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January 25, 2003

Rick Stevens, News Editor/New York State
Associated Press
P.O. Box 11010
Albany, New York 12211

RE: Endorsing and Authorizing an Associated Press expose of
the New York State Senate Judiciary Committee

Dear Mr. Stevens:

Thank you again for the generous amount of time you gave me on Thursday to review what, as it turned out, was the Albany Times Union's expurgated version of Joel Stashenko's AP feed¹.

I telephoned Ms. Stashenko yesterday morning to apologize that my objections to his AP story did not take into account the expurgation, unknown to me at the time, of Chairman DeFrancisco's abusive remarks – to which Judge Read gave no answer when I entreated her assistance in defense of the public's right to hear and be heard.

As discussed, Chairman DeFrancisco cut me off at the beginning of the third paragraph of my written statement – which did not, and could not possibly, have taken me “about six minutes” to reach. Mr. Stashenko conceded he may have

¹ I would greatly appreciate if you would provide me with a copy of that unexpurgated text. Enclosed is a copy of the unexpurgated text of an October 24, 1990 story by Marc Humbert, which he provided us at the time – and whose publication we never located. The continuation of what Mr. Humbert there presented, but never thereafter wrote about, is reflected by CJA's enclosed \$17,000 public interest ad, “Where Do You Go When Judges Break the Law?” (10/26/94, New York Times) and CJA's \$3,000 public interest ad, “Restraining ‘Liars in the Courtroom’ and on the Public Payroll” (8/27/97, New York Law Journal, pp. 3-4) [A-52-4].

started the clock² from the point Chairman DeFrancisco called my name – when I had yet to get up from my seat and wheel three cartons of substantiating documents to the witness table, arrange the materials from one of the boxes on the table, pour myself a glass of water, and take a sip. Only then did I begin reading my written statement, prefaced by the words, “Chairman DeFrancisco, Committee members, Judge Read, good morning.”

As discussed, the characterization in Mr. Stashenko’s AP feed that I “criticized Read for her work as deputy counsel” – as if I merely disagreed with it politically or philosophically – and his transformation of my further stated ground of opposition to her as “the system under which high court judges are confirmed” – conceals the serious and substantial nature of CJA’s opposition, *explicitly* presented in my statement’s second paragraph *which I read* -- and which deserved to be quoted, if Mr. Stashenko were not going to accurately paraphrase it. Had he only done so – and identified the other fact-specific statements from which I was cut off and from which I never read – all substantiated by the three cartons of documentary proof I had brought with me -- there would have been a hue and cry of revulsion and protest from the public and editorial boards throughout the State. Indeed, I understand there has already been editorial inquiry in response to Erik Kriss’ article, “*DeFrancisco Quiets Critic*” (Syracuse Post-Standard, 1/23/03) – a copy of which is enclosed.

After you read my January 22, 2003 written statement – and the annexed appendix documents, such as my December 16, 2002 letter to the Senate Leadership opposing confirmation of former Senate Judiciary Committee Chairman Lack to the Court of Claims [A-12-33]³ – wholly *unreported* by Mr. Stashenko – you will understand why I have turned to you. And you may conclude that the real reason Mr. Stashenko chose *not* to attend the December 17, 2002 “hearing” to confirm Chairman Lack to the Court of Claims – although

² I believe the figure of “about six minutes” – repeated in the enclosed article, “*DeFrancisco Quiets Critic*”, by Eric Kriss of the Syracuse Post-Standard, originated with James McKinley of The New York Times, who mentioned it in the presence of other reporters gathered around me at the conclusion of the “hearing” – and which, regrettably, I did not see fit to immediately question. I have since left a phone message for Mr. McKinley asking the starting point for his timing.

³ The Senate Leadership’s sole response to that letter is reflected by the enclosed excerpt of the stenographic transcript of the December 17th confirmation proceedings on the Senate floor.

I had told him that Newsday was relying on AP for coverage⁴ – was because he knew, based on that December 16th letter, which I had given him, *in hand*, AND discussed with him less than half an hour before the “hearing”⁵, that doing so would require him to expose the corruption of the State Senate Judiciary Committee – a story for which our non-partisan, non-profit citizens organization has repeatedly sought coverage from the AP Capitol bureau over the past nine years with virtually negligible results⁶. [Cf. Mike Gormley’s 11/29/00 AP feed

⁴ As a result, I believe there was no Newsday coverage of Senator Lack’s confirmation – except for Rick Brand’s December 19th column, “*On Lack, NY Pols Vacate Judgment*”, whose only specifics about what had taken place two days earlier appear in its two-sentence penultimate paragraph, “The lone voice in Albany against Lack’s confirmation was that of Elena Sassower of the Center for Judicial Accountability. But the Senate ignored her letter asking for a 30-day delay so there could be time to scrutinize Lack’s record and give the public a chance to speak.”

