

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Saturday, April 7, 2018 5:35 PM  
**To:** 'news@wrgb.com'  
**Cc:** 'news@cbs6albany.com'; 'feedback@wrgb.com'; 'comments@sbg.net'  
**Subject:** REPORTING THE TRUTH of Sinclair's "fake news" message that Liz Bishop read, on air -- & that Deadspin included in its composite video  
**Attachments:** 2-2-18-statement.pdf; 2-2-18-statement-ex-c.pdf; 2-5-18-statement-with-questions-final.pdf; 2-11-18-ap-tucson-com.pdf

### TO: Reporter Lynzi DeLuccia/CBS-6/WRGB

Following up my phone call to the station this morning and our phone conversation together pertaining to the TRUTH of Sinclair's "fake news" corporate-mandated message that Liz Bishop read, on air, below is the e-mail I wish you to forward to Ms. Bishop, as well as to News Director Chris Gegg, for whom I left voice messages on April 3<sup>rd</sup> and April 4<sup>th</sup>, requesting to speak with him about the "fake news" that pervades non-Sinclair media, prior to my contacting Sinclair Vice President for News Scott Livingston. I was most surprised to have received no return call.

CBS-6/WRGB is the MOST important of Sinclair's New York stations as it is in the capital region, able to furnish on-the-ground reporting and investigation of our state government in Albany. And reflecting this is that the Legislative Correspondents' Association lists CBS-6/WRGB reporter Greg Floyd on its roster, <http://lcapressroom.com/>. As the roster furnishes no direct e-mail for Mr. Floyd, I would appreciate if my below-email were also forwarded to him – as he would be best suited to investigate and report on the largely identical "fake news" of the diverse, non-Sinclair media comprising the Legislative Correspondents' Association that the e-mail describes. Then, too, Mr. Floyd's excellent "YOU PAID FOR IT" segments, showcasing abuses of taxpayer dollars, makes him a perfect choice for reporting on the fraud and larceny of the slush-fund, policy-laden state budget, about which I testified at the Legislature's [January 30, 2018 budget hearing](#) and [February 5, 2018 budget hearing](#), with no report by any of his fellow Legislative Correspondents, even upon notice from me of its explosive electoral significance, upending the 2018 races for governor, attorney general, comptroller, and ALL legislative seats.

As the Deadspin composite VIDEO has become such a sensation, CBS-6/WRGB can doubtless achieve EVEN MORE with the VIDEOS of my January 30<sup>th</sup> and February 5<sup>th</sup> testimony, especially when juxtaposed against the "fake news" February 11<sup>th</sup> article, *"Want to talk about the state's money? Budget plenty of time"*, of Associated Press Legislative Correspondents Chris Carola and David Klepper, detailed below.

I am available to assist CBS-6/WRGB in making good on its commitment to truthful reporting – beginning with the truth of Sinclair's "fake news" corporate message that Ms. Bishop read. I would be pleased to speak with Ms. Bishop, directly – but, in any event, request that she forward this e-mail to Sinclair-corporate and, specifically, to Chairman David Smith and Vice President for News Scott Livingston so that they can promptly furnish Mr. Floyd and CBS-6/WRGB with the necessary resources to do justice to the MAJOR story here presented.

Thank you.

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



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

**Sent:** Friday, April 6, 2018 4:51 PM

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**Subject:** Verifying the TRUTH of Sinclair's "fake news" corporate-mandated message is EASY. Here's the EVIDENCE --

**TO:** Brian Nearing/Albany Times Union

This follows up the voice mail I left for you shortly before 10 a.m. on April 3<sup>rd</sup>, concerning your April 2<sup>nd</sup> article "[Corporate-mandated 'fake news' messaging backlash hits Capital Region, CBS 6](#)" – to which I received no return call – and our brief conversation yesterday, April 5<sup>th</sup>, at about noon, upon my calling you a second time. Thank you, in advance, for agreeing to forward this e-mail to "Delmar resident Leslie Sikora" – who you used as your local "hook" for your article – so that she might call me, if she so-chooses, since I was unable to find a telephone number for her.

As discussed, your article gives the impression that Sinclair's "fake news" message is not only objectionable because it is "corporate-mandated", but because it is false in "accus[ing] the media of bias and willingly creating 'false news'", with journalists "pushing 'their own personal bias and agenda to control 'exactly what people think'". Giving you the benefit of the doubt, as the Times Union's "environmental and science reporter", you clearly are "out of the loop" as to how your own newspaper operates in reporting and editorializing on state government. Surely you know, however, that Times Union journalists are contributors to "National Public Radio and PBS", to which Ms. Sikora "routinely turns...for information".

