

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: 212-335-8914 (5 pages)
BY CERTIFIED MAIL: Z-294-568-942

November 4, 1999

Robert M. Morgenthau, District Attorney
New York County
1 Hogan Place
New York, New York 10012

ATT: Assistant District Attorney Thomas A. Wornam
Deputy Chief, Special Prosecutions Bureau

RE: Your Non-Responsive October 29th Letter

Dear Mr. Wornam:

This letter follows up my phone message seeking confirmation that BEFORE you wrote your October 29th letter, you had received my own October 29th letter, faxed to your office at 4:51 THAT MORNING. The fax receipt is enclosed, as is my October 29th letter.

Your October 29th letter, presumably written during normal 9-5 business hours, makes NO reference to my October 29th letter and contains NONE of the specificity requested therein. However, even without the benefit of my October 29th letter, you knew, from our telephone conversation the previous day, that a bald and conclusory response to CJA's October 21st criminal complaint and long-standing intervention requests was not only unacceptable but evidence of official misconduct on your part. I trust you will agree that in that October 28th conversation, as likewise in my October 29th letter, I expressly requested that you identify:

- (1) the legal authority for your extraordinary position that, *without* confronting the conflict of interest issues presented at pages 5-7 of CJA's October 21st criminal complaint, the Manhattan District Attorney could dispose of the complaint and decline to intervene in the Article 78 proceeding, *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico, against the Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551);

EX "A-3"


- (2) the respects in which the evidence presented by CJA's October 21st criminal complaint was, according to you, "not enough" to support criminal investigations of the New York State Attorney General, the New York State Commission on Judicial Conduct, and the New York State Commission on Judicial Nomination – all having principal offices in Manhattan;
- (3) the reason for your failure to request that CJA provide you with further evidence to support the October 21st criminal complaint, in view of your claim that the evidence already provided was "not enough".

Please respond forthwith to such twice-repeated informational requests and, additionally, to my thrice-repeated request for a copy of the procedures in place at the Manhattan District Attorney's office for handling conflict of interest issues – the first request as to those procedures having been in the October 21st complaint itself (at pp. 5-6).

Please also immediately direct CJA's October 21st criminal complaint to your superiors, preferably to Mr. Morgenthau himself. If Mr. Morgenthau does not believe that the conflict of interest issues presented by the complaint are *threshold* and that, based on the supporting evidentiary proof, *to wit*, the file of my Article 78 proceeding against the Commission on Judicial Conduct and the file of the Article 78 proceeding *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141) – both defended by the State Attorney General by fraudulent litigation tactics – and CJA's correspondence relating to the Commission on Judicial Nomination -- he has *no duty* to the citizens who elected him to himself refer the complaint to the Public Integrity Section of the Justice Department's Criminal Division, *independent* of CJA's communications with federal prosecutors, he should set that forth in a letter.

CJA hereby requests that Mr. Morgenthau furnish a copy of such letter to the Court in my current Article 78 proceeding against the Commission on Judicial Conduct, with an explanation as to why, based on the file therein, including my July 28th and September 24th Memoranda of Law supporting my omnibus motion, he will not be intervening. Tellingly, your October 29th letter provides no explanation whatever for such position.

Yours for a quality judiciary,



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

Enclosures

TRANSMISSION VERIFICATION REPORT

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NAME : CJA
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TEL : 9144211200

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PS Form 3800, April 1995