

# CENTER for JUDICIAL ACCOUNTABILITY, INC.\*

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## By Certified Mail

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October 13, 2021

TO: U.S. Attorney for the Northern District of New York Carla Freedman  
U.S. Attorney for the Southern District of New York Damian Williams  
U.S. Attorney for the Eastern District of New York Breon Peace

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

RE: YOUR FIRST TEST AS U.S. ATTORNEYS: How will you be confronting your conflicts of interest arising from CJA's October 16, 2020 public corruption complaint against NY's top state constitutional officers & its 62 D.A.s for fraud and larceny involving their salary raises & the state budget, established by open-and-shut, *prima facie* EVIDENCE – & what about your mandated reporting obligations?

Welcome to your new offices, whose duties you swore to faithfully execute – and which, to assist you in so-doing, is governed by 28 USC §528<sup>1</sup>, proscribing conflicts of interest.

Having written a similarly entitled October 6, 2021 letter to New York's new U.S. Attorney for the Western District, Trini Ross, I am writing to you, together. This is not only an efficiency, but follows what President Biden did in nominating the three of you together and what the U.S. Senate Judiciary Committee and Senate did in voting on your confirmations. It is also fitting that the three of you should be addressed together because, in 2013-2015, it was the collusion of New York's three U.S. Attorneys for the Southern, Eastern, and Northern Districts that perpetuated the readily-remediable corruption of New York state governance, involving the highest constitutional

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\* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization documenting judicial corruption and the worthlessness of existing safeguards, in order to propel change.

<sup>1</sup> 28 USC §528 reads:

“The Attorney General shall promulgate rules and regulations which require the disqualification of any officer or employee of the Department of Justice, including a United States attorney or a member of such attorney's staff, from participation in a particular investigation or prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof. Such rules and regulations may provide that a willful violation of any provision thereof shall result in removal from office.” (underlining added).

officers in all three state branches, whose continuation and expansion is chronicled by the [October 16, 2020 public corruption complaint](#) that is the subject of this letter.

I have placed U.S. Attorney Freedman first on this letter because it is she, as New York's U.S. Attorney for the Northern District, whose office has geographic jurisdiction over the state capital in Albany – and because the origin of the October 16, 2020 complaint is her predecessor, Acting U.S. Attorney Antoinette Bacon, who, upon taking office, gave press interviews in which she stated that ending public corruption was a “top priority”.

As with U.S. Attorney Ross, you may be presumed knowledgeable of the multitude of rules, procedures, and entities within the Justice Department, promulgated and created to ensure your recusals in appropriate circumstances. This may also be seen from your answers to #22 of the Senate Judiciary Committee's public portion of its questionnaire entitled “Potential Conflicts of Interest”. You answered each of its two questions identically – and identical to how nominee Ross had answered them – as follows:

“a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.”

“During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.”

“b. Explain how you will resolve any potential conflicts of interest, including the procedure you will follow in determining these areas of concern.”

“If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.”

If, prior to your nominations, you were appropriately vetted by the Biden White House, either directly or *via* the Justice Department, or thereafter by the Senate Judiciary Committee as part of your confirmations, you would have each been interrogated about the conflicts of interest that would TEST you IMMEDIATELY upon taking office as U.S. Attorney, arising from the October 16, 2020 complaint against:

“NYS Governor Cuomo, Lt. Governor Hochul, Attorney General James, Comptroller DiNapoli, NYS Senators and Assembly Members, NYS Court of Appeals & other Albany Judges – & NYS' 62 county D.A.s, beginning with Albany County D.A. Soares”,

whose “exact crime” was summarized as:

“Fraud and larceny...involving their OWN pay raises – the product of 3 ‘force of law’ commission/committee reports which are ‘false instruments’, violating a succession of penal laws – and the NYS budget, violating a mountain of constitutional, statutory, and legislative rule provisions.”

