

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Friday, August 31, 2018 6:32 PM
To: 'jcoltin@cityandstateny.com'
Cc: 'tallon@cityandstateny.com'; 'sfarbman@cityandstateny.com';
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Subject: Jeff Klein, the IDC -- & fellow incumbents, both Democratic & Republican, running for re-election -- & the 4 posturing liars who are the Democratic AG candidates
Attachments: 5-4-18-message-jumaane-williams.pdf; 8-17-18-to-persico-maloney.pdf; 5-18-18-ltr-to-interim-ag-candidates.pdf

TO: Jeff Coltin/Staff Reporter – City & State

and, for the reasons, stated below, to:

Tom Allon, President/Publisher
Steve Farbman, Chairman/CEO
Jon Lentz, Editor-in-Chief
Ryan Somers, Managing Editor
Ben Adler, Senior Editor
Rebecca Lewis/Editorial Assistant
Zach Williams, Reporter & Staff Reporter for (sister publication) New York Nonprofit Media

Your August 30th analysis of “Jeff Klein’s misleading letter”: https://www.cityandstateny.com/articles/politics/new-york-state/jeff-klein-idc-letter.html?mc_cid=547c0f147e&mc_eid=23eaa7b7fd, begins with the preface:

“The eight-year saga of the Independent Democratic Conference, founded in 2011 and apparently killed off in 2018, is **one of the more confusing chapters in Albany political history.**” (bold added)

Did you not receive my below August 28th e-mail entitled “Behind-the-scenes of tonight’s Democratic AG candidates debate -- Challenging the brazen lies & distortion of the AG’s constitutional function -- WITH EVIDENCE”? I e-mailed it, three days ago, to tips@cityandstate.com, with its above three attachments – and reasonably expected that it would have been forwarded to you, as the City & State reporter doing the lion’s share of reporting about the AG race, who would, additionally, be covering the August 28th debate – and which you wrote about in your August 28th article bearing the title “*Unanswered questions from the state attorney general debate*”:

<https://www.cityandstateny.com/articles/politics/campaigns-elections/unanswered-questions-state-attorney-general-debate.html>.

The EVIDENCE to which my “tips” e-mail refers includes three lawsuits – and an intervention motion – which arise from Jeff Klein’s corruption, as senator – in tandem with Democratic senator Andrea Stewart Cousins and former Democratic senator Dan Squadron – both of whom, like Senator Klein, were members of the Temporary Senate Committee on Rules and Administration Reform, established by then Democratic Senate Majority Leader Malcolm Smith, on January 7, 2009, at the opening of the Senate session – to which Democratic Senator Krueger, though not a member, participated – and whose April 2009 Democratic majority and Republican minority reports on rules reform were the backstory to the June 8, 2009 Senate coup, which was largely a battle over Senate rules, vesting autocratic powers in the majority leader – about which Senator Klein’s letter says nothing in the paragraph reading:

“In 2008, the Democratic Party had control of the New York State Senate for the first time since 1964. Within two years that control, and the ability to pass

progressive legislation, was lost. What was subsequently passed were tax hikes that crippled every day New Yorkers and left the State budget in a \$10 billion deficit. Dysfunction and corruption plagued the New York State Legislature.”

Tellingly, you do not annotate this key paragraph of Senator Klein’s letter with any comment. Is this because six years after the critical four-year span from January 2009, when the Democrats took charge of the Senate, up to November/December 2012, when the IDC pacted with Senate Republicans, there is NO “Albany political history” SCHOLARSHIP about it on which you can rely? Indeed, are you able to find any “Albany political history” SCHOLARSHIP for prior years – or since? Certainly, if you – or City & State’s other reporters, or its editors, or its publisher, or its chairman – are able to identify for me who are the supposed scholars of “Albany political history” – presumably including scholars of the New York State Constitution – I will rush to furnish them with the gold-mine of primary-source documentary EVIDENCE, embodied by the lawsuits. I trust you and they would agree that SCHOLARSHIP – like news reporting -- if it is to be honest and not rigged, must be based on ALL AVAILABLE EVIDENCE.

Meantime, I urge you and they to read my very first letter to Senator Klein, as head of the IDC – and to his then fellow IDC members, Senators Valesky, Savino, Carlucci – and the now incarcerated Malcolm Smith -- dated December 7, 2012, and my subsequent correspondence to them up to January 9, 2013 – and including to Republican Senate Majority Leader Skelos, Democratic Senate Minority Leader Stewart-Cousins, and ALL senators, Democratic and Republican. It is posted on CJA’s website, www.judgewatch.org, on the webpage entitled “CJA’s Championing of Appropriate Rules and Leadership for the NYS Senate”, whose direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/NYS-legislature-rules-leadership.htm>. To see where it fits in, contextually and chronologically, with what took place before and since, up to the present and this year’s elections, you can find it on CJA’s webpage entitled “The Corrupt Commission Scheme to Raise the Salaries of Corrupt Public Officers” accessible from the left sidebar panel “Judicial Compensation-NYS”, whose direct link is here: <http://www.judgewatch.org/web-pages/judicial-compensation/menu-ny-judicial-compensation.htm>. Additionally, and on the subject of the absence of the most rudimentary EVIDENCE-BASED SCHOLARSHIP, to which I alerted the Commission to Investigate Public Corruption by an August 5, 2013 letter – the same letter to which I referred in testifying at its September 17, 2013 public hearing, in the presence of Professor Zephyr Teachout – here’s the webpage entitled “Educating the Candidates & Public about the Attorney General’s Role”: <http://www.judgewatch.org/web-pages/elections/issues/ag-race-making-elections-meaningful.htm>.

