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May 15, 2023

TO: [PBS Public Editor Ricardo Sandoval-Palos](#)

RE: **Complaint against PBS stations WMHT and WCNY for journalistic fraud, most recently by their reporting on New York's FY2023-24 state budget & the Senate confirmations of New York Court of Appeals Associate Judge Rowan Wilson as Chief Judge and Former Solicitor General Caitlin Halligan as Associate Judge**

I am director and co-founder of the New York-based non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA).

For years I have been interacting with journalists of New York PBS stations WMHT and WCNY, furnishing them with *prima facie*, documentary EVIDENCE of systemic corruption within New York's three government branches and by its highest constitutional and public officers, for their independent verification and report. NONE have ever denied or disputed the accuracy of anything I have presented, but ALL have uniformly suppressed EVERYTHING, including by eliminating me from their reporting of events wherein I am the game-changing participant and an obvious expert. They have done this with knowledge that they are covering up what citizens most need to know about their government and public officers – and rigging elections. This replicates, identically, conduct of New York's other public media, its for-profit press, and its non-profit and supposedly non-partisan internet newsrooms. The documentary proof of this is posted on CJA's website, www.judgewatch.org, accessible from the left side-panel "Press Suppression". The direct link to its menu page is [here](#).

The current reporters of WMHT and WCNY whose names appear on the roster of the [Legislative Correspondents Association \(LCA\)](#) are:

- (1) [New York NOW Host, Producer, and Managing Editor Dan Clark](#), employed by WMHT since January 2020. His employment before that, from June 2018, was as the [New York Law Journal](#)'s Albany reporter.¹

¹ For purposes of this complaint, I have created a webpage of my EVIDENCE-laden e-mails to Mr. Clark, spanning from my first to him, as an LCA member, on August 6, 2017, and including my [March 31, 2022 e-mail](#) to him, as managing editor of New York NOW, bearing the subject line: "Your tomorrow's taping of New York NOW: 'Final Days of Budget Talks, Lawmakers Scramble, Path to Ethics Reform', your live blog on the NYS budget – & your other public-supported journalism". The direct link to the webpage is [here](#).

As for my first [August 6, 2017 e-mail](#) to Mr. Clark, its subject line was: "PUTTING AN END TO FAKE NEWS" – & ANSWERING CASEY SEILER's QUESTION: 'Has anybody seen the website of the Moreland Commission to Investigate Public Corruption?' (Albany Times Union, 8/5/17 webposting)". Mr. Seiler was then co-host of New York NOW and he remained as such until [February 2020](#) when he became the

- (2) [Capitol Pressroom Host David Lombardo](#), employed by WCNY from November 2019. His employment before that, from April 2018, was with the [Albany Times Union](#), covering state government and politics.² Mr. Lombardo fills in for Mr. Clark as a of back-up host for New York NOW;
- (3) [Capitol Pressroom Producer Peter Wendler](#), employed by WCNY since 2021.³

The above three reporters are responsible for PBS' premier, if not only, television and radio shows exclusively devoted to New York state governance and politics – with unrivalled access to the governmental actors and other players:

- [New York NOW](#), a half-hour, once-a-week taped television show that WMHT promotes as New York's "Emmy-winning, in-depth public affairs program, featuring news, interviews and analysis from the Capitol...taking you beyond the headlines to deepen your understanding of the issues and the debates that matter most to Empire State residents", with "three awards in the last two years, including an Emmy and 'Best Public Affairs Program' and 'Best Locally Produced Television Show' from the New York State Broadcasters Association". It is included on [PBS' listing of shows](#);
- [Capitol Pressroom](#), a half-hour radio show streaming live, weekdays, from the Legislative Correspondents Association pressroom at the Capitol that WCNY promotes as "a public radio program with the latest insight and analysis from the state capitol". [It additionally airs on WNYC](#);
- [Dispatches from Planet Albany](#), a half-hour weekly show that Mr. Lombardo [introduced on March 7, 2023](#), describing it as a "smart, funny, and insider discussion about politics here at the state Capitol. The goal is to capture the spirit of the discussions I have off the microphone with my fellow journalists and sources, but now while hitting record...free from the public radio guard rails".

[Times Union](#)'s editor-in-chief and vice-president, which he remains. Although the New York NOW website continues to reflect that New York NOW is "IN PARTNERSHIP WITH THE ALBANY TIMESUNION", the partnership is dramatically less publicized than it had been previously.

It may be noted that Mr. Clark's listing on the [LCA roster](#) does not give his dclark@wmht.org e-mail address.

² For purposes of this complaint, I have also created a webpage for my EVIDENCE-laden e-mails to Mr. Lombardo, spanning from my first, on [March 14, 2013](#), when he was a reporter for the [Daily Gazette](#), and including my [November 30, 2018 e-mail](#) to him, as a [Times Union](#) reporter, concerning his omission of my testimony from an article he had written (*see* fn. 12, *infra*). The direct link to the webpage is [here](#).

³ My EVIDENCE-laden e-mails to Mr. Wendler as an LCA member, spanning from March 2022, can be accessed from the webpage I created for WCNY and Capitol Pressroom, [here](#).

