

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Wednesday, December 23, 2015 4:07 PM
To: 'cloper@wrvo.org'
Cc: 'kdewitt@wxxi.org'; 'mryan@wmht.org'
Subject: Responding to "DA Fitzpatrick responds to Albany corruption..." (WVRO, Dec 23, 2015)
Attachments: 11-30-15-testimony-with-exhibits.compressed.pdf

TO: Catherine Loper, News Director, WRVO Public Media

This follows up our phone conversation this morning, in which I requested that WRVO Public Media do some critical, investigative reporting of Onondaga County District Attorney William Fitzpatrick's co-chairmanship of the Commission to Investigate Public Corruption – beginning with his extraordinary claim, reported in today's WRVO article and radio piece by Tom Magnarelli, "DA Fitzpatrick responds to Albany corruption...": "**There wasn't a single legislator that represents Onondaga County whose name even came up in our investigation of corruption**": <http://wrvo.org/post/da-fitzpatrick-responds-albany-corruption-cuomos-plan-pardon-nonviolent-juvenile-offenders#stream/0>.

Senator John DeFrancisco is, by far, Onondaga County's most important legislator in Albany. He is now Deputy Majority Leader of the Senate and, for many years, has been chairman of the Senate Finance Committee, responsible for New York's huge state budget. Before that, from 2003 to 2008, he had chaired the Senate Judiciary Committee.

Senator DeFrancisco was the subject of an open-and-shut, FULLY-DOCUMENTED corruption complaint for "grand larceny of the public fisc and other corrupt acts", involving fraudulent, statutorily-violative and unconstitutional judicial pay raises and the slush-fund judiciary/legislative budgets which I filed on April 15, 2013 with U.S. Attorney Preet Bharara (SDNY) and thereafter furnished to U.S. Attorney Loretta Lynch (EDNY), to U.S. Attorney Richard Hartunian (NDNY), to the Legislature, to JCOPE, and to Albany County District Attorney Soares, himself a member of the Commission to Investigate Public Corruption.

On September 17, 2013, I testified before then Co-Chair Fitzpatrick and the Commission to Investigate Public Corruption – supplying a hard copy of this dispositive April 15, 2013 corruption complaint – with all its substantiating documentary proof. First and foremost, the fact-specific March 30, 2012 verified complaint in CJA's public interest lawsuit against New York's three government branches to void the judicial pay raises – whose voluminous exhibits included CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report that had recommended 27% judicial pay raises. You can see the volume of this proof – and hear what I had to say about it, from:

(1) **the video of my testimony before Co-Chair Fitzpatrick at the Commission to Investigate Public Corruption's September 17, 2013 public hearing:** <https://www.youtube.com/watch?v=-1hXstPOUhw>; and

(2) **the video of my testimony before Senate Finance Committee Chairman DeFrancisco at the Legislature's February 6, 2013 public hearing:** http://nystateassembly.granicus.com/MediaPlayer.php?view_id=2&clip_id=327 (last speaker: at 7:21:50 hrs)

District Attorney Fitzpatrick has – and had – personal, professional, and political relationships with Senator DeFrancisco and the many other powerful public officers who were the subject of the April 15, 2013 corruption complaint and whose corruption the March 30, 2012 verified complaint further particularized. This, over and beyond the fact that he and the other nine district attorney members of the Commission to Investigate Public Corruption all had a pecuniary interest in not investigating the fraud of the judicial pay raises because their own district attorney salaries are statutorily-linked to

judicial salaries. Then, too, D.A. Fitzpatrick's wife, as a Court of Claims judge, was herself a beneficiary of the 27% judicial pay raises. Yet, as the video of my appearance before the Commission on September 17, 2013 makes scandalously clear, D.A. Fitzpatrick and his fellow Commissioners refused to address their conflicts of interest and their protocol for handling same.

The Commissioners' conflicts of interest – and such corruption issues as the fraud committed by our highest public officers in all three government branches pertaining to the judicial pay raises and the budget – were not about public campaign financing or LLC loopholes. This is why Karen DeWitt, who you mentioned in our conversation – and on whom you and other NPR/Public Media affiliates rely for “in-depth” reporting – has, for years, willfully and deliberately suppressed every aspect of this fully-documented story – using, as her only sources, and as stand-ins for the public, the same, repetitive so-called “good government groups” that have monopolized and falsified the facts pertaining to public corruption to serve the agenda-driven goals that Ms. DeWitt shares.

District Attorney Fitzpatrick won re-election last month to a seventh term as Onondaga County D.A. and Senator DeFrancisco won re-election to the Senate in 2014 and so many times before because voters were never apprised of their pivotal roles in public corruption – or the true facts about the Commission to Investigate Public Corruption and U.S. Attorney Bharara. These true facts – which I invite WRVO Public Media to investigate – are all laid out, with documentary proof, by the verified complaints in CJA's three litigations pertaining to the judicial pay raises about which I testified on November 30, 2015 before the Commission on Legislative, Judicial and Executive Compensation. By that testimony, I summarized where this AMAZING story now stands. The video -- and all the documentary proof that supports it – is posted on CJA's website, www.judgewatch.org. The direct link is here: <http://www.judgewatch.org/web-pages/judicial-compensation/2015/testimony.htm>. For your convenience, the powerful November 30, 2015 written statement from which I read in testifying is attached – and includes, as its Exhibit 2, the April 15, 2013 corruption complaint to US Attorney Bharara.

I would be pleased to assist you and WRVO reporters under your supervision to the max. They can call me anytime, including in the evening and on the holidays. It's that important.

So that Ms. DeWitt can answer for her dishonest, cover-up journalism – including with respect to her October 14, 2015 WRVO story/radio piece: “*Witnesses testify of dysfunction on state ethics commission at public hearing*”: <http://wrvo.org/post/witnesses-testify-dysfunction-state-ethics-commission-public-hearing#stream/0>, which omitted any mention of what, BY ANY OBJECTIVE STANDARD, was most explosive, far-reaching testimony, my own – a copy of this e-mail is being sent to her. The link to CJA's webpage posting the video of the October 14, 2015 hearing of the JCOPE/LEC Review Commission – from which you can make your own assessment about what Ms. DeWitt did not deem worthy of report -- is here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/exposing-JCOPE.htm>.

New Yorkers do not have to be plagued by public corruption. But for that to happen – and for New Yorkers to “throw the bums out” who have been corrupting their government – the media must do its job of informing the public of the true facts. To that end, kindly furnish me with the names and contact information for editors and executives at NPR/Public Media so that I can apprise them of how their Albany correspondents, such as Ms. DeWitt and Matt Ryan, Managing Editor of NEW YORK NOW, on whom their affiliates rely, have long, long been operating.

May 2016 be the beginning of true journalism – led by WRVO Public Media!

Thank you.

Elena Sassower, Director
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