I look forward to your response – both as to who the scholars of “Albany’s political history” and of the New York State Constitution are – and by your investigative reporting of the below e-mail, sent as a “tip”, in keeping with what City & State’s website says about itself: “City & State is the premier media organization dedicated to covering New York’s local and state politics and policy. Our in-depth, non-partisan coverage serves New York’s leaders every day as a trusted guide to the issues impacting New York.”

I am simultaneously sending this e-mail to City & State’s publisher, chairman, relevant editors, and reporters because of the explosive political significance of what is here presented – all FULLY DOCUMENTED and for that reason up-ending the electoral races for governor, lieutenant governor, attorney general, comptroller, as well as for Senate and Assembly legislative seats. As time is of the essence, I ask that you – or they – advise by no later than Monday, September 3rd – as to whether City & State will take the LEAD on this monumental story, as, if not, I will circulate this e-mail to other journalists and publications for their evaluation of its news-worthiness.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, August 28, 2018 12:59 PM
To: 'tips@cityandstateny.com' <tips@cityandstateny.com>

Subject: Behind-the-scenes of tonight's Democratic AG candidates debate -- Challenging the brazen lies & distortion of the AG's constitutional function -- WITH EVIDENCE

What's happening behind-the-scenes of tonight's debate between Democratic candidates for attorney general?

Below is the e-mail, sent this morning, to all four Democratic attorney general candidates, calling upon them to refute the EVIDENCE of their brazen lies & distortion of the attorney general's constitutional function. The explicating e-mail sent two days ago to debate co-moderators Errol Louis and Liz Benjamin of Spectrum News is beneath it – and below it, two prior e-mails to them, all with the above three attachments.

All four e-mails – and the EVIDENCE in substantiation – are posted on the Center for Judicial Accountability's webpage entitled: "The Posturing Liars who are the Four Attorney General Candidates for the Democratic Party Line". The direct link is here:
<http://www.judgewatch.org/web-pages/elections/challengers/democrat-ag-candidates.htm>.

Please do your part to discharge your own constitutional function to investigate and inform the public – and forward this to your TOP editors for their review and evaluation.

I am available to assist you, to the max.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: Today's Democratic AG Debate at CUNY's John Jay College of Criminal Justice: Challenging Your Brazen Lies & Distortion of the AG's Constitutional Function WITH EVIDENCE

TO: Democratic Candidates for New York State Attorney General

Zephyr Teachout, Letitia James, Sean Patrick Maloney, Leecia Eve

In the event the co-moderators of today's debate – Errol Louis and Liz Benjamin – did not furnish you with the below e-mail entitled “Challenging Brazen Lies & the Distortion of the AG's Constitutional Function by the 4 Democratic AG Candidates”, as I requested them to do, I am furnishing it to you now, so that you can prepare for questioning by them. I invite your refutation – especially as I will be circulating it to other journalists to obtain your answers, on behalf of the voters, if Mr. Louis and Ms. Benjamin do not do so, at the debate. To assist you, all the EVIDENCE substantiating the e-mail, including its above three attachments, are posted on CJA's website, here: <http://www.judgewatch.org/web-pages/elections/challengers/democrat-ag-candidates.htm>.

I note that on August 21st – the day before your August 22nd debate moderated by Ben Max, at which – according to the transcript (at p. 18) -- Candidate Teachout answered “yes” to his question “Does Governor Cuomo deserve reelection?”, Liz Benjamin interviewed Senator Liz Krueger about her endorsement of Candidate Teachout, who was sitting beside her. In her VIDEO interview: <http://spectrumlocalnews.com/nys/capital-region/capital-tonight-interviews/2018/08/21/teachout-krueger-endorsement#>, Ms. Benjamin mentioned that Cynthia Nixon and Candidate Teachout had endorsed each other. This is what I would have expected, not the least reason because Candidate Teachout was Cynthia Nixon's campaign treasurer, prior to announcing her run for attorney general. As it was difficult to hear Candidate Teachout's answer from the VIDEO of the August 22nd debate, I relied on the transcript in writing my below e-mail. However, upon re-watching that portion of the VIDEO several times (at 43:50 mins), I believe that the transcript may be erroneous and that the answer that Candidate Teachout actually gave was “no”. If so, Candidate Teachout should contact Mr. Max and have the transcript corrected. The VIDEO and transcript of the August 22nd debate, both of which are posted on CJA's website, are additionally here: <https://www.youtube.com/watch?v=05Lge7BKabM>.