[This October 16, 2020 complaint](#), which I had filed with the FBI at the instruction of the office of Acting U.S. Attorney Bacon – and which rests on a [June 4, 2020 grand jury/public corruption complaint](#) I had filed with Albany District Attorney P. David Soares and [61 materially-identical grand jury/public corruption complaints](#), filed with New York’s other 61 district attorneys, who are all “sitting on” them – was accompanied by [open-and-shut, prima facie EVIDENCE](#) mandating indictments and ensuring convictions of the complained-against constitutional officers and their multitude of accomplices, in and out of government. Yet, there was ZERO response to the complaint from the FBI and ZERO response thereafter from Acting U.S. Attorney Bacon to whom I turned, by a [November 4, 2020 letter/complaint](#), for oversight of the FBI. There was also ZERO response from New York’s other acting U.S. Attorneys – Acting Southern District U.S. Attorney Audrey Strauss, Acting Eastern District U.S. Attorney Seth DuCharme, and Acting Northern District U.S. Attorney James Kennedy – to whom, by a [December 19, 2020 letter/complaint](#), I also turned for oversight, with a copy to Acting U.S. Attorney Bacon, stating:

“Please advise – as soon as possible, as I will be furnishing the October 16, 2020 complaint to incoming President Biden and the U.S. Senate in connection with their respective appointments and confirmations of U.S. Attorneys for the four districts of New York...No nominee may be deemed fit to hold such pre-eminent positions of public trust and law enforcement who does not assure prosecutions based on the October 16, 2020 complaint – and claw-backs of the half-billion dollars in fraudulent salary raises already paid out.” (at p. 2, underlining added).

In the event you are unaware of my written communications to the Biden White House and Senate Judiciary Committee, alerting them to the situation and the imperative to carefully vet prospective U.S. Attorneys for New York as to how they would handle conflicts of interest arising from my October 16, 2020 and December 19, 2020 complaints, these communications are posted on CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), accessible from the top panel “Latest News” by the link entitled: [“President Biden’s New U.S. Attorneys for NY, their Confirmations by the U.S. Senate, & the Unanswered Question:...”](#). The indicated question – reflecting the conflicts of interest – reads:

*“Will they be non-partisan enforcers of the Rule of Law and Equal Justice when doing so will require them to prosecute NY’s mostly Democratic top state officers – & expose that their U.S. Attorney predecessors politicized and corrupted their own offices?”*

Among your obvious conflicts of interest are those arising from your personal and professional relationships with the acting U.S. Attorneys, assistant U.S. Attorneys, and U.S. Attorneys who have participated in the corruption detailed by, and underlying, the December 19, 2020 complaint:

- First, obvious from the [December 19, 2020 complaint](#) is that the FBI and each of the four U.S. Attorney offices have violated the most fundamental protocols and procedures for complaints, let alone for complaints of public corruption by highest state officers, substantiated by open-and-shut, *prima facie* EVIDENCE – and that such is inexplicable except as a manifestation of conflicts of interest,<sup>2</sup> proscribed by laws and enforced by procedures which they have violated, together with “whistle-blowing” mandates;
- Second, because the underlying [October 16, 2020 FBI complaint](#) of public corruption pertaining to salary raises and the state budget springs from and involves the SAME open-and-shut, *prima facie* EVIDENCE as I furnished years ago by public corruption complaints to the U.S. Attorneys for the Southern, Eastern, and Northern Districts of New York, verification of that EVIDENCE – *presumably long ago done as it was materially verifiable within minutes* – establishes the corruption, in office, of those three U.S. Attorneys, whose violations of protocols, procedures, and conflict-of-interest laws with respect to those earlier complaints resulted in their aiding and abetting corrupters they were duty-bound to prosecute and perpetuating public corruption that was readily-remediable. These three are:

[Former Southern District U.S. Attorney Preet Bharara](#), to whose Manhattan office I hand-delivered an [April 15, 2013 public corruption complaint](#) entitled “Achieving ‘the Dream of Honest Government...’”, to whose truth I swore “under penalty of perjury” by an accompanying form of the Southern District/Criminal Division captioned “Civilian Crime Report”. The crime I there summarized was “Grand Larceny of the Public Fisc & Other Corrupt Acts”, and the open-and-shut, *prima facie* EVIDENCE featured by the complaint started with [CJA’s October 27, 2011 opposition report](#) to the August 29, 2011 report of the Commission on Judicial Compensation<sup>3</sup>,

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<sup>2</sup> Southern District Acting U.S. Attorney Strauss was duty-bound to have recused herself and to have activated appropriate procedures for independent investigation and prosecution of the December 19, 2020 complaint, inasmuch as her daughter-in-law, Melissa DeRosa, was secretary to then Governor Cuomo – as became public knowledge following news developments at the end of January 2021 pertaining to the Governor’s cover-up of COVID nursing home deaths.

