

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101  
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: [cja@judgewatch.org](mailto:cja@judgewatch.org)  
Website: [www.judgewatch.org](http://www.judgewatch.org)

By Fax & Certified Mail

March 11, 2015

TO: U.S. Senate Select Committee on Ethics  
Chair: Senator Johnny Isakson  
Vice Chair: Senator Barbara Boxer  
Rank & File Members: Senator Pat Roberts, Senator Christopher Coons,  
Senator James E. Risch, Senator Brian Schatz

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

RE: Complaint against the U.S. Senate Judiciary Committee's 20 Senators & Culpable Staff for Fraud, Corruption, & Betrayal of their Duties of Office & the Public Trust with Respect to the Confirmation of U.S. Attorney Loretta Lynch as U.S. Attorney General

The 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. Over our 25-year history, we have repeatedly documented that the Senate Judiciary Committee's vetting of nominees for the lower federal judiciary is a fiction and that its confirmation hearings are 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. The proof of this is posted on our website, [www.judgewatch.org](http://www.judgewatch.org), accessible *via* the sidebar panel "Judicial Selection-Federal".

We have now documented that the Senate Judiciary Committee identically corrupts the confirmation process for the nation's top law enforcement officer: the cabinet level Attorney General nominee. The proof of this is also posted on our website and is accessible from a prominent homepage link: "CJA's Citizen Opposition to Senate Confirmation of U.S. Attorney Loretta Lynch as U.S. Attorney General".

Pursuant to Senate Resolution 338 and the Senate Select Committee on Ethics' powerful implementing Procedural Rules, the Select Committee is established to:

"receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto" (Senate Resolution 338, §2(a)(1)).

As the Senate Judiciary Committee's fraudulent vetting and rigging of U.S. Attorney Lynch's confirmation as Attorney General are within the ambit of the Select Committee's jurisdiction, I, as CJA's co-founder and director, and on behalf of the long-suffering People of the State of New York, the American People, and the public interest, hereby file this sworn complaint against:

Senate Judiciary Committee Chair Charles Grassley and his culpable staff including his chief nominations counsel, Ted Lehman, Esq., and his former counsel, David Rybicki, Esq., who, during the course of the confirmation, became chief counsel to Senator David Perdue, a Senate Judiciary Committee member;

Senate Judiciary Committee Ranking Member Patrick Leahy and his culpable staff<sup>1</sup>;

The Senate Judiciary Committee's 18 rank and file members and their culpable staff:

Senator Richard Blumenthal	and his counsel: Sam Simon, Esq.
Senator Christopher Coons <sup>2</sup>	and his counsel: Andrew Crawford, Esq.
Senator John Cornyn	and his counsel: Noah Phillips, Esq.
Senator Ted Cruz:	and his counsel: Ryan Newman, Esq.
Senator Dick Durbin:	and his counsel: Daniel Swanson, Esq.
Senator Dianne Feinstein:	and her counsel: Kirstin Dunham, Esq.
Senator Jeff Flake:	and his counsel: Gary Barnett, Esq.
Senator Al Franken	and his counsel: Leslie Hylton, Esq.
Senator Lindsey Graham	and his counsel: David Glaccum, Esq.
Senator Orrin Hatch	and his counsel: Tom Jipping, Esq.
Senator Amy Klobuchar	and her counsel: Kirsten Dunham, Esq.
Senator Michal Lee	and his counsel: Mike Lemon, Esq.
Senator David Perdue	and his counsel: John Eunice, Esq., as well as his chief counsel David Rybicki, Esq.
Senator Charles Schumer	and his legislative correspondent: Joseph Hartunian <sup>3</sup>

<sup>1</sup> Senator Leahy's democratic Senate Judiciary Committee staff routinely state that it is "office policy" not to furnish their own last names or the names of its counsel. Such anonymous counsel never contacted me, including in response to my initial phone call to the democratic then-majority side on November 10, 2014, when Senator Leahy was chairman. By contrast, Mr. Rybicki, then counsel to then Ranking Member Grassley, returned my initial call to the republican then-minority side on November 11, 2014 – though never thereafter, including in response to my several phone messages for him.

<sup>2</sup> Senator Coons, being a member of this Senate Select Committee on Ethics, is disqualified from the determination of any aspect of this complaint against him and the staff he supervises (Senate Resolution 338, §1(d)(1); Committee Procedural Rule 1, §k: "Ineligibility or Disqualification of Members and Staff").