Of course, there are so many contradictions and incongruities in Candidate Teachout. And reflecting this are my succession of e-mails to her in 2014, 2016, and March 2018: <http://www.judgewatch.org/web-pages/elections/challengers/zephyr-teachout.htm> – to which she did not respond, notwithstanding the EVIDENCE they furnished would have enabled her, in 2014, to have swiftly, and in one fell swoop, ended a corrupt *status quo* and knocked out Cuomo – and to have done the same for Cynthia Nixon, back in March – and now. Certainly, Candidate Teachout's endorsement of Comptroller DiNapoli at the August 22nd debate – and her “proud” “honored, really honored” public acceptance of Senator Krueger's endorsement on August 21st – are utterly indefensible, based on that same EVIDENCE – and, even more so, by virtue of the appeal brief and three-volume record on appeal that I furnished her on July 16th. Likewise, her ongoing heralding and advocating for a reprise of the Commission to Investigate Public Corruption.

As Candidate Teachout is presumed to know, Senator Krueger is Ranking Member of the Senate Finance Committee – and her corruption with respect to the commission-based judicial salary increases and the state budget is particularized by the pleadings of the two citizen-taxpayer actions – and further EVIDENCED by the VIDEOS of my testimony before Senator Krueger at the Legislature's budget hearings: on February 6, 2013, January 30, 2017, January 31, 2017, and January 30, 2018. On February 5, 2018, Senator Krueger slipped out shortly before my testimony, which concluded with my words “These are Penal Law violations”. All five VIDEOS are accessible here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm>

A further VIDEO is also relevant – the VIDEO of the Commission to Investigate Public Corruption’s September 17, 2013 public hearing: <https://www.youtube.com/watch?v=LP1GeOYKRas#t=12353>. Not only is the Commission’s corruption made manifest by my testimony (at 2:15:40 – 2:28:04), but Candidate Teachout heard and saw that testimony LIVE, with her own testimony following less than ten minutes later (at 2:37:32 – 2:38:36). Indeed, the HUGE stack of EVIDENCE, which was beside me in testifying – and which I called upon the Commission to investigate, stating it was “open and shut. It can be done in a matter of minutes” – included copies of the very EVIDENCE I had handed up for Senator Krueger seven months earlier at the February 6, 2013 budget hearing: <http://www.judgewatch.org/web-pages/elections/2017/feb-6-2013-testimony-evidence.htm>, upon which all the criminal and ethics complaints I thereafter filed, brought to the hearing, and recited as starting with US. Attorney Bharara and culminating with Albany District Attorney Soares, rested.

Wouldn’t you agree that students and professors of CUNY’s John Jay College of Criminal Justice have just the expertise to confirm, for the benefit of New York voters – and The New York Times editorial board – that such EVIDENCE more than sufficed, *at that time*, for indicting and convicting Cuomo, DiNapoli, and Krueger – and a who’s who of other “electeds” seeking re-election this year – for “grand larceny of the public fisc”?

As my April 15, 2013 criminal complaint to U.S. Attorney Bharara not only identifies Senator Krueger by name and position, but concisely summarizes what preceded and followed my testimony at the February 6, 2013 budget hearing and the dispositive nature of what I handed-up, which it also itemizes, I suggest that the complaint be “required reading” by all, including John Jay College of Criminal Justice examiners. The link to CJA’s webpage, on which it appears, with all the overwhelming, *prima facie* EVIDENCE substantiating it, is here: <http://www.judgewatch.org/web-pages/judicial-compensation/corruption-complaint-to-us-attorney-bharara2.htm>.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: August 28th Debate: Challenging Brazen Lies & the Distortion of the AG's Constitutional Function by the 4 Democratic AG Candidates

TO: Spectrum News Political Reporters Errol Louis & Liz Benjamin – Co-Moderators of August 28, 2018 Debate between Democratic Candidates for New York State Attorney General

This follows up my e-mails to you of yesterday and the day before, appearing below and substantiated by the above three attachments – to which, disappointingly, I have received no call or e-mail from you.

The August 28th debate between Democratic attorney general candidates must not be another venue for the four candidates to mislead voters by repeating, yet again, their standard rhetoric, without challenge.

A good place to start is by challenging the answers they gave to the first two questions of the “lightening round” at the August 22nd debate, sponsored by Manhattan News Network, New York State League of Women Voters, and Gotham Gazette. In response to the first question, “Does Governor Cuomo deserve reelection?”, their answers were:

Letitia James: Yes.
Zephyr Teachout: Yes.
Sean Maloney: I believe so, yes.
Leecia Eve: Yes.

Their answers to the second question, “Does Comptroller Tom DiNapoli deserve reelection?”, were:

Zephyr Teachout: Yes.
Sean Maloney: You bet.
Leecia Eve: Yes.
Letitia James: Yes.

