CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8220
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Elena Ruth Sassower, Director

BY FAX: 518-465-2007 (21 pages)
BY E-MAIL: hmeyers@johnfaso.com, info@johnfaso.com
BY CERTIFIED MAIL/RRR: 7001-0320-0004-5457-4842

June 26, 2006

John Faso, Republican Nominee for New York Governor
P.O. Box 10278
Albany, New York 12201

RE: Informing the Voters: Attorney General Eliot Spitzer's *readily-verifiable* corruption in office – covered up by an election-rigging press

Dear Mr. Faso:

The Center for Judicial Accountability, Inc. (CJA) is a national, non-profit, non-partisan citizens' organization, based in New York, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

This letter is occasioned by your campaign issue of "Reforming Albany" – appearing on your website, www.johnfaso2006.com – pledging that if elected to be our next Governor, you "will advocate changing the way Albany operates", free it from the stranglehold of "special interests", and put "The GOP…four square for reform in state government".

Please be advised that if you are truly intent on bringing reform to our state government – not just using it rhetorically to entice voters – you can demonstrate it during your campaign by publicizing Attorney General Spitzer's direct and active role in perpetuating systemic corruption of judicial selection and discipline, disqualifying him from any office of public trust, let alone from the office of Governor. Such misconduct by Mr. Spitzer, *readily-verifiable* from primary source documents, has long been covered up by a complicitous, election-rigging press – resulting in his landslide favorable poll ratings and huge fundraising success over you in the race to be Governor. This is summarized by CJA's June 20, 2006 memorandum to the Democratic and Republican candidates vying to succeed Mr. Spitzer as Attorney General – a copy of which is enclosed.

We would be pleased to provide you with copies of all the referred-to primary source documents – and request to meet with you for purposes of making a personal presentation as to their dispositive, election-altering significance. With such irrefutable hard-evidence in-hand, you will require NOTHING MORE to bring Mr. Spitzer's gubernatorial candidacy to an explosive and scandalous end and establish yourself as a true leader of reform.

Yours for a quality judiciary,
governmental integrity, and meaningful elections,

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

Enclosure: CJA's June 20, 2006 memo to the Democratic and Republican candidates for Attorney General

cc: The Press
The Public

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Elena Ruth Sassower, Director

BY FAX, E-MAIL, & CERTIFIED MAIL/RRR
19 pages

DATE: June 20, 2006

TO: Candidates for the Democratic Nomination for New York Attorney General:
Andrew Cuomo
Mark Green
Charlie King
Sean Patrick Maloney

Republican Nominee for New York Attorney General:
Jeanine Pirro

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Informing the Voters: Whether You Will Confront *Readily-Verifiable* Casefile Proof of Corruption by New York Attorneys General, Past and Present, and Discharge Your Mandatory Professional and Ethical Obligations with Respect Thereto, Including by Criminal Prosecutions

The Center for Judicial Accountability, Inc. (CJA) is a national, non-profit, non-partisan citizens' organization, based in New York, working to ensure that the processes of judicial selection and discipline are effective and meaningful. In that connection, we have had direct, first-hand experience with New York's current and past Attorneys General, going back nearly a decade and a half.

Perhaps you are familiar with our public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (New York Law Journal, 8/27/97, pp. 3-4), summarizing how New York's Attorneys General engage in a *modus operandi* of litigation fraud to defend state judges and the Commission on Judicial Conduct, sued for corruption, where they have *no* legitimate defense – and are rewarded by fraudulent judicial decisions. A copy is enclosed, along with copies of our two predecessor ads, referred-to therein, "*Where Do You Go When Judges Break the Law?*"(New York Times, 10/26/94, op-ed page; New York Law Journal, 11/1/94, p. 9) and "*A Call for Concerted Action*" (New York Law Journal, 11/20/96, p. 3).

Eight years ago, Democrat Eliot Spitzer won the November 1998 election for Attorney General over incumbent Republican Dennis Vacco on a pledge that he would clean up government by

setting up a public integrity unit.[1] On January 27, 1999, Mr. Spitzer publicly announced his establishment of that unit at a breakfast co-sponsored by the Association of the Bar of the City of New York and the New York Law Journal. I was there – and was first to the microphone in the question and answer session that followed. I asked Mr. Spitzer what he was going to do about the allegations of our "*Restraining 'Liars'*" ad that "the Attorney General's office uses fraud to defend state judges and the Commission sued in litigation", to which he answered: "Anything that is submitted to us, we will look at it".[2] With that, I walked up to the dais and publicly handed Mr. Spitzer a letter of that date entitled "Your mandatory professional and ethical obligations", calling upon him to take steps to vacate the fraudulent judicial decisions in the three important cases featured by the ad wherein "the Attorney General's office itself corrupted the judicial process by defense strategies based on fraud and other misconduct". The fraudulence of both the judicial decisions and the Attorney General's litigation papers is *readily-verifiable* from the casefiles – a fact highlighted by the ad.

What was Mr. Spitzer's response to this January 27, 1999 letter? There was none – nor any from his so-called public integrity unit. Instead, Mr. Spitzer proceeded to corrupt the judicial process by litigation fraud, precisely as his predecessors had – and, like them, to be rewarded by a succession of fraudulent judicial decisions. Exemplifying this, two separate lawsuits against the Commission on Judicial Conduct – both commenced in April 1999. The first of these, a public interest lawsuit brought by CJA, arose from the corruption of "merit selection" to the New York Court of Appeals and encompassed, during the course of its 3-1/2-year odyssey to the New York Court of Appeals, the corruption of the judicial appointments process to New York's lower state courts – as to which Mr. Spitzer was shown to be a complicit participant.

All of the foregoing is *readily-verifiable* from primary source materials -- a substantial portion of which are posted on CJA's website, www.judgewatch.org. This includes, in addition to our extensive correspondence with Attorneys General Spitzer, Vacco, and G. Oliver Koppell (accessible *via* the sidebar panel "Searching for Champions-NYS"), the casefile records of three separate lawsuits against the Commission on Judicial Conduct – two defended by Mr. Spitzer and one by Mr. Vacco (accessible *via* the sidebar panels "Judicial Discipline-State" and "Test Cases: State (*Commission*)").

Also *readily-verifiable* from CJA's website (*via* the sidebar panel "Press Suppression") is our correspondence with the press, establishing that throughout these nearly 15 years and spanning three election cycles for Attorney General, it has refused to report on the casefile evidence of the Attorneys General's corrupting of the judicial process by defense fraud – rewarded by fraudulent judicial decisions. This includes The New York Times, which, notwithstanding its 1994 editorial about the Attorney General's race that "voters need to know how candidates intend to handle the job's meat-and-potatoes work of defending the state against legal actions"[3] would not then or

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[1] *See* enclosed pages from Mr. Spitzer's 1998 campaign policy paper "*Making New York State the Nation's Leader in Public Integrity: Eliot Spitzer's Plan for Restoring Trust in Government*".

