

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Tuesday, October 29, 2013 2:29 PM
To: sflamisch@wnyt.com
Subject: NEWS LEAD: PROTECTING THEIR OWN: Albany Co. D.A. Soares' absence from yesterday's hearing -- and the Commission's failure to pursue lines of questioning related to his nonfeasance with respect to Board of Elections' referrals --
Attachments: 10-17-13-letter-to-commission-members-etc.pdf

Dear Steve,

You might want to confirm that Albany County District Attorney Soares was NOT present at yesterday's hearing – and to inquire about the Commissioners' failure to interrogate Board of Elections witnesses about the Board's referrals to District Attorney Soares (& Commission Co-Chair Nassau County District Attorney Rice) that were the subject of the August 5th Daily News article: "*Members of Cuomo's anti-corruption panel failed to pursue 1,500 criminal referrals from the Board of Elections*" by Ken Lovett: <http://www.nydailynews.com/news/politics/anti-corruption-panel-fails-pursue-criminal-referrals-article-1.1417593> .

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From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Tuesday, October 29, 2013 10:17 AM
To: 'sflamisch@wnyt.com'
Subject: THANK YOU for allowing us to inform your journalism -- "The People Have Something to Say -- & Evidence to Back It Up!" --

Dear Steve,

On behalf of viewers of News Channel 13 -- members of the public, like ourselves -- we thank you for giving us the opportunity to summarize for you last night, with video camera rolling, how the Commission to Investigate Public Corruption has been shutting out the public from testifying at its "public hearings" and ignoring, without investigation, the complaints of public corruption that the public has been filing with it.

To expose what has been going on, our nonpartisan, nonprofit citizens' organization, Center for Judicial Accountability, Inc. (CJA), launched a "People's Campaign to Hold the Commission to Investigate Public Corruption True to its Name & Announced Purpose", accessible from the homepage of our website, www.judgewatch.org. Among its menu of webpages, "The People Have Something to Say -- & Evidence to Back It Up", containing videos of the Commission's two prior hearings. The posted clip of my testimony at the September 17th Manhattan hearing is an excellent starting point – as is the August 5th letter to which I refer, both accessible from that page. Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/menu-people-evidence.htm>.

A month after my September 17th testimony, I followed it up with the attached October 17th letter to the Commissioners. It suggests that the Commission's failure to hold public hearings at which the public can testify as to the public corruption within its knowledge and scope is because such testimony exposes the deceit of the Commissioners, born of their conflicts of interest, that U.S. Attorneys, District Attorneys, the New York State Attorney General, and others are corruption fighters. The letter also showcases, specifically, the inaction of Albany County District Attorney Soares – a Commission member – with respect to the July 19th corruption complaint we filed against Governor Cuomo and Attorney General Schneiderman, the appointing and deputizing authorities of the Commission.

Since News Channel 13 covers Albany, your viewers will doubtless have an added interest in our July 19th corruption complaint to Albany County D.A. Soares – as, likewise, in the June 13th corruption complaint we filed with U.S. Attorney for the Northern District of New York Richard Hartunian – who, like D.A. Soares, has criminal jurisdiction over Albany.

As you know, the Commissioners spent a good deal of yesterday's hearing in scathing examination of the New York State Board of Election's procedures for handling complaints filed against it, inquiring as to whether it initiates *sua sponte* complaints in response to news articles, as to how it handles anonymous complaints, whether it records/logs in the complaints, how long it takes to send an acknowledgement, to investigate, etc. That examination was very important because the Board of Elections' nonfeasance and misfeasance has long needed to be exposed publicly. However, it was also a demonstration of hypocrisy by the Commissioners, born of conflicts of interest. They should be – but are not -- comparably examining the practices of other agencies and public officers charged with enforcement and prosecutorial powers – consistent with what the Governor said at his July 2 press conference announcing the Commission: "your mission, enforcement. And there is no substitute for enforcement. As a former attorney general and as a former assistant district attorney in the great office of Bob Morgenthau, I know, first-hand, there is no substitute for effective enforcement. And any system, and any set of laws are only as good as the enforcement mechanism behind them.") Thus, for example, how do the U.S. Attorneys, the District Attorneys, the New York State Attorney General and others handle complaints they receive of public corruption? Do they accept anonymous complaints? How long does it take for them to acknowledge these complaints? To investigate them? And what about their dispositions, are they remotely consistent with the evidence and the law?

