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BY FAX AND MAIL: 212-571-9836 (18 pages)

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Ira Stoll, Managing Editor  
The New York Sun  
105 Chambers Street  
New York, New York 10007

RE: "Scooping" the Competition: Exposing the  
Real Attorney General Spitzer-- not the P.R.  
version

Dear Mr. Stoll:

As The Sun struggles to gain a foothold among New York readers, our non-partisan, non-profit citizens organization, the Center for Judicial Accountability, Inc. (CJA), would like to help it get "a leg up" by an extraordinary "scoop". The "scoop" concerns New York State Attorney General Eliot Spitzer.

The press uniformly reports that Mr. Spitzer is a "shoe-in" for re-election as Attorney General<sup>1</sup> and a rising star in the Democratic Party with a future as Governor and possibly President<sup>2</sup>. This is not surprising as it has spent the past three-plus years "protecting" Mr. Spitzer by wilfully refusing to critically examine his on-the-job performance. This includes The Sun's competitors: The New York Times, Daily News, New York Post, Newsday, Gannett, Albany Times Union – as well as the legal daily, New York Law Journal.

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<sup>1</sup> "Court of Claims Judge to Face Spitzer", (New York Law Journal, May 15, 2002, John Caher, Daniel Wise), quoting Maurice Carroll, director of Quinnipiac College Polling Institute, "Spitzer has turned out to be a very good politician, and he is just not vulnerable"; Governor Pataki "could pick the Father, Son and Holy Ghost and he wouldn't beat Spitzer"; "The Attorney General Goes to War", (New York Times Magazine, June 16, 2002, James Traub), "Spitzer's position is considered so impregnable that the Republicans have put up a virtually unknown judge to oppose him this fall – an indubitable proof of political success".

<sup>2</sup> "Spitzer Pursuing a Political Path", (Albany Times Union, May 19, 2002, James Odatto).

Over the years, CJA has spent a vast amount of time and energy trying to get these newspapers to cover more than lawsuits *initiated* by Mr. Spitzer, promoted by his press releases and press conferences. We have beseeched the press to balance such coverage by examining an important public interest lawsuit *defended* by Mr. Spitzer<sup>3</sup>. Indeed, it is a lawsuit generated and perpetuated by Mr. Spitzer's official misconduct – one which consequently seeks monetary sanctions and disciplinary and criminal relief against Mr. Spitzer *personally*.

The lawsuit, now at the Court of Appeals, documents that Mr. Spitzer has used his public office to cover-up systemic governmental corruption involving, *inter alia*, Governor Pataki, high-ranking judges, and the New York State Commission on Judicial Conduct. It establishes that Mr. Spitzer wilfully failed to investigate the documented allegations of corruption underlying the lawsuit and thereafter employed fraudulent defense tactics to defeat the lawsuit – tactics which would be grounds for disbarment if committed by a private attorney. Annexed to the litigation papers is a paper trail of correspondence with Mr. Spitzer, establishing his *direct knowledge and personal liability* by his wilful refusal to meet his mandatory supervisory duties under DR-1-104 of New York's Code of Professional Responsibility (22 NYCRR §1200.5).

I do not exaggerate in saying that an expose by The Sun of this one lawsuit will not only rightfully end Mr. Spitzer's re-election prospects and political career, but his legal career as well. Indeed, it may prove equally devastating for Governor Pataki.

For immediate purposes – and to get a flavor of this politically-explosive case, covered up by the establishment press these past three years -- enclosed is a recent article about it, "Appeal for Justice" from Albany's alternative newspaper Metroland (April 25-May 1, 2002). Also enclosed is my long ago published letter to the editor, "An Appeal to Fairness: Revisit the Court of Appeals" (New York Post, December 28, 1998), providing some of the underlying facts. Additionally enclosed is my June 17, 2002 notice of motion for sanctions and disciplinary and criminal referral of Mr. Spitzer *personally*, and to disqualify

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<sup>3</sup> According to the Attorney General's website [[www/oag.state.ny.us/](http://www/oag.state.ny.us/)], the Attorney General defends "thousands of suits each year in every area of state government" -- an enterprise involving "nearly two-thirds of the Department's Attorneys in bureaus based in Albany, New York City, and in the Department's 12 Regional offices". [See "Tour the Attorney General's Office" – Division of State Counsel].

him from the lawsuit for his unlawful representation of the State Commission on Judicial Conduct – the lawsuit’s sole defendant, whose Chairman, Election Law lawyer Henry T. Berger, helped secure Mr. Spitzer’s 1998 razor-close victory as Attorney General.

Please note that the lawsuit provides a devastating “inside view” of the hoax of Mr. Spitzer’s “public integrity unit”. According to a September 1999 Gannett article, “*Spitzer’s Anti-Corruption Unit Gets Off to a Busy Start*”, the “public integrity unit” had “already logged more than 100 reports of improper actions by state and local officials across New York”. Nevertheless, Gannett and other newspapers ignored CJA’s entreaties to go beyond Mr. Spitzer’s self-serving hype and explore the unit’s first two “reports”, which were from CJA. These I had given Mr. Spitzer, *in hand*, eight months earlier, immediately upon his announcement of the establishment of his “public integrity unit”. Reflecting this is the transcript excerpt of my January 27, 1999 public exchange with Mr. Spitzer. A copy is enclosed along with CJA’s \$3,000 public interest ad, “*Restraining ‘Liars in the Courtroom’ and on the Public Payroll*” (New York Law Journal, August 27, 1997, pp. 3-4), referred to therein.

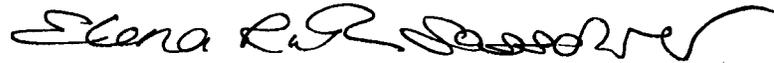
Tellingly, a “search” of the Attorney General’s website [[www.oag.state.ny.us/](http://www.oag.state.ny.us/)] produces only *seven* entries for his “public integrity unit”, with virtually *no* substantive information about its operations and accomplishments. This is all the more astonishing because of Mr. Spitzer’s promise in his 1998 campaign “to take on the task of cleaning up government by taking on *all* of the problems that have led to governmental stagnation and corruption in New York”. To refresh your recollection as to what Mr. Spitzer was then promising New York voters, enclosed are the first three pages from his 1998 campaign policy paper, “Making New York State the Nation’s Leader in Public Integrity...”, particularizing the bold steps his “Public Integrity Office” would be taking to root out corruption. These pages provide a stark contrast to Mr. Spitzer’s 2002 re-election website [[www.spitzer2002.com](http://www.spitzer2002.com)] where governmental corruption is never mentioned as an issue and only a single passing reference appears to “public integrity”. Examination of the lawsuit file reveals why.

I look forward to personally discussing with you the lawsuit’s significance and to providing The Sun with a copy of the file, from which this story is *readily* and *swiftly verifiable*. Notwithstanding The Times’ wilful and deliberate suppression of *every* aspect of this story over the past three years, its Albany Bureau correspondent James McKinley, Jr. met with me 10 days ago and

accepted a copy of the substantiating file. Assumedly, The Times will not expose its pivotal role in fostering the myth of Eliot Spitzer. Still, time is of the essence if The Sun is to fully "scoop" the competition.

I await your enthusiastic response.

Yours for a quality judiciary  
and electorally-meaningful reporting,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosures

TRANSMISSION VERIFICATION REPORT

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