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BY FAX: 212-949-2069 (12 pages)
BY PRIORITY MAIL

January 18, 2000

Mr. Salvatore Arena
Daily News
c/o Press Room
Supreme Court, NY County
60 Centre Street
New York, New York 10007

RE: STORY PROPOSAL: An Investigative Expose of the NYS
Commission on Judicial Conduct – on the Occasion of the 25th
Anniversary of its Manhattan office

Dear Mr. Arena:

This fax reiterates my story proposal that the Daily News undertake an investigative series about the NYS Commission on Judicial Conduct, whose Manhattan office opened **exactly 25 years ago this month**. Notwithstanding the Commission's operations take place "behind closed doors" – a fact decried by today's Daily News editorial, "*Judging the Judges*", the current Article 78 proceeding against the Commission (NY Co. #99-108551) provides an unprecedented window into its closed operations and demonstrates that the Commission is dumping the very complaints which the law (Judiciary Law §44.1) requires it to investigate and that it misuses the confidentiality statute (Judiciary Law §45) to conceal its unlawful conduct.

As discussed, our non-partisan citizens' organization is well familiar with the Commission's operations. Not only has CJA filed judicial misconduct complaints with the Commission, but we collect copies of judicial misconduct complaints which others have filed with the Commission. Based upon this archive of evidence -- which we would be pleased to make available for purposes of an investigative expose -- we can state that among the complaints the Commission dumps are those concerning judicial patronage. Indeed, although your today's column, "*Closing Up Patronage Loopholes*", lets the Commission "off the hook" by allowing its

administrator, Gerald Stern, make the self-serving claim that the Commission has difficulty in proving patronage, we can show you complaints of judicial patronage which the Commission dumped notwithstanding they enclosed a *written* resolution between judicial nominees and democratic and republican party leaders in which the nominees were obliged to pledge that following their election, they would split judicial patronage between the parties.

In the event you are unfamiliar with CJA's long-time and very public advocacy against the Commission¹, enclosed are: (1) CJA's Letter to the Editor, "*Commission Abandons Investigative Mandate*" (NYLJ, 8/14/95, p. 2); (2) CJA's \$1,600 public interest ad, "*A Call for Concerted Action*" (NYLJ, 11/20/96, p. 3); and (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). Should you wish to read CJA's more expansive testimony about the Commission, presented at a May 14, 1997 hearing before the Association of the Bar of the City of New York, it is posted on our website: www.judgewatch.org.

Finally, *a propos* of today's Daily News editorial, "*Judging the Judges*", I enclose a copy of "*Who Judges the Judges?*", CJA's sharply expurgated Letter to the Editor, which the Daily News published on September 12, 1999 under that title. Also enclosed is a copy of CJA's unexpurgated Letter, identifying the current Article 78 proceeding against the Commission, as well as a copy of the Daily News editorial, "*Mirror, Mirror*" to which the Letter was responding.

Since you indicated that you would be willing to examine the current Article 78 proceeding – now before its *seventh* judge² -- I will provide you with a copy of the

¹ CJA was also quoted for a March 25, 1996 Daily News article about the Commission by Kimberly Shaye, "*Panel Hunting Duckman Targeted*" – a copy of which is enclosed for your convenience.

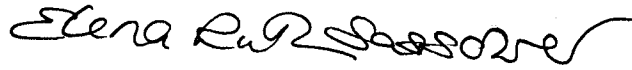
² As discussed, that judge is Acting Supreme Court Justice William Wetzel – the "cybersex judge" – who is daily dependent on Governor Pataki for reappointment, his appointive Court of Claims term on the bench having expired *over six months ago*. As reflected by court records, Justice Wetzel – a former law partner of Governor Pataki – was NOT randomly assigned to the case, but hand-picked by Supreme Court Judge Stephen Crane *for reasons unknown*. As for Justice Wetzel's six judicial predecessors – five recused themselves, with a sixth randomly-assigned judge having been booted from the case by Administrative Judge Crane, also *for reasons unknown*. As for Administrative Judge Crane, who is himself currently seeking to be appointed to the Appellate Division by Governor Pataki, he has failed to respond to a written inquiry as to the basis for having inserted himself in the case and steering it to Justice Wetzel. This politically explosive case reflects the pressures and manipulations that have been described in Juan

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Verified Petition – the exhibits to which include two judicial misconduct complaints filed with the Commission, both against high-ranking, politically-connected judges. FYI, the Commission's Manhattan office has a copy of the file of the Article 78 proceeding – which should be publicly accessible. This includes my omnibus motion to disqualify the Attorney General for his violation of Executive Law §63.1 and multiple conflicts of interest, as well for sanctions against him and the Commission, including disciplinary and criminal referral for their litigation misconduct.

Needless to say, if you are unable to objectively review this important and timely story proposal, *inter alia*, because your Daily News colleague, Barbara Ross, is the wife of the Commission's deputy administrator, Robert Tembeckjian, I trust that, consistent with your professional duty, you will pass it on to a reporter not so conflicted. Since this Article 78 proceeding graphically presents many of the issues touched upon by Juan Gonzalez in his just concluded series on Acting Supreme Court judges, may I suggest that such referral, *if necessary*, first be to him.

Yours for a quality judiciary,



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

Enclosures

This important document is expensive + time-consuming to duplicate + assemble.

DO NOT DISCARD.

We would be happy to have it back should the DAILY NEWS not recognize its significance.

Gonzalez' excellent series, whose third and final installment, "Pols Rule Courtrooms: Acting Judges Owe Their Jobs to Pataki, Rudy", appears today.

TRANSMISSION VERIFICATION REPORT

TIME : 01/18/2000 16:35

NAME : CJA

FAX : 9144284994

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FAX NO. /NAME	12129492069
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