

CENTER for
JUDICIAL
ACCOUNTABILITY



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April 27, 1994

Office of the District Attorney
Kings County
Corruption Investigation Division
Municipal Building
Brooklyn, New York 11201

ATT: Frank Laghezza, Senior Attorney

RE: Complaint of Criminal Conduct by Judges
of the Appellate Division, Second
Department

Dear Mr. Laghezza:

Pursuant to our lengthy telephone conversation today, in which you confirmed that criminal conduct by Justices of the Appellate Division, Second Department--in Brooklyn--would fall within the jurisdiction of your office to prosecute, I am transmitting herewith copies of the two submissions we have filed with the Court of Appeals relative to the Article 78 proceeding, Sassower v. Hon. Guy Mangano, et al.

That proceeding charges the justices of the Appellate Division, Second Department with criminal conduct in knowingly, deliberately, and maliciously using the disciplinary mechanism, which they control, for ulterior political purposes--to silence and retaliate against lawyers who speak out against judicial corruption.

As set forth at ¶7 of the Jurisdictional Statement, review of the underlying disciplinary file under A.D.#90-00315 establishes resoundingly, that all the orders issued thereunder by the Appellate Division, Second Department are "factually and legally unfounded". This includes the June 14, 1991 "interim" suspension Order, which suspended my mother from the practice of law immediately, indefinitely, and unconditionally.

Said Order was accomplished without a plenary proceeding, without notice of written charges, without a hearing, without evidentiary findings, and without even a statement of reasons in the

suspension Order itself¹--all contrary to the explicit requirements of the Appellate Division's own Rules Governing the Conduct of Attorneys and controlling law of the Court of Appeals (Matter of Nuey, 61 N.Y.2d 513, 474 N.Y.S.2d 714 (1984); Matter of Russakoff, 72 N.Y.2d 520, 583 N.Y.S.2d 949 (1992)). As discussed, the Appellate Division, Second Department has denied, without reasons, my mother's vacatur motions and, likewise, without reasons, has refused to direct an immediate post-suspension hearing. It is now almost three years that she has been deprived of her livelihood.

The retaliatory nature of my mother's suspension is discussed at length in the March 14, 1994 submission of her attorney--and, particularly, at pp. 5-8.

As you know, the post-script of my mother's October 24, 1991 letter to Governor Cuomo also alleges retaliation, stating "review of the underlying papers would show there [is] no other legitimate explanation for the suspension..." A hard-copy of that letter--previously faxed--is herewith enclosed.

In view of the serious and substantial nature of this complaint, we would appreciate as immediate an appointment as possible so that we can present, for your examination, a copy of the files under A.D. #90-00315. As stated in our February 6, 1994 letter to Attorney General Koppell (Supp. Exh. "4", p. 2), those files "provide prima facie, if not conclusive, evidence" of "an on-going criminal conspiracy" by the justices involved.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures (3)

P.S. Also enclosed is a copy of Dennis Duggan's April 26th article, with the quoted statement of your boss--"We are going to investigate public corruption"--including against judges. We intend to hold Mr. Hawkins to that pledge.

¹ The "interim" suspension Order is annexed to my Jurisdictional Statement as Exhibit "D-6".

Cops Hang Easily

There's a chilling new word for cops who commit perjury. It's called "testifying."

A mayoral commission report due soon contends that police perjury is the "most widespread form of police wrongdoing facing today's criminal justice system."

But former Deputy Police Commissioner for Trials Hugh Mo says it isn't fair to single out just cops. What about the judges, what about the prosecutors and what about the defense attorneys, he asks?

It's a good question and one that hasn't been addressed since the days of Maurice Nadjari, the first-ever state special prosecutor, who was appointed by then Gov. Nelson Rockefeller in 1972 — he resigned in 1976 — and who promised to go after judges as well as cops.

Yesterday, from his office in Huntington, Long Island, Nadjari said that the corruption cases he brought against judges fell apart because of the "good old boy network."

"The reason prosecutors go after cops and not judges and district attorneys," he said, "is that you don't suffer repercussions when you go after cops."

Nadjari claims that the judges he prosecuted for wrongdoing, including perjury, were then tried by their former friends on the bench and he says that's why his cases were dismissed.

The cops are on the bottom of the food chain of the criminal justice system. It's easier to hang them than anyone else. They don't make much money, they can't afford good lawyers, and they hardly ever are seen at table with state Supreme Court judges.

They are also easily targeted. They wear the same uniform, for one. They're the ones who openly carry guns for another. Cops work just down the street from the rest of us. They are also the most visible line of defense between us and those who want to kill us or steal from us — the thin blue line we sometimes call it — but more often in recent days, the blue wall of silence.

Ask Marvin Schechter, head of the Brooklyn criminal division of the Legal Aid Society, why the other, more powerful players in the criminal justice system are getting a pass and here's what he says:

"There exists a culture in the district attorney offices and the judiciary which excuses, sometimes inadvertently, improper testimony observed in testimony before grand juries, in pretrial hearings and even trials."

"In part," says Schechter, a defense lawyer for a quarter of a century, "this stems from a steadfast belief that cops have an incredibly difficult job in which they put their lives on the line. The people they arrest are perceived as being guilty."

Given these beliefs, there is a lack of aggressiveness in pursuing what is at times palpably obvious perjured testimony.

Mo puts it another way.

"When cops are impeached by a verifiable source, prosecutors don't follow it up." The former police judge, who

heads his own law firm in Manhattan specializing in Pacific Rim companies, says, "there ought to be a law compelling district attorneys and judges to refer it to the Internal Affairs Division for a charge of perjury."

That never happens. "It's swept under the rug," says Mo.

In December, Brooklyn District Attorney Charles

Hynes set up a new unit called the Corruption Investigation Division under Dennis Hawkins, one of his most trusted aides, who has been with Hynes since the late 1980s.

The Hawkins unit was quietly moved out of downtown Brooklyn and away from the "culture" of judges, elected officials and city agencies and into Red Hook in December.

I asked Hawkins yesterday if his unit, which includes eight assistant district attorneys and six detective-investigators, would look inside the courtrooms as well as the police precincts for evidence of wrongdoing.

He said his unit, which he calls unique among the city's district attorney offices, would spare no one in the criminal justice system. "We are going to investigate public corruption," he stresses.

We have had reams of stories about bad cops but almost nothing about judges and prosecutors who let obviously perjured testimony slip by without reaction.

It's no secret by now that perjury is a big problem in the police department. In 1991, New York Newsday reporter Bill Murphy wrote about his time on a Queens grand jury with 23 other citizens. He wrote in this paper that "cops have a serious credibility problem with the people they protect."

"It became clearer with each passing case," Murphy wrote, "that cops on the street did whatever was necessary to arrest the bad guys, and figured out later how to make it legal."



Dennis Duggan



Newday File Photo / V. Richard Haro

Maurice Nadjari, the state's first special prosecutor, promised to go after judges too.

The Mollen Commission spent several millions of dollars to arrive at the same conclusion.

"Often," says Mo, "the players in law enforcement live by a code of silence. It has become old hat for many of them. They treat perjury as something like running a red light."

Oh yes, judges do get into the news every once in a while. Bronx state Su-

preme Court Justice Frank Diaz, 53, was arrested Sunday for abusing his companion, Patricia Roberts. His lawyer complained that the judge was locked in a cell with other prisoners and his safety was endangered. He turned a few knobs and got the judge into a private cell.

All rise.