

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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Elena Ruth Sassower, Director

BY EXPRESS MAIL

January 5, 2015

United States President Barack Obama
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

RE: Request that You Reconsider and Withdraw Your Nomination of U.S. Attorney Loretta Lynch to be Attorney General Based on Documentary Evidence of her Corruption – & that You Refer What She & Other U.S. Attorneys Have Been “Sitting On” to the Justice Department’s Public Integrity Section of its Criminal Division

Dear Mr. President:

On December 17, 2014, with the close of the Senate session, your nomination of U.S. Attorney Loretta Lynch to be U.S. Attorney General was returned to you pursuant to Rule XXXI, ¶6 of the Standing Rules of the Senate.¹

This is fortunate, both for you and the American People, as it gives you the opportunity to reconsider and withdraw your nomination of U.S. Attorney Lynch based on documentary evidence of her corruption as U.S. Attorney for the Eastern District of New York, both in her first and second terms.

¹ Senate Rule XXXI, ¶6: states

“Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.”

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

Had the Justice Department properly vetted U.S. Attorney Lynch, you assuredly would not have nominated her on November 8, 2014 to be this nation's highest law enforcement officer – or on January 20, 2010 to be U.S. Attorney for the Eastern District of New York for a second time.

Any proper vetting would have included an inquiry of the Justice Department's Office of Professional Responsibility as to whether U.S. Attorney Lynch had been the subject of any complaints of professional misconduct² – a question U.S. Attorney Lynch would also have been asked. This would have revealed a monumental March 23, 2001 professional misconduct complaint against her and against the then U.S. Attorney for the Southern District of New York, Mary Jo White,³ filed by our non-partisan non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). Presented therein were the particulars – and the most amazing documentary proof – of their flagrant disregard of law, rules, and policy relating to conflict of interest, recusal, and supervisory duties with respect to corruption complaints we had filed in 1999-2000 with each of them against high-ranking New York State officials and state agencies whose power and influence had insulated them from state prosecution for systemic governmental corruption. Among these, New York's then Governor and then Attorney General, as well as the sole state agency with disciplinary jurisdiction over the Governor and Attorney General, which was then the State Ethics Commission – all three shown to be covering up and perpetuating the corruption of New York's Commission on Judicial Conduct, the sole state agency having disciplinary jurisdiction over the state's judges. Indeed, the reach of the 1999-2000 corruption complaints extended to New York's federal courts and the U.S. Supreme Court, shown to be corrupted, at every level, to cover up and perpetuate the unconstitutionality and unlawfulness of New York's attorney discipline system, controlled by the New York courts and employed by them to retaliate against judicial whistleblowing attorneys.⁴

² The Justice Department's Office of Professional Responsibility was "established to ensure that Department of Justice attorneys and law enforcement personnel perform their duties in accordance with the highest professional standards expected of the nation's principal law enforcement agency." To that end, it is charged with handling complaints of professional misconduct against U.S. Attorneys. See Department of Justice's webpage: "About the Office and OPR Policies and Procedures": <http://www.justice.gov/opr/about-opr.html>.

³ Ms. White was U.S. Attorney for the Southern District of New York from 1993-2001. From 1990 – 1993, she was First Assistant U.S. Attorney and later Acting U.S. Attorney for the Eastern District of New York. On February 7, 2013, you nominated her to be chair of the Securities and Exchange Commission. She was confirmed by the Senate on April 8, 2013 and sworn in two days later. See the SEC's webpage: <http://www.sec.gov/about/commissioner/white.htm#VKIHsU10w3E>.

⁴ The corruption of New York's federal judiciary and the U.S. Supreme Court, perpetuating New York's unconstitutional and unlawful court-controlled attorney disciplinary system, was particularized and documentarily established by the petition for a writ of certiorari, supplemental petition, and petition for rehearing to the U.S. Supreme Court, in the federal civil rights action *Doris L. Sassower v. Hon. Guy Mangano, et al.* – and the November 6, 1998 impeachment complaint against the Justices based thereon. These were furnished to U.S. Attorney Lynch by our September 7, 1999 corruption complaint [See (blue) File Folder I: <http://www.judgewatch.org/web-pages/searching-nys/nys-ethics-commission-3-26-99-complaint.htm>]. The extraordinary record of the case, documentarily rebutting the federal judiciary's pretense as to the adequacy of remedies to address federal judicial misconduct, was focally-presented by CJA's March 6, 2008 Critique of the Breyer Committee Report "on the Implementation of the Judicial Conduct and Disability Act of 1980" – a copy of which I hand-delivered to your Senate office on May 13, 2008 so that you could support our

Proper vetting would have also revealed a major scandal in the handling of complaints by the Justice Department's Office of Professional Responsibility. This would have been immediately obvious from comparing its May 3, 2001 letter dismissing the March 23, 2001 misconduct complaint as "unsupported by any evidence and without merit" with the March 23, 2001 complaint and its referred-to and accompanying underlying correspondence with U.S. Attorneys Lynch and White and their staffs. Presumably, the Office of Professional Responsibility has a policy to preserve these, quite apart from preservation of the voluminous substantiating documentation, including casefile records, that the complaint and correspondence identified as having been furnished to U.S. Attorneys Lynch and White for investigation, prosecution, and referral to the Justice Department's Public Integrity Section of its Criminal Division.

