

# CENTER for JUDICIAL ACCOUNTABILITY, INC.\*

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October 4, 2013

TO: Regina Calcaterra, Executive Director  
Commission to Investigate Public Corruption

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

RE: When Will the Commission to Investigate Public Corruption be Holding Public Hearings at Which the Public Will be Able to Testify as to the Breadth of Public Corruption Within its Knowledge and Experience?, Etc.

Please advise when the Commission to Investigate Public Corruption will be holding public hearings at which the public will be able to testify as to the breadth of public corruption within its knowledge and experience.

As you know, I rushed up to the dais to ask that question at the end of the September 24<sup>th</sup> Albany hearing. This, because that hearing had been topic-limited to “campaign finance, outside income of state elected officials or political party housekeeping accounts” – areas predictably not within the knowledge and experience of members of the public. As a result, the Commission did not even have witnesses to fill the last half-hour. Yet, rather than asking whether, in the audience, there were members of the public who wished to testify about other public corruption – the answer to which the Commission knew to be yes – and without announcing dates of any subsequent hearings, the Commission closed the Albany hearing. As to my publicly-presented question as to when the Commission would be holding public hearings at which the public would be able to testify about the breadth of public corruption within its knowledge and experience, the Commission did not respond.

To date, the Commission has afforded the public only an hour and a half at a single hearing to testify as to the breadth of public corruption. That was at its September 17<sup>th</sup> Manhattan hearing, from which the Commission turned away untold numbers who had registered.

In the interest of transparency and consistent with what I stated in testifying on September 17<sup>th</sup> (at 2:14:44 – 2:28:04) please identify how many people registered to testify at the September 17<sup>th</sup> Manhattan hearing – and how many registrants you contacted by phone and/or e-mail telling them they would not be able to testify or even to be admitted into the hearing room because the hearings were at capacity and/or because their proposed testimony was purportedly not germane.

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\* **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.

Ex J

Please also identify how many members of the public registered for the September 24<sup>th</sup> Albany hearing – including before your registration page was modified to restrict the topics of the hearing – and the date and time the modification went on-line.

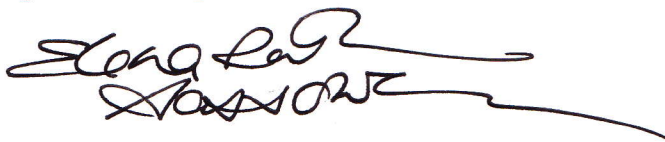
Notably, at the September 17<sup>th</sup> Manhattan hearing, you stated (at 1:47:00 – 1:47:10) that there would be a further public hearing in Manhattan, on October 29<sup>th</sup>, at “the Lighthouse”, without revealing that the Commission’s September 16<sup>th</sup> press release “*Moreland Commission Announces New York City Hearing Tomorrow, September 17<sup>th</sup>*” had identified that the October 29<sup>th</sup> hearing would be a “NYS Board of Elections Investigatory Hearing”. Clearly, this would not afford members of the public the opportunity to testify as to the breadth of the public corruption within their knowledge and experience. In any event, that September 16<sup>th</sup> press release has apparently been expurgated to remove the October 29<sup>th</sup> hearing. A copy of the original September 16<sup>th</sup> press release and the currently posted expurgated release is enclosed.

This is not the only expurgation from the original September 16<sup>th</sup> press release. Also gone is information about the Buffalo hearing, which the original release represented as “September 23, 2013 (POSTPONED to later date)”. This is totally bizarre. The Buffalo hearing was never announced for September 23<sup>rd</sup>. It had been scheduled for September 18<sup>th</sup> by the Commission’s July 16<sup>th</sup> press release, “*Moreland Commission Announces First Round of Public Hearings to Take Place Across the State*” and this September 18<sup>th</sup> date had been posted on the Commission’s homepage until about September 2<sup>nd</sup>, when, without explanation, it was removed. I inquired about this by e-mail dated September 3<sup>rd</sup> – without response from the Commission. A copy of that e-mail is enclosed.

