

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Tuesday, October 30, 2018 11:23 AM  
**To:** 'michael@counterpower.org'  
**Cc:** 'sussman1@frontiernet.net'; 'dunleamark@aol.com'; 'chair@gpny.org'; 'chair2@gpny.org'; 'secretary@gpny.org'; 'treasurer@gpny.org'; 'eldershade@hotmail.com'; 'Eric Jones'; 'tatiannamoragne@gmail.com'; 'ursala.rozum@gmail.com'; 'wigfall.bryan003@gmail.com'  
**Subject:** FOR FORWARDING TO GREEN PARTY CANDIDATE HOWIE HAWKINS & THE GREEN PARTY: Behind-the-scenes of today's attorney general debate -- relevant to the gubernatorial and comptroller races  
**Attachments:** 5-18-18-ltr-to-interim-ag-candidates.pdf

### TO: Michael O'Neil, Campaign Manager/Green Party – Howard Hawkins Gubernatorial Campaign

On October 24<sup>th</sup>, upon discovering the announcement of the November 1<sup>st</sup> League of Women Voters gubernatorial debate in which Green Party gubernatorial candidate Hawkins – a NON-LAWYER -- would be participating, I called the phone number appearing on his gubernatorial website, 917-825-3562 -- to speak with candidate Hawkins. You answered the phone – and when I asked you whether you were aware of my outreach to the Green Party, spanning more than a year, endeavoring to help it understand that it could WIN this year's statewide races and defeat the two-party duopoly based on EVIDENCE laid out by an unfolding citizen-taxpayer action challenging the state budget and the judicial pay raises, you stated you vaguely were. So that there would be no question about whether you were, you went on CJA's website, [www.judgewidth.org](http://www.judgewidth.org), as we spoke – and I showed you the relevant webpage pertaining to Governor Cuomo: <http://www.judgewidth.org/web-pages/elections/2018/cuomo.htm> – with a MOUNTAIN of primary-source EVIDENCE there posted, including for the citizen-taxpayer action unfolding at the Appellate Division, Third Department. I told you that, MONTHS EARLIER, I had furnished the appeal brief and three-volume record on appeal to Green Party attorney general candidate Michael Sussman AND Green Party comptroller candidate Mark Dunlea, BOTH LAWYERS -- and that right before calling you, I had left messages for each of them, about the November 1<sup>st</sup> gubernatorial debate, requesting that they IMMEDIATELY report to candidate Hawkins and the Green Party as to its significance in knocking out incumbents Cuomo, DiNapoli – and opening up the gubernatorial and comptroller races – and the races for legislative seats. I told you that the League of Women Voters had its own copy of the appeal brief and three-volume record – and that I had already contacted it to advise that ALL the gubernatorial candidates participating at the November 1<sup>st</sup> debate were also aware of the case and should be questioned about it, in light of their campaign railing about corruption, taxpayer money, the budget, and the like.

Our substantive conversation together lasted about 15 minutes – and then, abruptly disconnected. I immediately called you back – and left a voice mail message for you. However, I received no return call from you – or anyone else connected to candidate Hawkins' gubernatorial campaign.

Below is what I sent to candidate Hawkins today, just after midnight. However, the e-mail I used for him previously: [hhawkins@igc.org](mailto:hhawkins@igc.org), came back as undeliverable – and I do not know who picks up the "info@howiehawkins.org". Please IMMEDIATELY forward this e-mail to him, including its above-attachment, so that, belatedly, at the November 1<sup>st</sup> debate, he can "whistle-blow" about the citizen-taxpayer action – and about the succession of corruption and ethics complaints against Cuomo, *et al* that prosecutorial and ethics authorities have been "sitting on" – including the above-attached May 16, 2018 NOTICE/complaint to Attorney General Underwood that she has been "sitting on" – and which will then be before whoever is elected attorney general next week.