We sent U.S. Attorney Lynch copies of the March 23, 2001 misconduct complaint, certified mail/return receipt, simultaneously with sending it to the Office of Professional Responsibility. Did she disclose it before she obtained, in 2010, your nomination for a second term as U.S. Attorney for the Eastern District of New York? Did she disclose it before obtaining your nomination for Attorney General? These are among the questions we asked the Senate Judiciary Committee by letter dated December 17, 2014, requesting information and documents, in addition to requesting to testify in opposition at the Committee's public hearing on her confirmation.

In fact, there is no need for a Senate Judiciary Committee confirmation hearing, as your duty is to NOT resubmit her nomination to the Senate in this new session. And reinforcing this duty is the scandalous truth – which the press has yet to report to the American People – that the Senate Judiciary Committee's own vetting is a fiction and its confirmation hearings essentially rigged to ensure confirmation, which it does by excluding opposition testimony from members of the public having dispositive evidence of nominee unfitness, such as corruption and ethics breaches.

At bar, NO Senator can vote for U.S. Attorney Lynch's confirmation based on the evidence here presented.

Enclosed is a copy of CJA's December 17, 2014 letter to the Senate Judiciary Committee. It recites my phone calls to the Committee, both its Democratic and Republican sides, beginning on November 10, 2014, notifying it of our March 23, 2001 professional misconduct complaint against U.S. Attorney Lynch, pertaining to her first term as U.S. Attorney for the Eastern District of New York, as well as her further professional misconduct in her current second term, with respect to a fully-documented corruption complaint, filed with her in 2013. That complaint was hand-delivered to U.S. Attorney Lynch's office on May 13, 2013 and rested on and enclosed the corruption complaint we had filed on April 15, 2013 with U.S. Attorney for the Southern District of New York Preet Bharara against the highest constitutional and public officers and employees in New York's three government branches. Among these: New York's Governor, Attorney General, Comptroller, and State Budget Director, Temporary Senate President, Assembly Speaker, Chief Judge and Chief Administrative Judge. At issue is their "grand larceny of the public fisc" and other corruption with

request for congressional hearings and disciplinary and criminal investigation of the Breyer Committee Report, whose fraudulence our Critique meticulously chronicled. My June 19, 2008 and June 26, 2008 correspondence on the subject with your legislative counsel, Rachana Bhowmik, is posted on our website, via this link: <http://www.judgewatch.org/web-pages/judicial-discipline/federal/correspondence-gov-branches.htm>.

respect to passage of the combined Judiciary/Legislative budgets for fiscal year 2013-2014 – in which were embedded fraudulent, statutorily-violative, and unconstitutional judicial salary increases. The underlying facts, particularized and fully-documented by the May 13, 2013 and April 15, 2013 corruption complaints, were – as U.S. Attorney Lynch would have recognized – an update to our 1999-2000 complaint as to what had transpired in the 13 years since with respect to New York’s Commission on Judicial Conduct and court-controlled attorney disciplinary system, involving New York’s Attorney General and a corrupted state judicial process.

U.S. Attorney Lynch’s response to the May 13, 2013 complaint – like her response to our fully-documented 1999-2000 corruption complaint – was none. Similarly, there was no response from U.S. Attorney Bharara to the April 15, 2013 corruption complaint. Nor from U.S. Attorney for the Northern District of New York Richard Hartunian, to whom, on June 13, 2013, we filed a corruption complaint also resting on the April 15, 2013 corruption complaint. And, notwithstanding these complaints furnished all three U.S. Attorneys with *prima facie* proof on which to bring immediate indictments, starting with the Governor and including the Attorney General, each kept silent while the Governor, aided by the Attorney General, postured themselves as corruption fighters and set up a Commission to Investigate Public Corruption on July 2, 2013.

U.S. Attorneys Lynch and Bharara testified before the Commission to Investigate Public Corruption at its first public hearing on September 17, 2013 – each being heralded as – and heralding themselves as –champions against public corruption. In fact, and as established by the April 15, 2013, May 13, 2013, and June 13, 2013 corruption complaints they were “sitting on”, they were each complicit in monstrous public corruption, causing vast, irreparable injury to the People of the State of New York.

All the evidentiary proof substantiating our enclosed December 17, 2014 letter to the Senate Judiciary Committee, including video of dozens of New Yorkers testifying in 2009 and 2013 about the corruption of the Commission on Judicial Conduct and court-controlled attorney disciplinary system that has destroyed their lives (for which U.S. Attorney Lynch’s responsibility dates to our 1999-2000 corruption complaint), is posted on our website, www.judgewatch.org, accessible with this letter *via* the prominent homepage link: “CJA’s Citizen Opposition to Senate Confirmation of U.S. Attorney Loretta Lynch as U.S. Attorney General”.

