From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, October 28, 2018 1:52 PM

To: tallon@cityandstateny.com; sfarbman@cityandstateny.com; jlentz@cityandstateny.com; rsomers@cityandstateny.com; badler@cityandstateny.com; rlewis@cityandstateny.com; jcoltin@cityandstateny.com; zwilliams@nynmedia.com

Subject: **"What role, the AG?" -- public corruption & the Oct. 30th AG debate**

Attachments: 5-18-18-ltr-to-interim-ag-candidates.pdf

"What role, the AG?" – public corruption & the Oct. 30th AG debate

More than two months after The New York Times editorialized that "The most important choice facing New York voters this fall is whom they will pick as their next state attorney general", describing it as "a potential firewall against…a historically corrupt New York State government" (8/19/18), neither The Times nor any other press has furnished voters with a straight answer to the question as to the attorney general's jurisdiction to investigate and prosecute public corruption.

Exemplifying this is the October 23rd article in City Limits asking – but not directly answering – that jurisdictional question under the heading "What role, the AG?" – and the New York Law Journal's October 25th questionnaire responses of attorney general candidates Letitia James and Keith Wofford.

Below is my yesterday's e-mail on the subject and, beneath it, my October 25rd e-mail pertaining to the Spectrum News' October 30th debate between candidates James and Wofford.

As these two e-mails were each sent to candidates James and Wofford – and to candidate Michael Sussman – and all three have been fully aware, for months, of the facts and law presented by my attached May 18th letter to interim attorney general candidates, with its enclosed May 16th NOTICE/complaint to then Acting Attorney General Barbara Underwood, why don't you take the lead in assisting voters, BEFORE THE ELECTION, by exposing their dissembling answers and posturing – whose consequence will so directly impact on the ELECTION RESULTS

I am available to assist you, to the max. Call me, no matter how early or late. Meantime, you will find everything conveniently accessible from CJA's menu of webpages for the AG race, here: http://www.judgewatch.org/web-pages/elections/menu-2018-attorney-general.htm.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, October 27, 2018 8:55 AM
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Cc: 'errol.louis@charter.com' <errol.louis@charter.com>; 'liz.benjamin@charter.com' <liz.benjamin@charter.com>; 'info@tishjames2018.com' <info@tishjames2018.com>; 'info@wofford4ag.com' <info@wofford4ag.com>; 'Keith.Wofford@ropesgray.com' <Keith.Wofford@ropesgray.com>; 'eom@obrienmurray.com' <eom@obrienmurray.com>; 'sussman1@frontiernet.net' <sussman1@frontiernet.net>; 'dmclark@alm.com' <dmclark@alm.com>

Subject: "What role, the AG?" -- City Limits' Oct. 23rd article -- "Wofford Outsider Run for Attorney General Links Corruption to State Economy" (Roshan Abraham)

TO: Jarrett Murphy, Executive Editor/City Limits

This follows up the two voice messages I left yesterday (646-693-4459), including on your line, identifying that I had important information to contribute to your election reporting – and specifying, in particular, the October 23, 2018 article "*Wofford's Outsider Run for Attorney General Links Corruption to State Economy*" by Roshan Abraham.

My particular concern, with respect to that article, is the following:

> **"What role, the AG?**
>
> Wofford's claim that the AG can, without gubernatorial permission, crusade against corruption has led to a disagreement with his opponents less about policy and more about the foundations of the post.
>
> On the state AG's website, the description for the Public Integrity Bureau says that the office may go after corruption to 'restore the public's interest in honest government and the integrity of government officials at the state and local level.' But the public officers law and the General Municipal Law cited on the website do not empower the attorney general to do so independently, nor does the state constitution. While it is true that no law explicitly limits the office from pursuing corruption, legal experts agree the scope of the AG's prosecutorial power is restricted to what has been enshrined in law. For this reason, all of the Democratic candidates in this year's AG primary debated potential legal reforms to empower the attorney general in a permanent way to fight corruption.
>
> 'It is remarkable that a lawyer who is paid at least $4.35 million as a partner at one of the largest Wall Street law firms in the country does not know enough about governance and the statutes that define the power of the attorney general's office,' Jack Sterne, a spokesperson for James told City Limits.

> Lou Young, a former television reporter who is now campaign manager to Green Party candidate Michael Sussman, was blunt in his dismissal of Wofford's claims.
>
> 'The Republican is bullshitting you. He had some assistant cut and paste the authorities off the state of the attorney general's website,' he said. 'Wofford is a bill collector, he works for credit card companies and banks. He's a confident attorney but he has no experience in public law.'
>
> Young said that the attorney general's office spends most of its time defending state agencies and uses its remaining sliver of discretionary funds to fight on behalf of citizens, but that 'they don't do a goddamn thing unless there's a headline in it,' echoing one of Wofford's complaints. …"

For your convenience, the referred-to website of the Public Integrity Bureau is here: https://ag.ny.gov/bureau/public-integrity-bureau.