Remember that at one point, when Commissioner Castleman was questioning on the subject of anonymous complaints, I called out to ask about the District Attorneys' own practices – to which Commissioner Castleman purported that D.A.s act on anonymous complaints, without response to my follow-up: "Where's your evidence?". Here's the link to the webpage of our July 19th complaint to D.A. Soares' "Public Integrity Unit": <http://www.judgewatch.org/web-pages/judicial-compensation/albany-da.htm> – and the link to its website: <http://www.albanycountyda.com/Bureaus/PublicIntegrityUnit/FAQ.aspx>. Note that the complaint form requires a signature with an acknowledgment that any false statement is punishable under the Penal Law – and page 7 of my written complaint identifies that D.A. Soares' Public Integrity Chief, Eric Galerneau, requested that I make such attestation. Yet, notwithstanding the essential aspects of the complaint can be verified in minutes, it is now more than three months that we have received NO acknowledgment of the July 19th complaint, let alone notification as to any investigation or how the threshold conflict of interest issues are being addressed. A comparable situation prevails with respect to U.S. Attorney Hartunian – and every other public officer and agency to whom we have turned with our comparable complaints.

By the way, our July 19th corruption complaint to D.A. Soares lays out the hoax perpetrated upon the People of New York by Governor Cuomo and legislative leaders involving the "Public Trust Act", etc. that led up to the creation of the Commission to Investigation. This hoax is additionally recounted – with further background and contextual info -- in our August 21st letter to the Governor – to which we have received no response from the Governor or anyone else. Here's our webpage for that important August 21st letter: <http://www.judgewatch.org/web-pages/people-lead/aug-21-2013-ltr-to-gov.htm>. The letter directly relates to another comment I made yesterday from the audience – my first comment -- wherein I stated that the Assembly Elections Law Committee and Senate Elections Committee have oversight jurisdiction of the Board of Elections & asked what they had been doing all these years by way of oversight.

By the way, here's the Siena poll with question #25 – “How serious would you say corruption in the New York State Legislature is? Would you say it's very serious, somewhat serious, not very serious or not at all serious?” – and then question #26 “What about in the rest of New York State government? Would you say that corruption in state government other than in the Legislature is a very serious problem, a somewhat serious problem, not a very serious problem, or is not at all a serious problem?”:

[http://www.siena.edu/uploadedfiles/home/parents_and_community/community_page/sri/sny_poll/SNY1013%20Cross tabs%20102113.pdf](http://www.siena.edu/uploadedfiles/home/parents_and_community/community_page/sri/sny_poll/SNY1013%20Cross%20tabs%20102113.pdf) . Siena poll spokesman Steve Greenberg, identified these two separate questions in his October 21 interview on Capitol Pressroom: <http://www.wcny.org/oct-21-2013-siena-poll-education-lawsuits/> . AND YET, not a single reporter corrected Cuomo on Oct 23 at his press conference when he said, inter alia, “Walk on the street and talk to people. Read a poll. People are lacking in trust when it comes to the state Legislature. Right or wrong, that's where we are.... he Moreland Commission says to the People of this State who overwhelmingly believe there is a problem in the Legislature, someone is doing something about it...” Here's the video of that press conference: <http://blog.timesunion.com/capitol/archives/197675/video-cuomo-qa-on-moreland-referendums-and-more/>

Our “People's Campaign to Hold the Commission to Investigate Public Corruption True to its Name & Announced Purpose” has MUCH valuable information and evidence to provide you – and I look forward to helping you in any way possible so that you and your journalistic colleagues can create meaningful journalism that strengthens the People's ability to understand and protect themselves from the abuses and corruption of our precious democracy.

Thank you again & sincerely,

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