

From: elena@judgewatch.org
Sent: Monday, February 2, 2026 1:20 PM
To: 'pkarlan@stanford.edu'
Cc: 'mdunkle@law.stanford.edu'; 'kimlane@stanford.edu';
'kimlane@princeton.edu'; 'dzambrano@law.stanford.edu';
'slee@law.stanford.edu'; 'fsmith@law.stanford.edu'

Subject: **Your Jan 23rd E-Mail, Your Jan 22nd Podcast "How Democracies Collapse from Within", the American Law Institute's Restatement of Constitutional Torts, Etc.**

TO: [Professor Karlan](#)

While I thank you for your below January 23rd e-mail, responding to mine, also below, I am at a loss to understand each of its three sentences.

Your first sentence states “Due to the press of my other work, I cannot represent CJA”. However, my four-sentence January 23rd e-mail did not ask you to represent CJA and made clear that CJA already had an attorney, who had signed its [October 29, 2025 verified amended complaint](#).

Your second sentence states “Nor is this suit relevant to my currnt scholarship or teaching.” How can that be when, as your [Stanford Law School webpage](#) identifies, you are “the co-author of leading casebooks on constitutional law, constitutional litigation, and the law of democracy...co-reporter on the American Law Institute’s forthcoming Restatement on Constitutional Torts”, and, additionally – though not identified by that webpage – host of the ["Stanford Legal" podcast](#), which “look(s) at the cases, questions, conflicts, and legal stories that affect us every day”.

Your third sentence then concludes “So I will not be responding further.” Why would you say such a thing, rather than asking me to keep you updated on the lawsuit’s progress and furnishing me, as I had requested, with “your recommendations of other scholars for whom [the lawsuit] would be relevant”.

Did you examine the October 29th verified amended complaint and my substantiating [December 19th affidavit](#) reflecting the unprecedented procedural history of the case in federal court? Do you dispute that these present an emergency, democracy-dooming, constitution-eviscerating state of affairs, requiring IMMEDIATE scholarship and *amicus curiae* by scholars?

Indeed, can you explain why you did not deem the lawsuit as ESSENTIAL to the scholarship of [Stanford Visiting Law Professor Kim Scheppelle](#) whose interview on your [Stanford Legal](#) podcast you had entitled [“How Democracies Collapse from Within”](#) and posted on January 22nd – the day before my e-mail to you. Is it because the lawsuit does not fit your desired “narratives” and hers, which, seemingly, do not identify the corruption of the press – and of such other “truth-seeking” “knowledge institutions” on which democracies rest as academia?

So that Professor Scheppelle can assess, for herself, the lawsuit’s OBVIOUS relevance to her scholarship and forthcoming book *“Destroying (and Restoring) Democracy by Law”*, I am cc’ing her on this e-mail, with a request that she call me so that we can discuss it. Likewise, I am cc’ing [Stanford Legal](#)’s other host, [Professor Diego A. Zambrano](#), for whom the lawsuit is also germane, based on his Stanford Law School

webpage, and who, additionally should have the opportunity to evaluate it for Stanford Legal podcasting, herein **expressly requested**.

Finally, inasmuch as the lawsuit is building common law by its causes of action for “journalistic fraud” and “institutional reckless disregard for truth – and these would appear to be constitutional torts, consistent with the Supreme Court’s constitutionalizing of the tort of defamation in *New York Times v. Sullivan* – please confirm that you will recommend the inclusion of these two constitutional torts and the **2003** and **2004** law review articles on which they are based in the American Law Institute’s Restatement of “Constitutional Torts” and, if not, that you will recommend their inclusion in some other section of ALI’s Restatement (3rd) of Torts. Would it be “Remedies”, “Miscellaneous”, or “Defamation and Privacy”?

As Stanford Law Professor Fred O. Smith, Jr. is an associate reporter for the Restatement of “Constitutional Torts” and I received no response from him to my comparable January 23rd e-mail to him about the lawsuit, he is herein cc’ed – as is the staff assistant you share with him – so that he can give his opinion of the emerging torts of “journalistic fraud” and “institutional reckless disregard for truth” and the section of the Restatement (3rd) of Torts in which they should be placed.

I request that you and Professor Smith advise, as soon as possible, so that I may know how to proceed in communicating with ALI leadership, etc.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Pamela S Karlan <pkarlan@stanford.edu>
Sent: Friday, January 23, 2026 5:10 PM
To: elena@judgewatch.org
Cc: mdunkle@law.stanford.edu

Subject: Re: AGAIN: Scholarship, Amici, & Counsel Needed: Guarantee Clause of the U.S. Constitution/Federal Lawsuit vs The NYT & 33 Other Press Defendants Pursuant Thereto in Vindication of the First Amendment & Constitutional, Lawful Governance

Dear Ms. Sassower,

Due to the press of my other work, I cannot represent CJA. Nor is this suit relevant to my currnt scholarship or teaching. So I will not be responding further.