I am reachable throughout the weekend. Please call me, as soon as possible, as time is of the essence, with the election fast approaching – and the Spectrum News debate between Candidates James and Wofford scheduled for Tuesday, October 30th. Indeed, because of the importance of the above to the upcoming debate, I am cc'ing debate moderators Errol Louis and Liz Benjamin and Candidates James, Wofford, and Sussman, to whom I sent the below October 25th e-mail, as well as New York Law Journal reporter Dan Clark, whose October 25th questionnaire responses of Candidates James and Wofford: https://www.law.com/newyorklawjournal/2018/10/25/ny-ag-candidate-questionnaire-keith-wofford-republican-partner-at-ropes-gray/ bear upon the issues of the AG's anti-corruption role and jurisdiction that the October 30th debate MUST explore & resolve, including by a post-debate panel of "legal experts" who can properly inform voters of the true facts and law.

On these issues, **CJA's menu of webpages for the attorney general's race,** http://www.judgewatch.org/web-pages/elections/menu-2018-attorney-general.htm, starts with a link for a webpage entitled "Educating the Candidates & Public About the Attorney General's Role", bearing the subtitle:

> "The AG's core function -- his job #1 -- is to ensure that the state & its public officers comply with the NYS Constitution & that laws promulgated are in conformity therewith -- & YES, he has authority to investigate & prosecute public corruption".

It furnishes the provisions of the New York State constitution relating to the attorney general, key statutory provisions, my own informal analysis – in the absence of scholarship – and proposals for scholarship concerning the AG's role with respect to government corruption, in law and fact, that I put forward in 2012 and 2013 – including by my August 5, 2013 letter to the Commission to Investigate Public Corruption – together with such pertinent journalism as I have been able to find. The direct link is here: http://www.judgewatch.org/web-pages/elections/issues/ag-race-making-elections-meaningful.htm.

Finally, I take this opportunity to reiterate the importance of Executive Law §63.1 and the citizen-taxpayer action statute, State Finance Law Article 7-A, to discussion of the AG's role. Such is reflected by the above attached May 18, 2018 letter, with its accompanying May 16, 2018 NOTICE/complaint to Attorney General Underwood, that I furnished to Candidates Sussman, James, and Wofford months ago. Why have none of them even identified, let alone discussed, either of these two statutory provisions, nor CJA's unfolding citizen-taxpayer action, whose record before the Appellate Division, Third Department is, as it was below, focally about the AG's role and Executive Law §63.1 and State Finance Law Article 7-A: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-app-div.htm. Indeed, currently before the Appellate Division is CJA's October 23rd motion to:

> "declar[e] Attorney General Underwood's appellate representation of respondents unlawful for lack of any evidence – or even a claim – that it is based on a determination pursuant to Executive Law §63.1 that such is in 'the interest of the state', with a further declaration that such taxpayer-paid representation belongs to appellants" (underlining in the original).

For your convenience and that of the other recipients – and for the convenience of such "legal experts" as must be identified by name and recruited to answer, with specifics, "What role, the AG?" – the direct link to the motion is here: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/10-23-18-motion.htm.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: Oct 30th Attorney General Debate -- The Voters' Entitlement to Know about Corruption within the AG's Office, corrupting the judicial process with litigation fraud to perpetuate a corrupt status quo in which both major parties are collusive

TO: Spectrum News Political Reporters Errol Louis and Liz Benjamin

RE: Your October 17th announcement: *"NY Attorney General Hopefuls to Debate on Spectrum News"*

Why is the October 30th Spectrum News debate between "Attorney General Hopefuls" restricted to Democratic Party Candidate Letitia James and Republican Party Candidate Keith Wofford – excluding third party candidates, most notably, the well-credentialled Green Party Candidate Michael Sussman, who Mr. Louis interviewed on October 12th? http://www.ny1.com/nyc/all-boroughs/inside-city-hall/2018/10/13/inside-city-hall-meet-the-candidates--green-party-candidate-michael-sussman#

And am I correct in assuming that the October 30th debate is NOT before a live audience and that you are NOT soliciting input from the public as to areas of inquiry?

Fortunately, you already have the input I furnished you, by successive e-mails, back in August, in connection with the August 28th debate you moderated between the four democratic attorney general candidates: http://www.judgewatch.org/web-pages/elections/issues/dem-debate-2.htm, and which I continued to furnish you, by further e-mails, in September. For your convenience, below is my August 26th e-mail to you, discussing the CORE function of the attorney general, which is to ensure that New York's public officers comply with the New York State Constitution and that state laws are consistent therewith, and furnishing questions for the candidates that are just as relevant to the October 30th debate as they were to the August 28th debate.