As I told you, our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), can help you with the true facts. By contrast to Ms. Sikora, who you do not identify as having any knowledge of the media's commission of "fake news", we have direct, first-hand knowledge, spanning nearly thirty years of interaction with a huge swath of local, state, and national media, including the Times Union, National Public Radio, and PBS, and can attest that when it comes to reporting on judicial corruption – and other governmental corruption that enables it -- "fake news" is the name of the game, with journalists doing precisely what Sinclair claims "pushing 'their own personal bias and agenda to control 'exactly what people think'". We also can PROVE it by a mountain of primary-source documentary EVIDENCE, establishing an unremitting and essentially identical pattern of "fake news" amongst diverse media, concealing the nature and extent of government corruption and those responsible – and doing so with knowledge that it will deprive voters of the information they need to "drain the swamp" of the corruptors, come election time. Surely you would agree – as likewise Ms. Sikora and the two former CBS 6 employees you quote -- that "This is extremely dangerous to our democracy"– which is what the Sinclair message asserts.

You can easily examine this primary-source documentary EVIDENCE, as it is posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), conveniently accessible from the left sidebar panel "Press Suppression". The menu page it brings up, <http://www.judgewatch.org/web-pages/press-suppression/press-suppression.htm>, posts "paper trails" of our extensive correspondence with the media – including with the Times Union, going back to 1993. It also features "Special Topics" – the first of which is CJA's championing of the First Amendment by two groundbreaking lawsuits against The New York Times in 2006 and against Gannett in 2010, seeking to establish causes of action for "journalistic fraud" and "institutional reckless disregard for truth". From the posted litigation records you can verify, for yourself, that neither The Times nor Gannett had any defense to our showing of their knowingly false and misleading reporting, editorializing, and election-rigging and to our causes of action based thereon and that they survived only because their attorneys engaged in litigation fraud and New York judges protected them by fraudulent decisions, obliterating the most basic



adjudicative standards, at both trial and appellate levels. You can also verify – *via* a prominently featured initial section entitled “New York’s ‘Fake News’/Corruption-Abetting, Election-Rigging Press (2011-2018)” - <http://www.judgewatch.org/web-pages/press-suppression/nys-press-outreach/ny-fake-news-corruption-abetting-press.htm> -- what has happened since: New York’s media has uniformly shown its thanks to New York’s corrupt, “case-throwing”, judiciary by collusively covering up the fraudulent, statutorily-violative, and unconstitutional judicial pay raises its judges secured – whose cost to New York taxpayers, since 2012, has been a larceny of more than \$300 million, with another \$70 million dollars embedded in the state budget for this fiscal year.

Inasmuch as you report that Sinclair’s senior vice president (for news), Scott Livingston, stated, in defense of the corporate message: “We are focused on fact-based reporting....That’s our commitment to our communities. That’s the goal of these announcements: to reiterate our commitment to reporting facts in a pursuit of truth”, I will be furnishing this e-mail to Mr. Livingston, with a request that he forward same to Sinclair’s CBS 6 “Capital Region” affiliate and to its other New York affiliates so that they can undertake “fact-based reporting” about the “fake news” uniformly generated by the diversity of New York’s non-Sinclair media, readily-verifiable from CJA’s archive of EVIDENCE – absent the Times Union’s doing so. As New York’s \$168 billion state budget was passed less than a week ago, with media accolades ever since to Governor Cuomo and the legislators for making it happen, “fact-based reporting” must begin by investigating how and why New York’s diverse media, this year, as throughout the past five years, has, in lock-step fashion, concealed from the People of the State of New York the unconstitutionality, unlawfulness, and fraud of their state budget, including its embedded judicial pay raises, simultaneously shielding from accountability ALL culpable public officers -- Governor Cuomo, Attorney General Schneiderman, Comptroller DiNapoli, and New York’s Senate and Assembly members – ALL up for re-election this year, ALL defendants in lawsuits, sued for “grand larceny of the public fisc” with respect to the budget and the judicial pay raises, and ALL the subject of corruption and ethics complaints relating thereto that criminal and ethics authorities have been “sitting on” since 2013.

