

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY PRIORITY MAIL
CERTIFIED/RRR: Z-509-073-747

March 17, 2000

U.S. Attorney for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007

ATT: Andrew S. Dember, Chief, Public Corruption Unit

- RE: (1) Your wilful disregard of conflict of interest rules in connection with CJA's October 21, 1999 criminal complaint and request for intervention in *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551)
- (2) Supervision by your superiors and, specifically, by Mary Jo White, U.S. Attorney for the Southern District of New York

Dear Mr. Dember:

It is now three weeks since CJA's February 25, 2000 memorandum-notice to you in the above-entitled public interest Article 78 proceeding against the New York State Commission on Judicial Conduct. Such notice alerted you to the catastrophic consequence of your disrespect for *fundamental* conflict of interest rules in connection with CJA's October 21, 1999 criminal complaint and intervention request¹. It also called upon you to take corrective steps to protect the public and identified, as "your first duty", to "confront the *threshold* conflict of interest issues, heretofore wilfully ignored by you" (at p. 2)

¹ CJA's October 21, 1999 criminal complaint/intervention request to the U.S. Attorney for the Southern District of New York is part of the *Elena Ruth Sassower v. Commission* Article 78 file: annexed as Exhibit "H" to petitioner's November 5, 1999 letter to Justice Kapnick.

As you know, you purported to dispose of CJA's 20-page fully-documented October 21, 1999 criminal complaint by a 6-sentence letter dated December 30, 1999 (Exhibit "A"). Such letter not only wholly concealed that the complaint had raised conflict of interest issues, but that it had *expressly* sought the disqualification of the U.S. Attorney for the Southern District of New York and referral to the Public Integrity Section of the Justice Department's Criminal Division. Indeed, your letter neither identified nor addressed the grounds for disqualification, particularized by the complaint (at pp. 2, 19-20), nor the legal authority presented (at pp. 2-3) in support of disqualification and referral, *to wit*, the policy regarding "Recusals by United States Attorneys' Offices", set forth in the Annual Report of the Justice Department's Public Integrity Section, and 28 USC §528, "Disqualification of officers and employees of the Department of Justice" -- as to which the complaint asked you to provide a copy of the Attorney General's "rules and regulations" promulgated pursuant thereto (at p. 3, fn. 2).

Demand is, hereby, made for the legal authority by which, *without denying or disputing* that staff at the U.S. Attorney for the Southern District of New York, yourself included, have personal and professional relationships with those involved in the systemic governmental corruption which is the subject of CJA's October 21, 1999 complaint, and *without denying or disputing* the relevance of the Justice Department's recusal policy and of 28 USC §528 -- whose "rules and regulations" you did not supply -- you nonetheless purported to dispose of the complaint.

So that your superiors can see for themselves the flagrant manner in which you not only disregarded the "appearance" of your conflict of interest, but which you then manifested your *actual* conflict of interest by your dishonest disposition of the October 21, 1999 complaint, demand is hereby made that you forthwith transmit the complaint to your immediate superior, Alan Kaufman, Chief of the Criminal Division, and that, following his review of same, he transmit it to his superior, Mary Jo White, the U.S. Attorney for the Southern District of New York, for her direct attention and corrective action.

Such transmittal of CJA's October 21, 1999 complaint must include the copy of the file of *Elena Ruth Sassower v. Commission*, which CJA provided in substantiation of the complaint and intervention request. This should still be in your possession²,

² On December 3, 1999, you returned to CJA the box of materials which had been hand-delivered to the U.S. Attorney's office on October 21, 1999 with CJA's criminal complaint. The box's contents were mostly the documents that the Public Integrity Section had returned when it dismissed CJA's July 27, 1998 complaint [see October 21, 1999 complaint, p. 14). However,

including its physically-incorporated files of the two other most recent Article 78 proceedings against the Commission, likewise defended by litigation fraud by New York's highest law enforcement officer, the State Attorney General, and "thrown" by fraudulent judicial decisions of Supreme Court/New York County: *Doris L. Sassower v. Commission* (NY Co. #95-019141)³ and *Michael Mantell v. Commission* (NY Co. #99-108655)⁴.

The transmittal must also include CJA's February 25, 2000 memorandum-notice with its enclosed February 23, 2000 letter to Governor Pataki, as well as the further correspondence herein transmitted under CJA's memorandum-notice of today's date, most particularly, CJA's March 3, 2000 letter to Chief Judge Judith Kaye.

For your convenience and theirs, an inventory of the *Elena Ruth Sassower v. Commission* Article 78 file and of the post-decision correspondence is annexed hereto.

also included were documents which are part of the file of *Elena Ruth Sassower v. Commission*. Those file documents were redelivered to the U.S. Attorney's office on February 23, 2000, at the same time CJA delivered its February 23, 2000 memorandum-notice. An inventory, reflecting those retransmitted documents (#5, #6), as well as newly transmitted documents (#9, #11, #12), was provided to you at that time. All other documents from the file were not returned by you. This includes documents #1 - #4, which CJA hand-delivered to the U.S. Attorney SDNY-Civil Division - and which, as recited in CJA's October 21, 1999 complaint (at pp. 17-18), were supposed to have been transferred to you.

