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BY FAX: 212-643-7831 (15 pages)

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Mr. Larry Cohler
Daily News
New York, New York

RE: A "WINDOW OF OPPORTUNITY": The Corruption of the
NYS Commission on Judicial Conduct – and a Whole Lot
More

Dear Larry:

I *genuinely* thank you for having given so generously of your time, when you called yesterday evening.

As discussed, enclosed are the following:

- (1) CJA's *unexpurgated* August 31, 1999 proposed Letter to the Editor about the Attorney General's use of fraudulent defense tactics to defend the NYS Commission on Judicial Conduct in litigation, along with the Daily News' *expurgated* version, published on September 12, 1999 under the title "*Who Judges the Judges?*"; [3 pages]
- (2) CJA's Letter to the Editor, which the New York Post published *unexpurgated* on December 28, 1998 under the title, "*An Appeal to Fairness: Revisit the Court of Appeals*" about the fraudulent Senate confirmation of Albert Rosenblatt, "rammed through" in a no-notice, by-invitation-only, confirmation "hearing", at which opposition testimony was not permitted; [1 page]
- (3) CJA's March 3, 2000 letter to the Chief Judge Judith Kaye, transmitting to her a copy of the file of the current public interest lawsuit against the NYS Commission on Judicial Conduct, and requesting (at p. 2) that she set up a "Special Inspector General" to investigate the Commission's corruption – comparable to the "Special Inspector General" for fiduciary appointments [9 pages].

The Daily News OWN January 18th editorial, "*Judging the Judges*", described the closed-door operations of the State Commission on Judicial Conduct. The current public interest lawsuit against the Commission offers an unprecedented *window* into the Commission's "closed door operations", exposing that it dumps the very complaints which the law (Judiciary Law §44.1) requires it to investigate and that it misuses the confidentiality statute (Judiciary Law §45) to conceal its unlawful conduct.

Moreover, because the *facially-meritorious* judicial misconduct complaint which is the focus of the lawsuit involves Albert Rosenblatt's believed perjury in connection with his Court of Appeals candidacy, the lawsuit also offers an unprecedented *window* into the "closed door operations" of the Commission on Judicial Nomination – the little known body that is supposed to "screen" candidates for New York's Court of Appeals. This is particularly timely now – since the Commission on Judicial Nomination either already is – or will shortly be -- screening candidates for an upcoming vacancy on the Court of Appeals.

Beyond this, the current lawsuit offers a window – likewise unprecedented -- into the reality behind Attorney General Spitzer's rhetoric about restoring government ethics and the utter hoax of his so-called "public integrity unit". Not only is such unit – like the Commission on Judicial Conduct itself – a façade concealing systemic governmental corruption, but the wilful and deliberate defense fraud committed by Mr. Spitzer in the lawsuit would be ground for disbarment -- *if* committed by a private attorney.

The foregoing is more extensively reflected by the documentary materials which I hand-delivered for Juan Gonzalez on February 25th – including CJA's *uninvestigated* March 26, 1999 ethics complaint¹, filed with the NYS Ethics Commission, AND our *uninvestigated* September 7, 1999 criminal complaint, filed with the US Attorney for the Eastern District of New York. The starting point, however, should be CJA's February 23, 2000 letter to the Governor, calling upon him (at pp. 33-35) to appoint a Special Prosecutor or investigative commission. Exhibit "B" thereto are CJA's published pieces about the Commission on Judicial Conduct – including the public interest ads – which we discussed.

Again, thank you ever so much. I look forward to speaking with you tomorrow.

¹ CJA's March 26, 1999 ethics complaint contains a Table of Contents at page 3 for its fact-specific, document-supported allegations against the Commission on Judicial Conduct, the Commission on Judicial Nomination, Attorney General Spitzer, Governor Pataki, etc.

Elana