

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 24, 2024 10:16 AM
To: 'PBSCorporateSecretary@pbs.org'; 'viewer@pbs.org'; 'mail@itif.org'; 'catherine.robb@haynesboone.com'; 'publiceditor@pbs.org'
Subject: **STATUS? -- OVERSIGHT REQUIRED -- PBS Public Editor Ricardo Sandoval-Palos has Corrupted his Office & Must be Removed for his Collusion in Fraudulent, Corruption-Abetting, Election-Rigging Journalism -- the subject of 2 FULLY-DOCUMENTED complaints to him**

Attachments: [5-15-23-complaint-to-pbs-public-editor-sandoval-palos.pdf](#)

I have received no response to my below e-mail and assume this is because you have not responded – and that it is knowing and deliberate.

If this is not the case, please advise, promptly.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, October 14, 2024 4:12 PM
To: 'PBSCorporateSecretary@pbs.org' <PBSCorporateSecretary@pbs.org>; 'viewer@pbs.org' <viewer@pbs.org>; 'mail@itif.org' <mail@itif.org>; 'catherine.robb@haynesboone.com' <catherine.robb@haynesboone.com>
Cc: 'publiceditor@pbs.org' <publiceditor@pbs.org>

Subject: OVERSIGHT REQUIRED -- PBS Public Editor Ricardo Sandoval-Palos has Corrupted his Office & Must be Removed for his Collusion in Fraudulent, Corruption-Abetting, Election-Rigging Journalism -- the subject of 2 FULLY-DOCUMENTED complaints to him

TO: PBS SENIOR MANAGEMENT TEAM

**ATT: [President & CEO Paula Kerger](#)
[Chief Operating Officer Jonathan Barzilay, Esq.](#)
[Chief Legal Officer & Corporate Secretary Katherine Lauderdale](#)**

PBS BOARD OF DIRECTORS

**ATT: [Chair Larry Irving, Esq.](#)
[Vice Chair Catherine Robb, Esq.](#)**

I am director and co-founder of the non-partisan, non-profit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#).

Your [Public Editor Ricardo Sandoval-Palos](#) has corrupted his office -- & must be removed, along with complicit PBS Public Editor staff, such as [Senior Associate/Researcher for the Public Editor Daniel Macy](#).

Nearly a month ago, on September 18, 2024, I sent Public Editor Sandoval-Palos the below e-mail entitled **"TIME IS OF THE ESSENCE -- May 15, 2023 complaint vs WMHT & WCNV for journalistic fraud, now supplemented by their 2024 election-rigging of D.A., state legislative, & judicial races, plus new complaint vs WLIW (WNET)"**. I received no response from him or his staff – not even an acknowledgment. Nor did I receive any response from the complained-against PBS stations, management, and journalists who I had cc'd, all of whom have continued their fraudulent, corruption-abetting, election-rigging journalism, sabotaging and preventing informed voting in New York's 2024 D.A., state legislative, & judicial races.

Such behavior replicates what PBS Public Editor Sandoval-Palos did and enabled by his nonfeasance with respect to my above-attached and [here-linked May 15, 2023 complaint](#), the particulars of which my September 18, 2024 e-mail recites. This repeat is with his knowledge of the comparable situation at NPR and with its Public Editor Kelly McBride, to which my September 18, 2024 e-mail alerted him by its included link to my [September 17, 2024 complaint](#) to her, to which I have received no response.

Please forward this e-mail to relevant members of the [PBS "Senior Management Team"](#) and all 27 members of the [PBS Board of Directors](#), as oversight and corrective action is required, consistent with [PBS Standards and Core Principles](#) / ["Editorial Standards and Practices"](#), which Public Editor Sandoval-Palos his staff, and the complained-against PBS entities, management, and journalists have reduced to "window-dressing".

What are your Public Editor's procedures for handling complaints? I requested that information by a [May 26, 2023 message](#), sent *via* your Public Editor "comments"/"feedback" portal, without response. Presumably, the procedures include obtaining responses from the complained-against PBS entities, management, and journalists. Did Public Editor Sandoval-Palos do that last year? How about during the past month? What, if anything, did the complained-against parties deny or dispute? I believe there would have been nothing, as my complaints of their fraudulent, corruption-abetting, election-rigging journalism were and are accurate and true in all respects.

Kindly advise – and as soon as possible. I am available to answer questions and would welcome your calls.

NPR Public Editor Sandoval-Palos is herein cc'd for his explanation and rebuttal – and that of Mr. Macy.

For the convenience of all – and in keeping with the "transparency" of PBS' [Standards and Core Principles](#) / ["Editorial Standards and Practices"](#) – CJAs' webpage for the May 15, 2023 and September 18, 2024 complaints is [here](#).

Thank you.

Elena Sassower, Director
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914-421-1200
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, September 18, 2024 9:17 AM

To: 'publiceditor@pbs.org' <publiceditor@pbs.org>

Cc: 'Dan.Clark@timesunion.com' <Dan.Clark@timesunion.com>; 'SDestra@wmht.org' <SDestra@wmht.org>; 'ahayes@wmht.org' <ahayes@wmht.org>; 'wpedigo@wmht.org' <wpedigo@wmht.org>; 'vbelden@wmht.org' <vbelden@wmht.org>; 'email@wmht.org' <email@wmht.org>; 'ekline@lillybroadcasting.com' <ekline@lillybroadcasting.com>; 'David.lombardo@wcny.org' <David.lombardo@wcny.org>; 'Peter.Wendler@wcny.org' <Peter.Wendler@wcny.org>; 'mitch.gelman@wcny.org' <mitch.gelman@wcny.org>; 'carol.opee-stelios@wcny.org' <carol.opee-stelios@wcny.org>; 'leadership@wnet.org' <leadership@wnet.org>; 'programming@thirteen.org' <programming@thirteen.org>; 'programming@wliw.org' <programming@wliw.org>; 'news@njspotlightnews.org' <news@njspotlightnews.org>; 'kmcbride@poynter.org' <kmcbride@poynter.org>

Subject: TIME IS OF THE ESSENCE -- May 15, 2023 complaint vs WMHT & WCNY for journalistic fraud, now supplemented by their 2024 election-rigging of D.A., state legislative, & judicial races, plus new complaint vs WLIW (WNET)

TO: [PBS Public Editor Ricardo Sandoval-Palos](#)

I received no acknowledgment or response from you to my below May 15, 2023 e-mail with the above-attached complaint — as to which, 11 days later, I sent a [May 26, 2023 query](#) via the [PBS public editor "Comments"- "Feedback"](#) webpage, stating, in pertinent part:

“It's been a week and a half since I e-mailed to publiceditor@pbs.org my May 15th complaint against PBS Member Stations WMHT and WCNY for journalistic fraud -- and I have received no acknowledgment or response from Public Editor Ricardo Sandoval-Palos, or from Senior Associate Public Editor Daniel Macy, or from the complained-against reporters and management who I cc'd. Is this not concerning? What are PBS' procedures for complaints?...“

To this I also received no acknowledgment or response. Did you not send me any?

Please immediately advise as to how you handled my FULLY-DOCUMENTED [May 15, 2023 complaint](#) — as there was NO discernible result. Specifically,

- (1) did you require responses from WMHT's New York NOW Host/Producer/Managing Editor Dan Clark, from WCNY's Capitol Pressroom Host David Lombardo and its Producer Peter Wendler, and from “those at WMHT and WCNY responsible for the integrity and accuracy of their journalism”, specified to include WMHT Vice President and Chief Content and Engagement Officer Will Pedigo, each of whom the complaint was expressly against and

who were cc'd, together with WMHT President & CEO Anthony Hayes, WMHT Executive Assistant to the CEO Valerie Belden, WMHT Vice President and Chief Development Officer George Hauenstein, WCNY President and CEO Mitch Gelman, and WCNY Vice President for Human Resources and Administrative Service Carol Opee-Stelios; and

- (1) Are you aware that the complained-against WMHT and WCNY journalists and management continued to suppress ALL report of what my complaint against them particularized, with EVIDENCE, *to wit*, the corruption of New York state governance by the highest constitutional officers of the state's three government branches involving the state budget, pay raises, and New York's "public protection" ethics and criminal entities – enabling the same public corruption to be replicated, just as flagrantly and within their sight, throughout 2023 and 2024 – ALL report of which they also suppressed.

