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BY FAX: 518-436-7109 (4 pages)

JJ/g
June 16, 2002

James C. McKinley, Jr.
The New York Times
Albany Bureau

RE: The explosive political ramifications of the pending public interest lawsuit against the NYS Commission on Judicial Conduct on Attorney General Spitzer and Governor Pataki

Dear Mr. McKinley:

Following up my two phone messages for you on Friday and yesterday, I would like to continue where we left off at the end of our meeting together on Friday, June 28th.

I would particularly like another half hour to finish exploring with you the *readily-verifiable* fraudulence of the FIVE judicial decisions of which the NYS Commission on Judicial Conduct, represented by the Attorney General, is the beneficiary. Once you see this for yourself you will understand the unlawfulness of Mr. Spitzer's representation of the Commission pursuant to Executive Law §63.1 and the hoax of Mr. Spitzer's "public integrity unit". This, in addition to Governor Pataki's serious official misconduct, including his corrupt manipulation of judicial appointments, aided and abetted by the Senate Judiciary Committee. Would this Friday, July 19th be convenient?

Meantime, enclosed are the first three pages from Mr. Spitzer's 1998 campaign policy paper, "Making New York State the Nation's Leader in Public Integrity...". These reflect what Mr. Spitzer was THEN promising voters about the "Public Integrity Office" he would be setting up to root out corruption. They also provide a stark contrast to Mr. Spitzer's 2002 re-election website [www.spitzer2002.com] where governmental corruption is never mentioned as an issue and only a single passing reference appears to "public integrity". Indeed, a "search" of the Attorney General's website [www.oag.state.ny.us/] produces only *seven* entries for his "public integrity unit", with virtually *no* substantive information about its operations and accomplishments. Examination of the file of my lawsuit against the Commission – particularly my July 28, 1999 affidavit in support of my omnibus motion – reveals why.

*Elena Ruth
Sassower*

SPITZER '98

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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:

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- Create, within the Attorney General's office, a Public 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.