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Elena Ruth Sassower, Coordinator

BY HAND

November 12, 1999

Bruce Golding
Gannett: The Journal News
White Plains, New York

RE: Article 78 Proceeding against NYS Commission on Judicial
Conduct: Where to Find a Judge?

Dear Bruce:

Following up our phone conversation earlier today, enclosed are:

- (1) the Verified Petition in my current Article 78 proceeding against the Commission, in which I am acting pro bono publico; (w/o exhibits)
- (2) my November 5th letter to Acting Supreme Court Justice Kapnick, reciting the procedural history of this case – now seven months old and before its 6th judge (w/o exhibits)
- (3) the recusal orders of Lebedeff, Tolub, and Zweibel – all Acting Supreme Court Justices – with pertinent pages of the May 17th transcript for Lebedeff; and pertinent pages of the June 14th transcript (supplemented by page 6 of my August 17th letter) for Justice Zweibel, together with the October 8th transcript;
- (4) the computerized print-out showing the recusal of the aforesaid three justices, plus Acting Supreme Court Justice Weissberg, as well as the “oral direction” of Administrative Justice Crane removing the case from Supreme Court Justice Huff, to whom it had been randomly assigned following Tolub’s recusal, directing the case to Acting Justice Zweibel.
- (5) The front-page, above-the-fold story in the October 5th New York Law Journal, “*State Commission Can Refuse to Investigate Judge*” – whose significance is highlighted at pages 5-7 of my letter to Justice Kapnick

- (6) The New York Times "article" to which the final paragraph of the New York Law Journal refers, along with CJA's proposed (unprinted) Letter to the Editor of the Times

If your editors at The Journal News do not agree that they have a duty to inform the public about this important public interest case involving critical issues of governmental integrity, please ask them to reread the "Principles of Ethical Conduct" touted in Gannet's October 17th message "From the Publisher" and "From the Editor" under the heading "*Ethical Standards Aimed At Building Reader Trust*". A copy is enclosed for their convenience.

I particularly draw their attention to the principles of "Serving the Public Interest", as well as "*Maintaining Independence*". Illustrating these principles is the Newsday series on the political manipulation of judicial elections in Nassau and Suffolk Counties, accessible from its website: www.newsday.org. Your editors should read this series. Such series would never be undertaken by The Journal News for the counties in the Ninth Judicial District. This, because of the cozy relationship that exists between The Journal News and the politically-powerful in this county and state, which, for years, has prevented it from reporting on the irrefutable documentary proof CJA has provided it – on a silver platter -- of systemic political manipulation of elective and appointive judgeships, the subversion of the judicial process, and the corruption of the judicial disciplinary mechanism.

Indeed, it seems obvious that among the reasons why ten years after the New York State Commission on Government Integrity issued its 1988 report, "*Becoming a Judge: Report on the Failings of Judicial Elections in New York State*"—there have been NO reform of judicial elections – is because, as we can attest from direct, first-hand experience, newspapers like The Journal News have spent those years – and presumably many years before that – suppressing the kind of stories which, by the public furor they would have generated, would have broken the grip of party leaders, forcing necessary and beneficial change.

In the event The Journal News does not have a copy of "*Becoming a Judge...*", collected in a volume with 19 other reports of the Commission on Government Integrity under the hopeful title, Government Ethics Reform for the 1990's (Fordham University Press, New York, New York 1991), we will provide it to you. Indeed, as the decade draws to a close, it is not too soon for The Journal News to consider, as part of its "retrospective" coverage, examining how much is unfinished of that ethics reform agenda. This, so as to launch the new millenium on an agenda to realize those unfinished ethics reforms.

Yours for a quality judiciary,

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

Enclosures