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DATE: October 27, 2006

TO: **THE NEW YORK TIMES**
Arthur Sulzberger, Jr., Publisher
Bill Keller, Executive Editor
Jill Abramson, Managing Editor for Newsgathering
Gail Collins, Editorial Page Editor
The Editorial Board

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

RE: **THE IMPLICATIONS OF THE HEVESI SCANDAL – AND THE MORE SIGNIFICANT *YET-TO-BE REPORTED* SCANDALS** that will throw open the non-competitive statewide races for Governor and Senator – & the hardly-competitive race for Attorney General – for the benefit of all New Yorkers

Memo enclosed.



cc: Alan M. Siegel, (retired) Assistant Managing Editor
Byron Calame, Public Editor
Marek Fuchs
Jonathan Landman, Deputy Managing Editor
Philip Taubman, Washington Bureau Chief
Gerald Mullany, Deputy Editor for Government & Politics
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TO: **NEW YORK MEDIA: NEWS DEPARTMENTS & EDITORIAL BOARDS**

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

RE: **THE IMPLICATIONS OF THE HEVESI SCANDAL – AND THE MORE SIGNIFICANT YET-TO-BE-REPORTED SCANDALS** that will throw open the non-competitive statewide races for Governor and Senator – & the hardly-competitive race for Attorney General – for the benefit of all New Yorkers

WHAT A DIFFERENCE A SCANDAL MAKES! Virtually overnight, the Hevesi scandal has turned a non-competitive race in which Comptroller Hevesi's re-election was so certain that he was practically not campaigning into one where it is questionable that he can "tough it out" to Election Day – and, if elected, remain in office.

Yet, the Hevesi scandal is SMALL CHANGE compared to the scandals, yet to be reported, involving Attorney General Spitzer and Senator Clinton – of which CJA's August 25, 2006 memorandum to you gave notice.¹ After all, Mr. Hevesi's corruption in office consists of nothing more than his diverting staff to chauffeur his ill wife. Serious as it is, it destroyed no lives. By contrast, Attorney General Spitzer's corruption in office and that of Senator Clinton is about their participation in systemic governmental corruption involving the processes of judicial selection and discipline. What they did, knowingly and deliberately, has destroyed countless innocent lives and deprived New York of honest, effective government. The vast, irreparable harm caused by their betrayal of the public trust is provable.

It is worth comparing the facts of the Hevesi scandal with the primary source documentary evidence which CJA's August 25, 2006 memorandum brought to your attention – posted on CJA's website, www.judgewatch.org, accessible *via* the sidebar panel "Elections 2006: Informing the Voters".

¹ For your convenience, a further copy is enclosed.

First, the origin of the Hevesi scandal lay in an anonymous, “uncorroborated tip”² which Mr. Hevesi’s “little known” Republican opponent J. Christopher Callaghan received and which he called in to a complaint hotline established by the comptroller’s own office.³

By contrast, our non-partisan, non-profit citizens’ organization did not act anonymously or in an unsubstantiated fashion in approaching the Republican and Democratic candidates running against Mr. Spitzer for governor or against Ms. Clinton for senator, or seeking to succeed Mr. Spitzer as attorney general. This may be seen from CJA’s correspondence with them, including:

- (1) CJA’s June 26, 2006 letter to gubernatorial candidate Faso;
- (2) CJA’s February 3, 2006 letter senatorial candidate Spencer;
- (3) CJA’s June 20, 2006 memo to attorney general candidates Cuomo & Pirro.

Nonetheless, NONE of the Republican or Democratic candidates called any hotline about the contents of our correspondence, whose serious and substantial nature would have been immediately obvious to them from the most cursory inspection of the referred-to primary source documents, posted on our website. As to whether such hotline exists, enclosed with CJA’s June 26, 2006 letter and June 20, 2006 memo were pages from Mr. Spitzer’s 1998 campaign platform “**MAKING NEW YORK STATE THE NATION’S LEADER IN PUBLIC INTEGRITY: ELIOT SPITZER’S PLAN FOR RESTORING TRUST IN GOVERNMENT**”, wherein he had pledged to set up “a toll-free number for citizens to report public corruption...”.

