

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Tuesday, October 30, 2018 3:32 PM
To: 'mjvolpe23@gmail.com'; 'mjvolpe@vulnerable.com'; 'media@minerfornny.com'
Subject: FOR FORWARDING TO SERVE AMERICA MOVEMENT (SAM) GUBERNATORIAL CANDIDATE STEPHANIE MINER -- & to the chair, vice-chair, & EVERY other member of SAM's board of directors
Attachments: 5-18-18-ltr-to-interim-ag-candidates.pdf

TO: Serve America Movement Lieutenant Governor Candidate Michael Volpe

This follows up the voice mail message I left for you yesterday, at about 1:25 pm, at your law office number (212-808-5676), requesting an e-mail address for your Serve America Movement (SAM) running-mate, gubernatorial candidate Stephanie Miner, or a phone number for her – to which I have received no response. The background facts are as follows:

Candidate Miner's campaign website, which you share: <https://www.minerfornny.com/> has NO contact phone number – nor, for that matter, any contact e-mail, other than for media– media@minerfornny.com. For that reason, six days ago, on October 24th – after reading that she would be participating in the November 1st gubernatorial debate sponsored by the League of Women Voters -- I called your law office, whose number I found easily on the internet, so that I might speak with you about the EVIDENCE that would knock out Cuomo – and end the stranglehold of the Democratic and Republican parties that you and she advocate, consistent with the Serve America Movement platform. In your absence, I spoke, at length, with your secretary Denise and summarized for her the open-and-shut EVIDENCE that brings down Cuomo and, in completely non-partisan fashion, Democratic and Republican public officers alike, past and present, in a major corruption scandal, involving commission-based judicial pay raises that have stolen at least \$300 million from taxpayers since April 1, 2012 and a “slush-fund” \$170 billion state budget, likewise larcenous and “OFF THE CONSTITUTIONAL RAILS”. Indeed, I showed Denise where All this EVIDENCE was posted on the Center for Judicial Accountability's website, www.judgewidth.org. Step by step, I led her from our prominent homepage link “OUTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Office – WITH EVIDENCE” to the menu page it brings up featuring “The Race for Governor” – and, from there, a menu page with links to webpages for all gubernatorial candidates: <http://www.judgewidth.org/web-pages/elections/menu-2018-governor.htm> – the first link being for the webpage for Cuomo, whose mountain of posted EVIDENCE includes a succession of lawsuits, suing him for corruption – each “thrown” by fraudulent judicial decisions -- and criminal and ethics complaints that prosecutorial and disciplinary authorities have been “sitting on”: <http://www.judgewidth.org/web-pages/elections/2018/cuomo.htm>. I also showed Denise that CJA's webpages for the other gubernatorial candidates – including Ms. Miner: <http://www.judgewidth.org/web-pages/elections/challengers/stephanie-miner.htm> -- post my prior correspondence to each of them, alerting them that they could EASILY knock out Cuomo and WITHOUT MONEY – all that was necessary was that they use the bully-pulpit of their candidacies to “whistle-blow” about the lawsuits and other EVIDENCE of his corruption, which they could do either individually or collectively.

I further told Denise that the League of Women Voters was fully-aware of these lawsuits and other EVIDENCE – and, indeed, that I had furnished the League with a hard copy of the appeal brief and three-volume record in CJA's unfolding citizen-taxpayer action against Cuomo, DiNapoli, and fellow public officers – and that I was willing to take a train into Manhattan the next day to bring you a duplicate of those appeal papers so as to facilitate your review.

Within an hour or so of my conversation with Denise, you called me, from Albany, on your cellphone. By then, I had examined the Serve American Movement website, <https://joinsam.org/>, and I told you how pleased I was to see that its chair, Scott Muller, and vice-chair, Eric Grossman, were -- like yourself and Ms. Miner – LAWYERS, for whom reading the lawsuit pleadings and litigation records was easy. I sufficed to describe the background to the first lawsuit, involving

commission-based judicial salary increases, when you told me that you'd have to call me back because you were already late for a meeting. You asked whether I would mind if you called me later in the day, while driving home. I told you that would be perfect as it would be a constructive use of your driving time that would "bring you up to speed". However, by the end of the day, I received no call from you – nor in the days since. This was why, yesterday, I called your office, leaving a voice mail for you, to which I have received no return call.

I can well appreciate the many conflicts-of-interests you suffer with respect to this EVIDENCE – as, for instance, that you are a partner in a major law firm that litigates in the courts and, therefore, you do not want to "whistle-blow" about corruption involving judicial pay raises and lawsuits "thrown" by fraudulent judicial decisions. However, Ms. Miner is NOT a practicing LAWYER. In any event, neither of you should be running for public office, let alone as inaugural candidates of the fledgling Serve America Movement, if you cannot put the public interest before your own personal interests – as appears to be the case.

Below is what I e-mailed you just after midnight – because I had NO e-mail address for Ms. Miner other than media@minerforny.com. If you are not going to provide me with a direct e-mail address for Ms. Miner, please IMMEDIATELY forward this e-mail to her, including its above-attachment, so that, belatedly, at the November 1st League of Women Voters debate, she can "whistle-blow" about the culminating citizen-taxpayer action now at the Appellate Division, Third Department – 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 be before whoever is elected attorney general next week to investigate and prosecute.

