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June 16, 2023

TO: Institute for Nonprofit News Executive Director & CEO Sue Cross

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

RE: (1) Complaint against ten New York INN members for violations of INN standards, the Code of Ethics of the Society of Professional Journalists, 501(c)(3) proscriptions on partisanship, and for fraud;
(2) Request for assistance in securing the investigative, public service journalism that INN's ten New York members did not do – and were duty-bound to have done;
(3) Request for assistance in establishing an independent nonprofit, nonpartisan newsroom producing investigative journalism into the efficacy of safeguards against judicial misconduct, including judicial selection and judicial discipline processes – no such entity existing;
(4) Request for assistance in bringing CJA's archive of primary-source, documentary evidence of press performance into scholarship.

How does the [Institute for Nonprofit News](#) (INN) ensure that its member nonprofit organizations are, in fact, “independent...nonpartisan, and dedicated to public service”, are providing “access to trusted news” – and making good on their claims of “holding the powerful accountable and strengthening democracy”?

Your website states: “Newsrooms in the INN network uphold standards for editorial independence, excellence in news coverage, and ethical behavior”. Are you sure of that?

As director and co-founder of the nonprofit and unfunded citizens' organization Center for Judicial Accountability, Inc. (CJA), which truly is “independent...nonpartisan, and dedicated to public service”, I have sought public service investigative reporting from ten of your New York members, furnishing them with primary-source, 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, yet 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, the conduct of New York's for-profit press and other public media, *to wit*, New York Public Radio and PBS member stations. The result is a total “news desert” situation in New York as to the flagrant

unconstitutionality and unlawfulness of state governance, including the state budget, whose massive larcenies include fraudulent pay raises for judges, state legislators, the governor, lieutenant governor, attorney general, comptroller, and district attorneys – the cumulative cost of which, from 2012 to date, now hovers at one billion dollars. The documentary proof of this – and of the collusion of your ten New York INN members in the corruption of ALL oversight entities, including ethics and criminal authorities – 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](#).

To assist you in verifying this catastrophic situation and the violations of INN and professional standards by the ten New York INN members that are the subject of this complaint, I have included extensive hyperlinks and created a webpage for the complaint.¹ Consistent with INN’s use of case studies as a research tool², I have also created separate webpages organizing the record of my interactions with each of the ten INN members into case studies to facilitate your determination as to:

- (1) whether these ten INN members have comported themselves in a manner remotely consistent with [INN standards](#), the [Code of Ethics of the Society of Professional Journalists](#), and with what their websites purport about themselves;
- (2) whether these ten INN members, by their websites and solicitations, are defrauding citizens and philanthropies into making monetary donations based on representations about themselves and their journalism that are materially false;
- (3) whether these ten New York INN members are, in fact, partisan, some flagrantly so, in violation of their 501(c)(3) tax status, thereby defrauding the IRS.³

¹ The webpage for this complaint is accessible from the “Press Suppression” left side-panel of CJA’s website, *via* the link for “Institutes of Journalism and Media Scholarship”, on which is posted the Institute for Nonprofit News. The direct link is [here](#).

² [INN’s menu page for its case studies](#) is accessible *via* its “Research” top panel.

³ Three years ago you spoke about the strictures of 501(c)(3) in the Columbia Graduate School of Journalism’s September 28, 2020 webinar “[Partisan Media and the 2020 Election: Redefining the Local News Crisis](#)”. You stated that nonprofit news entities are required to be “very evenhanded” and that this is “designed to protect the consumer so that the consumer isn’t giving to a charity that really is working explicitly or implicitly to bring about a change in government or be politically active”. That being said, you conceded that many of INN’s members do have “a clear point of view and a stated point of view”, but, according to you, this is not a problem, “as long as it is explicit” and that the key thing...is transparency so that the reader knows where this publication is coming from”. You deemed the problem to be where partisan news entities say they are nonpartisan, but are not. You described it as an “underground point of view masquerading as objective journalism where we get into trouble”.

According to INN’s [“Explore Membership” webpage](#): “INN members do not advocate or operate in a way that promotes any legislation, policies, government action or outcomes, though policy or legislative changes may be a consequence of their reporting....Outlets with strong points of view will be accepted on a case-by-case basis. They must produce original reporting that does not misrepresent facts, selectively choose

The ten INN member news entities against which this complaint is filed are:

ProPublica, sporting the motto “Investigative Journalism in the Public Interest” and “Journalism That Holds Power to Account”, describing itself as “an independent, nonprofit newsroom...that “dig[s] deep into important issues, shining a light on abuses of power and betrayals of public trust – and...stick[ing] with those issues as long as it takes to hold power to account...committed to uncovering the truth, no matter how long it takes or how much it costs”, with a staff implementing ProPublica’s founding belief that “investigative journalism is critical to our democracy” and “carrying forward the important work of exposing corruption, informing the public about complex issues, and using the power of investigative journalism to spur reform”.

That this depiction of ProPublica is materially false – as likewise its “Code of Ethics” webpage, implying compliance therewith, its “Local Initiatives” webpage, asserting “As a New York-based news organization, we have also long covered accountability issues in our own backyard”, and the August 8, 2018 announcement about “specifically looking for accountability stories emanating from state capitals, from the governor’s mansion to the legislature, to the work of state agencies” – is established by the record of my interaction with ProPublica, spanning from 2014 to 2022, organized into nine case studies. The direct link is [here](#);

The Intercept, which describes itself as a “news organization dedicated to holding the powerful accountable through fearless, adversarial journalism” with “in-depth investigations and unflinching analysis focused on politics...corruption...criminal justice, the media, and more”, whose journalists have “the editorial freedom and legal support...to expose corruption and injustice wherever they find it”.

That this depiction of The Intercept is materially false is established by the record of my interaction with it from 2018 to 2022, organized into five case studies. The direct link is [here](#);

Sludge, sporting the motto “Relentlessly uncovering corruption”, describes itself as “an independent, nonprofit news outlet that produces investigative journalism on lobbying and money in politics...look[ing] beyond public records and disclosures to reveal the hidden networks and conflicts of interest that drive systemic corruption”, “never shy[ing] away from topics that challenge powerful interests”;

That this depiction of Sludge is materially false is established by the record of

sources or selectively publish stories in an attempt to advance a policy or cause. In other words, they report with impartiality, attempting to achieve fairness in content of distinct points of view with objectivity and dedication to truth.”

On the same subject, your “Membership Standards” webpage states: “Cause communications have a valuable role in information systems, but they differ in purpose and mission from independent news that serves only to inform and educate, leaving it to the news consumer to determine their own position or course of action. INN members are independent and do not have advocacy goals or produce content intended to advance a cause...”

my interaction with Sludge in 2022 and 2023, organized into three case studies. The direct link is [here](#).

New York Focus, sporting the motto “Who Runs New York?”, describes itself as “an independent nonprofit newsroom investigating power in the Empire State”, with an “aim” of making “government more transparent” by “in-depth journalism that explains how the state really works”, “focus[ing] on decisions made in Albany and how they impact the communities around the state” because “Albany is the state’s center of power but receives a fraction of the scrutiny it warrants”.

That this depiction of New York Focus is materially false, as likewise its “Ethics & Funders” webpage, purporting that it subscribes to the INN’s “standards of editorial independence”, and its “Pitch Us” webpage, declaring “We’re seeking to uncover the truth, not push an agenda”, is established by the record of my interaction with New York Focus from 2020 to 2023, organized into six case studies. The direct link is [here](#);

The City, sporting the motto “Reporting for New Yorkers”, describes itself as “a nonprofit, nonpartisan digital news platform dedicated to hard-hitting reporting that serves the people of New York”, producing “high-quality and high-impact accountability reporting” because “Independent local reporting is the critical link between the policies, spending and other actions of local government, the private sector and citizens”, without which “accountability disappears, citizens disconnect, and democracy fails” – “founded to ensure that the critical link between government, journalism, and citizen needs is maintained and flourishes”, with a “diverse team of journalists...in...City Hall and Albany producing essential reporting and information...and holding the city’s leaders and institutions to account where they are failing to deliver.”

That this depiction of The City is materially false, as likewise its “Ethics” [webpage](#) purporting adherence to ethics codes, asserting that The City is “dedicated to truth, accuracy and fairness. We don’t play favorites for financial or any other reasons – we have no agenda, hidden or otherwise” – is established by the record of my interaction with it from 2019 to 2023, organized by year and by five illustrative case studies. The direct link is [here](#).

City Limits describes itself as “using investigative journalism that informs democracy in New York City and empowers communities”, achieving its mission by “a vigorous pursuit of the facts and a thoughtful, candid presentation of complex truths”. It states “City Limits does its own reporting. We would never publish a fact we know to be untrue, and we make every effort to ensure that all the facts we publish are true. We also try to publish all relevant facts in a story.”

That this depiction of City Limits is materially false is established by the record of my interaction with it from 2018 to 2023, organized by year and by four illustrative case studies. The direct link is [here](#).

Investigative Post describes itself as “playing an outsized role in providing Buffalo and Western New York with in-depth, public interest journalism that make for an informed citizenry”, “the only news organization in WNY dedicated exclusively to watchdog journalism...produc[ing] fact-based, nonpartisan investigative stories and analyses on issues that matter to the citizens and taxpayers of Buffalo and WNY”.

That this depiction of Investigative Post is materially false is established by the record of my interaction with it in 2019, 2020, and 2022, organized into four case studies. The direct link is [here](#).

The Ithaca Voice describes itself as a “nonprofit newsroom” with a mission of “improv[ing] civic and political understanding of Ithaca and Tompkins County by publishing and sustaining in-depth, educational, rigorous, timely and ethical journalism”, “to keep our community informed and better able to engage in...civic life”.

That this depiction of The Ithaca Voice is materially false is established by the record of my interaction with it in 2016 and 2020, organized into two case studies. The direct link is [here](#).

The Highlands Current describes itself as a “not-for-profit corporation...to provide balanced reporting of the news and events”, with a “mission...to be a trusted independent and nonpartisan source of information” for communities in New York’s Putnam and Dutchess counties;

That this depiction of The Highlands Current is materially false is established by the record of my interaction with it in 2020, organized into one case study. The direct link is [here](#).

Rochester Beacon describes itself as having a “mission...To build a stronger Rochester by serving as a source of and forum for ideas and perspectives that are rooted in intellectual openness and drive informed public action”, practicing “responsible, high-quality journalism” by “illuminating truth’s complexity with factual accuracy, thorough research, and inclusion”;

That this depiction of the Rochester Beacon is materially false is established by the record of my interaction with it in 2020, organized into two case studies. The direct link is [here](#).

Of these ten New York INN members:

- three engage in journalism that extends nationally and internationally: ProPublica, Intercept, and Sludge;
- one engages in journalism that is statewide: New York Focus, which identifies itself as “the state’s only nonprofit statewide newsroom”, and

- the remaining six represent a [geographic diversity](#) of New York State’s “local journalism” – [The City and City Limits](#), being New York City; [Investigative Post](#), being western New York; [Rochester Beacon](#) being the northern tier of New York; [Highlands Current](#), being in the Hudson Valley region; [Ithaca Voice](#) being part of west central New York.

The most substantial and prominent of the ten – if not among ALL your INN members – is [ProPublica](#) – and my first interaction with it in July 2014 was my first with your New York members, most of which were not then in existence. The monumental public corruption story I presented to [ProPublica](#) at that time, bringing down the highest of New York’s constitutional officers in its three government branches, underlies ALL my subsequent interaction with it – and with ALL nine other INN members. That FULLY-DOCUMENTED story, essential to New Yorkers being able to intelligently vote in the November 2014 election for statewide officers, state legislators, and D.A.s, did not disappear simply because [ProPublica](#) did not report it or refer it to other press entities that would. Rather, with each passing year, the story expanded in scope and documentary proof to become even more monumental – and incriminating of a press refusing to report ANY aspect of it and instead generating and perpetuating a panoply of false narratives, and knowingly so.⁴

Consequently, my complaint against [ProPublica](#) is an appropriate starting point for also verifying my complaints against the other nine INN members, involving the same story at later points. A summary of the nine case studies of [ProPublica](#) within which I have organized my interactions with it is below (at pp. 6-26), followed by a section entitled “The Reinforcing Six Case Studies of [New York Focus](#)” (at pp. 26-41), and then the “Conclusion” (at pp. 41-44).

[**The Nine Case Studies of ProPublica, Establishing this Complaint against it and the Others**](#)

Case Study #1 is illustrative of the actual superficiality of [ProPublica](#)’s seemingly detailed investigative journalism, whose reporting on conflicts of interest and other abuses does NOT necessarily identify the governmental entities charged with investigating and taking disciplinary and criminal action, let alone examining their efficacy.