<sup>3</sup> Joseph Hartunian is the son of the U.S. Attorney for the Northern District of New York, Richard Hartunian, and should have disqualified himself – and/or been disqualified by Senator Schumer – from handling CJA's citizen opposition to U.S. Attorney Lynch, as its particulars included his father's collusion with U.S. Attorney Lynch and U.S. Attorney for the Southern District of New York Preet Bharara in high-level New York State governmental corruption. (See CJA's December 19, 2014 letter to U.S. Attorney Lynch, which was also to U.S. Attorneys Hartunian and Bharara, and CJA's January 6, 2015 letter to U.S. Attorney

Senator Jeff Sessions and his counsel: Rachael Tucker, Esq.  
Senator Thom Tillis and his counsel: Ray Starling, Esq.  
Senator David Vitter and his counsel: James Holland, Esq.  
Senator Sheldon Whitehouse and his counsel: Lara Quint, Esq.

My direct, first-hand interaction with the Senate Judiciary Committee's 20 senate members, *via* staff under their supervision, pertaining to U.S. Attorney Lynch, is memorialized by a "paper trail" of my correspondence with them. Such amply supports findings of "substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred" and that the violation is not "inadvertent, technical, or otherwise of a de minimis nature". (Senate Resolution 338, §2(d)(1) & (3); Committee Procedural Rule 3(g)).

In brief, the Senate Judiciary Committee's 20 senators, themselves mostly lawyers and many former state attorneys general or U.S attorneys, were all given notice of CJA's dispositive December 17, 2014 and January 6, 2015 letters to the Committee, which I wrote, particularizing CJA's citizen opposition to U.S. Attorney Lynch's confirmation as Attorney General and providing, in substantiation, *via* CJA's website:

- (1) *prima facie* proof of her corruption, in office, as U.S. Attorney for the Eastern of New York, in both her first and second terms, willfully and deliberately ignoring CJA's fully-documented complaints of systemic New York State governmental corruption involving its highest public officers and key oversight entities, causing ongoing and irreparable injury to the People of the State of New York;
- (2) *prima facie* proof of her willful and deliberate violation of laws, rules and policy relating to conflict of interest, disqualification, and supervisory responsibilities, particularized and documented by CJA's March 23, 2001 complaint of professional misconduct against her – whose fraudulent dismissal by the Justice Department's Office of Professional Responsibility paved the way for her nomination to a second term and as Attorney General;
- (3) *prima facie* proof of the inadequacy of her answer to the question about "Potential Conflicts of Interest" in the public portion of the Senate Judiciary Committee's questionnaire;
- (4) *prima facie* proof of corruption and deficiency in the Justice Department's vetting of her nomination, on behalf of the President, and evidence constituting reasonable cause to believe she failed to disclose, pre-nomination, to the President and Justice Department CJA's March 23, 2001 professional misconduct complaint against her and that, post-nomination, she perjured herself in answering the confidential portion of the Senate Judiciary Committee questionnaire inquiring – and requesting "full details" – as to whether she had ever been "the subject of a complaint... for breach of

ethics, unprofessional conduct or violation of any rule of practice”.

The misconduct of U.S. Attorney Lynch, particularized and documented by CJA’s December 17, 2014 and January 6, 2015 letters, is per se disqualifying and imposed upon each of the Committee’s 20 senators and their counsel the duty to ensure that it was investigated and reported with findings to the full Committee so that, expeditiously, the members could vote to reject her nomination as Attorney General without the necessity of an embarrassing public confirmation hearing and without the Committee wasting valuable time and taxpayer money in pursuing other areas of inquiry, such as her constitutional and legal views, recognized, from the outset, as unlikely to garner sufficient votes to bar her confirmation. This, quite apart from their duty, pursuant to the Code of Ethics for Government Service, to “Expose corruption wherever discovered”<sup>4</sup> — a duty U.S. Attorney Lynch had flagrantly violated and was continuing to violate.

Instead, in violation of their duty of office and the public trust, the Committee’s democratic senators, acting on their partisan interests to deliver a confirmation for a democratic president, colluded with the Committee’s republican senators, acting on their partisan interests to “play to their base” in opposing the president’s policies and actions and those of Attorney General Holder. Because the December 17, 2014 and January 6, 2015 letters would undermine their respective partisan objectives, they conspired to dispense with investigating and making any findings with respect thereto. This, where the accuracy of the letters was completely uncontested by U.S. Attorney Lynch, her fellow U.S. Attorneys Preet Bharara (SDNY) and Richard Hartunian (NDNY), and her predecessor U.S. Attorneys for the Eastern District of New York, to whom I had sent the letters, inviting their responses, without response from them.

In conjunction with this non-vetting of CJA’s December 17, 2014 and January 6, 2015 dispositive opposition letters, whose truth was not only uncontested but readily-apparent, the Committee’s senators and staff ignored my requests for the posting of the letters on the Committee’s webpage for the nomination<sup>5</sup>, ignored my requests to testify at the confirmation hearing based on the letters, and ignored my requests that the senators themselves question U.S. Attorney Lynch about the letters at the confirmation hearing and, thereafter, by their post-hearing written questions to her.

