

From: elena@judgewatch.org
Sent: Monday, January 12, 2026 1:32 PM
To: 'jameel.jaffer@knightcolumbia.org'; 'alex.abdo@knightcolumbia.org';
'katie.fallow@knightcolumbia.org';
'nadine.faridjohnson@knightcolumbia.org';
'katy.glennbass@knightcolumbia.org'

Subject: **Scholarship & Amicus Curiae -- Federal Lawsuit vs the NYT & 33 Other Press Defendants, Vindicating the First Amendment by Causes of Action for "Journalistic Fraud" & "Institutional Reckless Disregard for Truth"**

Attachments: [no18-1-oct29-2025-verified-amended-complaint-signed-by-zerman.pdf](#)

TO: [KNIGHT FIRST AMENDMENT INSTITUTE/COLUMBIA UNIVERSITY](#)

[Executive Director Jameel Jaffer, ESQ.](#)
[Litigation Director Alex Abdo, ESQ.](#)
[Deputy Litigation Director Katie Fallow, ESQ.](#)
[Policy Director Nadine Farid Johnson, ESQ.](#)
[Research Director Kay Glenn Bass, ESQ.](#)

I am co-founder and director of the non-partisan, nonprofit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#) and am writing to alert you to a major federal lawsuit that we have brought, in vindication of the First Amendment, "*on behalf of the People of the State of New York & the Public Interest*", against [The New York Times](#) and 33 other press defendants. Above-attached and here-linked is the [October 29, 2025 verified amended complaint](#), as signed by CJA's attorney on January 5, 2026 and refiled, whose prefatory quote reads:

"The First Amendment goes beyond protection of the press...'it is the right of the [public], not the right of the [media], which is paramount,'...for 'without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally,'...

Cohen v. Cowles Media Co., 501 U.S. 663, 678 (1991), Justice Souter, writing in dissent with Justices Marshall, Blackmun, and O'Connor, citing cases culminating in *New York Times Co. v. Sullivan*, 376 U.S. 254, 278-279 (1964), cited in "[Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence](#)", 14 [Fordham Intellectual Property, Media & Entertainment Law Journal](#) 1, footnotes 62 and 156 (2003)."

Substantiated by a mountain of [primary-source, documentary evidence, spanning decades](#), the October 29th verified amended complaint provides a devastating window into how the press ACTUALLY operates, flagrantly violating their First Amendment responsibilities and journalistic codes of conduct by *knowingly* false, corruption-abetting, election-rigging journalism – with NO difference between for-profit, commercial, nonprofit, public, national/"local", print, broadcast, digital, including those receiving and conferring tax benefits.

The first of the lawsuit's four causes of action is "Journalistic Fraud", proposed as viable under the First Amendment and just waiting to be tested by the above-cited and linked 2003 law review article. Are you familiar with it? How about the 2005 law review article "[*Institutional Reckless Disregard for Truth in Public Defamation Actions against the Press*](#)", 90 [*Iowa Law Review*](#) 887, upon which our second cause of action "Institutional Reckless Disregard for Truth" rests. What scholarship has there been about these two law review articles over the past 20 years – and of lawsuits based thereon? I have found none, including by your 2023-2024 project [*The Future of Press Freedom: Democracy, Law, and the News in Changing Times*](#), whose purpose was to answer such "critically important questions" as "How, if at all, can we shape doctrine and legal policies that grant rights to those acting as proxies for the public without privileging the powerful over the weak?...And what protections might be constitutional necessities for fulfilling the wider purpose of the First Amendment guarantee of freedom of the press?"

As the October 29th verified amended complaint establishes that causes of action for "journalistic fraud" and "institutional reckless disregard for truth" are "constitutional necessities for fulfilling the wider purpose of the First Amendment guarantee of freedom of the press", "grant[ing] rights to those acting as proxies for the public without privileging the powerful over the weak", will you file an *amicus curiae* brief in the lawsuit in support of their judicial recognition?

I am eager to discuss the foregoing with you – and the district court's unprecedented handling of the case, reflected by my [*December 19, 2025 affidavit demonstrating subject matter jurisdiction*](#). Meantime, I will forward this e-mail to the scholars who participated in the [*Future of Press Freedom: Democracy, Law, and the News in Changing Times*](#) project so that they can likewise respond. **The October 29th verified amended complaint EVIDENTIARILY rebuts their premises and preconceptions about press integrity and functioning, warranting substantial revisions/corrections/retractions to [their articles](#) and [May 3, 2024 symposium presentations](#). Or do they disagree – and based on what evidence?** For starters, I suggest they begin with "legacy" for-profit defendant [*New York Times*](#), formerly U.S. taxpayer-funded and non-profit, 501(c) tax-exempt defendant [*WNYC*](#) and its [*Gothamist*](#), and nonprofit, 501(c)(3) tax-exempt defendants [*The City*](#), [*New York Focus*](#), and [*ProPublica*](#).

Please let me hear from you soon.

Thank you.

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