Second, after Mr. Callaghan’s September 21, 2006 call to Mr. Hevesi’s hotline, he contacted the press, which reported it “over the next several days”.

Two days after that call, the New York State Ethics Commission began a “preliminary inquiry”, which it then upgraded to a “thorough review”. By then, Mr. Hevesi had requested its evaluation⁴. Mr. Callaghan also filed a criminal complaint against Mr. Hevesi with the Albany District Attorney and, thereafter, an ethics complaint with the Ethics Commission.

On October 23, 2006, the Ethics Commission, chaired by Paul Shechtman, released a report which it forwarded to the Legislature, outlining its investigation, its findings of fact, and, based thereon, its conclusion that there was reasonable cause of ethics violations by Mr. Hevesi.

² “Scrutiny of Hevesi Stirs Up a Quiet Race”, NYT, September 28, 2006; “A Campaign is Revived With the Help of a Stranger”, NYT, October 1, 2006.

³ “Scrutiny of Hevesi Stirs Up a Quiet Race”, NYT, September 28, 2006; “Ethics Panel Says N.Y. Comptroller’s Use of Drivers Broke the Law”, NYT, October 24, 2006.

⁴ This factual recitation and the quoted language is taken from the Ethics Commission’s October 23, 2006 report.

According to press reports,⁵ Attorney General Spitzer's office has opened an investigation into whether Mr. Hevesi owes additional monies and the Albany District Attorney is investigating Mr. Callaghan's criminal complaint.

By contrast, NONE of the Republican or Democratic candidates contacted the press about the content of our correspondence or its referred-to substantiating documentary evidence. As this correspondence made clear, we had been unable, on our own, to garner press coverage of Attorney General Spitzer's record in office relating to judicial selection and discipline, or of Senator Clinton's comparable record.

Also clear is that we had long ago filed a succession of ethics complaints against Attorney General Spitzer with the Ethics Commission – which the Commission, chaired by Mr. Shechtman, had **IGNORED**. These complaints, dated March 26, 1999, September 15, 1999, October 27, 1999, and March 27, 2001⁶ detailed Attorney General Spitzer's protectionism of powerful political interests and those with whom he enjoys political, professional, and personal relationships, the hoax of his "public integrity unit"⁷, his violation of conflict of interest rules, and his use of litigation fraud to defend the State Commission on Judicial Conduct, sued for corruption. These were combined with complaints against the Ethics Commission and Mr. Shechtman, as well as against Governor Pataki, the Commission on Judicial Nomination, and the Commission on Judicial Conduct, chronicling their interrelated corruption involving judicial selection and discipline and a *modus operandi* of defense fraud practiced by Mr. Spitzer's predecessor attorneys general and then by Attorney General Spitzer. The Ethics Commission neither acknowledged, dismissed, nor referred ANY of these fact-specific, fully-documented complaints – and they remain **pending to this day**.

According to the press, the Ethics Commission's October 23, 2006 report on Comptroller Hevesi marks the **first time in its 19-year history that it has found probable cause of ethics violations by a statewide official**.⁸ Yet, **evident from examination of CJA's still pending ethics complaints is**

⁵ "Calls Increase From Both Parties for Hevesi to Step Down", NYT, October 25, 2006; "Spitzer Withdraws Endorsement of Hevesi", NYT, October 27, 2006.

⁶ These complaints – as well as CJA's criminal complaints against Mr. Spitzer filed with the U.S. Attorney for the Eastern District of New York, the U.S. Attorney for the Southern District of New York, and Manhattan District Attorney Morgenthau – are all conveniently accessible *via* the webpage "Paper Trail of A.G. Spitzer's Corruption in Office". Such webpage further hyperlinks to separate webpages for the New York State Ethics Commission, for the U.S. Attorneys, and for the Manhattan District Attorney containing the FULL exchanges with respect to these complaints.