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<sup>4</sup> The Code of Ethics for Government Service is identified by the Select Committee’s Ethics Manual as having been “passed by Concurrent Resolution...[and] specifically listed in the Committee’s Rules as a source of jurisdiction for the Committee under S. Res. 338.” (See p. 436 of Ethics Manual [Appendix E: “Improper Conduct Reflecting Upon the Senate and General Principles of Public Service”]).

<sup>5</sup> Upon information and belief, the only reason CJA’s December 17, 2014 letter was posted on the Senate Judiciary Committee’s webpage for the nomination – belatedly, shortly before 6 pm on January 23, 2015 – was because a reporter from the Washington Times had inquired about why the letter, which itself requested that it be posted, had not been, while letters supportive of the nomination had. See, January 22, 2015 article by Jim McElhatton “*Senate urged to ask AG nominee Loretta Lynch about stock fraud case*”: <http://www.washingtontimes.com/news/2015/jan/22/senate-urged-to-ask-loretta-lynch-about-stock-frau/?page=all#pagebreak>. To date, CJA’s December 17, 2014 letter is the ONLY opposition letter posted on the webpage: <http://www.judiciary.senate.gov/nominations/executive/pn4-114> – and the ONLY letter containing a request to testify in opposition at the Senate Judiciary Committee’s hearing on her confirmation.

Indeed, over and beyond not “inviting” me to testify at the January 29, 2015 hearing reserved for witnesses, not a single one of the Committee’s 20 senators asked U.S. Attorney Lynch a single question about the letters in the nearly eight hours in which she was before them on January 28, 2015 – or by their two sets of nearly 900 post-hearing written questions which they directed for her response. This, in face of the obvious fact, so-stated by my February 13, 2015 letter to them, that the December 17, 2014 and January 6, 2015 letters and their accompanying evidentiary proof “put the LIE, resoundingly, to a multitude of written answers that U.S. Attorney Lynch [had] given to the Committee’s [first set of] written questions, as likewise to her testimony and oral responses at the Committee’s January 28, 2015 confirmation hearing.”

Illustrative of this are the following from the Committee’s first set of written questions and U.S. Attorney Lynch’s February 9, 2015 written answers:

Chairman Grassley’s question #25b: “Can you provide examples of how you have been an independent voice during your government service?...”

U.S. Attorney Lynch’s answer: “As the United States Attorney for the Eastern District of New York, I have been entrusted with a profound duty to bring independence and integrity to every investigation and prosecution and exercise the significant authority of the office completely free of bias, fear, or favor. My record demonstrates my unwavering commitment to fulfilling that duty. In the field of public corruption, for example, my Office has never hesitated to pursue investigations and prosecutions of corrupt public officials, no matter how powerful they might be.... If I am fortunate enough to be confirmed, I will bring that same steadfast commitment to independence and integrity to the position of Attorney General.”

Chairman Grassley’s question #55e: “What steps would you take to create a more independent and credible system of attorney discipline at the Department?”

U.S. Attorney Lynch’s answer: “OPR [Office of Professional Responsibility] has been recognized consistently as a strong, independent entity within the Department that has a long and distinguished history of investigating allegations of attorney misconduct and recommending appropriate punishment. If I am confirmed as Attorney General, I commit to ensuring that OPR continues to be a strong, independent entity, within the Department of Justice.”

Senator Cornyn’s question #3: “What assurance can you provide that you will prevent the President from violating the Constitution?”

U.S. Attorney Lynch’s answer: “The Attorney General must be a forceful, independent voice of justice and a fierce defender of the constitutional rights of all Americans. I have devoted my professional life to the pursuit of justice and the defense of the ideals and principles set forth in the Constitution of the United States of America....”

U.S. Attorney Lynch's answer to Senator Cruz' question (at p. 16) and Senator Perdue's question #5 about appointing independent counsel to investigate IRS scandal: "I believe that it is critically important that all investigations by the Department of Justice are conducted in a fair, objective, professional, and impartial manner, without regard to politics or outside influence. We must follow the facts wherever they lead, and must always make our decisions regarding any potential charges based upon the facts and the law, and nothing more. That is what I have always done as a United States Attorney, and it is what I will do if I am confirmed as Attorney General...."