This was the case with [ProPublica](#)’s July 17, 2014 article [“Who Advised Cuomo on Mortgage Industry Investigation? A Mortgage Lobbyist”](#), also appearing in the [Albany Times Union](#). Both ended with the tag “If you have information related to this article [story], email Justin@propublica.org”. The referred-to Justin was the article’s author, [Justin Elliott](#), identified by the [ProPublica](#) website article as “a ProPublica reporter covering politics and government accountability”.

As I did have “related” “information”, I e-mailed Mr. Elliott. My [July 17, 2014 e-mail](#) to him read:

⁴ CJA’s website posts, [chronologically](#), the EVIDENCE substantiating this monumental story, from 2011 to the present, on a webpage entitled: “VIDEO & PAPER TRAIL CHRONOLOGY: The Corrupt Commission Scheme to Raise Salaries of Corrupt Public Officers”. It is accessible from the left-side panel “Judicial Compensation-NYS”. The direct link is [here](#).

“Your today’s article...makes no mention of any ethics complaints filed against Cuomo with the Joint Commission on Public Ethics (JCOPE) or with its predecessor, the Commission on Public Ethics.

JCOPE is the agency responsible for investigating conflicts of interest by Governor Cuomo and other executive and legislative branch officers and employees – and its brazen cover-up of their conflicts of interest is readily verifiable. Indeed, that cover-up is the subject of our July 11, 2014 letter to Governor Cuomo, Temporary Senate President Skelos, and Assembly Speaker Silver entitled “Getting to First Base in Achieving ‘the Dream of Honest Government’”, sent to them and other recipients by the below e-mail.

The letter is a politically-explosive, game-changer, whose underlying evidence – our June 27, 2013 ethics complaint to JCOPE and its incorporated April 15, 2013 corruption complaint to US Attorney Bharara – will, IF REPORTED & INVESTIGATED, upend this year’s electoral races for Governor, Attorney General, Comptroller, and the re-elections of key legislative incumbents, beginning with Skelos, Silver, Stewart-Cousins, and Kolb.

Here’s the direct link to our webpage for our July 11, 2014 letter, where it is posted with the substantiating-referred to law and evidence: <https://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/jcope-july-11-ltr.htm>

As your beat is ‘politics and government accountability’, I will especially look forward to your call. I am available to answer questions and to be interviewed.” (capitalization, hyperlinking in the original).

Half an hour later, [Mr. Elliott responded, by e-mail](#), “Hi – thanks for reaching out. Can you explain the background on this issue?”, to which, thanking him for his “prompt response to this BIG SCOOP!”, [I e-mailed him back](#), asking whether he had read the July 11th letter which “is just over 3 pages”. I explained:

“It starts with the SIMPLE fact that the Governor and Legislative Leaders have NOT appointed the review commission for JCOPE which the ‘Public Integrity Reform Act of 2011’ required them to appoint ‘No later than June 1, 2014’. Why don’t you ask the Governor and Legislative Leaders for the background? – namely, their explanations for not having appointed the JCOPE Review Commission. Our explanation is summarized by the letter.

Everything is posted here...

Feel free to call me – and I will be happy to discuss it with you directly. IT IS A BIG, BIG SCOOP – whose investigation and reporting will upend this year’s elections.” (capitalization in the original).

I received no call from Mr. Elliott to a story that exposed not only JCOPE's corruption, but the corruption of New York's oversight, ethics and criminal entities – and of Governor Cuomo's so-called Commission to Investigate Public Corruption, which he established in July 2013 and then shut down at the end of March 2014, as part of a behind-closed-doors “three men in a room” deal on the state budget with Temporary Senate President Skelos, and Assembly Speaker, Silver, which New York's U.S. Attorney Preet Bharara was supposedly then investigating. Both JCOPE and Bharara were among the cc's to my [July 11, 2014 letter](#).

Instead, Mr. Elliott authored an August 4, 2014 article “[Cuomo's Office Denies Using Private Email Accounts. But it Does](#)”, not identifying that such abuse was properly the subject of complaints to JCOPE – and by links to an [Albany Times Union July 31, 2014 article](#) and [New York Times July 23, 2014 article](#) about the Commission to Investigate Public Corruption and U.S. Attorney Bharara's purported investigation of its shut down, relied on and gave credibility to those articles – in other words, did NO original reporting of either the Commission to Investigate Public Corruption or U.S. Attorney Bharara.

Four and a half months later, by a [November 28, 2014 e-mail](#) to Mr. Elliott and other ProPublica reporters, whose descriptions on ProPublica's website suggested that they might also be appropriate recipients, I requested coverage of the oral argument of my motion to intervene in the Legislature's declaratory judgment action against the Commission to Investigate Public Corruption – a motion and lawsuit my July 11, 2014 letter had highlighted. Underscoring that “If [the judge] is true to the law and her oath of office, her decision will clean up New York's corrupt government, once and for all”, my November 28, 2014 e-mail stated:

“Please forward this e-mail to top editors and reporters at Pro Publica. This is a MAJOR story, whose ramifications reach to U.S. Attorney Preet Bharara and Loretta Lynch – and, as to the latter, establish her unfitness for the office of U.S. Attorney General, to which I have already alerted the U.S. Senate Judiciary Committee. The Commission [to Investigate Public Corruption] invited both these U.S. Attorneys to be its honored opening witnesses at its September 17, 2013 public hearing in Manhattan – and then and thereafter covered up the documentary evidence before it of their collusion in systemic corruption of NYS government, involving the highest public officers of all three government branches. This is particularized by my April 23, 2014 affidavit in support of my order to show cause to intervene (at ¶¶62, 65, 73-75) and by my April 23, 2014 proposed verified complaint (at ¶¶24-25, 29, 59, 66,71, 93, 99, 123, 124). Here's the direct link to the webpage for those two documents – on which, additionally, is a link to the September 17, 2013 public hearing: <https://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/4-23-14-osc-with-notice-to-produce.htm>.

I am available to be interviewed and to answer your questions, anytime – and am reachable by e-mail (elena@judgewatch.org), phone (914-421-1200); cell & text (646-220-7987).” (underlining, capitalization, hyperlinking in the original).

I received no e-mail, phone call, or text from anyone.

Case Study #2, also involving JCOPE and the statutory commission that was supposed to review its functioning and that of the Legislative Ethics Commission (LEC), is unique among ALL my cases studies as the interaction was NOT initiated by me. By a July 15, 2015 e-mail, bearing the subject line “Story Ideas?”, [ProPublica reporter Cezary Podkul](#) wrote:

“Hi Elena,

This is Cezary from ProPublica. I cover New York government accountability here at ProPublica. I came across your website, and some of your efforts to bring accountability to judicial compensation in the state. I am looking for story ideas in this area and wanted to reach out to you and see if you had any suggestions on items worth following-up on or looking into? If so, please let me know when would be a good time to chat.

I can be reached at 917 512 0218.
Thank you in advance for your time.

Best,
Cezary”

My [July 15, 2015 responding e-mail](#), a little over four hours later, appears to reflect that I spoke with Mr. Podkul by phone, as it states:

“Thank you for your outreach. As discussed, our nonpartisan, nonprofit citizens’ organization has a goldmine of ‘story ideas’ for investigative coverage – beginning with the Commission on Judicial Compensation, which has now morphed into the Commission on Legislative, Judicial and Executive Compensation. The story of the Commission on Judicial Compensation, is a story of brazen corruption at the highest levels of all three government branches, involving hundreds of millions, and ultimately billions, of taxpayer dollars – a story demonstrating that there is NO ‘New York accountability’ of any significance, including *via* U.S. Attorney Bharara, whose much heralded indictments, including of former Assembly Speaker Silver and former Temporary Senate President Skelos, are simply window dressing.

This story – and the evidentiary proof substantiating it – are readily accessible from the three litigations featured on CJA’s homepage, www.judgewatch.org, by the link entitled ‘What’s Taking You So Long, Preet?: CJA’s Three Litigations whose Records are Perfect ‘Paper Trails’ for Indicting New York’s Highest Public Officers for Corruption’. Here’s the direct link to its menu page: <https://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/3-litigations-papertrails.htm>. I recommend that you read CJA’s verified complaint for all three litigations as they each furnish a comprehensive, yet easy-to-read, narrative overview.

Of course, you might find it more manageable and efficient to begin by reading just two letters – and these pertain to the Joint Commission on Public Ethics (JCOPE) and the review commission established on May 1st that is supposed to be examining it and the Legislative Ethics Commission (LEC). For your convenience, I have now posted these two letters, dated June 18, 2015 and June 22, 2015, on the above menu page of the three litigations. The News Alert I sent out about the letters some weeks ago – to which there was NO response from any media – is below, slightly updated.

**Psst! What’s Happening with the JCOPE/LEC Review Commission,
Appointed More Than Two Months Ago?...**

On May 1st, the Governor, Temporary Senate President, and Assembly Speaker jointly appointed an eight-person commission to review and evaluate JCOPE...& the LEC...

What’s been happening since? Who did the Governor, Temporary Senate President, and Assembly Speaker jointly designate as its chair and what is its methodology? How to contact it? The review commission does not seem to have a phone number, an e-mail address, an office, any staff. Will it be holding public hearings at which members of the public who have filed ethics complaints with JCOPE and LEC can testify as to the[ir] direct, first-hand experience?..."

(hyperlinking, capitalization in the original, links to the referred-to June 18, 2015 and June 22, 2015 letters, [here](#) and [here](#)).

I received no follow-up from Mr. Podkul about his purported interest in judicial compensation or in other “story ideas” – and 3-1/2 months later, sent [an October 31, 2015 e-mail to nine ProPublica e-mail addresses](#), including for Messrs. Podkul and Elliott. Entitled ‘SCARY HALLOWEEN ALERT: NYLJ reports – ‘Hearing Set on Pay Increases for Judges, Lawmakers’’, it furnished evidence-supported details of the rigging of the first hearing scheduled for the belatedly-appointed Commission on Legislative, Judicial and Executive Compensation, stating, in pertinent part:

“...Assuming that a member of the public would see the Law Journal item, is there no sign-up to testify? Is there no registration? Just a walk-in? And how is this important Commission – whose recommendations will cost taxpayers billions of dollars – been operating until now? Does it have an office, staff, phone number, e-mail address, website?

...

Meantime, you can access the proof of the brazen fraud committed by the predecessor 2011 Commission on Judicial Compensation – and the collusion therein of the same constitutional officers of the legislative, judicial, and executive branches as believe themselves entitled to pay raises – as it is all posted on CJA’s website, www.judgewatch.org. Indeed the particulars are meticulously laid out in three hair-raising lawsuits, accessible from the prominent homepage link: ‘What’s Taking You So Long, Preet?: CJA’s Three Litigations whose Records are Perfect ‘Paper Trails’

for Indicting New York’s Highest Public Officers for Corruption’.

For your convenience, here are links to my prior testimony at public hearings on the subject of the collusion of the three government branches with respect to the judicial pay raises and the fraud, statutory violations, and unconstitutionality of the 2011 Commission on Judicial Compensation – the cost of which, to date, in financial terms alone, is in the range of \$150 million:

- (1) [on February 6, 2013 at the Legislature’s budget hearing on ‘public protection’](#) (last speaker: at 7:21:50 hrs);
- (2) [on September 17, 2013 before the Commission to Investigate Public Corruption](#);
- (3) [on October 14, 2015 before the JCOPE/LEC Review Commission](#) (at 0:44:05 mins.).⁵ (hyperlinks, bold in the original).

Again, I received no response from Mr. Podkul, from Mr. Elliott – or from anyone else at ProPublica.

2-1/2 years later, ProPublica published a March 12, 2017 article “[When It Comes To Wall Street, Preet Bharara Is No Hero](#)” by its reporter Jesse Eisinger, subtitled: “The prominent U.S. attorney fired by Donald Trump this weekend has been justly acclaimed for his pursuit of political corruption. But his treatment of the Wall Street executives involved in the financial meltdown was far less confrontational.” (underlining added). It stated:

“...Bharara leaves the office of U.S. Attorney for the Southern District celebrated for taking on corrupt and powerful politicians. He prosecuted two of the infamous ‘three men in a room’ who ran New York state: Sheldon Silver, the Democratic speaker of the Assembly, and Dean Skelos, the Republican Senate majority leader.

He won convictions of a startling array of local politicians, carrying on the work of the Moreland Commission, an ethics inquiry created and then dismissed by New York’s Gov. Andrew Cuomo. (This weekend, Bharara cryptically tweeted that ‘I know what the Moreland Commission must have felt like,’ a suggestion that he was fired as he was pursuing cases pointed at Trump or his allies.)

But the record shows that Bharara was much less aggressive when it came to confronting Wall Street’s misdeeds.”

