

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewidth.org>
Sent: Friday, August 08, 2014 7:48 AM
To: 'Hezi Aris'; 'publisher@westchesterguardian.com'
Cc: 'richardlbrosky@gmail.com'
Subject: Clearing the "smoke screen of obfuscation" -- Your Aug. 7th Coverstory: "The NYS Budget, the Moreland Commission, Ethics Reform and the Gubernatorial Election ..."

Dear Hezi,

Bravo on your terrific August 7th coverstory: "*The New York State Budget, The Moreland Commission, Ethics Reform and the Gubernatorial Election*".

You are so right in your description of "a smoke screen of obfuscation"; "fiction concocted to titillate while seemingly validating a well-managed plot whose plausible scenarios feign credibility"; "a puzzle that has eluded those watching".

However, the true facts are NOT difficult to come by – especially as they are laid out in two lawsuits, each chronicling the Commission's corruption with respect to the budget, covering up for Cuomo, Skelos, Silver, and a who's who in New York State government, including Schneiderman & DiNapoli.

So that The Westchester Guardian can take the lead in reporting on these two lawsuits – and, in so doing, END the re-election prospects of a Governor who must be INDICTED for corruption, as likewise Skelos, Silver, Schneiderman, DiNapoli, etc. – below are my August 6th, July 25th, and July 23rd e-mails to The New York Times. It is now more than two weeks that The Times has been sitting on them, including the easy-to-verify explanation I furnished it as to why Cuomo had NO CHOICE but to shut down the Commission.

As your coverstory includes "*Who Will Probe this Situation?*" by "Hon." Richard Brodsky, "a fellow at the Demos think tank in New York City and at the Wagner School at New York University", this e-mail is simultaneously being sent to him so that he, too, can take the lead by providing you with scholarly commentary as to the political, legal, and constitutional significance of these two lawsuits. Surely, too, Professor Brodsky can provide you with the names of other scholars to whom you can additionally turn for assessment of the lawsuits. Would he not agree that Fordham Law Professor Teachout, who you profiled in the same August 7th issue, should be among them – as likewise her running-mate Columbia Law Professor Wu? In that connection, here's CJA's webpage "Defeating Corrupt Incumbents in the 2014 Elections", posting my e-mails to them – all prior to Professor Teachout's July 22nd joint press conference with Westchester County Executive Astorino in front of the Boss Tweed courthouse, railing against Governor Cuomo for shutting down the Commission: <http://www.judgewidth.org/web-pages/elections/2014-elections.htm>.

Finally, in the event you have not yet heard Mr. Astorino's August 7th video "Where are the Heroes?", asking "What happened to the whistleblowers in this state? What happened to the heroes?", here's the link: <http://vimeo.com/102741716>. Mr. Astorino has only to examine the two lawsuits to find the answers to those questions in his own Westchester backyard: our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. Why shouldn't The Westchester Guardian be the first to ask Mr. Astorino to examine and comment on the lawsuits?

Please let me hear from you, by the end of the day, whether you want this lead – or whether I should give it to other journalists. Time is of the essence.

Thank you.

Elena Sassower, Director
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914-421-1200
www.judgewatch.org

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Wednesday, August 06, 2014 11:57 AM
To: susanne.craig@nytimes.com
Cc: rashbaum@nytimes.com; kaplan@nytimes.com; 'metro@nytimes.com'; 'editorial@nytimes.com'; 'dwyer@nytimes.com'

Subject: Thank you for your prompt call-back this morning -- RE: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Dear Ms. Craig,

TIME IS OF THE ESSENCE. The primary elections are now only a month away – and Governor Cuomo and other CORRUPT incumbents will all sweep to re-election UNLESS the press begins to report the readily-verified facts of their CORRUPTION IN OFFICE, covered up by the chairs, members, special advisors, & staff of the Commission to Investigate Public Corruption – and by U.S. Attorney Bharara.

As I showed you when we spoke two hours ago, I've posted my below July 23rd and July 25th e-mails to you on CJA's website, www.judgewatch.org, accessible *via* the prominent homepage link: "Exposing the Corruption of the Commission to Investigate Public Corruption". Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/media/summer-2014-nyt.htm>.

Once you read the two e-mails – and have examined their accompanying hyperlinks – I'm sure you will agree that the other Times recipients of those e-mails, William Rashbaum, Thomas Kaplan, metro & editorial, should reasonably have discussed them with you, *in the event you had not received them – as you stated you had not*. Were they all of the opinion that there was nothing to report, while, concurrently, reporting and editorializing about Governor Cuomo, the Commission to Investigate Public Corruption, and U.S. Attorney Bharara? Did they examine the hyperlinks for the two PENDING lawsuits, showcasing the corruption of ALL three?: (1) my April 23, 2014 order to show cause to intervene in the Legislature's declaratory judgment action against the Commission; and (2) the March 28, 2014 verified complaint in CJA's citizen-taxpayer action vs Governor Cuomo, Temporary Senate President Skelos, the Senate, Assembly Speaker Silver, the Assembly, Attorney General Schneiderman, and Comptroller DiNapoli – each giving chapter-and-verse, fully-documented particulars?

Kindly confirm, by the end of the day, that The Times will be proceeding with an investigative expose and when you would like to interview me in connection therewith.

Otherwise, please advise as to how The Times is rising above its conflicts of interest with respect to this MAJOR STORY of systemic New York State government corruption, bringing down Governor Cuomo, Attorney General Schneiderman, Comptroller DiNapoli, Temporary Senate President Skelos, Assembly Speaker Silver, etc. – all up for re-election and all actively engaged in "grand larceny of the public fisc" involving slush-fund Judiciary & Legislative budgets totaling \$3 billion – that the Commission to Investigate Public Corruption covered up and that US Attorney Bharara has been covering up, each with knowledge of its DECISIVE electoral consequences.