Then, too, because my requests for basic information about the Senate Judiciary Committee's confirmation "process" and for documents would expose that U.S. Attorney Lynch's confirmation as Attorney General was being rigged, the Committee and its 20 senators also ignored these requests, including:

- (1) for the confidential portion of the Committee's questionnaire or even the simple acknowledgment that it asks whether the nominee has ever been the subject of a complaint of professional misconduct;
- (2) for a copy of the "ethics agreement" referred-to by U.S. Attorney Lynch's deficient response to the question about "Potential Conflicts of Interest" on the Committee's public portion of its questionnaire;
- (3) for a copy of U.S. Attorney Lynch's completed public portion of her Committee questionnaires for her 1999 and 2010 confirmations as U.S. Attorney, and the transcripts, videos, and other records of those confirmations;
- (4) for the Committee's criteria for "inviting" witnesses to testify at its hearing on U.S. Attorney Lynch's confirmation as Attorney General;
- (5) for the Committee's procedures for ensuring the accuracy of its record of U.S. Attorney Lynch's confirmation as Attorney General, *to wit*, inclusion of opposition letters received by the Committee, not just letters of support.

Yet, the most brazen of the senators' confirmation-rigging conduct was their staging of U.S. Attorney Lynch's confirmation hearing to include not a single opposition witnesses and then implying, where not actually stating, that her qualifications are so impeccable that there was no one to testify against her. Thus, at the January 29, 2015 hearing<sup>6</sup>:

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<sup>6</sup> Upon information and belief, the Senate Judiciary Committee's January 28-29, 2015 confirmation hearing was immediately transcribed. Likewise, its February 12, 2015 and February 26, 2015 executive business meetings pertaining to the confirmation. However, upon calling the Senate Judiciary Committee to find out where, on its website, these transcripts had been posted, I was told they were not. To no avail I protested that the transcripts, paid for by the taxpayers, should be posted. Consequently, the transcribed excerpts herein are my own, made from the posted videos.

Ranking Member Leahy: "...We have nine witnesses here today. Will those who oppose Loretta Lynch...would they please raise their hand? ...those who oppose her...as attorney general, will they please raise their hand? Let the record show, no hands were raised." (at 1:05)

Senator Feinstein: "...This is really a hearing to discuss the qualifications of a nominee, in this case a very distinguished, very well qualified nominee, on virtually any area that one can state. I really don't want to see that diminished by a critique of various people of the administration.... To me Loretta Lynch is an outstanding role model... Here's the use of a hearing on the qualifications of a nominee to criticize the administration on an area that Loretta Lynch had nothing to do with. I guess this is the coin of the realm here... So the fact that when Senator Leahy asked the question – I forgot how he put it, which of you is in opposition to Loretta Lynch. No one raised their hand and I think it's that way throughout the nation." (at 1:34)

Senator Whitehouse: "...Let me take my time to sort of review...where we are. No witness present today opposes Ms. Lynch as the nominee for Attorney General.

Ms. Attkisson is here as a litigant against the United States with her lawyer sitting beside her. Her testimony never mentions the nominee. And I would ask, actually, unanimous consent, that the redacted version of the I.G. report related to her claims, which she now has, be made a matter of record, which, without objection, it will be. Mr. Barlow supports the nominee enthusiastically. Reverend Newsome supports the nominee enthusiastically. Ms. Fedarcyk, to use her phrase, wholeheartedly endorses the nominee. Professor Legomsky is here mostly to talk about immigration. His testimony does not make clear whether he or does not support the nominee. May I ask you if you do?"

Professor Legomsky: "I certainly do. Thank you for asking, senator."

Senator Whitehouse: "Very well. That's now clear. Mr. Turley says that his interest today is not to discuss Ms. Lynch as much as the department she wishes to lead. But he goes on to say he has no reason to doubt the integrity and intentions of Ms. Lynch who displays obvious leadership and strength of character. Sheriff Clarke is here and wishes the nominee well. But he goes on, in his testimony, to say I want to spend some time critiquing Eric Holder's tenure. Professor Rosenkranz takes no position on the nominee but comments on the tenure of Eric Holder. Is that correct, professor?"

Professor Rosenkranz: [nods correct & inaudibly so-states]

Senator Whitehouse: "And Ms. Engelbrecht – did I say that right? Ms. Engelbrecht is an advocate for voter identification laws who would like Ms. Lynch to agree that voter identification laws are not efforts to suppress voting but took no specific position on the nominee, is that correct?"

Ms. Englebrecht: “No specific positions, sir. I have all the hope in the world that it will work out.”

Senator Whitehouse: “So let me say two things. One, some many years ago, George Washington set for himself what he called his Rules of Civility and Decent Behavior. He wrote 110 rules of civility and decent behavior to help him guide his own conduct in upright and honorable ways. I think it was Rule 89 of those Rules of Civility and Decent Behavior that George Washington kept that said the following – ‘speak not evil of the absent for it is unjust.’