This was followed, the next day, by a March 13, 2017 article by Mr. Podkul “[Is Preet Bharara Trying to Tell Us Something](#)”, in which he repeated the false narrative about the Commission to Investigate Public Corruption and U.S. Attorney Bharara that the EVIDENCE furnished by my e-mails to him exposed. In pertinent part, Mr. Podkul stated:

⁵ As the VIDEO of the JCOPE/LEC Review Committee’s October 14, 2015 hearing has vanished, I have substituted my transcription from the VIDEO.

“Following a series of corruption scandals involving state lawmakers, Gov. Cuomo created the [Moreland Commission to Investigate Public Corruption](#), as it was formally known, in July 2013 to root out corruption in politics and state government. It was named for a 1907 law known as the Moreland Act, which gives the governor broad authority to investigate state agencies. The panel’s 25 members included current and former district attorneys from across the state who were empowered to issue subpoenas and compel testimony.

The panel issued a [first draft of its findings](#) in December 2013 and vowed to ‘proceed with ongoing investigations as we continue to follow the money.’ Those investigations hadn’t reached their conclusion when, four months later, Cuomo abruptly [dismantled the commission](#).

Cuomo said at the time that a package of modest ethics reforms agreed to by the legislature eliminated the need for the commission. But a subsequent [New York Times investigation](#) revealed that Cuomo’s aides undermined the commission as the panel’s subpoenas started getting close to the governor’s office. The timing suggested Cuomo was concerned that the commission might dig up unwelcome facts about his administration.

Enter Bharara. After Cuomo disbanded the panel, the Moreland Commission handed over documents, computer files and other materials from its investigation to the federal prosecutor, who vowed to take over its mantle.

Those documents helped lead to the downfall of longtime Assembly Speaker [Sheldon Silver](#) and Senate Majority Leader [Dean Skelos](#). Both were indicted by Bharara’s office and convicted on corruption charges. ...”

His conclusion:

“The Moreland Commission handed off its materials to Bharara. Perhaps Bharara’s tweet implies that he, too, has documents to share with other investigators. If so, we’d like to suggest a worthy recipient: ProPublica.”

Yet, Mr. Podkul and [ProPublica](#) already had the false narrative-exposing “materials” that the Commission to Investigate Public Corruption, if honest, would have “handed off...to Bharara. Among them, the “materials” I had physically furnished the Commission at its September 17, 2013 public hearing – the volume of which is seen from [the VIDEO](#). These and more my 2014 and 2015 e-mails to [ProPublica](#) had provided.

Two weeks later, in a March 27, 2017 [ProPublica](#) article [“How We Analyzed New York State Subsidies”](#), Mr. Podkul would cite to concern about “taxpayer money” as the basis for the subject analysis of New York state subsidies, done in collaboration with [Investigative Post](#) and Columbia Graduate School of Journalism. Silence by him about the “taxpayer money” going to the fraudulent judicial and district attorney pay raises, embedded in the “slush fund” state budget – the EVIDENCE

of which I had provided U.S. Attorney Bharara by my [April 15, 2013 corruption complaint](#) that I had hand-delivered to his Manhattan headquarters – an exact copy of which, on [May 13, 2013](#), I hand-delivered to the Brooklyn headquarters of U.S. Attorney Lynch – and then, on [September 17, 2013](#), handed up to the Commission to Investigate Public Corruption at its Manhattan hearing.

Case Study #3 pertains to the July 11, 2017 book of ProPublica reporter Jesse Eisinger, [The Chickenshit Club: Why the Justice Department Fails to Prosecute Executives](#), that swallowed whole the false narrative that U.S. Attorney Bharara had gone after corruption in Albany – and whose March 12, 2017 ProPublica article “[When It Comes To Wall Street, Preet Bharara Is No Hero](#)” opened with the sentence that he “has been justly acclaimed for his pursuit of political corruption” (underlining added) – describing him as leaving the Office of U.S. Attorney:

“celebrated for taking on corrupt and powerful politicians. Bharara prosecuted two of the infamous ‘three men in a room’ who ran New York state: Sheldon Silver, the Democratic speaker of the Assembly, and Dean Skelos, the Republican Senate majority leader.

He won convictions of a startling array of local politicians, carrying on the work of the Moreland Commission, an ethics inquiry created and then dismissed by New York’s Gov. Andrew Cuomo...”

More than a year later, journalist William D. Cohen, seemingly relying on Mr. Eisinger’s book would author a July 10, 2018 article “[The Flawed Legend of Preet Bharara](#)”, published by The Nation. I referred to this in a [September 4, 2018 e-mail](#) to Mr. Cohan, cc’ing Mr. Eisinger, and stated:

“...you can, swiftly, verify that U.S. Attorney Bharara’s prosecutions of Assembly Speaker Silver and Senate Majority Leader Skelos, in 2015, were ‘peanuts’ – compared to what he was duty-bound to have indicted them for, back in 2013 – and, additionally, that ‘the Moreland Commission’ [to Investigate Public Corruption] was, from its outset, sham and rigged to advance a ‘progressive’ agenda, while otherwise maintaining a corrupt *status quo* to which U.S. Attorney Bharara was complicit – and whose cover-up of his corruption, he would thereafter reward by covering up its corruption. All you need do is examine the fully-documented corruption complaint I filed with U.S. Attorney Bharara on April 15, 2013 – about which I testified, on September 17, 2013, before ‘the Moreland Commission’, whose brazen conflicts-of-interest and corruption my testimony made manifest and which I thereafter comprehensively particularized, with full documentary proof, by an April 23, 2014 order to show cause to intervene in the declaratory judgment against the Commission, brought by Silver and Skelos.

...

Based upon this GOLD-MINE of primary-source EVIDENCE – and the equally spectacular balance pertaining to JCOPE, accessible from CJA’s homepage, www.judgewatch.org, via the prominent center link ‘Exposing the Fraud of the Commission to Investigate Public Corruption – & Preet: NY’s UNTOUCHED

‘culture of corruption’: Pay Raises, JCOPE, Judicial & Attorney Discipline, Etc.’— can the public expect that you will correct the error in your July 10th article – and simultaneously answer the question it posits as ‘loom[ing] large’, based on your easy-to-accomplish verification of what is obvious from that EVIDENCE, *to wit*, that more than five years ago U.S. Attorney Bharara could have ‘cleaned up Albany’, essentially overnight, based on what the April 15, 2013 complaint furnished him, ‘on a silver platter’. Indeed, your doing so, as immediately as possible, could not be more vital for New York voters, as the now ‘Distinguished Scholar in Residence’ at NYU School of Law and podcast host Bharara is now part of ‘the race to replace Schneiderman’, being a co-moderator of this Thursday’s September 6th debate at Cooper Union, with WNYC’s Brian Lehrer [between the democratic candidates]...

As reflected by my below August 28th e-mail to Mr. Lehrer..., each of the four Democratic attorney general candidates – Teachout, James, Maloney, and Eve – was furnished the EVIDENCE of the collusion of U.S. Attorney Bharara and ‘the Moreland Commission’ in covering up the corruption of all the many state public officers now running for re-election – Governor Cuomo, Comptroller DiNapoli, and incumbent Albany legislators, the highest being Silver’s and Skelos’ successors – Heastie and Flanagan... – none of whom can be re-elected because, based on the EVIDENCE of the April 15, 2013 corruption complaint – and reinforced by the mountain of EVIDENCE thereafter embodied in two citizen-taxpayer actions and in successive corruption complaints filed with Albany County District Attorney Soares, a former Commission member, and, most recently, by the above-attached May 16, 2018 NOTICE/complaint to then Acting Attorney General Underwood – all must be indicted – and will be convicted, including pursuant to ‘The Public Trust Act’ (Penal Law §496) – the statute that was the pretense for ‘the Moreland Commission’ shutdown, enacted following behind-closed-doors, ‘three men in a room’ budget dealmaking.

Kindly advise, as immediately as possible – including as to other journalists who will run with this untold, electorally-explosive story, in the event you are unable or unwilling to do so.

By copy of this e-mail to Mr. Eisinger, with whom I would hope you would collaborate, I invite his response, as well. Indeed, I wholeheartedly agree with his premise that what U.S. Attorney Bharara did, *vis-à-vis* Wall Street prosecutions, resulted in a popular disaffection that led to the election of President Trump – though I would expand this to include what U.S. Attorney Bharara comparably did – together with his accomplice, U.S. Attorney Loretta Lynch – by their utterly unimpressive prosecutions of state public officers, from whom, apparently, they failed to offer any deals in exchange for the most basic information to topple the top tier of New York’s government and a corrupted *status quo*, a subject about which my May 13, 2013 corruption complaint to U.S. Attorney Lynch offered a roadmap <http://www.judgewatch.org/web-pages/judicial-compensation/5-13-13-complaint-lynch.htm> – and as to which, to date, there has been ZERO or near-ZERO critical

reporting by our supposedly non-fake-news press, despite my herculean, unremitting efforts throughout these past five years...”. (underlining, italics, capitalization, hyperlinking in the original).

The following day, I cc'd both Messrs. Cohan and Eisinger on my [September 5, 2018 e-mail](#) to Mr. Lehrer, which stated, in pertinent part:

“Suffice to say, and germane to tomorrow’s debate, there is NOTHING difficult about ending Albany’s corruption. It includes ensuring that New York’s 62 district attorneys and the New York state attorney general – and, as a back-up, New York’s U.S. attorneys – are appropriately investigating and prosecuting the public corruption complaints they receive – rather than, as they do, and as the Commission to Investigate Public Corruption concealed, dumping or ‘sitting on’ them.

Kindly forward this e-mail to Mr. Bharara, so that you and he can discuss the below recited particulars and EVIDENCE, which, as relates to him, begins with the fully-documented April 15, 2013 corruption complaint I filed with him and which he ‘sat on’ <http://www.judgewatch.org/web-pages/judicial-compensation/corruption-complaint-to-us-attorney-bharara2.htm> – as did all other investigative, criminal, and ethics authorities to whom I furnished it in support of complaints to them – excepting the Commission to Investigate Public Corruption, which dumped my complaint as ‘outside [its] mandate’. This gave rise to the two citizen-taxpayer actions and the motion to intervene in the declaratory judgment action against the Commission to Investigate Public Corruption – recited by my May 16, 2018 NOTICE/complaint to now Attorney General Underwood: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/5-16-18-notice-to-underwood.htm> – whose massive substantiating EVIDENCE and devastating causes of action underscore the magnitude of what Mr. Bharara could have accomplished, based on the April 15, 2013 complaint, wiping out New York’s ‘culture of corruption’, virtually overnight, and sending to jail, at that time, the corrupt incumbent public officers on this year’s ballot – Governor Cuomo, Comptroller DiNapoli, and a huge swath of legislative incumbents, Democrat and Republican alike. ALL will have to be prosecuted – or referred for prosecution – by whoever becomes our newly-elected attorney general, consistent with the promises each has been making to voters about ‘equal justice’ and ‘following the evidence wherever it leads.” (capitalization, underlining, and hyperlinking in the original).

I received no response from Messrs. Eisinger and Cohan.

Case Study #4 pertains to the SAME type of commission scheme to review public campaign financing and election law, as for legislative, judicial, and executive pay raises – and the rigging that was taking place as to it, comparable to what had occurred and was occurring with respect to the Commission on Legislative, Judicial and Executive Compensation and, prior thereto, with respect to the Commission on Judicial Compensation. By a [September 6, 2019 e-mail](#) entitled “NEWS TIP – ALERT – SPREAD THE WORD: NYS Public Campaign Financing & Election Commission is

INACCESSIBLE TO THE PUBLIC”, I asked:

“Can you help get some news reporting/investigation of the below MAJOR, MAJOR news story? My efforts, thus far, have been completely unsuccessful – and you can see how extensive they have been here: <https://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/press-force-of-law-commissions/outreach-sept2019-alert1.htm>.”

The attachments substantiating “the below MAJOR, MAJOR news story” were a [September 3, 2019 FOIL request](#) I had filed about the Public Campaign Financing and Election Commission and my [letter to the editor in the August 21, 2019 New York Law Journal](#) as to the challenge to its constitutionality, embodied in CJA’s citizen-taxpayer action, then before the New York Court of Appeals.

I sent this e-mail to ProPublica’s “tips” e-mail address, plus its then top six officers:

- its [President Richard Tofel](#),
- its [Editor-in-Chief Stephen Engelberg](#),
- its [Managing Editor Robin Fields](#),
- its [Deputy Managing Editor Scott Klein](#),
- its [Deputy Managing Editor Charles Ornstein](#),
- its [Deputy Managing Editor Eric Umansky](#).

I received no response.