This complaint against Messrs. Clark, Lombardo, and Wendler focuses on their journalistic fraud⁴ with respect to TWO major and overlapping 2023 state government stories: the FY2023-24 New York state budget and the New York state Senate confirmations of the nomination of New York Court of Appeals Associate Judge Rowan Wilson to be its chief judge and of the nomination of former New York Solicitor General Caitlin Halligan to be a Court of Appeals associate judge. It does this by comparing their journalism with the six e-mails I sent to the LCA roster of reporters, themselves among them, from February 5, 2023 to April 23, 2023. Such comparison establishes their New York NOW and Capitol Pressroom/Dispatches from Albany shows to be not merely substandard, but indefensible:

- knowingly and deliberately concealing, *in toto*, the unconstitutionality, unlawfulness, fraud, and larceny of the FY2023-24 state budget;
- knowingly and deliberately concealing, *in toto*, the Senate's fraud by its confirmations of Judge Wilson and Ms. Halligan;
- knowingly and deliberately concealing that Judge Wilson, as a Court of Appeals associate judge, and Ms. Halligan as a New York solicitor general, had each corrupted those public offices, precluding their confirmations to higher office.

This complaint is also against those at WMHT and WCNY responsible for the integrity and accuracy of their journalism and, specifically:

- (4) [WMHT Vice President, Chief Content and Engagement Officer Will Pedigo](#), to whom I forwarded the sixth e-mail of April 23rd, requesting that someone call me, thereafter leaving a May 8th voice mail message, requesting a call-back. I received none.⁵

⁴ The term “journalistic fraud” was given prominence, if not coined, by the New York Times in its May 11, 2003 front-page confession about Jayson Blair “[CORRECTING THE RECORD: Times Reporter Who Resigned Leaves Long Trail of Deception](#)” – prompting two journalism professors, each lawyers, to propose a cause of action for journalistic fraud as viable under the First Amendment: “[Journalistic Malpractice: Suing Jayson Blair and the New York Times for Fraud and Negligence](#)”, 14 Fordham Intellectual Property, Media & Entertainment Law Journal 1, (2003). I so-tested that cause of action, twice, in two major lawsuits, the first against The New York Times (2006-2008), the second against Gannett (2010-2013) – and neither had any defense to it, or to the further cause of action of “institutional reckless disregard for truth”, whose viability I also sought to test, also proposed by two journalism professors, one a lawyer, “[Institutional Reckless Disregard for Truth in Public Defamation Actions against the Press](#)”, 90 Iowa Law Review 887 (March 2005). The cases were each defended by litigation fraud of Times and Gannett attorneys, respectively, and “thrown” by fraudulent judicial decisions of New York’s courts, rubber-stamped on appeal. The full records of these landmark cases – and my attempts to secure press report and scholarship about them – is posted on CJA’s website, directly accessible [here](#) and [here](#).

⁵ Mr. Pedigo was also a recipient of my [March 31, 2022 e-mail](#) to Mr. Clark (fn. 1, *supra*), and the relevant paragraph of that letter was, as follows:

Consistent with [PBS' Editorial Standards & Practices](#) stating that “Everyone who creates, evaluates, or oversees content for PBS is responsible for familiarizing themselves with and adhering” to those Standards and Practices, WMHT and WCNY supervising editors and management who knew or should have known of the corruption-abetting, materially false and misleading journalism of New York NOW and Capitol Pressroom must be held accountable for profoundly and irreparably damaging New York’s constitutional and lawful governance and its People.

THE COMPLAINT

Five days after New York Governor Cathy Hochul’s February 1, 2023 submission to the Legislature of her executive budget, I sent the LCA roster of reporters a [February 5th e-mail](#) with the subject line: “Prepping for the Legislature’s Budget Hearings – & ‘Blowing the Whistle’ on the Legislature’s OWN budget”. The primary-source, documentary EVIDENCE it furnished was the EVIDENCE-rich written testimony I had submitted for the Legislature’s February 5th “public protection” budget hearing.

Three weeks later, I sent the LCA roster a [February 26th e-mail](#) with the subject line: “The Legislature’s OWN Budget & 38 Questions for Stewart-Cousins & Heastie about it & about Gov Hochul’s Legislative/Judiciary Appropriation Bill #S.4001/A.3001 expanding it”. The primary-source, documentary EVIDENCE it furnished was the EVIDENCE-rich written testimony I had submitted for the Legislature’s February 15th “local government officials/general government” budget hearing.

A week later, I sent the LCA roster a [March 2nd e-mail](#) with the subject line: “Gov Hochul’s 30-Day Amendments, Due Tomorrow – Returning the Budget to its Constitutional Rails & Removing its Larcenies & Non-Fiscal, Non-Revenue-Producing Policy”. The primary-source, documentary EVIDENCE it newly furnished was my February 27th e-mail to Governor Hochul, with an included February 27th FOIL request, to which the Lieutenant Governor and the new Budget Director were cc’d. The concluding words of this March 2nd e-mail were: “I am available to answer your questions. What are you waiting for? Please furnish to your editors.”

No one contacted me – and neither New York NOW nor Capitol Pressroom/Dispatches from Albany gave the slightest hint in their broadcasts that the FY2023-24 state budget might be unconstitutional,

“Please advise – and not only me, but WMHT President/CEO Robert Altman and his relevant staff, here cc’d, so that they can discharge the duties they owe to the public funders of WMHT and investigate your knowingly false and misleading journalism about the budget, ‘ethics reform’, and about incumbent public officers whose crimes you have concealed, for years – including on New York NOW and by your past and instant live blog on the state budget. Indeed, I here request that Mr. Altman forward this e-mail to WMHT’s legal department – with NOTICE to it to secure from you – if not, additionally, from your collusive, conspiring guests – such findings of fact and conclusions of law as each of you made with respect to my March 25, 2022 e-mail to the legislators – or obtained from them.” (underlining and hyperlinks in the original).

I received no response from Mr. Pedigo – or from anyone else.

unlawful, fraudulent, or larcenous, let alone ALL four and massively. To the contrary, their programming made it appear that the state budget and how it was unfolding were perfectly lawful – and that entities of state governance, such as the Commission on Judicial Conduct and the Commission on Ethics and Lobbying in Government were protecting the public from conflicts of interest and corruption arising therefrom.

