

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, May 3, 2019 8:02 AM  
**To:** 'berit.berger@law.columbia.edu'; 'capi@law.columbia.edu'; 'etp2113@columbia.edu'  
**Cc:** 'rb34@columbia.edu'; 'jrodgers@law.columbia.edu'  
**Subject:** Request, now IN WRITING, that you put IN WRITING your oral answer to my April 16, 2019 e-mail for amicus support, assistance, & scholarship -- and that you disclose your conflicts of interest

TO: Executive Director Berit Berger, Esq., Center for the Advancement of Public Integrity (CAPI)/Columbia University Law School

Yesterday, when your call to me forwarded to my cellphone, as I was walking on the street at approximately 2:45 p.m., you gave me your oral answer to my April 16, 2019 e-mail for CAPI's *amicus curiae* support, other assistance, and for scholarship.

In sum and substance, you asserted that there was nothing CAPI could do because it is a small non-profit, with only three staff members. You refused to reconcile this "do nothing" position with the HUGE resources that CAPI has available to it through Columbia University Law School and Columbia University, as a whole – or to explain how your "do nothing" response was remotely consonant with CAPI's mission, highlighted throughout its website, including twice, identically, as follows:

"The Center for the Advancement of Public Integrity (CAPI) aims to improve the capacity of public offices and practitioners to deter, identify, and combat corruption. We work to:

- Build and support a vibrant community of leaders in the public integrity field.
- Develop tools and resources to help governments and practitioners fight corruption.
- Promote research and scholarship on important public integrity issues."

(<https://www.law.columbia.edu/public-integrity>

AND

<https://www.law.columbia.edu/public-integrity/about>).

Inferentially from your kiss-off to me is that I am neither a "leader[] in the public integrity field" or a "practitioner[] [in] fight[ing] corruption" – and that the past 30 years of my life, building and developing the vast treasure trove of primary-source documentary evidence, accessible from CJA's website, [www.judgewatch.org](http://www.judgewatch.org) and highlighted in the succession of e-mails I have sent you, including and since my first, on April 16, 2019 – and culminating in the citizen-taxpayer action, NOW at the Court of Appeals – does not involve any "important public integrity issues" for which "research and scholarship" is needed.

In addition to making NO disclosure of conflicts of interest, impacting on your judgment, you declined my request that you present the matter to CAPI's advisory board, stating that I could do so myself. And you accused me of "threatening" you simply because I stated that your indefensible oral answer to my April 16, 2019 e-mail, inexplicable except as a manifestation of conflicts of interest, would leave me no choice but to file a complaint with "the highest echelons" at the University.

Repeatedly, I asked you to put in writing what you told me, because I did not wish to misrepresent it. Repeatedly, you refused to do so.

I, therefore, reiterate, now in writing, that you put, in writing, what you orally stated as your response to my April 16, 2019 e-mail – and that you make disclosure of your conflicts of interest, including the conflicts I specified as arising from



the more than 11 years you worked for the U.S. Attorney for the Eastern and Southern Districts of New York – a period in which I filed fully-documented corruption complaints with each – and with the U.S. Attorney for the Northern District of New York – which I thereafter furnished to the Commission to Investigate Public Corruption, in testifying before it on September 17, 2013. The webpage posting the video of my testimony, referring to those complaints, is here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/sassower-elena.htm>. The direct link to the webpage for my April 15, 2013 corruption complaint to U.S. Attorney Preet Bharara (SDNY) is here: <http://www.judgewatch.org/web-pages/judicial-compensation/corruption-complaint-to-us-attorney-bharara2.htm>; and to the webpage for my May 13, 2013 corruption complaint to US Attorney Loretta Lynch (EDNY) is here: <http://www.judgewatch.org/web-pages/judicial-compensation/5-13-13-complaint-lynch.htm>; and to the webpage for my June 13, 2013 corruption complaint to US Attorney Richard Hartunian (NDNY) is here: <http://www.judgewatch.org/web-pages/judicial-compensation/6-13-13-complaint-hartunian.htm>. The non-feasance of the U.S. Attorneys and the Commission to Investigate Public Corruption with respect to those complaints, monumental at that time, not only exposes their flagrant corruption – for which all involved must be criminally prosecuted for the ongoing, irreparable injury caused to the People of the State of New York and the public fisc – but is the genesis of the citizen-taxpayer action NOW at the Court of Appeals, as to which – IF you read my March 26, 2019 and April 11, 2019 letters in support of the appeal of right on constitutional issues – you offered up no words of awe or appreciation.

