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**COMPLAINT REGARDING FRAUD AND CRIMINALITY  
IN THE NOMINATION AND CONFIRMATION OF  
NEW YORK CHIEF JUDGE JONATHAN LIPPMAN BY  
MEMBERS OF THE NEW YORK SENATE JUDICIARY COMMITTEE**

**This complaint regards crimes and corruption by Jonathan Lippman, Chief Judge of New York State, members of the NY State Senate Judiciary Committee and members of the NY State Judicial Nomination Committee, with the complicity of other government officials. These acts constitute legislative election fraud among other crimes.**

If any of the statements herein are false, Title 18 USC; Section 1001, obliges you to arrest me for making false statements to a Federal Officer. Your failure to arrest me will represent your acknowledgment that the statements herein are true, in which case a failure to investigate these allegations would represent a dereliction of your duty.

**The New York Senate Judiciary Committee hearing on  
Judge Lippman's Confirmation Were Fraudulent, Criminal and Invalid.**

The process of Lippman's nomination and confirmation to the Chief Judgeship of New York was illegal; rife with conflicts of interest, official fraud, and rampant violation of the laws and rules of the Constitution of the State of New York. Because Lippman's nomination and confirmation to Chief Judge were conducted in violation of state law, his position as Chief Judge of New York State is illegitimate, and any decisions made in his official capacity are void.

**The New York Senate Judiciary Committee Failed to Uphold  
Any of Its Duties in Regard to the Confirmation of Judge Lippman.**

All Senate Committees, whether federal or state, have four cardinal duties in regard to public hearings:

- 1) to announce hearings to the public with reasonable notice
- 2) to gather information or evidence from the public and other sources
- 3) to evaluate the information and evidence and reach findings based thereon
- 4) to present their findings to the full senate to inform their vote

In their disposition of the confirmation of Judge Lippman, members of the New York Senate Judiciary Committee *failed to uphold every one of these duties. Specifically:*

**1) The “Public Confirmation Hearing” was not announced until *one day* before the hearing, in violation of NY Senate rules which require a *five-day notice*. The announcement also did not mention that the public was invited, despite its being a “public hearing”.**

[The NY Senate FAQ page states:](#)

*“All Standing Committees may hold public hearings. Assembly rules require that not less than two days notice of such hearings be given, and the Senate rules require five days notice.”*

The February 11<sup>th</sup>, 2009 hearing was announced *exclusively* on the webpage of the [Senate Judiciary Committee on February 10<sup>th</sup>, 2009](#), with no mention that the hearing was public. The hearing was not announced in any newspapers, or any radio or television broadcasts in New York State.

In fact, the February 10<sup>th</sup> [announcement](#) does not mention *that anyone* was invited, yet at least **ten friendly witnesses were** invited by the SJC to testify before the committee - none of them members of the Committee or the Senate - and **dozens of Lippman’s supporters were present**. *Their testimony of the friendly witness unequivocally establishes that this was indeed a “public hearing”, despite the Senate’s violation of applicable rules.*

There are two kinds of hearings “Public” and “Not Public”. There is no provision in the Constitution for a hearing that is only “public” to selected individuals.

[Tim Spotts, the assistant to Senate Judiciary Committee Chairman John Sampson tried to convince this reporter that Lippman’s confirmation was “not a public hearing”,](#) although the public was invited to testify. He went so far as to say that the confirmation hearing was *not even a hearing*. “It’s not a “hearing hearing” said Spotts, “it’s just a confirmation”. Spotts was only truthful in his acknowledgement that Lippman’s confirmation was a *fait accompli*, and the confirmation hearing a sham. As transparent as his ruse was, Spotts must be prosecuted for

misleading the public about the nature of the hearing.

The “five-day rule” is no mere technicality; it exists to ensure that the public has enough prior notice to prepare statements and attend “public hearings”; *a fundamental tenet of our democracy. It is in violation of state senate rules to hold a public hearing with less than five days notice, and/or without public invitation. On these ground alone, the confirmation of Jonathan Lippman is illegal and invalid.*

**2) The SJC failed to investigate allegations by opposing witnesses at the hearing.**

Despite the absence of notice, three New York citizens, including Elena Sassower, Director of the [Center for Judicial Accountability](#) (CJA), and Will Galison, CJA member and [Black Star News](#) Journalist, learned of the hearing two days prior *through an inadvertent leak by a Senate employee* and attended the hearing as witnesses in opposition to Lippman’s confirmation.