These answers from candidates seeking the state’s premier law enforcement office, all of whom are lawyers and all of whom herald their absolute commitment to rooting out public corruption, are frauds upon an unsuspecting public. Likewise, the praise of Attorney General Underwood, expressed by Candidate Teachout: “First, I want to say that I have been incredibly impressed with the work that Barbara Underwood has done as our Attorney General”; and by Candidate Maloney: “I think she’s fantastic. I’d love her to stay on in any capacity, if she wants” – and the concealment, by all four candidates, of the significant corruption problem, infesting the ranks of supervisory and managerial levels of the attorney general’s office, corrupting the judicial process with litigation fraud, to shield from accountability corrupt public officers, Governor Cuomo and Comptroller DiNapoli among them, disabling our state government and stealing our money.

The facts and EVIDENCE are as follows:

On May 16, 2018, by NOTICE, invoking “The Public Trust Act” (Penal Law §496), I filed with Attorney General Underwood – who was then acting attorney general, seeking interim appointment by the Senate and Assembly – a corruption complaint against, *inter alia*, Governor Cuomo, Comptroller DiNapoli, Senate and Assembly members, and former Attorney General Schneiderman for their “massive, ongoing larceny of taxpayer dollars, via the state budget” – including the budget for this fiscal year. The NOTICE/complaint detailed that our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), acting “on behalf of the People of the State of New York & the Public Interest”, had sued these highest constitutional officers for constitutional and other violations in three lawsuits: a declaratory judgment action relating to commission-based judicial salary increases and, thereafter, two citizen-taxpayer actions pertaining to the budget – all three defended by Attorney General Schneiderman, himself a defendant, who, in collusion with corrupt judges, corrupted the judicial process with litigation fraud, because he had NO defense to causes of action to which plaintiffs had a summary judgment entitlement. The NOTICE/complaint asserted that “cases are perfect paper trails” and that, in addition to the original litigation records in the possession of the attorney general’s office, the litigation records of the three lawsuits were readily accessible from CJA’s website, www.judgewatch.org, together with a fourth lawsuit, a declaratory judgment action against the Commission to Investigate Public Corruption, purportedly brought by the Senate and Assembly, in which CJA, acting “on behalf of the People of the State of New York & the Public Interest”, had moved to intervene. Apart from requesting investigative and remedial action by Acting Attorney General Underwood – most immediately with respect to the only lawsuit that was still-live, CJA’s second citizen-taxpayer action – the NOTICE/complaint stated that her response would simultaneously be a TEST of her fitness for appointment as interim attorney general – and that, to enable the other interim attorney general candidates to also be TESTED as to how they would respond, if appointed, the NOTICE/complaint would be sent to them, as well. This I did, two days later, by a May 18th letter, which I also sent to Acting Attorney General Underwood. In bold-faced type, it identified a standard for evaluating fitness for the office of attorney general applicable not only to candidates for interim appointment, but to candidates who would stand for election:

“no candidate may be deemed qualified who takes no investigative and remedial action upon being given NOTICE AND EVIDENTIARY PROOF that the attorney general’s office not only fails in its duty to uphold the law, but actively subverts the law and abets corruption at the highest levels of our state government.”

On July 16th, Candidates Teachout, James, and Eve participated in a Democratic AG candidates forum in White Plains, each touting her own qualifications, including courage, independence, and anti-corruption zeal. In my question, from the audience, I asked whether they would demonstrate those qualifications by “whistle-blowing” as to the attorney general’s lead role as an enabler and perpetuator of Albany’s corruption. For that purpose, I gave to each, *in hand*, a copy of the May 18th letter with its attached May 16th NOTICE/complaint. I also gave Candidates Teachout and James the substantiating appeal brief and three-volume reproduced record on appeal in the second citizen-taxpayer action that I had been burdened with writing and compiling because Attorney General Underwood had not responded to the NOTICE/complaint. As for Candidate Eve, who declined to take the appeal papers, I informed her that she could review them from CJA’s website and that if she changed her mind and wished a hard copy, I would send them to her.

On August 15th, these same three candidates -- Teachout, James, and Eve -- participated in a Democratic AG candidates forum in Manhattan, at which there was no live audience questioning. Nonetheless, I gave to both Candidates Teachout and James, *in hand*, a second copy of the May 18th letter with its attached NOTICE/complaint and apprised each that not only had Attorney General Underwood still not responded, but that she had corrupted the judicial process at the Appellate Division with litigation fraud – repeating the *modus operandi* of such conduct by Attorney General Schneiderman’s office, particularized by the May 16th NOTICE/complaint.

Four days later, on August 19th, I furnished the May 18th letter with the NOTICE/complaint, by e-mail, to Candidate Maloney’s senior campaign advisor. This followed upon my lengthy phone conversation with him about it, also apprising him of Attorney General Underwood’s failure to respond and her litigation fraud at the Appellate Division.

How, in view of the foregoing, do the four Democratic attorney general candidates justify their endorsements of Governor Cuomo and Comptroller DiNapoli at the August 22nd candidate debate? What facts and law presented by the May 16th NOTICE/complaint do they deny or dispute? What examination did they do of the *prima facie* EVIDENCE, cited therein? Which, if any, of the verified pleadings in the three lawsuits to which Governor Cuomo and Comptroller DiNapoli are named defendants did they read – and what defense do they have to the flagrant constitutional, statutory, and rule violations those pleadings particularize with respect to the budget and the commission-based judicial salary increases it embeds? How about the referred-to VIDEOS of my testimony before the Legislature at its January 30, 2018 and February 5, 2018 budget hearings pertaining to the budget for this fiscal year? Did they view the VIDEOS and examine the EVIDENCE I handed-up in substantiation, including Article VII, §§1-7 of the state Constitution delineating how the state budget is to be fashioned and enacted and Article III, §10 pertaining to openness?

