

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, March 1, 2018 11:57 AM

To: editor@legislativegazette.com

Cc: melaniezerah@gmail.com; media@wamc.org; rsmith@timesunion.com

Subject: **Training Journalists, Consistent with the Legislative Gazette Mission -- Request for Investigation & Report of CJA's Citizen-Testimony at the Jan. 30, 2018 and Feb. 5, 2018 Budget Hearings**

Attachments: [2-2-18-statement.pdf](#); [2-2-18-statement-ex-c.pdf](#);
[2-5-18-statement-with-questions-final.pdf](#)

TO: Legislative Gazette Editor James Gormley

Following up our phone conversation, earlier this morning, I look forward to your judgment – as a SUNY professor of journalism, training journalists -- as to whether my testimony at the Legislature’s January 30, 2018 and February 5, 2018 budget hearings is worthy of investigation and report by Legislative Gazette student interns. This is what I am requesting, consistent with the Legislative Gazette’s mission of “in-depth coverage”: <http://legislativegazette.com/about/>, utilizing students being trained in the rigors of journalism: <http://legislativegazette.com/internships/>.

CJA’s website, www.judgewatch.org, posts the VIDEOS of my testimony and the substantiating EVIDENCE I handed up and to which I referred in testifying, accessible from this menu page: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm>

As I stated to you, there has been NO press reporting, let alone investigation, of my testimony on either date. Rather, I – and my testimony – on both dates were WRITTEN-OUT of an Associated Press story – the particulars of which are set forth below -- to which, as yet, I have received NO response from anyone. I would welcome your assessment -- and that of the Legislative Gazette interns you are training -- as to whether you and they deem the AP story appropriate journalism, or “fake news”.

I will call Published Alan Chartock, as you suggested. Indeed, I am especially happy to speak with him as he hosts the WAMC Media Project, <http://wamc.org/programs/media-project>, with Albany Times Union Editor Rex Smith – where the issue of “fake news” is among topics discussed. Why shouldn’t the Media Project make the AP article the subject of round-table discussion as to whether it is appropriate journalism or “fake news” – with Legislative Gazette interns invited to contribute their views, as well.

I look forward to continuing our conversation, upon your review of the above and below. In view of the serious and substantial nature of my media-unreported testimony – impacting on what is unfolding NOW, with respect to the state budget and the 2018 elections -- I hope that will be as soon as possible.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Tuesday, February 27, 2018 4:22 PM

To: 'writers@albany.edu' <writers@albany.edu>

Cc: 'ccarola@ap.org' <ccarola@ap.org>; 'dklepper@ap.org' <dklepper@ap.org>;
'cseiler@timesunion.com' <cseiler@timesunion.com>

**Subject: What "Fake News" Looks Like: "Want to talk about the state's money? Budget plenty of time"
-- 2/11/18 -- AP/Chris Carola**

TO: Paul Grondahl, New York State Writers Institute

This follows our phone conversation this morning, which you disconnected – refusing to give me your e-mail address so that I might forward you the below: my February 15th, February 12th, and February 2nd e-mails to Associated Press reporters Chris Carola and David Klepper, particularizing – with the above-attachments -- why I deem the February 11th article “*Want to talk about the state’s money? Budget plenty of time*”: http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html, under Mr. Carola’s byline, to be “fake news”.

I requested your expert opinion about the article – which you refused, hanging up the phone. This, after I showed you that CJA’s website, www.judgewatch.org, offers a GOLDMINE of PRIMARY-SOURCE EVIDENCE as to how the press operates, encompassing a span of nearly 30 years. Indeed, during our conversation, I requested that you examine my FIRST interaction with your former colleague at the Albany Times Union, Casey Seiler, in November 2011 – when he was president of the Legislative Correspondents Association – the context of which was CJA’s October 27, 2011 opposition report to the August 29, 2011 report of the Commission on Judicial Compensation: <http://www.judgewatch.org/web-pages/judicial-compensation/press-cja-opposition-report.htm>. In addition to your examining CJA’s October 27, 2011 opposition report – and Mr. Seiler’s response thereto -- I asked that you also examine the responses of the New York Times and New York Law Journal – because those three newspapers – and ALL other media – have suppressed, essentially totally, any report about it – and about CJA’s EVIDENCE-BASED advocacy thereon to vindicate the public’s rights and protect taxpayer money, as for instance, by our FULLY-DOCUMENTED lawsuits – furnished to them again, and again, and again, and by my testimony at public hearings. Mr. Carola’s February 11th article is but the latest example.