[2] *See* enclosed transcript pages of the exchange.

[3] That September 17, 1994 editorial, "*After the Primaries: New York's Mystery General*", is posted on CJA's website, accessible *via* "Press Suppression – The New York Times": *See* Exhibit F-2 to CJA's

thereafter report on how the Attorney General was handling that job – *to wit*, during the 1994, 1998, and 2002 elections for Attorney General or in the context of this year's electoral races. Consequently, CJA is now suing The Times for its election-rigging cover-up, perpetuating systemic governmental corruption and protecting Mr. Spitzer, among others. As may be seen from the litigation papers, posted on CJA's website (*via* the sidebar panel "Suing The New York Times"), The Times has *no* legitimate defense and – like the Attorney General – is corrupting the judicial process with litigation fraud. As only a fraudulent judicial decision will save it, you may be sure we will be turning to whichever of you is elected Attorney General to safeguard the judicial process in this landmark public interest challenge to fraudulent reporting and editorializing by our "paper of record", deliberately misleading citizens on critical issues of governance and preventing their exercise of an informed vote.

By this memorandum, CJA offers you copies of all referred-to primary source materials, including, most importantly, copies of the casefiles of the three lawsuits against the Commission on Judicial Conduct[4]. This, to buttress our request herein to personally meet with you to discuss how -- if voters elect you as our next Attorney General -- you will discharge "your mandatory professional and ethical obligations" with respect to the record evidence of systemic governmental corruption involving not only the office of the Attorney General, but three Attorneys General directly.

To facilitate your response, we are circulating this memorandum to our supposed "watchdog" press – along with CJA's story proposal, "The REAL Eliot Spitzer – *Not* the P.R. Version", which we widely circulated to the press in 2002, to no avail – and which is even more politically-explosive now. This, so that the press can belatedly inform voters of the *readily-verifiable* documentary evidence of Mr. Spitzer's litigation fraud and the hoax of his public integrity unit – germane to whether he is fit to be our next governor – and, based thereon, to obtain your answers as to whether – if elected to be our next Attorney General -- you will discharge your duties as New York's highest law enforcement officer and "The People's Lawyer" to take appropriate corrective steps, including criminal prosecutions of Mr. Spitzer and his predecessor Attorneys General for corruption – or whether they and the other involved public officers and persons in positions of

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November 27, 1994 letter – to which Times Publisher Arthur Sulzberger, Jr. and then Executive Editor Joseph Lelyveld were each indicated recipients and each sent copies, certified mail/return receipt.

[4] The first and third of these lawsuits are physically incorporated into the second – *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, v. Commission on Judicial Conduct of the State of New* York – posted as "Test Cases – State (*Commission*)". My final October 24, 2002 motion therein, for leave to appeal to the New York Court of Appeals, was expressly based on the record, "establish[ing], *prima facie*, that the Commission has been the beneficiary of five fraudulent judicial decisions, without which it would not have survived three separate legal challenges...". This count of five fraudulent judicial decisions explicitly excluded two New York Court of Appeals decisions -- the subject of my immediately preceding October 15, 2002 motion to the Court of Appeals for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief. The fraudulence of these two additional decisions, particularized by my October 15, 2002 motion (at ¶¶4, 6, 57-65), included the Court of Appeals' concealment of my entitlement, *as a matter of law*, to sanctions against the Attorney General's office, to its disqualification, and to disciplinary and criminal referrals of Mr. Spitzer personally based on my showing that the Attorney General's submissions before the Court of Appeals – as likewise before the lower state courts -- were "frauds on the court", of which Mr. Spitzer was directly knowledgeable.

public trust who have caused vast and irreparable injury to countless innocent people and to our society at large are "above the law".

Needless to say, if you are truly committed to cleaning up Albany, addressing government corruption and dysfunction, and championing public integrity and the People's rights – rather than cynically posturing as reformers to sway votes – you will not require the prompting of the press to forcefully speak out about the irrefutable casefile proof of corruption in the Attorney General's office, but will make it the centerpiece of your campaigns.

Elena Ruth Sassower

Enclosures: (1) CJA's public interest ads:
(a) "*Restraining 'Liars in the Courtroom' and on the Public Payroll*", NYLJ, 8/27/97, pp. 3-4
(b) "*Where Do You Go When Judges Break the Law?*" NYT, 10/26/94, Op-Ed page; NYLJ, 11/1/94, p. 9
(c) "*A Call for Concerted Action*", NYLJ, 11/20/96, p. 3
(2) Pages 1-3 from Spitzer's 1998 campaign policy paper "*Making New York State the Nation's Leader in Public Integrity: Eliot Spitzer's Plan for Restoring Trust in Government*"
(3) Transcript pages 1, 13-14 of January 27, 1999 breakfast for Spitzer
(4) CJA's 2002 story proposal "The REAL Eliot Spitzer – *Not* the P.R. Version" -- with CJAs referred-to letter to the editor, "*An Appeal to Fairness: Revisit the Court of Appeals*" (New York Post, 12/28/98)

cc: The Press
The Public

New York Law Journal

AUGUST 27, 1997

[at page 3]

RESTRAINING "*LIARS IN THE COURTROOM*" AND ON THE PUBLIC PAYROLL

On June 17th, The New York Law Journal published a Letter to the Editor from a former New York State Assistant Attorney General, whose opening sentence read "Attorney General Dennis Vacco's worst enemy would not suggest that he tolerates unprofessional or irresponsible conduct by his assistants after the fact". Yet, more than three weeks earlier, the Center for Judicial Accountability, Inc. (CJA), a non-partisan, non-profit citizens' organization, submitted a proposed Perspective Column to the Law Journal, detailing the Attorney General's knowledge of, and complicity in, his staff's litigation misconduct -- before, during, and after the fact. The Law Journal refused to print it and refused to explain why. Because of the transcending public importance of that proposed Perspective Column, CJA has paid $3,077.22 so that you can read it. It appears today on page 4.

[at page 4]

RESTRAINING "*LIARS IN THE COURTROOM*" AND ON THE PUBLIC PAYROLL

-- a $3,077.22 ad presented, in the public interest, by the Center for Judicial Accountability, Inc. --

(continued from page 3)

In his May 16th Letter to the Editor, Deputy State Attorney General Donald P. Berens, Jr. emphatically asserts, "the Attorney General does not accept and will not tolerate unprofessional or irresponsible conduct by members of the Department of Law."

A claim such as this plainly contributes to the view -- expressed in Matthew Lifflander's otherwise incisive Perspective Column "*Liars Go Free in the Courtroom*" (2/24/97) -- that the State Attorney General should be in the forefront in spearheading reform so that the perjury which "pervades the judicial system" is investigated and deterrent mechanisms established. In Mr. Lifflander's judgment, "the issue is timely and big enough to justify creation of either a state Moreland Act Commission investigation by the Governor and the Attorney General, or a well-financed legislative investigation at the state or federal level", with "necessary subpoena power". Moreover, as recognized by Mr. Lifflander and in the two published letter responses (3/13/97, 4/2/97), judges all too often fail to discipline and sanction the perjurers who pollute the judicial process.