As highlighted by the August 26th e-mail, my above-attached May 18th letter to interim attorney general candidates identified a standard for assessing the fitness of attorney general candidates:

> **"no candidate may be deemed qualified who takes no investigative and remedial action upon being given NOTICE AND EVIDENTIARY PROOF that the attorney general's office not only fails in its duty to uphold the law, but actively subverts the law and abets corruption at the highest levels of our state government."** (bold and capitalization in original),

and enclosed my May 16th NOTICE/"Public Trust Act" complaint to then Acting Attorney General Underwood, summarizing how the attorney general's office operated under Attorney General Schneiderman, *to wit*, corrupting the judicial process with litigation fraud to shield from accountability corrupt public officers, Governor Cuomo and Comptroller DiNapoli, among them, disabling our state government and stealing our money, *via* the slush-fund state budget.

In conjunction therewith, I furnished you with the link to CJA's webpage for the May 16th NOTICE/complaint, from which all the referred-to substantiating EVIDENCE was readily accessible: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/5-16-18-notice-to-underwood.htm, including by a webpage laying out, in essentially chronological fashion, the corruption EVIDENCE pertaining to Attorney General Schneiderman that was before Attorney General Underwood and which other prosecutorial authorities, state and federal, have been "sitting on": http://www.judgewatch.org/web-pages/elections/2018/schneiderman.htm.

I also furnished you with the link reflecting Attorney General Underwood's failure to respond to the May 16th NOTICE/complaint – and its consequence, namely, burdening me with having to perfect an appeal of CJA's still-live citizen-taxpayer action: http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/underwood.htm. From the appeal brief and three-volume record on appeal, which I had filed at the Appellate Division, Third Department on July 25th: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18-appellants-brief.htm, you could readily verify the specifics of Attorney General Schneiderman's litigation fraud, in collusion with a judge who came out of the attorney general's office, depriving the People of the State of New York of their entitlement to summary judgment on each of ten causes of action, challenging the constitutionality and lawfulness of the legislative budget, the judiciary budget, the executive budget, and, additionally, of the commission-based judicial salary increases and of district attorney salary increases statutorily-linked to the judicial salary increases.

As I furnished Candidate James, and Candidate Wofford, and Candidate Sussman, each, with hard copies of the May 18th letter and its May 16th NOTICE/complaint – and also the appeal brief and three-volume record on appeal -- will you be interrogating these AG candidates about them? Or do you intend that the October 30th debate should simply be a platform for Candidates James and Wofford to continue to deceive the public with promises about how they are going to investigate and prosecute public corruption, wherever it leads – as if they do not already know – and should not be speaking out NOW – about the open-and-shut, *prima facie* EVIDENCE, including pertaining to the current fiscal year budget, that will require whoever is elected attorney general on November 6th to MAKE GOOD on those promises by prosecuting a re-elected Governor Cuomo, a re-elected Comptroller DiNapoli, and re-elected incumbent legislators -- beginning with Senate Majority Leader Flanagan, Senate Minority Leader Stewart-Cousins, Assembly Speaker Heastie, Assembly Minority Leader Kolb, Senate Finance Committee Chair Young, Senate Finance Committee Ranking Member Krueger, Assembly Ways and Means Committee Chair Weinstein, and Assembly Ways and Means Committee Ranking Member Oaks -- for their "grand larceny of the public fisc", pursuant to "The Public Trust Act" (Penal Law §496 "corrupting the government").

By the way, the status of the citizen-taxpayer action appeal is that Attorney General Underwood has continued the identical *modus operandi* of litigation fraud before the Appellate Division as Attorney General Schneiderman had engaged in below – and is the subject of motions for sanctions and criminal and disciplinary referral of her, to strike her respondents' brief as "a fraud on the court", and for a declaration that her appellate representation of respondents is unlawful and belongs to appellants: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-app-div.htm.

The citizen-taxpayer action appeal, on Attorney General Underwood's desk NOW, will be on the desk of our next attorney general. As the constitutionality and lawfulness of New York governance is directly at stake on the appeal – an appeal which can END, virtually overnight, New York's "culture of corruption" – do you not believe that voters should have the benefit of knowing what the attorney general candidates have to say about each of its ten causes of action – starting with the 9th causes of action to declare unconstitutional three-men-in-a-room budget-deal-making and its fifth causes of action to declare unconstitutional the legislature's closed-door party conferences that substitute for open legislative committee deliberations and votes?