The state budget was the focus of each of Mr. Clark’s New York NOW shows, from the Governor’s February 1, 2023 submission of her executive budget through to its passage on May 2, 2023 – with policy issues that would be part of the budget embraced in the shows throughout January. The posted titles of the shows, beginning with the show immediately preceding February 1st,⁶ were:

- [“How Voters Feel About Hochul’s 2023 Priorities; Who’s the Watchdog for NY’s Judges?”](#) (January 25, 2023, hosted by Lombardo);
- [Hochul’s Plan for the State Budget, How Does a Bill Become Law in New York?”](#) (February 2, 2023);
- [“Assembly Speaker Carl Heastie, Budget Hearings Begin, Inside the State Capitol”](#) (February 9, 2023);
- [“Senate Rejects LaSalle \(Again\)...”](#) (February 16, 2023);
- [“Assembly Republican Leader Will Barclay, State Capitol Update...”](#) (February 23, 2023);
- [“Hochul’s Housing Plan Explained, Latest from the State Capitol, Work in Progress”](#) (March 2, 2023);
- [“Budget Deadline Looms, Latest from the State Capitol...”](#) (March 9, 2023);
- [“One House Budgets, Assembly Speaker Carl Heastie...”](#) (March 16, 2023);
- [“Final Days of State Budget Talks, Assembly Ways & Means Ranker Ed Ra”](#) (March 23, 2023);
- [“The State Budget Deadline is Here. What’s the Latest?”](#) (March 30, 2023);
- [“New York Still Doesn’t Have a State Budget. What’s Next?”](#) (April 6, 2023);
- [“Another State Budget Extender. What’s the Latest?...”](#) (April 13, 2023);

⁶ Mr. Lombardo hosted three New York NOW shows since January. The January 5, 2023 show [“State Lawmakers Return to Albany for 2023 Legislative Session. What’s Next?”](#); and the January 25, 2023 and April 28, 2023 shows, *infra*.

- [“State Budget Deal Nears as Talks Continue; New York Has a New Chief Judge”](#) (April 20, 2023);
- [“New Budget Framework Revealed...”](#) (April 28, 2023, hosted by Lombardo);
- [“New York \(Finally\) Has A State Budget. Here’s What’s In It, and Why It Matters”](#) (May 4, 2023)

No analysis of the FY2023-24 budget distinguished these New York NOW shows from what other press outlets were propagating about the budget – and its “reporters roundtables” were comprised of LCA reporters who were recipients of the same e-mails as I had sent to Messrs. Clark, Lombardo, and Wendler. In style, all LCA reporters simply regurgitated how they had collusively reported on past state budgets, year, after year, after year, always concealing its unconstitutionality, unlawfulness, fraud, and larceny to which my e-mails alerted them, with EVIDENCE, and about which they had NEVER asked a single public officer, scholar, bar association representative, “good government group”, or political candidate to respond – or reported having done so.

The most important of this EVIDENCE was the record of CJA’s three monumental citizen-taxpayer actions, in [2014](#), [2016](#), and [2022](#), each suing the governor, the senate, the assembly, the attorney general, and the comptroller for their corruption involving the budget and its embedded pay raises – to which, in the absence of ANY legitimate defense, the attorney general had corrupted the judicial process with litigation fraud and was rewarded by fraudulent judicial decisions, about which Messrs. Clark, Lombardo, and Wendler, as reporters for PBS member stations, had reported nothing and which Messrs. Clark and Lombardo, as reporters for the New York Law Journal and Times Union had reported nothing.

During this period, the Capitol Pressroom and Dispatches from Planet Albany shows included:

- [“And then there were three budget proposals”](#) (Dispatch, March 17, 2023);
- [“Senate Leader Andrea Stewart-Cousins talks budget”](#) (Capitol Pressroom, March 20, 2023”);
- [“Budget theatre begins final act”](#) (Dispatch, March 24, 2023);
- [“Comptroller talks...state budget”](#) (Capitol Pressroom, March 31, 2023);
- [“Sen. Hoylman-Sigal talks judicial oversight...”](#) (Capitol Pressroom, April 5, 2023).

Like New York Now, these shows were also predicated on totally disregarding the EVIDENCE furnished by my February 5th, February 26th, and March 2nd e-mails as to the unconstitutionality and unlawfulness of what was going on – and, like Mr. Clark’s interviews of public officers, Mr. Lombardo also allowed the public officer interviewees to posture, without challenge.

That Messrs. Clark and Lombardo, as employees of PBS-member stations, had years in which to verify the true facts – which they were deliberately not reporting, in favor of fictions – may be seen from the following illustrative e-mails I sent them and their LCA colleagues in 2020, 2021, and 2022 – the last two sent to Mr. Wendler, as well:

- my [March 21, 2020 e-mail](#) with the subject line: “Gov & Legislative Leaders get GOOD NEWS during this Coronavirus Emergency: Simplifying the policy-packed NYS budget is EASY, as 6 of the Gov’s 7 ‘Article VII Bills’ are UNCONSTITUTIONAL”;
- my [March 26, 2021 e-mail](#) with the subject line “JCOPE – & Gov. Cuomo’s corruption of state governance, involving the budget & pay raises, mandating his removal from office with his co-conspirators: Lt. Gov Hochul, AG James, Comptroller DiNapoli & NY’s 213 state legislators” – whose concluding paragraphs read:

“If you are not intending to report on the [March 5, 2021 JCOPE/LEC complaint](#) – and the [mountain of EVIDENCE on which it rests](#), beginning with the [June 4, 2020 complaint filed with Albany D.A. Soares](#) – your duty is to forward it to your editors and the highest management/corporate levels of the news publications that employ you, so that they can exercise appropriate supervision of your news judgment – and I so request.

