

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Thursday, August 22, 2013 7:53 AM  
**To:** 'Karen DeWitt (kdewitt@wxxi.org)'  
**Subject:** The Public Trust Act -- & a Legitimate Legislative Process that Starts with the Rank-&-File

Dear Karen,

I was so exhilarated by our fortuitous meeting, yesterday – and by our substantive, if brief, conversation. Let's make it the beginning of many more!

I hope you agree that public-supported media must be DIFFERENT from other media – and nurture sources from among the public that supports it. People have a lot to contribute – and it is their leadership which will change a corrupted *status quo* – all the sooner if media begins to report on what the People are doing by way of “self-help”.

In the event you missed my interview, yesterday, on The Capitol Pressroom, I've posted it on the webpage I created for our August 21<sup>st</sup> letter to the Governor -- & its substantiating evidence. It is accessible from our “Latest News” top panel by the featured hyperlink: “THE PEOPLE LEAD: Securing Introduction & Passage of the Public Trust Act & a Constitutionally-Functioning Legislature”. Here the direct link: <http://www.judgewatch.org/web-pages/people-lead/aug-21-2013-ltr-to-gov.htm>. In the event you missed my appearance yesterday on listener-supported wcnv.org – The Capitol Pressroom with Susan Arbetter – I've posted it at the bottom of that webpage.

By the way, it is because I believe that public-supported media must be different from other media in its sources & the kind of news it offers – which it presently is NOT – that I called you on July 26<sup>th</sup> to give you the lead on the news story to which Susan Arbetter invited me for an interview. Below is the chain of e-mail to Susan – with the July 26<sup>th</sup> reflecting why, when I did not hear back from you, I did not, thereafter, call you further.

Karen, the story of the Public Trust Act is a BIG & scandalous story. With your press investigation & coverage, it can & will make MAJOR good-government reform. **When would it be convenient for us to discuss it?** My preference is to give the lead to public-supported media. Shouldn't it be you?

Thank you.

Elena  
914-455-4373

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**From:** Center for Judicial Accountability [mailto:elena@judgewatch.org]  
**Sent:** Friday, July 26, 2013 3:32 PM  
**To:** 'Susan Arbetter'  
**Cc:** Curtis Schick ([Curtis\\_Schick@wcnv.org](mailto:Curtis_Schick@wcnv.org))

**Subject: Bless You -- RE: Apologies -- RE: reply**

& I will hold off pursuing other journalists until then. This is a PRIZE-WINNING STORY for you, Mr. Schick, and WCNY.ORG – one able to achieve monumental good-government reform.

Because it is absolutely imperative to good government and democracy to foster public-supported media, I had put in a call to Karen DeWitt of NYS Public Radio earlier today. However, unless she calls me back, I will not follow-up with her until I hear from you.

Have a good weekend. Call or e-mail with any questions.

Meantime, I'm doing additional research on the Governor's Program Bills – which I'll have ready for you next week ...

Thank you, again.

Elena  
914-455-4373  
[elena@judgewatch.org](mailto:elena@judgewatch.org)  
cell: 646-220-7987

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**From:** Susan Arbetter [<mailto:Susan.Arbetter@wcny.org>]  
**Sent:** Friday, July 26, 2013 2:56 PM  
**To:** Center for Judicial Accountability  
**Cc:** Curtis Schick

**Subject: RE: Apologies -- RE: reply**

Dear Elena,

Many thanks. I will review this material and get back to you by the end-of-business on Wednesday 7/31.

Warmly,  
Susan

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**From:** Center for Judicial Accountability [<mailto:elena@judgewatch.org>]  
**Sent:** Friday, July 26, 2013 2:51 PM  
**To:** Susan Arbetter  
**Cc:** Curtis Schick

**Subject: Apologies -- RE: reply**

Completely unintended. Am exhausted & overworked. Kindly examine the July 19<sup>th</sup> corruption complaint to D.A. Soares. HUGE STORY – that can “move that ball”, to use D.A. Soares' phrase in your July 15<sup>th</sup> Capitol Report interview of him.

We can't achieve good government reform without the press. Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/albany-da.htm>.

Thank you for your e-mail. I am available to answer your questions – and furnish you with all assistance I can. Call anytime, including over the weekend and at night. I would be delighted if a viewer-supported-PBS media took the lead... By the way, check out the FOIL requests – and responses, posted on the page...

Elena  
914-455-4373

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**From:** Susan Arbetter [<mailto:Susan.Arbetter@wcny.org>]  
**Sent:** Friday, July 26, 2013 2:29 PM

To: [elena@judgewatch.org](mailto:elena@judgewatch.org)  
Cc: Curtis Schick; Susan Arbetter

**Subject: reply**

7/26/13

Dear Elena,

This is the first time I am hearing from you directly. Why are you taking such a combative tone?

Susan Arbetter

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Dear Mr. Schick & Ms. Arbetter:

Kindly explain why I have not heard back from you in response to my below July 23<sup>rd</sup> email entitled : “NEWS LEAD: ‘Public Trust Act’ – NEVER introduced by the Legislature, No Senate or Assembly Sponsors, No Senate or Assembly Bill Numbers”.

This is all the more surprising as I have since discovered at least two additional segments of your Capitol Reports which should have made you further enthusiastic about the NEWS LEAD. For your convenience, I’ve transcribed them below:

**April 25, 2013: “Where’s the bills?”**

“Governor Andrew Cuomo says he was kidding with reporters when he said ‘normally when we release bill language before an agreement, it means the probability of that bill passing is very, very low.’