<sup>3</sup> The [August 29, 2011 report of the Commission on Judicial Compensation](#) is the first of the “3 ‘force of law’ commission/committee reports which are ‘false instruments’” – to which my October 16, 2020 FBI complaint refers. The third is the [December 10, 2018 report of the Committee on Legislative and Executive Compensation](#), the subject of [CJA’s July 15, 2019 analysis](#). That the July 15, 2019 analysis mirrors and resembles [CJA’s October 27, 2011 opposition report](#) is obvious from their covers onward – as is the DISPOSITIVE nature of each, further facilitated by their EVIDENTIARY webpages, here & here.

As for the second report, it is the [December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation](#) – materially resting on and replicating the Commission on Judicial Compensation’s August 29, 2011 report – and so-stated and shown by [my December 31, 2015 letter to then Westchester D.A./Court of Appeals Chief Judge Nominee Janet DiFiore](#), thereafter the first enclosure to [my January 15, 2016 letter to then Temporary Senate President John Flanagan and to Assembly Speaker Carl](#)

*sufficient in and of itself* to indict and convict the same constitutional officers as are the subjects of my October 16, 2020 FBI complaint – and their predecessors;

[Former Eastern District U.S. Attorney Loretta Lynch](#), to whose Brooklyn office I hand-delivered a [May 13, 2013 letter/complaint](#) entitled “*United States of America v. John Sampson – Dealmaking that Advances the Corruption-Fighting Agenda of U.S. Attorney Bharara...*”, resting on my April 15, 2013 complaint to U.S. Attorney Bharara – a full copy of which I furnished her;

[Former Northern District U.S. Attorney Richard Hartunian](#), to whom, by a [June 13, 2013 letter/complaint](#) entitled “Achieving ‘the Dream of Honest Government’”, I also furnished my April 15, 2013 complaint because it is the Northern District U.S. Attorney who has “geographic jurisdiction over Albany, where most of the corruption activity is centered and coordinated”.

In addition to these three DISPOSITVE complaints<sup>4</sup>, which additionally sought the U.S. Attorneys’ intervention and/or other protective steps so as to secure judicial determination of CJA’s October 27, 2011 opposition report – then the subject of a [declaratory judgment action by CJA for such relief](#) – I furnished them with [my July 19, 2013 complaint to D.A. Soares](#) – which laid out the fraud of Governor Cuomo, Temporary Senate President Dean Skelos and Assembly Speaker Silver that gave rise to the Commission to Investigate Public Corruption, of which D.A. Soares was a member – and sought from D.A. Soares the same criminal prosecutions and judicial relief, based on the April 15, 2013 complaint, as I sought from them. To this, and my subsequent correspondence and communications to them, spanning to [June 22, 2015](#), most of it pertaining to [JCOPE and the JCOPE review commission](#)<sup>5</sup> that was statutorily-required to be established by June 1, 2014, I received NO responses from U.S. Attorneys Lynch and Hartunian. From U.S. Attorney Bharara, I received three form letter acknowledgments, all from the “Civilian Crime Reports Unit”, none identifying his name or the name of any person in his office.<sup>6</sup> Likewise, the fourth

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[Heastie](#), whose fourth enclosure was a [statement of further specifications](#). The DISPOSITIVE nature of these is also obvious, further facilitated by their EVIDENTIARY webpages, [here](#) & [here](#).

<sup>4</sup> Their EVIDENTIARY webpages are [here](#), [here](#), and [here](#).

<sup>5</sup> This included my [June 27, 2013 conflict-of-interest/ethics complaint to JCOPE](#), whose EVIDENTIARY webpage is [here](#), and my [December 11, 2014 conflict-of-interest/ethics complaint to JCOPE, against JCOPE](#), whose EVIDENTIARY webpage is [here](#).

<sup>6</sup> The first three were: (1) [an undated form letter acknowledgment](#), sent to me in an envelope bearing a “04/18/2013” date, not even identifying my hand-delivered April 15, 2013 complaint; (2) [a different undated form letter acknowledgment](#), sent to me in an envelope bearing a “06/11/2013” date, modified only by its reference to my “recent communication to this Office on May 13, 2013” – this being the date of my hand-

[acknowledgment letter, dated April 30, 2014](#), whose final two sentences read:

“Accordingly, we do not believe that further discussion or a meeting with you would serve any useful purpose. Please be advised that you should not expect a response from our Office to further communications from you.”<sup>7</sup>

