

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-696-4287 (4 pages)

January 14, 2000

Mr. Michael Riccardi/New York Law Journal
New York, New York

RE: THE TRUTH BEHIND ELIOT SPITZER'S "PUBLIC INTEGRITY
UNIT" – ON THE OCCASION OF ITS FIRST ANNIVERSARY

Dear Michael:

Continuing my January 5th letter to you, promising additional story proposals and identifying the record references in your possession:

Proposal #3: *Less than two weeks from today will be the first anniversary of Attorney General Eliot Spitzer's so-called "public integrity unit" – whose establishment Mr. Spitzer publicly announced at the January 27, 1999 breakfast sponsored by the New York Law Journal and the City Bar. This is an appropriate occasion for the Law Journal to examine that unit and whether Mr. Spitzer has lived up to his promise of "Target[ing] Official Corruption" – as proclaimed by the Law Journal's front-page January 28, 1999 headline. Surely, having co-sponsored the event which provided Mr. Spitzer with a free forum to address the legal community and to answer its questions¹, the Law Journal has an interest in ensuring that it was not cynically used by Mr. Spitzer. As it is, Mr. Spitzer gets the benefit of free publicity in the Journal's front-page "News Update".*

As you know, CJA has DIRECT, FIRST-HAND EXPERIENCE with Mr. Spitzer and his "public integrity unit" – memorialized in documents which are ALL part of pending Article 78 proceeding against the NYS Commission on Judicial Conduct

¹ The Law Journal solicited questions for Mr. Spitzer – and CJA provided three. For your convenience, enclosed is a copy of CJA's questions, as faxed to the Law Journal by letter dated January 26, 1999. This letter is included in the record of my pending Article 78 proceeding against the Commission on Judicial Conduct: annexed as part of Exhibit "F" to my affidavit in support of my omnibus motion

(NY Co. #99-108551):

- (1) The New York Law Journal transcript of Mr. Spitzer's announcement and my public exchange with him about what he was going to do about the allegations in CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, 8/27/97) that the Attorney General's office uses litigation fraud to defend judges and the Commission on Judicial Conduct – to which Mr. Spitzer responded "ANYTHING THAT IS SUBMITTED TO US WE'LL TAKE A LOOK AT"-- is annexed to Exhibit "E" to my affidavit in support of my omnibus motion²;
- (2) CJA's January 27, 1999 letter to Mr. Spitzer, which I publicly presented to him, *in hand*, on that date, is annexed as Exhibit "D" to my affidavit in support of my omnibus motion. That letter, which itself annexes copies of CJA's previous correspondence with Mr. Spitzer going back to 1994, shows that Mr. Spitzer had long had knowledge of both the ad's allegations and the ad – and makes plain why, after Mr. Spitzer stated that "ANYTHING THAT IS SUBMITTED TO US WE WILL LOOK AT" – to which I answered "I have it. I have it right here."-- Mr. Spitzer responded "Why did I suspect that?" (at p. 14);
- (3) ¶¶45-103 of my affidavit in support of my omnibus motion. It not only chronicles Mr. Spitzer's *wilful* failure to respond to my hand-presented January 27, 1999 letter and the substantiating documentary materials I provided him then and thereafter of the kind of systemic governmental corruption his proclaimed "public integrity unit" was to designed to investigate³ -- but graphically depicts his *unrestrained* litigation misconduct in my Article 78 proceeding against the Commission on Judicial Conduct – matching – if not surpassing -- the litigation misconduct of his predecessors, as detailed in "*Restraining 'Liars'*";

² Exhibit "E" is CJA's March 26, 1999 ethics complaint detailing systemic governmental corruption. Exhibit "B" thereto is the NYLJ transcript of the January 27, 1999 co-sponsored City Bar breakfast for Mr. Spitzer. See pp. 7-8 for Mr. Spitzer's public announcement and pp. 13-14 for my public exchange with him.

³ See CJA's March 26, 1999 ethics complaint – the table of contents to which appears at page 3 thereof.

- (4) Pages 3-4 of CJA's criminal complaint to the Manhattan D.A. – annexed as Exhibit "G" to my November 5, 1999 letter to Justice Kapnick. It identifies that following the Attorney General's receipt of my omnibus motion, his litigation misconduct continued unabated and, further, that his fraudulent defense tactics were not confined to this case, but were demonstrated in Michael Mantell's concurrent Article 78 proceeding against the Commission. Pages 6-7 of my November 5th letter to Justice Kapnick provides an example of how the Attorney General's misconduct in my proceeding "served as a template" for his litigation misconduct in Mr. Mantell's proceeding;
- (5) My December 9, 1999, and December 17, 1999 letters to Justice Wetzel – *each* presented "to prevent fraud upon the Court – and through it upon the public" -- offer a "front-seat" view of the Attorney General's continuing litigation in my proceeding. This, in the context of my application for Justice Wetzel's disqualification, set forth in my December 2, 1999 letter to Justice Wetzel. The Attorney General's response to that application is annexed as Exhibits "A" and "B" to my December 9th letter, with his response to the December 9th letter annexed as Exhibit "A" to my December 17th letter. Additionally, and as detailed by my December 9th letter (at pp. 8-10), because the Attorney General urged Justice Wetzel to dismiss my proceeding based on Justice Lehner's decision dismissing Mr. Mantell's proceeding – notwithstanding my repeated explicit notice to the Attorney General that the decision was a fraud⁴ – an analysis of that decision is annexed as Exhibit "D" to my December 9th letter.

Finally, should you wish information about Mr. Spitzer's failure to follow through with issues raised by two other members of the audience at the January 27, 1999 breakfast – issues involving judicial corruption and Attorney General misconduct -- I will be pleased to provide it to you. This includes the names and phone numbers of those two audience members.

Yours for a quality judiciary,



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

Enclosure

⁴ See Exhibit "C" to my December 9, 1999 letter to Justice Wetzel; p. 5 of my November 5th letter to Justice Kapnick and the exhibits thereto: Exhibit "G" (at p. 4); Exhibit "H" (at p. 18); Exhibit "J" (at p. 4).