Indeed, the ONLY change, subsequent to my [May 15, 2023 complaint](#), is that, seven months later, [on January 19, 2024, the Albany Times Union announced that Mr. Clark was joining it](#). This was not particularly surprising as WMHT's New York NOW has, for decades, been "in partnership" with the Albany Times Union, including in partnering in its fraudulent journalism and that of other Legislative Correspondents Association (LCA) reporters who participate in the New York NOW on-air discussions.

Illustrative of how Messrs. Clark, Lombardo, and Wendler conducted themselves, subsequent to the May 15, 2023 complaint, is that although, on October 13, 2023, the corruption of the (3rd) Commission on Legislative, Judicial and Executive Compensation was before them, in full view, by my decisive public testimony at its live-streamed public hearing, thereafter accessible by [VIDEO](#) (at 2hrs/31 mins), the "search" feature of New York NOW reveals NOTHING, at all, about the Commission then or thereafter – and the "search" feature of Capitol Pressroom reveals two shows, on October 18, 2023, "[Commission weighs salary increases for judges](#)", and on November 15, 2023, "[Commission endorses salary bump for New York judges](#)", respectively interviewing the Commission's chair and a Commission member – and concealing, *in toto*, the corruption of the Commission about which I had testified and which Messrs. Lombardo and Wendler were equipped to have materially recognized, independently, based on my prior communications with them, recited and linked by my May 15, 2023 complaint against them.

Thereafter, I sent Messrs. Clark, Lombardo, and Wendler, as LCA reporters, [March 21, 2024](#) and [March 24, 2024 e-mails](#), providing them with the particulars of the Commission's corruption, in writing, laid out by a [January 18, 2024 Opposition Report to its December 4, 2023 Report](#), with the particulars of the corruption of New York's highest constitutional officers with respect thereto laid out by a [March 18, 2024 verified petition](#) in CJA's [public interest lawsuit based thereon](#). No response from Messrs. Clark, Lombardo, and Wendler – and no reporting. No matter that the March 24, 2024 e-mail was entitled "Your Reporting on the NYS Budget, the Judicial Pay Raises, & the 2024 Elections for ALL 213 Legislative Seats, starting with Temporary Senate President Stewart-Cousins & Assembly Speaker Heastie" and that it concluded with the request: "AS TIME IS OF THE ESSENCE, please forward this e-mail to your editors/publishers, without delay, so that they can be fully alerted to the situation – and their First Amendment responsibilities". Likewise, no response and no reporting from them to my [August 15, 2024 e-mail](#) entitled "INFORMING THE VOTERS: NY's Most Important D.A. Race – for Albany D.A. – Upending NY's 13 Other D.A. Races, 213 State Legislative Races, & Judicial Races", nor, prior thereto, to my [August 1, 2024 e-mail](#) entitled: "HEADS UP! – The Commission on Prosecutorial Conduct was Caught Attempting to Subvert its Statutory Mandate by Violative Rules -- & the Legislature & its Sham Administrative Regulations Review Commission Have Been Abetting It". Their LCA brethren conducted themselves, identically.

As for [Mr. Clark's successor at New York NOW, Shantel Destra](#), I received no response from her to my two August 19, 2024 e-mails, [here](#) and [here](#), forwarding to her the above August 15, 2024 and August 1, 2024 e-mails. This is recounted by my [August 23, 2024 e-mail](#) to WMHT management Hayes, Pedigo, and Belden entitled "WMHT's New York NOW -- & its Partnership with WNET's 'Preserving Democracy' Initiative, etc.", additionally reciting their own aberrant, unprofessional behavior in connection with the [August 19, 2024](#) and [August 21, 2024 e-mails](#) I had sent them, to which they had not responded. The concluding words of my August 23, 2024 e-mail were:

"If, upon your review of the above August 15th and August 1st e-mails and the three e-mails I will be sending you pertaining to the elections in Albany, Montgomery, and Herkimer counties, there is not an overwhelming consensus that the information and evidence they present belong, pronto, on New York NOW or other journalism endeavors with which WMHT is affiliated, as, for instance WNET's '[Preserving Democracy](#)' Initiative, to which WMHT is an identified partner, or the [New York Public News Network](#), to which WNET is an identified member, I request that all five e-mails be IMMEDIATELY forwarded to [WMHT's Board of Trustees](#) for their oversight of your news judgment – and, if necessary, put on the agenda of its September 19th meeting.

I am available to answer questions, including over the weekend, no matter how early or late."

I received no response from WMHT management Hayes, Pedigo, and Belden, nor from Ms. Destra or from New York NOW's other team member, Elise Kline, to whom I also sent the August 23, 2024 e-mail and four e-mails thereafter:

- my [August 23, 2024 e-mail](#) (& [here](#)) entitled "INFORMING THE VOTERS: "Albany County's D.A. Candidates Kindlon, Ambrosio, & Soares -- & its 7 State Legislators, 6 Seeking Re-Election or Higher Elective Office, Etc.";
- my [August 23, 2024 e-mail](#) (& [here](#)) entitled "INFORMING THE VOTERS: Montgomery County's Uncontested D.A. Pearson, its 3 State Legislators, 2 Running for Re-Election, 1 Uncontested, & its DA Diamond Running Uncontested for County Court, Etc.";
- my [August 23, 2024 e-mail](#) entitled "INFORMING THE VOTERS: Herkimer County's Uncontested Re-Election-Seeking D.A. Carpenter & its Re-Election-Seeking State Legislators, 2 Uncontested, Etc." ;
- my [August 26, 2024 e-mail](#) entitled "Correction -- INFORMING THE VOTERS: Albany County's D.A. Candidates Kindlon, Ambrosio, & Soares -- & its 7 State Legislators, 6 Seeking Re Election or Higher Elective Office, Etc."

Please deem the above a supplement to my May 15, 2023 complaint, reinforcing it in all respects. So that there is no delay in the complained-against WMHT and WCNY reporters and management accounting for their post-May 15, 2023 conduct, I am cc'ing them. What were their findings of fact and conclusions of law with respect to the [January 18, 2024 Opposition Report](#) and [March 18, 2024 verified petition](#) in the [lawsuit](#), on which the 2024 election story most directly rests.

Additionally, I take this opportunity to initiate a complaint against another of your PBS members, WLIW, whose Vice-President and General Manager Diane Masciale, General Counsel Antonia Carew-Watts, and parent WNET President and Chief Executive Officer Neal Shapiro did not respond to my [August 21, 2024 e-mail to them](#) entitled "INFORMING THE VOTERS: Westchester County's D.A. & state legislative races -- & your 'PRESERVING DEMOCRACY' Initiative". As WLIW is also part of NPR, [yesterday included WLIW in a complaint I filed with NPR Public Editor Kelly McBride](#) – a copy of which I simultaneously e-mailed to them so that they could account for what they did and did not do, upon its receipt. This includes not answering the question therein asked, with emphasis:

"If WLIW and WNET have no New York local newsroom, what are the news sources on which you rely when you report news pertaining to New York governance and state and local elections?" I asked this question of [the senior representative of the member and viewer relations department] several times – and did not get a clear answer. Assumedly, and I so-stated, it is the constellation of NPR/PBS entities that operate in New York, including as part of the New York Public News Network formed this past January – and it was from its listed 12 members that I saw WLIW." (underlining in the original).

WLIW and WMHT are both members of the [New York Public News Network](#) – and my above-recited August 2024 correspondence with them is posted on CJA's webpage for the New York Public News Network, [here](#), part of a sequence of webpages, accessible from [CJA's homepage](#), via its prominent center link, "[ELECTIONS 2024: Cleaning up NY's Corrupt & Unconstitutional State Governance --starting with its most important D.A. race: Albany County](#)".

As TIME IS OF THE ESSENCE, please let me hear from you by 5 p.m. Friday, September 20th. As I stated in my yesterday's complaint to NPR Public Editor McBride, herein *cc'd*, "You may call me anytime, no matter how early or late. I am available to answer questions – and would happily do so, under oath."

Thank you.