Should I not hear from you, with respect to the foregoing, I will serve them NOTICE, myself.” (capitalization and hyperlinking in original);

- my [June 7, 2021 e-mail](#) with the subject line “ALERT – Tomorrow’s Senate Judiciary Committee ‘meeting’ on the nominations of Singas & Cannataro to the NY Court of Appeals – UNCONSTITUTIONAL & FRAUDULENT: no vetting of EVIDENCE decisive of the nominees’ unfitness”;
- my [August 5, 2021 e-mail](#) with the subject line “When will you be reporting on Gov. Cuomo’s corruption involving the ENTIRETY of the state budget – & the pay raises – in which EVERYONE in a line of succession is complicit”;
- my [March 26, 2022 e-mail](#) with the subject line: “NYS BUDGET: Challenge to the constitutionality & lawfulness of the FY2022-23 NYS budget, the fraud of ‘ethics reform’ – & the 2022 elections”;
- my [June 10, 2022 e-mail](#) with the subject line: “Lawsuit vs JCOPE – & to VOID the statute shutting it down & replacing it with a ‘commission on ethics and lobbying in government’ (CELG) (Supreme Court/Albany Co. #904235-22)”.

Having suppressed EVERYTHING presented by my past years' e-mails – and by my first three e-mails of 2023 – I then alerted Messrs. Clark, Lombardo, Wendler, by my fourth and fifth e-mails of 2023, that the budget's flagrant unconstitutionality and other unconstitutionality of state governance were attributable to Judge Wilson's corruption as a Court of Appeals associate judge, in 2019-2020 and 2022, and that Ms. Halligan's corruption as New York's former solicitor general in 2001-2002 had contributed to this by engaging in and perpetuating the *modus operandi* of attorney general litigation fraud, carried out by the solicitor general on appellate levels:

- [my April 16th e-mail](#) with the subject line: “Is it a ‘hearing’ or a ‘meeting’? – Request to testify vs Rowan Wilson’s confirmation as chief judge & Caitlin Halligan’s confirmation as associate judge – plus FOIL request”. The primary-source, documentary EVIDENCE it furnished was my EVIDENCE-rich April 16th e-mail to the Senate Judiciary Committee’s 19 members, requesting to testify in opposition to both Judge Wilson and Ms. Halligan based upon their corruption that I summarized and substantiated, fully, by casefile evidence – two interrelated cases that came before Judge Wilson, the more important being CJA’s second citizen-taxpayer action, and, as to former Solicitor General Halligan, CJA’s lawsuit against the Commission on Judicial Conduct, involving “merit selection” to the Court of Appeals that she had defended;
- [my April 17th e-mail](#) with the subject line: “AGAIN: Request to testify vs Rowan Wilson’s confirmation as chief judge & Caitlin Halligan’s confirmation as associate judge – & the duties of the Senate Judiciary Committee. The primary source, documentary EVIDENCE it furnished was my April 17th e-mail to the Senate Judiciary Committee’s 19 member’s, identifying that I had not received any response to my April 16th e-mail to them and reiterating the dispositive significance of the three cases I had furnished in support of my request to testify in opposition.

These two e-mails PROVED the fast-track, fraudulent fashion in which Senate Judiciary Committee Chair Hoylman and the Committee were proceeding, yet Messrs. Clark, Lombardo, and Wendler reported NONE of it. Messrs. Lombardo and Wendler had NO Capitol Pressroom on the confirmations of Judge Wilson and Ms. Halligan, AT ALL – notwithstanding less than two weeks earlier, on the April 5th Capitol Pressroom “[Sen. Hoylman-Sigal talks judicial oversight...](#)”, Chair Hoylman was the guest, posturing about his oversight over the Judiciary, his concerns about transparency, and his responsibility for protecting against waste of taxpayer monies, without challenge from Mr. Lombardo. Nor did Mr. Lombardo make it part of any Dispatches from Planet Albany, which on April 13th, by the dispatch “[State’s top court poised for shake-up](#)”, is where he had discussed the nominations of Judge Wilson and Ms. Halligan. As for Mr. Clark, his [April 20th New York NOW](#) falsely depicted the Senate Judiciary Committee as having appropriately, and with due regard, reviewed Judge Wilson and Ms. Halligan and their records – an utter FICTION enabled by his concealment of the ENTIRE content of my April 16th and April 17th e-mails, as for instance,

- (1) that the Senate Judiciary Committee had NOT publicly announced ANY “hearing” on Judge Wilson’s confirmation or Ms. Halligan’s confirmation;

- (2) that the Senate Judiciary Committee had NOT scheduled any witnesses to testify on April 17th, other than Judge Wilson, nor to testify on April 18th, other than Ms. Halligan;
- (3) that the Senate Judiciary Committee had NOT responded to my written requests to testify in opposition – and that the EVIDENCE I had furnished in substantiation of my opposition testimony was dispositive that Judge Wilson and Ms. Halligan could NOT be confirmed.

Mr. Clark also concealed what he himself had witnessed on April 17th – and he was personally present and filming:

- (4) that NOT a single Senate Judiciary Committee member questioned Judge Wilson about the two cases involving the state budget and pay raises, both his own and the legislators', that my April 16th and April 17th e-mails particularized as establishing his corruption as a Court of Appeals associate judge – with links to the case records;
- (5) that immediately before the Senate Judiciary Committee members voted, I stood up and orally requested to be permitted to testify – and that what they heard, [as security guards surrounded me and escorted me out](#), was as follows:

Me: “Judge Wilson is a corrupt judge and I've furnished the evidence of this to every member of the Committee with a request to testify against him under oath. May I testify in his presence so that he can respond? May I testify as to his corruption, of which I have furnished you with evidence. Will you furnish my statement to the full Senate?”