[The testimonies of Sassower and Galison were videotaped.](#) and were posted on the NY Senate website, *before being expunged from the official record.* Fortunately, the videos were copied and are now posted on Youtube and elsewhere. The *bias, bullying* and intimidation against the opposing witnesses by the SJA are shockingly evident in these clips.

**3) Selected Witnesses and reporters “friendly” to Lippman were secretly invited to the hearings in advance of, and to the exclusion of, the general public and press.**

As mentioned above; aside from these three citizens, the hearing was attended *exclusively* by over 50 officials and citizens personally invited by Judge Lippman and Senator Sampson to either testify in Lippman’s favor or to applaud favorable testimony. As [the announcement](#) of the hearings did not mention that *anyone* was invited, the friendly witnesses must have been *personally invited* by the Committee in advance of (and to the exclusion of) the general public.

Likewise, there was also no Senate press release informing *the media* of the hearing. Only [journalists from select newspapers were invited, virtually all of whom neglected to report on the testimony or even the presence of the opposition witnesses.](#)

It is unconstitutional to secretly invite “friendly” witnesses and “friendly” reporters to a public hearing without notifying the general press - and the general public - that the hearing is *public*.

*On these grounds alone, the confirmation of Jonathan Lippman is illegal and invalid.*

**4) The Senate Judiciary was denied access to criminal allegations and judicial conduct complaints against Lippman, which were under investigation at the time of the hearings.**

[The Commission on Judicial Conduct](#), whose sole duty is to investigate allegations of wrongdoing by NY judges, *withheld* from the Senate Judiciary Committee *pending complaints* alleging crimes by Judge Lippman.

At least one and possibly more, judicial [complaints against Lippman were pending before the CJC](#) at the time of the hearings. It was the duty of the CJC to inform the SJC that these complaints were pending, and must be adjudicated before a confirmation decision could be reached.

**Robert Tembeckjian**, the *Administrator* of the Commission on Judicial Conduct *was personally present* at the confirmation hearings, but failed to inform the SJC about complaints of criminal acts by Lippman that were pending before his commission, *even when they were referenced by the witnesses*. [Tembeckjian also applauded at the testimony of the friendly witnesses and mocked the opposing witnesses, in a display of bias in favor of the judge he is required by law to investigate.]

Without the benefit of the officially filed evidence against Lippman, the SJC was unable to render an informed decision on his qualifications for Chief Judge. Hence, their report to the full Senate was incomplete, inadequate and invalid.

***On these grounds alone, the confirmation of Jonathan Lippman is illegal and invalid.***

[One month after Lippman's confirmation, the CJC complaint was "*dismissed without investigation*" by Tembeckjian.]

**5) The Senate Judiciary Committee failed to investigate evidence against Lippman which had been submitted directly to all members of the committee *prior* to the hearing.**

Two weeks prior to the confirmation hearings, [documents supporting allegations of criminal activity by Lippman were sent to all 21 members of the SJC by opposing witness Will Galison](#). At the hearing, Galison asked which of the Senators on the SJC had reviewed the documents and allegations. The Senators *refused to answer*; one Senator leapt from his chair and yelled "That question is inappropriate!", to which Chairman Sampson added "We're the ones asking the questions here!"

Moreover, in violation of Senate rules, the Senate Judiciary Committee failed to review or investigate documentation of allegations against Lippman presented by the opposing witnesses who testified at the hearings. In addition to their 5-minute testimonies, the opposing witnesses offered the SJC copious documentation of their allegations against Lippman. In violation of their

mandate, the SJC failed to review or investigate *any* of these documents before voting on Lippman's confirmation.

### **No Time Was Allotted to Evaluate Opposing Testimony**

In fact, *so certain* was the SJC that no opposing witnesses would appear or present evidence, (because they were not invited) that *they did not allot any period of time to review or investigate potential opposing testimony*. The record shows that the hearing was allowed to continue until just before 11:00 - the final speaker being Lippman himself – and that immediately after Lippman spoke, the handful of committee members, Lippman and his admirers marched from the hearing room to the senate chamber, to address the full senate on the findings of the committee. Hence, *none of the documentary evidence presented by the opposing witnesses was investigated or considered in the full-senate vote, as required by law*.