Elena Sassower, Director
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914-421-1200
elena@judgewatch.org

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

Sent: Monday, May 15, 2023 5:31 PM

To: publiceditor@pbs.org

Cc: dclark@wmht.org; David.lombardo@wcnyc.org; Peter.Wendler@wcnyc.org; wpedigo@wmht.org; ahayes@wmht.org; vbelden@wmht.org; ghauenstein@wmht.org; mitch.gelman@wcnyc.org; carol.opee-stelios@wcnyc.org

Subject: Complaint vs PBS Member Stations WMHT & WCNY for journalistic fraud, most recently by their reporting on New York's FY2023-24 state budget & the Senate confirmations to New York's highest court of two judges, including its chief judge

TO: [PBS Public Editor Ricardo Sandoval-Palos](#)

Above-attached is my complaint against PBS Member Stations WMHT and WCNY for journalistic fraud, most recently by their reporting on New York's FY2023-24 state budget and the state Senate confirmations to New York's highest state court of two judges, including its chief judge. Below is my substantiating April 23rd e-mail to complained-against journalists Dan Clark and David Lombardo, the concluding paragraph of which read, in pertinent part:

"I am available to answer your questions – and ask that you forward this e-mail to your supervisory editors and to management responsible for the truthfulness and accuracy of your reporting, if it is not your intention to investigate and report on the unconstitutionality of the FY2023-24 state budget by its insertion of policy – and such other features as its 'three person in a room', behind-closed-doors, amending-of-bills budget-dealmaking..."

The four attachments to the April 23rd e-mail are here-linked: [3-26-19-ltr-23pp.pdf](#); [5-2-19-order.pdf](#); [signed-notarized-11-25-19-motion.pdf](#); [2-18-20-order.pdf](#).

Please advise if you wish me to sign and notarize the complaint, as I would be pleased to do so.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, April 23, 2023 2:58 PM

To: 'susan.arbetter@charter.com' <susan.arbetter@charter.com>; 'grace.ashford@nytimes.com' <grace.ashford@nytimes.com>; 'joe.braccia@statewatch.com' <joe.braccia@statewatch.com>; 'cbragg@buffnews.com' <cbragg@buffnews.com>; 'jcampbell@nypublicradio.org' <jcampbell@nypublicradio.org>; '**DanClarkReports@Gmail.com**' <**DanClarkReports@Gmail.com**>; 'kclukey@bloomberglaw.com' <kclukey@bloomberglaw.com>; 'gwen@adirondackexplorer.org' <gwen@adirondackexplorer.org>; 'Michelle.DelRey@hearst.com' <Michelle.DelRey@hearst.com>; 'jdeline@news10.com' <jdeline@news10.com>; 'kdewitt@wxxi.org' <kdewitt@wxxi.org>; 'luis.ferre@nytimes.com' <luis.ferre@nytimes.com>; 'zack.fink@charter.com' <zack.fink@charter.com>; 'news@cbs6albany.com' <news@cbs6albany.com>; 'mfrench@politico.com' <mfrench@politico.com>; 'michael.gormley@newsday.com' <michael.gormley@newsday.com>; 'agronewold@politico.com' <agronewold@politico.com>; 'khughes@nysnys.com' <khughes@nysnys.com>; 'RKarlin@TimesUnion.com' <RKarlin@TimesUnion.com>; 'mzkhan@ap.org' <mzkhan@ap.org>; 'shaneking@statewatch.com' <shaneking@statewatch.com>; 'ekline@lillybroadcasting.com' <ekline@lillybroadcasting.com>; 'blee@alm.com' <blee@alm.com>;

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Subject: The FY2023-24 state budget is "OFF THE CONSTITUTIONAL RAILS", including by its insertion of policy which you are attributing as the reason the budget is "late"

TO: Legislative Correspondents Association Roster of Reporters

This responds to your ongoing reporting on the state budget – concealing, TOTALLY, that it is “OFF THE CONSTITUTIONAL RAILS”, about which I have alerted you, for years, including by my [March 31, 2016 e-mail to you and your predecessors](#) entitled “Have you read what the NYS Constitution has to say about the NYS budget?” – and, most recently, by my [April 16, 2023 e-mail](#) and [April 17, 2023 e-mail](#), each furnishing the above EVIDENTIARY attachments as to **Rowan Wilson’s corruption as a New York Court of Appeals associate judge in two lawsuits involving the state budget and pay raises: [Center for Judicial Accountability v. Cuomo, et al.](#) and [Delgado v. New York State.](#)**

Assuredly, a good many of you witnessed, either in person or by live-stream, the April 17th Senate Judiciary Committee’s “meeting” on Judge Wilson’s confirmation as chief judge, reported by you as a “hearing”, at which I publicly requested to testify, identifying the budget, twice. Below is my April 18th e-mail to the Secretary of the Senate, with the transcription of what you heard me say, but did not report. Do you doubt that had you reported what I said – and investigated its readily-verified truth – it would have stopped, cold, Judge Wilson’s rigged Senate confirmation and the flagrant unconstitutionality of the state budget that he and his Court of Appeals colleagues perpetuated by what they did in *CJA v. Cuomo* and *Delgado v. NYS*.

Indeed, with respect to the insertion of non-revenue-producing, non-fiscal policy into the state budget – whose massive inclusion you have been reporting as the reason the budget is “late” – the unconstitutionality of its inclusion *via* so-called “non-appropriation” budget bills was highlighted by my above-attached and here-linked [March 26, 2019 letter to the Court of Appeals in support of the CJA v. Cuomo appeal of right](#). Did you not examine that letter, sent to you twice last week? My presentation on the subject appears in the letter’s conclusion, at pages 21-22, under the title: “In Conclusion: New York’s Constitution Has Been Undone by Collusion of Powers” – and I thereafter expanded upon it by my [March 18, 2020 letter to Governor Cuomo, which I simultaneously sent to the Division of the Budget, the Legislative Bill Drafting Commission, and the Senate and Assembly](#).

This March 18, 2020 letter, furnishing an interpretive analysis of [Article VII, §§2-3, 6 of the New York State Constitution](#) and the [Court of Appeals 2004 plurality, concurring, and dissenting opinions in Pataki v.](#)

[Assembly/Silver v. Pataki, 4 NY3d 75](#), has been a centerpiece of CJA's advocacy ever since – and demonstrates, in the context of the FY2020-21 state budget, the FRAUD by which policy is unconstitutionally inserted into the budget: the Governor puts policy into DRAFT bills of the Legislative Bill Drafting Commission, requiring Senate and Assembly sponsors, which then mysteriously morph into ACTUAL bills, having NO Senate and Assembly sponsors, falsely purporting to be what they are not, “submitted by the Governor pursuant to article seven of the Constitution”.

For the particulars and PROOF as to how this has played out in this FY2023-24 state budget, here's my [February 27, 2023 FOIL request](#) to Governor Hochul, the Division of the Budget, the Legislative Bill Drafting Commission, and the Senate and Assembly, entitled:

“FOIL – FY 2023-24 Budget – for records reflecting: (1) how Governor Hochul's five **proposed** ‘Article VII Bills’ each became **actual** bills, allegedly submitted by her ‘pursuant to Article 7 of the Constitution’; (2) why these actual bills are not posted on her Division of the Budget's website; and (3) findings of fact and conclusions of law made with respect to CJA's March 18, 2020 letter to Governor Cuomo” (bold in the original).

The [Legislative Bill Drafting Commission](#), [Senate](#), and [Assembly](#) each responded that they have NO responsive records. The [Division of the Budget](#) responded that “as of February 27, 2023”, it had NO responsive records. As for [Governor Hochul's response, on March 27th](#), her Records Access Office promised it would be getting back to me “on or before April 24, 2023”. That's tomorrow.

