
Editor/Opinion Pages
Howard Healy
Editorial Page Editor

A8 Saturday, September 13, 1997 *

AFL-CIO actions marked by desperation and panic

Reporting on last Tuesday's demonstration outside the New York State AFL-CIO headquarters by Bob Schulz's We the People Congress, your fine article "Activists Fault Union Stand on Constitution" (Sept. 3) closes with a quote from a prepared AFL-CIO statement that the demonstration "was an obvious sign of desperation and panic by supporters of a constitutional convention."

Quite the contrary — "desperation and panic" marked the AFL-CIO. Its response to our peaceful demonstration was to lock both its front and back doors and refuse to open them to receive the Congress' five-page letter, addressed to its leadership, which Bob Schulz publicly read outside its headquarters. The letter had to be slipped in through the space between its locked front doors.

Ironically, the Congress' letter described the panic of the AFL-CIO leadership over the prospect that voters might approve a constitutional convention. It hired political consultants to explore a public relations strategy to discourage such a vote. These consultants confirmed that more people than not favor a constitutional convention because they are "fed up" with state government, particularly the Legislature, which they see as "corrupt, unresponsive" and gridlocked." Consequently, the public relations strategy devised by the consultants — on which the AFL-CIO leadership now relies — is to ignore the dysfunction of state government. As recited by our letter, this leadership, which did not poll its membership, is presently "divert(ing) millions of dollars of dues money from collective bargaining and member benefit activities to cover the voters with a blanket of propaganda to entice no votes on the question of a constitutional convention."

It is this shameful behavior that exemplifies "desperation and panic."

ELENA RUTH SASSOWER

White Plains