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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**
Attachments: [cja-oct-29-2025-amended-complaint.pdf](#)

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.](#)
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[Faculty Director Law Professor Emeritus Harry Scheiber](#)
[Administrator Toni Mendicino](#)

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.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

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