



U.S. Department of Justice

Office of Professional Responsibility

rec'd 5/8/01

Washington, D.C. 20530

MAY 3 2001

Ms. Elena Ruth Sassower
Coordinator
Center for Judicial Accountability
P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Dear Ms. Sassower:

We have carefully considered your March 23, 2001 letter of complaint (and supporting documents) in which you alleged professional misconduct by United States Attorney (USA) Mary Jo White (S.D. N.Y.), USA Loretta Lynch (E.D. N.Y.), Assistant United States Attorneys (AUSAs) Andrew Dember, Alan Kaufman, and Shirah Neiman (S.D. N.Y.), and AUSAs Andrew Weissman, Timothy Macht, and Alan Vinegrad (E.D. N.Y.). Specifically, you alleged that USAs White and Lynch violated the conflict of interest laws by failing to disqualify attorneys on their staffs from conducting investigations and/or handling matters in which they had a "significant business, social, political or personal relationship with the subjects or principal witnesses." You further alleged that USAs White and Lynch violated their duties to properly supervise their subordinates insofar as they failed to address the conflicts of interest.

Your complaint further alleged that AUSAs in the Southern District of New York "enjoy personal and professional relationships with persons implicated" in the numerous complaints of corruption you have filed against various appointed and elected officials in the state of New York. You stated that AUSAs Dember, Kaufman and Neiman should be (or should have been) disqualified from considering the complaints you filed against the New York Attorney General's Office because Michele Hirshman, who you identified as the current New York Deputy Attorney General, is the former chief of the Public Corruption Unit in the United States Attorney's Office in the Southern District of New York, resulting in a disabling conflict of interest for the named AUSAs. In response to your allegations of official misconduct, Deputy United States Attorney (DUSA) Neiman advised you by letter dated August 15, 2000,

that the USAO had "fully and fairly reviewed your various complaints and responded appropriately[.]" DUSA Neiman further stated that given your obvious dissatisfaction with the USAO's decision-making, you could forward your complaint to this Office.

Based on the results of our review of the materials you submitted, we have concluded that the conduct you questioned, if proved true, would not constitute professional misconduct by the United States Attorney's Office for the Southern District of New York. The fact that AUSAs Dember, Kaufman, and/or Neiman previously worked with Ms. Hirshman (or presently work in the office in which Ms. Hirshman previously worked) does not disqualify them from considering your allegations of "corruption of the judicial selection process by the New York Attorney General." Moreover, the fact that they declined to take any action on your complaints is not proof that they cannot and did not fairly and impartially consider your allegations. For your information, the facts that you alleged do not constitute a sufficient basis to require disqualification of AUSAs Dember, Kaufman, or Neiman under the federal conflict of interest laws or regulations.

You also alleged a conflict based on the personal and professional relationships that these same AUSAs have (or had) with Paul Shechtman, whom you identified as the former chief of the USAO's criminal division and the current chairman of the New York Ethics Commission. You alleged that Mr. Shechtman has engaged in "long-standing protectionism of the Attorney General and the Commission on Judicial Conduct" (the latter of which you sued for "covering up state judicial corruption and, in particular, the corruption of powerful, politically-connected state judges"). Again, the mere fact that AUSAs Dember, Kaufman, and Neiman previously worked with Mr. Shechtman (or now work in the office in which Mr. Shechtman previously worked) does not, without more, disqualify them from considering your complaints alleging "systemic government corruption, involving state and federal judges and the New York State Attorney General."

Concerning the prosecutors from the Eastern District of New York, you alleged that AUSAs Weissman, Macht, and Vinegrad "may be presumed to have a range of personal and professional relationships" with Mr. Shechtman and Ms. Hirshman because Mr. Shechtman and Ms. Hirshman used to work in the United States Attorney's Office in the Southern District of New York, during which they "doubtlessly interfaced with upper-level staff of the U.S. Attorney for the Eastern District[.]" In response to your allegations of official misconduct by the Eastern District of New York, AUSA Alan Vinegrad advised you by letter dated August 21, 2000, that the USAO's review of the matter, which included the

review of the materials that you furnished their office, resulted in a finding that your allegations of official misconduct were "entirely unfounded."

Based on the results of our review of your complaint and supporting materials, we similarly concluded that your allegations of official misconduct by the United States Attorney's Office for the Eastern District of New York are not supported by evidence. As indicated above, the mere fact that AUSAs Weissman, Macht and Vinegrad may have had professional dealings with Mr. Shechtman or Ms. Hirshman in the past (your letter does not allege that they did, but only that they may have) does not disqualify them from investigating the allegations you raised against the New York Attorney General or the Commission on Judicial Conduct.

In sum, we concluded that your allegations of official misconduct by USAs Mary Jo White or Loretta Lynch, or AUSAs Andrew Dember, Alan Kaufman, Shirah Neiman, Andrew Weissman, Timothy Macht, or Alan Vinegrad are unsupported by any evidence and without merit. Accordingly, we are taking no action and consider this matter closed.

Sincerely,

H. Marshall Jarrett
Counsel

by:



Candice M. Will
Assistant Counsel