Sincerely,

Pam Karlan

Pam Karlan
Stanford Law School
karlan@stanford.edu

On Jan 23, 2026, at 9:40 AM, elena@judgewatch.org wrote:

TO: Stanford Law School Professor & Constitutional Scholar Pamela S. Karlan

How disappointing to have received no response from you or your assistant to my below December 1st e-mail. **Is it not directly germane to your scholarship and teaching?**

By way of update, here linked are the October 29, 2025 verified amended complaint in the federal lawsuit, signed by CJA's counsel on January 5, 2026 and refiled and my December 19, 2025 affidavit demonstrating subject matter jurisdiction, highlighting the unprecedented manner in which the district court has proceeded.

Please confirm that the lawsuit will be part of your scholarship and teaching – and, if not, the reason and your recommendations of other scholars for whom it would be relevant.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Monday, December 1, 2025 9:21 AM
To: 'karlan@stanford.edu' <karlan@stanford.edu>
Cc: 'mdunkle@law.stanford.edu' <mdunkle@law.stanford.edu>

Subject: Scholarship, Amici, & Counsel Needed: Guarantee Clause of the U.S. Constitution/Federal Lawsuit vs The NYT & 33 Other Press Defendants Pursuant Thereto in Vindication of the First Amendment & Constitutional, Lawful Governance

TO: Stanford Law School Professor & Constitutional Scholar Pamela S. Karlan

I am co-founder and director of the non-partisan, nonprofit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](http://www.judgewatch.org).

As you are Stanford Law School's Kenneth and Harle Montgomery Professor of Public Interest Law and a constitutional scholar, I am writing to alert you to a major federal

lawsuit that CJA and I have brought on our own behalf and “*and on behalf of the People of the State of New York & the Public Interest*” against The New York Times and 33 other press defendants, seeking to establish judicial recognition of causes of action for “journalistic fraud” and “institutional reckless disregard for truth”.

Above-attached and here-linked is the [October 29, 2025 amended verified complaint](#) whose first paragraph reads:

“Pursuant to Article 4, §4 of the United States Constitution, ‘The United States shall guarantee to every State in this Union a Republican Form of Government...’, and the First Amendment to the Constitution pertaining to the press, as explicated by federal caselaw...and the First Amendment’s guarantee of ‘the right of the people...to petition the Government for a redress of grievances’, and the further guarantees of the Fifth Amendment^{fn} and the Fourteenth Amendment, §1^{fn} to every ‘person’ of ‘due process of law’ and ‘the equal protection of laws’, plaintiffs seek declaratory relief and compensatory, presumed, and punitive damages against defendants for their knowingly false, ‘fake news’, corruption-abetting, election-rigging journalism, concealing and enabling the destruction of constitutional, lawful governance in New York State, culminating in corrupt candidates running on the 2025 election ballots – and, in particular, for New York City mayor, for New York City public advocate, for Manhattan borough president, for Manhattan district attorney, for Brooklyn district attorney, and to be district attorneys in approximately a dozen other counties throughout the state – and their election.” (underlining added).

In addition to furnishing the lawsuit to you for your scholarship and teaching, I would appreciate discussing it with you and exploring whether you would be interested in participating as an *amicus curiae* or as paid counsel to CJA, which, because I am a non-lawyer, I cannot represent. I believe the lawsuit to be a summary judgment case, as there is NO defense to it factually or legally. The SOLE issue is the magnitude of compensatory, presumed, and punitive damages – a jury determination that will reasonably be many tens of billions of dollars.

The district court’s irregular handling of the lawsuit, highlighted by my [November 19th letter to the district court judge](#), only reinforces this – as does my [drafted responding affidavit, for submission in January, disposing, at the outset, and before defendants are even served](#), of a subject matter jurisdiction defense of standing.

If you are unable to participate in the lawsuit, I would be grateful for your recommendations of other constitutional law scholars and attorneys – or, better yet, your forwarding this e-mail to them, directly, so that no time is wasted in putting together a crackerjack legal team for what is clearly monumental and fundamental to self-governance and “a Republican Form of Government”.

In that regard, I note that you were credited by then Stanford Law School student Jacob M. Heller in his excellent June 2010 Stanford Law Review article “[Death by a Thousand](#)

Cuts: The Guarantee Clause Regulation of State Constitutions". I have googled to find Mr. Heller, but without success. Do you have any contact information for him?

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org