

From: Victor Furman <vlfamf@aol.com>
Sent: Wednesday, May 13, 2020 5:20 PM
To: Platforms@support.facebook.com; accuracy@usatoday.com
Cc: dstanglin@usatoday.com; jcampbell1@gannett.com; elena@judgewatch.org
Subject: Fwd: Further fact check & independent investigative journalism required for May 1, 2020 article "Fact Check: New York legislators did not just vote a pay raise during the coronavirus shutdown" (USA Today, in partnership with Facebook)

TO: Facebook -- & its Fact-Checking Partner, USA Today

On April 27th, I posted two sentences on my Facebook page. I stated: "While NY is shut down NYS Legislators gave Cuomo and themselves the largest Pay raise in History. All while screaming NY is broke."

How is it that of the millions of entries that are daily posted to Facebook, mine elicited a "fact check"? Did someone complain? And who was it? A Legislator? The Governor? Was it the local Republican Party which tried to get me to abandon my run to be the Republican candidate for NY's 122nd Assembly seat? Or was it one of the three candidates against whom I am running in the June 23rd Republican primary?

Facebook did not indicate why my April 27th post was chosen for investigation, when, by its USA Today fact-checking partner, it contacted me on May 1st. Later that day, USA Today published an article entitled "Fact Check: New York legislators did not just vote a pay raise during the coronavirus shutdown". Yet, my Facebook post had not said anything about a "vote". Nonetheless, the article then featured the "vote" in what it purported to be "The claim", and then carried it through to "Our ruling: False -- The New York legislature did not vote to raise the salaries for lawmakers or Gov. Andrew Cuomo during the just completed session in the midst of the statewide shutdown. This is FALSE."

In fact, what the Legislators voted on, during the statewide shutdown, while the Governor was screaming NY is broke, was more serious, by far, than what I had characterized as "the largest Pay raise in History". What the Legislators voted on were budget bills containing pay raise appropriations that they and the Governor knew to be fraudulent and larcenies of huge sums of taxpayer money – and not only with respect to pay raises for the Legislators and the Governor, but for the Lieutenant Governor, Attorney General, Comptroller, NY's judges – and NY's district attorneys.

I learned this because, in response to your May 1st article, I was sent a message, on May 4th, *via* Facebook, which I have pasted below. Did the two reporters who shared the byline on the May 1st article – one of whom is based in Albany – not know anything about what the message recounts? I have spoken, at length, with the author of the message, examined the evidence to which the message refers – and believe the message to be completely accurate. Don't you owe me – and the public, influenced by your May 1st article – a fact-check of the truth of the message, a substantial portion of which your Albany reporter had reason to know? I call upon the Facebook-USA Today partnership to do such further fact-check – and for USA Today to independently investigate and report what is clearly a major scandal that will rightfully "knock out EVERY legislative incumbent facing a contested primary election next month or contested election in November".

Please advise.

Thank you.

Vic Furman
Candidate in the Republican Primary for the 122nd NYS Assembly Seat

MESSAGE SENT TO VIC FURMAN, *via* FACEBOOK, on Monday, May 4th, at 12:13 p.m.

"Vic Furman, thank you, for your military service, for your long-standing civic activism that has prompted you to run for the 122nd NY Assembly

seat, and for your April 27th Facebook post.

There is a bigger story here than you realize – one that will not only enable you to WIN the 122nd Assembly seat, but to knock out EVERY legislative incumbent facing a contested primary election next month or contested election in November.

I am the director and co-founder of a non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). Nine and a half months ago – long before coronavirus existed – I furnished Governor Cuomo, Lieutenant Governor Hochul, Attorney General James, and ALL 213 legislators, via their 15 legislative leaders, with a July 15, 2019 written notice and substantiating analysis that the December 10, 2018 report of the Committee on Legislative and Executive Compensation – on which their pay raises are based – was “a fraud on the People of the State of New York -- and a larceny of their tax dollars”, and that their duty was to void it, to return the pay-raise monies they had already received, and to initiate criminal prosecutions of the Committee's four members and abetting attorneys. Among these members, Comptroller DiNapoli – himself a beneficiary of the report's pay-raise recommendations.

None of the recipients denied or disputed the accuracy of the July 15, 2019 notice and analysis. Instead, on December 1, 2019, the highest of the 15 legislative leaders – Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie – delivered to the Governor an uncertified FY2020-21 legislative budget which not only concealed that the December 10, 2018 report had raised legislative salaries and eliminated all stipends other than for the 15 legislative leaders, but sought \$2,713,038 more for legislative salaries and stipends than the report entitled them.