⁷ That Mr. Spencer – as Yonkers mayor – could not secure investigation by the "public integrity unit" of his own June 26, 2003 complaint of political corruption in Westchester County, involving then Westchester District Attorney Pirro, further establishes what a hoax it is. Mr. Spencer's MUST-READ complaint, which the press has let drop AS IF IT WERE NOTHING, is posted on CJA's webpage, "Press Protectionism of A.G. Spitzer", accessible *via* the "Elections 2006" webpage.

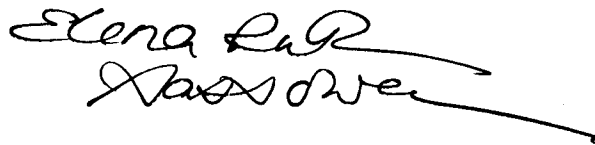
⁸ "Hevesi Resignation Grows More Likely Over Ethics Finding", NY Sun, October 24, 2006; "Ethics

that they not only presented the Ethics Commission with reasonable cause to find ethics violations by Attorney General Spitzer and Governor Pataki, but clear and convincing evidence of their corruption in office, warranting referral to criminal authorities for investigation and prosecution.

Also still pending is CJA's September 7, 1999 criminal complaint against Governor Pataki and Attorney General Spitzer, which we filed with the U.S. Attorney for the Eastern District of New York. It, along with our still pending March 26, 1999, September 15, 1999, and October 27, 1999 ethics complaints to the Ethics Commission, as well as our October 21, 1999 criminal complaints to the U.S. Attorney for the Southern District and to Manhattan District Attorney Morgenthau are all part of the record of CJA's public interest lawsuit against the Commission on Judicial Conduct – posted on our webpage "Test Cases-State (Commission)". The significance of this record with respect to Mr. Spitzer is summarized by CJA's story proposal "**The REAL Attorney General Spitzer – Not the P.R. Version**", enclosed with CJA's June 20, 2006 memo and June 26, 2006 letter. Such record was before Senator Clinton when she put her imprimatur to the corruption of federal judicial selection, which that record exposed, and set in motion, and acquiesced in, my arrest, prosecution, conviction, and six-month incarceration on a bogus and retaliatory "disruption of Congress" charge – a fact highlighted by the enclosures to CJA's February 3, 2006 letter.

Conclusion: Overnight, SCANDAL can upend non-competitive elections and turn to naught well-endowed campaign war chests and prior poll predictions and endorsements. As the most cursory examination of CJA's correspondence with the Republican and Democratic candidates makes clear, there is major scandal to be reported as to the records in office of Attorney General Spitzer and Senator Clinton. Similarly, there is scandal to be reported as to ALL the candidates who received this correspondence. They had a breathtaking opportunity to transform the electoral races in a far more sweeping and far-reaching way than Mr. Callaghan – but failed to do so. You should ask them why – and whether it reflects their knowledge, based on the posted documentary evidence, that such would not merely bring down a single incumbent of the opposite party, but the ranks of both the Republican and Democratic establishment who are collusive with each other in the systemic governmental corruption here at issue, which has caused such devastating injury to the People of this State.

The press has its job to do.



Enclosure

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DATE: August 25, 2006

TO: **NEW YORK MEDIA: EDITORIAL BOARDS & NEWS DEPARTMENTS**

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

RE: **YOUR UPCOMING EDITORIAL ENDORSEMENTS AND ONGOING ELECTION COVERAGE: The Races for New York Governor, U.S. Senator from New York, and New York Attorney General**

This is to bring to your attention – to aid you in both your upcoming editorial endorsements and ongoing election reporting – primary source documentary evidence establishing the unfitness of the Democratic and Republican candidates for Governor, Senator, and Attorney General. Such evidence is posted on the Center for Judicial Accountability's website, www.judgewatch.org, accessible via the sidebar panel "Elections 2006: Informing the Voters".