At the September 17<sup>th</sup> Manhattan hearing (at 1:47:10 – 1:47:18), you stated that that the Commission was “trying” to set up a Buffalo hearing “for the latter part of October, early November”. How long does it take for the Commission to fix a date so that members of the public might be guided accordingly?

I will separately write on other matters related to the Commission’s public hearings. Suffice for immediate purposes to get the Commission’s response as to the dates and parameters of upcoming hearings – and information as to the numbers of registrants who had requested to testify at the September 17<sup>th</sup> and September 24<sup>th</sup> public hearings, but were not included on the Commission’s witness lists.

Thank you.



Enclosures: (1) Commission’s original September 16<sup>th</sup> press release  
(2) Commission’s expurgated September 16<sup>th</sup> press release  
(3) CJA’s September 3<sup>rd</sup> e-mail

cc: Commission Co-Chair Onondaga County District Attorney William Fitzpatrick  
Commission Co-Chair Nassau County District Attorney Kathleen Rice  
Commission Co-Chair Milton L. Williams, Jr.  
Commissioner Albany County District Attorney P. David Soares  
The Public & the Press

*original*

# THE MORELAND COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

STATE OF NEW YORK



Phone Line: (518) 485-TIPS(8477)

**Moreland Commission**  
Appointed by  
Governor Andrew M. Cuomo

**Executive Director**

Regina Calcaterra

**Chief Counsel**

Kelly Donovan

**Legislative Director**

John Amodeo

**Chief of Investigations**

Danya Perry

Contact: Regina Calcaterra, 212-417-5965

## Moreland Commission Announces New York City Hearing Tomorrow, September 17th

September 16, 2013

Contact: Michelle Duffy, (212) 417-5965

The Moreland Commission to Investigate Public Corruption will hold a hearing tomorrow, September 17, 2013 at Pace University, NYC.

This first hearing will focus on federal and state criminal laws and the adequacy of existing state laws, rules and regulations involving misconduct by public officials.

The Commission has invited law-enforcement officials to discuss several public corruption cases prosecuted in their jurisdictions. They will also speak to the inadequacy of existing anti-corruptions laws.

The speakers are:

Preet Bharara, United States Attorney, Southern District of New York  
Loretta Lynch, United States Attorney, Eastern District of New York  
Cyrus R. Vance, Jr., Manhattan District Attorney  
Daniel R. Alonso, Chief Assistant Manhattan District Attorney  
Lawrence Norden, Deputy Director, Brennan Center's Democracy Program  
Ian Vandewalker, Counsel, Brennan Center's Democracy Program

**WHAT:** New York State Moreland Commission to Investigate Public Corruption

**WHEN:** 6 p.m., Tuesday, September 17, 2013 (Doors open at 5 p.m.)

**WHERE:** Pace University, NY Campus - Multipurpose Room, 1 Pace Plaza, NYC

**WEBCAST:** The event will be webcast at: <mms://realserv.pace.edu/liverty> The address needs to be opened using Windows Media Player.

**NOTE:** All members of the media wishing to attend the hearings are asked to RSVP via email at: [michelle.duffy@moreland.ny.gov](mailto:michelle.duffy@moreland.ny.gov)

\*\*Due to the limitation of time and volume of speakers, this event is at capacity.

**Update on Additional Hearings:**

**Capital Region**

When: Tuesday, September 24, 2013

Where: The Crossings of Colonie Meeting House, 580 Albany Shaker Road, Loudonville, NY

Doors open at 5:00pm, hearing starts at 6:00pm

**Buffalo – September 23, 2013 (POSTPONED to later date)**

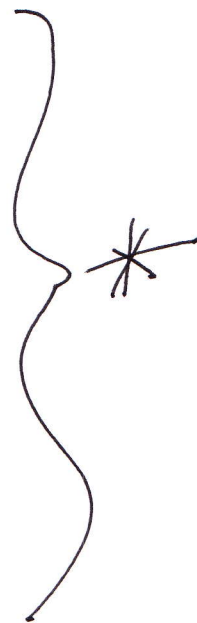
**New York City**

Topic: NYS Board of Elections Investigatory Hearing

When: Tuesday, October 29, 2013

Where: Lighthouse International, 111 East 59th St., New York City (Benay Venuta Hall)