So that Candidates James and Wofford can prepare themselves for your meaningful questioning at the October 30th debate, including as to **the attorney general's duties under Executive Law §63.1, which**

predicates his litigation posture on "the interest of the state", this e-mail is being sent to them. Likewise, it is being sent to Candidate Sussman, so that – if he is not invited to participate at the October 30th debate – he can nonetheless discharge his duty as the Green Party's candidate for attorney general by holding a press conference to belatedly "whistle blow" about the May 16th NOTICE/complaint and the record of the citizen-taxpayer action appeal – and to supplement and revise his campaign statements, as, for instance, at the October 12th television interview, when he:

> (1) concealed entirely that there is any corruption problem in the office of attorney general;
>
> (2) failed to reveal, in describing Governor Cuomo as "deeply corrupt and flawed" and in responding to Mr. Louis' question "do you mean he personally has broken the law?", that Cuomo's personal lawbreaking is established by the EVIDENCE that the May 16th NOTICE/complaint furnishes – mandating Cuomo's indictment AND conviction; and
>
> (3) misrepresented that New York's corruption problem is the result of inadequate law, rather than – as it is -- of willful and deliberate non-enforcement of perfectly adequate law by the attorney general and other prosecutorial authorities – as, for example, district attorneys, such as Albany District Attorney Soares, who are NOT doing their job – a fact the district attorney-stacked Commission to Investigate Public Corruption, of which D.A. Soares was a member, covered up, as likewise the superficial, "window-dressing" prosecutions of federal authorities.

As previously, I am available to assist you, to the max, and answer any questions you have about the citizen-taxpayer action appeal and about the May 16th NOTICE/complaint – on which the well-being of this state's governance and its 20 million people ride. Call me, anytime, no matter how late or early.

As time is of the essence, I will be circulating this e-mail to other press – and to other statewide electoral candidates.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: August 28th Debate: Challenging Brazen Lies & the Distortion of the AG's Constitutional Function by the 4 Democratic AG Candidates

TO: Spectrum News Political Reporters Errol Louis & Liz Benjamin – Co-Moderators of August 28, 2018 Debate between Democratic Candidates for New York State Attorney General

This follows up my e-mails to you of yesterday and the day before, appearing below and substantiated by the above three attachments – to which, disappointingly, I have received no call or e-mail from you.

The August 28th debate between Democratic attorney general candidates must not be another venue for the four candidates to mislead voters by repeating, yet again, their standard rhetoric, without challenge.

A good place to start is by challenging the answers they gave to the first two questions of the "lightening round" at the August 22nd debate, sponsored by Manhattan News Network, New York State League of Women Voters, and Gotham Gazette. In response to the first question, "Does Governor Cuomo deserve reelection?", their answers were:

> Letitia James: Yes.
> Zephyr Teachout: Yes.
> Sean Maloney: I believe so, yes.
> Leecia Eve: Yes.

Their answers to the second question, "Does Comptroller Tom DiNapoli deserve reelection?", were:

> Zephyr Teachout: Yes.
> Sean Maloney: You bet.
> Leecia Eve: Yes.
> Letitia James: Yes.

These answers from candidates seeking the state's premier law enforcement office, all of whom are lawyers and all of whom herald their absolute commitment to rooting out public corruption, are frauds upon an unsuspecting public. Likewise, the praise of Attorney General Underwood, expressed by Candidate Teachout: "First, I want to say that I have been incredibly impressed with the work that Barbara Underwood has done as our Attorney General"; and by Candidate Maloney: "I think she's fantastic. I'd love her to stay on in any capacity, if she wants" – and the concealment, by all four candidates, of the significant corruption problem, infesting the ranks of supervisory and managerial levels of the attorney general's office, corrupting the judicial process with litigation fraud, to shield from accountability corrupt public officers, Governor Cuomo and Comptroller DiNapoli among them, disabling our state government and stealing our money.

The facts and EVIDENCE are as follows:

On May 16, 2018, by NOTICE, invoking "The Public Trust Act" (Penal Law §496), I filed with Attorney General Underwood – who was then acting attorney general, seeking interim appointment by the Senate and Assembly – a corruption complaint against, *inter alia*, Governor Cuomo, Comptroller DiNapoli, Senate and Assembly members, and former Attorney General Schneiderman for their "massive, ongoing larceny of taxpayer dollars, *via* the state budget" – including the budget for this fiscal year. The NOTICE/complaint detailed that our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), acting "on behalf of the People of the State of New York & the Public Interest", had sued these highest constitutional officers for constitutional and other violations in three lawsuits: a declaratory judgment action relating to commission-based judicial salary increases and, thereafter, two citizen-taxpayer actions pertaining to the budget – all three defended by Attorney General Schneiderman, himself a defendant, who, in collusion with corrupt judges, corrupted the judicial process with litigation fraud, because he had NO defense to causes of action to which plaintiffs had a summary judgment entitlement. The NOTICE/complaint asserted that "cases are perfect paper trails" and that, in addition to the original litigation records in the possession of the attorney general's office, the litigation records of the three lawsuits were readily accessible from CJA's website, www.judgewatch.org, together with a fourth lawsuit, a declaratory judgment action against the Commission to Investigate Public Corruption, purportedly brought by the Senate and Assembly, in which CJA, acting "on behalf of the People of the State of New York & the Public Interest", had moved to intervene. Apart from requesting investigative and remedial action by Acting Attorney General Underwood – most immediately with respect to the only lawsuit that was still-live, CJA's second citizen-taxpayer action – the NOTICE/complaint stated that her response would simultaneously be a TEST of her fitness for appointment as interim attorney general – and that, to enable the other interim attorney general candidates to also be TESTED as to how they would respond, if appointed, the NOTICE/complaint would be sent to them, as well. This I did, two days later, by a May 18th letter, which I also sent to Acting Attorney General Underwood. In bold-faced type, it identified a standard for evaluating fitness for the office of attorney general applicable not only to candidates for interim appointment, but to candidates who would stand for election:

