

From: elena@judgewatch.org
Sent: Tuesday, January 20, 2026 1:57 PM
To: 'csunstei@law.harvard.edu'
Cc: 'bbee@law.harvard.edu'

Subject: **AGAIN -- Empirical Evidence for Your Scholarship on "Fake News" -- Federal Lawsuit Pursuant to the Guarantee Clause & in Vindication of the First Amendment & Constitutional, Lawful Governance**

TO: [Harvard Law School Professor Cass Sunstein](#)

How disappointing to have received no response from you or your assistant to my below December 5th e-mail entitled "Empirical Evidence for Your Scholarship on 'Fake News', Plus Request for Amicus Curiae & Counsel Assistance -- Federal Lawsuit Pursuant to the Guarantee Clause & in Vindication of the First Amendment & Constitutional, Lawful Governance". **Is it not germane to your scholarship and teaching?**

By way of update, here linked are the [October 29, 2025 verified amended complaint, 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 recommendation of other scholars for whom it would be relevant.

Thank you.

Elena Sassower, Director
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From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Friday, December 5, 2025 9:58 AM
To: 'csunstei@law.harvard.edu' <csunstei@law.harvard.edu>
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Subject: **Empirical Evidence for Your Scholarship on "Fake News", Plus Request for Amicus Curiae & Counsel Assistance -- Federal Lawsuit Pursuant to the Guarantee Clause & in Vindication of the First Amendment & Constitutional, Lawful Governance**

TO: [Harvard Law School Professor Cass Sunstein](#)

I am co-founder and director of the non-partisan, non-profit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#) and am writing to alert you to a major federal lawsuit pertaining to "fake news" – identified by [your Harvard Law School webpage](#) as among the "projects" you are "working on".

The lawsuit, brought pursuant to the Guarantee Clause of the U.S. Constitution, by CJA and myself on our own behalf and “*on behalf of the People of the State of New York & the Public Interest*”, is against The New York Times and 33 other press defendants and seeks judicial recognition of causes of action for “journalistic fraud” and “institutional reckless disregard for truth”.

Above-attached and here-linked is the [October 29th 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.” (italics in the original).

In addition to furnishing the lawsuit to you for your scholarship and teaching, perhaps you would be interested in participating in it as an *amicus curiae* or as paid counsel to CJA, which, because I am not a lawyer, I cannot represent.

As will swiftly become apparent to you, the lawsuit is 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 a great many 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.

I would appreciate speaking with you about the foregoing, as soon as possible.

Needless to say, if you are unable to participate in the lawsuit, I would appreciate your recommendations of other constitutional law professors and civic-minded 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 democracy and “a Republican Form of Government”.

Thank you.

Elena Sassower, Director
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