Doors open at 5:00pm, hearing starts at 6:00pm



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Special Counsel: Robert Morgenthau; Special Advisors: Joseph D'Amico, Raymond Kelly, Barbara Bartoletti;  
Commissioners: Patrick Barrett, Richard Briffault, Daniel Castleman, Derek Champagne, Eric Corngold, Kathleen Hogan, Nancy Hoppock, Seymour James, David Javdan, Robert Johnson, David R. Jones, Lance Liebman, Joanne Mahoney, Gerald Mollen, Makau Mutua, Benito Romano, Frank Sedita III, P. David Soares, Kristy Sprague, Betty Weinberg Ellerin, Peter Zimroth, Thomas P. Zugibe



Governor  
Andrew M. Cuomo

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Commissioners: Patrick Barrett, Richard Briffault, Daniel Castleman, Derek Champagne, Eric Corngold, Kathleen Hogan, Nancy Hoppock, Seymour James, David Javdan, Robert Johnson, David R. Jones, Lance Liebman, Joanne Mahoney, Gerald Mollen, Makau Mutua, Benito Romano, Frank Sedita III, P. David Soares, Kristy Sprague, Betty Weinberg Ellerin, Peter Zimroth, Thomas P. Zugibe



Governor  
Andrew M. Cuomo

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## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Tuesday, September 03, 2013 9:14 AM  
**To:** comments@moreland.ny.gov; williamfitzpatrick@ongov.net; cheryl.rice@nassauda.org; mwilliams@vladeck.com; david.soares@albanycounty.com; Eric Galarneau (egalarneau@albanycounty.com)  
**Cc:** 'robert.freeman@dos.state.ny.us'  
**Subject:** Request that the Upcoming Public Hearings of the Commission to Investigate Public Corruption be Live-Streamed, Videoed, & Stenographically Recorded, Etc.  
**Attachments:** 8-5-13-ltr-calcaterra-8pp.pdf

Dear Executive Director Calcaterra:

This is to request that the upcoming public hearings of the Commission to Investigate Public Corruption be streamed live and video recorded, in addition to being recorded and transcribed stenographically.

✓ Please confirm that this will be done – and explain why the Commission’s website now indicates no public hearing on Wednesday, September 18<sup>th</sup> (in Buffalo), but only on Tuesday, September 17<sup>th</sup> (in Manhattan) and Tuesday, September 24<sup>th</sup> (outside Albany).

Finally, it appears that in response to our August 5<sup>th</sup> letter (at p. 5), the Commission has now expanded its website to include a button entitled “EXECUTIVE STAFF”, furnishing their names and brief bios. However, where is the Commission’s response to the balance of our August 5<sup>th</sup> letter? We have received none – and our below e-mail to you and Commission co-chairs D.A. William Fitzpatrick, D.A. Kathleen Rice, and Milton Williams, Jr. , sent last week, alerted you and them of that fact. Please advise.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

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**From:** Center for Judicial Accountability [mailto:elena@judgewatch.org]  
**Sent:** Tuesday, August 27, 2013 4:52 PM  
**To:** comments@moreland.ny.gov; williamfitzpatrick@ongov.net; cheryl.rice@nassauda.org; mwilliams@vladeck.com; david.soares@albanycounty.com; Eric Galarneau (egalarneau@albanycounty.com)  
**Cc:** 'robert.freeman@dos.state.ny.us'  
**Subject:** **Status: Our August 5, 2013 Letter --"Keeping the Commission to Investigate Public Corruption True to its Name & Announced Purpose"**

Dear Executive Director Calcaterra:

We have received no response from you to our attached August 5, 2013 letter, sent by the below e-mail. Nor have we received any response from the Commission’s three co-chairs – D.A. William Fitzpatrick, D.A. Kathleen Rice, and Milton Williams.