Case Study #5 pertains to my face-to-face interaction with President Tofel at a December 3, 2019 conference of the Fair Media Council, at which he was a featured speaker. Prior thereto, I sent the executive director of the Fair Media Council a [November 27, 2019 e-mail](#) summarizing my “30 years of in-the-trenches, direct, first-hand experience with the media”, culminating in my September 6, 2019 e-mail to ProPublica, including President Tofel, “pleading for...help in getting news reporting/investigation for [a] “MAJOR, MAJOR news story”, to which I had received no response. I requested that she forward it to President Tofel “so that he can advise as to what I needed to do differently to garner a response from Pro Publica and other media to the still unreported, readily-verifiable, politically-explosive story”.

I received no response from the Fair Media Council’s executive director, but at the conference directly handed a hard copy of this e-mail to President Tofel with its attachments – the most important being my published August 21, 2019 letter to the editor that I was [distributing at the conference with the annotation](#):

“Why has New York’s press not reported on – let alone investigated – this major case, whose record is a readily-verifiable ‘paper trail’ of corruption and larceny of taxpayer monies for which the Governor, Attorney General, Comptroller, New York’s state Legislators, and top Judges must all be indicted. Check it out at

www.judgewatch.org, accessible from the prominent center link ‘CJA’s Citizen-Taxpayer Actions to End NYS’ Corrupt Budget ‘Process’ & Unconstitutional ‘Three-Men-in-a-Room’ Governance’. I look forward to the benefit of your answer and can be reached at 914-421-1200 and *via* e-mail at elena@judgewatch.org.”

This face-to-face interaction between us followed my public exchange with him, as a participant in the opening panel about trust in the media and “local news”, in which I had asked him whether ProPublica would be willing to investigate EVIDENCE of “fake news” and media election-rigging. I recounted this in a follow-up [January 21, 2020 e-mail](#) to him, whose concluding paragraphs asked:

“Putting aside whether ProPublica will engage in investigative journalism about ‘fake news’ and media election-rigging – a question requiring you to rise above what are plainly insurmountable personal and professional conflicts of interest – do you not agree that the citizen-taxpayer action is a breathtaking roadmap of ‘abuses of power and betrayals of public trust’ at the highest levels of all three branches of New York state government – eviscerating constitutional governance and the rule of law – injuries compounded by a sustained and ongoing ‘grand larceny of the public fisc’? And wouldn’t you agree that investigation and report by ProPublica will not only have sweeping impact in ‘hold[ing] power to account’, but end, virtually overnight, New York’s so-called ‘culture of corruption’. Isn’t this precisely the kind of impactful story that ProPublica prides itself with investigating and reporting? And isn’t it perfect for your Local Reporting Network focused on state government: <https://www.propublica.org/article/expanding-propublica-local-reporting-investigating-state-government> – excepting that the story has no newsroom or journalist proposing it. Fortunately, this is no obstacle for ProPublica, whose wealth of connections surely can produce, in short order, quantities of struggling newsrooms and journalists to investigate and report on what is probably the most explosive and far-reaching case to ever confront the New York Court of Appeals: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-ct-of-appeals.htm> – a fact you could easily confirm with such few scholars as there are of New York’s highest state court.

As ProPublica’s Local Reporting Network has a January 31st deadline for projects beginning April 1st: <https://propublica.forms.fm/local-reporting-network-april-2020/forms/7565> – and each passing day is a day lost to government accountability and competitive elections – time is of the essence. When can I expect your call?” (hyperlinks in the original).

The entirety of President Tofel’s response, by a [January 22, 2020 e-mail](#), was:

“Dear Ms. Sassower, Thanks for this. What I said in December was that I would take your materials to our editors, and that they would review them to see if they saw a story for us.

I did, they did, and unfortunately they did not see such a story.

I know you disagree about this.

Regards, Dick Tofel”.

I replied by a [January 23, 2020 e-mail](#):

“I am at a loss to understand your e-mail – and request clarification.

Who are the unnamed ProPublica ‘editors’ who you state did ‘not see’ ‘a story for us’? Are they the topmost editors whose names and contact info appear on the ProPublica website: <https://www.propublica.org/staff/> – Editor-in-Chief Stephen Engelberg, Managing Editor Robin Fields, and the three Deputy Managing Editors: Scott Klein, Charles Ornstein; and Eric Umansky? Or are they the roughly dozen-and-a-half other editors listed? Consistent with ProPublica’s posted Code of Ethics: <https://www.propublica.org/code-of-ethics/>, did any of the ‘editors’ – or you – disclose and discuss conflicts of interest, impairing and impacting on judgment?

Also, did you give the ‘editors’ ALL the ‘materials’ I furnished you on December 3rd – none more important and revealing of conflicts of interest than my November 27, 2019 e-mail ‘THANKSGIVING THANKS for the Fair Media Council, its Dec 3, 2019 Conference – & for opportunities for evidence-based dialogue, scholarship – & solutions essential to our democracy’.

As you do not purport to have given the ‘editors’ my yesterday’s e-mail to you – and I believe it will assist them in reassessing the situation and ProPublica’s civic and ethical obligations, I ask that you forward it to them. Indeed, is it possible that you yourself did not read my yesterday’s e-mail to the end?

Suffice to say that all the questions asked by my e-mail for purposes of prompting ‘evidence-based dialogue’ – none of which you answered – will guide your ‘editors’ to the only answers possible.

Please advise – as otherwise I will have no choice but to contact the ‘editors’ directly.

Thank you.” (hyperlinks, capitalization, underlining in the original).

[President Tofel e-mailed back](#), less than an hour later:

“Ms. Sassower, I think we’ve come to the end of this exchange. If you don’t believe me, it is, of course, your prerogative to approach my editorial colleagues yourself. Regards, Dick”

My [e-mail reply](#), shortly thereafter, was:

“Dear Dick,

At issue is constitutional and lawful governance in the State of New York – and the ability of New York voters to throw out corrupt, self-serving public officers in competitive elections, which they cannot do without press reporting, of which there has been none. How is this not ‘a story for [\[ProPublica\]](#)’ – and its Local Reporting Network? Who do you believe it is ‘a story for’?

[ProPublica](#) has endless connections to media and journalists. At very least, in view of the catastrophic collapse of constitutional and lawful governance chronicled by the *CJA v. Cuomo* citizen-taxpayer action, involving the entirety of the state budget, the pay raises, and the highest constitutional officers of New York’s three government branches, shouldn’t you and your ‘editorial colleagues’ be referring this politically and electorally-explosive case to them, with an urgent recommendation for their investigative journalism? And isn’t this all the more your duty when you see that my own outreach to the press has been unsuccessful, as to which I have asked for your counseling, without response from you.

Can we not discuss this?

I would be happy to come to your office to meet with you and the editors for that purpose. Can we set something up for next week – after you and they have had the opportunity to better review the pleadings and record: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/menu-2nd-citizen-taxpayer-action.htm>?

Do you have any doubt that this is what your foundation and individual funders would expect?

Please. This is too important for us not to tackle together.

Thank you.” (hyperlinking in the original).

I received no response to this – and, a week later, sent President Tofel a [January 30, 2020 e-mail](#), asking whether this was because he did not respond, whether he had “examined the pleadings & record of the *CJA v. Cuomo* citizen-taxpayer action”, and whether he had forwarded my e-mail to Editor-in-Chief Engelberg, Managing Editor Fields, and Deputy Managing Editors Klein, Ornstein, and Umansky for their consideration? I stated: “At least give me the courtesy of those simple answers so that I may better know how to proceed.”

[President Tofel's e-mail](#), two hours later, was:

“Elena, As I said earlier, I don’t think it’s productive to continue this conversation.

Also as I said earlier, our editors have considered your materials and don’t see a story for us.

Dick”

The next day, I sent a [January 31, 2020 e-mail](#) to those five top editors – with a *cc* to President Tofel. Entitled “‘Holding Power to Account’: Chain of e-mails, the EVIDENCE substantiating it – & conflicts of interest”, it stated:

“I am unable to get a straight answer from Dick Tofel as to whether: (1) he has forwarded the below e-mail chain to you, with its above attachments; (2) whether you have examined the verified pleadings and record of the referred-to citizen-taxpayer action suing the highest constitutional officers of all three branches of New York state government for their corruption and collusion against the People; and (3) whether your purported view that this is not ‘a story for [ProPublica]’ has been accompanied by any disclosure/discussion of conflicts of interest impacting on your professional judgment and civic obligations.

Do each of you share his view that there is nothing to discuss – and no assistance, or even guidance, that ProPublica can render for securing investigative journalism for so monumental and politically-explosive a lawsuit, as to which, to date, there has been NO investigative reporting, or even reporting, by New York’s press – large, small, statewide, regional, local. ...

I look forward to your responses – and especially an invitation to meet with you to discuss this.

Thank you”

I received no response.

Case Study #6 pertains to my [September 8, 2020 e-mail](#) to ProPublica’s “tips”, its five top editors and President Tofel. Entitled “What salary is to be paid the winners of NYC’s 92 state legislative races? Is it \$110,000 - or \$79,500? The answer upends all the legislative races – & that’s for starters”, its first paragraph read:

“Will you ask that **straight-forward question** of New York City’s five district attorneys who, in tandem with New York’s 57 other district attorneys, are ‘sitting on’ 62 public corruption/grand jury complaints against New York’s 213 state legislators elected in 2018 – complaints establishing, with EVIDENCE, that the \$110,000 legislative salary is fraudulent, that the 213 state legislators – most running for reelection or higher office – have not been doing their jobs, and that, indeed, the

Legislature does not operate at a constitutional level.” (underlining, bold in the original).

The e-mail furnished links to the five separate public corruption/grand jury complaints I had filed with New York City’s five district attorneys – starting with my [June 9, 2020 public corruption/grand jury complaint](#) to Manhattan District Attorney Cyrus Vance – furnishing, as well, a substantiating [EVIDENTIARY webpage](#). It also reflected, by a link to a [webpage of my outreach to New York City press](#), that I was simultaneously sending identical September 8, 2020 e-mails to New York City’s other “local journalism”, [The City and City Limits](#), among them, to empirically answer the question posed by a January 7, 2020 [Columbia School of Journalism Review](#) article “[Media Mecca or News Desert? Covering local news in New York City](#)”.

Two weeks later, having received no response from [ProPublica](#) to my September 8, 2020 e-mail – and no responses from my identical September 8, 2020 e-mails from any of the other “local journalism” recipients – I sent them, collectively, five separate September 21, 2020 e-mails, specific to each of New York City’s five counties and so-reflected by the different particulars of their titles:

[“Manhattan Elections 2020 -- Informing the Voters with EVIDENCE:](#)
public corruption/grand jury complaint vs Manhattan’s 18 state legislators --
ALL running for re-election – which Manhattan D.A. Vance is ‘sitting on”

[“Bronx Elections 2020 -- Informing the Voters with EVIDENCE:](#)
public corruption/grand jury complaint vs Bronx’s 16 state legislators --
11 running for re-election – which Bronx D.A. Clark is ‘sitting on”

[“Brooklyn Elections 2020 -- Informing the Voters with EVIDENCE:](#)
public corruption/grand jury complaint vs Brooklyn’s 27 state legislators --
24 running for re-election – which Brooklyn D.A. Gonzalez is ‘sitting on”

[“Queens Elections 2020 -- Informing the Voters with EVIDENCE:](#)
public corruption/grand jury complaint vs Queens’ 25 state legislators --
21 running for re-election – which Queens D.A. Katz is ‘sitting on”

[“Staten Island Elections 2020 -- Informing the Voters with EVIDENCE:](#)
public corruption/grand jury complaint vs Staten Island’s 6 state legislators --
all running for re-election or higher officer – which Staten Island D.A. McMahon
is ‘sitting on”

I sent these to [ProPublica](#)’s top five editors, in addition to President Tofel, and “tips”, but received no responses from them – or from New York City’s other “local journalism”.⁶

⁶ I sent [comparable e-mails to the “local journalism” of EACH of New York State’s 57 other counties](#) pertaining to the 2020 elections of their state legislators and D.A.s. Among these: [Investigative Post](#), to which, in September 2020, I sent e-mails for six of the counties within its area of coverage: Erie, Niagara, Orleans, Cattaraugus, Chautauqua, Allegheny (Case Study #3) – having sent a

Case Study #7 pertains to my [September 22, 2020 e-mail](#) to which all the New York City “local journalism” press recipients of my September 21, 2020 e-mail about the 2020 Manhattan elections, were cc’d. Among them, [ProPublica](#)’s top five editors, President Tofel, and “tips”. The subject line was: “Will the New York Times report on evidence supporting President Trump’s claim that Manhattan D.A. Vance’s investigation and grand jury proceedings concerning him are ‘politically-motivated’? How about NYC’s other press?” and its direct recipients were [New York Times](#) reporters Benjamin Weiser and William Rashbaum, to whom I stated:

“Your yesterday’s article ‘[Trump Could Be Investigated for Tax Fraud, D.A. Says for First Time](#)’ – printed in today’s newspaper – reports that lawyers for President Trump have claimed that Manhattan District Attorney Vance’s investigation of the President to support a possible grand jury inquiry is ‘politically motivated’. Will you investigate and report on EVIDENCE **proving** that D.A. Vance has, in fact, flagrantly politicized his office?