Immediately following your hanging-up on me, I phoned you back, leaving a voice mail message, requesting contact information for the student journalists who participated in the October 2017 symposium “*The Future of Truth: Telling the Truth in a Post-Truth World*”: <http://www.wmht.org/futureoftruth/>.

Surely you would agree that up-and-coming journalists, still in university, may be presumed to be receptive to EVIDENCE – and that Mr. Carola’s February 11th article, as explicated below, is a good place for them to start.

Kindly furnish me with contact information for these future journalists – or for their professors and academic advisors -- as soon as possible.

Meantime, I have cc’d Messrs. Carola and Klepper for such comment as they wish to make with respect to the foregoing. Likewise, Mr. Seiler, whose comment I additionally invite with respect to my August 6, 2017 e-mail “*Putting an End to ‘Fake News’...*”, addressed to him, but also sent to his fellow reporters of the Legislative Correspondents Association. I alerted you to that e-mail, posted on CJA’s website, <http://www.judgewatch.org/press-nys/2017/8-6-17-email-seiler-fake-news.pdf>, when I first spoke to your assistant Jen, I believe in early January – and I referred to its content this morning when we spoke together, for the first time.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Thursday, February 15, 2018 4:23 PM

To: 'ccarola@ap.org' <ccarola@ap.org>; 'dklepper@ap.org' <dklepper@ap.org>

Subject: Proposal for Rectifying Follow-Up Coverage -- "Want to talk about the state's money? Budget plenty of time" -- 2/11/18 -- AP/Chris Carola

TO: Chris Carola & David Klepper/Associated Press

I have received no response to my below February 12th e-mail, requesting to speak with you, “as immediately as possible” about the February 11th AP article – “*Want to talk about the state’s money? Budget plenty of time*” -- http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html, bearing Mr. Carola’s byline. Have you responded?

Is it your view that the article – which apparently took at least nine days to write -- is honest, responsible journalism? Why does it make it appear that the ONLY problem with the Legislature’s budget hearings is their marathon length, straining legislators who diligently attend them and concealing, TOTALLY, that there is anything corrupt or sham about them – or that the legislators are anything but hard-working and conscientious. In the words of Senate Finance Committee Chair Catherine Young, which you quote, the hearings, though “grueling”, “should be as long as it takes to get a thorough understanding of the governor’s proposal in an open forum”.

So that the record is clear, at 11:09 a.m. on Friday, February 2nd, Mr. Carola called me for information and comment. I was then at a local forum on the state budget, sponsored by Westchester's Assembly delegation. I identified this to him, as I stepped out to take his call, which reached me on my cell. In a conversation that lasted just over 11 minutes, Mr. Carola told me he was writing about the Legislature's 13-hour "public protection" budget hearing. In answer to my inquiries, he stated that he had not seen my testimony live, nor watched the VIDEO. As I understood it, he was calling because I was the last witness to testify at the 13-hour hearing. I told him he had hit on a major story – and thereupon summarized my explosive testimony at the hearing, not just stating, but demonstrating, that the hearing was a "charade" with respect to the Judiciary budget, whose cumulative dollar amount the legislators did not even know. As I spoke, I guided him to CJA's website, www.judgwatch.org – and to the link "2018 Legislative Session": <http://www.judgwatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm> -- from which he accessed CJA's webpage for the January 30th hearing with the VIDEO and the EVIDENCE that my testimony had identified as enabling the public to see for itself the "charade" that had taken place. Indeed, I told Mr. Carola that his reporting of my testimony – and the EVIDENCE supporting it – would bring down ALL the legislative incumbents who are running for re-election and higher office – and Governor Cuomo, Attorney General Schneiderman, and Comptroller DiNapoli – all defendants, sued for corruption and "grand larceny of the public fisc" in CJA's citizen-taxpayer action to which I referred in testifying.