The below e-mail chain, with its live links and above attachments, is an ideal starting point – and all the more so as it culminates in a March 1, 2018 e-mail to Albany Times Union Editor Rex Smith. I assume you know that Mr. Smith hosts “The Media Project” on the National Public Radio affiliate WAMC: <http://wamc.org/programs/legislative-gazette-wamc> – and that his co-host is WAMC’s president and CEO, Professor Alan Chartock, who is also publisher of the Legislative Gazette, which has its own WAMC show: <http://wamc.org/programs/legislative-gazette-wamc>. The question I put to Mr. Smith and to Legislative Gazette Editor James Gormley, to whom Professor Chartock defers in matters pertaining to the Legislative Gazette, is whether, based on my uncontested recitation of facts pertaining to a February 11, 2018 Associated Press news article, “*Want to talk about the state’s money? Budget plenty of time*”, substantiated by the VIDEOS of the Legislature’s January 30, 2018 and February 5, 2018 budget hearings at which I testified, they agree that the article is “fake news” and warrants discussion on WAMC’s “Media Project”, as well as report and investigation by the student journalists of the Legislative Gazette.

As I received NO responses from Messrs. Smith and Gormley, or from Professor Chartock, I am cc’ing them on this e-mail so that they can furnish their answers, *in writing*. Do they deny that the February 11<sup>th</sup> Associated Press article is “fake news” – and that its concealment of my January 30<sup>th</sup> and February 5<sup>th</sup> testimony “is extremely dangerous to our democracy”, depriving the public of what it most needs to know about the state budget, the budget hearings, and the performance, in office, of public officers duty-bound to uphold the New York State Constitution, law, and safeguard public monies. For the same reason, I am cc’ing the other recipients of that same March 1<sup>st</sup> e-mail: (1) the Associated Press reporters responsible for the February 11<sup>th</sup> article, Chris Carola and David Klepper; (2) the Times Union’s lead reporter for state news, Casey Seiler, who co-hosts “New York NOW” on the PBS affiliate WMHT; and (3) former Times Union reporter Paul Grondahl, who remains an occasional Times Union columnist since becoming director of the New York State Writers Institute of the State University of New York at Albany, which, last October, held a symposium on “The Future of Truth: Telling the Truth in a Post-Truth World” <http://www.wmht.org/futureoftruth/>, financially sponsored by the Times Union.

Suffice to say that Mr. Smith participated in the “Future of Truth” symposium, moderating a panel discussion and differentiating “social media” from “the journalism of verification that we practice”: <https://www.facebook.com/NewYorkStateWritersInstitute/videos/1591080027579794/>. Yet, in the nearly 30 years of



my interaction with the Times Union, it – like ALL other media – has refused to verify ANY of the readily-verifiable EVIDENCE of judicial and other governmental corruption I have furnished “on a silver platter”, has reported virtually NONE of it, and, in order to continue its biased, agenda-driven “fake news” reporting and editorializing, has written me out of stories of which I am an integral, essential part. And exemplifying this is that neither the Times Union, nor “New York NOW”, nor “The Media Project” saw fit to report my January 30<sup>th</sup> and February 5<sup>th</sup> testimony – notwithstanding I gave Mr. Seiler notice of its explosive, electorally-significant nature on February 27<sup>th</sup> and furnished Mr. Smith with identical notice on March 1<sup>st</sup> – just as there was no report about it by any other media, as, for instance, The New York Times, to which I gave comparable notice on February 20<sup>th</sup>: <http://www.judgewatch.org/web-pages/elections/press/nytimes.htm>, including to its chief metro political correspondent, Shane Goldmacher, a panelist at the “Future of Truth” symposium: <https://www.facebook.com/NewYorkStateWritersInstitute/videos/1590087797679017/>.

And the consequence? ALL the state budget’s unconstitutionality, unlawfulness, and fraud, about which I testified on January 30<sup>th</sup> and February 5<sup>th</sup>, with EVIDENCE, was continued, untouched – and all the incumbent public officers who perpetrated and abetted the crime are now “on track” for re-election – or higher office, as immediately as April 24<sup>nd</sup>, by “special election”, as is the case of Democratic Assemblywoman Shelley Mayer, seeking the Senate seat vacated by Democrat George Latimer’s media-rigged November 2017 election as Westchester County Executive. As to how the media accomplished Latimer’s election, CJA’s webpage of EVIDENTIARY PROOF is here: <http://www.judgewatch.org/web-pages/elections/2017/westchester/press-outreach.htm>, showcasing the “fake news”/election-rigging of our local Gannett and New York Times, as well as other supposedly “trusted” local media in its various forms: broadcast, internet, and print.