I am available to answer your questions – and ask that you forward this e-mail to your supervisory editors and to management responsible for the truthfulness and accuracy of your reporting, if it is not your intention to investigate and report on the unconstitutionality of the FY2023-24 state budget by its insertion of policy – and such other features as its “three person in a room”, behind-closed-doors, amending-of-bills budget-dealmaking [whose cause of action in CJA v. Cuomo](#) was highlighted at pages 19-21 of my [March 26, 2019 letter to then Associate Judge Wilson, et al.](#) under the title heading: “The Budget is ‘OFF THE CONSTITUTIONAL RAILS’ -- & its Capstone, Driving the Unconstitutionality, is its Culminating ‘Three-Men-in-a-Room’, Behind-Closed Doors, Budget Deal-Making, Amending & Generating Budget Bills”

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, April 18, 2023 2:26 PM
To: 'foil@nysenate.gov' <foil@nysenate.gov>
Cc: 'josephj@nysenate.gov' <josephj@nysenate.gov>

Subject: Requested distribution of CJA's April 17, 2023 e-mail/written testimony/statement to ALL 63 Senators BEFORE floor votes on the Court of Appeals nominations of Wilson & Halligan

TO: Secretary of the Senate Alejandra Paulino, Esq.

Yesterday, promptly following my escorted departure from the Senate Judiciary Committee's meeting on the confirmation of New York Court of Appeals Associate Judge Rowan Wilson to be chief judge, your security detail closed the gates leading to your office to prevent me from personally delivering to you the [hard-copy of my below yesterday's e-mail](#) so that you could ensure its distribution to every Senate member, which I identified as necessary so that each would know of the open-and-shut case file evidence establishing Judge Wilson's corruption as an associate judge, as to which I was not permitted to testify, and as to which the Committee members made absolutely no inquiry of him during the three hour charade of their posturing questioning of him, none of which was going to have any effect on their votes – and, indeed, there was NOT the slightest discussion of his answers to any of their questions or anything else when the Senators who remained to the end of the hearing took a quick vote to pass him onto the Senate. The VIDEO of the travesty, posted for the April 17, 2023 meeting, is [here](#). My transcription of what I said, before and during my being escorted out, was:

“Judge Wilson is a corrupt judge and I've furnished the evidence of this to every member of the Committee with a request to testify against him under oath. May I testify in his presence so that he can respond?”

May I testify as to his corruption, of which I have furnished you with evidence. Will you furnish my statement to the full Senate?”

Hoylman: “The meeting is still going on, please.”

[someone saying, perhaps one of the guards: “This is not the forum.”]

“Of course it is the forum. This is the forum to examine whether or not he is fit for elevation as chief judge. He must be removed as associate judge for his corruption in office and I wish to testify as to the evidence of this.

He has thrown cases suing you for your corruption involving the budget and the pay raises of which you are beneficiaries. You are acting on your self interest. He has corrupted his office and has corrupted state governance and you are colluding with him. You are benefiting from what he has done. You are sued for corruption involving the budget. The statement about which I wish to testify was furnished to each member of this Committee. It's posted on the website of the Center for Judicial Accountability, of which I am the co-founder and director – www.judgewatch.org – top panel 'Latest News'.”

Hoylman: “If you can leave your statement with us.”

“You already have it. It was sent to every member and I furnished you a hard copy, with a request to testify. He has corrupted his office. Cases are perfect trails, there is a record – and the record is unequivocal. He corrupted his office to benefit himself and you.

And it's time that the press did some investigation of what they have been suppressing for years.

I wish to testify and tomorrow against Ms. Halligan for corrupting her office as solicitor general.”

Hoylman: “Thank you so much. We do have her testimony, as it were. It was submitted, as I understand.”

I had furnished Chair Hoylman with the referred-to [hard copy of my below April 17th e-mail](#) minutes before the start of the meeting, in conjunction with my asking him whether he had received its two e-mailed requests to testify. His response was that he had forwarded the e-mails to Senate counsel.

Was this Senate counsel your own counsel [Jellisa Joseph](#), to whom, last June, I [personally served](#) two copies of the verified petition and notice of petition in [CJA v. JCOPE, et al.](#), one for the Senate and one for Temporary Senate President Stewart-Cousins – a lawsuit whose challenge to the budget and the pay raises continues and expands the challenge of [CJA v. Cuomo, et al.](#) – and which the Senate, *via* its co-respondent Attorney General James, has been defending by reliance on the Appellate Division, Third Department’s December 27, 2018 decision, from which Judge Wilson and his fellow associate judges, unconstitutionally and by fraud, denied review by right and by leave.

Did Ms. Joseph or some other Senate counsel advise Chair Hoylman that he and the members of the Senate Judiciary Committee should just ignore my requests to testify about *CJA v. Cuomo* and the related [Delgado v. New York State](#) – and not question Judge Wilson about either case, which, as the VIDEO establishes, is what they did. Tellingly, too, neither Chair Hoylman, a Harvard Law School graduate, just as Judge Wilson is, nor any of the Committee’s other mostly lawyer members, denied or disputed the accuracy of my e-mail that *CJA v. Cuomo* and *Delgado v. NYS* are dispositive that Judge Wilson corrupted his office as a Court of Appeals associate judge and that [E.R. Sassower v. Commission on Judicial Conduct](#) is dispositive that Ms. Halligan corrupted her office as solicitor general – causing vast, irreparable, and ongoing injury to the People of New York by what they did.

Notably, at [today’s just-concluded Senate Judiciary Committee meeting on Ms. Halligan’s prospective nomination](#) – and notwithstanding her stellar qualifications repeatedly commented-upon by the senators – none of the senators apparently thought she could handle questioning about *E.R. Sassower v. Commission on Judicial Conduct* to which my e-mails alerted them. Surely, nothing could have been simpler than asking her why, upon her becoming solicitor general, she failed to respond to my [October 2, 2001 letter to her](#) entitled “Your Duty to Comply with Fundamental Rules of Supervisory and Professional Responsibility in the appeal...” and to [my three further letters to her, over the next nine days](#) – followed by her lockstep litigation fraud in the case, throughout the next 14 months, rewarded by fraudulent Appellate Division and Court of Appeals decisions – whose end result was to perpetuate, to the present day, a corrupt Commission on Judicial Conduct and, with it, a corrupt attorney disciplinary system, reposed within the judiciary. Instead, Senator Breslin gushed to the effect that she “obviously [had] the integrity box checked throughout [her] career”. *E.R. Sassower v. Commission on Judicial Conduct* is a different kind of check – a reality check.

The predicate of the Senate’s “advice and consent” for Court of Appeals nominees, pursuant to Article VI, §2(e) of the state Constitution, is that the nominee has been determined to be “well qualified” by the Commission on Judicial Nomination. Over and again, spanning decades, the Senate has been on notice from CJA that the Commission on Judicial Nomination has not been adequately investigating and determining the qualifications of the candidates it purports to screen – and that the corruption of principal

entities on which it relies, in the first instance, the Commission on Judicial Conduct and the court-controlled attorney disciplinary system, jeopardizes appropriate “well qualified” ratings.

As stated by my below April 17th e-mail, “[Corruption is an absolute disqualification](#)”. The Senate cannot constitutionally render its “advice and consent” without making findings of fact and conclusions of law with respect to my written testimony therein and the substantiating cases on which it is based: (1) *CJA v. Cuomo*; (2) *Delgado v. NYS*; and (3) *E.R. Sassower v. Commission on Judicial Conduct* – and this is especially so in light of the Senate Judiciary Committee’s self-interested nonfeasance.

I trust that yesterday your sergeant-at-arms, who only gave me his first name, Ben, furnished you, as I requested, the [hard copy of the April 17th e-mail](#) that I handed to him, identical to the one I had handed to Chair Hoylman 3-1/2 hours earlier – and that he also communicated my request that you furnish it to all 63 senators, prior to ANY Senate floor vote on Judge Wilson and Ms. Halligan. I herein reiterate that request.

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: Monday, April 17, 2023 4:32 AM

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Subject: AGAIN: Request to testify vs Rowan Wilson's confirmation as chief judge & Caitlin Halligan's confirmation as associate judge -- & the duties of the Senate Judiciary Committee

TO: New York State Senate Judiciary Committee

Chair: Brad Hoylman-Sigal, Esq.

Ranking Member: Anthony Palumbo, Esq.

