Subject: **Empirical Test: The "Gatekeepers" -- Alive & Well, Protecting The New York Times & its Election-Rigging for Clinton, Sptizer**
Date: 8/22/2006, 3:00 PM
From: Ctr for Judicial Accountability <judgewatchers@aol.com>
To: Jon Friedman <JFriedman@marketwatch.com>
Organization: Center for Judicial Accountability, Inc.

TO: **Jon Friedman/"Media Web" www.MarketWatch.com**

IF the "gatekeepers" are gone, why has there been NO report of this first-ever public interest lawsuit against The New York Times for journalistic fraud?

This is an election year and the lawsuit chronicles The Times' election-rigging for Senator Hillary Rodham Clinton & NY Attorney General Eliot Spitzer, engineering their anticipated landslide victories in November.

Attached is the Center for Judicial Accountability's third press release about the lawsuit -- as well as the two that preceded it -- also posted on our website, www.judgewatch.org, accessible *via* the sidebar panel "Suing The New York Times".

Are the "gatekeepers" gone? Let this be an empirical test:

TESTING,
TESTING,
ONE: press-release-3.pdf (102KB)

TWO: press-release-1.pdf (101KB)
THREE: press-release-2.pdf (86KB)

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PRESS RELEASE #3: August 22, 2006 onward

COURT DECISION IN PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES CONFIRMS THE TIMES' SELF-INTEREST IN JUDICIAL CORRUPTION

Although The New York Times editorializes about the importance of the rule of law and our courts and advocates for judicial pay raises, it has long refused to report on *readily-verifiable* casefile proof that the courts "throw" politically-explosive cases involving judicial integrity issues by fraudulent judicial decisions which violate the most basic adjudicative standards. This includes decisions – at all levels of the judiciary, state and federal – which brazenly falsify the factual record and cite law either inapplicable or itself falsified.

The Times' knowingly false and misleading reporting and editorializing, covering up systemic judicial corruption and protecting complicit public officers – such as Senator Hillary Rodham Clinton and New York Attorney General Eliot Spitzer, for whom it is election-rigging – is the basis for a first-of-its-kind public interest lawsuit against it for libel and journalistic fraud, brought by the Center for Judicial Accountability, Inc. (CJA) and its director, Elena Ruth Sassower. Obvious from the casefile – posted on CJA's website, www.judgewatch.org, and accessible *via* the sidebar panel, "Suing The New York Times" – is that the only way The Times will survive the suit is if it is the beneficiary of the same kind of documentably corrupted judicial process as it has refused to report on.

The Times has already benefited from a first fraudulent judicial decision in the case. This *readily-verifiable* fact is meticulously demonstrated by plaintiffs' motion to vacate the decision for fraud, detailing that it "violates ALL cognizable legal standards and adjudicative principles…is, in every respect, a knowing and deliberate fraud by the Court and 'so totally devoid of evidentiary support as to render [it] unconstitutional under the Due Process Clause' of the United States Constitution". Based thereon, the motion also seeks to disqualify the judge – who, in violation of random-assignment rules, was handpicked for the case by an administrative judge directly interested in its outcome. Simultaneously, plaintiffs have filed a notice of appeal.

The record of the lawsuit also provides insight into why, over the past dozen years spanning four election cycles for New York Attorney General – including the present – The Times has steadfastly refused to report on *readily-verifiable* casefile proof that when the Attorney General has no legitimate defense to lawsuits against state judges and the State Commission on Judicial Conduct, sued for corruption, he files fraudulent dismissal motions – and is rewarded by fraudulent judicial decisions. Apparently, The Times has an identical response to lawsuits to which it has no legitimate defense. As the record resoundingly proves, The Times filed a comparably fraudulent dismissal motion – and was rewarded by a comparably fraudulent judicial decision.

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* **The Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization working to ensure that the processes of judicial selection and discipline are effective and meaningful.

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PRESS RELEASE #1: March 22, 2006 onward

FIRST-OF-ITS-KIND PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES IN VINDICATION OF THE FIRST AMENDMENT

The New York Times is being sued for libel and journalistic fraud in a landmark public interest lawsuit, the first to implement the powerful recommendation for media accountability proposed in the 2003 law review article "*Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence*", 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1.

