

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Friday, May 17, 2013 4:53 PM
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Subject: Beyond "Theories" to VERIFIABLE EVIDENCE: The U.S. Attorneys' Invidious & Selective Prosecution of Minority Legislators
Attachments: 5-13-13-ltr-to-lynch.pdf; 5-13-13-ltr-to-bharara.pdf

Dear Mr. Barkan,

Why does your today's article, "*U.S. Attorney Rejects Idea of Corruption Conspiracy Against Minority Pols*", purport that "leaders" have "scant evidence" to support their suggestion that "a conspiracy exists to remove blacks and latinos from power" – for which you hyperlink to your May 11th article "*State Senator Speculates and Debates: 'Attack on Black Leaders: Corruption or Conspiracy?'*", thereafter referring, by name, to Senator Sanders?

Did you not receive the May 14th e-mail I sent you, entitled "Evidence Establishing that NYS' Black & Hispanic Legislators are Being Invidiously & Selectively Investigated & Prosecuted for Corruption", about the evidence I publicly presented at Senator Sander's program "Attack on Black Leaders: Corruption or Conspiracy?", **expressly** so that the moderator, St. Johns Law Professor Leonard Baynes, could furnish it to 1st year law students, for independent verification – and which Senator Sanders himself handed up to the panelists, placing it on the "corruption" side? That evidence, about which I spoke and which Senator Sanders handed up, was CJA's April 15th corruption complaint to U.S. Attorney Bharara against New York State's ALL-WHITE highest public officers: the Governor, Attorney General, Comptroller, Chief Judge, Temporary Senate President, and Assembly Speaker, together with our April 19th letter to Senator Smith and May 7th letter to all Senators and Assembly Members based thereon.

Indeed, my May 14th e-mail **expressly** urged you to review this complaint and correspondence, posted on CJA's website, stating –

"Please call me once you've reviewed these – and I will fill you in on WHO now has the very copy of the complaint and correspondence that Senator Sanders placed before the panel, reflective of his awareness of their evidentiary significance in establishing invidious and selective investigation and prosecution of Black & Hispanic 'little fish', while 'big white whales' go free" (capitalization in the original).

Had you done this, you would have been able to challenge U.S. Attorney Lynch's self-serving representations, uncritically repeated by your article, as it was to her office that I delivered the complaint and correspondence on May 13th. The transmitting coverletter, addressed to U.S. Attorney Lynch, identified their significance in establishing that Senator Sampson had valuable information to offer in exchange for a public-benefitting plea deal for himself – and that her failure to make such plea deal with Senator Sampson:

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

Certainly, that your article injects the fact that U.S. Attorney Lynch is black and U.S. Attorney Bharara is Indian-American is not evidence that they do not “protect” the white political establishment to which they are beholden for bringing them up the ranks – which is precisely the issue. Did you not see the film “*Let’s Get Bizzee!*”, shown before the “Attack on Black Leaders: Corruption or Conspiracy?” debate, with its memorable scene in the diner where Black State Assemblyman Tony Dillon, who self-interestedly follows the bidding of his White real estate patron, complains to the waitress that “the coffee is not black enough” – to which she responds that it is he who is “not black enough”.

Certainly, the ONLY way you can ascertain whether U.S. Attorneys Lynch and Bharara are “colorblind” in their investigations and prosecutions is to examine how they handle criminal complaints against white public officers. As they plainly are not going to disclose to you the reports that citizens file with their offices (& assuredly, lots of citizens have filed civilian reports in the six weeks since U.S. Attorney Bharara came out swinging against public corruption), you can use CJA’s April 15th complaint as a window into how these two U.S. Attorneys handle corruption complaints that are NOT against minority legislators, but against New York’s ALL WHITE highest public officers, whose theft of taxpayer monies, totaling tens of millions of dollars in fraudulent judicial pay raises and related costs, dwarfs the relatively paltry sums involved in the cases against the various black and Hispanic public officers.

Be assured, that upon your belatedly telephoning me to discuss CJA’s April 15th corruption complaint, I will furnish you the evidence of how U.S. Attorney Lynch, a decade ago, in her former tour of duty as U.S. Attorney for the Eastern District of New York, flagrantly “protected” the white political establishment – covering up the very systemic corruption that Senator Sampson, to his credit, made the subject of Senate Judiciary Committee hearings in 2009, involving the Commission on Judicial Conduct, the court-controlled attorney disciplinary system, and “merit selection” to the New York Court of Appeals – all part of the April 15th complaint to U.S. Attorney Bharara, which is now before U.S. Attorney Lynch, as well. Such will make plain the solid ground upon which Senator Sanders and other public officers stand in raising the important issues of conspiracy and unequal justice.

Meantime, attached is a copy of CJA’s hand-delivered May 13th coverletter to U.S. Attorney Lynch, and May 13th coverletter to U.S. Attorney Bharara. Both are posted on CJA’s website, www.judgewatch.org, on a webpage entitled “**UNEQUAL JUSTICE: Going After Black & Hispanic ‘Little Fish’, While the Big White Whales’ Go Free**”, accessible *via* the top panel “Latest News”. That webpage can also be directly reached by clicking on the above cited title. You will find there, conveniently posted, your May 11th article “*State Senator Speculates and Debates: ‘Attack on Black Leaders: Corruption or Conspiracy?’*” – whose title you prefaced with the word “Theories”; my responding May 14th e-mail, your article of today’s date “*U.S. Attorney Rejects Idea of Corruption Conspiracy Against Minority Pols*” – whose title you prefaced with the word “Explanations”, and this e-mail.

I look forward to helping you develop this politically-explosive story – which, hopefully, you are not so hopelessly beholden to the white political establishment to investigate and write.

Thank you.

Elena Sassower, Director
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