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January 14, 2003

Chairman John A. DeFrancisco  
New York State Senate Judiciary Committee  
307 Legislative Office Building  
Albany, New York 12247

- RE:
- (1) CJA's request for a meeting to discuss the documentary evidence of the corruption of judicial selection and discipline;
  - (2) CJA's request to testify at the upcoming Senate Judiciary Committee hearing in opposition to confirmation of Court of Claims Presiding Judge Susan P. Read to the Court of Appeals;
  - (3) CJA's request for publicly-available documents in the Committee's possession establishing the legitimacy of the Commission on Judicial Nomination's recommendation of Judge Read as "well qualified" to sit on the Court of Appeals and any other publicly-available documents establishing her qualifications.

Dear Chairman DeFrancisco:

On this, your first full day as Chairman of the State Senate Judiciary Committee, the Center for Judicial Accountability, Inc. (CJA) takes the opportunity to congratulate you on assuming such important responsibility – and requests a meeting with you, *as soon as possible*, to discuss the documentary evidence of the corruption of judicial selection and discipline that is within the Committee's jurisdiction to review and its duty to act upon.

As you have been a member of the Senate Judiciary Committee since 1995, you already know that CJA is a non-partisan, non-profit citizens' organization dedicated to safeguarding the public interest in judicial selection and discipline.

However, in the event you have never *yourself* examined the meticulous documentation substantiating CJA's advocacy as to the corruption of these essential processes, we request that you access, from whatever files the Committee maintains, our voluminous submissions to the Committee, spanning nearly a decade – from August 1993 to as recently as December 16, 2002.

In view of the Senate's upcoming confirmation proceedings on Governor Pataki's appointment of Court of Claims Presiding Judge Susan P. Read to the Court of Appeals – and CJA's request herein made to testify before the Committee in opposition – we specifically ask that you *personally* examine CJA's extensive submissions in opposition to Senate confirmation of Judge Read's immediate predecessor to the Court of Appeals: Appellate Division, Third Department Justice Victoria Graffeo. These include CJA's October 16, 2000 report, detailing the Commission on Judicial Nomination's corruption of the "merit selection" process to the Court of Appeals and CJA's November 13, 2000 report, detailing the bar associations' complicity therewith.

For your convenience, enclosed is a copy of CJA's November 13, 2000 coverletter transmitting these document-supported reports to then Senate Judiciary Committee Chairman James J. Lack. As reflected by that coverletter, the threshold issue that CJA placed before the Senate Judiciary Committee in opposition to Justice Graffeo's confirmation was:

"whether the Commission on Judicial Nomination's October 4, 2000 report [of "well qualified" nominees] conforms with the requirement of Judiciary Law §63.3 that it contain "*findings* relating to the character, temperament, professional aptitude, experience, qualifications and fitness for office of *each candidate* who is recommended to the governor"<sup>fn.2</sup> and, if not, whether the Senate may lawfully proceed with confirmation, over public objection as presented by CJA's October 16, 2000 report."

There was no answer from the Committee to these straightforward questions – which CJA will again place before the Committee, this time in the context of our opposition to the Commission on Judicial Nomination's identically non-conforming December 2, 2002 report of purportedly "well qualified" nominees – Judge Read among them – likewise devoid of the findings for "each candidate" which Judiciary Law §63.3 requires.

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<sup>fn.2</sup>

"Emphasis added."

As particularized by CJA's October 16, 2000 report – without dissent from the Committee -- the *readily-verifiable* corruption of the New York State Commission on Judicial Conduct necessarily corrupts the “merit selection” process. Consequently, we ask that you also *personally* examine the documents establishing the corruption of the Commission on Judicial Conduct, transmitted with that report – as well as those thereafter transmitted under CJA's June 17, 2001 coverletter to Chairman Lack in opposition to Senate confirmation of the Governor's reappointment of Court of Claims Judge William A. Wetzel.

Needless to say, if the Committee has not retained the foregoing dispositive documents in its files, we will speedily provide duplicates so that the Committee, under your stewardship, may discharge the duty it owes to the People of this State to confront the serious and substantial evidence of the corruption of the “merit selection” process that has now produced Judge Read, and, prior thereto, her unworthy predecessors sitting on the Court of Appeals<sup>1</sup>.

Finally, so that CJA's opposition testimony may be properly informed, we request all publicly-available documents in the Committee's possession establishing the legitimacy of the Commission on Judicial Nomination's recommendation of Judge Read as “well qualified” to sit on the Court of Appeals, together with any other publicly-available documents it possesses establishing her qualifications.

We await your prompt response and look forward to your leadership in vindicating the public's rights to meaningful processes of judicial selection and discipline – such as presently do *not* exist.

Thank you.

Yours for a quality judiciary,

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

Enclosures

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<sup>1</sup> The official misconduct of the sitting judges of the Court of Appeals based, *inter alia*, on their flagrant annihilation of fundamental adjudicative and ethical standards to cover-up the documentary evidence of the corruption of the Commission on Judicial Conduct and of “merit selection” to the Court of Appeals – to the detriment of the People of this State -- will be the subject of a formal impeachment complaint which CJA will be presenting to the Committee.