I am sure these are the very questions that students of CUNY’s John Jay College of Criminal Justice – being schooled in evidentiary standards and the evaluation of complaints alleging criminal conduct – would be expecting you to ask of each candidate – and likewise their professors -- if they knew of the foregoing facts and EVIDENCE. And why should you, the co-moderators of the debate, NOT inform the debate hosts, a public college funded by taxpayer dollars – and the taxpaying public – of such facts and EVIDENCE, when they resoundingly establish each of the four candidates as unworthy of so solemn a responsibility as safeguarding our state Constitution – a responsibility that NONE of the Democratic attorney general candidates even enunciates.

Instead, throughout the August 22nd debate, as throughout their AG campaigning – and in the complete absence of any “adult in the room”, as, for example, the voice of scholars of the state Constitution, or of a press that is so-guided – all four Democratic candidates have been shamelessly politicizing and transforming the office of state attorney general beyond the intent of the framers of the state Constitution, *to wit*, the People of the State of New York who voted on its

provisions. Surely, this is yet another reason why the four Democratic candidates have been silent about the May 16th NOTICE/complaint, as it identifies, with underlining for emphasis:

“The attorney general’s duty – first and foremost – is to ensure compliance by state public officers with the state constitution and with statutory and rule provisions in conformity therewith.” (at p. 2).

In other words, the office of attorney general is, primarily, a dry, legal one. It is NOT to be a super legislator, pushing a political, ideological, or personal policy agenda – or to morph into an investigator/prosecutor of a dangerous president, which is what each of the four Democratic candidates espouses.

Indeed, it is precisely because the state attorney general long ago abandoned his essential constitutional function to preserve and protect the system of checks and balances amply provided by our state Constitution, that our state government is pervasively “dysfunctional” – this being the euphemism for corrupt. This is what I said, publicly, at the July 16th Democratic AG candidates forum, further stating, publicly, that – contrary to claims that the attorney general’s job is to “defend the state”, when it is sued – that is NOT true. Executive Law §63 sets forth the attorney general’s “general duties” – and these do not include a “knee jerk” defense of the state or its public officials, when sued. Rather, the very first subsection of §63 explicitly states that the attorney general shall “Prosecute and defend all actions and proceedings in which the state is interested... in order to protect the interest of the state”. In other words, the attorney general’s litigation posture is contingent on “the interest of the state”. Thus, when citizens turn to the attorney general with evidence that a public officer is violating the state Constitution and statutes and rules or that given statutes and rules are violative of the state Constitution, the attorney general’s duty, unless he disagrees that the evidence establishes violations, is to bring suit – or, if the citizen has brought suit, to assume or join in its prosecution. And, of course, under no circumstances can the attorney general do what lawyers are forbidden to do – engage in fraud, deceit and misrepresentation – to defend, in the absence of a legitimate defense. Where the attorney general has no legitimate defense – indeed, where he has no “merits” defense to evidence of unconstitutionality and unlawfulness -- his duty is not to defend, but to prosecute. And other statutory provisions reinforce this, as for instance, State Finance Law, Article 7-A, entitled “Citizen-Taxpayer Actions”, which, while empowering any citizen-taxpayer to bring suit to prevent “illegal or unconstitutional disbursement of state funds” by a state officer or employee, expressly contemplates that the attorney general will either be the plaintiff or join “on behalf of the people of the state”. Do the candidates deny that this is what the May 16th NOTICE/complaint that I furnished to them summarizes – and what the appeal brief additionally demonstrates?

In keeping with the attorney general’s core constitutional function of ensuring that state governance complies with the mandates of the state Constitution, your debate between attorney general candidates should, in the main, feature questioning on such constitutional issues as are the causes of action in CJA’s verified pleadings in the four lawsuits delineated by the May 16th NOTICE/complaint. A good starting point would certainly be the ten causes of action in CJA’s second citizen-taxpayer action whose fate, at the hands of the attorney general and judge, is the EXCLUSIVE subject of the appeal brief to which the four Democratic attorney general candidates should be expected to be conversant – and none more so than Candidates Teachout and James, with their own physical copies of it and the substantiating three-volume record since July 16th. And, of course, there is no candidate who would seemingly be better able to address constitutional issues than Candidate Teachout – the sole candidate who is a constitutional scholar and anti-corruption expert, to whom I furnished notice of the lawsuits, repeatedly, from 2014, by a succession of e-mails, and then again, in 2016 with more e-mails, and then again in March 2018 – physical copies of which I brought to the August 15th Democratic AG candidates forum and furnished to Candidate Teachout *via* one of her campaign staffers, to whom I gave them, *in hand*. Among the e-mails, in March 2016, and then again in March 2018, were my requests for her opinion on CJA’s cause of action challenging the constitutionality, *as unwritten and applied*, of “three men in a room” budget dealmaking – the first ever such constitutional challenge – and citing to, and quoting, her own 2014 law review article “*The Anti-Corruption Principle*” – to which she did not respond. Peculiarly, at the August 22nd debate – notwithstanding her review of the appeal papers would have revealed to her that neither the attorney general nor judge had any defense to that historic, first-ever cause of action – the ninth cause of action in our second citizen-taxpayer action

– all she chose to say on the subject of “three men in a room” was that as attorney general she would be “a leader on changing the three men in a room culture in Albany”.