Scroll down the "Elections 2006" webpage to the section entitled "Searching for Champions", posting our correspondence to all Democratic and Republican candidates for Governor: Tom Suozzi and John Faso, for U.S. Senate: Jonathan Tasini, John Spencer, and Kathleen Troia McFarland, and for Attorney General: Andrew Cuomo, Mark Green, Charlie King, Sean Patrick Murphy, and Jeanine Pirro – except for Attorney General Eliot Spitzer and Senator Hillary Rodham Clinton, whose corruption in office the correspondence summarizes.

With respect to Attorney General Spitzer, elected in 1998 on a pledge that he was going to clean up government and establish a "public integrity unit", our correspondence summarizes that his "public integrity unit" was a hoax – and that Mr. Spitzer refused to investigate and root out systemic governmental corruption involving a pattern and practice of litigation fraud engaged in by his predecessor Attorneys General in defending state judges and the Commission on Judicial Conduct, sued for corruption – for which they were rewarded with fraudulent judicial decisions. Instead, he engaged in the same litigation fraud to defend the Commission when we sued it for corruption – for which state judges, at every level, rewarded him with fraudulent judicial decisions. In so doing, Attorney General Spitzer not only perpetuated a documentably corrupted Commission on Judicial Conduct, leaving the People of the State of New York defenseless against the most flagrant lawlessness by state judges – including those who "threw" the lawsuit – but perpetuated the corruption of the state judicial appointments process, including "merit selection" to the New York Court of Appeals, which the lawsuit encompassed.

* The Center for Judicial Accountability, Inc. (CJA) is a national, non-partisan, non-profit citizens' organization, based in New York, working, since 1989, to ensure that the processes of judicial selection and discipline are effective and meaningful.

With respect to Senator Clinton, she not only covered up – and thereby perpetuated – the systemic governmental corruption challenged and chronicled by the documentary record of our lawsuit against the Commission, but, additionally, the corruption of federal judicial selection and discipline. To accomplish this and effectuate a behind-the-scenes political deal seating a corrupt New York Court of Appeals judge on the Second Circuit Court of Appeals, she maliciously set in motion and complicitly acquiesced in my wrongful arrest, prosecution, conviction, and six-month incarceration on a bogus “disruption of Congress” charge. My “crime”? At the U.S. Senate Judiciary Committee’s public hearing to confirm the judge, I respectfully requested to testify in opposition based on his on-the-bench corruption, as established by the record of our lawsuit against the Commission – a record Senator Clinton was duty-bound to have examined, making findings of fact and conclusions of law.

All the summaries presented by our posted correspondence identify the substantiating primary source documentary evidence – and where it is posted on our website. You can thereby *readily verify* its serious and substantial nature, warranting criminal investigation and prosecution of Attorney General Spitzer and Senator Clinton for corruption.

In presenting this to the other Democratic and Republican candidates, as would-be champions of the public, we requested that they use the opportunity of their candidacy to expose the corruption of these incumbents for the benefit of all New Yorkers. That they did not do so – indeed, that they did not even favor our request for a meeting so that we could answer their questions and provide them with hard copies of the website-posted evidence – preferring instead to mount candidacies made futile by the landslide leads enjoyed by Attorney General Spitzer and Senator Clinton and, in the case of the candidates endeavoring to succeed Mr. Spitzer as Attorney General, extolling him and seeking the mantle of his “greatness” – can only be explained one way. Notwithstanding their posturing and rhetoric about being reformers who are going to “fix Albany” and make government work, they will NOT touch the vested political interests and their friends and patrons involved in the systemic governmental corruption that reaches into and pollutes the judiciary. Such will remain unchanged upon their election – subjecting countless innocent New Yorkers and our state at large to continuing injustice and irreparable injury.

Only the media can make the difference.

We offer you our fullest assistance so that you can discharge your First Amendment responsibilities to the voters by reporting on this powerful election-altering evidence – rather than on polls, financial war chests, political endorsements, and handicapping that have become the standard fare of political reporting, contributing to the demise of competitive elections.

Elena R. R. R.
Nassove