⁵ During that discussion, Mr. Stashenko told me that the Court of Appeals had just denied review of my public interest lawsuit against the New York State Commission on Judicial Conduct – showing me that day’s Court of Appeals listing of decisions and motions. Despite his knowledge of the explosive significance of that lawsuit, which I had discussed with him months earlier, providing him with a copy of the then recent, if not current, article about it, “*Appeal for Justice*” (Metroland, 4/25-5/1/02), there was never any AP coverage.

⁶ This non-coverage is replicated by other news media. Illustrative is Newsday, whose reliance on AP to cover the December 17th Senate confirmation is INEXPLICABLE, inasmuch as it has a three-person Albany Bureau, Senator Lack is from Long Island and was being confirmed to a Long Island judgeship, and it had editorialized on July 3, 2001 against his obtaining a judgeship based on the “road rage” and other rage incidents about him it was then reporting.

Another illustrative example is the Albany Times Union, whose expurgation of Mr. Stashenko’s January 22nd feed to remove text pertaining to my appearance, is consistent with what a pattern of literally writing me out of stories of which I am an integral part. Thus, although its reporter Andrew Tilghman was sitting next to me at the December 17th confirmation “hearing” when I stood up to assert the public’s right to a stenographic record and to be heard in opposition, his December 18th article, “*Senators confirm one of their own*”, made it appear as if there had been NO opposition, concealing, as well, my December 16th letter to the Senate leadership – a copy of which I had given him, *in hand*, at the “hearing” – and whose information he freely incorporated in his article, without attribution. Days earlier, Mr. Tilghman had similarly written me out of a story he had done about a December 11th forum on the NYS Commission on Judicial Conduct, co-sponsored by the NYS Bar Association and the Fund for Modern Courts. This may be seen from comparing his December 12th article, “*Judicial oversight has its limits*”, with the Legislative Gazette’s, “*Judicial conduct panelists hear complaint*” (12/16/02 issue) – and my transcription of my tape-recorded comments and two-fold question at the forum. Such conduct by Mr. Tilghman is all the more egregious as he is personally knowledgeable of the documentary proof of the Commission’s corruption in the two cartons referred-to by the Legislative Gazette’s story. Indeed, he has had copies of the most pertinent and *readily-verifiable* substantiating

on the Senate Judiciary Committee's "hearing" on Justice Graffeo's confirmation to the Court of Appeals]


As Mr. Stashenko knows, I have always been ready and eager to furnish him, Mr. Gormley, and any other AP writers with the documents substantiating the important, prize-winning stories reflected by my January 22, 2003 testimony and December 16, 2002 letter. I remain ready and eager.

Unless and until the legislative press corps does its job to meaningfully report on how dysfunctional and corrupted the committees of the New York Legislature are – the Senate Judiciary Committee among them – there will be no "check" on the Executive and Judicial branches of our State government. Rather, the Legislature will continue its collusive "politics as usual" to the detriment of the People of this State.

As the AP's News Editor for New York State, our non-partisan, non-profit citizens' organization respectfully requests that you endorse and authorize this proposal for an AP expose of the State Senate Judiciary Committee – a case study in legislative dysfunction and corruption -- and that you assign it to a reporter who will enthusiastically embrace the history-making opportunity it represents to effect major, far-reaching reform. To that end, I would be willing to come up to Albany to meet with you, to answer your questions, and to supply you with the breathtaking documents substantiating this story proposal.

With appreciation – and hope.

Yours for a quality judiciary,


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

Enclosures

documents, including the 1989 report about the Commission by State Comptroller Regan, "*Not Accountable to the Public...*", which I provided him months earlier so that he could write a substantive story, following up on the "soundbite" quote he had solicited from me for his article, "*Gavel falls on judges*" (Albany Times Union, 7/26/02). For reasons unexplained, and notwithstanding the Albany Times Union's five-part editorial series on the Commission last February, he and his editors have wholly suppressed any story about the proof of the Commission's corruption – all embodied by my public interest lawsuit against it.

P.S. Additionally enclosed is State Comptroller Regan's 1989 report, "Not Accountable to the Public...", referred to in footnote 1 to my December 16, 2002 letter to the Senate Leadership [A-15-16], as well as by my enclosed transcribed comments at the December 11, 2002 forum on the Commission on Judicial Conduct, co-sponsored by the NYS Bar Association and Fund for Modern Courts.

cc: Joel Stashenko, AP Capitol Editor
[ltr only, by e-mail: jstashenko@ap.org]