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By Priority Mail

December 30, 1994

Chris Herren, Esq.
Civil Rights Division: Voting Section
Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128

Dear Mr. Herren:

Following up my telephone conversation with you on December 12th, wherein you indicated that you do not receive copies of what is being reported in the New York papers about the Justice Department's investigative probe and the current court proceedings, I am transmitting to you the pertinent articles.

Although we were naturally disappointed by the federal court's December 22, 1994 decision granting New York's summary judgment motion, we are heartened by the front-page report in yesterday's Law Journal that the Justice Department is planning to appeal. You can count on us to assist you in any way we can.

As discussed, we are getting a great deal of response to our October 26, 1994 New York Times' Op-Ed advertisement (Exhibit A")--including from people asking us about whether we have gone to the Justice Department. Illustrative of this is a December 7th letter of Lorraine White--a copy of which I enclose (Exhibit "B").

I direct your attention to my April 26, 1994 letter to you, which supplied you with a full copy of the files in Castracan v. Colavita and Sady v. Murphy, identical to our transmission of those files in May 1992 to G. Oliver Koppell in his capacity as Chairman of the Assembly Judiciary Committee (Exhibit "C"). In that letter to you I stated:

> "Let there be no mistake about it: what is here involved is criminal conduct of the most profound nature, which should be referred for criminal investigation by the Justice Department. Indeed, as discussed by phone, as early as January 1991, we notified the U.S. Attorney in White Plains (914-993-1902) of the political machinations in the Ninth Judicial District, affecting the

> integrity of the franchise and the judiciary, and, in March 1992, transmitted to that office the same full set of the papers in Castracan and Sady, as is herein being transmitted."

Indeed, on April 27, 1994--the day following my aforesaid letter to you--we filed a criminal complaint with the so-called Corruption Investigation Division of the Brooklyn District Attorney. A copy of that complaint is enclosed (Exhibit "D")--which, we, thereafter, expanded to encompass a criminal complaint against the Attorney General's Office "for their filings of false and perjurious instruments in the Appellate Division in Brooklyn in connection with their representation of the respondents in the Article 78 proceeding"[1] brought by my mother.

Although we long ago substantiated our aforesaid complaints by supplying the Corruption Investigation Division with the files in the Article 78 proceeding and in the underlying disciplinary proceedings--all meticulously itemized and cross-referenced, it has become apparent to us that the Corruption Investigation Division has been stalling--a fact further reflected by my mother's most recent letter to it, dated November 29, 1994 (Exhibit "E")--to which, more than a month later, there has been no response.

Under these and other circumstances--including the on-going refusal of the Commission on Judicial Conduct and the State Ethics Commission to take the investigative steps mandated by the documented evidence of misconduct by sitting judges and would-be judges and of the New York State Board of Elections, which we have presented to them--we ask that you direct this matter to the Justice Department's Integrity Section.

Finally, in reviewing my previous correspondence with you, I note that when I transmitted to you, under my May 23, 1994 coverletter, the papers in the 1993 Reda v. Mehiel election case, challenging the violations of the Election Law at the 1993 Democratic Judicial Nominating Convention in the Ninth Judicial District, I promised to send you a copy of the transcript of the Board of Election's hearing on the Objections of Vincent Reda. It is herewith enclosed.

As that transcript reveals, most of the Board's hearing was devoted to Mr. Reda's objection that the Democrats had dispensed with calling of the roll at some point after it was begun. As reflected by the transcript of the Board's "Special Meeting"--

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[1] My July 11, 1994 letter to the Corruption Investigation Division of the Brooklyn D.A.'s office.

which I sent you on May 23, 1994--the Board of Elections disposed of that objection by the articulated position of two of its three members that Mr. Reda, as a Republican, had no standing to object to the conduct of the Democratic Convention.

The foregoing, of course, contrasts sharply with the manner in which the Board of Elections handled the Objections of Dr. Castracan and Professor Bonelli, whose filed Specifications raised a more fundamental roll call objection to the 1990 Democratic Judicial Nominating Convention, to wit:

> "The Roll was not called...To the contrary, a resolution [was] adopted purporting to dispense with the calling of the roll." (Exhibit "F-2").

However, whereas Mr. Reda, the Chairman of the Rockland County Republican Committee, was afforded a hearing by the Board on his roll call objection, the Board did not afford a hearing to Dr. Castracan and Professor Bonelli on their roll call objection. And, as reflected by the Castracan/Bonelli Specifications, Professor Bonelli was expressly identified as "a duly enrolled member of the Democratic Party" (Exhibit "F-1")

And so commenced the Castracan v. Colavita case--from which all the rest is history.

Yours for a quality judiciary,

Elena Ruth Sassower

ELENA RUTH SASSOWER, Coordinator

Enclosures

P.S. By way of update: We are persevering with a "cert" petition to the U.S. Supreme Court--the New York State Court of Appeals having denied review of my mother's Article 78 proceeding, both as of right (5/12/94) and by way of leave (5/29/94). In mid-October, we served a complaint in a federal action--also called Sassower v. Mangano, et al., but with added defendants--among them, Attorney General G. Oliver Koppell. Coincidentally, the assigned judge is John Sprizzo, who--as you know--is the judge hearing Healy v. Cuomo. A copy of my mother's federal complaint is enclosed, FYI, which annexes as Exhibit "B" the three-year judge trading Deal, challenged by her in Castracan v. Colavita.

INVENTORY OF LOCAL NEWS ARTICLES

NEW YORK TIMES:

7/19/94: "Wide Use of Unelected Judges Prompts Voting-Rights Inquiry"

9/27/94: "No Way to Pick a Judge" NYT editorial

10/5/94: "Maneuvering on Bronx Judgeship Violates Federal Election Law" Ltr to Editor, Assemblyman Larry Seabrook

12/7/94: "New York City Faces Change Over Justices"

12/7/94: "A Question of Balance: Judges, Law and the Voting Rights Act"

12/8/94: "Judges, Patronage and Status Quo"

12/17/94: "New York's Judicial Upheaval", NYT editorial

12/23/94: "Federal Court Overturns Ruling on Judicial Selection"

NEW YORK LAW JOURNAL:

10/4/94: "Suit Filed to Challenge Bronx Judicial Nominations"

10/14/94: "State Suit Seeks Fed'l Approval of Judgeships"

11/3/94: "Federal Panel to Hear Judicial Election Case"

11/4/94: "Panel to Weigh State Justice Election Pact"

12/7/94: "Justice Dept. Challenges 42 Judgeships"

12/9/94: "4 Sitting Judges Ask U.S. Court for Right to Stay"

12/15/94: "Pre-Clearance and the Voting Rights Act"

12/16/94: "3-Judge Panel Slated to Hear Case on Judges"

12/23/94: "Federal Panel Clears Addition of 15 Judges"

12/29/94: "U.S. Set to Challenge Ruling on City Judges"
"Democrats Map Move to Curtail Acting Supremes"

VILLAGE VOICE

12/27/94: "Shades of Justice: Machine Makes for Black Robes, White Justice"