

## 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](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

*Elena Ruth Sassower, Coordinator*

BY FAX: 518-426-6904 (18 pages)  
8:40 p.m.

June 19, 2001

Senate Judiciary Committee  
The Capitol, Room 413  
Albany, New York 12247

ATT: James J. Lack, Chairman

RE: CJA's unresponded-to June 17, 2001 letter to the Senate Judiciary Committee, opposing Senate confirmation of Court of Claims Judge William A. Wetzel and requesting to testify in opposition at the Committee's June 20, 2001 confirmation hearing

Dear Chairman Lack:

This letter memorializes that there has been NO response from the Senate Judiciary Committee to CJA's June 17<sup>th</sup> letter, which the Committee received yesterday morning, June 18<sup>th</sup>. As reflected by the annexed receipts, the letter arrived at the Committee at 11:46 a.m. by express mail -- ironically, the very same time as the Committee was receiving it by fax (from 11:42 to 11:49 a.m.).

After waiting all yesterday afternoon and all of today for some follow-up telephone call from the Committee, I finally phoned the Committee myself [518-455-2071] at approximately 4:35 p.m. I spoke to Committee Clerk, Susan Zimmer. Ms. Zimmer told me that the Committee would NOT be taking testimony at tomorrow's confirmation hearing. She gave NO reason other than the "hearing" is NOT a "hearing". It is, as she termed it, a "Committee meeting".

Obviously, the Senate cannot discharge its "advice and consent" function relative to the Governor's appointees to the Court of Claims [New York State Constitution, Article VI, §9] if the Committee refuses to receive evidence concerning the unfitness of those appointees. As I pointed out to Ms. Zimmer, the Committee has NOT even privately interviewed me about my *direct, first-hand experience* with

Judge Wetzel – as to which it will NOT permit me to publicly testify. Moreover, it appears that the Committee has NOT even obtained from the Governor the *incontrovertible documentary proof* of Judge Wetzel's corrupt conduct in my public interest lawsuit against the New York State Commission on Judicial Conduct, substantiating the uncontroverted factual recitation in my Appellant's Brief, *to wit*, the copy of the lower court record of that lawsuit in the Governor's possession. According to Ms. Zimmer, the Governor's office has NOT transmitted the copy of the lower court record nor any of CJA's massive correspondence based thereon, as CJA *expressly* requested it to do (June 17<sup>th</sup> letter, pp. 5-6).

In response to my question as to whether a stenographer would be present to record tomorrow's Committee "meeting", Ms. Zimmer initially stated no. This, even though I offered that CJA would pay the cost for such stenographer. Ms. Zimmer then revised this somewhat by saying that I could put such request in writing, indicating that it would still be denied.

**Please consider this letter as CJA's written request for the presence of a stenographer to record the Senate Judiciary Committee's June 20<sup>th</sup> "meeting" confirming the Governor's judicial appointees. If necessary, CJA is ready to pay for such stenographer.**

As I stated to Ms. Zimmer, I intend to be at tomorrow's Committee "meeting". In the event I do not have the opportunity at that time to provide the Committee with CJA's coverletters to the indicated recipients of the June 17<sup>th</sup> letter – which should be deemed part of the "record" of CJA's opposition -- they are enclosed herewith, together with the receipts showing that they were faxed to those recipients. These are:

- (1) CJA's coverletter to Nan Weiner, Executive Director of the State Judicial Screening Committees, to be shared with Governor Pataki and, in particular, with the Governor's Counsel, James McGuire [4 pages];
- (2) CJA's coverletter to Paul Shechtman, Chairman of the State Judicial Screening Committee [2 pages];
- (3) CJA's coverletter to Attorney General Eliot Spitzer [3 pages];
- (4) CJA's coverletter to Steven C. Krane, President of the New York State Bar Association, Evan Davis, President of the Association of the Bar of the City of New York and Steven Zeidman, Executive Director of the

Fund for Modern Courts [5 pages].

Yours for a quality judiciary,



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

Enclosures

TRANSMISSION VERIFICATION REPORT

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FAX : 9144284994  
TEL : 9144311200

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