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FAX COVER SHEET

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DATE: 4/16/99 TIME: 3pm FAX #: 212-688-4889

TO: Matt Fleischer - NY Observer

RE: Spitzer's Non-Existent Public Integrity Unit

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: Enclosed are pages 1-7 + 27-29
of CSA's March 26, 1999 ethics
complaints - relating to that
branch of the complaint against A.G.
Spitzer personally.
For your convenience, I have
attached the relevant portions.
See also p.6 (fn 4) referring to your
2/8/99 Observer column

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, non-profit citizens' organization documenting how judges break the law and get away with it.

P.S. - please note: we've received (at pp 5-7) that these ethics complaints of systematic governmental corruption referred to Spitzer's "Public Integrity Unit"

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Elena Ruth Sassower, Coordinator

BY CERTIFIED MAIL/RRR: Z-471-036-407

March 26, 1999

New York State Ethics Commission
39 Columbus Street
Albany, New York 12207-2717

RE: NEWLY-INITIATED ETHICS COMPLAINTS:

- (1) against the Ethics Commissioners and, particularly Ethics Chairman Paul Shechtman
- (2) against former Ethics Commission Executive Director, now Deputy Attorney General Richard Rifkin;
- (3) against Governor George Pataki;
- (4) against the NYS Commission on Judicial Nomination;
- (5) against Attorney General Eliot Spitzer, personally

SECOND SUPPLEMENT TO CJA's March 22, 1995 ETHICS COMPLAINT
AGAINST THE NYS COMMISSION ON JUDICIAL CONDUCT

Dear Commissioners:

This letter presents an ethics complaint against you for complicity in the subversion of the Ethics Commission by your former Executive Director, Richard Rifkin, to protect this state's politically-powerful, including the State Attorney General, from the consequences of their corrupt, criminal, and unethical conduct. It is based on your "substantial neglect of duty" and "gross misconduct in office" in ignoring CJA's fact-specific, documented showing of Mr. Rifkin's misfeasance, presented to you in voluminous correspondence over many years. This has resulted in vast and irreparable injury to the People of this state. It has also enabled the wrongdoing Mr. Rifkin, a former high-ranking member of the Attorney General's staff under Robert Abrams, to return to the Attorney General's office as a high-ranking member of Eliot Spitzer's staff. Indeed, as Deputy Attorney General for the Division of State Counsel, Mr. Rifkin now oversees the very unit in the Attorney General's office whose conflict of interest and litigation fraud were the subject of CJA's September 14, 1995 and December 16, 1997 ethics complaints, covered-up by him.

March 26, 1999

Under §94.7 of the Executive Law:

"Members of the commission may be removed by the governor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for reply".

The Ethics Commissioner bearing foremost responsibility is the Commission's chairman and most senior member, Paul Shechtman. By this letter, CJA invokes that provision and requests that prerequisite steps be taken to secure his removal, including referral to Governor Pataki pursuant thereto.

Simultaneously, this letter initiates an ethics complaint against the Governor for his own subversion of the Ethics Commission. Such subversion includes his May 1998 reappointment of Mr. Shechtman to the Ethics Commission and designation of him as its chairman in face of notice and actual knowledge that Mr. Shechtman had not only wilfully neglected his duties as an Ethics Commissioner, but was complicitous with him in corrupting the judicial appointments process to the lower state courts to advantage unfit, politically-connected judicial candidates. The Governor's corruption of that judicial appointments process forms an additional basis for this ethics complaint against him -- as does his corruption of the "merit selection" process to the Court of Appeals -- each to achieve illegitimate personal and political goals.

Because the Governor's corruption of the "merit selection" process to the Court of Appeals involves the New York State Commission on Judicial Nomination's corruption of its own evaluation procedures to advance the corrupt and politically-favored Albert Rosenblatt, this letter initiates an ethics complaint against the members and counsel of that body. Additionally, this letter should be deemed a second supplement to CJA's March 22, 1995 ethics complaint against the members and staff of the New York State Commission on Judicial Conduct for continuing the pattern of protecting politically-connected judges detailed therein, as well as for protecting the Governor and Commission on Judicial Nomination in their corruption of the Court of Appeals' "merit selection" process.

