

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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August 1, 1995

Jonathan Rosenberg, Esq.
Deputy Chief, Criminal Division
U.S. Attorney, Southern District
U.S. Courthouse Annex
1 St. Andrew's Plaza
New York, New York 10017

RE: Abandonment of fundamental litigation and adjudication standards in politically sensitive state court proceedings and complicity of state agencies and offices

Dear Mr. Rosenberg:

It was a pleasure to finally have had the opportunity to speak with you.

As discussed, I enclose papers from our two most recent Article 78 proceedings, reflecting the utter perversion of the Article 78 remedy by the New York Attorney General's office and the New York State courts when what is being challenged are politically powerful judges and the system that protects them.

In the first proceeding, Sassower v. Mangano, et al., charging the justices of Appellate Division, Second Department with using their judicial offices for ulterior, retaliatory purposes, the New York Attorney General permitted the very judges who were the subject of the Article 78 challenge to decide their own case and to grant their own attorney's legally insufficient and factually perjurious dismissal motion. The State Attorney General then argued, successfully, against review by the New York Court of Appeals of his clients' self-interested decision in their own favor.

A copy of our cert petition to the U.S. Supreme Court describing the travesty that took place in the New York courts is enclosed¹ -as is the Attorney General's scanty opposition and our reply.

¹ The deficient and sanctionable litigation practice of the New York Attorney General in the Article 78 proceeding is particularized at pp. 8-13 of the cert petition and pp. 4-5 of the reply.

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In the second proceeding, Sassower v. Commission on Judicial Conduct of the State of New York, charging the Commission with protecting politically-connected, powerful judges from disciplinary investigation, the New York Attorney General, although in default, likewise made a legally insufficient and factually perjurious motion to dismiss--which the lower court, predictably, granted. Copies of the papers that were before that court when it rendered its insupportable decision (published in yesterday's New York Law Journal²) are transmitted herewith.

We appreciate that you will be forwarding this matter to Michelle Hershman, Chief of the U.S. Attorney's Corruption Investigation Division. We certainly hope she will do an honest job of review, unlike the transparent non-review by the Chief of the Brooklyn District Attorney's Corruption Investigation Division. A copy of my mother's March 14, 1995 complaint letter to the Brooklyn District Attorney is enclosed to give you a sense of what is happening on the state level.

Before you pass this transmittal on to Ms. Hershman, may I request that you read the following three exhibits to the Article 78 Petition against the Commission:

Exhibit "A": our October 26, 1994 New York Times' Op-Ed advertisement "Where Do You Go When Judges Break the Law?"³;

Exhibit "D": my mother's October 24, 1991 letter to former Governor Cuomo calling for the appointment of a special prosecutor⁴, referred to in the Op-Ed advertisement; and

² See, front-page "Decisions of Interest", second front-page, and page 31.

³ A copy of the written Three-Year Cross-Endorsements Deal trading judgeships, described in the ad, appears in the appendix to the cert petition at A-29-30.

⁴ The complete files of the Election Law cases Castracan v. Colavita and Sady v. Murphy, described by my mother's letter to the Governor, were transmitted by us to the Justice Department's Civil Rights Division, Voting Section in April 1994 in connection with its inquiry into judicial elections in New York. Inasmuch as you indicated you were unaware of that inquiry and the Justice Department opinion, I enclose a copy of a December 7, 1994 New York Times article about it. For further information, you may wish to contact Chris Herren, Esq. at the Justice Department (202-514-1416).

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Exhibit "G": my mother's September 19, 1994 complaint to the Commission on Judicial Conduct regarding the Appellate Division, Second Department's refusal to disqualify itself in the Article 78 proceeding Sassower v. Mangano, et al. so as to prevent independent review of its conduct.

It must be emphasized that notwithstanding the compelling showing in our Article 78 petition that the Commission on Judicial Conduct has engaged in knowingly and deliberately covering up criminal activity by judges and judicial candidates, none of the state agencies served with our Notice of Right to Seek Intervention have done anything to intervene or otherwise protect the public. This includes the New York Attorney General's office, which has defended the Commission, albeit, as the within papers reflect, it had neither facts nor law to do so.

Under such extraordinary circumstances as here present, we believe it is incumbent upon the U.S. Attorney's office to provide us some assistance--since it is quite impossible for us to single-handedly protect the otherwise unprotected public.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

cc: Chris Herren

Enclosures: See next page

ENCLOSURES TO AUGUST 1, 1995 LETTER TO JONATHAN ROSENBERG, ESO.

(A) Sassower v. Mangano, et al.

1. DLS' cert petition
2. A.G. opposition
3. DLS' reply

(B) Sassower v. Commission on Judicial Conduct

1. DLS' Article 78 Petition, with Notice of Petition and Notice of Right to Seek Intervention
2. DLS' Order to Show Cause for Default, Preliminary Injunction
3. A.G. Affidavit in Opposition to Preliminary Injunction
4. A.G. Dismissal Motion
5. DLS' Affidavit in Opposition and in Further Support of Injunction, Default, Sanctions and Other Relief
6. DLS' Memo of Law
7. DLS' Notice to Furnish Record
8. DLS' Affidavit in Support of Proposed Intervenors
9. Supreme Court Decision, per Herman Cahn

(C) DLS' 3-page March 14, 1995 letter to Brooklyn District Attorney, with Exhibit "1" thereto

(D) NYT December 7, 1994 article "New York City Faces Change Over Justices", by Kevin Sack