Eight weeks after that, on January 21, 2020, Governor Cuomo publicly presented his FY2020-21 executive budget. Introduced by Lieutenant Governor Hochul, he spoke before an audience that included Temporary Senate President Stewart-Cousins, Assembly Speaker Heastie, Attorney General James, and Comptroller DiNapoli, all of whom the Governor introduced as “great”. He lauded himself and them for performing their “duty”, specifying having “constitutionally passed the budget on time”. He concealed that the Committee on Legislative and Executive Compensation had been rigged, referring to it as an “independent commission” -- and stated that he supported pay raises for the Legislature, as if legislators were not already beneficiaries of pay raises. Simultaneously, he released his appropriations bill for the legislative budget, without any accompanying recommendation that the Legislature correct the \$2,713,038 overage for legislative salaries and stipends. Instead, in an out-of-sequence section at the back of the bill, the Governor added 32 pages of supposed “reappropriations” for the Legislature -- untallied, but seemingly totaling over \$100,000,000. Among them, “reappropriations” of legislative salaries and stipends from past years.

On February 18, 2020, I testified about what was going on at a local budget hearing, presided over by Temporary Senate President Stewart-Cousins. My closing words were “These are penal law violations” – and the documents I handed up, in substantiation of my testimony were: provisions of the NYS Constitution pertaining to the budget, the July 15, 2019 notice and analysis, a set of written questions to be answered by Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie about their uncertified December 1, 2019 legislative budget and about the Governor's January 21, 2020 budget bill, a set of written questions for the Legislature to require NYS' Chief Administrative Judge

to answer about the Judiciary's December 1, 2019 FY2020-21 budget and about the Governor's January 21, 2020 budget bill for the Judiciary – the same as for the Legislature. Additionally, I handed up copies of a February 18, 2020 letter I had written to Governor Cuomo, particularizing the fraud of the “simple numbers” he had touted at his January 21, 2020 address pertaining to the budgets of his “Partners in Government”: the Legislature, the Attorney General, the Comptroller, and the Judiciary – and identifying that two further letters would be forthcoming: one focused on the fraudulent pay-raise recommendations of the Committee on Legislative and Executive Compensation and the other focused on the unconstitutionality of the Governor's inclusion of policy in his executive budget.

These two subsequent letters, dated March 3, 2020 and March 18, 2020, were, like my February 18, 2020 letter, sent not only to the Governor, but to the 15 stipend-receiving leaders of the Legislature. Neither they, nor any other recipient of these three letters denied or disputed their accuracy – or the accuracy of any of the other documents I furnished to them, to the Senate Finance Committee, to the Assembly Ways and Means Committee, to other legislative committees and to rank-and-file legislators pertaining to the FY2020-21 budget. Yet none took corrective steps. To the contrary, they all went full-speed ahead in enacting a completely “OFF THE CONSTITUTIONAL RAILS”, slush-fund executive budget for FY2020-21, whose brazen constitutional violations include its “three-men-in-a-room”, behind-closed-doors, deal-making finale between Governor Cuomo, Temporary Senate President Stewart-Cousins, and Assembly Speaker Heastie – and the deceit that the budget thereby produced is “on time” or “timely”.

For your purposes, the most important letter – and the best place to start for an overview of the situation -- is my March 3, 2020 letter to Governor Cuomo particularizing the facts relating to the December 10, 2018 report of the Committee on Legislative and Executive Compensation and CJA's July 15, 2019 notice and analysis with respect thereto. It is part of a series of webpages for the 2020 legislative session, posted on CJA's website, www.judgewidth.org, accessible via the prominent link “LEGISLATIVE SESSIONS -- Comparing NY's Legislature BEFORE & AFTER its Fraudulent Pay Raise”. The direct link to the webpage for the March 3, 2020 letter is here: <http://www.judgewidth.org/web-pages/searching-nys/2020-legislative/3-3-20-ltr-to-gov.htm>

I look forward to speaking with you personally – and assisting you, to the max, in using the bully-pulpit of your candidacy to “whistle-blow”. You will win, easily and without money – and bring down the whole kit and caboodle of public officers who have been corrupting the government of our cherished state by the most brazen violations of their oaths of office – and rewarding themselves with pay raises for their crimes. Suffice to say, that the cost to taxpayers, since 2012, when the first of the fraudulent, statutorily-violative, unconstitutional “force of law” commission-based pay raises began, is somewhere in the vicinity of half a billion dollars.

Most respectfully,

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewidth.org
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