* Finally, inasmuch as Attorney General Spitzer has failed to remove Mr. Rifkin as Deputy Attorney General, notwithstanding notice and documentary proof of Mr. Rifkin's subversion of the Ethics Commission and its most recent catastrophic consequence -- the elevation of Appellate Division, Second Department Justice Rosenblatt to the Court of Appeals -- this letter should be deemed an ethics complaint against Mr. Spitzer, personally, for his protectionism of Mr. Rifkin and the political interests and powerful individuals he protected -- and which Mr. Spitzer has been protecting -- to the detriment of the People of this state. *

All the foregoing ethics complaints, as well as CJA's formal ethics complaint against Mr. Rifkin, also initiated by this letter, are based on wilful and deliberate violations of §74 of the Public Officers Law,

"Code of ethics", and, specifically, §§74.2 and 74.3(d); (f); and (h). In addition, that portion of CJA's ethics complaint against the Governor involving the Senate's "rubber-stamp" confirmation of his judicial appointees, both to the lower state courts and to the Court of Appeals, is based on the Governor's wilful and deliberate violation of §75 of the Public Officers Law, "Bribery of members of the legislature" -- with members of the Senate and, particularly, Senate Judiciary Committee Chairman James Lack reciprocally violating §76, "Receiving bribes by members of legislature", and §77, "Unlawful fees and payments". These provisions are printed in a booklet issued by the Ethics Commission in August 1998, when Mr. Rifkin was Executive Director and Mr. Shechtman its Chairman. The pertinent pages are annexed hereto as Exhibit "A".

Where the substantiating documentation to these ethics complaints is not already in the possession of the Ethics Commission, it is enclosed. An inventory of these enclosed materials, as organized in separate file folders, is appended to the end of this letter. To further assist you, a Table of Contents follows to facilitate access to the interrelated, but nonetheless separate and distinct, ethics complaints herein.

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INTRODUCTION

The evidence herein presented is of systemic governmental corruption reaching New York's highest state officer, the Governor, its highest legal officer, the State Attorney General, and the essential state monitoring agency whose purpose is to safeguard the integrity of state officers and state agencies, the State Ethics Commission.

The Commissioners have a clear conflict of interest in reviewing CJA's ethics complaints against themselves, their chairman, and the appointing authorities who designated them. Indeed, based on the disqualification of three of the Ethics Commissioners, there is not even a quorum of the required three members to address these complaints.

Presently, there are only four Ethics Commissioners. This, because the Governor has maintained a vacancy on the Ethics Commission for the past 22 months, in violation of Executive Law §94.5, requiring him to fill any vacancy "within sixty days of its occurrence". Of the four current Commissioners, Chairman Shechtman is absolutely disqualified because all the ethics complaints herein either directly involve his misconduct or the consequences of that misconduct. That leaves three Commissioners. Of these, Robert Giuffra, who the Governor appointed in November 1998, is also disqualified. Mr. Giuffra is not only the nominee of former Attorney General Dennis Vacco, against whom CJA's December 16, 1997 ethics complaint is personally directed, but clerked for two of the federal judges ultimately involved in the §1983 federal action presented by that complaint. These are Ralph Winter, Chief Judge of the Second Circuit Court of Appeals, and William Rehnquist, Chief Justice of the U.S. Supreme Court, each of whom aided and abetted in the obliteration of ALL adjudicative and ethical standards by the lower federal judges in *Doris L. Sassower v. Hon. Guy Mangano, et al.* (#94 Civ. 4514 (JES), 2nd Cir. #96-7805, US S. Ct. #98-106) to protect the defendant New York's Appellate Division, Second Department judges and State Attorney General, sued for corruption. By reason of their judicial misconduct, including a fraudulent decision by Chief Judge Winter corrupting the federal judicial complaint mechanism under 28 U.S.C. §372(c)¹, impeachment complaints have been filed against them with the House Judiciary Committee, as well as criminal complaints, filed with the Justice Department's Public Integrity Section². No reasonably

¹ The enclosed cert petition of the *Sassower v. Mangano* federal action [File Folder "T"] contains the documents establishing Chief Judge Winter's corruption of the §372(c) judicial complaint process: (1) plaintiff-appellant Doris L. Sassower's §372(c) misconduct complaints against the district judge and appellate panel [A-242; A-251]; (2) Chief Judge Winter's decision dismissing the complaints [A-28]; (3) plaintiff-appellant Sassower's petition for review to the Second Circuit Judicial Council of Judge Winter's decision [A-272]; and (4) the Second Circuit Judicial Council's order denying review [A-31].