Of course, it would also be relevant to start by probing the constitutionality of Governor Cuomo’s Commission to Investigate Public Corruption – improperly dubbed the “Moreland Commission”, including by Candidate Teachout – to which she repeatedly refers in campaigning as if it were a legitimate body, rather than – as she knows it was – rigged to achieve a “progressive” political agenda, no matter how empirically-unfounded, AND unconstitutional because, *inter alia*, the duties that Governor Cuomo conferred upon it by his Executive Order #106 are actually “duties of a properly-functioning legislature, discharging its oversight and law-making functions” (underlining in the original). Candidate Teachout knows this because it is so-stated in the first cause of action of CJA’s April 23, 2014 verified complaint in support of intervention in the purported Senate and Assembly declaratory judgment action against the Commission to Investigate Public Corruption, as to which, from June through September 2014, I reached out to her, by phone and e-mail, again, and again, and again, in a fruitless attempt to secure her input and expertise, as a scholar. This includes as to my assertion that Governor Cuomo’s shut-down of the Commission did not “moot” the declaratory judgment action because his Executive Order #106 establishing the Commission was still live, having not been rescinded by him.

Candidate Teachout has made the fact that Executive Order #106 was not rescinded a campaign stumping point, usually also pointing out that in July 2014 she wrote a letter to then Attorney General Schneiderman about it – not mentioning that what she might have done – as a lawyer, connected to lots of other lawyers – was to set forth the constitutional and legal issues in an intervention motion, or at least in an *amicus curiae* brief in the declaratory judgment action against the Commission, then still unfolding by reason of CJA’s further motion. Her comments on the subject at the August 22nd debate, from which she was cut off because of time, were as follows:

Zephyr Teachout: ...when the Moreland Commission was shut down four years ago I spoke out loudly against that, I actually testified at the Moreland Commission. Actually I don't know that all people realize this, that Andrew Cuomo shut the Moreland Commission down in a press call. He never formally rescinded executive order 106, and laws are laws, you gotta follow the correct procedure, so there're existing authorities within the New York State Attorney General's office to investigate corruption in Albany, and I will use those authorities, I will use them right now. I will use them the minute I take office.

Ben Max: And so you think that executive order still holds? You don't need referrals to go after the type of public approval?

Zephyr Teachout: Well I'm just beginning.

Ben Max: Okay, well 10 more seconds-

Zephyr Teachout: Right, okay, so it hasn't been rescinded, second we need the governor to issue a new Moreland Commission to make totally clear that the work is not done.”

To date, more than four years after Governor Cuomo’s shut-down of the Commission to Investigate Public Corruption, there has been NO scholarship, including by Candidate Teachout, as to the constitutionality of Executive Order #106, *as written*, challenged by the first cause of action of CJA’s April 23, 2014 verified complaint, nor, *as applied*, challenged by its second cause of action – nor of its third cause of action that the Commission’s December 2, 2013 preliminary report is void, *as a matter of law*, and “manifests actual bias and interest, endangering the public in material respects”. There is not even scholarship as to whether Governor Cuomo’s shut-down of the Commission was motivated by the likelihood that Executive Order #106 was poised to be declared unconstitutional by the court, which is what I stated in my April 23, 2014 affidavit in support of intervention, the purpose of which – as I also expressly stated -- was to secure declarations of the constitutional issues for which New York taxpayers had paid tens, if not hundreds, of thousands of dollars to the

counsel representing both sides. Yet, the total absence of ANY scholarship or judicial declaration as to the separation-of-powers and other constitutional questions has not constrained Candidate Teachout from campaigning for a further such commission, should she become attorney general – a position echoed by Candidate James: “The Moreland Commission has ended, but the reality is that corruption continues, and what we need is another Moreland Commission”.

To enable the four Democratic attorney general candidates to be prepared for your questioning about the serious EVIDENTIARY and constitutional issues here presented, I request that you notify all four candidates of this e-mail by such direct phone numbers as presumably you have for them or for their campaigns – and also forward this e-mail to them at such e-mail addresses as you have, also presumably more direct than any I have. Tomorrow afternoon, I will forward this e-mail to the addresses that I do have – and will cc you, when I do.

So that Spectrum News may have the LEAD on this game-changing electoral story, I will not circulate this e-mail to other press until Tuesday morning – unless I hear from you before then that I should not hold back from circulating it – or that you are requesting that I postpone circulation until after the debate. So that other Spectrum News political reporters who have reported on the attorney general race may also have the benefit of this LEAD – as, for instance, the “Off Topic/On Politics” NY1 Political Podcast Team, Grace Rauh, Zack Fink, and Juan Manuel Benitez, who, on August 15th, appeared on WNYC’s Brian Lehrer show in his segment entitled “Primarily New York: The Race for Attorney General” – I am cc’ing them on this e-mail.