> **"no candidate may be deemed qualified who takes no investigative and remedial action upon being given NOTICE AND EVIDENTIARY PROOF that the attorney general's office not only fails in its duty to uphold the law, but actively subverts the law and abets corruption at the highest levels of our state government."**

On July 16th, Candidates Teachout, James, and Eve participated in a Democratic AG candidates forum in White Plains, each touting her own qualifications, including courage, independence, and anti-corruption zeal. In my question, from the audience, I asked whether they would demonstrate those qualifications by "whistle-blowing" as to the attorney general's lead role as an enabler and perpetuator of Albany's corruption. For that purpose, I gave to each, *in hand*, a copy of the May 18th letter with its attached May 16th NOTICE/complaint. I also gave Candidates Teachout and James the substantiating appeal brief and three-volume reproduced record on appeal in the second citizen-taxpayer action that I had been burdened with writing and compiling because Attorney General Underwood had not responded to the NOTICE/complaint. As for Candidate Eve, who declined to take the appeal papers, I informed her that she could review them from CJA's website and that if she changed her mind and wished a hard copy, I would send them to her.

On August 15th, these same three candidates -- Teachout, James, and Eve -- participated in a Democratic AG candidates forum in Manhattan, at which there was no live audience questioning. Nonetheless, I gave to both Candidates Teachout and James, *in hand*, a second copy of the May 18th letter with its attached NOTICE/complaint and apprised each that not only had Attorney General Underwood still not responded, but that she had corrupted the judicial process at the Appellate Division with litigation fraud – repeating the *modus operandi* of such conduct by Attorney General Schneiderman's office, particularized by the May 16th NOTICE/complaint.

Four days later, on August 19th, I furnished the May 18th letter with the NOTICE/complaint, by e-mail, to Candidate Maloney's senior campaign advisor. This followed upon my lengthy phone conversation with him about it, also apprising him of Attorney General Underwood's failure to respond and her litigation fraud at the Appellate Division.

How, in view of the foregoing, do the four Democratic attorney general candidates justify their endorsements of Governor Cuomo and Comptroller DiNapoli at the August 22nd candidate debate? What facts and law presented by the May 16th NOTICE/complaint do they deny or dispute? What examination did they do of the *prima facie* EVIDENCE, cited therein? Which, if any, of the verified pleadings in the three lawsuits to which Governor Cuomo and Comptroller DiNapoli are named defendants did they read – and what defense do they have to the flagrant constitutional, statutory, and rule violations those pleadings particularize with respect to the budget and the commission-based judicial salary increases it embeds? How about the referred-to VIDEOS of my testimony before the Legislature at its January 30, 2018 and February 5, 2018 budget hearings pertaining to the budget for this fiscal year? Did they view the VIDEOS and examine the EVIDENCE I handed-up in substantiation, including Article VII, §§1-7 of the state Constitution delineating how the state budget is to be fashioned and enacted and Article III, §10 pertaining to openness?

I am sure these are the very questions that students of CUNY's John Jay College of Criminal Justice – being schooled in evidentiary standards and the evaluation of complaints alleging criminal conduct – would be expecting you to ask of each candidate – and likewise their professors -- if they knew of the foregoing facts and EVIDENCE. And why should you, the co-moderators of the debate, NOT inform the debate hosts, a public college funded by taxpayer dollars – and the taxpaying public – of such facts and EVIDENCE, when they resoundingly establish each of the four candidates as unworthy of so solemn a responsibility as safeguarding our state Constitution – a responsibility that NONE of the Democratic attorney general candidates even enunciates.

Instead, throughout the August 22nd debate, as throughout their AG campaigning – and in the complete absence of any "adult in the room", as, for example, the voice of scholars of the state Constitution, or of a press that is so-guided – all four Democratic candidates have been shamelessly politicizing and transforming the office of state attorney general beyond the intent of the framers of the state Constitution, *to wit*, the People of the State of New York who voted on its provisions. Surely, this is yet another reason why the four Democratic candidates have been silent about the May 16th NOTICE/complaint, as it identifies, with underlining for emphasis:

> "The attorney general's duty – first and foremost – is to ensure compliance by state public officers with the state constitution and with statutory and rule provisions in conformity therewith." (at p. 2).

