

CENTER for
JUDICIAL
ACCOUNTABILITY



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FAX COVER SHEET

9/30/94

4:20
3:50 p.m.

DATE

TIME

THE NEW YORK TIMES
EDITORIAL BOARD
ATT: Mr. Howell Raines

TO:

212-556-3845

FAX NUMBER:

6

This fax consists of a total of _____ pages, including this cover-sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105.

Elena Ruth Sassower, Coordinator

FROM:

Per my telephone conversation with Phil Boffey's office, I understand that the enclosed letter--hand-delivered at about midnight last night to the front desk of The New York Times--has not been received by the editorial board.

I, therefore, am faxing a duplicate, together with one of the two enclosures referred to therein: my 9/25/94 Letter to the Editor.

An additional hard-copy, with both enclosures, will be hand-delivered tomorrow.

Your attention is greatly appreciated.

*Elena Ruth
Sassower*

P.S. Please give our sincerest compliments to the writers of "New York's Mystery General" and "No Way to Pick a Judge".

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By Hand

September 29, 1994

Board of Editors
The New York Times
229 West 43rd Street
New York, New York 10036

RE: "New York's Mystery General"
"No Way to Pick a Judge"

Dear Editorial Board:

Following up my yesterday's telephone message, I wish to inform you of the extraordinary fact that Times' reporters have no interest in pursuing the important issues identified in your above-mentioned editorials.

Indeed, relative to the editorial "New York's Mystery General", I have left innumerable recorded messages with the reporter who has been covering the Attorney General's race--and he simply does not even return my calls.

I note that The New York Times has written extensively about "conflict of interest" issues--and that your editorial position on the confirmation of Stephen Breyer to the U.S. Supreme Court was framed in the context of that issue.

However, whereas the "conflict of interest issue" in Justice Breyer's case was one about which ethicists differed [i.e. Professor Stephen Gillers v. Professor Monroe Freedman], there can be no dispute that our New York State Attorney General has broken the most fundamental rule regarding judicial disqualification and, without the slightest legal authority, has allowed judges sued in an Article 78 proceeding, challenging their conduct as criminal, to decide their own case.

Although the Article 78 remedy is a bulwark of our democracy--designed to afford independent review of governmental abuse--your reporters--who are not lawyers--have not the slightest knowledge of what it is and don't care about it or about conflicts-of-interest, no matter how brazen those conflicts are.

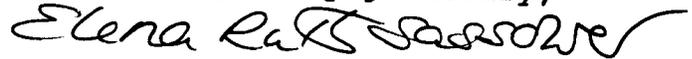
September 29, 1994

Please read the enclosed "Letter to the Editor", which I faxed to the Times on September 26th--as yet unpublished. It outlines the extraordinary Article 78 proceeding, now before the Court of Appeals, which must properly be an issue in this campaign.

Please also read my September 29th letter to the Republican nominee for Attorney General, Dennis Vacco (c/o Mr. Flynn)--which refers to and annexes communications with the Democratic nominee, Karen Burstein.

The voters are counting on you to push the reporters of the Times to ask the candidates the questions that your September 17th editorial pose. Don't fail us!

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures: (a) 9/25/94 "Letter to the Editor"
(b) 9/29/94 letter to Dennis Vacco, Esq.

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September 25, 1994

Letter to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Editor:

Your September 17th editorial about the New York State Attorney General recognizes that "voters need to know how the candidates intend to handle the job's meat-and-potatoes work of defending the state against legal actions".

We agree--and believe you should alert voters to a particular legal action, defended by the Attorney General. It is a case about which the candidates for that office must be specifically questioned since it will be on the desk of whomever is elected our next Attorney General.

The case, entitled Sassower v. Hon. Guy Mangano, et al., directly affects the public. It charges high-ranking judges with abusing their judicial office for political, retaliatory purposes. It is instructive to see how the Attorney General defended the judges sued in that legal action. He refused to enforce the law and rules governing judicial disqualification and

permitted the very judges sued in the proceeding to decide their own case. How did the judges decide? Predictably, they granted the motion of their own attorney, the Attorney General, and dismissed the case against themselves. This may sound like something out of Alice in Wonderland, but the result has been a very real cover-up of judicial corruption--aided and abetted by the Attorney General.

Presently, the matter is before our State's highest Court, the New York Court of Appeals--where the Attorney General argues--without the slightest legal authority--that there should be no appellate review of his judicial clients' self-interested decision in their favor.

For the voting public to choose intelligently who should be our next Attorney General, the press must insist that each candidate respond to the facts of this extraordinary case. Those facts show that a major governmental scandal has taken place and that our constitutional rights are imperiled by the very government officials whose duty it is to protect those rights, including the Attorney General of the State of New York.

Any candidate who cannot unequivocally condemn the abandonment of the most basic rule of law that "no man can be the judge of his own cause" lacks the competence and courage required of our State's highest law enforcement officer.

Finally, since the next Attorney General will, upon taking office, have the irrefutable evidence of judicial corruption that is fully documented in this case, the issue of judicial corruption is not an abstract one. It is immediate and grave. Consequently, the candidates must also define the role that the Attorney General will play, as "the People's lawyer", in safeguarding the integrity of our third branch of government. At present, the Attorney General's office neither investigates complaints of judicial corruption nor even refers them for investigation.



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

The Center for Judicial Accountability is a non-partisan citizens' group working to improve the quality of the judiciary.