To all, I am ready to assist, to the max. For your convenience, I will post this letter, on its own webpage, posting links to all referred-to evidence – and to a webpage entitled “Educating the Candidates & the Public about the Attorney General’s Role” . The link to the webpage for this e-mail will be accessible from the webpage entitled: “The Posturing Liars who are the Four Attorney General Candidates for the Democratic Party Line”, which is here: <http://www.judgewatch.org/web-pages/elections/challengers/democrat-ag-candidates.htm>.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, August 25, 2018 12:45 PM
To: 'liz.benjamin@charter.com' <liz.benjamin@charter.com>
Cc: 'errol.louis@charter.com' <errol.louis@charter.com>; 'info@charter.com' <info@charter.com>
Subject: FW: The Aug 28 debate between Democratic AG candidates that you are co-moderating

TO: Liz Benjamin/Host-Capital Tonight/State of Politics Blog

As you are co-moderating the Spectrum News/NY1 August 28th debate with Errol Louis, at CUNY’s John Jay College of Criminal Justice, I am forwarding you the below e-mail I sent to him early yesterday morning, to assist you, as well, in preparing for the debate.

More will be coming.

Meantime, I invite you and he to call me, with any questions you have concerning the below e-mail and above three-attachments – especially if you are uncertain as to the extent to which it exposes the outright lies and fraud of all four

democratic attorney general candidates at the August 22nd debate sponsored by Manhattan Neighborhood Networks, NYS League of Women Voters, and Gotham Gazette, on which they would have voters rely.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, August 24, 2018 4:28 AM
To: 'errol.louis@charter.com' <errol.louis@charter.com>
Subject: The Aug 28 debate between Democratic AG candidates that you are co-moderating

TO: Errol Louis/Political Anchor-Spectrum News NY1

I am director and co-founder of a non-partisan, non-profit citizens' organization – Center for Judicial Accountability, Inc. (CJA) – and myself a graduate of New Rochelle High School – class of 1974. I am delighted to see, from your Spectrum News/NY1 bio: <http://www.ny1.com/nyc/all-boroughs/on-air/2017/09/26/errol-louis>, that you, too, are a graduate of New Rochelle High School – and from there, went on the Harvard College, graduating with a B.A. in government, and then earning an M.A. in political science from Yale University – and a J.D. from Brooklyn Law School.

Perhaps that explains your excellent comment, in your August 21st interview of Lieutenant Governor Candidate Jumaane Williams, responding to his vision of the lieutenant governor as “public advocate”, that the office of lieutenant governor combines “elements of executive and legislative powers”: <http://www.ny1.com/nyc/all-boroughs/inside-city-hall/2018/08/22/jumaane-williams-talks-personal-finances-kathy-hochul-backing-out-debate-ny-lieutenant-governor-race>.

Later today, I will be sending you further information pertaining to the attorney general's race and my significant direct, first-hand experience with all four Democratic attorney general candidates whose August 28th debate you will be co-moderating at CUNY's John Jay College of Criminal Justice. So that you can get started, beginning with my direct-first-hand experience with Democratic AG Candidate Teachout, as of May 4, 2018, attached is my message of that date to Lt. Gov. Candidate Williams, bearing the title “WINNING against Lt. Gov. Hochul is EASY and requires NO MONEY – You only have to Use the ‘BULLY PULPIT’ of your candidacy to ‘BLOW THE WHISTLE’”, sent to him *via* the message feature of his campaign website. The direct link to CJA's webpage on which the message is posted, and from which you can access my referred-to e-mail correspondence to Teachout, is here: <http://www.judgewatch.org/web-pages/elections/challengers/jumaane-williams.htm>.

Below is my May 4, 2018 e-mail to Lieutenant Governor Hochel, transmitting to her, for response, my above attached message to Lt. Gov. Candidate Williams.

I received no response from either Hochel or Williams – and I invite you to confirm that neither responded and to inquire why that was. What investigation did they undertake of my above attached May 4th message to verify its truth? What do they deny or dispute? Did they watch the VIDEOS of my testimony at the Legislature's January 30, 2018 and February 5, 2018 hearings on the budget, “specifying hundreds of millions of dollars in larcenous appropriations – ALL of which [were] retained, intact, in the budget enacted on March 30, 2018”?

There is more, much more – but the above will suffice for you to recognize the magnitude of what is before you, upending, in one fell swoop, the attorney general's race and the races for governor, lieutenant governor, comptroller,

and every state senate and assembly seat – a truly monumental story for which I urge you to enlist the students to whom you teach “political and investigative reporting” at CUNY’s Graduate School of Journalism, as well as the aspiring political and investigative reporters of our beloved shared alma mater, New Rochelle High School.