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delivered [May 13, 2013 letter to U.S. Attorney Bharara](#), transmitting to him a copy of my May 13, 2013 complaint to U.S. Attorney Lynch and other substantiating EVIDENCE. The likely prompt for this second form-letter was my phone message to the office alerting it to [CJA’s webpage posting my June 4, 2013 complaint to the Senate Committee on Investigations and Government Operations and Assembly Committee on Oversight, Analysis and Investigation](#), to which both U.S. Attorney Bharara and U.S. Attorney Lynch were indicated recipients; and (3) [an undated form letter acknowledgment](#), sent to me in an envelope postmarked “09/11/2013” identical to the previous one, but modified to refer to my “communication to this Office on April 15, 2013, and the voice mail message left with Office staff on September 10, 2013”. The purpose of that voice mail message was to ascertain the status of my April 15, 2013 complaint, so that I could accurately reflect it in [my testimony for the September 17, 2013 hearing of the Commission to Investigate Public Corruption](#) at which U.S. Attorneys Bharara and Lynch would also be testifying, heralded as corruption fighters and so-portraying themselves.

<sup>7</sup> The [April 30, 2014 letter](#) acknowledged what it described as “[my] recent communications to this Office on or about April 29, 2014 in which [I] requested an update as to whether [the Office] had received certain documents that [I] had previously suggested that a criminal investigator in Our Office obtain regarding a potential crime [I] sought to bring to the attention of this Office.”

The “potential crime” was fraud by the Commission to Investigate Public Corruption by selective and incomplete turn-over of its records to U.S. Attorney Bharara – because were the Commission to make full turnover, pursuant to correspondence between them ([April 3, 2014](#), [April 9, 2014](#), [April 10, 2014](#)), such would reveal its corruption – the same as was particularized by [my April 23, 2014 order to show cause to intervene in the Legislature’s declaratory judgment action against the Commission to Investigate Public Corruption](#) and reflected by the [citizen-taxpayer action I had commenced on March 30, 2014](#). As for my “recent communications...on or about April 29, 2014” to the U.S. Attorney’s office, such was to apprise it of what had transpired at the [April 28, 2014 oral argument on the TRO sought by my intervention order to show cause](#) and to furnish it with my [April 28, 2014 “Notice to Produce Papers to the Court pursuant to CPLR §2214\(c\)”](#) itemizing records that a legitimate turn-over by the Commission to U.S. Attorney Bharara would have to include.

The corruption of the Commission to Investigate Public Corruption – which U.S. Attorney Bharara concealed then and ever since – would have been known to him and his office by no later than [September 17, 2013, when I gave explosive public testimony at the Commission’s live-streamed hearing](#), presumably viewed by all four U.S. Attorney offices at that time, or shortly thereafter when the VIDEO became available. It certainly was laid out for him, “on a silver platter”, by the intervention motion – including as to [the Commission’s fraudulent December 2, 2013 preliminary report](#) which praised “Federal prosecutors like United States Attorneys Preet Bharara and Loretta Lynch” as “root[ing] out and punish[ing] illegal conduct by our public officials (p. 87) and district attorneys as ‘up to the job’” (p. 86) – when the very opposite was attested to, again, and again, and again, by the ordinary citizens who managed to testify at the Commission’s September 17, 2013 hearing and, with respect to district attorneys, by the former ADA who testified at the September 24, 2013 hearing – and as EVIDENTIARILY proven by the complaints I had filed with U.S. Attorneys Bharara, Lynch, and Hartunian and with D.A. Soares. Tellingly, the VIDEOS of the Commission’s September 17, 2013 hearing and September 24, 2013 hearing are mysteriously “unavailable” from its [website](#).

Third, investigation of the October 16, 2020 complaint will also establish the corruption, in office, born of conflicts of interest and violations of protocols and procedures pertinent thereto, of former [Acting Southern District U.S. Attorney Joon Kim](#), with whom I filed a [September 27, 2017 complaint](#) (& [here](#)), quoting at the top of the “Civilian Crime Report” form, his [press statement of a day earlier](#) “... We are as committed as ever to doing everything we can to keep our government honest”, whose context was the Second Circuit Court of Appeals’ vacatur decision in *US v. Skelos*. The complained-against parties, whose crime I also identified as “Grand Larceny of the Public Fisc & Other Corrupt Acts”, were “former NYS Temporary Senate President Dean Skelos, former NYS Assembly Speaker Sheldon Silver & their EQUALLY CORRUPT SUCCESSORS... PLUS all defendants in the below 4 lawsuits” – these being the three lawsuits indicated by my October 16, 2020 FBI complaint as “each bearing shorthand captions *CJA v. Cuomo, et al.*” and “the 2014 motion I made to intervene in the Legislature’s declaratory judgment action vs Governor Cuomo’s so-called Commission to Investigate Public Corruption, which was a front for his manipulations and frauds upon the public.” From the records of these four litigations – all identified as accessible from CJA’s website, [www.judgewatch.org](#)<sup>8</sup>, as likewise my April 15, 2013 complaint to U.S. Attorney Bharara, to which I cited – Acting U.S. Attorney Kim would have seen what he presumably already knew from his high positions under U.S. Attorney Bharara, namely, that *U.S. v. Skelos* and *U.S. v. Silver* were trivial, posturing charades, as compared to the prosecutions of Skelos, Silver, and New York’s other top constitutional officers and scores of others, compelled by the April 15, 2013 complaint and those [four litigations](#). From Acting U.S. Attorney Kim, whose “Civilian Crime Report” form required me to certify my complaint as “true, complete, and correct”, with an acknowledgment that “a false statement of a material fact is a criminal offense (18 U.S.C. Section 1001)”, I received no response;