There are plenty of forums where the Attorney General would have an opportunity to defend himself. This is not one. There is no forum here. There is no opportunity here for Attorney General Holder to answer these various charges that have been made. I think that is fundamentally unjust and I think it is frankly beneath the dignity of this Committee, at a time when we have a very significant and solemn charge before us to determine the fitness of a specific individual to be Attorney General of the United States, to launch a series of unanswerable attacks.

I have no problem with the attacks. My problem is the choosing this forum for them where the other – the individual in question has no chance to answer. I think fails President Washington’s test that one ‘speak not evil of the absent for it is unjust’. With respect to the other issues, I think we will have plenty of time to ventilate those in other forums. I’m sure we’ll have plenty of time to address immigration, address voter I.D. and voter suppression, address surveillance, address all of those things but once again in this forum, there’s no opportunity for another side to be presented. And I regret that this hearing and this solemn occasion has been co-opted to that extent, and turned into what appears to be a sound bite factory for Fox News and conspiracy theorists everywhere. We actually have a nominee in front of us. She appears, by all measures, to be a terrific person...” (at 1:37).

This charade was repeated at the Senate Judiciary Committee’s February 12, 2015 executive business meeting:

Senator Feinstein: “...I know of not one reason why Loretta Lynch should not be confirmed... Senator Leahy asked at the hearing, for those of you that weren’t there, and there were people there to speak in opposition and people to speak in support. It was a long line and he said is there anyone who has testified who believes she should not be confirmed. And not one hand went up. So, there are no negative letters, it’s all positive.... Her prosecutorial record is unparalleled. ...And it goes on and on and on... I see nothing. If someone can give me one reason why she should be held over, I’d like to hear it, but this woman has as close to a perfect record as I have ever heard in the six nominations that I’ve been on this committee for...”

Similarly at the February 26, 2015 executive business meeting:

Ranking Member Leahy: “...She is a superb prosecutor. She is a prosecutor’s prosecutor...She has earned the respect and admiration of both republicans and



democrats. I think of the people who testified, some who had complaints about the Justice Department, I asked everybody who testified, whether called by republicans or democrats, I said 'Is there anybody here who would oppose her confirmation, raise your hand.' And those of you who were there will remember that not a single hand went up. ...Numerous letters and statements...Not a single witness who testified opposed it..."

Senator Feinstein: "...not a single negative thing has emerged throughout the course of this hearing. And as I pointed out before, the civilian panel before us was asked the question by Senator Leahy, would any of you not vote for her and no one raised a hand. I thought that was really very significant.... She has run one of the largest U.S. Attorney's offices in the country... Her record is first rate..."

Senator Whitehouse: "...The republican committee staff have had months and months and months to do their job of prowling through her background and her history to look for damaging information. That is the prerogative of the staff, that is what they do. I do not fault them for doing that.

What's noteworthy, though, is that after all that lengthy effort, at the hearing, not one witness could be produced, not one, to oppose her nomination. Senator Leahy made this very clear when he asked the entire panel does any of you oppose the nomination. Instead we brought in an array of witnesses who had various grievances about the Department of Justice, but nothing ill to say about this nominee.

So we stand at this historic juncture and we have a completely unblemished nominee..."

These flagrant deceptions of Ranking Member Leahy and Senators Feinstein and Whitehouse were allowed to pass, unchallenged by the Senate Judiciary Committee's 17 other senators. Aided and abetted by their counsel and other staff, all collusively kept silent or made their own public statements of similar effect. Among these statements, by way of testimonial, that Ms. Lynch had twice been unanimously confirmed as U.S. Attorney, which was repeated time and again notwithstanding Chairman Grassley's admission, at the outset of the January 28, 2015 confirmation hearing, doubtless prompted by the inquiries reflected by CJA's December 17, 2014 letter, that U.S. Attorneys do not face confirmation hearings<sup>7</sup> – in other words, their confirmations are *pro forma*, rubber stamps:

Senator Schumer: "...no one can assail Loretta Lynch and no one has, who she is, what she has done... so instead some are trying to drag extraneous issues...to challenge her nomination because they can't find anything in her record to point to... she passed unanimously out of the Senate twice already. Wouldn't it be nice if we could we pass her unanimously out of the Senate a third time? Based on her record, we should. ...if we can't confirm Loretta Lynch, I don't believe we can confirm anyone..." (1/28/15 confirmation hearing); "...I recommended her to the president

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<sup>7</sup> "...you have already been confirmed to serve as a U.S. Attorney. But the process involved to serve as the 83<sup>rd</sup> Attorney General of the United States is a bit more rigorous. For one thing, U.S. Attorneys don't even have hearings, let alone one like this."

that she be nominated for U.S. Attorney twice and she passed unanimously... I can't understand why people would vote against her... Her qualifications are exceptional. Her performance as U.S. Attorney was great... I don't believe there is any excuse to delay the vote on such an exceptional nominee. ...Don't cast aspersions on her, which nobody has..." (2/12/15 executive business meeting); "...a supremely qualified nominee...she answered more QFR's, more than 800, than any other nominee in history...she is an eminently qualified law enforcement professional...someone who is committed in her bones to the equal application of justice for all people..." (2/26/15 executive business meeting).