One final note is in order. On April 2<sup>nd</sup>, the same date as your article on Sinclair’s “fake news” message, the Times Union ran an editorial “*The least they could do*” pertaining to the Legislature’s passage of the state budget, “on time”, before the “state budget deadline”, incentivized by inclusion, in the budget, of a “State Pay Commission” able to raise legislative pay. The editorial did not question how such provision could be constitutionally inserted in the budget – or express any other constitutional or legal concerns about the “State Pay Commission” provision or about the budget. What it did fault, however, was the failure of the budget to contain a succession of progressive, liberal policy changes (that had been inserted by the Governor, Senate, and Assembly) – whose unconstitutionality as part of the budget I identified on January 30<sup>th</sup>, at the outset of my testimony.

As for the editorial’s suggestion that the legislators’ enactment of its desired policy changes in the “two months left in the legislative session” would warrant their getting a pay raise, the Times Union well knows that enactment would doubtless be achieved by a behind-closed-doors, “three men in a room” political deal, rather than by “legislative due process”, *to wit*, public hearings by the appropriate legislative committees, with findings of fact and amending of bills in the respective Senate and Assembly committees based thereon, with discussion and votes – thereafter followed by passage in the Senate and Assembly, upon robust debate and possible further amending of the differently-amended bills, then publicly reconciled in joint Senate-Assembly conference committees for transmittal to the Governor – and, if vetoed by him, for an override vote in the Senate and Assembly. Certainly, the Times Union may be presumed to know that any such “legislative due process” would expose that the true remedies for cleaning up public corruption and enhancing elections are NOT the ones it and other media typically report and editorialize about, based on the propaganda of their fixed stable of supposed “good government groups”, whose real agenda is not “good government”, but progressive, liberal policy, even in the absence of evidence supporting same. Indeed, the remedy for making elections competitive and increasing voter turnout could not be simpler: it requires that the media report on the records, in office, of the incumbent public officers – which, with respect to non-partisan, governance issues, the media REFUSES to do, even as to incumbents occupying the highest and most powerful of our public offices.

Should you have any questions, I am available to assist you, to the max. Meantime, for the benefit of all, this e-mail will be posted on CJA’s webpage for the Albany Times Union relating to the 2018 Elections and “Putting an End to Fake News”: <http://www.judgewatch.org/web-pages/elections/press/albany-times-union.htm>. There you will find my most recent prior e-mail to your four Times Union colleagues who are members of the Legislative Correspondents’ Association: Casey Seiler, Rick Karlin, Chris Bragg, and Matt Hamilton. Dated March 29<sup>th</sup> and entitled “CORRUPTION



ALERT: Does Albany 'Outsider' Cynthia Nixon think the 'three/four men in a room' budget deal-making, happening now & behind closed doors is constitutional? How about The New York Times?", I have received no response from them or from any of the other indicated recipients, all of whose subsequent reporting and editorializing about the budget and the 2018 elections is "fake news" which could not be written but for their concealment of the explosive, game-changing facts and EVIDENCE furnished by that e-mail.

Thank you.

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

In writing this e-mail, I discovered that the below link for the February 11<sup>th</sup> "fake news" Associated Press article "*Want to talk about the state's money? Budget plenty of time*" - [http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article\\_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html](http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html) -- is no longer operative. Fortunately, before it disappeared, I had made a print-out of the article – and it is attached above.

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Thursday, March 1, 2018 1:09 PM  
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**Subject: Thank you, Mr. Chartock: Legislative Gazette -- & WAMC Media Project**

Dear Messrs. Gormley and Smith,

After sending the below e-mail, I telephoned Mr. Chartock, leaving a voice mail message. He call me back, promptly – notwithstanding on vacation.

In sum and substance, Mr. Chartock told me that Mr. Gormley is in charge of Legislative Gazette operations and that Mr. Smith is in charge of the WAMC Media Project.

I thereupon called Mr. Smith – leaving a message on his voice mail pertaining thereto.

I take this opportunity to now include as recipients of this e-mail those most immediately affected by the "fake news" issue I have raised, with particularity: AP reporters Chris Carola and David Klepper – and Paul Grondahl and Casey Seiler.

Thank you.

