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Correcting The Record

I was wrongfully convicted of "disruption of Congress," which you reported on April 21 ("Jury Convicts Judiciary Protester"). Contrary to your story, I never "argued" that "the right of citizens to testify at public hearings ... 'is not and must never be deemed to be a disruption of Congress.'" Indeed, your quotes were only around the second half of that supposed argument.

What I actually argued was that "a citizen's respectful request to testify at a Congressional committee's public hearing is not — and must never be deemed to be — 'disruption of Congress.'" This was obscured by the prosecution, which, without any basis in fact, painted me as someone who "did not follow the rules," further alleging that I "broke the law by loudly disrupting a U.S. Senate Judiciary hearing."

In fact, more than two months before the committee's May 22, 2003, hearing to confirm New York Court of Appeals Judge Richard Wesley to the 2nd U.S. Circuit Court of Appeals — and in conjunction with my request to testify in opposition, as coordinator of the national, nonpartisan, nonprofit citizens' organization Center for Judicial Accountability, Inc. — I asked the committee, in writing, for its rules, procedures and standards. None were supplied, just as the committee never sent a letter denying my request to testify. Nor did anyone in authority at the committee deny the request orally. More seriously, no committee counsel ever called me, let alone interviewed me, about the case-file documents I had hand-delivered to the committee two and a half weeks before the hearing to substantiate CJA's particularized written statement as to Wesley's readily verifiable corruption as a judge on New York's highest state court in two public-interest cases affecting the rights and welfare of the people of New York. Committee underlings refused to even give me the names of reviewing counsel — and my many, many phone messages to speak to such unidentified counsel and to others in authority at the committee and in the offices of Chairman Orrin Hatch (R-Utah) and ranking member Patrick Leahy (D-Vt.) were unreturned.

This scandalous state of affairs, where the Senate Judiciary Committee wilfully ignores evidence of nominee unfitness in order to consummate the political deals which Senators make over judgeships, is chronicled in fact-specific correspondence I sent to Hatch and Leahy, as well as to New York Sens. Charles Schumer (D) and Hillary Rodham Clinton (D) and the Capitol Police prior to the hearing. It is posted on the home page of CJA's Web site, www.judgewatch.org, under the heading, "Paper Trail Documenting the Corruption of Federal Judicial Selection/Confirmation and the 'Disruption of Congress' Case it Spawned."

As to what took place at the Judiciary Committee's May 22, 2003, hearing, the best evidence is the videotape. The second best evidence is the official transcript. Both are posted at the top of CJA's home page — with an analysis of each. Such analysis highlights — apart from my correspondence — the telltale signs, revealed by the video, that "the Committee's leadership 'set me up' to be arrested."

On June 1, I will be sentenced to jail for up to six months for my words at the hearing. These words, not uttered by me until after the presiding chairman, Sen. Saxby Chambliss (R-Ga.), had already adjourned the hearing, were: "Mr. Chairman, there's citizen opposition to Judge Wesley based on his documented corruption as a New York Court of Appeals judge. May I testify?"

Hatch and Leahy, Schumer and Clinton — and, of course, Chambliss — all of whom invoked their immunities under the Speech or Debate Clause to quash my subpoenas for their testimony at trial — should be asked how much jail time they deem appropriate for such a concocted "crime."

Elena Ruth Sassower
Coordinator
Center for Judicial Accountability Inc.

New York Law Journal

SERVING THE BENCH AND BAR SINCE 1888

Wednesday, May 19, 2004

LETTERS

To the Editor

Portrayal in News Item Found 'Denigrating'

Last month, an important case in which I was the criminal defendant went to trial in Washington, D.C. At issue was what took place at the U.S. Senate Judiciary Committee's May 22, 2003, public hearing to confirm President George Bush's nomination of New York Court of Appeals Judge Richard C. Wesley to the Second Circuit Court of Appeals.

Although a lengthy front-page article appeared in Legal Times, owned by American Lawyer Media, the same parent company as owns the New York Law Journal, the Law Journal did not run it. Instead, it ran a scurrilous front-page "News in Brief" item, "Sassower Faces Charges of Disrupting Congress" (April 12), whose most false and defamatory assertion is directly refuted by the Legal Times article.

According to the Law Journal item, I both "spoke out" and "was arrested for attempting to speak during the confirmation hearing without being invited to do so." It then continues "She contends she simply wanted to speak her mind...."