It should be obvious that Green Party members, contributors, and voters would expect Green Party candidates to expose corrupt incumbents and the two-party stranglehold by using ALL available EVIDENCE. The Green Party – and its

gubernatorial candidate Hawkins -- should be able to rely on its attorney general and comptroller lawyer-candidates Sussman and Dunlea -- to confirm that the EVIDENCE here is OPEN-and-SHUT, *PRIMA FACIE* -- and not only requires that Cuomo, DiNapoli and a huge swath of legislative incumbents on next week's ballot be criminally prosecuted, but assures that they will be convicted.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
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**Subject:** Behind-the-scenes of today's attorney general debate -- relevant to the gubernatorial and comptroller races

**TO: Gubernatorial Candidates Marc Molinaro, Stephanie Miner, Howie Hawkins, & Larry Sharpe  
Comptroller Candidates Jonathan Trichter & Mark Dunlea**

As today's debate between attorney general candidates is germane to your races for governor and comptroller, below is what you should know about what is before the Spectrum News moderators and attorney general candidates.

For your convenience, the direct link to CJA's webpages for the attorney general race is here:  
<http://www.judgewatch.org/web-pages/elections/menu-2018-attorney-general.htm>.

I remain ready to assist you in discharging your duty, as party candidates, to "whistle-blow" against corrupt incumbents who will otherwise be re-elected.

Elena Sassower, Director  
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**Subject: Oct 30th Attorney General Debate -- The Voters' Entitlement to Know about Corruption within the AG's Office, corrupting the judicial process with litigation fraud to perpetuate a corrupt status quo in which both major parties are collusive**

**TO: Spectrum News Political Reporters Errol Louis and Liz Benjamin**

**RE: Your October 17<sup>th</sup> announcement: ["NY Attorney General Hopefuls to Debate on Spectrum News"](#)**

Why is the October 30<sup>th</sup> Spectrum News debate between "Attorney General Hopefuls" restricted to Democratic Party Candidate Letitia James and Republican Party Candidate Keith Wofford – excluding third party candidates, most notably, the well-credentialed Green Party Candidate Michael Sussman, who Mr. Louis interviewed on October 12<sup>th</sup>? <http://www.ny1.com/nyc/all-boroughs/inside-city-hall/2018/10/13/inside-city-hall-meet-the-candidates--green-party-candidate-michael-sussman#>

And am I correct in assuming that the October 30<sup>th</sup> debate is NOT before a live audience and that you are NOT soliciting input from the public as to areas of inquiry?

Fortunately, you already have the input I furnished you, by successive e-mails, back in August, in connection with the August 28<sup>th</sup> debate you moderated between the four democratic attorney general candidates: <http://www.judgewatch.org/web-pages/elections/issues/dem-debate-2.htm>, and which I continued to furnish you, by further e-mails, in September. For your convenience, below is my August 26<sup>th</sup> e-mail to you, discussing the CORE function of the attorney general, which is to ensure that New York's public officers comply with the New York State Constitution and that state laws are consistent therewith, and furnishing questions for the candidates that are just as relevant to the October 30<sup>th</sup> debate as they were to the August 28<sup>th</sup> debate.

As highlighted by the August 26<sup>th</sup> e-mail, my above-attached May 18<sup>th</sup> letter to interim attorney general candidates identified a standard for assessing the fitness of attorney general candidates:

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

and enclosed my May 16<sup>th</sup> NOTICE/"Public Trust Act" complaint to then Acting Attorney General Underwood, summarizing how the attorney general's office operated under Attorney General Schneiderman, *to wit*, corrupting the judicial process with litigation fraud to shield from accountability corrupt public officers, Governor Cuomo and Comptroller DiNapoli, among them, disabling our state government and stealing our money, *via* the slush-fund state budget.

In conjunction therewith, I furnished you with the link to CJA's webpage for the May 16<sup>th</sup> NOTICE/complaint, from which all the referred-to substantiating EVIDENCE was readily accessible: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/5-16-18-notice-to-underwood.htm>, including by a webpage laying out, in essentially chronological fashion, the corruption EVIDENCE pertaining to Attorney General Schneiderman that was before Attorney General Underwood and which other prosecutorial authorities, state and federal, have been "sitting on": <http://www.judgewatch.org/web-pages/elections/2018/schneiderman.htm>.