As Times columnist Jim Dwyer wrote two relevant columns on July 24th and July 31st, I am furnishing this e-mail to him so that he can join with you in making appropriate inquiry as to why my July 23rd and July 25th e-mails did not generate any response from The Times.

Thank you.

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From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Friday, July 25, 2014 9:20 AM
To: 'susanne.craig@nytimes.com'
Cc: rashbaum@nytimes.com; kaplan@nytimes.com; 'metro@nytimes.com'; 'editorial@nytimes.com'

Subject: When can I expect to hear from you? -- RE: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Dear Ms. Craig,

How disappointing to have received no follow-up from you, Mr. Rashbaum, Mr. Kaplan – or anyone else at The Times – to our telephone conversation, shortly before 10 a.m. on July 23rd.

In that phone conversation, I identified to you that I had direct, first-hand information and evidence germane to your featured expose, "*Cuomo's Office Hobbled State Ethics Inquires*". At your request, I thereafter sent an elaborating e-mail, which is below.

Have you examined the below links, furnished by that e-mail?

As I stated when we spoke, I believe an important reason – if not the true reason – why Cuomo disbanded the Commission to Investigate Public Corruption is because the Legislature cut its funding from the budget – and such was a statutory prerequisite for it to investigate outside the Executive branch pursuant to Executive Law §63.8. This was a focal argument in the declaratory judgment action and other litigations against the Commission, brought in the Legislature's name, by its leaders, as I myself pointed out to the Legislature after it ignored my requests to testify at its budget hearings against the Governor's requested \$270,000 appropriation for the Commission (see March 28, 2014 verified complaint in citizen-taxpayer lawsuit, ¶¶48-50, 72-74, at the below link).

Examination of the record in the declaratory judgment action would lead to the conclusion that the Governor was going to LOSE in court. As he reasonably would have been advised of this, he knew he had to shut down the Commission before there was any determination of the issues. That the Legislature cut the Commission's \$270,000 appropriation only reinforced this. The so-called "deal" he got – most significantly, the "Public Trust Act", was bogus. The "Public Trust Act" – and his other ethics reforms – could have been achieved long before, and without the Commission, *via* "legitimate legislative process", and this is embodied in the first cause of action of my April 23, 2014 verified complaint to intervene in the declaratory judgment action (¶¶107, 111-113). All the controversy about the Commission only underscores that the constitutional, separation-of-powers issues about the Commission's establishment and operation are NOT moot.

As this is an election year, time is of the essence. Please advise when I can expect to hear from you or your Times colleagues, so that I may know how to proceed.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Wednesday, July 23, 2014 12:29 PM

To: 'susanne.craig@nytimes.com'

Subject: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Resent, as I previously misspelled your name. Apologies.

Elena

914-421-1200

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Wednesday, July 23, 2014 12:05 PM

To: 'suzanne.craig@nytimes.com'

Cc: 'rashbaum@nytimes.com'; 'kaplan@nytimes.com'; 'metro@nytimes.com'; 'editorial@nytimes.com'

Subject: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Dear Ms. Craig,

There is more – much more – to what you have today reported, derided by Governor Cuomo's office as old news, "the subject of other news articles and exhaustively covered".

The Commission was not just "hobbled" by "Cuomo's Office". **The Commission was itself corrupt:** it three Co-Chairs, its Commissioners, its Special Advisors, including individuals quoted by your story as if they were honest: as, for instance, D.A. David Soares and League of Women Voters Legislative Director Barbara Bartoletti. This is chronicled by my April 23, 2014 proposed verified complaint to intervene in the declaratory judgment action vs the Commission, purportedly brought by the Legislature, which is STILL LIVE (NY Co. #160941/2013). Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/intervention-declaratory-judgment.htm> .

Also LIVE – and in a position of summary judgment – is a further lawsuit chronicling the Commission's corruption: CJA's citizen-taxpayer action against Cuomo, Schneiderman, DiNapoli, Skelos, Silver, and the Legislature (Albany Co. #1788/2014). Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/budget-2014-2015/lawsuit-citizen-taxpayer%20action.htm> .

All the Commission's corruption emanates from its wilful refusal to address the threshold question of how it was handling conflicts of interest. This is a question I asked the Commission at its inception and throughout the course of its operation, including publicly and repeatedly when I testified before the Commission at its September 17th hearing. Here's the link to the webpage of CJA's website for the Commission's September 17th hearing, posting the video clip of my testimony – and listing the 16 other ordinary witnesses who testified at the hearing, NONE OF WHOM the Commission thereafter contacted to take further testimony or to investigate their allegations and evidence: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/hearing-9-17-13-manhattan.htm>. The significance of all this is particularized by my April 23, 2014 order to show cause to intervene in the declaratory judgment action, both by my proposed verified complaint and moving affidavit.

There is so much more to say. This includes about U.S. Attorney Bharara -- whose office I called immediately and repeatedly in April to alert it that it needed to ensure that it got **ALL** the Commission's files, not just the Commission's investigative files, as from these would be verifiable how the Commission had been ignoring complaints, such as I had presented to it, against Cuomo, Schneiderman, DiNapoli, Skelos, Silver, the Legislature, etc. I also alerted U.S. Attorney Bharara to the above two litigations, each furnishing a roadmap of the Commission's corruption. Suffice to furnish you with the link to the most recent letters I sent to U.S. Attorney Bharara regarding JCOPE – letters about its cover-up of

Cuomo's corruption: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/exposing-jcope.htm>. It is part of our set of webpages bearing the title "Exposing the Corruption of the Commission to Investigate Public Corruption", featured on our homepage: www.judgewatch.org

I am available to answer your questions and to be interviewed.

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