Rank & File Members: Jamaal Bailey, Esq.; Neil Breslin, Esq.; Patricia Canzoneri-Fitzpatrick, Esq.; Andrew Gounardes, Esq.; Andrew Lanza, Esq.; John Liu; Jack Martins, Esq.; Shelley Mayer, Esq.; Zellnor Myrie, Esq.; Thomas O'Mara, Esq.; Jessica Ramos; Steven Rhoads, Esq.; Sean Ryan, Esq.; Luis Sepulveda, Esq.;

James Skoufis; Toby Ann Stavisky; Kevin Thomas, Esq.

Please immediately advise with respect to my request to testify in opposition, sent yesterday, by the below e-mail, whose two typographic errors in dates are now corrected.

Corruption is an absolute disqualification – and both Court of Appeals Associate Judge Rowan Wilson and former Solicitor General Caitlin Halligan knowingly and deliberately violated the duties of their offices, causing vast, irreparable, and ongoing injury to constitutional lawful governance and the People of the State of New York, as established by the open-and-shut, *prima facie* EVIDENCE my e-mail furnishes, consisting of the lawsuit records of: (1) [Center for Judicial Accountability v. Cuomo, et al.](#); (2) [Delgado v. New York State](#); and (3) [E. R. Sassower v Commission on Judicial Conduct](#).

Please, therefore, also confirm that you will be interrogating Judge Wilson as to the first two cases and interrogating former Solicitor General Halligan as to the third – and that the Senate Judiciary Committee will be making findings of fact and conclusions of law with respect to these cases PRIOR to any vote – and furnishing these findings of fact and conclusions of law to the FULL Senate so that the votes of ALL 63 senators may be properly informed as to their duty to reject each of the nominees, unanimously.

Thank you.

Elena Sassower, Director
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914-421-1200

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

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Cc: 'foil@nysenate.gov' <foil@nysenate.gov>

Subject: Request to testify in opposition to Rowan Wilson's confirmation as chief judge & Caitlin Halligan's confirmation as associate judge

TO: New York State Senate Judiciary Committee
Chair: Brad Hoylman, Esq.

Ranking Member: Anthony Palumbo, Esq.

Rank & File Members: Jamaal Bailey, Esq.; Neil Breslin, Esq.;
Patricia Canzoneri-Fitzpatrick, Esq.; Andrew Gounardes, Esq.;
Andrew Lanza, Esq.; John Liu; Jack Martins, Esq.; Shelley Mayer, Esq.;
Zellnor Myrie, Esq.; Thomas O'Mara, Esq.; Jessica Ramos;
Steven Rhoads, Esq.; Sean Ryan, Esq.; Luis Sepulveda, Esq.;
James Skoufis; Toby Ann Stavisky; Kevin Thomas, Esq.

The press has reported that the Senate Judiciary Committee will be holding a “hearing” on Court of Appeals Associate Judge Rowan Wilson’s confirmation as chief judge tomorrow, April 17th, and a “hearing” on Caitlin Halligan’s confirmation as associate judge on April 18th – the latter additionally surprising as [Governor Hochul has not yet nominated Ms. Halligan](#) as no vacancy exists for her to fill unless and until Judge Wilson is confirmed as chief judge.

The [Senate website](#) posts NO news release or notice of “hearings” for either Judge Wilson or Ms. Halligan – and there is also NONE on the [Senate Judiciary Committee webpages](#). However, each do indicate “meetings” at [12 noon, April 17th](#) and [11 am, April 18th](#), which, when clicked, respectively state:

“The Committee will consider the following judicial nominee:

APPEARING

Hon. Rowan Wilson, nominated for Chief Judge of the Court of Appeals”;

and

“The following judicial candidate and prospective nominee, in accordance with Chapter 123

of the Laws of 2023, will appear before the Committee:

APPEARING

Caitlin Halligan, candidate for Associate Judge of the Court of Appeals”.

As these two “meeting” pages list no one else “APPEARING”, is the Committee not permitting anyone else to be heard? The situation is further confusing because, according to an [April 14th article](#), the executive director of NOW-New York “will make an appearance at Wilson’s nomination hearing” to oppose his confirmation based on his decision in [People v. Reagan](#).

As director of the non-partisan, non-profit citizens’ organization Center for Judicial Accountability, Inc. (CJA), I also wish to “make an appearance” – by which I mean to be testify, under oath, in opposition to both Judge Wilson and Ms. Halligan.

The basis for CJA’s opposition to Judge Wilson is his corruption, in office, as a Court of Appeals associate judge, in two separate yet interrelated cases, to benefit himself and the Senate:

(1) [Center for Judicial Accountability v. Cuomo, et al.](#), a citizen-taxpayer action, “on behalf of the People of the State of New York & the Public Interest”, suing the Senate and temporary senate president for corrupting state governance and challenging the constitutionality and lawfulness of the legislative budget, the judiciary budget, the executive budget – and of the 2015 budget-borne statute that established the Commission on Legislative, Judicial and Executive Compensation, replacing the 2010 statute that established the Commission on Judicial Compensation, and seeking to void

their respective “force of law” December 24, 2015 and August 29, 2011 reports that cumulatively raised judicial salaries by approximately \$80,000 a year and, by virtue of a linkage, comparably raised district attorney salaries. By 2019, when the case reached the Court of Appeals, it also encompassed the 2018 budget-borne statute that established the Committee on Legislative and Executive Compensation and its “force of law” December 10, 2018 report that raised the salaries of all Senate and Assembly members, the attorney general, the comptroller, and, indirectly, the governor and lieutenant governor – all of whom, excepting the lieutenant governor, were also defendants in *CJA v. Cuomo*, as was Chief Judge DiFiore.

From May 2019 to February 2020, Judge Wilson and his five fellow associate judges rendered five orders that cannot be justified and which they did not justify, countenancing the solicitor general’s flagrant litigation fraud before the Court and dismissing and denying CJA’s appeals of right and by leave from a [December 27, 2018 decision of the Appellate Division, Third Department](#), affirming a [November 28, 2017 decision and judgment of Albany Supreme Court \(Denise Hartman\)](#), both decisions, shown by the record before the Court, to be judicial frauds, obliterating, *in toto*, ALL ethical, adjudicative, and evidentiary standards, in tandem with the attorney general and solicitor general whose defense, throughout, was founded on litigation fraud. Above-attached and here-linked is [CJA’s initial March 26, 2019 letter in support of its appeal of right](#), particularizing the seriousness of what was before the Court – to which the Court’s response was its [May 2, 2019 order](#). Also above-attached and here-linked is [CJA’s final November 25, 2019 motion](#), particularizing the seriousness of what the Court had done – to which the Court’s response was its [February 18, 2020 order](#).

(2) [Delgado v. New York State](#), a declaratory and citizen-taxpayer action challenging the constitutionality and lawfulness of the 2018 statute that established the Committee on Legislative and Executive Compensation and its “force of law” December 10, 2018 report.

In August 2019, the *Delgado* plaintiffs were before the Court of Appeals on a direct appeal from a [June 7, 2019 decision and judgment of Albany Supreme Court](#) that principally rested on the Appellate Division, Third Department’s December 27, 2018 *CJA v. Cuomo* decision, whose unconstitutionality and fraud Judge Wilson and his five associate judges were already fully knowledgeable of from the [“legal autopsy”/analysis](#) of it, accompanying [CJA’s March 26, 2019 letter in support of its appeal of right](#). By a [November 21, 2019 order](#), the six associate judges indefensibly denied the direct appeal, relegating the *Delgado* plaintiffs to the Appellate Division, Third Department – which, by a [March 18, 2021 decision](#), affirmed the Supreme Court decision, based primarily on its December 27, 2018 *CJA v. Cuomo* decision.