In truth, the Attorney General, our state's highest law enforcement officer, lacks the conviction to lead the way in restoring standards fundamental to the integrity of our judicial process. His legal staff are among the most brazen of liars who "go free in the courtroom". Both in state and federal court, his Law Department relies on litigation misconduct to defend state agencies and officials sued for official misconduct, including corruption, where it has *no* legitimate defense. It files motions to dismiss on the pleadings which falsify, distort, or omit the pivotal pleaded allegations or which improperly argue *against* those allegations, without *any* probative evidence whatever. These motions also misrepresent the law or are unsupported by law. Yet, when this defense misconduct -- readily verifiable from litigation files -- is brought to the Attorney General's attention, he fails to take any corrective steps. This, notwithstanding the misconduct occurs in cases of great public import. For its part, the courts -- state and federal -- give the Attorney General a "green light."

Ironically, on May 14th, just two days before the Law Journal published Deputy Attorney General Berens' letter, CJA testified before the Association of the Bar of the City of New York, then holding a hearing about misconduct by state judges and, in particular, about the New York State Commission on Judicial Conduct. The Law Journal limited its coverage of this important hearing to a three-sentence blurb on its front-page news "Update" (5/15/97).

Our testimony described Attorney General Vacco's defense misconduct in an Article 78 proceeding in which we sued the Commission on Judicial Conduct for corruption (N.Y. Co. #95-109141). Law Journal readers are already familiar with that public interest case, spearheaded by CJA. On August 14, 1995, the Law Journal printed our Letter to the Editor about it, "*Commission Abandons Investigative Mandate*" and, on November 20, 1996, printed our $1,650 ad, "*A Call for Concerted Action*".

The case challenged, *as written and as applied*, the constitutionality of the Commission's self-promulgated rule, 22 NYCRR §7000.3, by which it has converted its mandatory duty under Judiciary Law §44.1 to investigate facially-meritorious judicial misconduct complaints into a discretionary option, unbounded by *any* standard. The petition alleged that since 1989 we had filed eight facially-meritorious complaints "of a profoundly serious nature -- rising to the level of criminality, involving corruption and misuse of judicial office for ulterior purposes -- mandating the ultimate sanction of removal". Nonetheless, as alleged, each complaint was dismissed by the Commission, *without* investigation, and *without* the determination required by Judiciary Law §44.1(b) that a complaint so-dismissed be "on its face lacking in merit". Annexed were copies of the complaints, as well as the dismissal letters. As part of the petition, the Commission was requested to produce the record, including the evidentiary proof submitted with the complaints. The petition alleged that such documentation established, "*prima facie*, [the] judicial misconduct of the judges complained of or probable cause to believe that the judicial misconduct complained of had been committed".

Mr. Vacco's Law Department moved to dismiss the pleading. Arguing *against* the petition's specific factual allegations, its dismissal motion contended -- *unsupported* by legal authority -- that the facially irreconcilable agency rule is "harmonious" with the statute. It made no argument to our challenge to the rule, *as applied*, but in opposing our Order to Show Cause with TRO falsely asserted -- *unsupported* by law or *any* factual specificity -- that the eight facially-meritorious judicial misconduct complaints did not have to be investigated because they "did not on their face allege judicial misconduct". The Law Department made no claim that any such determination had ever been made by the Commission. Nor did the Law Department produce the record -- including the evidentiary proof supporting the complaints, as requested by the petition and further reinforced by separate Notice.

Although CJA's sanctions application against the Attorney General was fully documented and uncontroverted, the state judge did not adjudicate it. Likewise, he did not adjudicate the Attorney General's duty to have intervened on behalf of the public, as requested by our formal Notice. Nor did he adjudicate our formal motion to hold the Commission in default. These threshold issues were simply obliterated from the judge's decision, which concocted grounds to dismiss the case. Thus, to justify the rule, *as written*, the judge advanced his own interpretation, falsely attributing it to the Commission. Such interpretation, belied by the Commission's own definition section to its rules, does nothing to reconcile the rule with the statute. As to the constitutionality of the rule, *as applied*, the judge baldly claimed what the Law Department never had: that the issue was "not before the court". In fact, it was squarely before the court -- but adjudicating it would have exposed that the Commission was, as the petition alleged, engaged in a "pattern and practice of protecting politically-connected judges...shield[ing them] from the

disciplinary and criminal consequences of their serious judicial misconduct and corruption".

The Attorney General is "the People's lawyer", paid for by the taxpayers. Nearly two years ago, in September 1995, CJA demanded that Attorney General Vacco take corrective steps to protect the public from the combined "double-whammy" of fraud by the Law Department and by the court in our Article 78 proceeding against the Commission, as well as in a prior Article 78 proceeding which we had brought against some of those politically-connected judges, following the Commission's wrongful dismissal of our complaints against them. It was not the first time we had apprised Attorney General Vacco of that earlier proceeding, involving perjury and fraud by his two predecessor Attorneys General. We had given him written notice of it a year earlier, in September 1994, while he was still a candidate for that high office. Indeed, we had transmitted to him a full copy of the litigation file so that he could make it a campaign issue -- which he failed to do.

Law Journal readers are also familiar with the serious allegations presented by that Article 78 proceeding, raised as an essential campaign issue in CJA's ad "*Where Do You Go When Judges Break the Law?*". Published on the Op-Ed page of the October 26, 1994 New York Times, the ad cost CJA $16,770 and was reprinted on November 1, 1994 in the Law Journal, at a further cost of $2,280. It called upon the candidates for Attorney General and Governor "to address the issue of judicial corruption". The ad recited that New York state judges had thrown an Election Law case challenging the political manipulation of elective state judgeships and that other state judges had viciously retaliated against its "judicial whistle-blowing", *pro bono* counsel, Doris L. Sassower, by suspending her law license immediately, indefinitely, and unconditionally, *without* charges, *without* findings, *without* reasons, and *without* a pre-suspension hearing, -- thereafter denying her *any* post-suspension hearing and *any* appellate review.

Describing Article 78 as the remedy provided citizens by our state law "to ensure independent review of governmental misconduct", the ad recounted that the judges who unlawfully suspended Doris Sassower's law license had refused to recuse themselves from the Article 78 proceeding she brought against them. In this perversion of the most fundamental rules of judicial disqualification, they were aided and abetted by their counsel, then Attorney General Robert Abrams. His Law Department argued, *without* legal authority, that these judges of the Appellate Division, Second Department were not disqualified from adjudicating their own case. The judges then granted their counsel's dismissal motion, whose legal insufficiency and factual perjuriousness was documented and uncontroverted in the record before them. Thereafter, despite repeated and explicit written notice to successor Attorney General Oliver Koppell that his judicial clients' dismissal decision "was and is an outright lie", his Law Department opposed review by the New York Court of Appeals, engaging in further misconduct before that court, constituting a deliberate fraud on that tribunal. By the time a writ of certiorari was sought from the U.S. Supreme Court, Mr. Vacco's Law Department was following in the footsteps of his predecessors (AD 2nd Dept. #93-02925; NY Ct. of Appeals: Mo. No. 529, SSD 41; 933; US Sup. Ct. #94-1546).