Senator Hatch: "...I think she has all the qualifications that are needed... I think she's qualified. I think she's a good choice..." (2/12/15 executive business meeting); "...Her record includes a legal career that spans thirty years, including more than two decades as a prosecutor and two unanimous confirmations by the Senate ...her record shows that she is well qualified to be attorney general and does not include anything sufficient to overcome the presumption in favor of confirmation. The case against her nomination, as far as I can tell, essentially ignores her professional career and focuses solely on about six hours she spent before this committee on January 28<sup>th</sup>. I do not believe that is a proper way to evaluate a nominee's fitness for that position...." (2/26/15 executive business meeting).

Senator Sessions: "...she's a very fine person, I'm sure..." (2/26/15 executive business meeting).

Senator Cornyn: "...There is no doubt in my mind that Loretta Lynch is an accomplished attorney with an impressive record..." (2/26/15 executive business meeting).

Senator Cruz: "...Ms. Lynch has a remarkable career of professional achievements and in her tenure as US Attorney in the Eastern District of New York and has a reputation ..." (2/26/15 executive business meeting).

Senator Franken: "...she was easily confirmed twice, I believe unanimously, as U.S. attorney for one of the most prominent offices in this country...I have been continually impressed by her. She lives up to her reputation as a smart, but tough fair attorney. The Eastern District of New York has flourished under her capable leadership, no one denies that...she has prosecuted cases of...public corruption... she has coupled these courtroom successes with meaningful community engagement and relationship building with a variety of stakeholders... Ms. Lynch is an admirable public servant..." (2/26/15 executive business meeting).

Senator Coons: "...Loretta Lynch has been an exceptional U.S. Attorney...and it is also my view she has been an exceptional nominee.... She has also, if my understanding is correct, answered 897 questions for the record, which must be some sort of record..." (2/26/15 executive business meeting).

Senator Graham: "...I think she's well qualified. I think she's a decent person. I think she's lived a good life and done a good job as US Attorney..." (2/26/15 executive business meeting).

Senator Grassley: "...As all of my colleagues have said, Ms. Lynch has all those impressive credentials..." (2/26/15 executive business meeting).

Senator Blumenthal: "...I think she is qualified, in fact uniquely qualified, based on her experience, her background, her education, her demonstrated skill in the courtroom and her sense of integrity and intellect..." (2/26/15 executive business meeting).

All of this is fraud – so-revealed by the “paper trail” of my correspondence consisting of:

- (1) My December 17, 2014 letter to the Senate Judiciary Committee entitled: “Citizen Opposition to Senate Confirmation of U.S. Attorney Loretta Lynch as U.S. Attorney General: Requests to Testify, for Documents, & for Posting” and my transmitting December 19, 2014 letter to U.S. Attorney Lynch, her fellow U.S. Attorneys Bharara and Hartunian, and her predecessor U.S. Attorneys for the Eastern District of New York, simultaneously furnished to the Senate Judiciary Committee entitled “We Invite Your Responses to Our Fully-Documented Citizen Opposition to Senate Confirmation of U.S. Attorney Loretta Lynch as Attorney General”;
- (2) My January 6, 2015 letter to the Senate Judiciary Committee & additionally to U.S. Attorney Lynch & her fellow U.S. Attorneys Bharara and Hartunian entitled: “We Invite Your Responses to Our Fully-Documented January 5, 2015 Letter to President Obama Requesting Reconsideration & Withdrawal of his Nomination of U.S. Attorney Lynch to be Attorney General Based on Documentary Evidence of her Corruption – & Referral of What She & Other U.S. Attorneys Have Been ‘Sitting on’ to the Justice Department’s Public Integrity Section of its Criminal Division”;
- (3) My January 27, 2015 e-mails to 16 of the Senate Judiciary Committee’s 18 rank and file members entitled: “Dispositive Citizen Opposition to Senate Confirmation of US Attorney Loretta Lynch as Attorney General – & Request to Testify”;
- (4) My February 3, 2013 e-mail to the Senate Judiciary Committee entitled “ENSURING THE ACCURACY: of the Senate Judiciary Committee’s webpage for the nomination of U.S. Attorney Loretta Lynch as Attorney General – & the Committee’s ‘record’”
- (5) My February 3, 2015 e-mail to Senator Perdue’s counsel (John Eunice) entitled “Once Again – “Dispositive Citizen Opposition to Senate Confirmation of US Attorney Loretta Lynch as Attorney General – & Request to Testify”;