I also furnished you with the link reflecting Attorney General Underwood's failure to respond to the May 16<sup>th</sup> NOTICE/complaint – and its consequence, namely, burdening me with having to perfect an appeal of CJA's still-live citizen-taxpayer action: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/underwood.htm>. From the appeal brief and three-volume record on appeal, which I had filed at the Appellate Division, Third Department on July 25<sup>th</sup>: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18->

[appellants-brief.htm](#), you could readily verify the specifics of Attorney General Schneiderman's litigation fraud, in collusion with a judge who came out of the attorney general's office, depriving the People of the State of New York of their entitlement to summary judgment on each of ten causes of action, challenging the constitutionality and lawfulness of the legislative budget, the judiciary budget, the executive budget, and, additionally, of the commission-based judicial salary increases and of district attorney salary increases statutorily-linked to the judicial salary increases.

**As I furnished Candidate James, and Candidate Wofford, and Candidate Sussman, each, with hard copies of the May 18<sup>th</sup> letter and its May 16<sup>th</sup> NOTICE/complaint – and also the appeal brief and three-volume record on appeal -- will you be interrogating these AG candidates about them? Or do you intend that the October 30<sup>th</sup> debate should simply be a platform for Candidates James and Wofford to continue to deceive the public with promises about how they are going to investigate and prosecute public corruption, wherever it leads – as if they do not already know – and should not be speaking out NOW – about the open-and-shut, *prima facie* EVIDENCE, including pertaining to the current fiscal year budget, that will require whoever is elected attorney general on November 6<sup>th</sup> to MAKE GOOD on those promises by prosecuting a re-elected Governor Cuomo, a re-elected Comptroller DiNapoli, and re-elected incumbent legislators -- beginning with Senate Majority Leader Flanagan, Senate Minority Leader Stewart-Cousins, Assembly Speaker Heastie, Assembly Minority Leader Kolb, Senate Finance Committee Chair Young, Senate Finance Committee Ranking Member Krueger, Assembly Ways and Means Committee Chair Weinstein, and Assembly Ways and Means Committee Ranking Member Oaks -- for their "grand larceny of the public fisc", pursuant to "The Public Trust Act" (Penal Law §496 "corrupting the government").**

By the way, the status of the citizen-taxpayer action appeal is that Attorney General Underwood has continued the identical *modus operandi* of litigation fraud before the Appellate Division as Attorney General Schneiderman had engaged in below – and is the subject of motions for sanctions and criminal and disciplinary referral of her, to strike her respondents' brief as "a fraud on the court", and for a declaration that her appellate representation of respondents is unlawful and belongs to appellants: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-app-div.htm>.

**The citizen-taxpayer action appeal, on Attorney General Underwood's desk NOW, will be on the desk of our next attorney general. As the constitutionality and lawfulness of New York governance is directly at stake on the appeal – an appeal which can END, virtually overnight, New York's "culture of corruption" – do you not believe that voters should have the benefit of knowing what the attorney general candidates have to say about each of its ten causes of action – starting with the 9<sup>th</sup> causes of action to declare unconstitutional three-men-in-a-room budget-deal-making and its fifth causes of action to declare unconstitutional the legislature's closed-door party conferences that substitute for open legislative committee deliberations and votes?**

So that Candidates James and Wofford can prepare themselves for your meaningful questioning at the October 30<sup>th</sup> debate, including as to **the attorney general's duties under Executive Law §63.1, which predicates his litigation posture on "the interest of the state"**, this e-mail is being sent to them. Likewise, it is being sent to Candidate Sussman, so that – if he is not invited to participate at the October 30<sup>th</sup> debate – he can nonetheless discharge his duty as the Green Party's candidate for attorney general by holding a press conference to belatedly "whistle blow" about the May 16<sup>th</sup> NOTICE/complaint and the record of the citizen-taxpayer action appeal – and to supplement and revise his campaign statements, as, for instance, at the October 12<sup>th</sup> television interview, when he:

