

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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May 31, 2013

TO: Assemblyman Kieran Michael Lalor
Assemblywoman Claudia Tenney, Esq.
Assemblyman Bill Nojay, Esq.
Assemblyman Steven McLaughlin
Assemblyman Michael Fitzpatrick
Assemblyman Marc Butler
Assemblyman Christopher Friend

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Accomplishing Your Objective of Ousting Assembly Speaker Silver

This follows up my phone calls to your offices yesterday and today, upon learning of your May 29th press conference at which you called upon the Assembly Democratic majority to oust Assembly Speaker Silver from his leadership position based on the report of the Joint Commission on Public Ethics and report of Staten Island District Attorney Daniel Donovan, as to which you are seeking further investigation by criminal authorities. Specifically, you are seeking criminal investigation of the Assembly Speaker's \$103,000 settlement to the first two victims of Assemblyman Lopez's sexual harassment because of the confidentiality provision that the Speaker's office insisted upon and thereafter denied – and to have Speaker Silver personally reimburse the \$103,000 to the taxpayers. The criminal authorities you identified:

- the Albany County District Attorney;
- the State Attorney General;
- the Governor's appointment of "a special prosecutor with multi-county jurisdiction";
- the U.S. Attorney for the Northern District of New York.

Please be advised that Assembly Speaker Silver is already the subject of an April 15th criminal complaint to the U.S. Attorneys for the Southern and Eastern Districts of New York, involving his grand larceny of tens of millions of taxpayer dollars – and that it presents:

“an open and shut, prima facie case of official misconduct and ‘grand larceny of the public fisc’ by Assembly Speaker Silver – for which he and other public officers must be indicted and prosecuted, with steps taken to recover monies already disbursed...and halt further expenditures.”

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

The facts are summarized by CJA's May 29th letter to Assemblyman Michael Kearns, who, as the first Assembly Democrat to call for Speaker Silver's ouster, you recognized at your press conference as a "profile in courage" for "doing the right thing" when doing so means going against one's "party... and...base". That letter – and CJA's May 7th and May 22nd letters to ALL Senators and Assembly Members pertaining to our April 15th criminal complaint – are posted on our website, www.judgewatch.org, accessible *via* its top panel "Latest News", whose hyperlink "Holding Government Accountable for its Grand Larceny of the Public Fisc and Other Corruption" furnishes a link to "Correspondence with the Legislature pertaining to CJA's April 15th corruption complaint"¹.

That being said, a copy of our May 29th letter to Assemblyman Kearns is enclosed for your convenience. I respectfully request that after you read it – and our April 15th corruption complaint, posted on our website – that you publicly demand that Assembly Speaker Silver produce his findings of fact and conclusions of law with respect to CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Final Report, as well as with respect to the four causes of action in our People's lawsuit based thereon, in which Assembly Speaker is a named defendant, sued for corruption with the Assembly, also a named defendant.

Two copies of the Verified Complaint in the lawsuit were received, *in hand*, by the Assembly's majority counsel, William Collins, on April 5, 2012. This is the same William Collins who then and thereafter was involved in covering up the initial sexual harassment complaints against Assemblyman Lopez, including by the \$103,000 pay-out, whose confidentiality provision would subsequently be misrepresented as sought by the victims. Enclosed is Mr. Collins' handwritten acknowledgment of service for the Verified Complaint and its accompanying Order to Show Cause - - one copy for defendant Speaker Silver, in his official capacity, and one copy for the defendant Assembly. Mr. Collins signed his acknowledgment on the reverse side of an April 5, 2012 notice addressed to Speaker Silver and the Assembly, a copy of which Mr. Collins also received. It read:

"Service is hereby made...In view of the serious and substantial nature of this lawsuit, detailing and documenting the collusion of New York's highest constitutional officers and three branches of government against the People of New York – and because Attorney General Schneiderman is a party, disqualified for interest – please have these papers reviewed by independent counsel, whose name we also request."

Who were the "independent counsel" who reviewed the Verified Complaint for Speaker Silver and for the Assembly – and what was the result? Were these the same counsel as had reviewed CJA's October 27, 2011 Opposition Report for Assembly Speaker Silver five months earlier and who, four weeks before the lawsuit, had received CJA's March 2, 2012 letter addressed to the Speaker entitled "YOUR FINDINGS OF FACT & CONCLUSIONS OF LAW: Protecting the People of this State & the Public Purse from Judicial Pay Raises that are Unconstitutional, Unlawful, &

¹ The video of your May 29th press conference is also posted there.

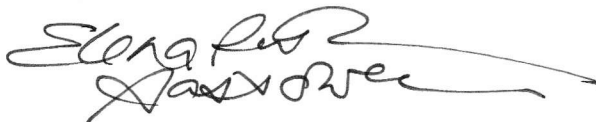
Fraudulent”.² What were their findings of fact and conclusions of law? Did they contest the accuracy of CJA’s Opposition Report – and of the four causes of action of the Verified Complaint based thereon, in any respect? If not, why were they not then counseling the Speaker and Assembly to settle the lawsuit, out of court – as there was no merits defense. Or were they confident that they could rely on the corruption of New York’s judiciary, a defendant in the suit with a direct financial interest in its outcome, to protect all defendants from liability by its *modus operandi* of fraudulent judicial decisions?

So that you can get a sense of what the exhaustively-documented March 30, 2012 Verified Complaint and its most important exhibit – CJA’s October 27, 2011 Opposition Report – look like, in volume, you can see the Assembly video of the copy I handed up at the February 6, 2013 joint budget hearing on “public protection” in support of CJA’s opposition to funding of the judicial pay raises recommended by the Commission on Judicial Compensation’s August 29, 2011 Report. For your convenience, the video will be posted beneath this letter on our website. The direct link to the webpage is: <http://www.judgewatch.org/web-pages/judicial-compensation/correspondence-with-legislature-about-complaint.htm>. My 10-minute testimony is easy to find, as I was relegated to being the last speaker at the 7-1/2 hour hearing. This, so that that most Assembly Members and Senators would be gone, as likewise the press.

I would be pleased to travel to Albany to meet with you, to speak with you by phone, and to answer your questions.

I will write you further, next week.

Thank you.



Enclosures: CJA’s May 29, 2013 letter to Assemblyman Kearns
CJA’s April 5, 2012 notice to Assembly Speaker Silver & the Assembly,
with acknowledgment of service by William Collins
CJA’s March 2, 2012 letter to Assembly Speaker Silver, with exhibits

cc: Assemblyman Michael Kearns
Assemblywoman Inez Barron
Assemblywoman Jane Corwin
Assemblywoman Nicole Malliotakis
Assemblywoman Annie Rabbitt
Assemblyman Steve Katz
The Public & The Press

² CJA’s important March 2, 2012 letter, whose Exhibit A is a 4-page Executive Summary of the October 27, 2011 Opposition Report – the same as I would hand up at the Senate and Assembly’s February 6, 2013 joint budget hearing on “public protection” – is Exhibit “U” to the Verified Complaint. The direct link to the record of the lawsuit, posted on our website, is <http://www.judgewatch.org/web-pages/judicial-compensation/cja-v-governor.htm>.