Chair Hoylman: “The meeting is still going on, please.”

[someone saying, perhaps one of the guards: “This is not the forum.”]

Me: “Of course it is the forum. This is the forum to examine whether or not he is fit for elevation as chief judge. He must be removed as associate judge for his corruption in office and I wish to testify as to the evidence of this.

He has thrown cases suing you for your corruption involving the budget and the pay raises of which you are beneficiaries. You are acting on your self interest. He has corrupted his office and has corrupted state governance and you are colluding with him. You are benefiting from what he has done. You are sued for corruption involving the budget. The statement about which I wish to testify was furnished to each member of this Committee. It's posted on the website of the Center for Judicial Accountability, of which I am the co-founder and director – www.judgewatch.org – top panel 'Latest News'.”

Chair Hoylman: “If you can leave your statement with us.”

Me: “You already have it. It was sent to every member and I furnished you a hard copy, with a request to testify. He has corrupted his office. Cases are perfect trails, there is a record – and the record is unequivocal. He corrupted his office to benefit himself and you.

And it’s time that the press did some investigation of what they have been suppressing for years.

I wish to testify and tomorrow against Ms. Halligan for corrupting her office as solicitor general.”

Chair Hoylman: “Thank you so much. We do have her testimony, as it were. It was submitted, as I understand.”

Likewise, Mr. Clark concealed what he witnessed on April 18th, namely, that not a single Senate Judiciary Committee member questioned Ms. Halligan about the case my April 16th and April 17th e-mails particularized, with EVIDENCE, as establishing her corruption as solicitor general, involving the New York State Commission on Judicial Conduct and its corrupting of “merit selection” to the Court of Appeals.

Having thus covered up, *in toto*, the scandal of the Senate’s confirmation of Judge Wilson and Ms. Halligan – much as, in previous years, they had covered up the scandal of other Senate confirmations to the Court of Appeals and to other courts – Messrs. Clark, Lombardo, and Wendler returned to chugging out more journalism covering up, *in toto*, the unconstitutionality of the budget.

On April 23rd, in a final attempt to staunch the torrent of fraudulent concealment by them and their fellow LCA press as to the unconstitutionality of what was going on, I sent my sixth and final e-mail:

- [my April 23, 2023 e-mail](#) with the subject line: “The FY2023-24 state budget is ‘OFF THE CONSTITUTIONAL RAILS’, including by its insertion of policy which you are attributing as the reason the budget is ‘late’”. The new primary-source, documentary EVIDENCE it furnished were the responses I had received to the February 27th FOIL request that I had sent to the LCA roster six weeks earlier by my [March 2nd e-mail](#).

The concluding paragraph expressly requested that if they were not going to investigate and report on the unconstitutionality of the FY2023-24 state budget by its insertion of policy – and such other features as its “three person in a room”, behind-closed-doors, amending-of-bills budget-dealmaking – that they forward the e-mail to “supervisory editors and to management responsible for the truthfulness and accuracy of their reporting”. Did Messrs. Clark and Lombardo do so?⁷

⁷ Inadvertently, I omitted Mr. Wendler from this April 23rd e-mail.

Did supervisory editors and management, upon reading my April 23rd e-mail, with its links to my [February 27th FOIL request](#) and to the responses of [Governor Hochul](#), her [Division of the Budget](#), the [Legislative Bill Drafting Commission](#), the [Senate](#) and the [Assembly](#) for records as to how the Governor's five policy-packed **DRAFT** FY2023-24 budget bills had morphed into **ACTUAL** budget bills and for records of their findings of fact and conclusions of law with respect to my [March 18, 2020 letter to then Governor Andrew Cuomo](#) demonstrating the fraud by which non-revenue-producing, non-fiscal policy was inserted into the budget, reflective of its unconstitutionality – a fraud replicated by the 2023-24 budget bills – NOT believe this needed to be IMMEDIATELY investigated and reported, with a call to me as to whether Governor Hochul had responded, as promised, by April 24th. Here is that [April 24th response](#), stating that after “diligent search”, she had located NO responsive records.

And did supervisory editors and management at PBS stations WMHT and WCNY give them the “green light” to thereafter continue to conceal, *in toto*, the budget's unconstitutionality, unlawfulness, fraud, and larceny, which is what their subsequent journalism did.

It was to ensure supervisory/managerial oversight at WMHT that upon sending Mr. Clark my April 23rd e-mail, and receiving an [automated response](#) that he was out of the office until May 1st and that I should contact Mr. Pedigo, that I promptly did. My [April 23rd e-mail to him](#) read: “Please forward to ALL supervisory and managerial personnel at WMHT, with a request that someone contact me, following review.”

Replicating what had happened with my [March 31, 2022 e-mail](#), I received no contact from Mr. Pedigo or anyone else at WMHT and also none in response to my follow up May 8th voice message for him.

Suffice to add that on April 17th, I had a face-to-face conversation with Mr. Clark, in Albany, in the Senate Judiciary Committee meeting room before the proceedings on Judge Wilson's confirmation began. I asked him whether it was a “hearing” or a “meeting” and whether he had received my two e-mails on the subject and requesting to testify. He did not respond and to my question as to whether he would be reporting about it insolently responded “why don't you sue?”. Upon my answering, “why, so you won't report it?” – which is what he did throughout his tenure at the [Law Journal](#) and ever since, for WMHT – he did not respond and refused my request for the names of his supervisors.