No sane professional would "contend[] she simply wanted to speak her mind" — a portrayal reinforcing the item's denigrating opening description that I have "made a career of challenging alleged corruption in New York Courts." The inference is that I am pursuing, in an individual capacity, "alleged" corruption that may be only "in my mind."

Conspicuously omitted — as likewise from the front-page "New in Brief" item, "Sassower Found Guilty of Disrupting Congress" (April 21) — are my professional title and organizational affiliation. No editorializing was needed for the Law Journal to plainly state that I am coordinator and co-founder of the Center for Judicial Accountability Inc. (CJA) — a national, non-partisan, non-profit citizens' organization.

For more than a decade, CJA has been documenting the dysfunction, politicization and corruption of the closed-door processes of judicial selection and discipline by advocacy that is scrupulously evidence-based. Indeed, upon Mr. Bush's nomination of Judge Wesley, I personally prepared a fact-specific March 26, 2003, written statement particularizing the case-file evidence establishing Judge Wesley's corruption on the New York Court of Appeals in two major public interest cases, resulting in vast, irreparable injury to the People of New York. I then hand-delivered this statement — including the substantiating case-file documents — to the American Bar Association and Association of the Bar of the City of New York, to Senators Schumer and Clinton, and to the Senate Judiciary Committee. None made any findings of fact and conclusions of law with respect thereto. Nor did they — or Judge Wesley, to whom I sent a copy of the statement — ever deny or dispute its accuracy in any respect.

As to what I "contend" I said and did at the Senate Judiciary Committee hearing, the Legal Times got it right:

"According to Sassower, she read from a prepared statement: 'Mr. Chairman, there's citizen opposition to Judge Wesley based on his documented corruption as a New York Court of Appeals judge. May I testify?"

Judge Wesley's "documented corruption:" — covered up by the bar associations, Senators Schumer, Clinton, and the Senate Judiciary Committee, among others — is a major political scandal, yet to be reported. Its explosive ramifications would rightfully derail Senator Schumer's re-election campaign and Senator Clinton's talked-about future candidacy for president. Fortunately, readers do not have to rely on the Law Journal, but can verify this for themselves. The substantiating primary source documents — including the unrefuted and irrefutable March 26, 2003, statement — are posted on the homepage of CJA's Web site, www.judgewatch.org, under the heading "Paper Trail Documenting the Corruption of Federal Judicial Selection/Confirmation and the 'Disruption of Congress' Case it Spawned."

Elena Ruth Sassower,
Coordinator, Center for Judicial Accountability, Inc. (CJA)

letters

Activists, judges

I am the subject of "The Scourge of Her Conviction" by Kristen Lombardi [February 2–8], purporting to be about my arrest, conviction, and six-month incarceration on a "disruption of Congress" charge. Such a story shamelessly covers up the corruption of federal judicial selection involving a Who's Who of the high and mighty in New York and Washington. It hardly befits a newspaper that holds itself out as maintaining a tradition of "no-holds-barred reporting and criticism."

Among the high and mighty who get off "scot-free" or virtually so: senators Schumer and Clinton. Your story makes it appear that they—and likewise the U.S. Senate Judiciary Committee—could freely ignore documentary evidence of corruption by New York Court of Appeals judge Richard Wesley, which I presented to them weeks before the committee's May 22, 2003, hearing to confirm his nomination to the Second Circuit Court of Appeals. Indeed, you nowhere identify that senators Schumer and Clinton were duty bound to examine that evidence and had the power to prevent the nomination from proceeding to a hearing. Nor do you mention that the nomination was the product of a political "agreement," announced by Senator Schumer in a press release—let alone explore Governor Pataki's role in that "agreement." Omitted is that Judge Wesley was a pal of the governor from their days in the New York legislature and the governor's first appointee to the New York Court of Appeals. Also omitted is the Center for Judicial Accountability's evidence-based assertion that the nomination was a "payback" to Judge Wesley for having protected Governor Pataki in a politically explosive public interest lawsuit directly implicating him in the corruption of the State Commission on Judicial Conduct and "merit selection" to the New York Court of Appeals.