(1) concealed entirely that there is any corruption problem in the office of attorney general;

(2) failed to reveal, in describing Governor Cuomo as "deeply corrupt and flawed" and in responding to Mr. Louis' question "do you mean he personally has broken the law?", that Cuomo's personal lawbreaking is established by the EVIDENCE that the May 16<sup>th</sup> NOTICE/complaint furnishes – mandating Cuomo's indictment AND conviction; and

(3) misrepresented that New York's corruption problem is the result of inadequate law, rather than – as it is -- of willful and deliberate non-enforcement of perfectly adequate law by the attorney general and other prosecutorial authorities – as, for example, district attorneys, such as Albany District Attorney Soares, who are NOT doing their job – a fact the district attorney-stacked Commission to Investigate Public Corruption, of which D.A. Soares was a member, covered up, as likewise the superficial, “window-dressing” prosecutions of federal authorities.

As previously, I am available to assist you, to the max, and answer any questions you have about the citizen-taxpayer action appeal and about the May 16<sup>th</sup> NOTICE/complaint – on which the well-being of this state's governance and its 20 million people ride. Call me, anytime, no matter how late or early.

As time is of the essence, I will be circulating this e-mail to other press – and to other statewide electoral candidates.

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**Subject: August 28th Debate: Challenging Brazen Lies & the Distortion of the AG's Constitutional Function by the 4 Democratic AG Candidates**

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

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

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

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

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

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

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

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

### **The facts and EVIDENCE are as follows:**

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

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

On July 16<sup>th</sup>, Candidates Teachout, James, and Eve participated in a Democratic AG candidates forum in White Plains, each touting her own qualifications, including courage, independence, and anti-corruption zeal. In my question, from the audience, I asked whether they would demonstrate those qualifications by "whistle-blowing" as to the attorney

general's lead role as an enabler and perpetuator of Albany's corruption. For that purpose, I gave to each, *in hand*, a copy of the May 18<sup>th</sup> letter with its attached May 16<sup>th</sup> NOTICE/complaint. I also gave Candidates Teachout and James the substantiating appeal brief and three-volume reproduced record on appeal in the second citizen-taxpayer action that I had been burdened with writing and compiling because Attorney General Underwood had not responded to the NOTICE/complaint. As for Candidate Eve, who declined to take the appeal papers, I informed her that she could review them from CJA's website and that if she changed her mind and wished a hard copy, I would send them to her.

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

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

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

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

Instead, throughout the August 22<sup>nd</sup> debate, as throughout their AG campaigning -- and in the complete absence of any "adult in the room", as, for example, the voice of scholars of the state Constitution, or of a press that is so-guided -- all four Democratic candidates have been shamelessly politicizing and transforming the office of state attorney general beyond the intent of the framers of the state Constitution, *to wit*, the People of the State of New York who voted on its provisions. Surely, this is yet another reason why the four Democratic candidates have been silent about the May 16<sup>th</sup> NOTICE/complaint, as it identifies, with underlining for emphasis:

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

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

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

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

Of course, it would also be relevant to start by probing the constitutionality of Governor Cuomo’s Commission to Investigate Public Corruption – improperly dubbed the “Moreland Commission”, including by Candidate Teachout – to which she repeatedly refers in campaigning as if it were a legitimate body, rather than – as she knows it was -- rigged to achieve a “progressive” political agenda, no matter how empirically-unfounded, AND unconstitutional because, *inter alia*, the duties that Governor Cuomo conferred upon it by his Executive Order #106 are actually “duties of a properly-functioning legislature, discharging its oversight and law-making functions” (underlining in the original). Candidate Teachout knows this because it is so-stated in the first cause of action of CJA’s April 23,



2014 verified complaint in support of intervention in the purported Senate and Assembly declaratory judgment action against the Commission to Investigate Public Corruption, as to which, from June through September 2014, I reached out to her, by phone and e-mail, again, and again, and again, in a fruitless attempt to secure her input and expertise, as a scholar. This includes as to my assertion that Governor Cuomo's shut-down of the Commission did not "moot" the declaratory judgment action because his Executive Order #106 establishing the Commission was still live, having not been rescinded by him.

