

## CENTER for JUDICIAL ACCOUNTABILITY, INC.\*

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May 22, 2013

TO: ALL Senators & Assembly Member

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

RE: Doing Your Part to End Public Corruption: Part II:  
(1) Request for Legislative Follow-Up to Senator Sanders' May 10<sup>th</sup> Forum "*Attack on Black Leaders: Corruption or Conspiracy?*";  
(2) Request for Legislative Follow-Up to Senator Sampson's 2009 hearings on the Commission on Judicial Conduct & Court-Controlled Attorney Disciplinary System

Are black and Hispanic legislators being invidiously and selectively investigated and prosecuted by the U.S. Attorneys? That was the important question at the heart of Senator James Sanders' May 10<sup>th</sup> forum "*Attack on Black Leaders: Corruption or Conspiracy?*" – and it is the question which I publicly answered at the forum – in the affirmative and with evidentiary proof.

Ascertaining whether the U.S. Attorneys are "colorblind" in their investigations and prosecutions can be established from their office records. For example, citizens file with the U.S. Attorneys corruption complaints against public officers. Their handling of complaints against white public officers can easily be compared to those against black public officers.

Plainly, U.S. Attorney Preet Bharara and U.S. Attorney Loretta Lynch will not disclose these citizen corruption complaints. Yet this is not insurmountable – if citizens themselves come forward with copies of their complaints.

That is why, at the May 10<sup>th</sup> forum, in the portion devoted to audience questions, I identified that for more than two decades our nonpartisan, nonprofit citizens' organization had filed many corruption complaints – culminating in our complaint to U.S. Attorney Bharara against New York's highest public officers – the Governor, Attorney General, Comptroller, Chief Judge, Temporary Senate President, and Assembly Speaker – "all of whom are white". In my arms I held a copy of that document-supported April 15<sup>th</sup> complaint against these "white higher-ups that control all the levers of power in this state", stating that I was providing it to the debate panelists and moderator – a law professor – so that, assisted by first year law students – they could ascertain and verify "whether black and Hispanic legislators are being targeted, are being selectively investigated

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

and prosecuted”:

“so that there will be no doubt that, albeit there may very well be corruption on the part of Hispanic and black legislators, there’s greater corruption on the part of the higher-ups who are white....”.

The audience erupted in applause. I then placed the complaint on the elevated stage at the feet of the panelists and moderator. Immediately, Senator Sanders, standing below with the audience, picked it up, mounted the stage stairs with it, and deposited it prominently on the table of the panelists who had spoken against “conspiracy”, as if in rebuke to them.<sup>1</sup>

What Senator Sanders did – quietly demonstrating his awareness of the evidentiary significance of CJA’s April 15<sup>th</sup> corruption complaint in establishing invidious and selective prosecution of black and Hispanic “little fish”, while “big white whales” go free – must now be articulated by him, publicly, in support of legislative follow-up to his May 10<sup>th</sup> forum, including the holding of a hearing by the 48-member Black, Puerto Rican, Hispanic & Asian Legislative Caucus, of which he is a member. This is especially important as the forum’s law professor moderator cut me off from what I was saying and moved on to the next audience member at the microphone, without calling upon either the “corruption” or “conspiracy” panelists to respond to what I had said and without himself responding to my request that he and first year law students verify the complaint’s evidentiary significance to the question of invidious and selective prosecution of black and Hispanic legislators.

CJA’s April 15<sup>th</sup> corruption complaint is a bellwether by which to gauge U.S. Attorney Bharara’s investigations and prosecutions of black and Hispanic legislators – as well as those of U.S. Attorney Lynch, to whose office, on May 13<sup>th</sup>, I delivered a copy of the April 15<sup>th</sup> complaint. In fact, the copy I delivered for U.S. Attorney Lynch was the same copy as I had handed-up at the May 10<sup>th</sup> forum which, when the forum ended, remained on the “corruption” table where Senator Sanders had placed it.