The Governor clarified the statement the next day on the Capital Pressroom radio show. ‘You have a little fun and then they take it seriously. Some bills are for press releases, and some bills are good faith proposals, and some are just posturing. And that was the point I was trying to make.’ [4/18/13: “clarifying comments regarding the release of proposed laws for review”]

But it is not the first time the administration has given us a peek at how they’d like to handle lawmaking. Lt. Governor Robert Duffy said this to business leaders last week. ‘The Governor doesn’t like to announce what he wants to do, he likes to announce what he gets done.’ And if you look at the statement, when it comes to actual bills proposed outside of the budget, it’s true. Widely reported numbers released by NYPIRG showed that this year, so far, the governor has only put out one program bill – the Safe Act.

[Bob Bellafiore, former spokesman for Governor Pataki ] ‘It shows fear. It shows that I’m afraid of getting attacked on the details of what I believe’.

The NYPIR numbers shows that in 2012 the governor put out 58 bills and in 2011, the number was 45.



But it is the details that could hold up one of the governor's key proposals. The Women's Equality Agenda'. It is a plan that includes a provision related to abortion, but no bill has been released.

[Steve Greenberg, former spokesman to Comptroller Carl McCall] 'This is a subject where a comma, a word, an and versus an or, makes a big, big difference.'

At the Capitol, in Albany, I'm Curtis Schick."

**April 30, 2013 "Cuomo details first reform":**

"Earlier this month, the Governor used this metaphor to explain how corruption is infecting Albany. 'This is not just about a very specific case, right? This is not about a bad shingle. This is about a bad roof.'

So let the house building begin.

Monday, the Governor released the details of his first piece of reform legislation. The proposed 'Public Trust Act' stays true to his initial proposal by creating three specific crimes for public officials: bribery, being a player in government corruption, and not reporting corruption.

..."

At the Capitol, in Albany, I'm Curtis Schick"

Is it possible that you are not interested in examining the odyssey of the "Public Trust Act", or examining the creation of the Moreland Commission to Investigate Public Corruption – or examining how D.A. Soares handles a corruption complaint against New York's highest constitutional and public officers in Albany, who you routinely cover?

Please advise – and let me know how I can assist you as a source for upcoming stories.

Certainly, it seems that notwithstanding you are part of WCNY.ORG -- a viewer-supported, PBS affiliate -- you are NO different than other media which disdains and rejects good-government, citizen activists as sources for developing stories. Is this correct?

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373

**From:** Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

**Sent:** Tuesday, July 23, 2013 1:57 PM

**To:** Curtis Schick ([Curtis\\_Schick@wcny.org](mailto:Curtis_Schick@wcny.org))

**Cc:** 'susan\_arbetter@wcny.org'

**Subject: NEWS LEAD: "Public Trust Act" -- NEVER introduced by the Legislature, No Senate or Assembly Sponsors, No Senate or Assembly Bill Numbers**

Dear Mr. Schick,

Following up our brief phone conversation this morning, here's the direct link to the webpage of our website, [www.judgewatch.org](http://www.judgewatch.org), posting our July 19<sup>th</sup> corruption complaint to Albany District Attorney Soares: <http://www.judgewatch.org/web-pages/judicial-compensation/albany-da.htm>. The complaint sets forth scandalous background facts to Governor Cuomo's establishment of the Moreland Commission to Investigate Public Corruption – completely unreported.

It is NOT simply that the Legislature "failed to act" on Governor Cuomo's "Public Trust Act" ("Program Bill #3). Rather, Assembly Speaker Silver and Majority Coalition Leaders Skelos and Klein **WITHHELD** the "Public Trust Act" from the legislators, such that it was **NOT** introduced, **NOT** assigned Senate or Assembly bills numbers, and had **NO** Senate or Assembly sponsors. The same is true of Governor Cuomo's subsequent "program bills" (#4, #5, #12) which he included in his corruption-fighting package.

Did Governor Cuomo not know that Speaker Silver and Majority Coalition Leaders Skelos and Klein were withholding his legislation? Wasn't he negotiating with them, behind-closed-doors, throughout this period? Didn't he ask them what was happening? Didn't they tell him? Wasn't he in contact with other legislators?

This breach of public trust, on all sides – in failing to enact the "Public Trust Act", no less – requires press follow-up. Can we count on you to investigate and report? Or will it be done by District Attorney Soares?

We're giving you the lead on this because WCNY.ORG is a viewer-supported, PBS affiliate – and because the story of the "Public Trust Act", embodied by our July 19<sup>th</sup> corruption complaint to D.A. Soares, is a perfect follow-up to your July 15<sup>th</sup> Capitol Report entitled "*The never-ending culture of corruption*". It featured Susan Arbetter's interview of D.A. Soares and opened with his words:

"We have an institution that is completely resistant to policing itself, to passing any bit of legislation that is going to improve the public's sense of confidence...We go through legislative session after legislative session, and we do not move that ball."

You may be sure that had we known of the July 15<sup>th</sup> Capitol Report before sending our July 19<sup>th</sup> complaint to D.A. Soares, we would have quoted it in the complaint. As it is, we are featuring it at the top of our webpage for the July 19<sup>th</sup> complaint.

Please let us hear from you and/or Ms. Arbetter by no later than the end of the day tomorrow so that we may know whether to move on to other journalists.

Thank you.

Elena Sassower, Director  
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914-455-4373  
[elena@judgewatch.org](mailto:elena@judgewatch.org)