I invite you to call me – especially, if you’d like me to IMMEDIATELY furnish you with a copy of the appellants’ brief and three-volume reproduced record on appeal that I gave to both Candidate Teachout and Candidate James on July 16th, and which Candidate Eve declined to take from me on that date – knowing, however, that it is accessible from CJA’s website: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18-appellants-brief.htm> and that I would mail her a copy should she so-request. As for Candidate Maloney, he has known that I would mail him a copy, should he so-request, since August 19th -- and my summarizing e-mail of that date to his AG campaign senior advisor is attached, together with its most important attachment: my May 18th letter to candidates for interim attorney general, transmitting to them my May 16th NOTICE to then Acting Attorney General Underwood – about whom all four AG Democratic candidates have heaped high public praise. CJA’s webpage for Attorney General Underwood, from which you can access the May 16th NOTICE and my subsequent correspondence to her underlying my being burdened with perfecting the appeal and my requests to the Appellate Division, Third Department for sanctions and disciplinary and criminal referrals of her, is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/underwood.htm>.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, May 4, 2018 6:44 PM
To: 'abby@kathyhochul.com' <abby@kathyhochul.com>; 'hailee@andrewcuomo.com' <hailee@andrewcuomo.com>
Subject: Lieutenant Governor Kathy Hochul's 2018 Re-Election -- & the citizen-taxpayer action, suing Governor Cuomo, et al. for "'grand larceny of the public fisc' and other corruption" with respect to the budget

The below was sent *via* the “contact” page message feature of the www.kathyhochul.com website, at 6:21 pm. Kindly forward to Lieutenant Governor Hochul, with the attached message to Lieutenant Governor Candidate Jumaane Williams, sent to him earlier today, so that she may respond, accordingly. CJA’s webpage on which all is posted is here: <http://www.judgewatch.org/web-pages/elections/challengers/jumaane-williams.htm>.

Thank you.
Elena Sassower/Director-Center for Judicial Accountability, Inc. (CJA)

TO: Lieutenant Governor Kathy Hochul

SUBJECT: **Your 2018 re-election campaign**

Although you have stated you are running for re-election as lieutenant governor, I have not been able to find a website for your 2018 re-election campaign. I found only this website, <https://kathyhochul.com/>, whose “news”, “bio” and other postings pertain to your 2014 initial run.

The “contact” page, that I am using to send this message, lists a phone number for “Friends for Kathy Hochul”, 212-551-9441. However, upon calling it twice, I got a recording stating “Lines are temporarily busy. Please try again later. 0106.”

In an effort to reach you, I searched for your webpage as lieutenant governor. Alas, it is quite skimpy, and just an appendage of the governor's New York State website, <https://www.governor.ny.gov/aboutlieutenantgovernor>. No contact information for you is provided, though there is, at the bottom, a phone number for Governor Cuomo – or maybe for New York's executive branch -- 518-474-8390. From it, I reached an operator who gave me the phone number of your lieutenant governor's office, 518-402-2292, following which she transferred the call. I spoke with Lauren, of your office.

Lauren told me that she could not provide me with any contact information for your 2018 re-election campaign – notwithstanding I stated that the only reason I was calling was because I was unable to find campaign contact information for you on the internet, which is all that I was requesting. Lauren also told me that, in your capacity as lieutenant governor, you have no publicly available e-mail – and that the only way to send you anything is by postal mail.

Lauren did take my name and phone number and said that she would pass on my message – which was that I was seeking an e-mail address for your 2018 re-election campaign, so as to furnish you with the message I had sent to your Democratic re-election opponent, Jumaane Williams, earlier in the day, in which I had stated that I would be furnishing it to you for your response. I further told Lauren that the message was posted on CJA's website, www.judgewatch.org – but she was uncomfortable with going onto the website so that I could show her where, stating she had to “watch out for [her] job”.

My phone conversation with Lauren was at approximately 4:10 p.m. today, Friday, May 4, 2018. It is now nearly 6:15 p.m.

The direct link to where my today's message to Lieutenant Governor Candidate Williams is posted, with substantiating EVIDENTIARY LINKS, is here: <http://www.judgewatch.org/web-pages/elections/challengers/jumaane-williams.htm> -- part of CJA's collection of webpages entitled “OUTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Office – WITH EVIDENCE”. That is also where I will be posting this message to you.

Finally – and by way of postscript – after writing the foregoing, I re-examined your www.kathyhochul.com website. By clicking the “Donate” tab, I did find a phone and fax number for “Cuomo – Contribute to our campaign”, with a text reading: “Andrew Cuomo delivers on the promise of progressive government for all New Yorkers. Will you join the fight? Show your support by donating now.” At the bottom is “Andrew Cuomo 2018” and “© 2018 Paid for by Andrew Cuomo for Governor”.

I called the phone number 212-257-6405 – and spoke with Hailee Greene who stated she is deputy finance director for the governor and state campaigns. Although she seemed initially surprised by my question as to whether this was also the phone number for your campaign, she did say it was – and furnished me the e-mail for your campaign finance director, Abby Erwin, and, upon my request, her own e-mail for the message I told her I wished to e-mail for you pertaining to your re-election.

Thank you.

Elena Sassower, Director
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