Based on the "hard evidence" presented by the files of these two Article 78 proceedings, CJA urged Attorney General Vacco to take immediate investigative action and remedial steps since what was at stake was not only the corruption of two vital state agencies -- the Commission on Judicial Conduct and the Attorney General's office -- but of the judicial process itself.

What has been the Attorney General's response? He has ignored our voluminous correspondence. Likewise, the Governor, Legislative leaders, and other leaders in and out of government, to whom we long ago gave copies of one or both Article 78 files. No one in a leadership position has been willing to comment on either of them.

Indeed, in advance of the City Bar's May 14th hearing, CJA challenged Attorney General Vacco and these leaders to deny or dispute the file evidence showing that the Commission is a beneficiary of fraud, without which it could *not* have survived our litigation against it. None appeared -- except for the Attorney General's client, the Commission on Judicial Conduct. Both its Chairman, Henry Berger, and its Administrator, Gerald Stern, conspicuously avoided making *any* statement about the case -- although each had received a personalized written challenge from CJA and were present during our testimony. For its part, the City Bar Committee did not ask Mr. Stern *any* questions about the case, although Mr. Stern stated that the sole purpose for his appearance was to answer the Committee's questions. Instead, the Committee's Chairman, to whom a copy of the Article 78 file had been transmitted more than three months earlier -- but, who, for reasons he *refused* to identify, did *not* disseminate it to the Committee members -- abruptly closed the hearing when we rose to protest the Committee's failure to make such inquiry, the importance of which our testimony had emphasized.

Meantime, in a §1983 federal civil rights action (*Sassower v. Mangano, et al*, #94 Civ. 4514 (JES), 2nd Cir. #96-7805), the Attorney General is being sued as a party defendant for subverting the state Article 78 remedy and for "complicity in the wrongful and criminal conduct of his clients, whom he defended with knowledge that their defense rested on perjurious factual allegations made by members of his legal staff and wilful misrepresentation of the law applicable thereto". Here too, Mr. Vacco's Law Department has shown that there is no depth of litigation misconduct below which it will not sink. Its motion to dismiss the complaint falsified, omitted and distorted the complaint's critical allegations and misrepresented the law. As for its Answer, it was "knowingly false and in bad faith" in its responses to *over 150* of the complaint's allegations. Yet, the federal district judge did not adjudicate our fully-documented and uncontroverted sanctions applications. Instead, his decision, which obliterated any mention of it, *sua sponte*, and *without* notice, converted the Law Department's dismissal motion into one for summary judgment for the Attorney General and his co-defendant high-ranking judges and state officials -- where the record is wholly devoid of *any* evidence to support anything but summary judgment in favor of the plaintiff, Doris Sassower -- which she expressly sought.

Once more, although we gave particularized written notice to Attorney General Vacco of his Law Department's "fraudulent and deceitful conduct" and the district judge's "complicity and collusion", as set forth in the appellant's brief, he took no corrective steps. To the contrary, he tolerated his Law Department's further misconduct on the appellate level. Thus far, the Second Circuit has maintained a "green light". Its one-word order "DENIED", *without* reasons, our fully-documented and uncontroverted sanctions motion for disciplinary and criminal referral of the Attorney General and his Law Department. Our perfected appeal, seeking similar relief against the Attorney General, as well as the district judge, is to be argued **THIS FRIDAY, AUGUST 29TH**. It is a case that impacts on every member of the New York bar -- since the focal issue presented is the unconstitutionality of New York's attorney disciplinary law, *as written and as applied*. You're all invited to hear Attorney General Vacco *personally* defend the appeal -- if he dares!

We agree with Mr. Lifflander that "what is called for now is action". Yet, the impetus to root out the perjury, fraud, and other misconduct that imperils our judicial process is not going to come from our elected leaders -- least of all from the Attorney General, the Governor, or Legislative leaders. Nor will it come from the leadership of the organized bar or from establishment groups. Rather, it will come from *concerted* citizen action and the power of the press. For this, we do not require subpoena power. We require only the courage to come forward and publicize the readily-accessible case file evidence -- *at our own expense, if necessary*. The three above-cited cases -- *and this paid ad* -- are powerful steps in the right direction.

CENTER for JUDICIAL ACCOUNTABILITY, Inc.

Box 69, Gedney Station, White Plains, NY 10605
Tel: **914-421-1200** *Fax*: **914-428-4994**
E-Mail: **judgewatch@aol.com**
On the Web: **www.judgewatch.org**

Governmental integrity cannot be preserved if legal remedies, designed to protect the public from corruption and abuse, are subverted. And when they are subverted by those on the public payroll, including by our State Attorney General and judges, the public needs to know about it and take action. That's why we've run this ad. Your tax-deductible donations will help defray its cost and advance CJA's vital public interest work.

Reprinted from the Op-Ed Page, Oct. 26, 1994, *THE NEW YORK TIMES*

The New York Times

Where Do You Go When Judges Break the Law?

FROM THE WAY the current electoral races are shaping up, you'd think judicial corruption isn't an issue in New York. Oh, really?

On June 14, 1991, a New York State court suspended an attorney's license to practice law—immediately, indefinitely and unconditionally. The attorney was suspended with no notice of charges, no hearing, no findings of professional misconduct and no reasons. All this violates the law and the court's own explicit rules.

Today, more than three years later, the suspension remains in effect, and the court refuses even to provide a hearing as to the basis of the suspension. No appellate review has been allowed.

Can this really happen here in America? It not only can, it did.

The attorney is Doris L. Sassower, renowned nationally as a pioneer of equal rights and family law reform, with a distinguished 35-year career at the bar. When the court suspended her, Sassower was *pro bono* counsel in a landmark voting rights case. The case challenged a political deal involving the "cross-endorsement" of judicial candidates that was implemented at illegally conducted nominating conventions.

Cross-endorsement is a bartering scheme by which opposing political parties nominate the same candidates for public office, virtually guaranteeing their election. These "no contest" deals frequently involve powerful judgeships and turn voters into a rubber stamp, subverting the democratic process. In New York and other states, judicial cross endorsement is a way of life.

One such deal was actually put into writing in 1989. Democratic and Republican party bosses dealt out seven judgeships over a three-year period. "The Deal" also included a provision that one cross-endorsed candidate would be "elected" to a 14-year judicial term, then resign eight months after taking the bench in order to be "elected" to a different, more patronage-rich judgeship. The result was a musical-chairs succession of new judicial vacancies for other cross-endorsed candidates to fill.