It should be obvious that Serve America Party members, contributors, and voters would expect its candidates to expose corrupt incumbents and the two-party stranglehold by using ALL available EVIDENCE. At the November 1st debate, Ms. Miner – in the absence of lawyer-Governor Cuomo – will be **the only lawyer gubernatorial candidate**. As such, and as SAM's standard-bearer, her duty is to "whistle-blow" about the open-and-shut, *prima facie* EVIDENCE laid out on CJA's webpage for ~~the~~ Cuomo: <http://www.judgewatch.org/web-pages/elections/2018/cuomo.htm> – and confirm that not only does it require that he, Comptroller DiNapoli, and a huge swath of legislative incumbents on next week's ballot be criminally prosecuted, but assures that they will be convicted.

So that SAM's director/chair Muller, director/vice-chair Grossman – and every other member of SAM's board of directors – can be apprised of, and weigh in on, the situation, I ask that you also IMMEDIATELY furnish this e-mail and its attachment to them, as well.

I am available to assist you, Ms. Miner, and SAM to the fullest – including by hard copies of what is presently before the Appellate Division, Third Department: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-app-div.htm>, which should be gravely concerning to ANYONE of even passing intelligence and integrity.

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: Tuesday, October 30, 2018 12:06 AM
To: 'molinaro2018@gmail.com' <molinaro2018@gmail.com>; 'info@molinarofornny.com' <info@molinarofornny.com>; 'media@minerforny.com' <media@minerforny.com>; 'mjvolpe23@gmail.com' <mjvolpe23@gmail.com>; 'mjvolpe@venable.com' <mjvolpe@venable.com>; 'hhawkins@igc.org' <hhawkins@igc.org>; 'info@howiehawkins.org'

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Cc: 'errol.louis@charter.com' <errol.louis@charter.com>; 'liz.benjamin@charter.com' <liz.benjamin@charter.com>; 'info@tishjames2018.com' <info@tishjames2018.com>; 'info@wofford4ag.com' <info@wofford4ag.com>; 'Keith.Wofford@ropesgray.com' <Keith.Wofford@ropesgray.com>; 'eom@obrienmurray.com' <eom@obrienmurray.com>; 'sussman1@frontiernet.net' <sussman1@frontiernet.net>

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
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 25, 2018 1:15 PM
To: 'errol.louis@charter.com' <errol.louis@charter.com>; 'liz.benjamin@charter.com' <liz.benjamin@charter.com>
Cc: 'info@tishjames2018.com' <info@tishjames2018.com>; 'info@wofford4ag.com' <info@wofford4ag.com>; 'eom@obrienmurray.com' <eom@obrienmurray.com>; 'sussman1@frontiernet.net' <sussman1@frontiernet.net>

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 17th announcement: ["NY Attorney General Hopefuls to Debate on Spectrum News"](#)

Why is the October 30th 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 12th? <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 30th 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 28th 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 26th 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 30th debate as they were to the August 28th debate.

As highlighted by the August 26th e-mail, my above-attached May 18th 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 16th 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 16th 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 16th 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 25th: <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 18th letter and its May 16th 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 30th 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 6th 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 9th 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 30th 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 30th 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 16th 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 12th 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 16th 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 16th 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.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, August 26, 2018 10:11 PM
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Cc: 'info@charter.com' <info@charter.com>; 'grace.rauh@charter.com' <grace.rauh@charter.com>;
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Subject: August 28th Debate: Challenging Brazen Lies & the Distortion of the AG's Constitutional Function by the 4 Democratic AG Candidates

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

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

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

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

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

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

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

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

The facts and EVIDENCE are as follows:

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

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

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

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

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

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

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

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

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

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

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

attorney general will either be the plaintiff or join “on behalf of the people of the state”. Do the candidates deny that this is what the May 16th NOTICE/complaint that I furnished to them summarizes – and what the appeal brief additionally demonstrates?

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

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

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

Zephyr Teachout: ...when the Moreland Commission was shut down four years ago I spoke out loudly against that, I actually testified at the Moreland Commission. Actually I don't know that all people realize this, that Andrew Cuomo shut the Moreland Commission down in a press call. He never formally rescinded executive order 106, and laws are laws, you gotta follow the correct procedure, so there're existing authorities

within the New York State Attorney General's office to investigate corruption in Albany, and I will use those authorities, I will use them right now. I will use them the minute I take office.

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

Zephyr Teachout: Well I'm just beginning.

Ben Max: Okay, well 10 more seconds-

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

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

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

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

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

Thank you.

Elena Sassower, Director

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

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

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

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

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

More will be coming.

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

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, August 24, 2018 4:28 AM
To: 'errol.louis@charter.com' <errol.louis@charter.com>

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

TO: Errol Louis/Political Anchor-Spectrum News NY1

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

Perhaps that explains your excellent comment, in your August 21st interview of Lieutenant Governor Candidate Jumaane Williams, responding to his vision of the lieutenant governor as “public advocate”, that the office of lieutenant governor

combines “elements of executive and legislative powers”: <http://www.ny1.com/nyc/all-boroughs/inside-city-hall/2018/08/22/jumaane-williams-talks-personal-finances-kathy-hochul-backing-out-debate-ny-lieutenant-governor-race>.

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

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

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

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

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

Thank you.

Elena Sassower, Director
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