Above-attached is that EVIDENCE: the **fully-documented** June 9, 2020 public corruption/grand jury complaint against Manhattan’s 18 state legislators – all running for re-election and all Democratic – that Democratic Manhattan D.A. Vance has been “sitting on” for the past 3-1/2 months -- and whose [referred-to open-and-shut, prima facie EVIDENCE of larceny and fraud goes right to Democratic Governor Cuomo](#). Indeed, [a companion public corruption/grand jury complaint against Governor Cuomo was filed on June 4, 2020 with re-election-seeking Democratic Albany District Attorney Soares](#), who has been ‘sitting on’ it – thereby protecting not only Democratic Governor Cuomo, but Democratic Lt. Governor Hochul, Democratic Attorney General James, Democratic Comptroller DiNapoli, all the Legislators, most of them Democratic, and – among the judiciary – the seven judges of the New York Court of Appeals, all appointed by the Governor and mostly Democratic. ...

prior July 10, 2020 e-mail relating to Erie County entitled: “PRESS ALERT & STORY PROPOSAL: Erie County’s 2020 elections for district attorney, for 13 state senate and assembly seats & for its 27th congressional seat – A Tale of Two Complaints” (Case Study #2).

Post-election, I sent three other INN New York members comparable e-mails:

[Rochester Beacon](#), to which I sent a November 13, 2020 e-mail entitled “LEAD – 2020 Post-Election Issue #1: What salary is to be paid the winners of Monroe County’s 13 state legislative seats? Is it \$79,500 or \$110,000? And what about Monroe County D.A. Doorley’s \$210,900 salary, paid by Monroe County taxpayers?” (Case Study #1);

[Highlands Current](#), to which I sent a November 23, 2022 e-mail entitled: “LEAD: what salary is to be paid to re-elected state legislators Serino, Galef, and Jacobson? Is it \$79,500 or \$110,000? And what about D.A.s Tandy & Grady, whose \$200,000 plus salaries are paid by Putnam and Dutchess County taxpayers?” (Case Study #1);

[Ithaca Voice](#), to which I sent s November 24, 2020 e-mail entitled “Request for your journalism: What salary is to be paid to Tompkins County’s 2 re-elected & 2 newly-elected state legislators -- \$79,500 or \$110,000? And what about the \$200,000-plus salary of re-elected D.A. Van Houten, paid by county taxpayers?” (Case Study #2).

Below, with the above three attachments, is my yesterday's e-mail to The Times and other New York City press requesting investigative reporting about the June 9, 2020 complaint that D.A. Vance has been 'sitting on'...' (hyperlinking, capitalization, bold in the original).

I received no response from ProPublica – or from anyone else.

Case Study #8 pertains to my [June 15, 2021 e-mail to ProPublica](#) entitled “Behind the Scenes: Testing the Fitness of the Manhattan D.A. candidates, with EVIDENCE – public corruption and the grand jury responsibilities of the D.A.’s office”. Sent to ProPublica’s five top editors, President Tofel, and “tips”, the e-mail prefaced its recitation of “Behind the Scenes” facts by a two-sentence message that such was “the latest in the explosive story I furnished you last year – now impacting on New York City’s most important electoral races” and that:

“If, because of your conflicts of interest, you will not be investigate and report it, at least recognize a civic duty and moral obligation to pass it on to the multitude of freelance and other journalists you know, looking for something SIGNIFICANT.” (underlining, capitalization in the original).

I received no response – and, the next day, June 16, 2021, ProPublica published, on its website, an article “[Leading Manhattan DA Candidate Has Repeatedly Paid Virtually No Federal Income Taxes](#)” by four of its reporters. To this I responded, two days later, by a [June 18, 2021 e-mail](#) to the reporters, cc’ing the five top editors and President Tofel. Entitled “The Ethics of Your Journalism...”, it stated:

“Your June 16th article... concedes ‘There is no indication [D.A. candidate Weinstein and her husband] did anything illegal’ – but justifies impacting on the electoral race, adverse to her, because ‘ProPublica concluded the public interest would be served by letting voters and other taxpayers see her tax history’.

Yet the day before, on June 15th, our nonpartisan, nonprofit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), had sent ProPublica’s president and top editors – in addition to tips@propublica.org – an e-mail furnishing open-and-shut, *prima facie* EVIDENCE of corrupt conduct by Manhattan D.A. candidate Bragg, as chief deputy state attorney general, and by Manhattan D.A. candidate Quart, as a state legislator – including as embodied in the above-attached June 9, 2020 grand jury/public corruption complaint that Manhattan D.A. Vance has been ‘sitting on’. Such EVIDENCE had been furnished to D.A. candidate Weinstein – and ALL her fellow D.A. candidates – by a June 14th e-mail that had stated:

‘No candidate may be deemed fit to serve as Manhattan D.A. – or to occupy ANY office of public trust – who does not, based on the posted EVIDENCE, whistle-blow loudly and NOW – with an unequivocal pledge to Manhattan voters that, if elected, he/she will present the June 9, 2020 grand jury/public corruption complaint to a Manhattan grand

jury – and obtain and release responsive answers to the above-attached [July 29, 2020 FOIL/information request](#) to which D.A. Vance has not responded. Will Messrs. Bragg and Quart do that? How about the rest of you?’

The June 15th e-mail to [ProPublica](#) entitled ‘Behind-the-Scenes: Testing the fitness of the Manhattan D.A. candidates, with EVIDENCE – public corruption & the grand jury responsibilities of the D.A.’s office’ is below, with the June 14th e-mail it had forwarded. Were you unaware of the June 15th e-mail and of [ProPublica](#)’s conflicts of interest, referred to therein?

To assist you, I’ve created a [webpage aggregating CJA’s prior e-mails to ProPublica](#) so that you can see for yourselves what [ProPublica](#) has known, in what context, and when – including its president and highest editors – about the massive corruption in New York state governance, for which Manhattan D.A. candidates Bragg and Quart are responsible, involving an unconstitutional and larcenous state budget and ‘false instrument’ commission/committee reports that have raised salaries for judges, for D.A.s based thereon, for the governor, lieutenant governor, attorney general, comptroller, and all 213 state legislators – enabled by wilfully nonfeasant and corrupted criminal and ethics authorities and by judges who have corrupted the judicial process, in tandem with the attorney general – all covered up, completely, by New York’s press, which, for years, has been rigging the re-elections of corrupt public officers, as likewise their elections and appointments to other and higher offices.

Based on the foregoing – and consistent with [ProPublica](#)’s posted [Code of Ethics](#) ‘designed to supplement ProPublica’s Conflicts of Interest Policy (required by the Internal Revenue Service)’ – I ask you to evaluate whether you believe [ProPublica](#)’s publication of the June 16th article bearing your names was, in fact, the ethical, responsible journalism it purports to be – and, additionally, that you assess your professional, ethical, and civic responsibilities going forward.

Specifically, in view of the catastrophic public corruption established by the [EVIDENTIARY narrative webpage substantiating CJA’s June 14th e-mail](#), itself posting the above two attachments – as to which the NON-responses by candidate Weinstein and her seven fellow Democratic D.A. candidates are – by any cognizable standard – not only DISPOSITIVE of their unfitness for public service – but of the frauds they have each been perpetrating upon Manhattan voters ever since, will you take steps to ensure [ProPublica](#)’s investigative report of the June 14th e-mail. To that end, will you – if necessary – ensure that this e-mail containing the June 14th e-mail is forwarded to all members of [ProPublica](#)’s [board of directors, journalism advisory board, and leadership council](#) so that they can verify, for themselves, the partisan, self-serving, and conflict-driven fashion in which its [president and highest editors](#) have compromised [ProPublica](#)’s tax-exempt, nonprofit status and betrayed its mission of investigative journalism that ‘holds power to account’ – particularly when

the ‘power’ includes and implicates the press, starting with The New York Times.

Suffice to add, the only response I received to CJA’s below June 15th e-mail to ProPublica was an automated acknowledgment from tips@propublica.org, stating it would be reviewed by ‘our editorial staff...and a reporter here may contact you.’ I have received no ‘contact’.

Please advise, as soon as possible, so that I may know how to proceed. I am available to answer any questions and to assist you, to the fullest.

Thank you.” (hyperlinking, capitalization, bold, underlining in the original).

The next day, I forwarded the e-mail to ProPublica’s general counsel, Jeremy Kutner, with cc’s to the top editors, President Tofel, “tips”, in addition to the ProPublica authors. I received no response.

Case Study #9 is my July 4, 2022 e-mail to the remaining and changed leadership at ProPublica: the still remaining Engelberg, Ornstein, Klein, Umansky, and Kutner, plus new President Robin Sparkman, new Managing Editor Tracy Weber, and new Deputy Managing Editor Alexandra Zayas. Entitled “July 4th ALERT—TIME IS OF THE ESSENCE” – and also sent to “tips” – the e-mail stated:

“This Friday, July 8th, the ‘ethics commission reform act of 2022’ will take effect, replacing the Joint Commission on Public Ethics (JCOPE) with a Commission on Ethics and Lobbying in Government. The statute, enacted *via* the state budget, is NO ‘reform’ – and is markedly INFERIOR to the statute that had created JCOPE because it strips complainants and the public of enforceable rights for no purpose other than to better ‘protect’ New York’s statewide executive officers – the Governor, Lt. Governor, Attorney General, and Comptroller – and New York’s 213 state legislators – from meritorious complaints.

To demonstrate the important rights that the ‘ethics commission reform act of 2022’ eliminates – and to VOID the statute because it was enacted in flagrant violation of the New York State Constitution, statutes, legislative rules, and caselaw – the 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”, has brought suit against JCOPE, against its statutory partner, the Legislative Ethics Commission (LEC), and against JCOPE’s statutory monitor, the New York State Inspector General (NYS-IG), plus those responsible for, and benefitting from, eliminating JCOPE and for corrupting constitutional, lawful state governance by the budget and otherwise, *to wit*, Governor Hochul, Temporary Senate President Andrea Stewart-Cousins, the Senate, Assembly Speaker Heastie, the Assembly, Attorney General James, and Comptroller DiNapoli.

...The lawsuit [was] commenced by a [June 6th verified petition/complaint](#) ...The record is accessible *via* the New York Court's electronic filing system – and the direct link...is [here](#).

...

I am available to assist you, to the max, in investigating and reporting on this monumental corruption-eradicating lawsuit, requiring and requesting criminal referrals of Governor Hochul, Attorney General James, Comptroller DiNapoli, and New York's 213 state legislators, most running for re-election or higher offices – all the subject of fully-documented complaints, filed with JCOPE, for which the lawsuits seeks enforcement. It would be especially meaningful if you would contact me today, this 4th of July, '[Ancestor Appreciation Day](#)' – and I invite you to do so, even if it is only an e-mail that you will be phoning me tomorrow." (capitalization, underlining, bold in the original).

I received no response.

The Reinforcing Six Case Studies of New York Focus

Of INN's ten New York members here complained-against, the one whose province is, specifically, what is happening in Albany and state governance is New York Focus.

By a [May 2, 2023 e-mail](#), New York Focus Editor-in-Chief Akash Mehta sent me a solicitation for my financial support, entitled "Albany isn't going to investigate itself". It stated:

"In the short time since we launched in 2020 with the scrappiest of budgets, New York Focus has consistently punched above its weight. We've spurred policy, shaped regulation, and driven national news cycles.

We're increasingly delivering on our founding goal: to open the doors of Albany's locked rooms, revealing how power works and helping transform New York's political culture from a secretive pay-to-play business for insiders to a genuinely participatory democracy." (underlining added).

Apart from the brazen fraud of the underlined portions, readily verifiable from my ALL e-mails to Editor-in-Chief Mehta, the three examples of "the kind of work your support will make possible" reflected the agenda-driven, partisan journalism that New York Focus practices: two being about prisons – the favored topic of the Democratic, liberal, progressive, left – with the first example being the work of senior reporter Sam Mellins who, supposedly:

"transformed the framework for understanding New York's top court in his expose revealing the conservative bloc that controlled its decisions. That story and the many others that followed led to the highest-profile battle over the court in New York's history."

