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Elena Ruth Sassower, Coordinator

BY FAX: 212-428-2188 (9 pages)

BY CERTIFIED MAIL/RRR: 7099-3400-0001-2791-8769

April 27, 2000

Sherrill R. Spatz, Special Inspector General for Fiduciary Appointments
25 Beaver Street, 11th Floor
New York, New York 10004

RE: The Breakdown of Enforcing Mechanisms and Safeguards to
Protect the Public from Patronage in Fiduciary Appointments

Dear Ms. Spatz:

Thank you for your yesterday's call confirming your receipt of the boxload of evidentiary materials supporting CJA's March 3rd letter-request to Chief Judge Kaye for appointment of a Special Inspector General to investigate the corruption of the New York State Commission on Judicial Conduct.

The box should contain CJA's February 23, 2000 letter to Governor Pataki – in addition to the file of the Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono public v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551), physically incorporating two other Article 78 proceedings against the Commission, *Doris L. Sassower v. Commission* (NY Co. #95-109141) and *Michael Mantell v. Commission* (NY Co. #99-108655)¹. It should also include a series of March 17, 2000 letters that CJA subsequently transmitted to the Chief Judge. Among these is CJA's March 17, 2000 letter to Manhattan District Attorney Robert Morgenthau – your former boss – in connection with the official misconduct and wilful disregard of conflict of interest rules of Thomas Wornam, Deputy Chief of the Special Prosecutions Bureau, relative to his handling of CJA's fully-documented October

¹ An inventory of the file of each of the three Article 78 proceedings is annexed to CJA's March 3rd letter to Chief Judge Kaye.

EX "N-2"

21, 1999 criminal complaint against the Commission and State Attorney General, among others, and request for intervention in *Elena Ruth Sassower v. Commission*.

Of immediate importance for your review are a series of *facially-meritorious* judicial misconduct complaints annexed to the Verified Petition in *Doris L. Sassower v. Commission*², challenging the constitutionality, legality, and ethical propriety of a WRITTEN Deal of Democratic and Republican party leaders which required their cross-endorsed judicial nominees to pledge:

“to provide equal access and consideration, if any, to the recommendations of the leaders of each major political party in connection with proposed judicial appointments”.

A copy of the written Deal is enclosed. The Commission dismissed each of these *facially-meritorious* judicial misconduct complaints, *without* investigation³, in violation of its mandatory investigative duty under Judiciary Law §44.1 – and allowed the Appellate Division, Second Department to viciously retaliate against my judicial whistle-blowing mother, Doris Sassower, for her *pro bono* legal challenge to the Deal and the illegally-conducted judicial nominating conventions that implemented it. This retaliation included the Appellate Division, Second Department’s June 14, 1991 order suspending my mother’s law license, immediately, indefinitely, and unconditionally, *without* written charges, *without* a hearing, *without* findings – as to which it thereafter and repeatedly denied her *any* post-suspension hearing or appellate review.

In the words of former Bronx Surrogate Bertram Gelfand, the Commission on Judicial Conduct is “an exercise in institutional corruption”. That’s how he described it at a May 14, 1997 hearing at the Association of the Bar of the City of New York. A copy of his testimony is annexed as Exhibit “D” to CJA’s February 23, 2000 letter to Governor Pataki. Of his three illustrative examples of the Commission’s corruption, the second is germane to your investigations of fiduciary appointments. It involves Acting Supreme Court Justice Frances Pecora’s appointment of Commission Chairman John Bower to a receivership, while judicial misconduct complaints against Justice Pecora were pending before the

² See Exhibit “C”, p.2; Exhibit “D”, pp.1-5; Exhibit “E”, pp.1-5; and Exhibit “G”, p.7.

³ The Commission’s dismissal letters are Exhibits “L-1”, “L-2”, “L-3”, and “L-5”.

Commission. According to Judge Gelfand, there were "a whole complex of irregularities" as to how the case was assigned to Justice Pecora, enabling him to appoint Mr. Bower as receiver and to thereafter award him "\$7.7 million for less than one month's work" -- "60 times the largest fee ever previously fixed in a receivership in New York County".

As part of his testimony, Judge Gelfand proffered "a vast amount of material that could support beyond a reasonable doubt" his allegations. Nonetheless, he told me that no one from the City Bar ever requested such material from him. Indeed, when the City Bar belatedly issued its cover-up report on the Commission, identifying important speakers who had testified at the May 14, 1997 hearing -- myself among them -- it omitted Judge Gelfand from the list⁴. Since it may reasonably be assumed that after you read Judge Gelfand's powerful testimony, you will want to telephone him and obtain the supporting materials to which he refers, particularly as they relate to the Pecora matter, his law office number is 914-948-3900.