- Fourth, [former Southern District U.S. Attorney Robert Fiske](#) was a member of the Commission on Judicial Compensation<sup>9</sup>, responsible for its statutorily-violative,

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<sup>8</sup> The specific locations for their access was stated as: “left side panel ‘[Judicial Compensation – state-NY](#)’” – which is the same chronological VIDEO and “paper trail” webpage as my October 16, 2020 FBI complaint furnishes – “prominent center links on homepage (1) [CJA’s citizen-taxpayer actions to END NYS’ Corrupt Budget ‘Process’ & Unconstitutional ‘Three Men in a Room’ Governance](#)’; (2) [‘Exposing the Fraud of the Commission to Investigate Public Corruption – & Preet: NY’s Untouched ‘Culture of Corruption’ – Pay Raises, JCOPE, Judicial & Attorney Discipline](#)’”.

<sup>9</sup> Robert Fiske was U.S. Attorney from 1976-1980 and, according to [his webpage of the Davis Polk law firm](#), has been, since 2010, “senior counsel”; was a partner from 1964-2010, and, before that, an associate from 1955-1964.

For the past month and a half, [an August 26, 2021 complaint against Davis Polk](#) for “larceny of taxpayer money, in addition to conspiracy and fraud” has been at the Eastern District U.S. Attorney’s office, as part of a supplement to the October 16, 2020 complaint. It expressly raises a conflict of interest issue pertaining to Davis Polk partner Greg Andres, who was an assistant U.S. Attorney in the Eastern District U.S. Attorney’s office from 1999-2010, including deputy assistant U.S. Attorney and Criminal Division chief.

fraudulent, unconstitutional August 29, 2011 report, to which his dissent (at pp. 11-12) for greater and more immediate judicial pay raises was even more statutorily-violative, fraudulent, and unconstitutional and so-demonstrated by [CJA's October 27, 2011 opposition report \(at pp. 1, 33-35\)](#) – expressly seeking criminal prosecution of the commissioners;<sup>10</sup>

- [Fifth, former Southern District U.S. Attorney Michael Garcia](#)<sup>11</sup> is one of New York's Court of Appeals judges whose prosecution for fraud and larceny “involving their OWN pay raises...& the NYS budget” is expressly sought by the October 16, 2020 complaint for corrupting “ALL cognizable adjudicative standards to protect the Governor and his fellow constitutional officers of NYS' 3 government branches” in [the culminating CJA v. Cuomo, et al citizen-taxpayer action](#), the specifics appearing at pages 6-7 of my June 4, 2020 grand jury/public corruption complaint. Indeed, Judge Garcia must also be indicted for his corrupting role with regard to my 2014 motion to intervene in the Legislature's declaratory judgment action vs the Commission to Investigate Public Corruption, as he was counsel therein to Temporary Senate President Skelos and the New York State Senate, paid with taxpayer money.<sup>12</sup>

Many more conflicts will be apparent to you, upon review of the above links and the mountain of EVIDENCE to which they lead<sup>13</sup>. Suffice to note:

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<sup>10</sup> In face of such demonstration, furnished to U.S. Attorney Bharara by my April 15, 2013 complaint, U.S. Attorney Bharara welcomed Mr. Fiske – or possibly invited him – to the U.S. Attorney's office, on January 10, 2014, memorializing the visit by [website photos](#).