Should you require hard copies or originals of any of the posted materials to facilitate your proper vetting of U.S. Attorney Lynch, we will promptly furnish same. I am available to answer questions, including under oath. Meantime, your interrogation of U.S. Attorney Lynch can proceed expeditiously, as she is already familiar with the December 17, 2014 letter, which I e-mailed her on December 19, 2014 with a coverletter, expressly inviting her response. We received none – nor from U.S. Attorneys Bharara and Hartunian or from past U.S. Attorneys for the Eastern District of New York, to whom the coverletter was also addressed and simultaneously e-mailed, with an invitation for their responses as well. A copy is enclosed.

Mr. President, as a result of U.S. Attorney Lynch’s willful and deliberate nonfeasance and that of former U.S. Attorney White in 1999-2000, covered up by the Justice Department’s Office of Professional Responsibility, and now again, in her current term, aided and abetted by U.S. Attorneys Bharara and Hartunian, the situation in the Empire State is dire. Public corruption infests the highest levels of New York’s three government branches, victimizing the People of New York with all

manner of injustices and unconstitutional abuses, depriving us of honest government services, and outrightly stealing our hard-earned tax-dollars. The Commission on Judicial Conduct, whose duty is to investigate complaints against New York state judges, is a corrupt façade. So, too, the Joint Commission on Public Ethics, whose duty is to investigate complaints against New York's executive and legislative officers and employees. These and other state authorities and officers – first and foremost, New York's Attorney General and District Attorneys – all ignore conflict of interest rules and procedures, as do the U.S. Attorneys, with the result that there are no investigations, no disciplinary or criminal prosecutions, and a continued “green light” to government lawlessness in every quarter. This includes the courts, where self-interested and biased judges act with impunity, eviscerating all adjudicative standards and throwing cases by fraudulent judicial decisions.

So that you can see the latest affront to the long-suffering People of New York to which there has been no response from U.S. Attorney Lynch or from her collusive colleagues, U.S. Attorneys Bharara and Hartunian – a copy of CJA's December 12, 2014 coverletter to them is enclosed with its transmitted December 11, 2014 ethics complaint to the Joint Commission on Public Ethics.

Mr. President, we respectfully request that you refer the self-interested lawlessness detailed by this December 11, 2014 ethics complaint to the Justice Department's Public Integrity Section⁵ for prompt commencement of a mandamus proceeding against New York's Governor and Legislative Leaders to compel their statutorily-required appointment of the review commission to evaluate the functioning of the Joint Commission on Public Ethics and Legislative Ethics Commission – the state agencies having ethics jurisdiction over them. Likewise, that you refer the related and underlying fully-documented corruption complaints that we filed with your three U.S. Attorneys for the Eastern, Southern, and Northern Districts of New York on April 15, 2013,⁶ May 13, 2013, and June 13, 2013, without response from them, even in face of notice of the consequences of their inaction.

What would your would-be Attorney General Lynch advise? Will she turn over, for your inspection and that of the Senate Judiciary Committee and the Public Integrity Section, the May 13, 2013 corruption complaint I hand-delivered to her office, and whose volume of accompanying documentary proof can be seen from the video of my testimony at the same September 17, 2013 hearing of the Commission to Investigate Public Corruption at which she testified.⁷

⁵ See the Justice Department's webpage for its Public Integrity Section: <http://www.justice.gov/criminal/pin/>

“The Public Integrity Section (PIN) oversees the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section has exclusive jurisdiction over allegations of criminal misconduct on the part of federal judges and also supervises the nationwide investigation and prosecution of election crimes. Section attorneys prosecute selected cases against federal, state, and local officials, and are available as a source of advice and expertise to other prosecutors and investigators.”

⁶ The April 15, 2013 corruption complaint, on which the others rest, is part of our December 11, 2014 ethics complaint to the Joint Commission on Public Ethics, herewith enclosed.

⁷ U.S. Attorney Lynch did not stay to hear my own testimony or the testimony of any of the dozen and a half citizen witnesses at the September 17, 2013 hearing. She and U.S. Attorney Bharara departed either immediately after she finished testifying – or after the testimony of the third witness at the hearing, Manhattan

And what would her advice be for rectifying the corruption of the Justice Department's Office of Professional Responsibility, of which she is the beneficiary, as evidentiarily-established by its dumping of our March 23, 2001 professional misconduct complaint against her. Or does she dispute that evidence?

Thank you.

Most respectfully,



ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc.

Enclosures: (1) CJA's December 17, 2014 letter to the Senate Judiciary Committee
(2) CJA's December 19, 2014 transmittal coverletter to U.S. Attorney Lynch, etc.
(3) CJA's December 12, 2014 transmittal coverletter to U.S. Attorney Lynch, etc.
(4) CJA's December 11, 2014 ethics complaint to Joint Commission on Public Ethics

cc: U.S. Attorney for the Eastern District of New York Loretta Lynch
U.S. Senate Judiciary Committee
U.S. Attorney for the Southern District of New York Preet Bharara
U.S. Attorney for the Northern District of New York Richard Hartunian
The Public & The Press

District Attorney Cyrus Vance. As she exited, I approached her, introduced myself, and identified that I had received no response to the May 13, 2013 corruption complaint I had filed with her office. Looking right at me, her sole response was a smirk, as she kept right on walking.