Three hours later, having returned from the local budget forum, I called to speak with Mr. Carola – expecting, by then, that he would have viewed the 10-minute VIDEO of my testimony and would be eager to discuss it with me. My phone call was picked up by Mr. Klepper. Unlike Mr. Carola, with whom I had had no prior contact, Mr. Klepper had reason to know who I was, including because, over the years, I had sent him e-mails pertaining to the state budget and CJA's citizen-taxpayer action challenging it. Mr. Klepper told me that Mr. Carola had not yet watched the VIDEO – which is why I reiterated to him what I had told Mr. Carola about its significance, including *vis-à-vis* the 2018 elections. I thereupon sent both of you the below February 2nd e-mail, to which I received no response.

Three days later, at the Legislature's February 5th budget hearing, I was again the last witness – and my testimony was even more explosive, because it was more specific, as to the larceny of taxpayer dollars taking place – and not confined to the Judiciary budget. Such testimony was preceded by my protest as to the curtailment of my time to 5 minutes and ended with my being cut off, as I tried to furnish – as I had on January 30th -- CJA's website from which everything is verifiable.

It would be another six days before I got a google alert with Mr. Carola's February 11th article. It made no mention of my testimony, as the last witness, either at the January 30th hearing or at the February 5th hearing. Instead it furnished an innocuous, generic comment from the last witness at the January 31st hearing, whose testimony, unlike my own, had not indicated anything untoward about that hearing – or even that his testimony had been limited to 5 minutes, or that he had anything further he wished to say. Indeed, there was no apparent reason for his comment to have been solicited for the article – as it plainly was -- not only because, unlike myself, he had no expertise on the subject of the Legislature's budget hearings, but because the January 31st hearing was the same length as the February 5th hearing – 8-3/4 hours – the photo accompanying the article is of the February 5th hearing, and NYPIRG Executive Director Blair Horner and Assemblywoman Shelley Mayer, quoted by the article, were each at the February 5th hearing, not the January 31st hearing.

Whether or not you were at the February 5th budget hearing, you would have seen from the posted witness list that I was the last witness testifying at that hearing. And were you unaware, in furnishing

Assemblywoman Mayer with an opportunity to posture as some “good government” type, that she is the Democratic candidate to fill the Senate seat vacated by Senator Latimer’s election as Westchester county executive in the special election scheduled for April 24th?

Assemblywoman Mayer is chair of the Assembly Committee on Oversight, Analysis and Investigation – a fact to which I referred, both in my fiery oral presentation before her at the February 2nd forum on the state budget, and in my written statement distributed to her at the forum. What steps is she going to take to rectify the “charade” of the Legislature’s hearing on the Judiciary budget – to which my February 2nd written statement fully alerted her (at pp. 2-3), calling upon her to secure answers from Chief Administrative Judge Marks to the 46 questions I had proposed to legislators – a copy of which was annexed to that written statement.

And what will Assemblywoman Mayer do to secure answers about the Legislature’s *own* budget from Temporary Senate President Flanagan and Assembly Majority Leader Heastie, neither of whom testified at *any* budget hearing about the Legislature’s budget request. Although Assemblywoman Mayer did not stay to the end of the February 5th hearing for my testimony, she had my written statement about the Legislature’s proposed budget, with its 27 questions for Temporary Senate President Flanagan and Assembly Speaker Heastie to answer, as I handed it to her as she passed me in the hearing chamber on February 5th.

The foregoing proposal for your follow-up with Assemblywoman Mayer, as chair of the Assembly Committee on Oversight, Analysis, and Investigation, as to whether she will be securing answers to CJA’s enumerated questions about the Judiciary and Legislative budgets – and, if not, why not -- will go far in rectifying the deficiencies of your February 11th article, save New York taxpayers hundreds of millions of dollars in fraud embodied in the Legislative/Judiciary budget bill, and enable voters in New York’s 37th Senate district to meaningfully assess her in the upcoming April 24th special election. In other words, it will enable you to fulfil the “watchdog” function of the press on which our democracy relies.

Please let me hear from you, as soon as possible, about this salutary proposal. To give you ample time to review the VIDEOS, my written statements, the questions they furnished, and the substantiating EVIDENCE posted on CJA’s below indicated webpages, I request your response by no later than Monday, February 19th, after which I will circulate this e-mail to other press as further demonstrative of the “fake news” that, more than anything, is responsible for New York’s “unending culture of corruption” – and our inability to “drain the swamp” of corrupt incumbents at election time.