From this, the Court of Appeals granted an appeal of right, in September 2021, and [affirmed on November 17, 2022](#), by Judge Wilson’s concurring opinion that made the plurality opinion of Judges Cannataro, Rivera, and Troutman a majority. Both the concurring and plurality opinions, as likewise, the dissenting opinion of Judge Singas, to which Judge Garcia joined, are fashioned on material concealment, falsification, and misrepresentation of fact and law, immediately obvious from the *CJA v. Cuomo* record, of which Judges Wilson, Rivera, and Garcia were directly knowledgeable from 2019-2020, and as to which Judges Cannataro and Singas had notice and access by my below June 7, 2021 e-mail to this Committee, to which they were cc’d. Suffice to say, that Judge Wilson’s concurring opinion compounds the fraud of the plurality opinion by upholding the constitutionality of the 2018 statute on the pretense that the compromised “checks

and balances” of the statute are acceptable because of the Judiciary’s “searching review”; “heightened judicial review”; “heightened scrutiny”, “heightened standard of review”; “heightened review”, purporting that “Supreme Court and the Appellate Division have demonstrated their vigilance” and, inferentially, that the Court of Appeals has done the same (at pp. 15-18, fn.11) – asserting, in conclusion, “the courts add enough weight to steady the balance” (at p. 29). NOTHING COULD BE MORE OBSCENE, as, likewise, his assertion, at the outset, “It is our job to ensure that the players in the lawmaking process do not shirk their burden of overseeing each other and minding the public interest” (at pp. 2-3) —as if that is what the Court was then and had been doing.

Notably, Judge Wilson’s concurring opinion omits mention of *CJA v. Cuomo*, unlike the plurality and dissenting opinions whose scant referencing of it are laced with mischaracterizations to make it falsely appear as an insignificant case, not entitled to an appeal of right or by leave, and to conceal what its record makes immediately obvious: that *CJA v. Cuomo* was dispositive that the 2018 statute challenged by *Delgado* had to be declared unconstitutional and the December 10, 2018 Committee report voided.

Further specific frauds of Judge Wilson’s concurring opinion – known to him from *CJA v. Cuomo*, whose original paper record, retained by the Court, was available to him and the associate judges – include the following:

- (1) his concealment, entirely, that the 2018 statute could NOT be constitutionally enacted, through the budget, because it is non-revenue/non-fiscal policy legislation, violating Article VII, §2 of the state Constitution, and because, in violation of Article VII, §6, it is unconnected to any appropriation, and because the “three person in a room” budget dealmaking by which, behind-closed-doors, it was inserted as Part HHH of a purported “revenue” budget bill, and emerged from the “room” so-amended, is entirely unconstitutional;
- (2) his misrepresentation of the governor’s role (at p. 14) as having simply “approved the legislation creating the Committee”, when the governor, temporary senate president, and assembly speaker collusively inserted it into the so-called revenue budget bill as part of their “three person in a room”, behind-closed-doors, amending of budget bill dealmakings;
- (3) his false justification (at p. 14, & its fn. 8) for the governor’s “issuing a message of necessity” for the budget bill as due to “our Constitution’s appropriation requirement, [in that] failing to pass a timely budget can have serious consequences (see art VII, §7)” – when, pursuant to Article VII, §4, New York has a rolling budget, enacted, without involvement of the governor, upon the Senate and Assembly reconciling their amended appropriation bills, limited to strike-outs or reductions of appropriations;
- (4) his concealments that apart from the unconstitutional enactment of the 2018 statute *via* the budget, it was unconstitutional, *as written*, because the Committee it established was too small and homogenous for a constitutional delegation of legislative power – and that its inclusion of

the state comptroller and chief judge as members were each, independently, unconstitutional (at pp. 9, 13);

(5) his false representation and implication that the 2010 statute and, inferentially, the 2015 statute “expand[ing]” it, were constitutional because they provided “the checks and balances associated with the statute-making and budgetary process outlined in the Constitution” – and that such “checks and balances” were functioning and that “‘the issue of judicial compensation now receives consideration independent of other political matters’ (*Larabee v. Governor of the State of N.Y.*, 27 NY3d 469, 472 [2016])” (at pp. 7-8);

(6) his false assertion that “this is not a difficult case under our legislative nondelegation doctrine” (at p. 3).

These frauds and the comparable and additional frauds of the plurality and dissenting opinions spring from the associate judges’ HUGE financial and other interests born of relationships in affirming *Delgado* because doing otherwise by declaring the 2018 statute unconstitutional (1) by its enactment; (2) *as written*; and (3) *as applied* – as *CJA v. Cuomo* demonstrated was ALL mandated – would require largely identical declarations with respect to the 2015 and 2010 statutes, the voiding of all three “force of law” reports, and MASSIVELY transform state governance by restoring it to constitutionality and lawfulness, with penal consequences for the plethora of executive, legislative, and judicial public officers who had perpetrated and colluded in its frauds and larcenies, for years. The financial consequences for each associate judge – to which CJA had repeatedly alerted them – was a plummeting of salary by \$82,200 a year, from the commission-based \$233,400 it is to the \$151,200 fixed by [Judiciary Law §221](#) – and clawbacks ranging as high as nearly a million dollars. New York’s 2,500 other state-paid judges would have faced comparably huge salary drops and clawbacks.

Judge Wilson and his fellow associate judges do not disclose their HUGE financial and other interests, divesting them of jurisdiction under [Judiciary Law §14](#) – a threshold issue for which *CJA v. Cuomo* repetitively sought their determination, including by the [final November 25, 2019 motion](#). To the contrary, they obscure same – including the concealment, by all three November 17, 2022 opinions, that *Delgado* had been before the Court in 2019 on a direct appeal and that this coincided with the Court having before it *CJA v. Cuomo* on appeals by right and by leave, furnishing evidence and argument essential to their duty with respect to *Delgado*.

Suffice to further note that Judge Wilson and his fellow associate judges all simply ignored what should have been obvious to them – quite apart from its being another threshold issue highlighted by *CJA v. Cuomo*, repetitively, namely, that Attorney General James – being a direct pay raise beneficiary of the 2018 “force of law” Committee report raising her salary – had a disqualifying financial interest that made it improper for her to be representing the *Delgado* defendants, just as it was improper for her to be representing the *CJA v. Cuomo* defendants, of which she was one – and she manifested her disqualification by the litigation fraud she employed to corrupt the judicial process, at each level, of both cases.

As for Ms. Halligan, the basis of CJA's opposition is her corruption, in office, as solicitor general in the Article 78 proceeding that was the genesis of CJA's opposition to judicial pay raises, [Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York](#), suing the Commission on Judicial Conduct for corruption – whose [April 22, 1999 verified petition](#) simultaneously exposed to view its corrupting of “merit selection” to the Court of Appeals with respect to the nomination and confirmation of Albert Rosenblatt as an associate judge, to which the Commission on Judicial Nomination, the bar associations, the governor, and the Senate Judiciary Committee were all complicit (¶¶22-34), additionally demonstrated in the record at [the Appellate Division, First Department](#), with a [threshold May 1, 2002 motion at the Court of Appels for disqualification/disclosure](#), chronicling the Senate Judiciary Committee's nonfeasance and fraud with respect to the confirmations of Associate Judges Howard Levine, Carmen Ciparick, and Victoria Graffeo, in addition to recapitulating what had occurred with respect to Associate Judge Rosenblatt's nomination and confirmation.

Solicitor General Halligan's ignominious role, in 2001 and 2002, was her corrupting of the appellate process, with litigation fraud, at the Appellate Division and Court of Appeals, for which she was rewarded, again and again, by fraudulent judicial decisions. I testified about the case at [the Commission on Judicial Compensation's one and only July 20, 2011 hearing](#) – handing up copies of my two final motions and the Court of Appeals' two final orders. Those here-linked [October 15, 2002 motion](#) and [October 24, 2002 motion](#) and the Court's December 17, 2002 orders thereon, [here](#) and [here](#), were [free-standing exhibits to CJA's October 27, 2011 opposition report](#) to the Commission on Judicial Compensation's August 29, 2011 report. [I handed up a full copy of that opposition report, with all its exhibits, in testifying before the Legislature at its February 6, 2013 “public protection” budget hearing](#) – a hearing which was the beginning of my odyssey of discovery about [Article VII, §§1-7 of the state Constitution](#), whose repudiation by the constitutional officers of New York's three government branches in their fashioning and enactment of the legislative, judiciary, and executive budgets would be chronicled by *CJA v. Cuomo* – and by CJA's advocacy, in the three years since Judge Wilson and his fellow associate judges gave their final answer to it by their self-interested, indefensible February 18, 2020 order.