Doris Sassower filed a suit to stop this scam, but paid a heavy price for her role as a judicial whistle-blower. Judges who were themselves the products of cross-endorsement dumped the case. Other cross-endorsed brethren on the bench then viciously retaliated against her by suspending her law license, putting her out of business overnight.

Our state law provides citizens a remedy to ensure independent review of governmental misconduct. Sassower pursued this remedy by a separate lawsuit against the judges who suspended her license.

That remedy was destroyed by those judges who, once again, disobeyed the law — this time, the law prohibiting a judge from deciding a case to which he is a party and in which he has an interest. Predictably, the judges dismissed the case against themselves.

New York's Attorney General, whose job includes defending state judges sued for wrongdoing, argued to our state's highest court that there should be no appellate review of the judges' self-interested decision in their own favor.

Last month, our state's highest court — on which cross-endorsed judges sit — denied Sassower any right of appeal, turning its back on the most basic legal principle that "no man shall be the judge of his own cause." In the process, that court gave its latest demonstration that judges and high-ranking state officials are above the law.

Three years ago this week, Doris Sassower wrote to Governor Cuomo asking him to appoint a special prosecutor to investigate the documented evidence of lawless conduct by judges and the retaliatory suspension of her license. He refused. Now, all state remedies have been exhausted.

There is still time in the closing days before the election to demand that candidates for Governor and Attorney General address the issue of judicial corruption, which is real and rampant in this state.

Where do you go when judges break the law? You go public.

Contact us with horror stories of your own.

CENTER *for* JUDICIAL ACCOUNTABILITY

TEL (914) 421-1200 • FAX (914) 684-6554
E-MAIL probono@delphi.com
Box 69, Gedney Station • White Plains, NY 10605

*The **Center for Judicial Accountability, Inc.** is a national, non-partisan, not-for-profit citizens' organization raising public consciousness about how judges break the law and get away with it.*

New York Law Journal

Wednesday, November 20, 1996

A CALL FOR CONCERTED ACTION

Last Saturday,* The New York Times *printed our Letter to the Editor,"On Choosing Judges, Pataki Creates Problems", about the Governor's manipulation of appointive judgeships. Meanwhile, the* New York Law Journal *has failed to print the following Letter to the Editor, which we submitted last month, and ignored our repeated inquiries. We think you should see it.

In his candid Perspective piece "*The Importance of Being Critical*" (10/17/96), Richard Kuh expresses concern that the Committee to Preserve the Independence of the Judiciary, in its rush to defend judges from personal attack, will ignore legitimate criticism against judges. He therefore suggests that the now seven-month old Committee be countered by formation of "an up-front, outspoken, courageous group...to publicly attack bench shortcomings".

In fact, such "up-front, outspoken, courageous group" already exists and has not only challenged "bench shortcomings", but the rhetorical posturing of the Committee to Preserve the Independence of the Judiciary.

The group is the Center for Judicial Accountability, Inc. (CJA), a national, non-partisan, non-profit organization of lawyers and laypeople. For the past seven years, CJA has documented the dysfunction and politicization of judicial selection and discipline processes on local, state, and national levels and has been on the front-lines in taking action to protect the public. Two years ago, we ran an ad on the Op-Ed page of *The New York Times* entitled, "*Where Do You Go When Judges Break the Law?*", about our in-the-trenches formative background in battling political manipulation of judicial elections in this state and about judicial retaliation against a judicial whistleblower. On November 1, 1994, we re-ran that ad in this newspaper.

CJA's work has received growing media attention: in an A&E cable television Investigative Report on the American justice system, in *Reader's Digest* and, most recently, in an article entitled "*Playing Politics with Justice*" in the November issue of *Penthouse*.

Both this year and last, the *New York Law Journal* has printed Letters to the Editor from us. In *"No Justification for Process's Secrecy*" (1/24/96), we recounted our testimony at the so-called "public" hearing of Mayor Giuliani's Advisory Committee on the Judiciary, protesting the public's exclusion from the Mayor's behind-closed-doors judicial selection process and demonstrating that such secrecy makes "merit selection" impossible. In "*Commission Abandons Investigative Mandate*" (8/14/95), we described our ground-breaking litigation against the New York State Commission on Judicial Conduct, challenging the constitutionality of its self-promulgated rule (22 NYCRR §7000.3) by which it has unlawfully converted its statutory duty to investigate facially-meritorious complaints (Judiciary Law §44.1) into a discretionary option, unbounded by any standard. Our published Letter invited the legal community to review the New York County Clerk's file (#95-109141) to verify the evidentiary proof therein that the Commission protects politically-connected, powerful judges from disciplinary investigation and that it survived our legal challenge *only* because of a judge's fraudulent dismissal decision.

Back in February of this year, at a time when bar leaders were hemming and hawing on the sidelines as Mayor Giuliani and Governor Pataki were calling for the removal of Judge Lorin Duckman based on their selected readings of transcript excerpts from hearings at which Judge Duckman lowered bail for Benito Oliver, CJA had already obtained the full transcript. We wasted no time in publicly rising to the defense of Judge Duckman. We wrote to the Mayor, the Governor, and the Brooklyn District Attorney, charging them with inciting the public by deliberately misrepresenting and distorting the transcript. Indeed, because of Mayor Giuliani's professed concern in protecting New Yorkers from "unfit judges", we delivered to him a copy of the file of our case against the Commission on Judicial Conduct so that he could take action against it for endangering the public by its demonstrable cover-up of judicial misconduct and corruption.

It was against this dazzling record of *pro bono* civic activism by CJA, protecting the public from self-serving politicians, no less than from unfit judges, that bar leaders and law schools formed the Committee to Preserve the Independence of the Judiciary in early March. Prior to its organizational meeting at the New York County Lawyers Association, CJA requested the opportunity to be present. We made known to the Committee's organizers our public defense of Judge Duckman, as well as the significance of our case against the Commission on Judicial Conduct -- the file of which we had provided six weeks earlier to the City Bar. Nevertheless, when we arrived for the Committee meeting, with yet another copy of the file of our case against the Commission, the room was *literally* locked with a key to bar our entry. Meantime, Judge Duckman's attorney was ushered in to address the assembled bar leaders and law school deans and was present while the Committee reviewed its draft Statement. This Statement, of course, included rhetorical support for "the independent functioning of the constitutionally created New York State Commission on Judicial Conduct".

Since then, the Committee to Preserve the Independence of the Judiciary has continued to shut us out and ignore the file evidence in its possession that the Commission is "not merely dysfunctional, but corrupt". Likewise, the politicians to whom we have given copies of the court file, including Governor Pataki, have ignored it. Indeed, we cannot find anyone in a leadership position willing even to comment on the Commission file.

