

PRIVILEGED AND STRICTLY CONFIDENTIAL

March 28, 1991

Lisa Smith, Assistant U.S. Attorney
U.S. Attorney's Office
150 Grand Street
White Plains, New York 10601

Dear Ms. Smith:

Per our phone conversation yesterday, I am enclosing a copy of my oral argument to which I have attached the several news articles I handed up to the Court at that time. Also enclosed are my the Supplemental Record, the seven Opposing Briefs, and my Reply Brief.

I trust you will agree that your office should investigate, with a view to possible prosecution, the lawyers and judges involved in this scandalous corrupt deal, which guaranteed, inter alia, Republican retention of the Surrogate's Office to assure Mr. Colavita's iron-hand control of this County and its judiciary, and keep him in position to "fix" decisions, as needed.

As indicated in the August 8, 1991 news clipping, attached to my Reply Brief (A-#2), Emanuelli is "a product of the political system". His credentials for the Surrogate's job rested on his proven loyalty to the party. Indeed, his law offices were located in the headquarters of the Westchester Republican Party, where he performed many services for Mr. Colavita and the Republican Party.

It should be noted that Emanuelli got the support of the Democrats because of his close friendship with former Westchester County Chairman, Sam Fredman. Fredman's involvement in the 1989 deal goes back to 1988 when an early resignation of Judge Lucille Buell was arranged in exchange for cross-endorsement of Judge Wood, so that Governor Cuomo could give Fredman an interim appointment and thereby set the stage for his being an incumbent, when the 1989 cross-endorsements deal came to fruition. Only in that way, could Fredman be guaranteed election to a 14-year term as a Supreme Court judge, for which his age (at 65 he could not even serve half that term), and his lack of judicial experience, hardly made him the best man for the job. A "non-political" judiciary was the pretense used as cover-up for the plainly corrupt deal, which all parties knew was illegal.

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Lisa Smith, Esq.

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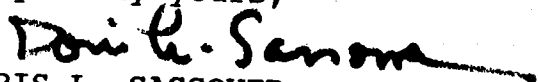
The local Gannett Newspaper was "bamboozled" by this line of propaganda, which Milt Hoffman, Editorial Manager of the paper and long-time buddy of Sam Fredman, has continued to feed it in order to assure public approval of the cross-endorsements deal-- despite all evidence provided by our Committee of its pernicious, illegal nature. That newspaper has deliberately suppressed and slanted coverage of the issues involved in the lawsuit, to protect Fredman, who is understood to be the prime architect of the deal, which sold the Westchester Democrats down the river for his own selfish advantage.

It is noteworthy that not once has Gannett mentioned the convention frauds violation of the Election Law which is an integral element of the Castracan v. Colavita case. In that connection, the lawyers, who falsely signed the certificates attesting to due compliance with Election Law requirements, are guilty of a felony under 17-120.

One other point in connection with the Republican convention. Mr. Parisi in his brief and oral argument contended, wholly unsupported by law, that the non-delegate public has no right to be at the judicial nominating conventions (at which our state court judges are elected), and can be excluded. Such interpretation is a plain violation of voting rights, and apparently embodies Mr. Colavita's view of the Party as his private fiefdom, as to which the public and the government have no right to intrude. Mr. Parisi attempted to argue that such conventions represent the internal affairs of the Party. Like Respondents' other spurious technical arguments, this is clearly a diversionary defense designed to avoid attention to the criminal activity involved. Respondents have avoided confronting those arguments in any of their sworn documents, since they are smart enough to know that would subject them to additional perjury counts.

Since, for obvious political reasons, the District Attorney of Westchester County does not appear to be interested in prosecuting these public officials--despite probable cause--we would much appreciate your reviewing the enclosed materials and advising us what your thoughts are as to the availability of a prosecution for crimes against federally protected voting rights.

Very truly yours,



DORIS L. SASSOWER

Pro Bono Counsel

Ninth Judicial Committee

DLS/ers
Enclosures



U.S. Department of Justice

United States Attorney

Southern District of New York

150 Grand Street

White Plains, NY 10601

April 2, 1991

Doris L. Sassower, P.C.
283 Soundview Avenue
White Plains, NY 10606

Dear Ms. Sassower:

Enclosed please find your copies of the documents which you recently provided to us in connection with your litigation, and your request for an investigation by this Office. We have made a single copy of them, and will review them.

Thank you for your interest in this matter. If you obtain any further documentation which you think we should review, please send us a copy, or send us your copy with a request that we make a photocopy and return your copy to you.

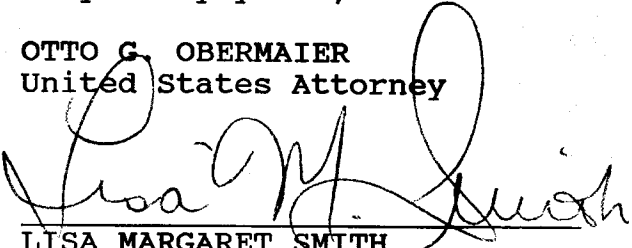
As we have advised you, we have a strict policy against discussing or commenting on investigations or the absence of investigations. There are many reasons for this, not the least of which is that the presence or absence of a criminal investigation does not disturb the presumption of innocence which accrues to everyone, and we believe that any unnecessary comment on the presence or absence of an investigation may be taken by the public as an opinion by the Government about someone's guilt. Moreover, it can cause people to alter or destroy records which could be of assistance in the investigation. Thus, except insofar as it is necessary for us in course of an investigation, we do not and will not comment on our proceedings. If we have any questions, we will contact you.

Again, thank you for your assistance in this matter.

Very truly yours,

OTTO G. OBERMAIER
United States Attorney

By:


LISA MARGARET SMITH
Assistant United States Attorney
Telephone: (914) 993-1902

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