

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Wednesday, July 25, 2012 6:58 AM
To: 'vbonv@albanylaw.edu'
Cc: 'rb34@columbia.edu'
Subject: Building Scholarship on NYS Constitutional Issues & Governance -- Beginning with CJA's Public Interest Lawsuit vs NYS' Highest Constitutional Officers & 3 Government Branches
Attachments: 6-18-03-bonaventre.pdf

Dear Professor Bonaventure,

This follows up my July 3rd, July 9th, and July 23rd phone messages for you, to which I have received no return call.

These phone messages identified that I was calling you at the recommendation of Columbia Law School Professor Richard Briffault, Director of its Legislative Drafting Research Fund and an expert in the New York State Constitution, and that I had called him in an effort to build scholarship as to “court interpretation” of constitutional questions – beginning with the Court of Appeals’ February 23, 2010 decision that found a separation of powers constitutional violation in linking judicial salaries with legislative salaries.

To my knowledge, there has been NO critical analysis of this February 23, 2010 decision by scholars and law schools – including by you and the Center for Judicial Process, which you founded and direct and which purports to be:

“an independent, nonpartisan, nonprofit organization devoted to the interdisciplinary research and study of courts and judges, including decision-making and voting, the judicial role and selection, and other facets of the judicial process. The Center’s mission is to encourage such research and study and to provide a forum for publication.”

I alone – a non-lawyer – have done such critical analysis of the February 23, 2010 decision, documenting its fraudulence. Such analysis, embodied in a July 19, 2011 letter to New York Attorney General Eric Schneiderman, is an exhibit to CJA’s public interest lawsuit against New York State’s highest constitutional officers and three government branches for a declaratory judgment as to the unconstitutionality, *as written and as applied*, of the statutory result of that decision: Chapter 567 of the Laws of 2010, which, every four years, establishes a Special Commission on Judicial Compensation, whose recommendations become law, automatically, absent legislative override. Securing expert opinion from scholars like Professor Briffault and yourself of the February 23, 2010 decision, of Chapter 567 of the Laws of 2010, and, of course, of the now-unfolding lawsuit challenging them, is essential.

If you are not intending to return my calls – notwithstanding your Center for Judicial Process website bio identifies that you “teach[], comment[] and advise[] on courts, judges, and various areas of public law”, with a “particular focus...on the judicial process,...state constitutional adjudication,...and the New York Court of Appeals”,

“author[ing] numerous works on these subjects” and a blog New York Court Watcher” and notwithstanding your direct knowledge of the meticulously documented nature of CJA’s work, beginning in 2001, when I provided you with indisputable casefile evidence of corrupt judicial decisions by New York State judges, protecting a corrupt New York State Commission on Judicial Conduct, that you refused to make the subject of scholarship, including by your Center for Judicial Process, which you founded in 2003 to examine judicial decision-making – please identify the reason and identify other scholars at Albany Law School having expertise in the judicial process, the New York State constitution, and New York State government, to whom I might turn.

As you know from my phone messages, CJA’s website, www.judgewatch.org, posts the record of the lawsuit, accessible *via* the top panel “Latest News”. Similarly accessible is my July 9, 2012 letter to the Executive Director of the Citizens’ Committee for an Effective Constitution, highlighting the importance of building scholarship as to “court interpretation” of constitutional questions – starting with the Court of Appeals’ February 23, 2010 decision. Here’s the direct link to that July 9, 2012 letter <http://www.judgewatch.org/web-pages/ny-constitutional-convention/building-nys-constitutional-convention.htm> – all the more germane as Albany Law School participates in the essay competition on New York State constitutional issues that the Citizens’ Committee for an Effective Constitution sponsors.

I eagerly await your phone call and can be reached at 646-220-7987. Meantime, this e-mail, to which I am attaching my last previous e-mail to you, dated June 18, 2003, will be posted on the same webpage as the July 9, 2012 letter. It will be beneath the heading “**BUILDING A ROSTER OF ACADEMIC INSTITUTIONS, THINK TANKS, & SCHOLARS OF THE NYS CONSTITUTION & NYS GOVERNMENT**”, with hyperlinks for you and your Center for Judicial Process.

Thank you.

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

cc: Professor Richard Briffault

Subj: Maintaining a TRUE Record of Judge Wesley's Decision-Making
Date: 6/18/03 5:56:32 PM Eastern Daylight Time
From: Judgewatchers
To: vbonv@mail.als.edu
CC: Judgewatch

TO: Professor Vincent Bonventre

My groundbreaking public interest lawsuit against the NYS Commission on Judicial Conduct did NOT disappear simply because you – and Professor Siegel – chose NOT to give me ANY assistance, when I turned to you for help.

The case went up to the Court of Appeals – and what the judges of that Court did is grounds for their removal.

Any TRUE evaluation of Judge Wesley's decision-making at the New York Court of Appeals, as likewise the decision-making of his Court of Appeals colleagues, would have to include evaluation of what he and they did in my Commission case – as well as in the case of Robert L. Schulz, et al. v. NYS Legislature, et al.

Judge Wesley's impeachable conduct in these cases is highlighted by CJA's March 26, 2003 written statement, posted on the homepage of our website: www.judgewatch.org. – with the two focally-discussed motions for reargument and for leave to appeal also posted on the website.[See Commission case].

As discussed, please send me information about your newly-instituted "Center for Judicial Process" – referred to in today's story in the NYLJ, "Wesley to Be Sworn in as Circuit Judge Today".

If the "Center for Judicial Process" truly is a "think tank" "to encourage independent, interdisciplinary scholarship on the judicial process", it's ethical duty is to confront the EVIDENCE of how corrupted this state's "judicial process" is –including at the Court of Appeals. For this reason, I offer it a copy of the record of my Commission case as the MOST PERFECT EXAMPLE of how the New York courts – at every level –obliterated any semblance of "judicial process".

Let me know when you would like me to deliver it – and, whether, in addition, you would also like me to deliver a copy of the record of the MOST PERFECT EXAMPLE of how the federal courts – at every level– obliterate any semblance of "judicial process" – including at the U.S. Supreme Court. Such case is the Section 1983 civil rights action, Doris L. Sassower v. Honorable Guy Mangano, et al. – whose significance is highlighted by CJA's March 26, 2003 statement (pp. 17-18, 28).

Thank you.

Elena Ruth Sassower, Coordinator
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