Suffice to say that CAPI's superficial and devoid-of-scholarship 2018 report on "Oversight and Enforcement of Public Integrity" in New York State, aside from being based on NO investigation of the Commission to Investigate Public Corruption and its December 2, 2013 report, is based on NO examination of how the U.S. Attorneys operate. Instead, CAPI editorially comments that the U.S. Attorneys have a "commitment to [] eradication [of public corruption]" (at p. 1), utterly belied, and resoundingly so, by the corruption complaints I filed in 2013, as well as before and after, with the "dedicated public corruption units of the Southern and Eastern districts" (at p. 5) – illustrative of the experiences of the handful of citizens who managed to testify before that fraud of a Commission and the countless others who the Commission prevented from testifying, covered up by its rigged December 2, 2013 report, with the full knowledge and facilitating participation of Professor Briffault.

Thank you.

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

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

**Sent:** Tuesday, April 16, 2019 4:15 PM

**To:** 'capi@law.columbia.edu' <[capi@law.columbia.edu](mailto:capi@law.columbia.edu)>

**Subject: Request for Amicus Curiae Support & Scholarship: Citizen-Taxpayer Action, NOW at the Court of Appeals, Suing All 3 NYS Gov't Branches for Corruption with respect to the NYS budget -- & the commission-based pay raises it gives them**

**TO:** Center for the Advancement of Public Integrity (CAPI)/Columbia University Law School  
Executive Director Berit Berger

This follows up my phone conversation this morning with Program Officer Rosie Fatt, who spoke with me at fair length, doing the necessary intake to assist you.

The reason for my call was, in the first instance, to speak with you about a monumental citizen-taxpayer action, now at the New York Court of Appeals, suing the constitutional officers of New York's three government branches for



corruption with respect to the state budget and the commission-based salary increases it embeds -- of which they are all now beneficiaries.

The lawsuit, presenting ten causes of action – including the first-ever-cause of action to challenge the constitutionality of “three-men-in-a-room” budget deal-making – is before the Court of Appeals on an appeal of right – and I am requesting that CAPI file an *amicus curiae* brief in support. As I showed Rosie, the full lawsuit record is accessible from CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), via the prominent center link: “CJA’s Citizen-Taxpayer Actions to End NYS’ Corrupt Budget ‘Process’ and Unconstitutional ‘Three-Men-in-a-Room’ Governance”. For your convenience, the direct link to the webpage for my March 26, 2019 letter to the Court of Appeals in support of the appeal of right is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/3-26-19-ltr.htm>. It furnishes all the relevant facts and law. However, as I showed Rosie, you will also want to examine my April 11, 2019 letter to the Court: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/4-11-19-ltr-to-ct-appeals.htm>, as it not only details the state of the record, *vis-à-vis* the Attorney General’s opposition to the appeal of right, but identifies an issue impacting on CAPI’s work to secure public campaign financing, namely, the unconstitutionality of the commission on public campaign financing, inserted into the 2019-2020 revenue budget bill, following this year’s “three-men-in-a-room” budget deal-making.

I also explained to Rosie that quite apart from my *amicus curiae* request, the second reason for my call was to furnish CAPI with primary-source, empirical evidence for scholarship – as it is plain that its 2018 study of “Oversight and Enforcement of Public Integrity” in New York is not so-based: <https://www.law.columbia.edu/capi-map#capi-mapinfo>. Indeed, the record of CJA’s citizen-taxpayer action – and the underlying documentary evidence on which it rests: <http://www.judgewatch.org/web-pages/judicial-compensation/menu-ny-judicial-compensation.htm> – “blows to smithereens” CAPI’s 2018 New York study, beginning with the entities it identifies as part of New York’s “substantial anti-corruption system” and “Oversight Structure”: the Attorney General and Comptroller. This, because the Attorney General and Comptroller are each defendants-appellants in the citizen-taxpayer action, with the Attorney General, additionally, counsel.

Obviously, time is of the essence with regard to this *amicus curiae* request. Inasmuch as CAPI’s study asserts:

“New York State’s corruption issues have received unusual attention from scholars and activists, due to the state’s position as a financial, cultural, and intellectual hub. Factors commonly cited as contributing to corruption in the state include: concentration of power – particularly budgetary discretion – in the ‘three men in a room’ (governor, senate majority leader, and assembly speaker)...and the lack of press coverage of Albany”,

can CAPI assist us in building a coalition of such “scholars and activists” who, together with CAPI, will file an *amicus* brief on the corruption and constitutional issues – including as to the unconstitutionality of “three men in a room” budget deal-making? Will CAPI contact them, on our behalf? How about New York’s bar associations – and, additionally, the “many reform-oriented civil society organizations” in New York, so-identified by CAPI’s study. How about press coverage? Certainly, CAPI can easily reach out to Columbia’s journalism programs, including its Graduate School of Journalism, to find student journalists to investigate and report on CJA’s extraordinary, corruption-ending case, could it not?

I look forward to hearing from you, as soon as possible.

Thank you.

Elena Sassower, Director  
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