- (6) My February 5, 2015 e-mails to 15 of the Senate Judiciary Committee's 18 rank & file members entitled: "Your Written Questions to AG Nominee Loretta Lynch – & Inclusion of Opposition Letters in 'the Record' of the Senate Judiciary Committee's Proceedings on the Confirmation";
- (7) My February 5, 2015 e-mail to Senator Perdue's counsel (John Eunice), with copies to counsel to Senator Cruz (Ryan Newman) and counsel to Senator Vitter (James Holland) entitled "Taking the Lead in Collaboratively Verifying CJA's Dispositive Citizen Opposition to Senate Confirmation of AG Nominee Loretta Lynch – & President Obama's Duty to Have Withdrawn the Nomination, Etc.";
- (8) My February 9, 2015 e-mail to Senate Judiciary Committee entitled: "Request for: (1) Transcripts of the SJC's Jan. 28-29 Hearing to Confirm AG Nominee Loretta Lynch; (2) the Members 'Written Questions' to the Nominee; (3) Posting on the SJC Website";
- (9) My February 13, 2015 transmitting e-mails to all Senate Judiciary Committee members entitled "Reiterated Request for Submission of Written Questions to AG Nominee Lynch based on CJA's Dec. 17, 2014 & Jan. 6 Letters of Citizen Opposition";
- (10) My February 13, 2015 letter to all Senate Judiciary Committee members entitled: "Reiterated Request for Submission of Written Questions to Attorney General Nominee Loretta Lynch based on the Center for Judicial Accountability's Fact-Specific, Evidence-Supported December 17, 2014 and January 6, 2015 Opposition Letters, Dispositive of Her Unfitness & Corruption as U.S. Attorney for the Eastern District of New York";
- (11) My February 27, 2015 e-mail to Senate Judiciary Committee entitled "Making Public ALL the Committee's Follow-Up Written Questions to AG Nominee Lynch, ALL Her Follow-Up Written Answers & the Committee's Report on the Confirmation".

The foregoing correspondence, which I incorporate by reference, swearing to its truth, is all accessible from CJA's website, [www.judgewatch.org](http://www.judgewatch.org), via the menu of webpages that comprise "CJA's Citizen Opposition to Senate Confirmation of U.S. Attorney Loretta Lynch as U.S. Attorney General." It is there, on that menu page, that this complaint has now been posted.

Subsequent to my February 27, 2015 e-mail, reciting that the Senate Judiciary Committee's majority staff had stated to me, in response to my questions, that the Committee would be issuing a report on the confirmation but that "most probably" it would "not be a public document", I learned there would be no committee report.<sup>8</sup> The absence of a committee report facilitates misrepresentation as to what transpired in committee. Indeed, it has plainly facilitated the Committee's 10 democratic

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<sup>8</sup> The Library of Congress webpage for the nomination, <http://www.thomas.gov/cgi-bin/thomas>, identifies that it was reported by Chairman Grassley on February 26, 2015 "without printed report".

senators in misleading their democratic Senate colleagues – and a few other senators – to sign a March 5, 2015 letter to Senate Majority Leader McConnell, urging that he move U.S. Attorney Lynch's nomination as Attorney General for proceedings on the Senate floor.

I have tried to obtain a copy of the senators' March 5, 2015 letter. On March 9, 2015, Ranking Member Leahy's office told me that the letter "originated from Senate Judiciary staff", and connected me with the Senate Judiciary Committee's democratic minority side, where I was told that the letter is "not public" and that I must obtain it from Senate Majority Leader McConnell. This, notwithstanding the letter was clearly provided to the press, which quoted it in news reports, including its assertions that "No one questions that Ms. Lynch is qualified..." and "There is simply no credible reason for further delay". Upon calling Senate Majority Leader McConnell's office, I was asked to put my request for the letter in writing. This I now do, simultaneously furnishing this complaint to the Majority Leader.

Suffice to say that my phone call to the Senate Majority Leader was not the first time I phoned his office about U.S. Attorney Lynch's confirmation. I called on February 27, 2015 in the context of inquiring about a Senate Judiciary Committee report on the confirmation and requesting that it be made public, leaving a message for his counsel to review CJA's webpages of citizen opposition, accessible from our homepage. On March 9, 2015, I again pointed out the webpages, as revised for a complaint not yet posted.

