

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

CERTIFIED MAIL/RRR: 7099-3220-0010-4766-1731

September 6, 2000

Loretta E. Lynch, U.S. Attorney for the Eastern District of New York
One Pierrepont Plaza
Brooklyn, New York 11201

- RE:
- (1) Your knowledge and approval of Alan Vinegrad's August 21, 2000 letter to CJA, purporting to respond to CJA's August 14, 2000 letter to you (pp. 1-3); and
 - (2) CJA's request, heretofore *unresponded-to*, for "rules and regulations" pertaining to 28 USC §528, "Disqualification of officers and employees of the Department of Justice" (p. 3);
 - (3) status of CJA's September 7, 1999 criminal complaint against Governor Pataki, Paul Shechtman, Attorney General Spitzer, *et al.* for their participation and complicity in systemic governmental corruption (pp. 3-4)

Dear Ms. Lynch:

Prior to CJA's filing a complaint of official misconduct against you *personally* with the U.S. Justice Department's Office of Professional Responsibility, for reasons set forth in CJA's August 14, 2000 letter to you, please identify:

- (1) whether you authorized Alan Vinegrad, Chief Assistant U.S. Attorney, to respond to CJA's August 14th letter to you;
- (2) whether you approved his response, by his letter to CJA, dated August 21, 2000 (Exhibit "A");
- (3) whether you will take steps to discipline Mr. Vinegrad for his official misconduct by that August 21st letter, including removing him from the high-ranking position he occupies on your staff; and
- (4) the status of CJA's September 7, 1999 criminal complaint against Governor Pataki, Paul Shechtman, Attorney General Spitzer, *et al.* for their

participation and complicity in systemic governmental corruption – as to which Mr. Vinegrad's letter provides no notice of disposition.

Conspicuously, Mr. Vinegrad's August 21st letter to CJA makes *no* claim to have been authorized by you or to be responding on your behalf. Indeed, it conceals that CJA's August 14th letter was *to you* and that its request for "supervisory review of alleged misconduct on the part of various members of the United States Attorney's Office" was for "*your* supervisory review" (emphasis added).

This is the first of Mr. Vinegrad's concealments in his three-sentence letter. The second concealment is of his absolute disqualification to undertake "supervisory review", even had you requested him to do so. This, because Mr. Vinegrad is among the "various members of the United States Attorney's Office" against whom CJA's August 14th letter presents allegations of official misconduct. These allegations, as they relate to Mr. Vinegrad, are identified by CJA's August 14th letter (at pp. 2, 4-5) to include the possibility that he withheld from you CJA's predecessor letters, dated March 17th and April 24th, which *expressly* sought "your supervisory review" of Andrew Weissmann's inaction on CJA's September 7, 1999 criminal complaint, in which he may have been complicitous. Nowhere does Mr. Vinegrad's August 21st letter identify that CJA's allegations of official misconduct "on the part of various members of the United States Attorney's Office", which he purports to "review", involve his *own* official misconduct – nor acknowledge that he has a resulting self-interest in the outcome of his "review".

Mr. Vinegrad's August 21st letter does not deny or dispute CJA's allegations of his official misconduct – including that he may have withheld from you CJA's March 17th and April 24th letters. This reinforces the possibility that Mr. Vinegrad may have also withheld from you CJA's August 14th letter – a possibility itself suggested by his August 21st letter's failure to identify CJA's August 14th letter as having been addressed *to you*, received and reviewed *by you*, with his response authorized *by you*.

If Mr. Vinegrad has not withheld from you CJA's August 14th, April 24th, and March 17th letters, you will readily recognize the brazenness with which he has actualized his self-interest in his "review" by dismissing as "entirely unfounded" CJA's allegations of official misconduct "on the part of various members of the United States Attorney's Office". That CJA's allegations are extremely well founded is obvious from these letters. Also obvious is the reason Mr. Vinegrad confines his August 21st letter to such bald assertion, devoid of any specifics: he cannot do otherwise without conceding the legitimacy of the facts particularized by CJA's letters to support its allegations of official misconduct by the U.S. Attorney's Office.

If, on the other hand, Mr. Vinegrad has withheld from you CJA's letters -- from which the palpable dishonesty of his August 21st letter is *readily verifiable* -- you must immediately obtain them -- and CJA's September 7, 1999 criminal complaint to which they refer. You have a supervisory duty to take action in face of notice that Mr. Vinegrad has engaged in official misconduct by his August 21st letter, wilfully violating conflict of interest rules to cover up CJA's well founded allegations of official misconduct "on the part of various members of the United States Attorney's office". First and foremost of these allegations is that Mr. Weissmann and others at the U.S. Attorney's Office, possibly including Mr. Vinegrad himself, wilfully violated conflict of interest rules to protect persons implicated by CJA's September 7, 1999 criminal complaint with whom the U.S. Attorney's Office and its staff have personal and professional relationships.

In that connection, Mr. Vinegrad -- like Mr. Weissmann before him -- does not deny or dispute the existence of those personal and professional relationships and simply ignores CJA's legitimate inquiries as to how the U.S. Attorney's Office has addressed these conflicts of interest. This includes ignoring CJA's requests for a copy of the Attorney General's "rules and regulations", promulgated pursuant to 28 USC §528, "Disqualification of officers and employees of the Department of Justice", as well as for a copy of any further "rules and regulations" pertinent thereto promulgated by the U.S. Attorney for the Eastern District.

CJA, therefore, requests that your response to this letter include a copy of such "rules and regulations" pertaining to conflict of interest. Pursuant to 28 USC §528, these "may provide that a willful violation of any provision thereof shall result in removal from office."

Based on the record of CJA's correspondence, there can be no doubt as to the wilfulness with which Mr. Vinegrad, like Mr. Weissmann, has violated 28 USC §528 to prevent investigation of CJA's September 7, 1999 criminal complaint. However, it remains a question -- which your response to this letter will resolve -- as to whether and to what extent their wilful violations are with your knowledge and consent.

Finally, inasmuch as Mr. Vinegrad's August 21st letter makes no claim that the allegations of CJA's September 7, 1999 criminal complaint are "unfounded" as to the subject matter of that complaint, *to wit*, systemic governmental corruption involving, *inter alia*, Governor Pataki, Paul Shechtman, and Attorney General Spitzer, please advise what the U.S.

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Attorney's Office has been doing with that criminal complaint for the past year, while not confronting the multiple conflicts of interest it presents.

Yours for a quality judiciary
and government integrity,



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

P.S. So that your response will be fully informed by CJA's comparable correspondence with the U.S. Attorney for the Southern District of New York – also prospectively the subject of a complaint of official misconduct with the Justice Department's Office of Professional Responsibility -- enclosed is a copy of CJA's August 9th and September 6th letters to U.S. Attorney Mary Jo White, to which you are an indicated recipient.

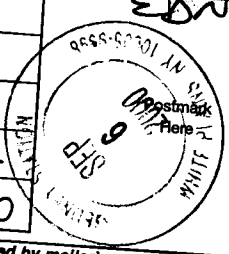
Enclosures

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

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