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



914-421-1200

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

**Sent:** Thursday, March 1, 2018 11:57 AM

**To:** 'editor@legislativegazette.com' <[editor@legislativegazette.com](mailto:editor@legislativegazette.com)>

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**Subject: Training Journalists, Consistent with the Legislative Gazette Mission -- Request for Investigation & Report of CJA's Citizen-Testimony at the Jan. 30, 2018 and Feb. 5, 2018 Budget Hearings**

**TO: Legislative Gazette Editor James Gormley**

Following up our phone conversation, earlier this morning, I look forward to your judgment – as a SUNY professor of journalism, training journalists -- as to whether my testimony at the Legislature's January 30, 2018 and February 5, 2018 budget hearings is worthy of investigation and report by Legislative Gazette student interns. This is what I am requesting, consistent with the Legislative Gazette's mission of "in-depth coverage": <http://legislativegazette.com/about/>, utilizing students being trained in the rigors of journalism: <http://legislativegazette.com/internships/>.

CJA's website, [www.judgewatch.org](http://www.judgewatch.org), posts the VIDEOS of my testimony and the substantiating EVIDENCE I handed up and to which I referred in testifying, accessible from this menu page: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm>

As I stated to you, there has been NO press reporting, let alone investigation, of my testimony on either date. Rather, I – and my testimony – on both dates were WRITTEN-OUT of an Associated Press story – the particulars of which are set forth below -- to which, as yet, I have received NO response from anyone. I would welcome your assessment -- and that of the Legislative Gazette interns you are training -- as to whether you and they deem the AP story appropriate journalism, or "fake news".

I will call Publisher Alan Chartock, as you suggested. Indeed, I am especially happy to speak with him as he hosts the WAMC Media Project, <http://wamc.org/programs/media-project>, with Albany Times Union Editor Rex Smith – where the issue of "fake news" is among topics discussed. Why shouldn't the Media Project make the AP article the subject of round-table discussion as to whether it is appropriate journalism or "fake news" – with Legislative Gazette interns invited to contribute their views, as well.

I look forward to continuing our conversation, upon your review of the above and below. In view of the serious and substantial nature of my media-unreported testimony – impacting on what is unfolding NOW, with respect to the state budget and the 2018 elections -- I hope that will be as soon as possible.

Thank you.

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

**Sent:** Tuesday, February 27, 2018 4:22 PM

**To:** 'writers@albany.edu' <[writers@albany.edu](mailto:writers@albany.edu)>

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**Subject: What "Fake News" Looks Like: "Want to talk about the state's money? Budget plenty of time" -- 2/11/18 -- AP/Chris Carola**

**TO: Paul Grondahl, New York State Writers Institute**

This follows our phone conversation this morning, which you disconnected – refusing to give me your e-mail address so that I might forward you the below: my February 15<sup>th</sup>, February 12<sup>th</sup>, and February 2<sup>nd</sup> e-mails to Associated Press reporters Chris Carola and David Klepper, particularizing – with the above-attachments -- why I deem the February 11<sup>th</sup> article “*Want to talk about the state’s money? Budget plenty of time*”: [http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article\\_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html](http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html), under Mr. Carola’s byline, to be “fake news”.

I requested your expert opinion about the article – which you refused, hanging up the phone. This, after I showed you that CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), offers a GOLDMINE of PRIMARY-SOURCE EVIDENCE as to how the press operates, encompassing a span of nearly 30 years. Indeed, during our conversation, I requested that you examine my FIRST interaction with your former colleague at the Albany Times Union, Casey Seiler, in November 2011 – when he was president of the Legislative Correspondents Association – the context of which was CJA’s October 27, 2011 opposition report to the August 29, 2011 report of the Commission on Judicial Compensation: <http://www.judgewatch.org/web-pages/judicial-compensation/press-cja-opposition-report.htm>. In addition to your examining CJA’s October 27, 2011 opposition report – and Mr. Seiler’s response thereto -- I asked that you also examine the responses of the New York Times and New York Law Journal – because those three newspapers – and ALL other media – have suppressed, essentially totally, any report about it – and about CJA’s EVIDENCE-BASED advocacy thereon to vindicate the public’s rights and protect taxpayer money, as for instance, by our FULLY-DOCUMENTED lawsuits – furnished to them again, and again, and again, and by my testimony at public hearings. Mr. Carola’s February 11<sup>th</sup> article is but the latest example.

Immediately following your hanging-up on me, I phoned you back, leaving a voice mail message, requesting contact information for the student journalists who participated in the October 2017 symposium “*The Future of Truth: Telling the Truth in a Post-Truth World*”: <http://www.wmht.org/futureoftruth/>.