*On these grounds alone, the SJC vote confirming Jonathan Lippman is illegal and invalid.*

### **6) The SJC failed to report the fact or substance of opposing witness testimony to the full Senate prior to the full Senate confirmation vote.**

The transcript of Senator Sampson's presentation to the full senate proves that he failed to inform the senate of any testimony by the opposing witnesses. *Hence, the full senate was ignorant of the pending criminal allegations against Lippman and thus voted on incomplete and biased information.*

*On these grounds alone, the full senate confirmation of Jonathan Lippman is illegal and invalid.*

**On each and all of the grounds cited above, the NY Senate confirmation of Jonathan Lippman is illegal and invalid, hence, Lippman is not the lawful Chief Judge of New York, and is not eligible for nomination for the SJI by the President in that capacity.**

### **The New York Senate Judiciary Committee was Aware of Fraud in Lippman's Confirmation and was Complicit in That fraud**

Every member of the Senate Judiciary Committee that attended the hearing *knew* that it was in violation of Senate Rules, yet *every one* went along with the unlawful hearing without objection. Perhaps that is why more than half of the Committee members failed to attend this critically important hearing, and why *no quorum of SJC members were present throughout the entire hearing*.

**The NY Senate Judiciary Committee Also Disregarded  
Documented Evidence of Corruption in the *Nomination* of Jonathan Lippman.**

The first step of an investigation into a nominee would be to examine the questionnaires he is required to fill out in application for his nomination. [The questionnaire provided by the New York Commission on Judicial Nominations](#) to all nominees asks the following question:

*30(a) has any complaint or charge ever been made against you in connection to your service in a judicial office? Include in your response any question raised or inquiry conducted of any kind by any agency or official of the judicial system?*

*If the answer to subpart (a) is “yes”, furnish full details, including the agency or officer making the inquiry, the nature of the question or inquiry, the outcome and relevant dates*

If Lippman filled out this sworn questionnaire honestly, he would have had to report the [complaint filed with the Commission on Judicial Conduct](#) by Will Galison. [Receipt of this complaint was acknowledged by the CJC](#) in a letter of January 28<sup>th</sup>, 2009; *two weeks before the Confirmation hearing.*

The allegations in the complaint that was pending before the CJC at the time of the confirmation hearing are *extremely serious*. They regard Lippman’s abuse of authority as Presiding Judge of the First Department, and blatant conflicts of interest and appearances of impropriety in the process of Lippman’s *nomination*.

The complaint alleges that as Presiding Justice of the First Department, Judge Lippman used his office to illegally protect a lawyer from disciplinary action. *The protected lawyer was later found to be an intimate friend and business partner of one of the twelve members of the Judicial Nomination Commission (JNC); the body that nominated Lippman.*

**Corruption of the New York State Judicial Nomination Commission**

When this appearance of impropriety and conflict of interest was [exposed to all twelve members of the JNC in a letter of 11/20/08](#), the only response from the commission was a [recorded phone message](#) left on Galison’s answering machine by JNC member Fred Brewington: [“This is Fred Brewington. You sent me an email concerning...the JNC... Please do not send me any more information concerning this, and the information you did send me I’m going to shred at this point. Thank you.”](#)

The letter that Mr. Brewington shredded alleges that:

- Judge Lippman knowingly violated Part 118 of the New York State Rules of the Chief Administrative Judge and section 90 of the Judiciary law
- Judge Lippman refused to fulfill his duty to oversee the DDC
- Judge Lippman ignored [Galison's] lawyers' letter proving that Mr. Friedman lied to a panel of Appellate Court Judges
- Judge Lippman failed to enforce rules of the First Department which were altered by Alan Friedberg at the DDC.
- Judge Lippman ignored [criminal complaints against his Court Clerk, Ron Uzenski](#)
- Judge Lippman's illegal favors to Leon Friedman were an effort to Influence the Commission on Judicial Nomination which in turn nominated him for the Chief Judgeship.
- CJC Staff member Mr. Richard Emery is also a friend and colleague of Leon Friedman and must be recused from the adjudication of his case.

[It should be noted that at the time of Lippman's nomination, CJC member Richard Emery also sat on the State Ethics Commission which was the only New York Government agency that oversaw the CJC *-the ultimate conflict of interest.*]

In light of the above, your office must undertake an investigation into the nomination and confirmation of Jonathan Lippman as Chief Judge of New York State.

I look forward to hearing your response to my allegations and evidence above.

Sincerely,

Will Galison  
Reporter, Truthout.org, Blackstar News

cc: Milton Allimadi, Publisher Blackstar News  
Leslie Thatcher, Editor Truthout.org  
General Media