Such conduct by bar leaders, law school deans, and public officials only further reinforces the conclusion that if the real and pressing issues of judicial independence and accountability are to be addressed, including protection for judicial "whistleblowers", it will require the participation of those outside the circles of power in the legal establishment.

CJA invites lawyers who care about the integrity of the judicial process -- and the quality of judges around which the process pivots -- to join us for *concerted action*. Requests for anonymity are respected.

CENTER for JUDICIAL ACCOUNTABILITY, Inc.

Box 69, Gedney Station, White Plains, NY 10605
***Tel*: 914-421-1200** ***Fax*: 914-684-6554**
***E-Mail*: judgewatch@aol.com**
***On the Web*: http://www.judgewatch.org**

If you share CJA's view that our reply to Mr. Kuh's Perspective piece is an important one and deserved to be seen by the legal community, help defray the cost of this ad. It cost us $1,648.36. All donations are tax-deductible. Better still, join CJA as a member. Your participation, up-front or behind-the-scenes, will make change happen.

SPITZER '98

611 BROADWAY • SUITE 202 • NEW YORK, NEW YORK 10012

MAKING NEW YORK STATE THE NATION'S LEADER IN PUBLIC INTEGRITY: ELIOT SPITZER'S PLAN FOR RESTORING TRUST IN GOVERNMENT

Too often the Empire State is perceived as the Special Interest State. Newspapers routinely refer to New York's "twisted democracy,"[1] and Albany's "bribery mill"[2]. Voters have become accustomed to a cycle of campaign finance scandals, ballot access chicanery, incumbent protection schemes and special interest legislation. Nationally, New York State is notorious for its weak public corruption laws, and its lackluster enforcement of laws on the books.

While other states in the nation – including neighboring states – have moved decisively to clean up government, New York remains mired in a system where an open wallet means an open door to public officials, and where the working families of New York are left without a public voice.

Citizens want a greater voice in our democracy, but have nearly given up hope that their elected officials will give it to them. This creates a deepening spiral of voter apathy that further reduces citizen involvement in government, and in turn increases the influence of moneyed special interests.

Eliot Spitzer is the only Attorney General candidate who is prepared 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. Eliot Spitzer doesn't just talk about fighting government corruption and special interest power, he has lived it. Spitzer doesn't just hold press conferences and propose warmed over ideas; he has new ideas and he boasts a track record on government ethics.

Spitzer was involved in one of the only major public integrity prosecutions in New York State in the last two decades. As an Assistant Prosecutor in the Manhattan DA's office, he was part of the team that prosecuted several public officials – of both parties – for abuse of the public trust. Spitzer also teamed up with Lawrence Rockefeller, a Republican, as part of a coalition leading a public campaign to force the legislature to make ballot access easier in New York State. This successful campaign helped loosen the archaic ballot access laws of the state.

Eliot Spitzer for Attorney General

PHONE 212-420-1998 • FAX 212-420-0495

Eliot Spitzer will build on his independence, experience and commitment to be an Attorney General who will crack down on public corruption and fight for legislation to restore the voice of the people to state government. Only through attacking each of the ills afflicting the state's political system in comprehensive and wholesale fashion can we restore a responsive government. As Attorney General, he will:

- Create, within the Attorney General's office, a Publi Integrity Office to uncover and remedy government abuses throughout the state.
- Fight to Impose greater restrictions on lobbyists and ban all gift giving to elected officials.
- Fight to replace the current campaign finance scheme with the "Clean Money" option that has been approved by voters in other states.
- Fight to eliminate incumbent protection schemes.
- Fight to ensure greater disclosure and voter access to information.

NEW YORK'S FIRST PUBLIC INTEGRITY OFFICER

The first step in restoring public trust in state and local government is to ensure that all public officials throughout the state are doing the public's work, and not furthering their own self-interest. Eliot Spitzer will stringently enforce the state's laws against corruption, fraud and abuse by state and local officials across the state.

Currently, local district attorneys prosecute public corruption cases. Too often, local DA's are charged with policing their closest associates and political allies; inherent in this system are frequent conflicts of interest and lax prosecution. For example, current New York Election law prohibits corporations from donating more than $5,000 per year to political candidates; there is evidence of widespread abuse of this rule, but no enforcement of it.

Hence, the need for a Public Integrity Officer who will head up a Public Integrity Office within the Office of Attorney General, and will propose and work for passage of legislation to give it broad powers. The Public Integrity Office will vigorously enforce the election and lobbying laws currently on the books, and prosecute those officials found to be in violation of the law, regardless of

party affiliation. (Even if the legislature does not pass such a measure, the Public Integrity Officer will use the broad subpoena powers of the Attorney General's office to assist local prosecutors in rooting out corruption).

This new unit will be empowered to:

Vigorously Prosecute Public Corruption. Investigate and prosecute public corruption cases, including charges of bribery, conflict of interest, election law and campaign finance violations, fraud or abuse relating to government procurement and contracting, and other violations of the public trust committed by governmental officials and by those doing business with the government. Using the Attorney General's subpoena powers, the Public Integrity Office will be equipped to conduct independent and exhaustive investigations of corrupt and fraudulent practices by state and local officials.

Train and Assist Local Law Enforcement. Provide training, expertise and assistance to local law enforcement agencies on government corruption and crime. And if a local prosecutor drags his heels on pursuing possible improprieties, the Public Integrity Office will be authorized to step in to investigate and, if warranted, prosecute the responsible public officials.

Create a Public Integrity Watchdog Group. Create and coordinate an independent, nonpartisan Public Integrity Advisory group, to be made up of representatives of various state agencies, watchdog groups and concerned citizens. This advisory group will recommend areas for investigation, coordinate policy issues pertaining to public corruption issues, and advocate for regulations that hold government officials accountable.

Encourage Citizen Action to Clean Up Government. Establish a toll-free number for citizens to report public corruption or misuse of taxpayer dollars.

Report to the People. Issue an annual report to the Governor, the legislature and the people of New York on the state of public integrity in New York and incidents of public corruption.

To help the Office do its job, and to protect those honest and strong-minded citizens and public employees who report public corruption, Eliot Spitzer will also seek additional protections for government whistle blowers, including restrictions on disclosure of the identity of a whistle blower unless it is consented to or ordered by a court.

NYLJ.com

New York Law Journal

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Breakfast with Eliot Spitzer

Hosted by the New York Law Journal and the Association of the Bar of the City of New York

January 27, 1999

MR. COOPER: Good morning. My name is Mike Cooper. I'm the president of the Association of the Bar, and it's my great pleasure to welcome you to meet and hear the Attorney General, the chief legal officer of the State of New York, Eliot Spitzer.

Eliot was here a little over four months ago with three other candidates in the Democratic primary, and took that occasion to tell you something about his vision for the office of Attorney General and the changes that he would make in its operation. And I guess that message got through, because he bested three other candidates in the primary and then defeated the incumbent.

