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BY FAX: 518-436-0130 (11 pages)

January 3, 2000

Mr. Kyle Hughes
Gannett, Albany Bureau
Albany, New York

RE: GANNETT'S JOURNALISTIC DUTY TO PRESENT
READILY-VERIFIABLE STORIES ABOUT THE
CORRUPTION OF ESSENTIAL GOVERNMENTAL
PROCESSES

Dear Mr. Hughes:

Following up our phone conversation this morning, faxed, for your convenience, are my September 8, 1999 and September 9, 1999 letters to you and Jay Gallagher. This, so that you can refresh yourselves as to the REAL STORY about Attorney General Spitzer and his "public integrity unit" THAT REMAINS TO BE WRITTEN -- correcting the false and self-serving story generated by Mr. Spitzer, which you each presented to the public.

This real story -- that the Attorney General's "public integrity unit" is a *façade*, covering up his complicity in systemic governmental corruption involving this state's highest officials and important oversight agencies -- is even more explosive today than it was four months ago when I first proposed it to you.

The systemic governmental corruption -- involving Governor Pataki, the State Ethics Commission, the State Commission on Judicial Nomination, and the State Commission on Judicial Conduct, covered up by Attorney General Spitzer -- is particularized in CJA's March 26, 1999 ethics complaint¹. CJA's ethics complaint against the Governor for corrupting judicial appointments to the lower state courts -- which is joined with an ethics complaint against Paul Shechtman, appointed by the Governor to be Chairman of both his State Judicial Screening Committee and the State Ethics Commission -- is detailed at pages 15-20 of the complaint. The Governor's corrupting of the "merit selection" process to the Court of Appeals is detailed at pages 20-24.

¹ Page 3 of the March 26th ethics complaint contains a Table of Contents.

As discussed, Acting Supreme Court Justice William Wetzel – “the cybersex judge”² – is among the Governor’s politically-motivated appointees. A partner in the Plunkett law firm in which Mr. Pataki was a member, the Governor appointed Mr. Wetzel to the Court of Claims on June 12, 1995, for a term expiring on June 30, 1999. For reasons unknown – but which you should investigate – the Governor has since maintained Justice Wetzel on the bench as a “hold-over”³, making him extremely vulnerable to political pressure. Also for reasons unknown, Administrative Judge Stephen Crane (himself seeking an appointment to the Appellate Division, First Department) assigned Justice Wetzel to my pending case against the State Commission on Judicial Conduct.

Enclosed is CJA’s December 2, 1999 letter to the Governor, whose pertinent last paragraph reads:

“CJA believes the public has a right to know why the Governor has maintained Justice Wetzel as a ‘hold over’ these past five months, rather than either reappointing him to the Court of Claims or appointing a successor. Please advise as to the reason, as well as the number and identities of other Court of Claims judges who the Governor is maintaining on the bench as ‘hold overs’.”

The December 2nd letter also reiterates CJA’s long-standing request for the judicial screening committee reports for ALL Governor Pataki’s judicial nominees, which are supposed to be publicly under the Governor’s *own* Executive Orders #10 and #11⁴ -- but which the Governor has refused to provide. This includes the 1995 committee report on the qualifications of Justice Wetzel.⁵

It is hard to believe that you and Mr. Gallagher would not *immediately* recognize the importance of providing the public with these fully-documented stories of governmental corruption and abuse of power and promptly arrange for the assistance of investigative reporters at Gannett to cover its

² In a November 26, 1999 column about the Oliver Jovanovic case, Steve Dunleavy of the New York Post described Justice Wetzel as “a political hack” and his conduct in the case as “close to judicial lunacy”.

³ Court of Claims Act, Article I, Section 2, Subdivision 4: “... a judge of the court of claims shall hold over and continue to discharge the duties of his office, after the expiration of the term for which he shall have been appointed, until his successor shall have been chosen and qualified but after the expiration of such term the office shall be deemed vacant for the purpose of choosing a successor.”

⁴ Executive Order #10, Paragraph 2(d); Executive Order #11, Paragraph 2(c): “The reports shall remain confidential, except that upon the announcement by the Governor of an appointment the report relating to the appointee shall be made available for public inspection.”

⁵ The certified mail/return receipt for the December 2nd letter – reflecting delivery on the Governor’s office -- is enclosed. As in the past, we have received NO response from the Governor.

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clearly far-reaching aspects. That you and he have sat on these stories for so long – failing to return ANY of the phone messages I have left (9/28/99; 12/6/99; 12/8/99; 12/20/99) or to call back when you said you would (9/27/99; 11/11/99) suggests that perhaps your Gannett editors are keeping you on a very “short leash” – a fact you are loathe to disclose. This would be consistent with the editorially-imposed suppression of these politically-explosive stories that we have encountered elsewhere, including at the Westchester-Rockland Gannett newspaper. *IF* this is the case, please let us know ASAP so that we may arrange a meeting with your editors following their review of the evidentiary materials fed-exed to Mr. Gallagher under my September 9th letter to him.

Let me know what you need to move forward this important story so that this new year will be one in which Gannett leads the way in upholding the press’s obligation to the public it purports to serve.

Yours for a quality judiciary
And government integrity,



ELENA RUTH SASSOWER, CJA Coordinator