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BY FAX: 212-930-8540 (8 pages)

TO: Jack Newfield, Columnist, New York Post

FROM: Elena Ruth Sassower, Coordinator

RE: Proposed Expose of: (1) NYS Commission on Judicial Conduct's Complicity in Patronage Appointments; and (2) NYS Commission on Judicial Nomination

DATE: January 12, 2000

Responding to your yesterday's column, "*It's a Start, But There's More Pols Can Do*", there is ALSO more that you and the Post can do.

For a start, since patronage appointments are nothing new, how about an investigative expose of the NYS Commission on Judicial Conduct's complicity in such appointments, *inter alia*, by its dismissals, *without investigation*, of judicial misconduct complaints based thereon? This could – and should – lead to a broader investigation of the Commission – which, for years, you and the Post have subjected to fierce, but only "potshot" criticism. Such investigative expose would be particularly timely – the Commission having opened its NYC office *exactly 25 years ago this month*.

As to your suggestion of an "independent nominating commission to pick judges", how about an investigative expose of the NYS Commission on Judicial Nomination – whose short-list of candidates serves as the basis for the Governor's appointment to our state's highest court?

Although the operations of BOTH of the NYS Commission on Judicial Conduct and the NYS Commission on Judicial Nomination take place behind closed doors, our non-partisan citizens' organization, the Center for Judicial Accountability, Inc. (CJA) – whose name was inspired by *your* advocacy journalism – has been penetrating those doors throughout the past decade.

CJA's *direct, first-hand experience* with these two key agencies is chronicled in a presently pending lawsuit (NY Co. #99-108551). The case is NOW before its SEVENTH judge, the "cybersex judge", William Wetzel – who is daily dependent

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on Governor Pataki for reappointment, his appointive term on the bench having expired *over six months ago*. As reflected by court records, Justice Wetzel -- a former law partner of Governor Pataki -- was NOT randomly assigned to the case, but hand-picked by Supreme Court Administrative Judge Stephen Crane, *for reasons unknown*. As for Justice Wetzel's six judicial predecessors -- five recused themselves, with a sixth randomly-assigned judge having been booted from the case by Administrative Judge Crane, also *for reasons unknown*. As for Administrative Judge Crane, who is himself currently seeking to be appointed to the Appellate Division by Governor Pataki, he has failed to respond to a written inquiry as to the basis for having inserted himself in the case and steering it to Justice Wetzel.

CJA would be pleased to provide you with a copy of the litigation file in this explosive case -- whose further significance may be gleaned from a proposed Letter to the Editor of the Post which we submitted in response to the Post's December 30, 1999 editorial, "*Eliot Spitzer's Rocky Start*". Both the proposed Letter and editorial are enclosed. For your convenience, the materials referred to in the postscript to the proposed Letter are also enclosed: CJA's prior Letter to the Editor, "*An Appeal to Fairness: Revisit the Court of Appeals*", which the Post published on December 28, 1998, and two prior Post editorials, "*Who Judges the Judges?*" (3/7/95) and "*The Duckman Travesty*" (4/24/96).

Looking forward to working together with you and the Post on this groundbreaking investigative series, guaranteed to rock New York's courts and its highest elected officials and oversight agencies in scandal.

Elena Ruiz
Sassone