In other words, the office of attorney general is, primarily, a dry, legal one. It is NOT to be a super legislator, pushing a political, ideological, or personal policy agenda – or to morph into an

investigator/prosecutor of a dangerous president, which is what each of the four Democratic candidates espouses.

Indeed, it is precisely because the state attorney general long ago abandoned his essential constitutional function to preserve and protect the system of checks and balances amply provided by our state Constitution, that our state government is pervasively "dysfunctional" – this being the euphemism for corrupt. This is what I said, publicly, at the July 16th Democratic AG candidates forum, further stating, publicly, that – contrary to claims that the attorney general's job is to "defend the state", when it is sued – that is NOT true. Executive Law §63 sets forth the attorney general's "general duties" – and these do not include a "knee jerk" defense of the state or its public officials, when sued. Rather, the very first subsection of §63 explicitly states that the attorney general shall "Prosecute and defend all actions and proceedings in which the state is interested… in order to protect the interest of the state". In other words, the attorney general's litigation posture is contingent on "the interest of the state". Thus, when citizens turn to the attorney general with evidence that a public officer is violating the state Constitution and statutes and rules or that given statutes and rules are violative of the state Constitution, the attorney general's duty, unless he disagrees that the evidence establishes violations, is to bring suit – or, if the citizen has brought suit, to assume or join in its prosecution. And, of course, under no circumstances can the attorney general do what lawyers are forbidden to do – engage in fraud, deceit and misrepresentation – to defend, in the absence of a legitimate defense. Where the attorney general has no legitimate defense – indeed, where he has no "merits" defense to evidence of unconstitutionality and unlawfulness -- his duty is not to defend, but to prosecute. And other statutory provisions reinforce this, as for instance, State Finance Law, Article 7-A, entitled "Citizen-Taxpayer Actions", which, while empowering any citizen-taxpayer to bring suit to prevent "illegal or unconstitutional disbursement of state funds" by a state officer or employee, expressly contemplates that the attorney general will either be the plaintiff or join "on behalf of the people of the state". Do the candidates deny that this is what the May 16th NOTICE/complaint that I furnished to them summarizes – and what the appeal brief additionally demonstrates?

In keeping with the attorney general's core constitutional function of ensuring that state governance complies with the mandates of the state Constitution, your debate between attorney general candidates should, in the main, feature questioning on such constitutional issues as are the causes of action in CJA's verified pleadings in the four lawsuits delineated by the May 16th NOTICE/complaint. A good starting point would certainly be the ten causes of action in CJA's second citizen-taxpayer action whose fate, at the hands of the attorney general and judge, is the EXCLUSIVE subject of the appeal brief to which the four Democratic attorney general candidates should be expected to be conversant – and none more so than Candidates Teachout and James, with their own physical copies of it and the substantiating three-volume record since July 16th. And, of course, there is no candidate who would seemingly be better able to address constitutional issues than Candidate Teachout – the sole candidate who is a constitutional scholar and anti-corruption expert, to whom I furnished notice of the lawsuits, repeatedly, from 2014, by a succession of e-mails, and then again, in 2016 with more e-mails, and then again in March 2018 – physical copies of which I brought to the August 15th Democratic AG candidates forum and furnished to Candidate Teachout *via* one of her campaign staffers, to whom I gave them, *in hand*. Among the e-mails, in March 2016, and then again in March 2018, were my requests for her opinion on CJA's cause of action challenging the constitutionality, *as unwritten and applied*, of "three men in a room" budget dealmaking – the first ever such constitutional challenge – and

citing to, and quoting. her own 2014 law review article "*The Anti-Corruption Principle*" – to which she did not respond. Peculiarly, at the August 22nd debate – notwithstanding her review of the appeal papers would have revealed to her that neither the attorney general nor judge had any defense to that historic, first-ever cause of action – the ninth cause of action in our second citizen-taxpayer action – all she chose to say on the subject of "three men in a room" was that as attorney general she would be "a leader on changing the three men in a room culture in Albany".

Of course, it would also be relevant to start by probing the constitutionality of Governor Cuomo's Commission to Investigate Public Corruption – improperly dubbed the "Moreland Commission", including by Candidate Teachout – to which she repeatedly refers in campaigning as if it were a legitimate body, rather than – as she knows it was -- rigged to achieve a "progressive" political agenda, no matter how empirically-unfounded, AND unconstitutional because, *inter alia*, the duties that Governor Cuomo conferred upon it by his Executive Order #106 are actually "<u>duties of a properly-functioning legislature, discharging its oversight and law-making functions</u>" (underlining in the original). Candidate Teachout knows this because it is so-stated in the first cause of action of CJA's April 23, 2014 verified complaint in support of intervention in the purported Senate and Assembly declaratory judgment action against the Commission to Investigate Public Corruption, as to which, from June through September 2014, I reached out to her, by phone and e-mail, again, and again, and again, in a fruitless attempt to secure her input and expertise, as a scholar. This includes as to my assertion that Governor Cuomo's shut-down of the Commission did not "moot" the declaratory judgment action because his Executive Order #106 establishing the Commission was still live, having not been rescinded by him.