We are very pleased this morning at the Association to co-host this event with the New York Law Journal, who were our co-hosts back at the candidates debates in early September. And without further ado, I would like to present the president and chief executive officer of the American Lawyer Media, Bill Pollak.

MR. POLLAK: Thank you, Michael. And thank you all for coming to the second of what we hope will be a continuing series of programs in which the Law Journal and the City Bar join to shed light on issues in this state and city's legal and judicial arenas.

The Attorney General is the state's chief legal officer. It's a position that the bar has a unique interest in and concern about. Administrator of a vast legal bureaucracy of about 500 attorneys and more than 1,800 employees, the Attorney General is the lawyer chiefly

So, yes we will examine those cases and we have already moved to expand the range of cases that will be handled by the Civil Rights Bureau. Without looking backward, I think there is nothing to be gained any more by retrospective analysis of what happened in the past four years. I can merely say there will be a much more aggressive civil rights agenda over the next four years.

We have already begun a significant number of cases, which I am not at liberty to talk about. We have already begun looking at some very tough issues and we will move quickly on them.

MS. HOCHBERGER: Thank you. Go ahead.

MS. SASSOWER: My name is Elena Sassower, I'm the coordinator of the Center for Judicial Accountability. I want to congratulate you and thank you for making as your first priority here the announcement of a public integrity unit. Indeed, that was the first question that I submitted by E-mail and by fax, what had become of that pre-election proposal. So, I am really delighted and overjoyed.

Let me just though skip to my third question that I had proposed today, and that is, that I would hope that a public integrity section would also examine the practices of the Attorney General's office in defending state judges and state agencies sued in litigation.

As you know, we ran a $3,000 public interest ad about the fraudulent defense tactics of the Attorney General's office.

MS. HOCHBERGER: Is there a question?

MS. SASSOWER: Yeah.

MS. HOCHBERGER: Could we get to the question.

MS. SASSOWER: What steps are you going to take in view of those allegations that the Attorney General's office uses fraud to defend states judges and the State Commission on Judicial Conduct sued in litigation.

MR. SPITZER: Anything that is submitted to us we will look at it.

MS. SASSOWER: I have it. I have it right here.

MR. SPITZER: Okay. Why did I suspect that? Thank you.

MS. HOCHBERGER: This one also came in over E-mail.

What are your views on the unauthorized practice of law generally, and specifically with respect to the unauthorized practice of immigration law in New York? How will your office deal with it?

MR. SPITZER: It is an area where the Attorney General's office has enforcement authority, as I was reminded this morning by my very good friend Ed Meyer. We have co-authority to enforce those rules with the Board of Regents, and we will do so aggressively.

I think it does raise interesting issues in areas of the law where there is, frankly, not sufficient representation. And immigration law in particular is one such area. So I know there have been some grave proposals over the years to permit some non-licensed lawyers to give advice up to a certain threshold in those areas, but it's obviously an area where we will be aggressive in our enforcement where it's appropriate.

MS. HOCHBERGER: Yes.

A SPEAKER: Good morning. It sounds like we're ready for an E-ride for those of you that remember Disney.

What role do you see or foresee for the judicial system, meaning the courts, the bar, your office and other offices with respect to the YK issues that may or may not manifest themselves.

MR. SPITZER: Well, the first thing I have done is to try to see where the Attorney General's office is in terms of being prepared for this problem. And I don't yet have a clear answer in terms of where we are in terms of getting our computer systems ready for the -- for that moment. And obviously people are more worried about hospitals and getting paychecks and the banking system crashing. But, I think we will be prepared.

What role generally there is for lawyers, I really haven't thought about that in particular.

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

STORY PROPOSAL FOR ELECTION COVERAGE

The REAL Attorney General Spitzer -- *Not* the P.R.Version

The most salient aspects of this story proposal can be independently verified within a few hours. The result would rightfully end Mr. Spitzer's re-election prospects, political future, and legal career. Its repercussions on Governor Pataki would be similarly devastating.

* * *

Repeatedly, the public is told that Eliot Spitzer is a "shoe-in" for re-election as Attorney General[1] and a rising star in the Democratic Party with a future as Governor and possibly President[2]. The reason for such favorable view is simple. The press has *not* balanced its coverage of lawsuits and other actions *initiated* by Mr. Spitzer, promoted by his press releases and press conferences, with any coverage of lawsuits *defended* by Mr. Spitzer. This, despite the fact that defensive litigation is the "lion's share" of what the Attorney General does.

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[1] "*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"; "[Gov. 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"; "*The Enforcer*" (Fortune Magazine, September 16, 2002 coverstory, Mark Gimein), "he's almost certain to win a second term as attorney general this fall".

[2] "*Spitzer Pursuing a Political Path*" (Albany Times Union, May 19, 2002, James Odato); "*A New York Official Who Harnassed Public Anger*" (New York Times, May 22, 2002, James McKinley); "*Spitzer Expected to Cruise to 2nd Term*" (Gannett, May 27, 2002, Yancey Roy); "*Attorney General Rejects Future Role as Legislature*" (Associated Press, June 4, 2002, Marc Humbert); "*Democrats Wait on Eliot Spitzer, Imminent 'It Boy'*" (New York Observer, August 19, 2002, Andrea Bernstein), "many insiders already are beginning to talk – albeit very quietly -- about the chances of a Democrat winning back the Governor's office in 2006. At the top of their wish list is Mr. Spitzer, whose name recognition has shot through the roof in the last year, private pollsters say, and who appears – for now, at least – to have no negatives."

The Attorney General's *own* website identifies that the office "defends thousands of suits each year in every area of state government" -- involving "nearly two-thirds of the Department's Attorneys in bureaus based in Albany and New York City and in the Department's 12 Regional offices."[3] It is therefore appropriate that the press critically examine at least one lawsuit *defended* by Mr. Spitzer. How else will the voting public be able to gauge his on-the-job performance in this vital area?

Our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), proposes a specific lawsuit as ideal for press scrutiny. The lawsuit is against a single high-profile respondent, the New York State Commission on Judicial Conduct, sued for corruption – and is *expressly* brought in the public interest. It has spanned Mr. Spitzer's tenure as Attorney General and is now before the New York Court of Appeals. Most importantly, Mr. Spitzer is *directly familiar* with the lawsuit. Indeed, it was generated and perpetuated by his official misconduct – and seeks monetary sanctions against, and disciplinary and criminal referral of, Mr. Spitzer *personally*.