The lawsuit, charging The Times with betraying its First Amendment responsibilities to the public, is brought by the Center for Judicial Accountability, Inc. (CJA) and its director, Elena Ruth Sassower. The libel causes of action are based on a Times' column, "*When the Judge Sledgehammered The Gadfly*", about Ms. Sassower, then serving a six-month jail sentence in D.C., after conviction on a "disruption of Congress" charge. An analysis of the column, annexed as Exhibit A to the Verified Complaint, demonstrates that the column is "deliberately defamatory", "knowingly false and misleading", and "completely covers up the politically-explosive underlying national and New York stories of the corruption of the processes of judicial selection and discipline, involving our highest public officers".

These public officers include Senator Hillary Rodham Clinton, running for re-election to the U.S. Senate this year, with an eye to the presidency in 2008, and New York Attorney General Eliot Spitzer, running this year to be New York's next governor. The Verified Complaint alleges that their anticipated landslide victories are being rigged by The Times, whose steadfast refusal to report on the records of Ms. Clinton and Mr. Spitzer with respect to judicial selection and discipline is with knowledge that such reporting would rightfully end their electoral prospects, if not generate disciplinary and criminal prosecutions against them for corruption. As for past electoral races, the Verified Complaint dramatically shows that The Times rigged Senator Charles Schumer's 2004 re-election to the Senate by similarly refusing to report on his record as to judicial selection and discipline, and, prior thereto, rigged Mr. Spitzer's 2002 re-election as attorney general and Governor George Pataki's 2002 and 1998 re-elections as New York's governor, likewise by refusing to report on their records.

The Times' protectionism of all these public officers -- and its suppression of any coverage of the *readily-verifiable* documentary evidence of systemic governmental corruption involving judicial selection and discipline, provided it by CJA throughout the past 15 years -- underlies the lawsuit's cause of action for journalistic fraud.

The Verified Complaint, its substantiating exhibits, and the law review article are posted on CJA's website, www.judgewatch.org – accessible *via* the sidebar panel, "Suing The New York Times".

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PRESS RELEASE #2: June 9, 2006 onward

PUBLIC INTEREST LAWSUIT vs THE NEW YORK TIMES SEEKS JUDGMENT AGAINST IT, INCLUDING REMOVAL OF ITS FRONT-PAGE MOTTO "ALL THE NEWS THAT'S FIT TO PRINT" AS A FALSE AND MISLEADING ADVERTISING CLAIM

How does the great and mighty New York Times litigate when sued? Are the standards of "quality" and "excellence" that supposedly mark its journalism manifested in its legal submissions as well?

These questions are answered in motion papers filed by the non-profit, non-partisan citizens' organization, Center for Judicial Accountability, Inc. (CJA), and its director, Elena Ruth Sassower, plaintiffs in the first-ever public interest lawsuit against The Times, suing it for journalistic fraud in connection with its news reporting and editorializing. Their papers – responding to a Times motion to dismiss the lawsuit – demonstrate that The Times' motion, "from beginning to end and in virtually every sentence", "flagrantly falsifies, omits, and distorts the [lawsuit's] allegations and cites law that is either inapplicable by reason thereof or [itself] falsified and distorted".

Based thereon, plaintiffs have requested maximum costs and sanctions against Times attorneys and the named Times defendants they represent – among them, Publisher Arthur Sulzberger, Jr., Executive Editor Bill Keller, Managing Editor Jill Abramson, and Public Editor Byron Calame – as well as disciplinary referrals against Times attorneys and their disqualification. Indeed, plaintiffs' showing is so resounding that they have cross-moved for summary judgment on their three causes of action and, as part thereof, removal of The Times' front-page motto "All the News That's Fit to Print" as a false and misleading advertising claim. All of this is in addition to a default judgment against non-appearing Times defendants, including Daniel Okrent, The Times' first Public Editor.

The papers in this historic lawsuit – seeking money damages of $906,000,000 – are posted on CJA's website, www.judgewatch.org – accessible *via* the sidebar panel, "Suing The New York Times". This includes the lawsuit's verified complaint, chronicling The Times' pattern and practice of election-rigging for Senator Hillary Rodham Clinton and New York Attorney General Eliot Spitzer creating their anticipated landslide victories this November.

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