Candidate Teachout has made the fact that Executive Order #106 was not rescinded a campaign stumping point, usually also pointing out that in July 2014 she wrote a letter to then Attorney General Schneiderman about it – not mentioning that what she might have done – as a lawyer, connected to lots of other lawyers – was to set forth the constitutional and legal issues in an intervention motion, or at least in an *amicus curiae* brief in the declaratory judgment action against the Commission, then still unfolding by reason of CJA's further motion. Her comments on the subject at the August 22nd debate, from which she was cut off because of time, were as follows:

> Zephyr Teachout: …when the Moreland Commission was shut down four years ago I spoke out loudly against that, I actually testified at the Moreland Commission. Actually I don't know that all people realize this, that Andrew Cuomo shut the Moreland Commission down in a press call. He never formally rescinded executive order 106, and laws are laws, you gotta follow the correct procedure, so there're existing authorities within the New York State Attorney General's office to investigate corruption in Albany, and I will use those authorities, I will use them right now. I will use them the minute I take office.
>
> Ben Max: And so you think that executive order still holds? You don't need referrals to go after the type of public approval?
>
> Zephyr Teachout: Well I'm just beginning.
>
> Ben Max: Okay, well 10 more seconds-

> Zephyr Teachout: Right, okay, so it hasn't been rescinded, second we need the governor to issue a new Moreland Commission to make totally clear that the work is not done."

To date, more than four years after Governor Cuomo's shut-down of the Commission to Investigate Public Corruption, there has been NO scholarship, including by Candidate Teachout, as to the constitutionality of Executive Order #106, *as written*, challenged by the first cause of action of CJA's April 23, 2014 verified complaint, nor, *as applied*, challenged by its second cause of action – nor of its third cause of action that the Commission's December 2, 2013 preliminary report is void, *as a matter of law*, and "manifests actual bias and interest, endangering the public in material respects". There is not even scholarship as to whether Governor Cuomo's shut-down of the Commission was motivated by the likelihood that Executive Order #106 was poised to be declared unconstitutional by the court, which is what I stated in my April 23, 2014 affidavit in support of intervention, the purpose of which – as I also expressly stated -- was to secure declarations of the constitutional issues for which New York taxpayers had paid tens, if not hundreds, of thousands of dollars to the counsel representing both sides. Yet, the total absence of ANY scholarship or judicial declaration as to the separation-of-powers and other constitutional questions has not constrained Candidate Teachout from campaigning for a further such commission, should she become attorney general – a position echoed by Candidate James: "The Moreland Commission has ended, but the reality is that corruption continues, and what we need is another Moreland Commission".

To enable the four Democratic attorney general candidates to be prepared for your questioning about the serious EVIDENTIARY and constitutional issues here presented, I request that you notify all four candidates of this e-mail by such direct phone numbers as presumably you have for them or for their campaigns – and also forward this e-mail to them at such e-mail addresses as you have, also presumably more direct than any I have. Tomorrow afternoon, I will forward this e-mail to the addresses that I do have – and will cc you, when I do.

So that Spectrum News may have the LEAD on this game-changing electoral story, I will not circulate this e-mail to other press until Tuesday morning – unless I hear from you before then that I should not hold back from circulating it – or that you are requesting that I postpone circulation until after the debate. So that other Spectrum News political reporters who have reported on the attorney general race may also have the benefit of this LEAD – as, for instance, the "Off Topic/On Politics" NY1 Political Podcast Team, Grace Rauh, Zack Fink, and Juan Manuel Benitez, who, on August 15th, appeared on WNYC's Brian Lehrer show in his segment entitled "Primarily New York: The Race for Attorney General" –
I am cc'ing them on this e-mail.

To all, I am ready to assist, to the max. For your convenience, I will post this letter, on its own webpage, posting links to all referred-to evidence – and to a webpage entitled "Educating the Candidates & the Public about the Attorney General's Role" . The link to the webpage for this e-mail will be accessible from the webpage entitled: "The Posturing Liars who are the Four Attorney General Candidates for the Democratic Party Line", which is here: http://www.judgewatch.org/web-pages/elections/challengers/democrat-ag-candidates.htm.

Thank you.

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

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914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, August 25, 2018 12:45 PM
To: 'liz.benjamin@charter.com' <liz.benjamin@charter.com>
Cc: 'errol.louis@charter.com' <errol.louis@charter.com>; 'info@charter.com' <info@charter.com>

Subject: FW: The Aug 28 debate between Democratic AG candidates that you are co-moderating

TO: Liz Benjamin/Host-Capital Tonight/State of Politics Blog

As you are co-moderating the Spectrum News/NY1 August 28th debate with Errol Louis, at CUNY's John Jay College of Criminal Justice, I am forwarding you the below e-mail I sent to him early yesterday morning, to assist you, as well, in preparing for the debate.

