

## CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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BY FAX: 212-930-5842 (13 pages)

September 10, 1999

Al Guart  
NY POST

RE: Following up on "*An Appeal to Fairness: Revisit the Court of Appeals*", NY Post, Letter to the Editor, 12/28/98

Dear Al:

Mr. Spitzer is NOT the courageous corruption-fighter he is trying to present himself to the media – and, through the media, to the public. Indeed, his "public integrity unit" is a front for his protectionism of high-level governmental corruption. This would be obvious to you were the Post to examine the first TWO of the "100 reports of 'improper' government actions" that Mr. Spitzer received IMMEDIATELY upon announcement of his "public integrity unit" on January 27<sup>th</sup> at the Association of the Bar of the City of New York.

Enclosed is a copy of my December 28, 1998 Letter to the Editor in the New York Post, "*An Appeal to Fairness: Revisit the Court of Appeals*", whose concluding paragraph reads:

"That is why we will be calling upon our new state attorney general as the 'People's lawyer,' to launch an official investigation."

This published Letter was not only faxed to Attorney General Spitzer on that date, but presented to him publicly on January 27<sup>th</sup>, under a coverletter, before the assembled audience of 250 people at the City Bar, upon his announcement of his "public integrity unit". Accompanying that hand-transmittal were substantiating documents, among them, CJA's correspondence with the Commission on Judicial Nomination, the Commission on Judicial Conduct, the bar associations and Governor, the Senate Judiciary Committee, and the transcripts of the Senate Judiciary Committee's confirmation hearing and the subsequent Senate confirmation.

This is detailed in CJA's March 26<sup>th</sup> ethics complaint against Mr. Spitzer, which is based, *inter alia*, on his willful failure to staff his "public integrity unit" in order to protect powerful political interests and individuals. Annexed to that ethics complaint as Exhibit "B" is the transcript of Mr. Spitzer's City Bar announcement of his "public integrity unit" and my exchange with him (*see pp.* 7-8, 13-14).

By Fed-Ex, I will send you a copy of CJA's March 26<sup>th</sup> ethics complaint, which is an exhibit to my July 28<sup>th</sup> motion for disqualification of, and sanctions against, Mr. Spitzer *personally*, based on his litigation fraud in the current Article 78 proceeding against the New York State Commission on Judicial Conduct. – litigation fraud which replicates that of his predecessors, as set forth in “*Restraining ‘Liars in the Courtroom’ and on the Public Payroll*” (NYLJ, 8/27/97, pp. 3-4) – to which I referred in my public exchange with Mr. Spitzer on January 27<sup>th</sup>.

My affidavit in support of the disqualification/sanctions motion chronicles, with painstaking detail, my DIRECT, FIRST-HAND EXPERIENCE with Mr. Spitzer and his “public integrity unit”, spanning a SIX-MONTH PERIOD. This includes my experience with Mr. Pope, its purported head (*cf.* 8/26/99 NYT article), reference to whom appears at ¶¶98, 100-103<sup>1</sup>

Additionally, so that you can see the context of Mr. Spitzer's corruption – and that of Mr. Pope -- I will enclose a copy of the Verified Petition, which is based on the Commission's unlawful dismissal, *without* investigation, of the facially-meritorious judicial misconduct complaint CJA filed against Justice Rosenblatt on October 6, 1998, relating, *inter alia*, to his Court of Appeals' candidacy.

A full copy of the March 26<sup>th</sup> ethics complaint, as well as the file of the lawsuit against the Commission on Judicial Conduct have now been transmitted to the U.S. Attorney for the Eastern District in connection with its corruption investigation of Governor Pataki. A copy of CJA's September 7<sup>th</sup> coverletter to Andrew Weissmann, Deputy Chief, Criminal Division, will also be enclosed.

Meantime, along with “*An Appeal to Fairness: Revisit the Court of Appeals*”, I am faxing herewith pages 13-14 of the transcript of my public exchange with Mr. Spitzer on January 27<sup>th</sup>, as well as my two proposed Letters to the Editor on Mr. Spitzer's “public integrity unit”:

- (1) my proposed Letter to the Editor of The New York Times, responding to its August 26<sup>th</sup> article, “*Spitzer Sets Up Unit to Investigate Both State and Local Corruption*” and August 28<sup>th</sup> column, “*If a Judge Gets Out of Line: Seeking a Cure*”, and
- (2) my proposed Letter to the Editor of the Daily News, responding to its August 31<sup>st</sup> editorial, “*Mirror, Mirror*”.

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<sup>1</sup> The recitation about the “public integrity unit” begins at ¶43, with ¶¶45-48 containing a detailed description of CJA's January 27<sup>th</sup> letter, publicly presented to Mr. Spitzer at the City Bar. The letter itself is Exhibit “D” to the affidavit.

Al Guart

Page Three

September 10, 1999

By the way, I was recently told by the City Bar's counsel, Alan Rothstein, that its Committee on Judicial Conduct is going to be rendering a report on the Commission in the near future.

I look forward to your enthusiastic response to this story – since you, more than any other reporter, have been following our document-supported advocacy against the Commission on Judicial Conduct, since we first met in February 1996.

Yours for a quality judiciary  
and government integrity,

ELENA RUTH SASSOWER, CJA Coordinator

Enclosures