As you know, Mr. Spitzer's 1998 electoral victory as Attorney General was so razor-close that it could not be determined without an unprecedented ballot-counting. Aiding him was Election Law lawyer, Henry T. Berger, the Commission's long-standing Chairman. What followed from this and other even more formidable conflicts of interest was predictable: Attorney General Spitzer would NOT investigate the documentary proof of the Commission's corruption – proof leading to Mr. Berger. This necessitated the lawsuit, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* -- which **Mr. Spitzer has defended with litigation tactics so fraudulent as would be grounds for disbarment if committed by a private attorney.**

The lawsuit file contains a breathtaking paper trail of correspondence with Mr. Spitzer, spanning 3-1/2 years, establishing his *direct knowledge* of his Law Department's fraudulent conduct in defending the Commission and his *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).

Added to this, the lawsuit presents an astonishing "inside view" of the hoax of Mr. Spitzer's "public integrity unit" – which, by September 1999, was cited by Gannett as having "already logged more than 100 reports of improper actions by state and local officials across New York" ("*Spitzer's Anti-Corruption Unit Gets Off to a Busy Start*", 9/8/99).

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[3] *See www/oag.state.ny.us/*: "Tour the Attorney General's Office" – Division of State Counsel.

Exposing the hoax of Mr. Spitzer's "public integrity unit" properly begins with examining its handling of the first two "reports" it received. These were from CJA and involved the very issues subsequently embodied in the lawsuit. Indeed, I publicly handed these two "reports" to Mr. Spitzer on January 27, 1999 *immediately* upon his public announcement of the establishment of his "public integrity unit". This is reflected by the transcript of my public exchange with Mr. Spitzer at that time, transcribed by the New York Law Journal

The first "report", whose truth was and is *readily-verifiable* from the litigation files of Mr. Spitzer's Law Department, required Mr. Spitzer to "clean his own house" before tackling corruption elsewhere in the state. At issue were the fact-specific allegations of 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), as to a *modus operandi* of fraudulent defense tactics used by predecessor Attorneys General to defeat meritorious lawsuits, including a 1995 lawsuit against the Commission, sued for corruption. This in addition to fraudulent judicial decisions, protecting judges and the Commission.

The second "report" was of no less transcendent importance to the People of this State. It, too, was substantiated by documents. These were provided to Mr. Spitzer, including documents as to the involvement and complicity of Governor Pataki. At issue was not only the Commission's corruption, but the corruption of "merit selection" to the Court of Appeals. Reflecting this was my published Letter to the Editor, "*An Appeal to Fairness: Revisit the Court of Appeals*" (New York Post, 12/28/98) – whose closing paragraph read: "This is why we will be calling upon our new state attorney general as the 'People's lawyer,' to launch an official investigation."

As detailed by the lawsuit file, not a peep was thereafter heard from Mr. Spitzer or his "public integrity unit" about these two "reports". Endless attempts to obtain information regarding the status of any investigations were all unanswered. Indeed, Mr. Spitzer's only response was to replicate the fraudulent defense tactics of his predecessor Attorneys General, complained of in the first "report". This, to defeat the lawsuit which I, acting as a private attorney general, brought to vindicate the public's rights in the face of Mr. Spitzer's inaction born of his conflicts of interest.

What has become of the "more than 100 reports of improper actions by state and local officials across New York" cited by Gannett as having been "already logged" by September 1999. And what has become of the hundreds more "reports" presumably "logged" in the three years since? A "search" of Mr. Spitzer's Attorney General website [*www.oag.state.ny.us/*] produces only *seven* entries for the "public integrity unit", with virtually *no* substantive information about its operations and accomplishments.

That the media-savvy Mr. Spitzer should offer such few and insignificant entries is startling, in and of itself. Even more so, when juxtaposed with Mr. Spitzer's specific promises from his 1998 election campaign that his "Public Integrity Office" would be "empowered to":

(1) "**Vigorously Prosecute Public Corruption**...Using the Attorney General's subpoena powers...to conduct independent and exhaustive investigations of corrupt and fraudulent practices by state and local officials";

(2) "**Train and Assist Local Law Enforcement**...And if a local prosecutor drags his heels on pursuing possible improprieties...to step in to investigate and, if warranted, prosecute the responsible public officials";

(3) "**Create a Public Integrity Watchdog Group**...made up of representatives of various state agencies, watchdog groups and concerned citizens...[to] recommend areas for investigation, coordinate policy issues pertaining public corruption issues, and advocate for regulations that hold government officials accountable";

(4) "**Encourage Citizen Action to Clean Up Government**...[by] a toll-free number for citizens to report public corruption or misuse of taxpayer dollars";

(5) "**Report to the People**...[by] an annual report to the Governor, the legislature and the people of New York on the state of public integrity in New York and incidents of public corruption".

The foregoing excerpt, from Mr. Spitzer's 1998 campaign policy paper, "*Making New York State the Nation's Leader in Public Integrity: Eliot Spitzer's Plan for Restoring Trust in Government*", is the standard against which to measure the figment of Mr. Spitzer's "public integrity unit". Likewise, it is the standard for measuring Mr. Spitzer's 2002 re-election webite [*www.spitzer2002.com*], which says nothing about the "public integrity unit" or of public integrity and government corruption, let alone as campaign issues.

I would be pleased to fax you any of the above-indicated documents or other items, such as the article about the lawsuit, "*Appeal for Justice*" (Metroland, April 25-May 1, 2002). Needless to say, I am eager to answer your questions and to provide you with a copy of the lawsuit file from which this important story of Mr. Spitzer's official misconduct and the hoax of his "public integrity unit" is *readily* and *swiftly verifiable*.

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

NEW YORK POST
America's oldest continuously published daily newspaper

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An Appeal to Fairness: Revisit the Court of Appeals

•Your editorial "Reclaiming the Court of Appeals" (Dec. 18) asserts that Albert Rosenblatt will be judged by how well he upholds the democratic process "from those who would seek to short-circuit" it.

On that score, it is not too early to judge him. He permitted the state Senate to make a mockery of the democratic process and the public's rights when it confirmed him last Thursday.

The Senate Judiciary Committee's hearing on Justice Rosenblatt's confirmation to our state's highest court was by invitation only.

The Committee denied invitations to citizens wishing to testify in opposition and prevented them from even attending the hearing by withholding information of its date, which was never publicly announced.

Even reporters at the Capitol did not know when the confirmation hearing would be held until last Thursday, the very day of the hearing.

The result was worthy of the former Soviet Union: a rubber-stamp confirmation "hearing," with no opposition testimony — followed by unanimous Senate approval.

In the 20 years since elections to the Court of Appeals were scrapped in favor of what was purported to be "merit selection," we do not believe the Senate Judiciary Committee ever — until last Thursday — conducted a confirmation hearing to the Court of Appeals without notice to the public and opportunity for it to be heard in opposition.

That it did so in confirming Justice Rosenblatt reflects its conscious knowledge — and that of Justice Rosenblatt — that his confirmation would not survive publicly presented opposition testimony. It certainly would not have survived the testimony of our non-partisan citizens' organization.

This is why we will be calling upon our new state attorney general as the "People's lawyer," to launch an official investigation. **Elena Ruth Sassower**
Center for Judicial Accountability
White Plains