<sup>11</sup> Michael Garcia was U.S. Attorney from 2005-2008 and was appointed to the New York Court of Appeals in January 2016 by Governor Cuomo and confirmed by the state Senate in February 2016, after a sham confirmation hearing, at which I was not permitted to testify. This is recited by my [February 8, 2016 written statement in opposition](#), which furnishes the details of his unethical and corrupting litigation conduct, on behalf of then Temporary Senate President Skelos and the state Senate – and at taxpayer expense – in their joint declaratory judgment action with Assembly Speaker Heastie and the Assembly against the Commission to Investigate Public Corruption, in which I moved to intervene.

<sup>12</sup> Mr. Garcia personally appeared at the December 3, 2014 oral argument of my June 17, 2014 reargument/renewal motion to intervene – and I referred to his being a former U.S. Attorney and predecessor to Preet Bharara, in speaking about the corrupting of the judicial process with respect to that motion and my original April 23, 2014 order to show cause to intervene. The audio clip of my scathing rebuttal argument, part of CJA's posting of the litigation record, is [here](#).

<sup>13</sup> Other former U.S. Attorneys having a complicit, accessory role in the grand larceny of the public fisc and other corruption, here at issue, include former interim New York Eastern District U.S. Attorney Benton Campbell (2007-2010) pertaining to JCOPE and the JCOPE review commission, reflected by my [December 11, 2014 complaint to JCOPE](#) and my [June 22, 2015 letter to JCOPE, et al](#), cc'ing him as the then chair of the New York City Bar Association's Committee on Government Ethics – and, additionally, and as reflected by my [December 19, 2014 letter](#), pertaining to his endorsement of U.S. Attorney Lynch's confirmation as U.S. Attorney General, also involving endorsements by former Eastern District U.S. Attorneys Andrew Maloney

- [U.S. Attorney Freedman’s Senate Judiciary Committee questionnaire](#) identifies that she was an assistant U.S. Attorney in the office of the U.S. Attorney for New York’s Northern District since 2007. As such, she worked with [Richard Hartunian](#) for ten years, including the seven years in which he was U.S. Attorney (2010-June 2017) and under Acting U.S. Attorney Bacon from October 2020, until succeeding her;
- [U.S. Attorney Williams’ Senate Judiciary Committee questionnaire](#)<sup>14</sup> identifies that he was an assistant U.S. Attorney in the office of the U.S. Attorney for New York’s Southern District since 2012. As such, he worked under [Preet Bharara](#), who came into the office as U.S. Attorney in August 2009, serving until March 2017, and thereupon, under his successor [Joon Kim](#), who served as acting U.S. Attorney until January 2018, having been, prior thereto, deputy U.S. Attorney (July 2015-March 2017), Criminal Division chief (July 2014-July 2015), and chief counsel (April 2013-July 2014);
- [U.S. Attorney Peace’s Senate Judiciary Committee questionnaire](#) identifies that he was an assistant U.S. Attorney in the office of the U.S. Attorney for New York’s Eastern District from January 2000 to July 2002. As such, he worked for nearly a year and a half under [Loretta Lynch](#), whose tenure was from 1999 - May 2001, with a second term, from 2010 to February 2015, when she became U.S. Attorney General.

The foregoing is more than enough to mandate your recusals from the October 16, 2020 public corruption complaint – with independent investigation and prosecution undertaken or arranged by the Public Integrity Section of the Justice Department’s Criminal Division, consistent with its annual reports to Congress, whose first section, entitled “Recusals by United States Attorneys’ Offices”, states:

“Public corruption cases tend to raise unique problems of public perception that are generally absent in more routine criminal cases. An investigation of alleged corruption by a government official, whether at the federal state, or local level, or someone associated with such an official, always has the potential of becoming a high-profile case simply because its focus is on the conduct of a public official. In addition, these cases are often politically sensitive because their ultimate targets tend

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(1986-1992), [Zachary Carter](#) (1993-1999), and [Alan Vinegrad](#) (interim, 2001-2002).

To further assist you, *vis-à-vis* your conflicts arising from the 62 grand jury/public corruption complaints on which my October 16, 2020 FBI complaint rests, I have separated the 62 according to the 62 counties of your jurisdictions – and made four separate webpages posting them: [32 are within the jurisdiction of the Northern District of New York](#); [8 are within the jurisdiction of the Southern District of New York](#); [5 are within the jurisdiction of the Eastern District of New York](#); and [17 are within the jurisdiction of the Western District of New York](#).