² Copies of CJA's March 23, 1998 impeachment complaint and July 27, 1998 criminal complaint against Chief Judge Winter are reprinted, respectively, in the appendix to the *Sassower v. Mangano* cert petition [A-301, at A-316] and supplemental brief [SA-47] [File Folder "T"]. Both that cert petition and supplemental brief

objective observer would believe that Mr. Giuffra could fairly and impartially address the December 16, 1997 ethics complaint or the instant ethics complaints against the Commission on Judicial Nomination and the Commission on Judicial Conduct, also involving the *Sassower v. Mangano* federal action, when doing so would require him, under ethical rules of professional responsibility, to take steps to ensure impeachment and criminal investigations of each of these powerful high-ranking judges, with whom he doubtlessly continues to have personal and professional relationships.

Also disqualified by reason of his personal and professional relationships is Ethics Commissioner O. Peter Sherwood, appointed by the Governor on the nomination of the Comptroller. Mr. Sherwood was Solicitor General under former Attorney General Robert Abrams. The litigation misconduct of Attorney General Abrams' office is encompassed in CJA's September 14, 1995 ethics complaint. Mr. Sherwood is also a former officer and member of the Executive Committee of the Association of the Bar of the City of New York [hereinafter "the City Bar"]. Investigation of these ethics complaints would readily reveal the pivotal role of the City Bar's leadership in facilitating and enabling the systemic corruption and abuse of power by state agencies and officials, documented herein³.

This leaves a single Ethics Commissioner, former State Supreme Court Justice Gossel, appointed by the Governor in 1997. Even were he not conflicted, by reason of the personal and professional ties that led to his appointment, Mr. Gossel alone cannot constitute a quorum under Executive Law §94.6.

Under the circumstances, these separate, yet interrelated, ethics complaints should be referred to other investigative bodies. Initially, referral should be made to Attorney General Spitzer's "public integrity unit" -- whose creation Mr. Spitzer announced on January 27, 1999 at the City Bar, with great rhetoric as to its purpose: to ensure "the integrity of our public institutions"; "to investigate and root out corruption throughout the state"; "to shine light into the dark corners of the state and

were provided to the Commission on Judicial Nomination and the Commission on Judicial Conduct -- and form part of CJA's instant ethics complaints against them. Indeed, the Commission on Judicial Nomination was provided with a free-standing copy of the July 27, 1998 criminal complaint, where Exhibit "J-1" thereto is a March 28, 1996 criminal complaint against Judge Winter, based on his participation in the fraudulent and retaliatory appellate decision in *Elena Ruth Sassower and Doris L. Sassower v. Katherine Field, et al.*. As for the impeachment-criminal complaint against Chief Justice Rehnquist, based on the *Sassower v. Mangano* federal action, a copy of CJA's November 6, 1998 memorandum to the House Judiciary Committee and Public Integrity Section is enclosed [File Folder "I"].

³ Reflecting Mr. Sherwood's guilty knowledge of the appearance and actuality of his disqualifying bias is his failure to return any of four phone messages [3/12/99; 3/17/99 (2x); 3/19/99], including a voice mail message, for information as to his tenure as Solicitor General for Mr. Abrams and the offices he held at the City Bar. Such information was expressly identified as being for the purpose of evaluating his disqualification as Ethics Commissioner from consideration of CJA's ethics complaints.

make sure that those who thrive on secrecy and obfuscation no longer do so". A copy of the transcript of Mr. Spitzer's inspiring City Bar remarks -- and CJA's audience comment and question -- is annexed as Exhibit "C" (pp. 4-12; 13-14). Such referral might have the added benefit of prompting Mr. Spitzer to *actually* set up such unit. This, he has *not* done despite the lapse of two months -- a period longer than the period between his hotly-contested November 3, 1998 election and his January 1, 1999 inauguration, within which he appointed Mr. Rifkin as one of his top aides.

Mr. Spitzer's delay in setting up his "public integrity unit" may be attributable to his recognition that it could not credibly "clean up" corruption elsewhere in state government without first "cleaning up" the corruption in the Attorney General's office that is the subject of CJA's September 14, 1995 and December 16, 1997 ethics complaints -- covered up by Mr. Rifkin. Indeed, in conjunction with our January 27, 1999 comment and question to Mr. Spitzer (Exhibit "C": pp. 13-14), we publicly presented him with a January 27, 1999 letter highlighting those ethics complaints and Mr. Rifkin's cover-up. A copy of CJA's January 27, 1999 letter -- to which the Ethics Commission is an indicated recipient -- is enclosed [File Folder "II"].