Certainly, I urge you to furnish this e-mail to your supervisory editors at Associated Press for their judgment as to what is appropriate under the circumstances. This would include expanding your follow-up inquiry and reporting beyond Assemblywoman Mayer to other legislators, beginning with the four chairs and four ranking members of the Legislature’s fiscal and judiciary committees. What are their answers to my January 30th and February 5th testimony – and to the written statements, questions, and EVIDENCE I furnished in substantiation? Have they put it on the agenda of their committees’ upcoming meetings for discussion and vote by their rank-and-file members? What investigative steps will the committees be taking to verify the larceny of taxpayer monies that I have particularized – or is it just “full speed ahead”, the budget hearings being so much “window-dressing”.

Finally, there is NOTHING “really, really complex” —as you quote Common Cause Executive Director Susan Lerner in saying -- about making legislative budget hearings more manageable, for all involved. Actually, it is utterly simple. However, the Legislature chooses to keep things as they are lest

budget hearings more readily reveal the larceny of taxpayer monies, in the budget, that the Legislature has no desire to end. Its subversion of the hearings, to advance its larceny, is embodied in the fourth cause of action in CJA's citizen-taxpayer action – and your “good government” commentators – Horner and Lerner -- should have so-informed you of that fact and that no one was better able than I to furnish you with the EASY-TO-IMPLEMENT SOLUTIONS for shortened, more efficient hearings, meaningfully facilitating citizen-participation.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Monday, February 12, 2018 1:55 PM

To: 'ccarola@ap.org' <ccarola@ap.org>; 'dklepper@ap.org' <dklepper@ap.org>

Subject: "Want to talk about the state's money? Budget plenty of time" -- 2/11/18 -- AP/Chris Carola

TO: Chris Carola and David Klepper/Associated Press

Kindly call me, at your earliest convenience, about the above-entitled February 11th article: http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html – and about my below February 2nd e-mail – reiterating my phone conversations with each of you -- to which I received no response.

Did you NOT view the VIDEO of my testimony, as the last witness, at the Legislature's 13-hour January 30th budget hearing on “public protection” – and examine the substantiating EVIDENCE to which I referred in testifying: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/jan-30-2018-hearing.htm>.

How about the VIDEO of my testimony, as the last witness, at the Legislature's 8-3/4-hour February 5th budget hearing on “local government officials/general government” – which is the hearing for which the February 11th article furnishes a photo of Assemblyman Magnarelli and Benedetto? CJA's webpage, posting the VIDEO and substantiating EVIDENCE, is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/feb-5-2018-hearing.htm>.

How about the VIDEO of my testimony, on February 2nd, at the local forum on the state budget, sponsored by Westchester's Assembly Delegation – including Assemblywoman Shelley Mayer – to whom I referred in testifying and from whom the February 11th article includes comment – making it appear that she is some “good government” type. CJA's webpage, posting the VIDEO and substantiating EVIDENCE, is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/feb-2-2018-budget-hearing-westchester-delegation.htm>.

Also, did neither Assemblywoman Mayer nor Senate Finance Committee Chair Young, both quoted by the February 11th article – nor Blair Horner, nor Susan Lerner, also quoted – alert you that CJA’s citizen-taxpayer actions identify that the Legislature has subverted the budget hearings, *inter alia*, by combining those required by Article VII, Sec. 3 of the NYS Constitution for department heads, etc., with those for citizens required by Legislative Law 32-a – the solution to which is the holding of separate budget hearings.

Both with respect to the state budget – and the 2018 elections -- time is of the essence. Please, therefore, call me as immediately as possible.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Friday, February 2, 2018 2:20 PM

To: 'ccarola@ap.org' <ccarola@ap.org>; 'dklepper@ap.org' <dklepper@ap.org>

Subject: Jan. 30th "public protection" budget hearing -- BIG STORY

I cannot emphasize how important it is to watch the VIDEO of my testimony – the last at the 13-hour “public protection” hearing, in which I stated – and demonstrated – that it was a “charade” – certainly with respect to the Judiciary. It is posted, with the SUBSTANTIATION PROOF, on CJA’s webpage, here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/jan-30-2018-hearing.htm>.

I am available to answer questions, etc. – however late or early throughout the weekend. What you have is a MAJOR story – with explosive electoral ramifications on the statewide races for governor, attorney general, & comptroller -- & for every legislative seat involving an incumbent, beginning with leadership – Kolb and DeFrancisco, among them.

Thank you.

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