

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: 212-416-8942 (7 pages)
BY CERTIFIED MAIL/RRR: Z-509-073-635

April 2, 1999

Attorney General Eliot Spitzer
120 Broadway
New York, New York 10271

ATT: Joe Palozzola, Asst. to Chief of Staff
25th Floor

MANAGING ATT'Y'S OFC.
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99 MAY 14 AM 11:53

RE: Attorney General Spitzer's Promise of "the Finest Public Interest Law Firm in the Nation" (transcript of City Bar breakfast, 1/27/99, p. 11)¹

Dear Mr. Palozzola:

By now, you should have received CJA's March 26, 1999 letter to the New York State Ethics Commission -- which I discussed with you in our first telephone conversation together on Tuesday, March 23rd. The letter, containing a series of ethics complaints against high-ranking state officials and state agencies -- including against Attorney General Spitzer, personally (at pp. 27-29) -- expands the picture of systemic governmental corruption, of which CJA's prior correspondence with Mr. Spitzer made him aware. It also expands -- by more than eleven pounds -- the documentary proof in his possession.

As detailed in the "Introduction" section of our March 26, 1999 letter (pp. 5-7), because of the Ethics Commissioners' disqualifying conflicts of interest, CJA is requesting that they refer the separate, but interrelated ethics complaints to Attorney General Spitzer's "public integrity unit", with a request that if the Attorney General's *own* disqualifying conflicts of interest would prevent independent investigation by that as yet non-existent unit, he seek appointment of a special prosecutor and, if unsuccessful, make a referral to the U.S. Justice Department's Public Integrity Section of its Criminal Division.

¹ Transcript annexed as Exhibit "B" to CJA's March 26, 1999 letter to the New York State Ethics Commission, *infra*.

April 2, 1999

In anticipation of our phone conversation on Tuesday, April 6th, about the Attorney General's role in an Article 78 proceeding against the Commission on Judicial Conduct -- necessitated by the Commission's purported dismissal, *without* investigation, of CJA's *facially-meritorious* October 6, 1998 judicial misconduct complaint against Albert Rosenblatt and his Appellate Division, Second Department co-defendants in the *Sassower v. Mangano, et al.* federal action -- please be sure to review the October 6, 1998 complaint and CJA's subsequent correspondence with the Commission on Judicial Conduct about it. These were publicly-presented to Mr. Spitzer at the City Bar on January 27, 1999 under CJA's January 27, 1999 coverletter -- which you confirmed had been given to you. Our March 26, 1999 letter transmits the continuation of that correspondence in File Folder "VI".² Please also review the file of our prior Article 78 proceeding against the Commission on Judicial Conduct -- in which the Attorney General, ignoring our Notice of Right to Seek Intervention on behalf of the public, defended the Commission with litigation misconduct and fraud -- and was rewarded with a fraudulent judicial decision. This is summarized by CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, 8/27/97, pp. 3-4), which you acknowledged having read. A full copy of that Article 78 file was transmitted to Mr. Spitzer under our December 24, 1998 coverletter³ -- which you confirmed had been directed to you.

Based on the documentation in your possession and Attorney General Spitzer's forceful public statements at the City Bar on January 27, 1999 about his vision of the Attorney General's office as an aggressive, creative advocate on behalf of the public⁴, the People of this state have a right to expect that he champion their interest by commencing the Article 78 proceeding against the Commission on Judicial Conduct, rather than putting CJA to the burden of initiating the proceeding and serving him with a Notice of Right to Seek Intervention on the public's behalf. To that end, we would be glad to come to the Attorney General's office next week and provide you -- or whoever you may designate -- with a personal presentation about the documentary-proven corruption of the Commission on Judicial Conduct and its dire consequences, individually and collectively, to the People of the state.

² The inventory of the full correspondence is affixed to that file folder -- with a further copy enclosed herewith for your convenience. [See also pp. 25-27 of CJA's March 26, 1999 letter, constituting our Second Supplement to our March 22, 1995 ethics complaint against the Commission on Judicial Conduct].

³ The December 24, 1998 letter (fn. 1) identifies CJA's transmitted 5/5/97 memorandum as containing our analysis of the judicial decision, showing it to be a fraud.

⁴ See the transcript of Attorney General Spitzer's remarks, annexed as Exhibit "B" to CJA's March 26, 1999 letter, *inter alia*, p. 8 ("A goal of the public interest law firm operating in the people's good...means...taking on those systemic cases that can have an impact throughout ...society"); p. 9 ("...also try to take on the larger structural cases..."; "...we need to handle the systemic litigation, otherwise we are abdicating our responsibilities."; "We are going to bring those creative cases and we are also going to jump in very quickly to find out where are their hot spots.")

Attorney General Spitzer's response to this letter, no less than to our March 26, 1999 letter, will demonstrate his answer to ALL three of the questions that CJA proposed be addressed to him at the City Bar's January 27, 1999 breakfast. A copy of those three questions, as transmitted to the New York Law Journal on January 26, 1999, is enclosed

Thank you.

Yours for a quality judiciary,

Elena Ruth Sassower

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

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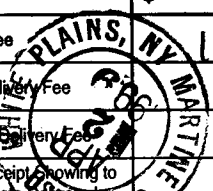
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