

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY HAND

November 11, 1998

Adam Liptak., Counsel
The New York Times
229 West 43rd Street
New York, New York 10036

RE: A PROPER CORRECTION -- AND PROPER STORY
Impeachment Complaint against the Justices of the U.S. Supreme Court

Dear Mr. Liptak:

As discussed yesterday morning, enclosed is a copy of our petition for rehearing in *Sassower v. Mangano, et al.* -- now pending before the Supreme Court. Also enclosed is our impeachment complaint against the Justices, filed with the House Judiciary Committee, as well as our coverletter to the Supreme Court transmitting copies of the complaint for the Justices.

These materials are provided to enable the *Times* to write a proper correction and follow-up story to Elsa Brenner's grossly inadequate and libelous news "Brief" -- one which will finally present the public with the information it needs to protect itself from judicial corruption and criminality by its highest public officers. Such corruption and criminality -- meticulously documented by the Supreme Court submissions in *Sassower v. Mangano* that we provided Ms. Brenner, under our October 9th coverletter -- is news that is not only "fit to print", but essential to print. These submissions included our September 23, 1998 application to the Justices, pursuant to 28 U.S.C. §455, for their disqualification and for disclosure.

As identified in the impeachment complaint (p. 2), 28 U.S.C. §455 is the "principal disqualification statute in the federal system". Its background is summarized in the rehearing petition (at p. 7), including the fact that its enactment in 1974 followed upon a scathing book by John P. MacKenzie, The Appearance of Justice, which highlighted then Associate Justice Rehnquist's failure to disqualify himself from a 1972 case. As you surely know, Mr. MacKenzie's career as a journalist culminated in his membership on the *Times*' Editorial Board.

Obvious from our phone conversations is that you had not troubled yourself to read the *Sassower v. Mangano* papers, including the disqualification/disclosure application. Indeed, had you read them, it would have been impossible for you to have professed your "faith in the judicial process".

We have repeatedly offered the *Times* readily-verifiable proof that the judicial process has been corrupted -- most recently in our October 20, 1998 letter to Mr. Sulzberger, which asserted (p. 5), in upper-case lettering, that it would take no more than several hours for the *Times* to verify the facts as to the three separate cases, identified in CJA's public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" [*New York Law Journal*, 8/27/97, pp. 3-4: A-261-268]¹ -- one of which was *Sassower v. Mangano, et al.* That *Sassower v. Mangano* was "thrown", on both the district and appellate levels, by fraudulent judicial decisions is not only particularized in the *unopposed* cert petition (at pp. 2-20) and SUBSTANTIATED by appendix documents, including by the verified complaint [A-49-100], but was the basis upon which the Supreme Court's mandatory intervention was sought (at pp. 23-26).

In that connection, I remind you that, as an attorney, you are bound by ethical and professional rules -- including those requiring the reporting of serious misconduct by lawyers and judges to proper authorities [A-20; SA-6]. As particularized in the supplemental brief, ALL authorities empowered to act upon such misconduct in the lower federal judiciary and on the state level have been corrupted. Consequently, unless you disagree as to the specifics therein set forth, it is your ethical and professional duty to ensure that the *Times* reports to the public such profound and far-reaching allegations, ALL OF WHICH ARE SUPPORTED BY EVIDENTIARY PROOF, not the least of which is our July 27, 1998 letter to the Public Integrity Section of the Justice Department's Criminal Division [SA-47]². Without such report, how is the public to protect itself?

You will note that pages 3-4 of the enclosed impeachment complaint refer to the fact that 1993 Report of the National Commission on Judicial Discipline and Removal recommended that the Supreme Court implement procedures for disposition of judicial misconduct complaints against the Justices -- which the Court has not done -- and, further, to the Commission's expressed belief:

¹ You will recall that I gave you, in hand, a copy of that public interest ad -- together with CJA's prior public interest ad, "*Where Do You Go When Judges Break the Law?*" (*New York Times*, 10/26/94, Op-Ed page [A-269-271]) when I met you several months ago after your presentation at the forum on the media, sponsored by the New York State Bar Association. In so doing, I implored your assistance because, as I told you, notwithstanding the clear electoral significance of these ads on the Attorney General's race, we had been unable to obtain *Times* coverage.

² A free-standing copy of our July 27, 1998 letter, WITH EXHIBITS, was provided to Ms. Brenner under our October 9th coverletter to her and, pursuant to our October 20, 1998 letter to Mr. Sulzberger, was supposed to have been transmitted to him (at fn. 1).

“that any publicly-made (non-frivolous) allegation of serious misconduct...against a Supreme Court Justice would receive *intense* scrutiny in the press...” (emphasis added)

The question here presented is whether the nation's pre-eminent newspaper, *The New York Times*, will give the serious misconduct of the Justices ANY scrutiny at all -- where, in addition, the very readership it purports to serve is the most directly affected by the Justices' misconduct in covering up judicial corruption in the Second Circuit, itself covering up judicial corruption in New York State.

We await your notification as to which *Times* reporter has been assigned the story of our *fully-documented* impeachment complaint against the Justices -- or the reason why such assignment has not been made.

Yours for a quality judiciary and responsible journalism,



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

Enclosures (3)

cc: Mr. John P. MacKenzie
Arthur Sulzberger, Jr., Publisher (w/o enclosures)
Westchester Section: Elsa Brenner/Roland Miller (w/o enclosures)
Metro Desk: Joyce Purnick/Jerry Gray (w/o enclosures)