

From: Toni MENDICINO <tmendicino@law.berkeley.edu>
Sent: Friday, January 23, 2026 4:44 PM
To: elena@judgewatch.org
Subject: **Re: AGAIN: Scholarship, Amicus Curiae...Needed: Guarantee Clause & Federal Lawsuit vs The NYT & 33 Other Press Defendants in Vindication of the First Amendment & Constitutional, Lawful NYS Governance**

Dear Ms. Sassower,

The Institute for Legal Research at UC Berkeley Law School is not able to help with your requests. Professor Harry N. Scheiber is in his 90s and not currently active although he remains our Director Emeritus. Our current work is focused on U.S. and Japanese Law in comparative perspective (the Sho Sato Program) and other initiatives are on indefinite hiatus.

Please remove us from your outreach list for these reasons.

Best wishes,
Toni

On Fri, Jan 23, 2026 at 12:52 PM <elena@judgewatch.org> wrote:

TO: [UNIVERSITY OF CALIFORNIA/BERKELEY LAW SCHOOL](#)
[Dean/Constitutional Law Professor Erwin Chemerinsky](#)
[Former Dean/Constitutional Law Professor Emeritus Jesse Choper](#)
[Edley Center for Law and Democracy](#)
[Executive Director Catherine E. Lhamon, Esq.](#)
[Co-Director Law Professor Daniel Farber](#)
[Co-Director Law Professor Bertrall Ross](#)
[Former Co-Director/Now Affiliated NYU Law Professor Jonathan Gould](#)
[Faculty Advisory Board Member/Constitutional Law Professor Amanda L. Tyler](#)
[Public Law and Policy Program](#)
[Faculty Director Law Professor John Yoo](#)
[Institute for Legal Research \(Constitutional Law & History Program\)](#)
[Faculty Director Law Professor Emeritus Harry Scheiber](#)
[Administrator Toni Mendicino](#)

How disappointing to have received no response from any of you to my below December 1st e-mail. Is it not directly germane to your scholarship, teaching, and the purposes for which your Center for Law and Democracy, Public Law and Policy Program, and Institute for Legal Research/Constitutional Law & History Program were established?

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. By a [January 12, 2026 e-mail](#) I furnished these to Professor Chemerinsky and fellow scholars who participated in Columbia University's Knight First Amendment Institute's project "[The Future of Press Freedom: Democracy, Law, and the News in Changing Times](#)". As yet, I have received no responses.

Please confirm that the lawsuit will be part of your scholarship and teaching, if not, additionally, an *amicus curiae* brief – and, if not, the reason.

Thank you.

Elena Sassower, Director
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From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Monday, December 1, 2025 6:19 PM
To: 'echemerinsky@law.berkeley.edu' <echemerinsky@law.berkeley.edu>; 'jchoper@law.berkeley.edu' <jchoper@law.berkeley.edu>; 'celhamon@berkeley.edu' <celhamon@berkeley.edu>; 'dfarber@law.berkeley.edu' <dfarber@law.berkeley.edu>; 'bross@law.berkeley.edu' <bross@law.berkeley.edu>; 'jg9035@nyu.edu' <jg9035@nyu.edu>; 'atyler@law.berkeley.edu' <atyler@law.berkeley.edu>; 'plp@law.berkeley.edu' <plp@law.berkeley.edu>; 'yooj@berkeley.edu' <yooj@berkeley.edu>; 'ilr@law.berkeley.edu' <ilr@law.berkeley.edu>; 'hscheiber@law.berkeley.edu' <hscheiber@law.berkeley.edu>; 'tmendicino@law.berkeley.edu' <tmendicino@law.berkeley.edu>
Cc: 'cschultz@law.berkeley.edu' <cschultz@law.berkeley.edu>; 'egonzalez@law.berkeley.edu' <egonzalez@law.berkeley.edu>; 'wmohsen24@berkeley.edu' <wmohsen24@berkeley.edu>; 'thearood@berkeley.edu' <thearood@berkeley.edu>; 'david.peer@nyu.edu' <david.peer@nyu.edu>

Subject: Scholarship, Amicus Curiae, & Counsel Needed: Guarantee Clause & Federal Lawsuit vs The NYT & 33 Other Press Defendants in Vindication of the First Amendment & Constitutional, Lawful NYS Governance

TO: [UNIVERSITY OF CALIFORNIA/BERKELEY LAW SCHOOL](#)
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I am co-founder and director of the non-partisan, nonprofit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#).

A *propos* of Professor Chemerinsky's 1994 law review article "[Cases Under the Guarantee Clause Should Be Justiciable](#)" and Professor Choper's 1994 law review article "[Observations on the Guarantee Clause...](#)" – both for the same [constitutional law conference on "Guaranteeing a Republican Form of Government"](#) – and their and your other constitutional scholarship, I am writing to alert you to a major federal lawsuit pursuant to the Guarantee Clause that CJA and I have brought on our own behalf 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 prefacing quote and first paragraph read:

"'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).^{fn}

...

1. 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, including as above recited, 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.” (hyperlink in the original).

In addition to furnishing you the lawsuit for scholarship and teaching, I am requesting your participation as *amicus curiae* or counsel to CJA, *pro bono* or paid, 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.

As it is essential to put together a crackerjack legal team for what is clearly a monumental, if not unprecedented, lawsuit, fundamental to “a Republican Form of Government”, I look forward to hearing from you as soon as possible.

Thank you.

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