More will be coming.

Meantime, I invite you and he to call me, with any questions you have concerning the below e-mail and above three-attachments – especially if you are uncertain as to the extent to which it exposes the outright lies and fraud of all four democratic attorney general candidates at the August 22nd debate sponsored by Manhattan Neighborhood Networks, NYS League of Women Voters, and Gotham Gazette, on which they would have voters rely.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, August 24, 2018 4:28 AM
To: 'errol.louis@charter.com' <errol.louis@charter.com>

Subject: The Aug 28 debate between Democratic AG candidates that you are co-moderating

TO: Errol Louis/Political Anchor-Spectrum News NY1

I am director and co-founder of a non-partisan, non-profit citizens' organization – Center for Judicial Accountability, Inc. (CJA) – and myself a graduate of New Rochelle High School – class of 1974. I am delighted to see, from your Spectrum News/NY1 bio: http://www.ny1.com/nyc/all-boroughs/on-

air/2017/09/26/errol-louis, that you, too, are a graduate of New Rochelle High School – and from there, went on the Harvard College, graduating with a B.A. in government, and then earning an M.A. in political science from Yale University – and a J.D. from Brooklyn Law School.

Perhaps that explains your excellent comment, in your August 21st interview of Lieutenant Governor Candidate Jumaane Williams, responding to his vision of the lieutenant governor as "public advocate", that the office of lieutenant governor combines "elements of executive and legislative powers": http://www.ny1.com/nyc/all-boroughs/inside-city-hall/2018/08/22/jumaane-williams-talks-personal-finances-kathy-hochul-backing-out-debate-ny-lieutenant-governor-race.

Later today, I will be sending you further information pertaining to the attorney general's race and my significant direct, first-hand experience with all four Democratic attorney general candidates whose August 28th debate you will be co-moderating at CUNY's John Jay College of Criminal Justice. So that you can get started, beginning with my direct-first-hand experience with Democratic AG Candidate Teachout, as of May 4, 2018, attached is my message of that date to Lt. Gov. Candidate Williams, bearing the title "WINNING against Lt. Gov. Hochul is EASY and requires NO MONEY – You only have to Use the 'BULLY PULPIT' of your candidacy to 'BLOW THE WHISTLE'", sent to him *via* the message feature of his campaign website. The direct link to CJA's webpage on which the message is posted, and from which you can access my referred-to e-mail correspondence to Teachout, is here: http://www.judgewatch.org/web-pages/elections/challengers/jumaane-williams.htm.

Below is my May 4, 2018 e-mail to Lieutenant Governor Hochel, transmitting to her, for response, my above attached message to Lt. Gov. Candidate Williams.

I received no response from either Hochel or Williams – and I invite you to confirm that neither responded and to inquire why that was. What investigation did they undertake of my above attached May 4th message to verify its truth? What do they deny or dispute? Did they watch the VIDEOS of my testimony at the Legislature's January 30, 2018 and February 5, 2018 hearings on the budget, "specifying hundreds of millions of dollars in larcenous appropriations – ALL of which [were] retained, intact, in the budget enacted on March 30, 2018"?

There is more, much more – but the above will suffice for you to recognize the magnitude of what is before you, upending, in one fell swoop, the attorney general's race and the races for governor, lieutenant governor, comptroller, and every state senate and assembly seat – a truly monumental story for which I urge you to enlist the students to whom you teach "political and investigative reporting" at CUNY's Graduate School of Journalism, as well as the aspiring political and investigative reporters of our beloved shared alma mater, New Rochelle High School.

I invite you to call me – especially, if you'd like me to IMMEDIATELY furnish you with a copy of the appellants' brief and three-volume reproduced record on appeal that I gave to both Candidate Teachout and Candidate James on July 16th, and which Candidate Eve declined to take from me on that date – knowing, however, that it is accessible from CJA's website: http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18-appellants-brief.htm and that I would mail her a copy should she so-request. As for Candidate Maloney, he has known that I would mail him a copy, should he so-request, since August 19th -- and my summarizing e-mail of that date to his AG campaign senior advisor is attached, together with its most important attachment: my May 18th letter to candidates for interim attorney general, transmitting to them my May 16th NOTICE to then Acting Attorney General Underwood – about whom all four AG Democratic candidates have heaped high public

praise. CJA's webpage for Attorney General Underwood, from which you can access the May 16th NOTICE and my subsequent correspondence to her underlying my being burdened with perfecting the appeal and my requests to the Appellate Division, Third Department for sanctions and disciplinary and criminal referrals of her, is here: http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/underwood.htm.

Thank you.

Elena Sassower, Director
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