Surely you would agree that up-and-coming journalists, still in university, may be presumed to be receptive to EVIDENCE – and that Mr. Carola’s February 11<sup>th</sup> article, as explicated below, is a good place for them to start.

Kindly furnish me with contact information for these future journalists – or for their professors and academic advisors -- as soon as possible.

Meantime, I have cc’d Messrs. Carola and Klepper for such comment as they wish to make with respect to the foregoing. Likewise, Mr. Seiler, whose comment I additionally invite with respect to my August 6, 2017 e-mail “*Putting an End to ‘Fake News’...*”, addressed to him, but also sent to his fellow reporters of the Legislative Correspondents Association. I alerted you to that e-mail, posted on CJA’s website, <http://www.judgewatch.org/press-nys/2017/8-6-17-email-seiler-fake-news.pdf>, when I first spoke to your assistant Jen, I believe in early January – and I referred to its content this morning when we spoke together, for the first time.

Thank you.

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

**Sent:** Thursday, February 15, 2018 4:23 PM

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**Subject:** Proposal for Rectifying Follow-Up Coverage -- "Want to talk about the state's money? Budget plenty of time" -- 2/11/18 -- AP/Chris Carola

**TO:** Chris Carola & David Klepper/Associated Press

I have received no response to my below February 12<sup>th</sup> e-mail, requesting to speak with you, "as immediately as possible" about the February 11<sup>th</sup> AP article – "*Want to talk about the state's money? Budget plenty of time*" -- [http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article\\_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html](http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html), bearing Mr. Carola's byline. Have you responded?

Is it your view that the article – which apparently took at least nine days to write -- is honest, responsible journalism? Why does it make it appear that the ONLY problem with the Legislature's budget hearings is their marathon length, straining legislators who diligently attend them and concealing, TOTALLY, that there is anything corrupt or sham about them – or that the legislators are anything but hard-working and conscientious. In the words of Senate Finance Committee Chair Catherine Young, which you quote, the hearings, though "grueling", "should be as long as it takes to get a thorough understanding of the governor's proposal in an open forum".

So that the record is clear, at 11:09 a.m. on Friday, February 2<sup>nd</sup>, Mr. Carola called me for information and comment. I was then at a local forum on the state budget, sponsored by Westchester's Assembly delegation. I identified this to him, as I stepped out to take his call, which reached me on my cell. In a conversation that lasted just over 11 minutes, Mr. Carola told me he was writing about the Legislature's 13-hour "public protection" budget hearing. In answer to my inquiries, he stated that he had not seen my testimony live, nor watched the VIDEO. As I understood it, he was calling because I was the last witness to testify at the 13-hour hearing. I told him he had hit on a major story – and thereupon summarized my explosive testimony at the hearing, not just stating, but demonstrating, that the hearing was a "charade" with respect to the Judiciary budget, whose cumulative dollar amount the legislators did not even know. As I spoke, I guided him to CJA's website, [www.judgwatch.org](http://www.judgwatch.org) – and to the link "2018 Legislative Session": <http://www.judgwatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm> -- from which he accessed CJA's webpage for the January 30<sup>th</sup> hearing with the VIDEO and the EVIDENCE that my testimony had identified as enabling the public to see for itself the "charade" that had taken place. Indeed, I told Mr. Carola that his reporting of my testimony – and the EVIDENCE supporting it – would bring down ALL the legislative incumbents who are running for re-election and higher office – and Governor Cuomo, Attorney General Schneiderman, and Comptroller DiNapoli – all defendants, sued for corruption and "grand larceny of the public fisc" in CJA's citizen-taxpayer action to which I referred in testifying.

Three hours later, having returned from the local budget forum, I called to speak with Mr. Carola – expecting, by then, that he would have viewed the 10-minute VIDEO of my testimony and would be eager to discuss it with me. My phone call was picked up by Mr. Klepper. Unlike Mr. Carola, with whom I had had no prior contact, Mr. Klepper had reason to know who I was, including because, over the years, I had sent him e-mails pertaining to the state budget and CJA's citizen-taxpayer action challenging it. Mr. Klepper told me that Mr. Carola had not yet watched the VIDEO – which is why I reiterated to him what I had told Mr. Carola about its significance, including *vis-à-vis* the 2018 elections. I thereupon sent both of you the below February 2<sup>nd</sup> e-mail, to which I received no response.