The fact that Mr. Spitzer has completely ignored that letter, which additionally called upon him to initiate an investigation of the appointment and confirmation of Albert Rosenblatt to the Court of Appeals -- based on the transmitted evidentiary proof that the Governor and Senate Judiciary Committee had colluded in the corruption of the "merit selection" process by the Commission on Judicial Nomination and the Commission on Judicial Conduct -- suggests that our new Attorney General does not have the courage of his rhetoric and that he is compromised by personal and professional relationships⁴ and

⁴ Some of these disqualifying relationships may be gleaned from newspaper articles. Among them, "*Spitzer Claims Victory; And Now, the Litigation*", in the November 20, 1998 New York Law Journal (Exhibit "C") which reported the participation of Election Law attorney, Henry T. Berger, in establishing Mr. Spitzer's narrow election victory. In apparent violation of Judiciary Law §41.2, Mr. Berger has been chairman of the State Commission on Judicial Conduct since 1990 or 1991 (See p. 25, *infra*). Mr. Berger's complicity in the corruption of the Commission on Judicial Conduct is identified in CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*", New York Law Journal, 8/27/97, pp. 3-4, [annexed as Exhibit "A" to CJA's January 27, 1999 ltr to Mr. Spitzer: File Folder "II"]. More recently, a column entitled "*Republicans Get a Pass from Spitzer -- for Now*" in the February 8, 1999 New York Observer. (Exhibit "D") about Mr. Spitzer's City Bar announcement of a "public integrity unit", identified that two years ago the Governor offered Mr. Spitzer the position of criminal justice coordinator. This, presumably, was on the recommendation of Mr. Shechtman, then in that position and, before that, counsel to Manhattan District Attorney Robert Morgenthau (from 1987-1993), where Mr. Spitzer was an Assistant District Attorney (from 1986-1992), including Chief of the Labor Racketeering Unit (from 1991-1992). Notwithstanding Mr. Shechtman's full knowledge of Mr. Rifkin's official misconduct as Executive Director of the Ethics Commission in dumping CJA's ethics complaints, *infra*, the column quotes Mr. Shechtman as endorsing Mr. Spitzer's appointment of Mr. Rifkin to run the Attorney General's Albany office as "a very savvy appointment". As to Mr. Rifkin, the column characterizes him and the Governor's counsel, James

self-interest⁵.

Consequently, in referring these ethics complaints to Mr. Spitzer's non-existent "public integrity unit", the Ethics Commission should request that if the Attorney General's personal and professional relationships and self-interest would interfere with the independence of his "public integrity unit" investigation of the systemic and high-level state corruption here at issue -- including Mr. Rifkin's pivotal role -- he seek the appointment of a special prosecutor. In the likely event that such special prosecutor cannot be obtained -- because appointment is made by the Governor, whose official misconduct the special prosecutor would be investigating -- Mr. Spitzer should be asked to make a referral to the U.S. Justice Department's Public Integrity Section of its Criminal Division. As may be seen from CJA's July 27, 1998 criminal complaint to the Public Integrity Section [File Folder "I"] against the lower federal judges in the *Sassower v. Mangano* federal action -- which is also against the State Attorney General -- the Public Integrity Section already has documentary proof of the Attorney General's criminal complicity in systemic state governmental corruption, including of the judicial processes, state and federal -- and is knowledgeable of the Ethics Commission's collusive inaction (at pp. 1-3).

A. CJA'S COMPLAINT AGAINST THE ETHICS COMMISSIONERS FOR "SUBSTANTIAL NEGLECT OF DUTY" AND "GROSS MISCONDUCT IN OFFICE"

Until now, CJA has filed three formal ethics complaints with the State Ethics Commission. The first, dated February 5, 1992, was against the State Board of Elections for protecting Republican and Democratic party leaders and their cross-endorsed judicial candidates by failing to investigate a corrupt *written* deal trading judgeships and the illegally-conducted judicial nominating conventions implementing it and for its litigation misconduct to prevent judicial review of its malfeasance in the Election Law case, *Castracan v. Colavita, et al.*, brought by Doris L. Sassower, as *pro bono* counsel, to Republican and Democratic petitioners, acting *pro bono publico*. Supporting the February 5, 1992 ethics complaint was a full copy of the *Castracan v. Colavita* case file⁶, supplied to the Ethics

McGuire, as "buddies".