If, based on this complaint, Senate Majority Leader McConnell does not remove from the Senate calendar the debate and vote on U.S. Attorney Lynch's confirmation as Attorney General that he has since scheduled for next week – and if Senate Minority Leader Reid does not agree to his doing so – the Select Committee on Ethics must take steps to protect the American People from the corruption and fraud perpetrated by the senators and staff of the Senate Judiciary Committee that is the subject of this complaint – and without which the nomination could not have been favorably voted out of committee and put on the Senate calendar.

To enable the Select Committee on Ethics to act with utmost expedition upon receipt of this sworn complaint, I furnished notice of its intended filing with the Select Committee on March 2, 2015, discussing it, by phone, with senior counsel Lynn Tran and guiding her to CJA's website and our webpages of citizen opposition. This, so that the Select Committee could get started on the necessary verification. Yesterday, at just after 2 p.m., I left an updating message for Ms. Tran. Noting that Senate Resolution 338 and the Select Committee's Procedural Rules do not require a sworn complaint for the Select Committee to commence its "preliminary inquiry", I stated that CJA's sworn complaint would be faxed and posted on our website today and that our webpages had been reconfigured for the Select Committee's convenience.

I am available to answer questions, including other oath. Indeed, I am eager to do so and to provide the Select Committee with particulars of my many phone calls to the Senate Judiciary Committee's republican and democratic sides since November 10, 2014, of my many phone calls to the offices of the 18 rank-and-file Senators of the Committee since January 26, 2015, and of the handful of responding phone calls I received, these being:

- (1) on November 11, 2014 from David Rybicki, then counsel to then Ranking Member Grassley;
- (2) on January 26, 2015 from Kate Laborde, on behalf of James Holland, counsel to Senator Vitter;
- (3) on February 3, 2015 from John Eunice, counsel to Senator Perdue; and
- (4) on February 5, 2015 from Ryan Newman, counsel to Senator Cruz.

As CJA's experience with the Senate Judiciary Committee is not unique, I am also eager to furnish the Senate Select Committee on Ethics with information about other members of the public who contacted the Senate Judiciary Committee with evidence of U.S. Attorney Lynch's official misconduct as U.S. Attorney, including offers to testify in opposition – without the slightest follow-up from the Senate Judiciary Committee – and to detail other ways in which the Senate Judiciary Committee rigged the confirmation to minimize, if not exclude, matter germane to her record in office.

In keeping with CJA's usual and customary practice of inviting responses from those about whom we critically write, this complaint is being furnished to the Senate Judiciary Committee, its senators, and their culpable staff, with an invitation for their responses. Likewise, to U.S. Attorney Lynch – and to her fellow U.S. Attorneys for the Southern and Northern Districts of New York: Preet Bharara and Richard Hartunian, whose responses we previously invited, without response from them. Such will not only accelerate the Select Committee's ability to question them, but accords with President Washington's Rule of Civility and Decent Behavior #89: "speak not evil of the absent for it is unjust", highlighted by Senator Whitehouse in his mock condemnation of the testimony of the witnesses at the January 29, 2015 hearing – of which I was not one.

Finally, so that President Obama may have the opportunity to share with the Select Committee the results of his investigation, *if any*, of CJA's January 5, 2015 letter to him, either before or after he resubmitted U.S. Attorney Lynch's nomination as Attorney General to the Senate on January 7, 2015 – and to identify whether he has referred the high-level New York State governmental corruption that U.S. Attorneys Lynch, Bharara, and Hartunian have been collusively "sitting on" to the Justice Department's Public Integrity Section of its Criminal Division, as the letter requested, this complaint is also being furnished to him. Needless to say, if President Obama has not made the requested referral, such reinforces the necessity that it be made by the Select Committee, consistent with the Code of Ethics for Government Service to "Expose corruption wherever discovered".

Thank you.



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

cc's: listed on next page

cc: Senate Majority Leader Mitch McConnell  
Senate Minority Leader Harry Reid  
Complained-Against Senate Judiciary Committee Members & Staff  
U.S. Attorney Loretta Lynch (EDNY)  
U.S. Attorney Preet Bharara (SDNY)  
U.S. Attorney Richard Hartunian (NDNY)  
President Barack Obama  
The Public & The Press

**AFFIDAVIT**

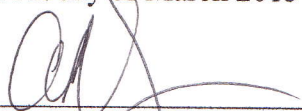
STATE OF NEW YORK            )  
COUNTY OF WESTCHESTER    ) ss:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

I am the co-founder and director of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). I have written the annexed complaint to the U.S. Senate Select Committee on Ethics and swear that same is true and correct of my own knowledge, information, and belief, and as to matters stated upon information and belief, I believe them to be true.

  
ELENA RUTH SASSOWER

Sworn to before me this  
11th day of March 2015

  
\_\_\_\_\_  
Notary Public

