

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel: 914-421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY CERTIFIED MAIL – 7013-2250-0001-1152-6031

November 4, 2020

TO: Acting U.S. Attorney for the Northern District of New York Antoinette Bacon

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

RE: “Draining the Swamp” – as President Trump promised: CJA’s October 16, 2020 FBI complaint vs NY Governor Cuomo, Attorney General James – & all NY’s other highest constitutional officers in its 3 government branches for fraud and larceny pertaining to their pay raises and the state budget – embodied in 62 public corruption/grand jury complaints that NY’s 62 district attorneys are all “sitting on”, in furtherance of their own D.A. pay raises

This follows up my yesterday’s phone conversation with Assistant U.S. Attorney Alexander Wentworth Ping requesting your supervisory oversight of your office’s handling of public corruption complaints. As demonstrated by my own October 16, 2020 complaint, the present system undermines President Trump’s promise to “drain the swamp” and your own statements to WAMC public radio and the Albany Times Union that “public corruption is absolutely unacceptable”, a “top priority” “as long as I’m here”¹ and your invocation for “the public’s help” inasmuch as “People know things and they see things”, “Don’t assume I know. ...If you see something, say something.” because “If there is corruption here, we want to find it and we want to end it”.²

The facts are as follows:

On Friday morning, October 16, 2020, upon hearing the recorded interview you had given to WAMC public radio, I telephoned your office (518-431-0247). Apparently, you do not have a designated public corruption unit – and the call was directed to Assistant U.S. Attorney Robert

¹ “New U.S. Attorney For Northern District NY Discusses Goals, Legal Career”, WAMC, October 15, 2020, Jim Levulis.

² “New U.S. Attorney Antoinette Bacon brings energy, plans to tackle violence”, Albany Times Union, October 19, 2020, Robert Gavin.

Sharpe, who was that day's duty attorney. Mr. Sharpe advised that your office has no complaint form for me to complete – and that the procedure was for me to contact the FBI – whose website (tips.fbi.gov) and phone number (518-465-7551) Mr. Sharpe gave me. This referral to the FBI was notwithstanding I both summarized my complaint to Mr. Sharpe – that New York's 62 district attorneys were “sitting on” fully-documented public corruption/grand jury complaints against New York's highest public officers for fraud and larceny involving their own pay raises and the state budget – AND showed him the 62 complaints and their substantiating EVIDENTIARY proof, posted on the website of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA) – www.judgewatch.org, accessible from the prominent homepage center link “ELECTIONS 2020 – Taking Out Corrupt & Collusive Legislative Incumbents & Conspiring D.A.s – All Beneficiaries of Statutorily-Violative, Fraudulent, Unconstitutional Pay Raises & Other Larcenies of Taxpayer Monies”.

Promptly thereafter, I telephoned the FBI. The representative with whom I spoke did not facilitate the filing of my complaint – let alone in a manner consistent with what the FBI website says about public corruption, *to wit*, that it is “the FBI's top criminal investigative priority” because it “can affect everything”, including “how verdicts are handed down in courts” and because it “takes a significant toll on the public's pocketbooks by siphoning off tax dollars”. Instead, the FBI representative responded to my oral summary by telling me that I should file the complaint with the state attorney general – and disconnected the call upon my explaining to her that the state attorney general was among the public officers being complained about. I then telephoned again, only to have a second representative repeat the conduct by telling me, in response to my oral summary, that I had no basis for a complaint as the Legislature could pass legislation to raise salaries, thereupon disconnecting the call as I tried to explain that the legislation the Legislature had passed was to set up two compensation commissions and a compensation committee – and that my complaint related to their three salary-raising reports, each “false instruments”, violating the very statutes pursuant to which they purported to be rendered. It was following these two disconnected phone conversations that I filed my written complaint, *via* the FBI's website – copying the questions and answers before submitting the complaint, in the event the FBI website did not furnish me a copy – which, indeed, it did not.

A short time later, I again telephoned your office – leaving a voice mail message for Mr. Sharpe reciting my experience – and making two requests: (1) that he furnish me with a copy of my transmitted complaint, as all I had was my own improvised copy; and (2) that he obtain the audio of my recorded conversations with the two FBI representatives so that he could verify their improper conduct, intended to thwart the filing of fully-documented public corruption complaints, such as mine.