You already have our April 15<sup>th</sup> corruption complaint, as I e-mailed it to all Senators and Assembly Members on May 7<sup>th</sup> with a coverletter entitled “Doing Your Part to End Public Corruption”. In pertinent part, it stated:

“...it should not be necessary for Senators and Assembly Members to be under indictment or criminal investigation to provide the U.S. Attorneys with information germane to our April 15<sup>th</sup> complaint – or to vote for basic legislative rules reform, without which New York State government will never be other than dysfunctional and corrupt. We urge you to do your part, consistent with U.S. Attorney Bharara’s

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<sup>1</sup> A video of Senator Sanders’ May 10<sup>th</sup> forum event – except for the opening movie “Let’s Get Bizzee!” – was posted by Azi Paybarah of capitalnewyork.com in his May 13<sup>th</sup> posting “*Video briefing: In southeast Queens ‘corruption’ edges ‘conspiracy’*”. It is posted on CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), on the webpage entitled “UNEQUAL JUSTICE: Going after Black & Hispanic ‘Little Fish’, While the ‘Big White Whales’ Go Free”, accessible via the top panel “Latest News”. My presentation, in the questions-and-answer segment, is at 1:30:29 – 1:34:26.

April 2<sup>nd</sup> and April 4<sup>th</sup> press conference remarks and his even more powerful April 22<sup>nd</sup> speech ‘*Public Corruption in New York: More than a Prosecutor’s Problem*’.” (at p. 2).

Here now is CJA’s May 13<sup>th</sup> letter to U.S. Attorney Lynch entitled “*United States of America v. John Sampson – Deal-making that Advances the Corruption-Fighting Agenda of U.S. Attorney Bharara and Repudiates the Appearance and Reality that Black & Hispanic Legislators are being Invidiously Investigated & Prosecuted*”. It identifies the significance of the April 15<sup>th</sup> complaint in establishing that Senator Sampson has valuable information to offer in exchange for a public-benefiting plea deal for himself – and that U.S. Attorney Lynch’s failure to make such plea deal with Senator Sampson:

“would be nothing less than a willful obstruction of U.S. Attorney Bharara’s corruption-fighting agenda, which, should he allow, could not be explained as other than collusion by the U.S. Attorneys to protect this state’s white political establishment to which [they] each owe [their] positions.” (at p. 5).

To better appreciate the public-benefitting deal that Senator Sampson has to offer, one has only to view the videos of the Senate Judiciary Committee’s June 8, 2009 and September 24, 2009 hearings on the Commission on Judicial Conduct and court-controlled attorney disciplinary system – presided over by its then chairman, Senator Sampson, who plainly did not have the backing of the white establishment for what he was doing. The absence of white Senators, on both the democratic and republican sides, could not have been more striking.<sup>2</sup>

I particularly recommend that you view the testimony of Pamela Carvel, Paul Altman, John Aretakis, Esq., and James Montagnino, Esq. at the June 8, 2009 hearing in Albany and of Catherine Wilson, Regina Felton, Esq., and Nora Renzulli, Esq. at the September 24, 2009 hearing in Manhattan. Start with the testimony of Ms. Felton, a distinguished black attorney. The judge whose abusive, corrupt conduct she testified about – and about whom the Commission on Judicial Conduct did nothing – was then suing for a pay raise as a plaintiff in *Maron v. Silver*, whose ultimate result was Chapter 567 of the Laws of 2010, the 2011 Special Commission on Judicial Compensation, and the fraudulent, statutorily-violative, and unconstitutional judicial pay raises that is the “grand larceny of the public fisc” for which the April 15<sup>th</sup> corruption complaint seeks indictment of New York’s all-white, highest constitutional officers, each directly and personally involved.

Meantime, so that the U.S. Attorneys may be properly informed as to what, if anything, the Legislature will do to investigate the testimony of Ms. Felton and of the other witnesses and would-be witnesses who furnished and proffered documentary proof of the corruption of the Commission on Judicial Conduct and court-controlled attorney-disciplinary system, please advise as to the steps you will be taking, individually, to make that happen.

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<sup>2</sup> The videos (and transcripts) of the hearings are posted on our website, including by the hyperlink “CJA’s Advocacy Leads to Senator John Sampson’s 2009 Hearings on the Commission on Judicial Conduct and Court-Controlled Attorney Disciplinary System”, accessible from our “Latest News” webpage.

Thank you.

Handwritten signature in black ink, appearing to read "Steno Ruff".

Enclosure: CJA's May 13, 2013 letter/complaint to U.S. Attorney Loretta Lynch

cc: U.S. Attorney Preet Bharara  
U.S. Attorney Loretta Lynch  
Moderator & Panelists: "Attack on Black Leaders: Corruption or Conspiracy?"  
St. Johns Law Professor Leonard Baynes  
Former Assemblyman Michael Benjamin  
Senator Sanders' Chief of Staff Paul Nichols  
Richard Washington, Esq.  
Zachary Carter, Esq.  
The Public & Press