CONCLUSION

The foregoing is simply a snapshot of the fraudulent journalism of Messrs. Clark, Lombardo, and Wendler during a 3-1/2 month span in 2023, focused on New York's FY2023-24 state budget and the Senate confirmations to New York's highest state court of two judges, including its chief judge. There is SO much more to say about further frauds in their journalism during this period and how they operate. As illustrative:

- despite the fact that the corruption of the Commission on Judicial Conduct (CJC) and its Administrator, Robert Tembeckjian, is established by *prima facie*, open-and-shut EVIDENCE consisting of judicial misconduct complaints filed with CJC and lawsuits against CJC that I have embodied, for years, in my testimony before the Legislature at its budget hearings and in CJA's citizen-taxpayer lawsuits that I have repeatedly furnished to Messrs. Clark, Lombardo, and Wendler by my e-mails, Mr. Clark's [January 25th New York NOW](#), hosted by Mr. Lombardo, featured Mr. Clark's extensive interview of Mr. Tembeckjian wherein, without challenge from Mr. Clark,⁸ Mr. Tembeckjian purported that CJC is doing its job – and well. Not only are these outright LIES, but CJC's flagrant corruption is the reason why New York's budget is "OFF THE CONSTITUTIONAL RAILS" and rife with statutory and legislative rule violations and fraud.⁹

⁸ Indeed, Mr. Clark gave an endorsement to CJC, through his own deceit about himself, interjecting:

"As you were describing it, it kind of reminds me of my role as a journalist, right? As a journalist, I am objective, I can't have conflicts of interest, I have to stay impartial. That's what we're talking about here with judges. With a process, it starts with a complaint made to the commission I'm assuming?"

⁹ My [testimony at the January 25, 2022 "public protection" budget hearing](#) could not have been more explicit, stating:

"...the unconstitutionality, fraud, and larceny of the state budget have been enabled and perpetuated by New York's corrupt 'public protection' entities, funded in the budget. The Commission on Judicial Conduct is a prime example. Others include the Judiciary's attorney grievance committees, the Judiciary's Inspector General, the Joint Commission on Public Ethics, the Legislative Ethics Commission, and the State Inspector General.

It is not a heavy lift to fix their corruption. Indeed, it does not necessarily require emendation of existing laws – because, in many respects, the laws establishing them are perfectly fine, even exemplary. Rather, the laws are being violated by those appointed to operate them, such as Mr. Tembeckjian. In other words, the personnel needs to be investigated, prosecuted, and removed – and this is obvious from comparing the laws with how the 'public protection' entities have handled complaints filed pursuant thereto." (underlining added).

I alerted Messrs. Clark, Lombardo, and Wendler repeatedly to this January 25, 2022 written testimony and to [the record of CJC's handling of my February 7, 2021 complaint against New York's Court of Appeals and](#)

- despite the fact that my e-mails to Messrs. Clark, Lombardo, and Wendler and the lawsuit EVIDENCE they furnished establish that the Senate Judiciary Committee has NOT been discharging its oversight duties with respect to the Judiciary, *to wit*, with respect to its budget, the pay raises for its judges, its administrative and judicial operations, the functioning of the Appellate Division attorney grievance committee, and the Court’s inspector general, nor with respect to the Commission on Judicial Conduct and the attorney general, and that the Committee’s confirmation of judges, including to the Court of Appeals, is window-dressing deceit – Mr. Lombardo’s [April 5th Capitol Pressroom](#) allowed Committee Chair Hoylman-Sigal to purport, without challenge, that he is diligent and conscientious in overseeing the Judiciary and, concerned about accountability, transparency, and waste of taxpayer monies. Not only are these outright LIES, but Senator Hoylman’s corruption with respect to these, as chair of the Senate Judiciary Committee, and in the other leadership and membership positions he has held, is another reason why New York’s budget is “OFF THE CONSTITUTIONAL RAILS” and rife with statutory and legislative rule violations and fraud.¹⁰
- despite the fact that the corruption of the Commission on Ethics and Lobbying in Government (COELIG) was highlighted, with EVIDENCE, by my written testimony for the Legislature’s February 5th “public protection” budget hearing,¹¹ transmitted by my February 5th, February 26th and March 2nd e-mails, Mr. Lombardo interviewed

[other judges relating to CJA’s second citizen-taxpayer action challenge to the budget and its embedded pay raises](#). Indeed, both my January 25, 2022 testimony and the February 7, 2021 complaint are exhibits to the [June 6, 2022 verified petition](#) in CJA’s third citizen-taxpayer action, challenging the budget, [CJA v. JCOPE, et al.](#), whose ninth cause of action (at ¶¶ 97-105) supplies further particulars concerning CJC.

¹⁰ My EVIDENCE-laden e-mails to Senator Hoylman, spanning back to 2013, are posted on CJA’s website, [here](#) – and begin with my [June 4, 2013 letter](#) to him as ranking member of the Senate Committee on Investigations and Government Operations, to which he did not respond then, thereafter, and to date. Its title suffices to expose what a fraudster Senator Hoylman has been, non-stop, throughout the past ten years:

“DOING YOUR PART TO END PUBLIC CORRUPTION: PART III: Request for Legislative Oversight, Analysis and Investigation of CJA’s April 15, 2013 corruption complaint to U.S. Attorney Bharara and, specifically:

(1) of Chapter 567 of the Laws of 2010, as written and applied – as to which, to date, there has been no oversight, analysis, and investigation; and

(2) of the Commission on Judicial Conduct & court-controlled attorney disciplinary system – as to which, in 2009, the Senate Judiciary Committee held oversight hearings that were aborted, with no analysis, investigation, findings, or committee report of the document-supported testimony of witnesses”.