* * *

EPILOGUE & WHERE TO BEGIN

Were the Commission on Judicial Conduct not a corrupt façade – [which it is](#), thanks to Ms. Halligan and a long, long list that includes this Committee's Chair Hoylman and its Ranking Member Palumbo – Judge Wilson would long ago have been removed as a Court of Appeals associate judge and referred to criminal authorities for prosecution, with his fellow associate justices, along with then Chief Judge DiFiore, then Chief Administrative Judge Marks, and all the Appellate Division, Third Department and Supreme Court justices who had obliterated the rule of law in *CJA v. Cuomo* and *Delgado*. Indeed, for more than two years, the Legislature has had the [fully-documented February 7, 2021 conflict-of-interest/corruption complaint](#) I filed with the Commission on Judicial Conduct against Judge Wilson and his fellow associate judges, with a substantiating [EVIDENTIARY webpage](#), particularizing their corruption in those two cases, as well as the [fully-documented February 11, 2021 companion complaint](#) I filed with the Appellate Division attorney grievance committees against Attorney General James, Solicitor General Underwood, and their underlings for their litigation fraud therein, also substantiated by an [EVIDENTIARY webpage](#). Those two complaints were each expanded [on April 26, 2021](#) and [April 27, 2021](#), by a supplementing complaint based on my [“legal autopsy”/analysis of the Appellate Division, Third Department's March 18, 2021 Delgado decision](#) – the decision that Judge Wilson concurred to affirm on November 17, 2022.

Although I did not file a misconduct complaint against Solicitor General Halligan with the Appellate Division's attorney grievance committee, a summary of her corrupting of the judicial process, at the Appellate Division and the Court of Appeals in [E.R. Sassower v. Commission on Judicial Conduct](#) can be found in my [March 9, 2011 letters to the U.S. Senate Judiciary Committee](#) in opposition to her confirmation as a federal judge on the Court of Appeals for the D.C. Circuit, accessible with my 2001 correspondence to her, on a webpage I constructed for that 2011 opposition, [here](#). Suffice to add that the *modus operandi* of litigation fraud by the attorney general's office, rewarded by fraudulent judicial decisions – exemplified, at ALL court levels, by [E.R. Sassower v. Commission on Judicial Conduct](#) and other important cases, prior and since, such as [CJA v. Cuomo, et al.](#) – has been a staple of CJA's advocacy before this Committee and the Legislature, for decades – most recently by [my written testimony for the Legislature's February 7, 2023 "public protection" budget hearing](#), which I [thereafter e-mailed](#) to most of you, without response. So, too, has CJA's advocacy highlighted, for decades, the corruption of "merit selection" to the Court of Appeals – and my below June 7, 2021 e-mail pertaining to the Singas and Cannataro nominations further flagged that the Commission on Judicial Nomination was not doing appropriate vetting and investigation of candidates by citing to its inclusion of Ms. Halligan and Denise Hartman on its shortlist for the Court of Appeals.

For the convenience of all, I have aggregated the above substantiating links and others on an EVIDENTIARY webpage for this e-mail, [here](#).

Kindly confirm, as immediately as possible, that I will be permitted to testify, in opposition, under oath, at the "meetings"/"hearings".

* * *

FOIL REQUEST

Pursuant to Senate Rule XIV "Freedom of Information", please furnish, as immediately as possible:

- (1) the Senate or Senate Judiciary Committee press release, if any, for what the press is reporting as confirmation "hearings";
- (2) records reflecting the names of persons testifying at the Committee's April 17th and April 18th "meetings", other than Judge Wilson and Ms. Halligan;
- (3) records reflecting the names of persons who requested to testify, but were not given permission to do so;
- (4) Judge Wilson's and Ms. Halligan's publicly-available responses to the questionnaire(s) they were required to complete for the Commission on Judicial Nomination.

Thank you.

Elena Sassower, Director
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golan@nysenate.gov; msb.nysenate@gmail.com; rowheeler@nysenate.gov; jbishop@nysenate.gov;
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goddard@nysenate.gov; brix@nysente.gov; emancinisd6@gmail.com

Subject: Your tomorrow's "meeting" on the nominations of Singas & Cannataro to the NY Court of Appeals -- UNCONSTITUTIONAL & FRAUDULENT, as it has not been preceded by vetting of the EVIDENCE decisive of their unfitness, of which you have had NOTICE

TO: The 15 Members of the Senate Judiciary Committee

Chair Hoylman, Ranking Member Boyle, and Members Bailey, Biaggi, Breslin, Gounardes, Kaplan, Lanza, Myrie, O'Mara, Oberacker, Palumbo, Skoufis, Stavisky, Thomas

I have received NO response from you to my below June 1st e-mail, with its above-attached FOIL request – and, apparently, you are dispensing with ANY hearing on Governor Cuomo's nominations of D.A. Singas and Judge Cannataro to the Court of Appeals – opting instead to “consider” their nominations at a “meeting” of the Senate Judiciary Committee, at noon tomorrow – at which you will also “consider” the Governor's eight nominees to the Court of Claims.

Just as there was NO precedent for the Governor's May 25, 2021 announcement that combined his nominations of two Court of Appeals judges, with nominations of Court of Claims judges and appointments to the Appellate Divisions, there is NO precedent for your combining “consideration” of Court of Appeals nominees with nominees for the Court of Claims – and for dispensing with a hearing on the Court of Appeals nominees. What you are doing is unconstitutional – and a fraud upon the People of this State, to whom you owe the duty to examine and take testimony on EVIDENCE that D.A. Singas and Judge Cannataro are unfit to serve on our state's highest court – EVIDENCE

that Chair Hoylman has had NOTICE of since May 26th – with NOTICE to the Committee’s 14 other members since June 1st by my below e-mail.

Suffice to note, the Commission on Judicial Nomination would itself have discerned the unfitness of D.A. Singas, Judge Cannataro, and other appalling short-list candidates as Denise Hartman and Caitlin Halligan had it done appropriate investigation by reaching out to such credible information sources as the Center for Judicial Accountability, Inc. (CJA) – the necessity of which, in 1993 and repeatedly thereafter, we demonstrated as essential because customary sources on which it relies, as, for instance, the Commission on Judicial Conduct and the court-controlled attorney grievance committees, are corrupt.

To assist you in your duty to examine the EVIDENCE that D.A. Singas and Judge Cannataro cannot be confirmed because they do not meet the FIRST ground upon which Article VI, §2(c) of the New York State Constitution specifies they must be “well qualified”, namely “character” – and encompassing D.A. Singas’ believed perjury on her publicly-inaccessible answers to the Commission on Judicial Nomination’s questionnaire – I have posted the EVIDENCE substantiating my June 1st e-mail to you on two webpages – one for [D.A. Singas](#) and one for [Judge Cannataro](#) – each additionally posting an explanatory narrative of the EVIDENCE pertaining to each, with questions for each. For your further convenience, I have above-attached these two explanatory narratives of the EVIDENCE and questions.

So that D.A. Singas and Judge Cannataro may be prepared for your rigorous interrogations at tomorrow’s “meeting” on their nominations – indeed to enable them, on their own accord, to demonstrate their “character” by answering the EVIDENCE-based questions here attached, I am cc’ing them on this e-mail.

As always, I am available to assist you in your duties – and invite you to call me, no matter how late this evening or early tomorrow morning.