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

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

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

Zephyr Teachout: Well I'm just beginning.

Ben Max: Okay, well 10 more seconds-

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

To date, more than four years after Governor Cuomo's shut-down of the Commission to Investigate Public Corruption, there has been NO scholarship, including by Candidate Teachout, as to the constitutionality of Executive Order #106, *as written*, challenged by the first cause of action of CJA's April 23, 2014 verified complaint, nor, *as applied*, challenged by its second cause of action – nor of its third cause of action that the Commission's December 2, 2013 preliminary report is void, *as a matter of law*, and "manifests actual bias and interest, endangering the public in material respects". There is not even scholarship as to whether Governor Cuomo's shut-down of the Commission was motivated by the likelihood that Executive Order #106 was poised to be declared unconstitutional by the court, which is what I stated in my April 23, 2014 affidavit in support of intervention, the purpose of which – as I also expressly stated -- was to secure declarations of the constitutional issues for which New York taxpayers had paid tens, if not hundreds, of thousands of dollars to the counsel representing both sides. Yet, the total absence of ANY scholarship or judicial declaration as to the separation-of-powers and other constitutional questions has not constrained Candidate Teachout from campaigning for a further such commission, should she become attorney general – a position echoed by Candidate James: "The Moreland Commission has ended, but the reality is that corruption continues, and what we need is another Moreland Commission".

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

such e-mail addresses as you have, also presumably more direct than any I have. Tomorrow afternoon, I will forward this e-mail to the addresses that I do have – and will cc you, when I do.

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

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

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Saturday, August 25, 2018 12:45 PM  
**To:** 'liz.benjamin@charter.com' <[liz.benjamin@charter.com](mailto:liz.benjamin@charter.com)>  
**Cc:** 'errol.louis@charter.com' <[errol.louis@charter.com](mailto:errol.louis@charter.com)>; 'info@charter.com' <[info@charter.com](mailto:info@charter.com)>

**Subject: FW: The Aug 28 debate between Democratic AG candidates that you are co-moderating**

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

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

More will be coming.

Meantime, I invite you and he to call me, with any questions you have concerning the below e-mail and above three-attachments – especially if you are uncertain as to the extent to which it exposes the outright lies and fraud of all four democratic attorney general candidates at the August 22<sup>nd</sup> debate sponsored by Manhattan Neighborhood Networks, NYS League of Women Voters, and Gotham Gazette, on which they would have voters rely.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)

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

**Sent:** Friday, August 24, 2018 4:28 AM

**To:** 'errol.louis@charter.com' <[errol.louis@charter.com](mailto:errol.louis@charter.com)>

**Subject:** The Aug 28 debate between Democratic AG candidates that you are co-moderating

**TO: Errol Louis/Political Anchor-Spectrum News NY1**

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

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

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

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

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

There is more, much more – but the above will suffice for you to recognize the magnitude of what is before you, upending, in one fell swoop, the attorney general's race and the races for governor, lieutenant governor, comptroller, and every state senate and assembly seat – a truly monumental story for which I urge you to enlist the students to whom you teach “political and investigative reporting” at CUNY's Graduate School of Journalism, as well as the aspiring political and investigative reporters of our beloved shared alma mater, New Rochelle High School.

I invite you to call me – especially, if you'd like me to IMMEDIATELY furnish you with a copy of the appellants' brief and three-volume reproduced record on appeal that I gave to both Candidate Teachout and Candidate James on July 16<sup>th</sup>, and which Candidate Eve declined to take from me on that date – knowing, however, that it is accessible from CJA's

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

Thank you.

Elena Sassower, Director  
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