As to the documentary evidence of Judge Wesley's corruption in that lawsuit, you make no qualitative assessment—and garble what Judge Wesley did and what the lawsuit was about. Indeed, you so completely protect the guilty that you do not call the commission by its name, but euphemistically refer to it as "the state's judicial-review board."

Senator Schumer is a Harvard Law School graduate, Senator Clinton a graduate of Yale Law School. What were their findings of fact and conclusions of law with respect to what you describe as the "27-page memorandum that outlined, in meticulous detail, the center's opposition"? And why has the *Voice*, which has a copy of that March 26, 2003, memorandum and the pertinent substantiating evidence of Judge Wesley's misconduct in the commission case and in an earlier case challenging the constitutionality of billions of dollars of New York bonds, not itself come forward with findings of fact and conclusions of law?

That you smear me as a "pest" and otherwise besmirch my proper and professional advocacy only further underscores your betrayal of fundamental standards of journalism. *Voice* readers can judge this for themselves by examining the paper trail of documents pertaining to the "disruption of Congress" case, posted on the center's website, judgewatch.org.

Elena Ruth Sassower
Coordinator, Center for Judicial Accountability Inc.
White Plains, New York

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8220
White Plains, New York 10602

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

E-Mail: judgewatch@aol.com
Website: www.judgewatch.org

Contact: Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com

PRESS RELEASE #1: March 22, 2006 onward

FIRST-OF-ITS-KIND PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES IN VINDICATION OF THE FIRST AMENDMENT

The New York Times is being sued for libel and journalistic fraud in a landmark public interest lawsuit, the first to implement the powerful recommendation for media accountability proposed in the 2003 law review article "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*", 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1.

The lawsuit, charging The Times with betraying its First Amendment responsibilities to the public, is brought by the Center for Judicial Accountability, Inc. (CJA) and its director, Elena Ruth Sassower. The libel causes of action are based on a Times' column, "*When the Judge Sledgehammered The Gadfly*", about Ms. Sassower, then serving a six-month jail sentence in D.C., after conviction on a "disruption of Congress" charge. An analysis of the column, annexed as Exhibit A to the Verified Complaint, demonstrates that the column is "deliberately defamatory", "knowingly false and misleading", and "completely covers up the politically-explosive underlying national and New York stories of the corruption of the processes of judicial selection and discipline, involving our highest public officers".

These public officers include Senator Hillary Rodham Clinton, running for re-election to the U.S. Senate this year, with an eye to the presidency in 2008, and New York Attorney General Eliot Spitzer, running this year to be New York's next governor. The Verified Complaint alleges that their anticipated landslide victories are being rigged by The Times, whose steadfast refusal to report on the records of Ms. Clinton and Mr. Spitzer with respect to judicial selection and discipline is with knowledge that such reporting would rightfully end their electoral prospects, if not generate disciplinary and criminal prosecutions against them for corruption. As for past electoral races, the Verified Complaint dramatically shows that The Times rigged Senator Charles Schumer's 2004 re-election to the Senate by similarly refusing to report on his record as to judicial selection and discipline, and, prior thereto, rigged Mr. Spitzer's 2002 re-election as attorney general and Governor George Pataki's 2002 and 1998 re-elections as New York's governor, likewise by refusing to report on their records.

The Times' protectionism of all these public officers -- and its suppression of any coverage of the *readily-verifiable* documentary evidence of systemic governmental corruption involving judicial selection and discipline, provided it by CJA throughout the past 15 years -- underlies the lawsuit's cause of action for journalistic fraud.

The Verified Complaint, its substantiating exhibits, and the law review article are posted on CJA's website, www.judgewatch.org – accessible *via* the sidebar panel, "Suing The New York Times".

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CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8220
White Plains, New York 10602

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

E-Mail: judgewatch@aol.com
Website: www.judgewatch.org

Contact: Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com

PRESS RELEASE #2: June 9, 2006 onward

PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES SEEKS JUDGMENT AGAINST IT, INCLUDING REMOVAL OF ITS FRONT-PAGE MOTTO "ALL THE NEWS THAT'S FIT TO PRINT" AS A FALSE AND MISLEADING ADVERTISING CLAIM

How does the great and mighty New York Times litigate when sued? Are the standards of "quality" and "excellence" that supposedly mark its journalism manifested in its legal submissions as well?

