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Elena Ruth Sassower, Coordinator

BY FAX: 212-643-7831 (10 pages)

March 22, 2000

Mr. Larry Cohler
Daily News
New York, New York

RE: GETTING READY FOR LAW DAY: MAY 1st

Dear Larry:

I'm greatly looking forward to our meeting at 10:00 a.m. April 4th at the Daily News. As you requested, I will bring with me copies of judicial misconduct complaints from our archive, which I estimate to be about 50 in number.

However, you do *not* have to wait until then to get started. Since you have obtained from Juan Gonzalez the mountain of materials I left for him on February 25th, you already have in your possession the FIRST and SECOND judicial misconduct complaints that you should be examining. They are annexed to the Verified Petition in the Article 78 proceeding against the Commission as Exhibit "C" (CJA's October 6, 1998 complaint) and Exhibit "F-6" (CJA's February 3, 1999 complaint). The exchange of correspondence between CJA and the Commission relating to those complaints is, likewise, annexed to the Verified Petition: Exhibits "D"- "G". These will give you an "inside" view of the arrogant and dishonest manner in which Commission operates.

The Verified Petition provides a running commentary on those Exhibits, as likewise on the first two Exhibits: "A" and "B". If you skip over the legalize as to the relief sought (in the Notice of Petition and Petition), the reading is relatively straight-forward. In other words, after reading ¶¶ FIRST – THIRD, skip to ¶SIXTH and keep on going. The "FACTUAL BACKGROUND" for the October 6, 1998 complaint and related February 3, 1999 complaint begins at ¶¶ TWENTY-FIRST.

By the way, the most relevant legal authority for you to see with your own eyes is Judiciary Law §44.1 and the facially-inconsistent 22 NYCRR §7000.3. Copies of these are annexed – along with Article VI, §22(a) of the NYS Constitution – to

Exhibit "A" to the Verified Petition.

You also have a **THIRD** judicial misconduct complaint in your possession – (actually a series of three complaints filed by Camou Bey, dated May 27, 1999, June 25, 1999, and July 23, 1999) – annexed to CJA's February 23, 2000 letter to Governor Pataki as Exhibits "J-1", "J-3", and "J-5"¹. The letter refers to (at pp. 29-30) yet another judicial misconduct complaint, filed by Clay Tiffany, which is discussed at p. 5. Quite possibly you also have a copy of Mr. Tiffany's May 21, 1999 complaint in your possession – as I faxed it to Juan Gonzalez, at his request, on January 20th. Thus, even before our April 4th meeting, you can get started by examining **FOUR** judicial misconduct complaints – ALL dismissed by the Commission *without investigation*.

It is extremely important that you also take the time to read CJA's February 23, 2000 letter to Governor Pataki, calling upon him (at pp. 33-35) to appoint a Special Prosecutor or investigative commission to examine the *readily-verifiable* evidence of the Commission's corruption, as well as CJA's March 3, 2000 letter to Chief Judge Kaye, calling upon her (at p. 2) to appoint a Special Prosecutor General for that same purpose. Their duty is to protect the public – and uphold the law – both of which are being subverted by the Commission, aided and abetted by Attorney General Spitzer, the state's highest law enforcement officer.

As discussed, Law Day is May 1st – so it's not too early to begin with this story, which is a **BIG** one: exposing not only how the Attorney General defends state judges and the NYS Commission on Judicial Conduct, sued for corruption and abuse of power, when he has **NO LEGITIMATE DEFENSE**, but, additionally, the corruption of **THREE** critical state agencies, each of which operates behind closed doors: the NYS Commission on Judicial Conduct, the NYS Commission on Judicial Nomination, and the NYS Ethics Commission. Please examine CJA's March 26, 1999 ethics complaint against, *inter alia*, the Commission on Judicial Conduct, the Commission on Judicial Nomination, and the Attorney General which is already in your possession². As of this date, nearly a year since the Ethics Commission received that fully-documented ethics complaint, it has yet to act on it.

¹ See discussion of Mr. Bey's complaints at pp. 29-30 of that February 23, 2000 letter to the Governor.

² See pp. 22-25 relating to NYS Commission on Judicial Nomination; pp. 25-27 relating to NYS Commission on Judicial Conduct; and pp. 5-7, 27-29 relating to Attorney General Spitzer, *personally*.

The Ethics Commission's inaction is reflected in CJA's September 7, 1999 criminal complaint to the U.S. Attorney for the Eastern District of New York, also already in your possession. Of course, perhaps the "biggest fish" in this story is Governor Pataki, whose role in systemic governmental corruption the March 26, 1999 ethics complaint details (at pp. 14-22).

Finally, enclosed is a print-out of the March 1, 2000 Chicago Tribune article³, "*16 Prosecutors Left Misconduct Rebukes Off Judicial Bids*", to which I referred you when we spoke on Monday night. In contrast to the public-accessibility in Illinois of completed judicial applications, at least for certain judicial candidates, the completed applications of judicial candidates in New York are CONFIDENTIAL. This includes Albert Rosenblatt's confidential application to be a judge on our state's highest court, the New York Court of Appeals – which he submitted to the NYS Commission on Judicial Nomination. As you know, Justice Rosenblatt's believed perjury in connection with that application's questions about judicial misconduct complaints and lawsuits against him is the subject of CJA's *facially-meritorious* October 6, 1998 judicial misconduct complaint – and the Article 78 lawsuit.

Again, thank you ever so much for your interest and follow-up. Please feel free to share the wealth of documentary materials in your possession with any of your colleagues – and with Lisa Gersten, who immediately recognized the importance of these public interest issues in my conversations with her and was kind enough to alert you to this story.

Regards.

Yours for a quality judiciary,



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

Enclosure

cc: Lisa Gersten

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³ As I mentioned, the internet edition of the Chicago Tribune article contains a link to CJA's website.