This itself is fraud, in multiple respects. First, the Focus' supposed "framework for understanding New York's top court", *to wit*, a supposed "conservative bloc that controlled its decisions", concealed the ACTUAL corruption of Court of Appeals decisions, involving BOTH liberal and conservative members. Second, the reference to the "highest-profile battle over the court in New York's history" concealed that the basis for the "battle" was partisanship, namely, that Governor Hochul's nominee was not deemed sufficiently progressive – and that the reason it was the "highest-profile battle" was because, two weeks earlier, the press – including New York Focus – had given NO "profile" to my opposition to the two nominees Governor Hochul thereafter named – opposition based on their corruption in office. Third, this [pattern of press suppression of public corruption grounds of opposition to Court of Appeals nominations, enabling the rigging of confirmations, is a hallmark of press coverage of Senate confirmations, extending as far back as 1987](#), but New York Focus does not contact me as a source for ANY of its reporting on ANY issues, including as pertains to New York's judiciary, with knowledge that anything I have to say is non-partisan, documented, and would expose the deceit of sources upon which it relies for its left-wing, liberal, progressive narratives.

On Friday, June 9, 2023, just as I was writing the conclusion of this complaint, New York Focus sent me another [e-mail](#) – this one, from Rebecca Klein, identified as "Publisher", was entitled "New York Focus In The New York Times" and stated:

"Since launching in 2020, our goal has been to explain how New York really works by publishing in-depth, unflinching investigative journalism...."

This morning, [The New York Times published a profile of New York Focus](#), describing our spotlight on 'the way that power is exercised in Albany and how it filters down and affects almost everything.'

...

Donate today and help create a more transparent New York. ..."

The New York Times profile "[UpStart News Site Has Youth on Its Side, and Albany in Its Sights](#)" features a photo of the youthful staff and extensively describes its Editor-in-Chief Akesh Mehta, co-founding New York Focus with his University of Chicago classmates Sam Mellins and Lee Harris. According to the Times, "New York Focus zeros in on the details of what goes on in the state capital"; and "Against trend, there would be very little in the way of takes or opinion", in other words, that it is not partisan.

So as to specifically demonstrate how brazenly New York Focus lies in how it presents itself for fundraising – and how New York's supposedly credible, trustworthy "legacy" press adds to the fiction – below are my six case studies of New York Focus, in further substantiation of this complaint.

Case Study #1 pertains to my [December 21, 2020 e-mail](#) to Editor-in-Chief Mehta, Managing Editor Harris, and Contributing Editor Mellins, among others. Entitled "Bravo on your nonprofit newsroom launch – & your stated particular interest in 'pitches...related to...budget, and the administration of Andrew Cuomo", it read:

“Bravo on your October 2020 launch of an ‘independent newsroom covering state and local politics in the Empire State’ to ‘help make state politics more democratic by publishing adversarial, in-depth reporting...to explain how the Empire State really works.’, focused on ‘New York’s political process’.

‘How the Empire State really works’ – including the UNCONSTITUTIONALITY of New York’s ‘three-men-in-a-room’ governance AND the Legislature’s closed-door party conferences -- is the subject of the above-attached FULLY-DOCUMENTED June 4, 2020 grand jury/public corruption complaint against the highest constitutional officers of New York’s three government branches -- Governor Cuomo, Lt. Governor Hochul, Attorney General James, Comptroller DiNapoli, ALL New York’s state Senate and Assembly members, and New York’s most powerful judges, starting with the seven at the New York Court of Appeals – for fraud and larceny involving the state budget and the pay raises it embeds, that Albany County District Attorney P. David Soares has been ‘sitting on’. The substantiating EVIDENTIARY webpage for the complaint is [here](#) – and the e-mails that transmitted it to D.A. Soares, as well as a subsequent July 23, 2020 FOIL request – to which Albany County notified me it had no answer – are below.

To date, and despite my herculean outreach to New York’s press, there has been NO reporting of the June 4, 2020 complaint, at all – let alone any that is ‘adversarial, in-depth’. The same is true of the 61 materially-identical grand jury/public corruption complaints I filed with New York’s 61 other district attorneys: [here](#).

Please call me upon your review of this politically-explosive ‘pitch’/‘story tip’ related to the ‘budget, and the administration of Governor Andrew Cuomo’, to which your “[About Us](#)” webpage identifies you are ‘particularly interested’. I am available, including on weekends and in the late night and early morning hours – and am eager to share with you a gold-mine of primary-source, documentary EVIDENCE about what’s been going on, spanning decades, for your ‘adversarial, in-depth reporting’. (capitalization, hyperlinking in the original, the attached June 4, 2020 grand jury/public corruption complaint and July 23, 2020 FOIL request are [here](#) and [here](#)).

Two weeks later, in the absence of response, I sent to Editor-in-Chief Mehta, *et al.* a January 4, 2021 e-mail entitled “AGAIN...”, stating:

“I have received no response to my below December 21, 2020 e-mail, whose ‘pitch’/‘story tip’ not only relates to the ‘budget, and the administration of Governor Andrew Cuomo’, to which your ‘[About Us](#)’ webpage identifies you are ‘particularly interested’, but ‘criminal justice’, which you list even before the ‘budget, and the administration of Governor Andrew Cuomo’.

Are you not interested in ‘criminal justice’ when the criminals are Governor Cuomo and New York’s other highest constitutional officers – and the EVIDENCE to indict

and convict them, including for fraud and larceny pertaining to the ENTIRETY of the state budget and their own pay raises and embracing the unconstitutionality of ‘three men in a room’ budget deal-making and the Legislature’s closed door party conferences – is *prima facie* and open-and shut?” (hyperlinking, underlining, capitalization, italics in the original).

Such e-mail was additionally significant in reflecting New York Focus’ fraudulent solicitation for funding, at that time, concluding, as follows:

I take this opportunity to note that I did receive your January 1, 2020 newsletter/funding solicitation in which you state:

‘Entering the new year, our sights are set squarely on the all-important state budget. The decisions made in this budget...will shape every aspect of New York’s recovery.

We’re proud of the track record we’ve already established reporting on famously secretive budget negotiations and enabling New Yorkers to hold their representatives accountable for what they fight for, and what they don’t, behind closed doors. But we’re operating on a shoe-string budget ourselves, and we need your help to continue this work.’

Please advise what’s taking you so long to seize upon the FULLY-DOCUMENTED ‘pitch’/story tip’ I furnished you.” (hyperlinking, capitalization in the original).

I received no response from New York Focus, which eight days later published a January 12, 2021 article “*Progressives Slam State Senate Finance Secretary Pick*” by Ms. Harris and Mr. Mehta.

Case Study #2 is my March 24, 2021 e-mail to Editor-in-Chief Mehta, *et al.*, which, identifying two articles he had authored “*Assembly Leader’s Budget Plans Trail Senate’s On Progressive Priorities, Advocates Say*” (March 11, 2021) and “*‘We Need to Hold Him Accountable’: After Sexual Harassment Allegations, Legislators Search for Ways to Respond*,” (February 5, 2021), asked and stated:

“When will you be reporting on Governor Cuomo’s corrupting of state governance, involving pay raises & the state budget – embodied in FULLY-DOCUMENTED corruption and ethics complaints, including with respect to the FY2021-2022 budget?”

The most recent of these complaints – and embracing my testimony about the FY2021-2022 budget at the Legislature’s February 10, 2021 ‘public protection’ budget hearing and before Temporary Senate President Stewart-Cousins, directly, at the February 16, 2021 local forum on the state budget, sponsored by the Westchester Senate delegation – was filed on March 5, 2021 with the Joint Commission on Public Ethics (JCOPE) and Legislative Ethics Commission (LEC). It is above-attached –

and the open-and-shut, *prima facie* EVIDENCE substantiating it is posted on CJA's webpage for the complaint, here: <http://www.judgewatch.org/web-pages/searching-nys/jcope/3-5-21-complaint-to-jcope-lec.htm>.

Suffice to add, the [March 5, 2021 JCOPE/LEC complaint](#) – like [the June 4, 2020 grand jury/public corruption complaint to Albany County District Attorney Soars](#), on which it principally relies – and which I furnished you TWICE, by the below two e-mails – EVIDENTIARILY establishes that the state Senate and Assembly members clamoring for Cuomo's resignation and/or impeachment – and the senators and Court of Appeals judges who would constitute a court of impeachment ([NYS Constitution, Article VI, §24](#)) – must themselves resign and/or be impeached – and that everyone in a line of gubernatorial succession, beginning with Lieutenant Governor Hochul, must be criminally prosecuted – and will be convicted.

As always, I am available to answer your questions and assist you to the max, on this explosive, corruption-eradicating story, establishing the DECEIT of sources on whom your February 15th and March 11th articles uncritically rely. I invite you to call me, no matter how early or late – also extending that same invitation to your advisory board member Ross Barkan, herewith *cc'd*." (capitalization, hyperlinking, bold in the original).⁷

I received no response. Instead, on April 7, 2021, [New York Focus](#) published "[What Made It Into The Budget – And What Was Left Out](#)", by Messrs. Mehta and Mellins and Ms. Harris, concealing, *in toto*, any hint that there might be anything unconstitutional, unlawful, fraudulent, or larcenous about the budget, let alone all four and massively. On August 6, 2021, it published Mr. Mellin's "[Andrew Cuomo Picked His Own Impeachment Jury](#)", concealing, *in toto*, the corruption of the Court of Appeals judges and senators, pertaining to their pay raises and the budget, requiring their impeachment or resignation. On August 11, 2021, it published Mr. Mellin's "[Who is Kathy Hochul. An Introduction to New York's Next Governor](#)", concealing Lieutenant Governor Hochul corruption pertaining to her own pay raises and the budget, and, on that same date, capped its follow-the-pack journalism that had run Governor Cuomo out of office for alleged sexual harassment by Ms. Harris' "[Cuomo Leaves, But A Corrupt Political Culture Remains in New York](#)", which, bearing

⁷ Until the redesign of the [New York Focus](#) website, within the past month or so, it had listed its advisory board members, Mr. Barkan, among them. Mr. Barkan is a lawyer, in addition to being a journalist, and has, for more than a decade, been complicit with all the other press in suppressing any report of CJA's advocacy. CJA's webpage of e-mails to Mr. Barkan, beginning in 2013, is accessible [here](#). Beginning with my March 24, 2021 e-mail to [New York Focus](#), all my subsequent e-mails to it would include him.

As for former [Albany Times Union](#) Editor Rex Smith, who is described by the June 9, 2023 [New York Times](#) article as "an informal advisor to New York Focus", his name had not appeared as part of its advisory board. Mr. Smith has also been complicit in the suppression of any report of CJA's advocacy, not only as [Albany Times Union](#) editor, but as co-host of [WAMC public radio's Media Project](#). CJA's webpage of e-mails to him, beginning in 2007, is accessible [here](#).

the subtitle “The structure of state government, with its centralized power and few ethical checks, invites scandal after scandal”, included the following:

“New York’s power structure notoriously depends on ‘three men in a room,’ who negotiate most deals, including the all important state budget: the Governor, Assembly leader and Senate leader...The extreme centralization of power is a key reason for corruption, good government experts say...”

No mention that New York Focus had known, for 7-1/2 months, of CJA’s citizen-taxpayer action challenging the constitutionality of the “extreme centralization of power”, including the “three men in a room” and the entirety of the budget – and had reported nothing about it, nor about my [February 7, 2021 complaint to the Commission on Judicial Conduct](#) against the New York Court of Appeals judges and my [February 11, 2021 complaint to the attorney grievance committees](#) against Attorney General James for corrupting the judicial process in the lawsuit, both complaints embodied in my [March 5, 2021 complaint to JCOPE](#), which Focus had also not reported.

Case Study #3 is my [June 15, 2021 e-mail](#) cc’ing Editor-in-Chief Mehta, *et al.*, as well as top editors and journalists at The City. Entitled “Behind-the-Scenes: Testing the Fitness of Manhattan D.A. Candidates, with EVIDENCE – public corruption & the grand jury responsibilities of the D.A.’s Office”, it was addressed to Mr. Mellins, whose article “[Manhattan D.A. Candidate Tali Weinstein Skipped Years of Voting in Local Elections, Records Show](#)” was published the previous day by both New York Focus and The City, and to City reporter Rachel Holliday Smith, whose article “[Manhattan D.A. Candidate Farhadian Weinstein Blitzes Airwaves Using Her Own Millions](#)” had also been published by The City the previous day. My June 15, 2021 e-mail to New York Focus and The City presented the same content as I had presented by my [June 15, 2021 e-mail to ProPublica](#) (Case Study #8, pp. 23-25, *supra*), *to wit*:

“Yesterday, the eight Democratic Manhattan D.A. candidates – and the Republican D.A. candidate – were sent the below e-mail entitled ‘**So, you want to be Manhattan D.A., here’s the info & EVIDENCE in support of your whistleblowing, NOW -- & your duty, IF elected, to present same to a Manhattan grand jury**’. It was also sent to five of candidate Bragg’s endorsers: The New York Times, Elizabeth Holtzman, Zephyr Teachout, Preet Bharara, and Jennifer Rodgers – as it details, [with open-and-shut, prima facie EVIDENCE](#), his public corruption – & that of candidate Quart.