Three days later, at the Legislature's February 5<sup>th</sup> budget hearing, I was again the last witness – and my testimony was even more explosive, because it was more specific, as to the larceny of taxpayer dollars taking place – and not confined to the Judiciary budget. Such testimony was preceded by my protest as to the curtailment of my time to 5 minutes and ended with my being cut off, as I tried to furnish – as I had on January 30<sup>th</sup> -- CJA's website from which everything is verifiable.



It would be another six days before I got a google alert with Mr. Carola's February 11<sup>th</sup> article. It made no mention of my testimony, as the last witness, either at the January 30<sup>th</sup> hearing or at the February 5<sup>th</sup> hearing. Instead it furnished an innocuous, generic comment from the last witness at the January 31<sup>st</sup> hearing, whose testimony, unlike my own, had not indicated anything untoward about that hearing – or even that his testimony had been limited to 5 minutes, or that he had anything further he wished to say. Indeed, there was no apparent reason for his comment to have been solicited for the article – as it plainly was -- not only because, unlike myself, he had no expertise on the subject of the Legislature's budget hearings, but because the January 31<sup>st</sup> hearing was the same length as the February 5<sup>th</sup> hearing – 8-3/4 hours – the photo accompanying the article is of the February 5<sup>th</sup> hearing, and NYPIRG Executive Director Blair Horner and Assemblywoman Shelley Mayer, quoted by the article, were each at the February 5<sup>th</sup> hearing, not the January 31<sup>st</sup> hearing.

Whether or not you were at the February 5<sup>th</sup> budget hearing, you would have seen from the posted witness list that I was the last witness testifying at that hearing. And were you unaware, in furnishing Assemblywoman Mayer with an opportunity to posture as some “good government” type, that she is the Democratic candidate to fill the Senate seat vacated by Senator Latimer's election as Westchester county executive in the special election scheduled for April 24<sup>th</sup>?

Assemblywoman Mayer is chair of the Assembly Committee on Oversight, Analysis and Investigation – a fact to which I referred, both in my firey oral presentation before her at the February 2<sup>nd</sup> forum on the state budget, and in my written statement distributed to her at the forum. What steps is she going to take to rectify the “charade” of the Legislature's hearing on the Judiciary budget – to which my February 2<sup>nd</sup> written statement fully alerted her (at pp. 2-3), calling upon her to secure answers from Chief Administrative Judge Marks to the 46 questions I had proposed to legislators – a copy of which was annexed to that written statement.

And what will Assemblywoman Mayer do to secure answers about the Legislature's *own* budget from Temporary Senate President Flanagan and Assembly Majority Leader Heastie, neither of whom testified at *any* budget hearing about the Legislature's budget request. Although Assemblywoman Mayer did not stay to the end of the February 5<sup>th</sup> hearing for my testimony, she had my written statement about the Legislature's proposed budget, with its 27 questions for Temporary Senate President Flanagan and Assembly Speaker Heastie to answer, as I handed it to her as she passed me in the hearing chamber on February 5<sup>th</sup>.

The foregoing proposal for your follow-up with Assemblywoman Mayer, as chair of the Assembly Committee on Oversight, Analysis, and Investigation, as to whether she will be securing answers to CJA's enumerated questions about the Judiciary and Legislative budgets – and, if not, why not -- will go far in rectifying the deficiencies of your February 11<sup>th</sup> article, save New York taxpayers hundreds of millions of dollars in fraud embodied in the Legislative/Judiciary budget bill, and enable voters in New York's 37<sup>th</sup> Senate district to meaningfully assess her in the upcoming April 24<sup>th</sup> special election. In other words, it will enable you to fulfil the “watchdog” function of the press on which our democracy relies.

Please let me hear from you, as soon as possible, about this salutary proposal. To give you ample time to review the VIDEOS, my written statements, the questions they furnished, and the substantiating EVIDENCE posted on CJA's below indicated webpages, I request your response by no later than Monday, February 19<sup>th</sup>, after which I will circulate this e-mail to other press as further demonstrative of the “fake news” that, more than anything, is responsible for New York's “unending culture of corruption” – and our inability to “drain the swamp” of corrupt incumbents at election time.

Certainly, I urge you to furnish this e-mail to your supervisory editors at Associated Press for their judgment as to what is appropriate under the circumstances. This would include expanding your follow-up inquiry and reporting beyond Assemblywoman Mayer to other legislators, beginning with the four chairs and four ranking members of the Legislature's fiscal and judiciary committees. What are their answers to my January 30<sup>th</sup> and February 5<sup>th</sup> testimony – and to the written statements, questions, and EVIDENCE I furnished in substantiation? Have they put it on the agenda of their committees' upcoming meetings for discussion and vote by their rank-and-file members? What investigative steps will the committees be taking to verify the larceny of taxpayer monies that I have particularized – or is it just “full speed ahead”, the budget hearings being so much “window-dressing”.