¹¹ My [February 5, 2023 testimony](#) stated, *expressly*, that the record of COELIG’s handling of the complaints I had filed with it are a “perfect paper trail” that COELIG is a “corrupt façade, which, absent overhaul, must be defunded” – and furnished [the record of these complaints](#), in substantiation.

its Executive Director Sanford Berland and Chair Frederick Davie for his [April 19th Capitol Pressroom “Revamped ethics watchdog prepares for its future”](#) and allowed them to purport that COELIG is operating appropriately, when it is NOT – and when its flagrant corruption is a further reason why New York’s state budget is “OFF THE CONSTITUTIONAL RAILS”, rife with statutory and legislative rule violations and fraud – and [I additionally testified about this on March 29th at COELIG’s “inaugural annual public hearing”](#), which was live-streamed, with the VIDEO thereafter [posted](#) by COELIG – and Mr. Lombardo inquired of his COELIG guests about the hearing.

- despite the fact that the constitutionality of the Commission on Ethics and Lobbying in Government (COELIG) has been and is being challenged by CJA’s third citizen-taxpayer action, [CJA v. JCOPE, et al.](#), based on its enactment, *via* the budget – to which my [2022 e-mails](#) repeatedly alerted the LCA roster – with ZERO coverage by Mr. Lombardo – his [May 5th Capitol Pressroom “State ethics watchdog’s constitutionality challenged by Cuomo”](#) deemed the exponentially less significant, narrow, and self-benefiting lawsuit of the former governor worthy of immediate coverage, inviting [Politico](#) reporter Bill Mahoney, a fellow LCA roster member, who Mr. Lombardo introduced as “our pro bono counselor”, to explain it and who purported, as to COELIG, that since it was just getting started, there is “not much” from which to judge it. No mention of the [still live CJA v. JCOPE, et al.](#), to which Mr. Mahoney had also given ZERO coverage or that I had already presented dispositive EVIDENCE of COELIG’s corruption to the Legislature by my [testimony for its February 5th “public protection” budget hearing](#) and to COELIG by [my March 29th testimony](#) at its inaugural public hearing.
- despite the fact that in [2004](#), [2006](#), and [2008](#) the Brennan Center for Justice issued reports chronicling that New York’s Legislature is the MOST dysfunctional in the country, lacking any deliberative process in passing bills and in oversight responsibilities because of legislative rules and because functioning legislative committees do NOT exist, Mr. Clark’s February 2nd New York NOW segment [“How Does a Bill Become a Law in New York?”](#) falsely purported – following its main segment on the state budget that gave no hint of anything awry about it – that the Legislature is properly functioning with respect to passage of bills. NO mention of the Brennan Center reports – and what changes the Legislature had made since the third report, in 2008, whose title revealed the status, at that time: [“Still Broken: NY Legislative Reform”](#). NO mention either of my advocacy since 2012, highlighting that there had been NO change of any substance and that the Legislature was not functioning at a constitutional level with respect to the budget or anything else, embodied in CJA’s three citizen-taxpayer actions and publicly stated by me in testifying over and again, live and by written statements, at the Legislature’s budget

hearings and at the [November 30, 2018 hearing of the Committee on Legislative and Executive Compensation, wherein I identified the significance of the Brennan Center reports, handing up copies.](#)¹²

- despite the fact that for years before Mr. Clark came on board of New York NOW and ever since, the show has been flagrantly LYING and misleading the public about New York state government, public officers, and other actors – suppressing EVERY aspect of my civic contribution to establishing the true facts so as to eliminate the corruption and corruptors¹³– Mr. Clark compounded the deceit of his fraudulent [April 13th New York NOW](#) opening segment on the budget with a segment on “media literacy” which he announced as the first installment of a new series called “New York&...focused in civics”, stating:

“With each installment, we’ll take a big, complicated topic and lay out in depth so you can learn more. The goal here is to really just cut through the noise and give you straight, direct information that you can use. This week, we’re going to kick things off with a look at media literacy, and this is for everyone, but especially if you don’t know what that is.”

This first installment about media literacy, by [WMHT Public Engagement Editor Alexis Young](#), who had also produced the “[How Does a Bill Become a Law in New York?](#)” fiction, ended with these words:

¹² Mr. Lombardo’s article about the November 30, 2018 hearing for the [Times Union](#) entitled “[Assembly Speaker makes case for legislative pay raise](#)” reported on the testimony of each of six witnesses – omitting that there was a seventh witness, me, and that I had asserted that the Assembly Speaker’s testimony was unsupported by EVIDENCE and rebutted by the EVIDENCE I was handing up. I received no response from Mr. Lombardo to [my November 30, 2018 e-mail to him](#) about his article – the material falsity of which was verifiable from the [VIDEO of the hearing that he posted for the “Capitol Confidential” Times Union blog](#), identifying that this was “courtesy of a link found by [Politico](#)’s Bill Mahoney”.

As for Mr. Mahoney, whose article about the hearing was similarly titled “[Heastie makes the case for a pay raise](#)”, he posted a ridiculing, disparaging [twitter](#) of me while I was testifying, calling me “Albany’s most regular testifier”, without reporting what I was saying, commenting, instead, on the body language of disinterest of two of the four Committee members – one of whom was Comptroller DiNapoli.

Both these seasoned journalists well knew that my testimony was dispositive that there could be no legislative and executive pay raises. Yet, then and thereafter, they and their LCA colleagues concealed ALL the facts about which I had testified, with EVIDENCE – and which I would embody in a [July 15, 2019 analysis of the Committee’s December 10, 2018 report](#), which they would also suppress from coverage, *in toto*, to the present date, while tens of millions of dollars have been paid out in fraudulent, statutorily-violative, unconstitutional legislative and executive pay raises, embedded in the budget.