What do they each have to say about it – and how, specifically, and in the context of the e-mail’s above two attachments, will the candidates be handling the public corruption duties of the D.A.’s office and its grand jury responsibilities.

I am available to answer questions – and to assist you in providing voters with information critical to their exercising an intelligent vote.” (bold, capitalization, hyperlinking in the original).

The referred-to “above two attachments” were my [June 9, 2020 grand jury/public corruption complaint](#) to incumbent Manhattan D.A. Cyrus Vance and [June 27, 2020 FOIL request](#).

I received no response from [New York Focus](#), which seven days later, on June 21, 2021, published “[How Progressives Could Lose New York’s Mayor’s Race – But Win the City](#)” by Messrs. Mehta and Mellins, stating, in pertinent part:

“While a staunchly progressive council could serve as a powerful check on a moderate or right-wing mayor, the offices of district attorney and comptroller can also play critical roles, former gubernatorial Zephyr Teachout told New York Focus... Teachout supports former Deputy New York Attorney General Bragg, who polled at 26 percent, in a dead heat with the more conservative candidate Tali Farhadian Weinstein, who recently pumped \$8.2 million of her own money into her campaign. Bragg is the only Black candidate in the race – and, Teachout has argued in *The Nation*, the only progressive with a ‘realistic path to victory,’ due in part to endorsements from the New York Times...”

Case Study #4 consists of three e-mails pertaining to the FY2022-23 state budget and the 2022 elections, sent to Editor-in-Chief Mehta, *et al.* – and now adding Rebecca Klein, then identified on the [Focus](#) website as general manager, with Lee Harris now shifted to the title of contributing editor.

The first e-mail is my [March 26, 2022 e-mail](#) entitled “NYS BUDGET: Challenge to the constitutionality & lawfulness of the FY2022-23 NYS budget, the fraud of ‘ethics reform’ – & the 2022 elections”. It followed upon Mr. Mellins’ March 21, 2022 article “[Here’s What You Need to Know About the 2022 State Budget](#)” and stated, in pertinent part:

“MISSING from your reporting about the policy-laden FY2022-23 NYS budget, now being negotiated, as a package deal, behind-closed-doors, by Governor Hochul, Temporary Senate President Stewart-Cousins, and Assembly Speaker Heastie, is that ALL this violates express requirements of the NYS Constitution (Article VII, §§2-7, Article III, §10), statutes, and the Legislature’s *own* rules – which mandate an open, transparent budget process: a budget from the Governor based on numbers, with policy only as relates to taxes and revenues – followed, after hearings, by Senate and Assembly emendations of the Governor’s budget bills by reductions and eliminations of appropriations, with the two houses then reconciling their differing so-amended bills so that each reconciled bill becomes ‘law immediately without further action by the governor’, as a rolling budget – the only exception being the Legislative/Judiciary budget bill (Article VII, §4).

Below is my yesterday’s e-mail about the unconstitutionality, unlawfulness, fraud, and larceny of the FY2022-23 budget, addressed to the 25 legislators present for my testimony at the January 25, 2022 ‘public protection’ budget hearing...

The *cc*’s to the e-mail bring the total number of legislative recipients to 41 – including those highest in power and in the stipends they receive.... The e-mail’s

direct recipients include the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee..., each present for my January 25, 2022 testimony... – and requested by my e-mail to furnish my testimony and such findings of fact and conclusions of law as were made with respect thereto to ALL 213 legislators for discussion, IMMEDIATELY, at the Legislature’s majority and minority party conferences, which they hold, behind-closed-doors, in violation of Article III, §10.

Starting with these 41 legislators – most, if not all, of whom are running for re-election or higher office – will you ask them the straight-forward question my e-mail asks ‘What findings of fact & conclusions of law did you make regarding my testimony at the Jan 25, 2022 ‘public protection’ budget hearing?’ Do you not agree that this is what the public MOST needs to know about what is happening now, with the budget, with ‘ethics reform’ – and about the fitness of these legislators for public service?

As always, I am available to assist you, to the max, so that the People of the State of New York – and its voters – can know how they have been betrayed by their public officers, including by their statutorily-violative, fraudulent, and unconstitutional pay raises, whose cost to taxpayers, since April 1, 2012, is approaching three quarters of a billion dollars.

I invite you to call me, with any questions – and have created, for your convenience, an EVIDENTIARY webpage for my below e-mail, here.” (capitalization, underlining, hyperlinking in the original).

I received no response from New York Focus, whose April 11, 2022 article “[What’s In New York’s \\$220 Billion State Budget](#)” by Mr. Mellins concealed, *in toto* – as in prior reporting – any hint that the budget might be unconstitutional, unlawful, fraudulent, or larcenous.

My second e-mail is my July 4, 2022 e-mail entitled “July 4th ALERT – TIME IS OF THE ESSENCE – TRO/Preliminary Injunction: ‘ethics commission reform act of 2022’ – CJA, et al. v. JCOPE, et al. (Albany Co. #904235-22)” – and is identical in content to my July 4, 2022 e-mail to ProPublica (Case Study #9, excerpted at pp. 25-26, *supra*).

I received no response from New York Focus, notwithstanding Mr. Mellins’ April 11, 2022 article “[What’s In New York’s \\$220 Billion State Budget](#)” had included, as its last item, under the heading “OTHER”:

“JCOPE Replacement

- The Joint Commission on Public Ethics, the state’s much-maligned ethics agency, will be replaced by a new body known as the Commission on Ethics and Lobbying in Government. Some of the most criticized elements of

JCOPE, such as minorities of members having veto power, will be discontinued in the new commission. But most of the state's major good government groups issued a statement calling the new body 'fatally flawed' given that its members will still be appointed by the politicians they are meant to police."

No mention of whether JCOPE could constitutionally be replaced, *via* the budget.

My third e-mail is my [October 15, 2022 e-mail](#) entitled "New York Focus' reporting of the 2022 electoral races for governor, attorney general, comptroller, & state legislators – & the corruption eradicating lawsuit *CJA v. JCOPE, et al.* (Albany Co. #904235-22)", stating:

"More than three months ago, by the below July 4th e-mail entitled '...ALERT – TIME IS OF THE ESSENCE...', I alerted you to CJA's 'monumental corruption-eradicating lawsuit, requiring and requesting criminal referrals of Governor Hochul, Attorney General James, Comptroller DiNapoli, and New York's 213 state legislators, most running for re-election or higher offices – all the subject of fully-documented complaints, filed with JCOPE, for which the lawsuit seeks enforcement.'

There was NO response from you, notwithstanding [the 'About' page of your website](#) describes [New York Focus](#) as 'the state's only nonprofit news organization focused on state politics. We investigate power and report stories that would otherwise go untold, guided by the belief that politics is not a sport.... We are particularly interested in pitches related to...the administration of Governor Kathy Hochul.'

What did you think would happen to the lawsuit, *CJA v. JCOPE, et al.* Was it not obvious to you – from examining the initiating [June 6, 2022 verified petition, with its hyperlinks and exhibits](#) – that CJA, expressly acting 'on behalf of the People of the State of New York & the Public Interest', was entitled to ALL the petition's requested relief and that respondents Hochul, James, DiNapoli, & a huge swath of state legislators, starting with Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie and including ALL state legislators in leadership positions, could not be re-elected, because they would have to be indicted – and would be convicted – for their public corruption involving New York's ethics entities, the state budget, constitutional governance, and pay raises?

The status of the lawsuit now, more than three months later, is as follows: Attorney General James, representing herself and her co-respondents, had NO legitimate defense to the petition and engaged in litigation fraud to try to get it thrown out. CJA responded with a fully-documented [September 15, 2022 motion](#) for sanctions against her and her fellow respondents, simultaneously seeking summary judgment on the petition's ten causes of action. Attorney General James responded with [more](#)

litigation fraud – and CJA chronicled this by [October 4, 2022 reply papers](#). Additionally, and based thereon, CJA filed fully-documented complaints against Attorney General James with New York’s two ethics entities having ethics jurisdiction over her: (1) JCOPE’s successor – the Commission on Ethics and Lobbying in Government (CELG); and (2) the Appellate Division, First Department Attorney Grievance Committee.

So that you can belatedly discharge journalistic responsibilities to report on this latest of CJA’s far-reaching, electorally-explosive lawsuits and CJA’s complaints against Attorney General James based thereon, the full lawsuit record is [here-linked](#) and the complaints are above-attached.

As Republican Gubernatorial Candidate Lee Zeldin is, like Governor Hochul, an attorney, as is, of course, Republican Attorney General Candidate Michael Henry, I am *cc’ing* Candidates Zeldin and Henry on this e-mail so that they can demonstrate their fitness for the offices they seek by furnishing you with their legal opinions as to the [CJA v. JCOPE, et al. verified petition and the record pertaining thereto](#). For the same reason, I am *cc’ing* Republican Comptroller Candidate Paul Rodriguez. He must be deemed unfit to be state comptroller, if he is unable to give his professional opinion as to whether the New York state budget complies with EXPLICIT constitutional, statutory, and legislative rule requirements and caselaw – which are the petition’s sixth, seventh, and eighth causes of action – and to ‘whistle-blow’ concerning [Comptroller DiNapoli’s DIRECT, PARTICIPATORY ROLE in the “false instrument” December 10, 2018 report that gave statutorily-violative, fraudulent, and unconstitutional pay raises to legislators and statewide electeds, himself among them](#) – the subject of CJA’s March 5, 2021 complaint to JCOPE, [Exhibit D-1 to the petition](#). The webpages for my prior contacts with these three Republican/Conservative candidates for New York’s top statewide offices – including earlier this week and pertaining to the [Albany Times Union’s](#) reporting on JCOPE, CELG, and its upcoming electoral endorsements – are [here](#) and [here](#) and [here](#) – and you should ask them what investigation they did with respect thereto, as I received no responses from them.

The New York State Bar Association and New York City Bar Association – the two most important bar associations of this state – can assist you with unbiased expert evaluation of the [CJA v. JCOPE, et al. lawsuit record](#), with which they are already familiar. They can also furnish you with the names of scholars of the New York State Constitution, of litigation rules and procedures, and of ethics, to further assist you. My September 25th e-mails to them for their legal opinions and for scholarship are [here](#) and [here](#) – and you should ask them what action they took with respect thereto, as I received no responses from them.

I am available to assist you to the max. When can I expect your calls?” (capitalization, hyperlinking, bold in the original).

I received no response from New York Focus, whose essentially non-existent election coverage of the gubernatorial, attorney general, comptroller, and legislative races culminated in a November 3, 2022 article [‘Polls Are Lethargic’: Polls Suggest A Missing Economic Message in the Governor’s Race](#)” by Ms. Harris, making no mention of the corruption issues my e-mails presented – all of which would have properly outraged and galvanized voters.

Case Study #5 consists of my three e-mails pertaining, exclusively, to the FY2023-24 state budget – all three sent to Editor-in-Chief Mehta, *et al*, its new managing editor, Maia Hibbett, and its new general manager, Rebecca Klein, taking over for Ms. Harris, whose title now shifted to contributing editor.

The first e-mail is my [February 5, 2023 e-mail](#) entitled: “Prepping for the Legislature’s Budget Hearings – & ‘Blowing the Whistle’ on the Legislature’s OWN budget”, which asked and stated:

“Shouldn’t the press be inquiring about [the Legislature’s structuring of its budget hearings, by ‘programmatic area\[s\]’, not bills](#) – concealing [violations of Article VII, §§2, 3, and 4 of the New York State Constitution](#)?”

Above-attached is my already-submitted written testimony addressed to that subject, at the outset. CJA’s EVIDENTIARY webpage posting it is [here](#).

I am available to answer questions – and to provide important scoops on the [Legislature’s own budget](#), expanded in [Legislative/Judiciary budget bill #S.4001/A.3001](#). How about asking Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie why they are NOT testifying on behalf of their budget and the legislative portion of the combined Legislative/Judiciary budget bill at any legislative budget hearing? Or are they?” (hyperlinking, capitalization in the original, attached February 5, 2023 testimony, [here](#)).

I received no response from New York Focus.

My second e-mail is my [February 26, 2023 e-mail](#) entitled “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”, asking and stating:

“Have you examined, at all, the Legislature’s OWN budget – the necessity of which I alerted you to three weeks ago, by the below.

To assist you in providing such vital information to New York taxpayers about the purported “\$273,921,877” legislative budget for FY2023-24 that they will be paying for and as to which there has been NO legislative budget hearing, above-attached is my February 15th written testimony exclusively on that subject, setting forth 38 questions to be asked of Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie about the [Legislature’s OWN budget](#) and Governor

Hochul's expansion of it in [Legislative/Judiciary Appropriation Bill #S.4001/A.3001](#).