<sup>14</sup> According to the questionnaire, he was “seconded to the Public Corruption Unit to prosecute former Speaker Sheldon Silver” – and the case, *United States v. Sheldon Silver*, #15-cr-93-VEC, is listed as one of his “10 most significant litigated matters, personally handled” by him, both the trial and retrial. Were my April 15, 2013 and September 27, 2017 public corruption complaints and other correspondence and communications to the office, pertaining to Silver’s corruption, as Assembly speaker – including in 2014 and 2015 pertaining to JCOPE – not brought to his attention?

to be politicians or government officials appointed by politicians.

A successful public corruption prosecution requires both the appearance and the reality of fairness and impartiality. This means that a successful corruption case involves not just a conviction but public perception that the conviction was warranted, not the result of improper motivation by the prosecutor, and is free of conflicts of interest. In a case in which the local conflict of interest is substantial, the local office is removed from the case by a procedure called recusal. Recusal occurs when the local office either asks to step aside, or is asked to step aside by Department headquarters, as primary prosecutor. Federal cases involving corruption in which the conflict is substantial are usually referred to the Public Integrity Section either for prosecution or direct operational supervision.”

...

...concerns regarding the appearance of bias also arise when the target of an investigation is a federal prosecutor, a federal investigator, or other employee assigned to work in or closely with a particular United States Attorney’s Office. Thus, cases involving United States Attorneys, Assistant United States Attorneys (AUSAs), or federal investigators or employees working with AUSAs in the field generally result in a recusal of the local office. These cases are typically referred to the Public Integrity Section.” ([latest annual report, for 2019, at pp. 1-2](#), underlining added).

On September 10, 2021, shortly after discovering from [§ 1-4.020 of the Justice Department’s Justice Manual](#) that each U.S. Attorney’s office is required to have a “designated Ethics Advisor” and the Justice Department’s extensive protocol of consultation and authorization governing conflict of interest situations, I telephoned the four offices of the U.S. Attorney for New York for the names of their “designated Ethics Advisors” – and to speak with them.<sup>15</sup>

After you have read this letter and examined its live links, I believe we should speak. In addition to answering your questions, you surely will want an update as to the public corruption that has continued, unabated, since my October 16, 2020 complaint and notwithstanding the resignation of

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<sup>15</sup> Their names are not posted on the U.S. Attorneys’ websites and, after calling the Justice Department’s Professional Responsibility Advisory Office for that information (202-514-0458), I was told to obtain it by calling each U.S. Attorney office. The two “designated Ethics Advisors” I eventually spoke with, assistant U.S. Attorney Ransom Reynolds of the Northern District, on September 22, 2021, and assistant U.S. Attorney Mary Fleming of the Western District and chief of its Civil Division, on October 6, 2021, each knew nothing about my December 19, 2020 complaint, which I showed them, posted on CJA’s “[Bringing In the Feds](#)” webpage, accessible from the top panel “Latest News”. On October 8, 2021, I also alerted Korin Sutton, who works in the Eastern District’s executive office and confirmed that Assistant U.S. Attorney Kevin Trowel, deputy chief of the Appeals Division, is the “designated Ethics Advisor” there, to the webpage – and [my August 26, 2021 complaint/supplement, expressly raising conflict of interest issues, and the August 28, 2021 “Civilian Crime Report”](#), accessible therefrom. Although she assured me that she would communicate my request to speak with him, I have, as yet, received no return call. As for the Southern District’s “designated Ethics Advisor”, I have made many phone calls (212-637-2200) and, after routing, left voice mail messages, without any call back. According to “security” personnel who sometimes pick up, there is no such person.

Governor Cuomo. This is only partially recited by my [August 26, 2021 complaint and supplement to the December 19, 2020 complaint](#), filed with then Acting Eastern District U.S. Attorney Jacqueline Kasulis and accompanied by an [August 28, 2021 “Civilian Crime Report”](#), both sworn-to as true under penalties of perjury, with ZERO response from her, including as to her conflicts of interest, recited therein (at pp. 11-12).

Suffice to here provide you with the [webpage for my March 5, 2021 conflict-of-interest/ethics complaint to JCOPE](#), based on Albany D.A. Soares’ disingenuous response to my June 4, 2020 grand jury/public corruption complaint to him, and my subsequent correspondence to JCOPE pertaining thereto – reflecting the continued, unremitting corruption of JCOPE for which U.S. Attorneys Bharara, Lynch, and Hartunian are directly responsible<sup>16</sup> – and which, like the corruption of the Commission to Investigate Public Corruption, will be exposed by investigation of my October 16, 2020 FBI complaint.