I received no return call from Mr. Sharpe, who presumably was then aware – or would become aware – that you were that day being interviewed by the Albany Times Union and exhorting the public to report public corruption. I also received no call from the FBI – notwithstanding the

EVIDENCE substantiating my October 16, 2020 complaint, identified by the complaint, with links, is open-and-shut and *prima facie* – mandating indictments and ensuring convictions of the complained-against public officers, most importantly:

- ALL the elected constitutional officers of New York’s executive branch: Governor Cuomo, Lt. Governor Hochul, Attorney General James, and Comptroller DiNapoli;
- ALL 15 stipend-receiving leaders of New York’s elected legislative branch – the highest being Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, who, with Governor Cuomo are the “three men in a room” controlling New York governance – and a huge swath of the Legislature’s 198 rank-and-file members, if not each and every one of them;
- ALL seven judges of the New York Court of Appeals, all appointed by Governor Cuomo, as well as judges of New York’s Albany-based Supreme Court and Appellate Division, Third Department.

On top of this, are New York’s 62 D.A.s, colluding in the fraud, larceny, and other “wilful misconduct in office” of the complained-against public officers – 32 being the D.A.s of the 32 New York counties within your jurisdiction – most importantly, Albany County District Attorney P. David Soares, who is “sitting on” the only materially-different complaint from among the 62 – the complaint specifically directed not only against state legislators, but against the constitutional officers of New York’s executive and judicial branches.

For this reason – and because you will likely not remain U.S. Attorney for the Northern District of New York, after January, in the event President Trump does not win re-election – I telephoned your office yesterday. Upon being told that Mr. Sharpe was unavailable, I requested to speak with the duty attorney or whoever else could field my call. That was Mr. Ping, to whom I recited the foregoing – including my concern that a successor U.S. Attorney, appointed by a Democratic president – would fail to act on a complaint whose highest targets, in New York’s executive branch, are ALL Democrats, and in New York’s legislative branch, are mostly Democrats, and at the Court of Appeals – the apex of New York’s judicial branch – are mostly Democrats, including Chief Judge DiFiore.

As with Mr. Sharpe, I guided Mr. Ping to CJA’s webpage of the 62 public corruption/grand jury complaints to the 62 D.A.s and the substantiating EVIDENTIARY webpage. I additionally showed him the further webpage identified by the complaint as posting, chronologically, the nine-year span of EVIDENCE – pointing out to him the link for the June 13, 2013 corruption complaint I had filed with the Democratically-appointed U.S. Attorney for the Northern District of New York Richard Hartunian, as to which I had received neither acknowledgment nor other response. I also showed Mr. Ping the webpage on which I had posted my copy of the October 16, 2020 complaint to the FBI, together with links for the WAMC and Albany Times Union articles about your prioritized commitment to pursuing public corruption.

For your convenience, a hard copy of my October 16, 2020 FBI complaint is enclosed. I have also created a separate webpage for it entitled “CJA’s October 16, 2020 corruption complaint, filed with the FBI pursuant to instruction of the Office of U.S. Attorney for the Northern District of New York Antoinette Bacon”. It is accessible from the chronological EVIDENTIARY webpage, <http://www.judgewatch.org/web-pages/judicial-compensation/menu-ny-judicial-compensation.htm> as well as *via* CJA’s top panel “Latest News”. The direct link to the webpage for the complaint is here: <http://www.judgewatch.org/web-pages/searching-federal/oct-16-2020-complaint-to-fbi-us-att-bacon.htm> – and it is where this letter will also be posted.

I look forward to answering your questions about the October 16, 2020 complaint, under oath, preliminary to your putting me before a federal grand jury. In view of the overwhelming EVIDENCE substantiating the complaint, I trust you will agree that a grand jury would have ample time to hand down indictments to “drain the swamp” of New York’s corrupt public officers and their many co-conspirators and accomplices prior to the January 20, 2021 presidential inauguration date.

Thank you.

Enclosure