¹³ My years of correspondence to New York NOW and WMHT is accessible from the webpage I created, [here](#).

“It is not an exaggeration to say that an informed, knowledgeable society is the backbone of our democracy. How can we make informed decisions on how to govern ourselves if we cannot separate fact from fiction?”

This is why we wanted to open this series with the focus on media literacy. We want folks to become more knowledgeable about the systems that impact our daily lives, and media literacy helps folks achieve that.

We want our viewers to learn and become active participants in trying to improve our society. In this sense, the importance of media literacy runs through every episode of this show.”

That Mr. Clark then announced that the “next up in that series is an explainer on state government” is a further deceit. As hereinabove particularized, Mr. Clark and WMHT are not capable of explaining ANYTHING about state government, other than a fictionalized version, divorced from the relevant provisions of the state Constitution, statutes, legislative rules and EVIDENCE of how, in practice, these provisions are flagrantly violated and have become corrupted. Indeed, the subsequently posted segment “NY & State Government” – currently accessible at the bottom of the New York NOW homepage – is NOT journalism, but propaganda, in its pretense that the three branches of New York state government are functioning according to design and encouraging civic participation. This includes by the two on-camera sources on which it relies: Assemblywoman Patricia Fahy, commenting on the legislative branch and her responsive discharge of her duties (at 2:20 – 3:08)¹⁴, and Leslie Stein, identified as a former Court of Appeals associate judge and now director of Albany Law School’s Government Law Center (6:14 – 8:59), commenting on New York’s court system.

The TRUTH about these sources – and about the government branches they describe – is NOT in what they say, but in such rebutting primary source, documentary EVIDENCE as the following:

- my [March 30, 2018 e-mail to Assemblywoman Fahy’s chief of staff and legislative director](#) entitled “‘this is how we show we’re high functioning’ – Assemblywoman Fahy (VIDEO & article ‘New York State Budget...’, 3/30/18/Spectrum News-Nick Reisman)”, about her dissembling, false comment to the press about the state budget and the functioning of the Legislature;

¹⁴ Assemblywoman Fahy: “We consider ourselves the People’s House. I represent, in any given year, about 35,000 voters. I run every two years, so that means, because it’s two years, it means you are always in the community, you are always trying to be visible. My calendar is full of constituent meetings and advocacy organizations. So, we’re closer to the ground, if you will, to make sure that we have that pulse of the People. It is the closest we get into the community of the three branches.”

- my [June 4, 2020 grand jury/public corruption complaint against Assemblywoman Fahy, filed with the Albany County D.A.](#) pertaining to the state budget and the pay raise she and her fellow legislators were pocketing,¹⁵ which I furnished to the Legislature many, many times – identifying her, by name, at page 5, and which I sent her, directly, by a [September 18, 2020 e-mail](#);
- my [February 7, 2021 complaint against then Court of Appeals Associate Judge Stein, filed with the Commission on Judicial Conduct](#), for corruption in CJA’s second citizen-taxpayer action, born of financial and other interests – identifying her, by name, on the first page, along with her fellow associate judges, Judge Wilson, among them;
- my [April 16, 2023 e-mail to the 19 Senate Judiciary Committee members requesting to testify in opposition to Judge Rowan’s confirmation as Court of Appeals chief judge](#) – the same as I furnished to the LCA roster on [April 16th](#), [April 17th](#), and [April 23rd](#) – whose summary of Judge Wilson’s on-the-bench corruption as a Court of Appeals associate judge in CJA’s second citizen-taxpayer action in 2019-2020 and encompassing the related 2019 direct appeal applies identically to then Associate Judge Stein.

As Ms. Young ended her broadcast by stating: “We pride ourselves on being a trustworthy source of information and all our sources will be cited in the descriptions of each episode we post”, her duty is to confront the sources on whom she has relied –

¹⁵ The June 4, 2020 grand jury/public corruption complaint concluded with the following three-sentence “soundbite”:

- “(1) the legislators are NOT doing their jobs of oversight and law-making, resulting in a Legislature that is sham and NOT operating at a constitutional level;
- (2) the legislators are stealing our money by slush-fund budgets that are “OFF THE CONSTITUTIONAL RAILS”, rife with constitutional, statutory, and legislative rule violations;
- (3) the legislators have rewarded themselves with PAY RAISES FOR THEIR CRIMES, procured by a December 10, 2018 report they know to be a “false instrument” (Penal Law §175.35)”,

Further stating:

“Grand juries – and voters – will have no difficulty in understanding this – and I have created a ‘Background Primer’ to further assist. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/district-attorneys/primer-for-grand-juries.htm>.”

Assemblywoman Fahy and former Court of Appeals Associate Judge Stein – with the EVIDENCE furnished by the above complaints against them and e-mails. What, if anything, do they deny or dispute and on what basis. And what does not check out 100%, upon Ms. Young's own further investigation of the EVIDENCE.

I look forward to speaking with you directly about the foregoing – and to answering the many questions you will doubtless have, so that appropriate corrective action may be taken, consistent with [PBS' Editorial Standards & Practices](#). You may be assured of my complete cooperation.

Thank you.

cc: Dan Clark/WMHT
David Lombardo/WCNY
Peter Wendler/WCNY
WCNY Vice President, Chief Content and Engagement Officer Will Pedigo

WMHT

President & CEO Anthony Hayes
Executive Assistant to the CEO Valerie Belden
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President & CEO Mitch Gelman
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