

CENTER *for*
JUDICIAL
ACCOUNTABILITY



Box 69, Gedney Station • White Plains, New York 10605-0069
TEL: 914/997-8105 • FAX: 914/684-6554

BY HAND

August 8, 1994

Eliot Spitzer for Attorney General
52 Vanderbilt Avenue
New York, New York 10017

ATT: John Zaubler, Campaign Manager

Dear Mr. Zaubler:

As discussed, we offer Mr. Spitzer a most extraordinary opportunity to demonstrate that G. Oliver Koppell--in his brief tenure as our State's highest legal officer--has betrayed the public trust by a knowing cover-up of judicial corruption for his own private gain and self-interest.

From the time Mr. Koppell assumed office in January, we notified him that a major scandal, akin to a "judicial Watergate", existed in the Appellate Division, Second Department and that the Attorney General's Office was in complicity with a cover-up by the judges of that court.

Our correspondence--consisting of a dozen separate letters to Mr. Koppell personally and to closest members of his executive staff--is annexed to my mother's submissions to the Court of Appeals¹. They have to be read to be believed--as do the underlying disciplinary files under A.D. #90-00315, which were hand-delivered to Mr. Koppell on March 8, 1994 (Supp. Exh. "7"), and identified to him as constituting:

"prima facie, if not conclusive, evidence that [his] judicial clients have wilfully misused their office as part of an on-going criminal conspiracy to use the court's disciplinary powers for ulterior and retaliatory purposes". (Supp. Exh. "4"; 2/6/94 ltr, at p. 2).

¹ See Mr. Schwartz' 3/14/94 ltr to the Court of Appeals: Supp. Exhs. "2", "4", "5", "6", "7", "8", "9"; and my mother's 7/19/94 Reargument Motion: Exhs. "M", "N", "O", "P", "R".

August 8, 1994

We would be pleased to provide Mr. Spitzer with an exact copy of the files we furnished to Mr. Koppell² so that he can verify for himself that what he has before him is a major governmental scandal, which could--and should--end Mr. Koppell's candidacy.

As you will see from the papers transmitted herewith, Mr. Koppell has taken the position in the Court of Appeals that it is perfectly proper for his judicial clients, the justices of the Appellate Division, Second Department, to have decided my mother's Article 78 proceeding against them--and that there should be no right of appellate review from the decision which they, predictably, made in their own favor, granting the motion of their own attorney, the Attorney General, to dismiss.

Such position, which Mr. Koppell has advanced without any legal authority, and which is contrary to Judiciary Law §14, as well as controlling decisional law and the most basic judicial conflict of interest rules, is more than frivolous and in bad faith. It is absolutely dangerous and frightening. In one fell swoop, Mr. Koppell has destroyed the very foundation on which our judicial process rests: a fair and impartial tribunal and has subverted the Article 78 vehicle designed to ensure it.

Mr. Koppell--put to any public debate--could not defend such an indefensible position. It would be devastating for Mr. Koppell, a Harvard Law graduate, to be challenged on the subject by Mr. Spitzer, another Harvard Law graduate, twenty years his junior.

Nor could Mr. Koppell justify his failure to review the files under A.D. #90-00315 which we provided him and his countenancing of, and participation in, outright lies and misrepresentations by his staff counsel about the content of files they had never read.

Issues of documented judicial corruption and the complicity of Mr. Koppell, as Attorney General, can readily be grasped by the average voter. The public will be rightfully outraged and incensed by what has transpired under Mr. Koppell's stewardship. Such issues will electrify the public and make the race for Attorney General "the most exciting show in town".

Inasmuch as "crime" has emerged as a focal issue of the campaign, Mr. Spitzer has a unique opportunity to show that he, unlike Mr. Koppell, will not use the office of Attorney General to shield criminals in the judiciary from investigation and prosecution. People will be impressed that, young as he is, Mr. Spitzer is a courageous candidate, not beholden to the political machine of either party and ready to clean our governmental house from top to bottom.

² See Inventory annexed to Supp. Exh. "7".

August 8, 1994

As the record in the Article 78 proceeding unequivocally shows, Mr. Koppell, for all his professed concern for ethics and integrity in government, has proven himself to be part of the "old boys" network, which has corrupted government.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

For your information, I enclose my mother's Martindale-Hubbell law listing. I would further add that in 1989, she was elected a Fellow of the American Bar Foundation--an honor reserved for less than one-third of one percent of the practicing bar of each state.

DLS/er

Enclosures: (a) 1/24/94 DLS' Jurisdictional Statement
(b) 2/11/94 letter of Attorney General
(c) 3/14/94 letter of Evan Schwartz, Esq.
(d) 7/19/94 DLS' Reargument Motion
(e) 8/4/94 "Memorandum of Law" of Attorney General
(f) 8/7/94 DLS' Affidavit in Reply
(g) Martindale-Hubbell's Law Directory listing

P.S. My mother's October 24, 1991 letter to Governor Cuomo, calling for the appointment of a special prosecutor³--which I faxed to you earlier today--is Exhibit "K" to her Reargument Motion. The December 11, 1993 New York Times' article reporting my confrontation with the Governor on that subject--which I also faxed to you--is enclosed herewith.

³ Mr. Koppell, then Chairman of the Assembly Judiciary Committee, was an indicated recipient of that letter and received numerous copies of it from us over the years.