⁵ Mr. Spitzer may have a particular self-interest in not examining Mr. Rifkin's cover-up of CJA's meritorious February 5, 1992 ethics complaint against the NYS Board of Elections, pp. 7 and 9 (fn. 9) *infra*. According to a special report in the December 28, 1998 *New York Times* (Exhibit "E"), two of Mr. Spitzer's democratic rivals had filed complaints against him with the Board of Elections three months *before* the November election, which the Board had yet to consider nearly two months *after* the election.

⁶ *Castracan v. Colavita, et al.*, S.Ct, Albany Co. #6056/90; Appellate Division, 3rd Dept. #62134; Ct of Appeals, Mo. No. #1061. Also enclosed was a copy of the record in the companion Election Law case of *Sady*

v. *Commission on Judicial Conduct* "has decided the matters you presented to the [Ethics] Commission in your original complaint." Apart from the file proof establishing the decision to be a fraud, the decision, on its face, shows that NO judicial determination was ever made as to the lawfulness of Commission's dismissals of the eight *facially-meritorious* judicial complaints, which were disposed of with the *express* claim that "the issue is not before the Court". This was pointed out to Mr. Rifkin in our January 24, 1996 letter (at p. 5) in response to his October 3, 1995 dismissal and before that in our September 14, 1995 supplement itself, which highlighted (at p. 4) that by that very claim -- although false -- the Ethics Commission was free to address the March 22, 1995 ethics complaint.

F. CJA's ETHICS COMPLAINT AGAINST ATTORNEY GENERAL SPITZER, PERSONALLY

This formal ethics complaint against Attorney General Spitzer, personally, is based on his wilful protectionism of the powerful political interests and individuals implicated in the systemic governmental corruption, reflected by these numerous ethics complaints.

As detailed by CJA's January 27, 1999 letter to Mr. Spitzer [File Folder "II"], long before his election as Attorney General, Mr. Spitzer had notice of his predecessor Attorneys General's litigation fraud and misconduct in the three litigations encompassed by the September 14, 1995 and December 16, 1997 ethics complaints: the two Article 78 proceedings, *Sassower v. Mangano* and *Sassower v. Commission on Judicial Conduct*, and the §1983 federal action, *Sassower v. Mangano*. Moreover, on December 24, 1998, CJA gave Mr. Spitzer full copies of the ethics complaints themselves, including a copy of the file in *Sassower v. Commission on Judicial Conduct*, so that, based on this dispositive proof of Mr. Rifkin's subversion of the Ethics Commission protecting the Attorney General and his corruption of the judicial process, Mr. Spitzer could rescind the appointment of Mr. Rifkin as his Deputy Attorney General for State Counsel. Simultaneously, and so that Mr. Spitzer could rescind the appointment of Michelle Hirshman as his First Deputy Attorney General, we provided him with correspondence²⁵ reflecting her betrayal of the public trust as Chief of the Public Corruption Unit of the U.S. Attorney for the Southern District of New York, when presented with the case file evidence of the Attorney General's corruption of the state judicial process in the *Sassower v. Mangano* and *Sassower v. Commission on Judicial Conduct* Article 78 proceedings -- and the inaction and cover-up of the Brooklyn and Manhattan District Attorneys²⁶.

²⁵ See pp. 4-5 of CJA's July 27, 1998 criminal complaint to the U.S. Justice Department's Public Integrity Section and Exhibit "G" thereto, particularly, "G-2" and "G-4" [File Folder "I"].

²⁶ As reflected by the January 27, 1999 City Bar transcript (Exhibit "B", p. 6), Mr. Spitzer has high praise for Manhattan District Attorney Robert Morgenthau, for whom he long worked (See fn. 4, *supra*). Mr.

CJA's December 24, 1998 transmittal letter to Mr. Spitzer²⁷ identified that the most recent far-reaching consequences of the corruption of the Commission on Judicial Conduct, covered up by Mr. Rifkin and Ms. Hirshman, was the elevation of Albert Rosenblatt to the Court of Appeals. Quoting from our November 18, 1998 letter about the Commission on Judicial Nomination's fraudulent "well qualified" rating of Justice Rosenblatt, a copy of which we enclosed, our December 24, 1998 letter reiterated (at p. 2) that among Mr. Spitzer's first priorities should be the setting up an office of public integrity "with investigation of the State Commission on Judicial Conduct and the State Commission on Judicial Nomination among its top assignments."