Finally, I request that this e-mail, with its below chain of e-mails and its above three attachments, be made part of the record of tomorrow’s “meeting” and Senate proceedings on D.A. Singas’ and Judge Cannataro’s confirmations.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, June 1, 2021 9:10 AM

To: 'hoylman@nysenate.gov' <hoylman@nysenate.gov>
Cc: 'pboyle@nysenate.gov' <pboyle@nysenate.gov>; 'senatorjbailey@nysenate.gov' <senatorjbailey@nysenate.gov>; 'biaggi@nysenate.gov' <biaggi@nysenate.gov>; 'breslin@nysenate.gov' <breslin@nysenate.gov>; 'gounardes@nysenate.gov' <gounardes@nysenate.gov>; 'kaplan@nysenate.gov' <kaplan@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'myrie@nysenate.gov' <myrie@nysenate.gov>; 'omara@nysenate.gov' <omara@nysenate.gov>; 'oberacker@nysenate.gov' <oberacker@nysenate.gov>; 'palumbo@nysenate.gov' <palumbo@nysenate.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'stavisky@nysenate.gov' <stavisky@nysenate.gov>; 'thomas@nysenate.gov' <thomas@nysenate.gov>; 'phillips@nysenate.gov' <phillips@nysenate.gov>; 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'canary@nysenate.gov' <canary@nysenate.gov>; 'kiprilov@nysenate.gov' <kiprilov@nysenate.gov>; 'turoski@nysenate.gov' <turoski@nysenate.gov>; 'laidley@nysenate.gov' <laidley@nysenate.gov>; 'levans@nysenate.gov' <levans@nysenate.gov>; 'jonesjj@nysenate.gov' <jonesjj@nysenate.gov>; 'golan@nysenate.gov' <golan@nysenate.gov>; 'msb.nysenate@gmail.com' <msb.nysenate@gmail.com>; 'rowheeler@nysenate.gov' <rowheeler@nysenate.gov>; 'jbishop@nysenate.gov' <jbishop@nysenate.gov>; 'valle@nysenate.gov' <valle@nysenate.gov>; 'cfoster@nysenate.gov' <cfoster@nysenate.gov>; 'goddard@nysenate.gov' <goddard@nysenate.gov>; 'brix@nysenate.gov' <brix@nysenate.gov>; 'emancinisd6@gmail.com' <emancinisd6@gmail.com>

Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo's nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness

TO: Senate Judiciary Committee Chair Brad Hoylman

This follows six separate voice mail messages I left at your Albany and Manhattan offices, requesting to know what the Senate Judiciary Committee's procedures are for investigating the fitness of Governor Cuomo's two nominees to the New York Court of Appeals: Nassau County District Attorney Madeline Singas and New York City Civil Court Administrative Judge Anthony Cannataro – and to testify, in strong opposition to each, at the Senate Judiciary Committee's hearings on their confirmations.

Governor Cuomo announced these nominations on Tuesday, May 25th – and at 9:08 am the next day, Wednesday, May 26th, I called your Albany office (518-455-2451), leaving a voice mail message with my above two requests, with a further voice mail message at that number at 2:00 pm, followed by a voice mail message at your Manhattan district office (212-633-8052) at 2:06 pm. The next day, Thursday, May 27th, I left a voice mail message at your Albany office at 12:02 pm and then at your Manhattan office at 12:06 pm. On Friday, May 28th, I left a voice mail message at your Albany office at 10:38 am.

Please advise – and explain why, during these normal business hours, no one picks up the phone or calls back. Is not time of the essence? Did no one wish to speak with me about the basis for CJA's opposition to these nominees – and the EVIDENCE substantiating same?

By copy of this e-mail to Senate Judiciary Committee Ranking Member Phil Boyle and the Committee's 13 other members, I request that they call me to schedule individual or combined phone meetings to discuss the EVIDENCE that is your constitutional duty and theirs to investigate

and report to the full Senate. As relates to District Attorney Singas, the EVIDENCE is *prima facie* and open-and shut, not even requiring inquiry of her to establish that her nomination must be rejected, indeed, that she must be indicted for corruption, in office – and that she will be convicted. As to Judge Cannataro, the EVIDENCE is also decisive – although it requires inquiry of him and others to establish, both as relates to his three-year tenure, from 2000 to 2003, as the principal law clerk at the Court of Appeals to then Associate Judge Carmen Ciparick, and as to the pay raises that have boosted his salary \$80,000 a year since becoming a judge in 2012.

I take this opportunity to bring to your attention that I am still waiting for you and the Senate to furnish me with a copy of the attorney misconduct complaint against Rudolph Giuliani that you filed in January with New York's attorney grievance committee for the First Judicial Department. Will you be supplying it? The chain of e-mails is below.

Finally, and on that topic – but yet also related to the nominations of Singas and Cannataro to the Court of Appeals -- when is the Senate Judiciary Committee finally going to continue – and make findings on – the hearings begun twelve years ago on New York's attorney grievance committees and the Commission on Judicial Conduct, held by then Chair John Sampson, whose origin can be traced back to my testimony before him at the Senate Judiciary Committee's January 27, 2009 hearing on “merit selection” to the Court of Appeals in which I stated:

“...you need to be sure that the regulatory bodies, the Commission on Judicial Conduct, the attorney disciplinary committees are functioning, because they are one of the first stops of the Commission on Judicial Nomination in securing information about candidates. And they are useless. They are worthless and they are corrupt. **And there needs to be hearings and investigations of those bodies.**” (transcript, pp. 88-89).

The January 27, 2009 transcript excerpt, the VIDEO of my subsequent extensive testimony and colloquy with Chair Sampson at the continued June 5, 2009 hearing on the Commission on Judicial Nomination and “merit selection” to the Court of Appeals, the VIDEOS and transcripts of the Senate Judiciary Committee's June 8, 2009 and September 24, 2009 hearings on the attorney grievance committees and the Commission on Judicial Conduct, and the draft written statement and substantiating evidentiary webpage I had prepared for the Senate Judiciary Committee's third – and aborted -- December 16, 2009 hearing are all posted and accessible from CJA's website, including [here](#).

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, March 26, 2021 3:33 PM
To: 'Senate Foil' <foil@nysenate.gov>

Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: AGAIN: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.

I have no record of response from you to my below February 19th e-mail. Did you respond? If not, please do so now and, at minimum, provide me with the requested January 11, 2021 misconduct complaint against Rudolph Giuliani that Senate Judiciary Committee Chair Hoylman filed with the attorney grievance committee of New York's appellate division.

As I also have no record of response from Chair Hoylman's press officer, Aaron Ghitelman, who, when I spoke with him on February 18th, as recited below, stated he would send me the complaint, I take the opportunity of this e-mail to remind Mr. Ghitelman to send it to me now, if he did not do so previously.

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, February 19, 2021 8:56 AM
To: 'foil@nysenate.gov' <foil@nysenate.gov>
Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

This replies to your below February 12, 2021 response to my above-entitled and attached January 15, 2021 FOIL request.

There is nothing "overly broad and vague" about it – including as to the approximate date of Senate Judiciary Committee Chair Hoylman's formal complaint against Rudolph Giuliani – the intent to file same having been announced by him at the outset of the Senate Judiciary Committee's January 11, 2021 meeting and embodied in the press release of that date, posted on Senator Hoylman's Senate website that I provided you: <https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/ny-senate->

[judiciary-chair-brad-hoylman-file-formal-complaint](#). Indeed, I yesterday confirmed with Senator Hoylman's press officer, Aaron Ghitelman, that the complaint was filed on January 11, 2021.

Please, therefore, pursuant to Senate Rule ____ "Freedom of Information", furnish me with Senator Hoylman's publicly-announced January 11, 2021 formal complaint without further delay.

Thank you.

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

From: Senate Foil <foil@nysenate.gov>
Sent: Friday, February 12, 2021 2:14 PM
To: Center for Judicial Accountability, Inc.(CJA) <elena@judgewatch.org>

Subject: Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

February 12, 2021

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
Post Office Box 8101
White Plains, NY 10602
cja@judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt of your email dated January 15, 2020 pursuant to the Freedom of Information Law.

You are requesting ... "a copy of said formal complaint..."

Please be advised your request is overly broad and vague in nature. However, if you provide clarification and specificity with regard to dates we will attempt to fulfill your request.

I have attached a copy of the Senate's Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Sincerely,

Alejandra N. Paulino, Esq.
Secretary of the Senate

From: Senate Foil/senate
To: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>

Date: 01/26/2021 10:45 AM

Subject: **Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

Good Morning,

This is to acknowledge receipt of your request dated January 6, 2021 pursuant to the Freedom of Information Law.

We are currently working on this request and expect to be able to respond within ten (10) business days. If you have any questions do not hesitate to reach to this email address.

From: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>
To: <foil@nysenate.gov>
Date: 01/15/2021 03:54 PM

Subject: **FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

Reference is made to the January 11, 2021 press release entitled: "[New York Senate Judiciary Committee Chair Brad Hoylman to File Formal Complaint Asking New York Appellate Division to Consider Revoking Rudy Giuliani's License to Practice Law](#)", posted on Senator Hoylman's Senate website. Pursuant to Senate Rule ___ "Freedom of Information", this is to request a copy of said formal complaint.

Thank you.

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