Finally, there is NOTHING “really, really complex”—as you quote Common Cause Executive Director Susan Lerner in saying -- about making legislative budget hearings more manageable, for all involved. Actually, it is utterly simple. However, the Legislature chooses to keep things as they are lest budget hearings more readily reveal the larceny of taxpayer monies, in the budget, that the Legislature has no desire to end. Its subversion of the hearings, to advance its larceny, is embodied in the fourth cause of action in CJA’s citizen-taxpayer action – and your “good government” commentators – Horner and Lerner -- should have so-informed you of that fact and that no one was better able than I to furnish you with the EASY-TO-IMPLEMENT SOLUTIONS for shortened, more efficient hearings, meaningfully facilitating citizen-participation.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]  
**Sent:** Monday, February 12, 2018 1:55 PM  
**To:** 'ccarola@ap.org' <[ccarola@ap.org](mailto:ccarola@ap.org)>; 'dklepper@ap.org' <[dklepper@ap.org](mailto:dklepper@ap.org)>

**Subject:** "Want to talk about the state's money? Budget plenty of time" -- 2/11/18 -- AP/Chris Carola

**TO:** Chris Carola and David Klepper/Associated Press

Kindly call me, at your earliest convenience, about the above-entitled February 11<sup>th</sup> article: [http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article\\_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html](http://tucson.com/news/national/want-to-talk-about-the-state-s-money-budget-plenty/article_9ab67a7a-cf7b-52a2-9b0f-0a1ac289f90e.html) – and about my below February 2<sup>nd</sup> e-mail – reiterating my phone conversations with each of you -- to which I received no response.

Did you NOT view the VIDEO of my testimony, as the last witness, at the Legislature’s 13-hour January 30th budget hearing on “public protection” – and examine the substantiating EVIDENCE to which I referred in testifying: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/jan-30-2018-hearing.htm>.

How about the VIDEO of my testimony, as the last witness, at the Legislature’s 8-3/4-hour February 5<sup>th</sup> budget hearing on “local government officials/general government” – which is the hearing for which the February 11<sup>th</sup> article furnishes a photo of Assemblyman Magnarelli and Benedetto? CJA’s webpage, posting the VIDEO and substantiating EVIDENCE, is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/feb-5-2018-hearing.htm>.

How about the VIDEO of my testimony, on February 2<sup>nd</sup>, at the local forum on the state budget, sponsored by Westchester’s Assembly Delegation – including Assemblywoman Shelley Mayer – to whom I referred in testifying and from whom the February 11<sup>th</sup> article includes comment – making it appear that she is some “good government” type. CJA’s webpage, posting the VIDEO and substantiating EVIDENCE, is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/feb-2-2018-budget-hearing-westchester-delegation.htm>.

Also, did neither Assemblywoman Mayer nor Senate Finance Committee Chair Young, both quoted by the February 11<sup>th</sup> article – nor Blair Horner, nor Susan Lerner, also quoted – alert you that CJA’s citizen-taxpayer actions identify that the Legislature has subverted the budget hearings, *inter alia*, by combining those required by Article VII, Sec. 3 of the NYS Constitution for department heads, etc., with those for citizens required by Legislative Law 32-a – the solution to which is the holding of separate budget hearings.



Both with respect to the state budget – and the 2018 elections -- time is of the essence. Please, therefore, call me as immediately as possible.

Thank you.

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

**Sent:** Friday, February 2, 2018 2:20 PM

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**Subject:** Jan. 30th "public protection" budget hearing -- BIG STORY

I cannot emphasize how important it is to watch the VIDEO of my testimony – the last at the 13-hour “public protection” hearing, in which I stated – and demonstrated – that it was a “charade” – certainly with respect to the Judiciary. It is posted, with the SUBSTANTIATION PROOF, on CJA’s webpage, here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/jan-30-2018-hearing.htm>.

I am available to answer questions, etc. – however late or early throughout the weekend. What you have is a MAJOR story – with explosive electoral ramifications on the statewide races for governor, attorney general, & comptroller -- & for every legislative seat involving an incumbent, beginning with leadership – Kolb and DeFrancisco, among them.

Thank you.

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