

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Monday, October 28, 2013 2:26 PM
To: 'Casey Seiler'
Cc: 'jodato@timesunion.com'; 'rkarlin@timesunion.com'; Jordan Carleo-Evangelist (jcarleo-evangelist@timesunion.com)
Subject: Parsing the language of the Commission to Investigate Public Corruption on conflicts of interest

Dear Casey,

Following up our lengthy – and dare I hope productive – phone conversation, the Commission to Investigate Public Corruption is pulling the wool over your eyes – and through you, the public.

Today's article by James Odatto wherein he states that "members who have a conflict of interest will not take part in any facet of an investigation of the matter" – repeats the Commission's doublespeak of his last week's article: "In general, if an investigation is launched and a member or co-chair has a conflict of interest, that individual will recuse themselves from any part of that investigation," said Michelle Duffy, a Moreland Commission spokeswoman."

What the Commission is NOT stating is that in matters in which Commission members – and chairs – are interested, they are recusing themselves from the decision as to WHETHER to investigate. Indeed, because they are NOT recusing themselves from the decision as to WHETHER to investigate, they are voting NOT to investigate matters in which they are interested. This obviates any need for them to recuse themselves from voting on subpoenas.

Former Manhattan District Attorney Morgenthau is "special counsel" to the Commission – and his former deputy, Dan Castleman, is a Commissioner. Here's how conflict of interest played out under them: [Manhattan District Attorney -- Morgenthau](#). This link is at the bottom of the webpage of my oral testimony before the Commission on Sept. 17th in which I repeated the question of the Commission's protocol for handling conflict of interest, first raised by my August 5th letter. That webpage link is: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/sassower-elena.htm> -- from which you can also see the performance of the U.S. Attorneys...

Is the public NOT entitled to answers from the Commission as to the threshold questions raised by my August 5th letter – and certainly to be informed of the Commission's willful refusal to confront these questions – all the while brazenly manifesting its conflicts of interest by how it has been proceeding, including with respect to its hearings.

Am rushing now to get to today's 3rd so-called "public hearing" of the Commission, moved up to 5 pm from 6.

Thank you.

Elena Sassower, Director
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