Subsequent to Judge Gelfand's removal from the bench, he has been the beneficiary of guardianship appointments. The enclosed Village Voice article from June 6, 1989 refers to this fact and to a Daily News survey which you should obtain -- not the least reason being because it presumably forms part of the background to the Daily News' January 7, 2000 editorial that:

"It has long been an open secret that New York City courts are patronage mills where party loyalty buys judgeships and judges reward party hacks with lucrative court assignments."

The Village Voice article, entitled "*To the Gulag: Courthouse Leper George Sassower Takes On Every Judge in Town*", only grazes the surface of the extraordinary story of the herculean efforts of my judicial whistle-blowing father to expose the corruption in fiduciary appointments. Not identified is that my father's disbarment in 1986 (like my mother's subsequent indefinite suspension in 1991) was nothing less than a vicious and flagrantly unlawful judicial retaliation against him. *Without* a hearing, my father was adjudged guilty of non-summary criminal

⁴ The City Bar report, which fails to make ANY findings relative to my testimony concerning the *readily-verifiable* evidence of the Commission's corruption, was published in the September/October 1999 issue of the City Bar's journal, The Record (Vol. 54, No. 5, pp. 598-636). The report's expurgated list of speakers appears at pp. 607-608. A copy of my testimony will be mailed to you with the hard-copy of this letter.

contempt for allegedly continuing to file motions relating to the involuntarily-dissolved *Puccini* corporation in violation of a court order barring him from doing so, which was made the predicate for his disbarment, at which, *inter alia*, he was not permitted to controvert the underlying hearingless guilty adjudication.

As discussed, my father's judicial whistleblowing relating to fiduciary appointments and fees has focused on two specific cases: (1) the estate of his long-time friend, Eugene Paul Kelly; and (2) the involuntarily-dissolved *Puccini* corporation, in which another one of his long-time friends, Hyman Raffe, was a shareholder. My father was involved in both as an attorney and – at the risk of his law license – did everything in his power to protect the assets at issue from the depredations of lawyers and judges. He has a gold-mine of documentary materials establishing the corruption of agencies of government and public officials, whose duty it was to protect those assets. Among these are *facially-meritorious* judicial misconduct complaints he filed with the Commission on Judicial Conduct and similarly *facially-meritorious* attorney misconduct complaints he filed with attorney disciplinary committees and just about every government agency and official with a duty of oversight and law enforcement. This includes, in addition to then Attorney General Robert Abrams, Manhattan District Attorney Morgenthau. My father would be pleased to provide you with copies of such *primary-source* materials and give you a “chapter and verse” description of his *direct, first-hand* experience, including the numerous lawsuits relative thereto that he filed in the state and federal courts to vindicate the rights of his clients, as well as his own rights. He can be reached at 914-681-7196.

As readily revealed by the boxload of evidentiary materials supporting CJA's March 3, 2000 letter to Chief Judge Kaye and subsequently-transmitted March 17, 2000 correspondence, CJA has itself documented systemic governmental corruption embracing just about every government agency and public officers with a duty of oversight and law enforcement. All have been complicitous in the Commission on Judicial Conduct's corruption. All are afflicted by palpable conflict of interest – as to which they have flouted fundamental rules so as to thwart independent evaluation of the case file evidence of the Commission's corruption, its corruption of the judicial process by its attorney, the Attorney General, and the fraudulent judicial decisions that have covered up this corruption. This includes Manhattan District Attorney Morgenthau's office. A copy of CJA's October 21, 1999 criminal complaint to the Manhattan District Attorney on the subject is contained in the file of *Elena Ruth Sassower v. Commission*. It is Exhibit G” to my November 5, 1999

April 27, 2000


letter to Justice Kapnick. Attached thereto is CJA's prior correspondence with the Manhattan District Attorney's office, going back to May 19, 1995. Also annexed to my November 5, 1999 letter to Justice Kapnick is the exchange of responses between CJA and Assistant District Attorney Wornam regarding the October 21, 1999 criminal complaint. These are Exhibits "K-1" - "K-3".

After you examine the October 21, 1999 criminal complaint and exchange of responses, you should review CJA's March 17, 2000 letter to Manhattan District Attorney Morgenthau - to which there has been no response. This is highlighted by CJA's April 24, 2000 letter to Mr. Morgenthau - to which you are an indicated recipient. For that reason, a copy of that April 24, 2000 letter was among the materials hand-delivered for you under CJA's cover memo of that date.

Needless to say, your duty to the public, who pays your salary as Special Inspector General for Fiduciary Appointments, must take precedence to your professional and personal friendships with District Attorney Morgenthau and those currently or formerly of his office - chief among them, Attorney General Eliot Spitzer.

Looking forward to working together, constructively, for the benefit of the People of this State.

Yours for a quality judiciary,



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

Enclosures

cc: Former Surrogate Bertram Gelfand
George Sassower

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