Four days later, by letter dated December 28, 1998²⁸, CJA transmitted to Mr. Spitzer a copy of its Letter to the Editor, "*An Appeal to Fairness: Revisit the Court of Appeals*", appearing in that day's New York Post, publicly announcing CJA's intention to "call[] upon our new state attorney general, as the 'People's lawyer,' to launch an official investigation". To support such investigation -- and the need for "an office of public integrity under the attorney general to monitor state government"-- our December 28, 1998 letter stated that we would ready for transmittal the documentary materials provided to the Commission on Judicial Nomination in opposition to Justice Rosenblatt. Those and other documentary materials were then publicly presented to Mr. Spitzer, in-hand, *immediately* following his January 27, 1999 public announcement at the City Bar of his "public integrity unit", under CJA's January 27, 1999 coverletter.

The two-fold purpose of CJA's January 27, 1999 coverletter was to put Mr. Spitzer on notice of his "mandatory obligations under professional and ethical rules" -- which we listed for him (at fn. 1) -- to take corrective action in the three cases forming the basis of CJA's September 14, 1995 and December 16, 1997 ethics complaints and to initiate an investigation of Justice Rosenblatt's fraudulent appointment and confirmation, either within the Attorney General's office or by a referral to the Ethics Commission, whose jurisdiction includes the Commission on Judicial Nomination and

Morgenthau's status would be considerably diminished by exposure of his failure to respond to the Notice of Right to Seek Intervention in *Sassower v. Commission on Judicial Conduct*, which his office thereafter covered-up by deceit, simultaneous with its pretense that CJA's May 19, 1995 criminal complaint against the Commission, substantiated by the *Sassower v. Commission* Article 78 petition, "is insufficient to warrant or support a criminal prosecution". This, in addition to exposure of Mr. Morgenthau's official misconduct in aiding and abetting the state judicial corruption long documented by George Sassower (*Cf. fn. 13, supra*) and for which Mr. Sassower, himself seeking to intervene in Doris Sassower's Article 78 proceeding against the Commission, sought to add Mr. Morgenthau as a respondent.

²⁷ CJA's December 24, 1998 letter to Mr. Spitzer is annexed as Exhibit "C-1" to CJA's January 27, 1999 letter to him [File Folder "II"].

²⁸ CJA's December 28, 1998 letter to Mr. Spitzer is annexed as Exhibit "C-2" to CJA's January 27, 1999 letter to him [File Folder "II"].

Governor.

Mr. Spitzer's non-response to CJA's January 27, 1999 letter, like his non-response to our December 24, 1998 and December 28, 1998 letters, is wholly inconsistent with his announced commitment to ensure "the integrity of our public institutions". Indeed, as pointed out by the January 27, 1999 letter (at p. 3), Mr. Spitzer's failure to discharge from his inner circle persons such as Mr. Rifkin and Ms. Hirshman belies his claim as to the "merit" of his staff appointments and demonstrates the impossibility of the Attorney General's office becoming, as he promised, "the greatest public interest law firm the state has ever seen". The fact that Mr. Spitzer has not set up his "public integrity unit" -- when the imperative for such unit was reinforced, overwhelmingly, by CJA's document-supported correspondence -- shows that Mr. Spitzer's priority is *not* the public good, but what is good for his powerful friends and political allies, complicitous in the systemic governmental corruption presented in that correspondence.

CONCLUSION

As hereinabove demonstrated, the consequences of your wilful inaction on CJA's April 11, 1997, June 9, 1997, and December 16, 1997 letters has been the subversion of yet more vital state agencies and functions, to the profound detriment of the People of this state. To protect the public from the systemic depredations of high-ranking, politically-powerful state officers, established by the record herein, immediate investigation of these ethics complaints is essential. In view of your disqualification and conflict-of-interest, referral must be made to Attorney General Spitzer's "public integrity unit", with a request that if the Attorney General's own disqualifying conflicts of interest and personal and professional relationships would prevent independent investigation by that as yet non-existent unit, he seek appointment of a special prosecutor and, if unsuccessful, make a referral to the U.S. Justice Department's Public Integrity Section.

Additionally, based on the overwhelming proof of Chairman Shechtman's "substantial neglect of duty" and "gross misconduct in office", the public is entitled to his prompt removal by the Governor pursuant to §94.7 of the Executive Law -- and steps must be taken to secure that end.

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

Enclosures: Inventoried on accompanying pages

cc: Governor George Pataki

NYS Attorney General Eliot Spitzer

NYS Commission on Judicial Nomination

ATT: Stuart Summit, Counsel

NYS Commission on Judicial Conduct

ATT: Gerald Stern, Administrator