So that I may be guided accordingly, please let me hear from you soon – including as to your mandated “whistle-blowing” reporting obligations.<sup>17</sup> Meantime, I have posted this letter, with

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<sup>16</sup> On April 30, 2014, [New York Times](#) reported, in an article entitled “*U.S. Attorney Seeks Records of Ethics Panel*”:

“The top federal prosecutor in Manhattan, who sharply criticized Gov. Andrew M. Cuomo’s shutdown of a commission he had formed to investigate political corruption in New York State, is now seeking records from the state’s ethics panel.

The state’s Joint Commission on Public Ethics received a grand jury subpoena recently from the office of Preet Bharara, the United States attorney for the Southern District of New York, for all complaints the commission has received on public corruption, according to two people briefed on the matter but not authorized to speak on the record.”

This article – along with four other April 30, 2014 articles in the [New York Post](#), [Daily News](#), [Gannett](#), and [The Wall Street Journal](#) – were cited in the first footnote of [my July 18, 2014 letter to JCOPE](#), to which U.S. Attorney Bharara was a recipient. The footnote annotated the first sentence of the letter, which read:

“As an aid to U.S. Attorney Bharara, who has reportedly subpoenaed all complaints filed with you,<sup>fn1</sup> this is to recite facts and demand answers pertaining to the June 27, 2013 complaint I filed with you and pertaining to the complaints which other members of the public filed with you – whose status and dispositions you have unlawfully concealed from your annual reports.<sup>fn2</sup>” (underlining in the original).

*In and of itself*, the July 18, 2014 letter, to which there was no response or corrective action from JCOPE, was sufficient for U.S. Attorney Bharara to have indicted its executive director, other staff, and its commissioners. Likewise, [my July 20, 2021 letter to JCOPE’s executive director](#), to which there has been no response or corrective action, is sufficient, *in and of itself*, now.

<sup>17</sup> Suffice to here quote [§1-4.300 of the Justice Manual entitled “Reporting Attorney Professional Misconduct and Related Law Enforcement Misconduct to the Office of Professional Responsibility \(OPR\)”](#), which reads, in pertinent part:

substantiating EVIDENTIARY links, on a webpage entitled: “[Can Law & Ethical Duties Prevent NY’s 4 New U.S. Attorneys from Politicizing & Corrupting their Offices...](#)”. Its continuation – “*as their predecessors did by acting on their conflicts of interest*” – also reflects your conflicts of interest. That webpage is, likewise, accessible from CJA’s top panel “Latest News” – and it is where you will also find [my October 6, 2021 letter to U.S. Attorney Ross](#), also enclosed for your further convenience. Specifics of her conflicts of interest are furnished at pages 3-5 thereof.

So that the “designated Ethics Advisors” of your offices may get a head start in assisting you with this letter, I have alerted them to its posting: Assistant U.S. Attorney Ransom Reynolds in the Northern District office and Assistant U.S. Attorney Kevin Trowel in the Eastern District office. As for the Southern District office, it remains a mystery if it has a “designated Ethics Advisor”.

I swear the foregoing to be true, under penalties of perjury – and, likewise, my enclosed October 6, 2021 letter to U.S. Attorney Ross.

Thank you.

s/ELENA SASSOWER

Enclosure

cc: U.S. Attorney Trini Ross (WDNY)

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“Department employees shall report to their supervisor any evidence or non-frivolous allegation that a Department attorney engaged in professional misconduct. Department employees also shall report to their supervisor any evidence or non-frivolous allegations of misconduct against Department law enforcement personnel that relate to allegations of attorney misconduct within the jurisdiction of OPR. Misconduct constitutes professional misconduct when it relates to an attorney’s responsibility to investigate, litigate, or provide legal advice. The supervisor shall evaluate whether the allegation is non-frivolous and the misconduct is of a serious nature; if so, the supervisor shall report the allegation to OPR through the component. An employee may also report misconduct allegations directly to OPR. If the evidence or allegation concerns an Assistant United States Attorney, the supervisor also shall notify EOUSA General Counsel’s Office.

If the supervisor was involved in the alleged misconduct, the supervisor must bring the evidence or non-frivolous allegation of misconduct to the attention of a higher-ranking official regardless of whether the supervisor believes the misconduct to be of a serious nature.

...

The decision whether to conduct an investigation of a former employee is made on a case-by-case basis. OPR obtains the approval from the Office of the Deputy Attorney General before declining to investigate or terminating an investigation on the ground that an employee has left the Department.”

See, additionally, 28 CFR §45.11 “Reporting to the Office of the Inspector General”; §45.12 “Reporting to the Department of Justice Office of Professional Responsibility”.