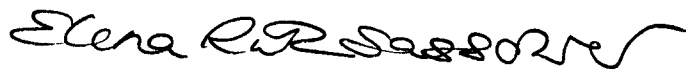
³ The "prior history" of the copy of the file of *Doris L. Sassower v. Commission*, hand-delivered to the U.S. Attorney's office on May 6, 1999, is recounted in CJA's October 21, 1999 complaint (see, *inter alia*, p. 15).

⁴ The copy of the file of *Mantell v. Commission* was hand-delivered to the U.S. Attorney's office, together with a copy of petitioner Elena Ruth Sassower's December 9, 1999 letter to Justice Wetzel. Exhibit "D" to that letter is CJA's analysis of Justice Lehner's fraudulent decision "throwing" the *Mantell* case.

March 17, 2000

I look forward to speaking personally with U.S. Attorney White or anyone she should designate, such as Mr. Kaufman. I trust they will not berate me, as you did when I called you on November 9, 1999, our first and only phone conversation following your receipt of CJA's document-supported October 21, 1999 criminal complaint/intervention request – abuse so irrational as to prompt me to remind you to sure to address the conflict of interest issues it presented.

Yours for a quality judiciary
and government integrity,



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

cc: Governor George Pataki
Chief Judge Judith Kaye
New York State Commission on Judicial Conduct
New York State Attorney General
Manhattan District Attorney
New York State Ethics Commission
U.S. Attorney for the Eastern District of New York
Association of the Bar of the City of New York
Media

Enclosures

INVENTORY: Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct (NY Co. #99-108551)

1. Petitioner's Notice of Right to Seek Intervention, Notice of Petition, and Verified Petition (April 22, 1999)
2. Attorney General's Affirmation (Carolyn Cairnes Olson) in Support of Respondent's Application Pursuant to CPLR §3012(d) (May 17, 1999)
3. Attorney General's Dismissal Motion (May 24, 1999), consisting of:
 - (a) Notice of Motion, with Affirmation of Assistant Attorney General Michael Kennedy and Affidavit of Albert Lawrence, Commission Clerk;
 - (b) Memorandum of Law in Support of Motion to Dismiss, signed by Assistant Attorney General Carolyn Cairns Olson
4. Petitioner's Omnibus Motion (July 28, 1999), consisting of:
 - (a) Notice of Motion, with Affidavit of Petitioner and Affidavit of Doris L. Sassower, CJA's Director;
 - (b) Memorandum of Law in Opposition to Respondent's Dismissal Motion & in Support of Petitioner's Motion for Disqualification of the Attorney General, Sanctions, a Default Judgment, and Other Relief
[with free-standing File Folders: see inventory annexed to Petitioner's Affidavit]
5. Attorney General's Reply Memorandum in Further Support of a Motion to Dismiss and in Opposition to Petitioner's Motion for "Omnibus Relief", signed by Assistant Attorney General Carolyn Cairns Olson (August 13, 1999)
6. Petitioner's Papers in Reply and in Further Support of her Omnibus Motion (September 24, 1999), consisting of:
 - (a) Petitioner's Reply Affidavit
 - (b) Petitioner's Reply Memorandum of Law
7. Petitioner's November 5, 1999 letter to Acting Supreme Court Justice Barbara Kapnick
8. Petitioner's December 2, 1999 letter to Acting Supreme Court Justice William Wetzel
9. Petitioner's December 2, 1999 letter to Administrative Judge Stephen Crane
10. Petitioner's December 9, 1999 letter to Acting Supreme Court Justice William Wetzel
[with file of *Mantell v. Commission* (NY Co. #99-108655)]
11. Petitioner's December 17, 1999 letter to Acting Supreme Court Justice William Wetzel
12. Decision/Order of Acting Supreme Court Justice William Wetzel, dated January 31, 2000

INVENTORY: *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct (NY Co. #99-108551)*

POST-DECISION CORRESPONDENCE:

1. CJA's February 7, 2000 memorandum-notice to Attorney General Spitzer and the New York State Commission on Judicial Conduct
2. CJA's February 23, 2000 letter to Governor George Pataki
3. CJA's February 25, 2000 memorandum-notice to the Proposed Intervenors
4. CJA's March 3, 2000 letter to Chief Judge Judith Kaye
5. CJA's March 3, 2000 letter to the Commission on Judicial Conduct
6. CJA's March 17, 2000 letter to the Proposed Intervenors
7. CJA's March 17, 2000 letter to Manhattan District Attorney
8. CJA's March 17, 2000 letter to U.S. Attorney for the Southern District of New York
9. CJA's March 17, 2000 letter to U.S. Attorney for the Eastern District of New York

Z 509 073 747

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse).

Sent to Andrew Denser, Chief
Public Corruption Unit
US Attorney - SDNY
1 Saint Andrew Plaza
 Post Office, State, & ZIP Code
NY NY 10007

Postage	\$ 3.20
Certified Fee	2.65
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 5.85
Postmark or Date	APR 27 1994

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Andrew Denser Chief
Public Corruption Unit
US Attorney SDNY
One Saint Andrew Plaza
NY, NY 10007

4a. Article Number

Z 509 073 747

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

3/24

5. Received By: (Print Name)

John P. Turano

6. Signature: (Addressee or Agent)

X John P. Turano

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3800, April 1995

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.