These questions are answered in motion papers filed by the non-profit, non-partisan citizens' organization, Center for Judicial Accountability, Inc. (CJA), and its director, Elena Ruth Sassower, plaintiffs in the first-ever public interest lawsuit against The Times, suing it for journalistic fraud in connection with its news reporting and editorializing. Their papers – responding to a Times motion to dismiss the lawsuit – demonstrate that The Times' motion, "from beginning to end and in virtually every sentence", "flagrantly falsifies, omits, and distorts the [lawsuit's] allegations and cites law that is either inapplicable by reason thereof or [itself] falsified and distorted".

Based thereon, plaintiffs have requested maximum costs and sanctions against Times attorneys and the named Times defendants they represent – among them, Publisher Arthur Sulzberger, Jr., Executive Editor Bill Keller, Managing Editor Jill Abramson, and Public Editor Byron Calame – as well as disciplinary referrals against Times attorneys and their disqualification. Indeed, plaintiffs' showing is so resounding that they have cross-moved for summary judgment on their three causes of action and, as part thereof, removal of The Times' front-page motto "All the News That's Fit to Print" as a false and misleading advertising claim. All of this is in addition to a default judgment against non-appearing Times defendants, including Daniel Okrent, The Times' first Public Editor.

The papers in this historic lawsuit – seeking money damages of $906,000,000 – are posted on CJA's website, www.judgewatch.org – accessible *via* the sidebar panel, "Suing The New York Times". This includes the lawsuit's verified complaint, chronicling The Times' pattern and practice of election-rigging for Senator Hillary Rodham Clinton and New York Attorney General Eliot Spitzer creating their anticipated landslide victories this November.

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White Plains, New York 10602

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

E-Mail: judgewatch@aol.com
Website: www.judgewatch.org

Contact: Elena Ruth Sassower, Director
Direct E-Mail: judgewatchers@aol.com

PRESS RELEASE #3: August 22, 2006 onward

COURT DECISION IN PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES CONFIRMS THE TIMES' SELF-INTEREST IN JUDICIAL CORRUPTION

Although The New York Times editorializes about the importance of the rule of law and our courts and advocates for judicial pay raises, it has long refused to report on *readily-verifiable* casefile proof that the courts "throw" politically-explosive cases involving judicial integrity issues by fraudulent judicial decisions which violate the most basic adjudicative standards. This includes decisions – at all levels of the judiciary, state and federal – which brazenly falsify the factual record and cite law either inapplicable or itself falsified.

The Times' knowingly false and misleading reporting and editorializing, covering up systemic judicial corruption and protecting complicit public officers – such as Senator Hillary Rodham Clinton and New York Attorney General Eliot Spitzer, for whom it is election-rigging – is the basis for a first-of-its-kind public interest lawsuit against it for libel and journalistic fraud, brought by the Center for Judicial Accountability, Inc. (CJA) and its director, Elena Ruth Sassower. Obvious from the casefile – posted on CJA's website, www.judgewatch.org, and accessible *via* the sidebar panel, "Suing The New York Times" – is that the only way The Times will survive the suit is if it is the beneficiary of the same kind of documentably corrupted judicial process as it has refused to report on.

The Times has already benefited from a first fraudulent judicial decision in the case. This *readily-verifiable* fact is meticulously demonstrated by plaintiffs' motion to vacate the decision for fraud, detailing that it "violates ALL cognizable legal standards and adjudicative principles…is, in every respect, a knowing and deliberate fraud by the Court and 'so totally devoid of evidentiary support as to render [it] unconstitutional under the Due Process Clause' of the United States Constitution". Based thereon, the motion also seeks to disqualify the judge – who, in violation of random-assignment rules, was handpicked for the case by an administrative judge directly interested in its outcome. Simultaneously, plaintiffs have filed a notice of appeal.

The record of the lawsuit also provides insight into why, over the past dozen years spanning four election cycles for New York Attorney General – including the present – The Times has steadfastly refused to report on *readily-verifiable* casefile proof that when the Attorney General has no legitimate defense to lawsuits against state judges and the State Commission on Judicial Conduct, sued for corruption, he files fraudulent dismissal motions – and is rewarded by fraudulent judicial decisions. Apparently, The Times has an identical response to lawsuits to which it has no legitimate defense. As the record resoundingly proves, The Times filed a comparably fraudulent dismissal motion – and was rewarded by a comparably fraudulent judicial decision.

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