This written testimony, timely-submitted for the Legislature's February 15th budget hearing on 'local government officials/general government', was NOT posted on the Senate and Assembly webpages for the hearing, [here](#) and [here](#), until AFTER [my February 22nd e-mail to Senate Finance Committee Chair Krueger and Assembly Committee Chair Weinstein](#) about its non-posting. However, I have yet to receive ANY response to the e-mail's inquiry as to whether the testimony was distributed to ALL Senate and Assembly members for their review – and to which staff.

I am available to answer your questions – and to give you the lead on further developments in this important story, to be embodied in a third press release following Governor Hochul's 30-day amendments, due this Friday, March 3rd.” (underlining, capitalization, hyperlinking in the original, attached February 15, 2023 testimony, [here](#)).

I received no response from [New York Focus](#).

My third e-mail is my [March 2, 2023 e-mail](#) entitled “Gov Hochul's 30-Day Amendments, Due Tomorrow – Returning the Budget to its Constitutional Rails & Removing its Larcenies & Non-Fiscal, Non-Revenue-Producing Policy”, stating:

“Following up my [February 5th](#) and [February 26th](#) alerts to you about the FY2023-24 budget –

Below, with the above-attached, is my e-mail to Governor Hochul – cc'ing Lieutenant Governor Delgado and her now Budget Director Megna. Its most important attachment, not previously furnished to you, is my February 27th FOIL request, with three simple records requests.

How do YOU explain the mystery of Governor Hochul's five so-called 'FY 2024 Article VII Bills', demonstrated therein with EVIDENTIARY links, other than as substantiating the truth of the analysis furnished by my March 18, 2020 letter to Governor Cuomo as to the unconstitutionality of such bills?

I am available to answer your questions. What are you waiting for?

If this is not a story you will investigate and report, please furnish it to your EVERY member of your [advisory board](#) and ALL your [funders](#) for their evaluation of your news judgment.” (hyperlinking, underlining, capitalization in the original, attached February 27, 2023 FOIL request, [here](#)).

I received no response from [New York Focus](#), which, two weeks later, on March 16, 2023 published “[Here's Your Guide to the 2023 State Budget Fight](#)”, with no byline – making it appear that what

was unfolding with respect to the budget was perfectly lawful – when it was flagrantly unconstitutional. The same was true of its May 3, 2023 “[Your One-Stop Guide to the 2023 New York State Budget](#)”, also with no byline, and without a hint of the budget’s unconstitutionality, unlawfulness, fraud, and larceny.

Case Study #6 follows upon Mr. Mellins’ April 10, 2023 article “[Hochul Nominates Liberal Rowan Wilson for Chief Judge](#)” and consists of two e-mails, each sent to Mehta, *et al.*, pertaining to the New York State Senate confirmation of that nomination and of Caitlin Halligan to fill the associate judge Court of Appeals vacancy his confirmation would create.

The first is my [April 16, 2023 e-mail](#), sent at 8:35 p.m., about what was happening, beginning the next day, at noon. Entitled “BEHIND THE SCENES: 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”, it read:

“RE: Confirmation of Rowan Wilson as chief judge & Caitlin Halligan as associate judge

Is it a ‘hearing’ or a ‘meeting’? And who is being permitted to testify, other than the nominees? Who has requested to testify?

Below is my e-mail sent earlier today to the Senate Judiciary Committee, requesting to testify in opposition to both nominees based on their corruption, in office: Wilson, as a Court of Appeals associate judge, and Halligan, as New York Solicitor General.

Other than automated e-mail acknowledgements, I have received no responses, as yet.

I am available to answer your questions.”

[The indicated “below” e-mail to the Senate Judiciary Committee’s members](#) particularized the fraudulent, without-public-notice manner in which the Committee was proceeding with the confirmations, with no one scheduled to testify other than the nominees, and extensively detailed the basis for my request to testify: Judge Wilson’s “corruption, in office, as a Court of Appeals associate judge, in two separate yet interrelated cases, to benefit himself and the Senate” – the first case being the *CJA v. Cuomo, et al.* citizen-taxpayer action pertaining to the budget and the pay raises and encompassing the second, specifically pertaining to the legislative pay raises – and Ms. Halligan’s “corruption, in office, as solicitor general in the Article 78 proceeding that was the genesis of CJA’s opposition to judicial pay raises”, this being a lawsuit suing the Commission on Judicial Conduct for its corruption, exposing the corruption of “merit selection” to the Court of Appeals, wherein in 2001 and 2002 Solicitor General Halligan corrupted the appellate with litigation fraud, in the absence of ANY legitimate defense. In substantiation, I furnished full documentation, including links to the records of ALL three lawsuit, plus the [February 7, 2021 complaint I had filed against Judge Wilson and his Court of Appeals colleagues for their corruption in the CJA v. Cuomo, et al. citizen-taxpayer action, to benefit themselves](#), additionally attaching four documents from the

CJA v. Cuomo, et al. record at the Court of Appeals:

[3-26-19-ltr-23pp.pdf](#); [5-2-19-order.pdf](#);
[signed-notarized-11-25-19-motion.pdf](#); [2-18-20-order.pdf](#)

8-1/2 hours later, at 4:58 a.m., I sent an [April 17, 2023 e-mail](#) to New York Focus entitled “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”. It read:

“Below is my second e-mail to the Senate Judiciary Committee, as I have received no response to the first, also below.

Corruption is an absolute disqualification. Will you be investigating and reporting this readily-verified story?

I am available to answer your questions.”

The indicated below “second e-mail to the Senate Judiciary Committee” stated:

“Corruption is an absolute disqualification – and both Court of Appeals Associate Judge Rowan Wilson and former Solicitor General Caitlin Halligan knowingly and deliberately violated the duties of their offices, causing vast, irreparable, and ongoing injury to constitutional lawful governance and the People of the State of New York, as established by the open-and-shut, *prima facie* EVIDENCE my e-mail furnishes, consisting of the lawsuit records of: (1) [Center for Judicial Accountability v. Cuomo, et al.](#); (2) [Delgado v. New York State](#); and (3) [E. R. Sassower v Commission on Judicial Conduct](#).

Please, therefore, also confirm that you will be interrogating Judge Wilson as to the first two cases and interrogating former Solicitor General Halligan as to the third – and that the Senate Judiciary Committee will be making findings of fact and conclusions of law with respect to these cases PRIOR to any vote – and furnishing these findings of fact and conclusions of law to the FULL Senate so that the votes of ALL 63 senators may be properly informed as to their duty to reject each of the nominees, unanimously.” (underlining, hyperlinking, italics, capitalization in the original).

I received no response from New York Focus, which, on April 17, 2023, published an article “[Hochul’s Top Court Pick Represented Chevron in Climate Case Against Steven Donziger](#)” by its climate/environment reporter, Colin Kinniburgh, reporting and getting comment on Ms. Halligan’s record in that and other cases pertinent to what it referred to as her scheduled Senate confirmation “hearing”. Two days later, it published Mr. Mellins’ April 19, 2023 article “[A New Liberal Era for New York’s Highest Court](#)”, which repeatedly referred to the confirmation “hearings” for both nominees. Neither article disclosed any irregularity as to how the Senate Judiciary Committee had proceeded – or that there was opposition to either nominee based on corruption. Indeed, not only did

these articles conceal the entire content of my April 16th and April 17th e-mails, but what had actually transpired at the April 17th “meeting” as Judge Wilson was being excused, namely, I rose to request to testify, stating, as I was surrounded by security officers and escorted out:

“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-Sigal: “The meeting is still going on, please.”

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

“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-Sigal: “If you can leave your statement with us.”

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

(my transcription of the [VIDEO](#))

Even with the passage of time, New York Focus, rather than giving honest report of the nomination and confirmation of New York’s new chief judge and of the associate judge who had filled his vacancy – a story whose EVIDENCE furnished by my e-mails would bring down the

whole “house of cards” – published a June 2, 2023 article “[Amid Democratic Outcry Over LaSalle, Hochul Turned to Republicans](#)” by Mr. Mellins, surely qualifying as “fake news”.⁸

CONCLUSION

The most cursory examination of my EVIDENCE-laden e-mails to your ten complained-against New York members reveals that, without the slightest partisan taint, each was DISPOSITIVE of the corruption of New York’s highest constitutional officers and essential governmental entities, that ALL the “heavy lifting” investigation and analysis had already been done, by me, and that ALL that was necessary to clean up New York’s corrupted state governance, to oust law-breaking public officers, electorally and otherwise, and to achieve far-reaching, non-partisan reforms for the benefit of ALL New Yorkers was to report on what was then unfolding: the dysfunctioning, TOTALLY, of ALL governmental entities and officers with which and whom I was interacting concerning that EVIDENCE – and in so-doing creating MORE EVIDENCE. The INN members’ willful and deliberate refusal to report on these interactions, embodied by my correspondence, complaints for ethics and criminal investigations, lawsuit records, and testimony – all primary-source EVIDENCE supplied by my e-mails – was the equivalent of NOT reporting on a cure for cancer. Quite simply, the e-mails established what was causing New York’s corruption problem and what needed to be done to rectify it, EASILY.

That the ten New York INN members have NO defense to their flagrant corruption-abetting conduct is reflected by their NOT explaining it, in any way, to me. Indeed, the “door-slamming” e-mails of then ProPublica President Tofel – the above Case Study #5 as to it (at pp. 16-20, *supra*) – is the MOST I have received from any of them, ALL of whom, uniformly, do NOT respond to my e-mails, to my phone calls, and to my entreaties for assistance in securing investigation and report by other journalists and press entities of what is a monumental story of public corruption – and a breathtaking model of citizen action, at its best.

The ONLY explanation for their behavior is that your INN members are NOT what they purport to be – and that they suffer from conflicts of interest impairing discharge of their duties as journalists. Among these:

- their relationships, personal and professional, with New York’s other press, which, for decades prior to my first 2014 interaction with ProPublica, had concealed ALL the massive public corruption underlying and embodied by my [April 15, 2013 complaint to U.S. Attorney Bharara](#) and by the succession of complaints I filed

⁸ To bolster his “fake news” story, Mr. Mellins reached out to his standard “expert”, Professor Vincent Bonventre, who was physically present at the April 17, 2023 Senate Judiciary Committee “meeting” on Judge Wilson’s confirmation and to whom, by an [April 19, 2023 e-mail](#), I furnished the EVIDENCE in substantiation of what he had witnessed. Professor Bonventre’s knowledge of the corruption that pervades the judiciary, involving the Court of Appeals and including “merit selection” – about which he has unethically kept completely silent since my first contact with him in 2001, when I furnished him the record of the Article 78 proceeding against the Commission on Judicial Conduct, is [here](#).

throughout 2013 based on that April 15, 2013 complaint, about which [I testified at the September 17, 2013 hearing of the Commission to Investigate Public Corruption](#), which was [live-streamed and recorded](#). Among this press, [The New York Times](#), [Gannett](#), [Albany Times Union](#), [Newsday](#), [New York Daily News](#), [New York Post](#), [Syracuse Post-Standard](#), [Buffalo News](#), [Associated Press](#), New York Public Radio, PBS affiliates, [New York Law Journal](#), which have collusively peddled and promoted an avalanche of false narratives about U.S. Attorney Bharara, about the Commission to Investigate Public Corruption, and about New York's governance and public officers, exposed by the EVIDENCE my e-mails furnished to your INN members;

- [their political and ideological partisanship and bias](#), readily-revealed by ANY [content-analysis](#) of their journalism, so driven by a Democratic, left-wing, liberal, progressive agenda as to abet all violations of governmental "process" to achieve it – as, for instance, *via* the state budget, and by behind-closed-doors "three person in a room" deal-making between the governor, temporary Senate president and Assembly speaker, and by the behind-closed-doors legislative party conferences that substitute for open deliberations in legislative committees – all challenged by [CJA's citizen-taxpayer actions](#) and the still ongoing [CJA v. JCOPE, et al. lawsuit](#) & [here](#), embodied by those e-mails;
- [their interests, including financial, in perpetuating the corruption of New York's judiciary, "throwing" cases by fraudulent judicial decisions](#) – as it was by such fraudulent judicial decisions that, more than a decade ago, [The New York Times](#) and [Gannett](#) each survived CJA's lawsuits against them seeking to establish causes of action for "journalistic fraud" and "institutional reckless disregard for truth" – and the imperative of these causes of action is reinforced by the INN members' knowingly false and misleading news journalism, perpetuating the corruption of New York state governance and rigging elections, lockstep with New York's other "local journalism".

Do they dispute these undisclosed conflicts of interest – and are there other conflicts they would like to disclose? Or do they purport their conduct was consistent with "independent", unconflicted news judgment of journalism professionals – and that their subsequent journalism, to the extent it touched upon the issues I had presented, was honest. What examination did they make of the EVIDENCE my e-mails furnished them – the correspondence, the ethics and criminal complaints, the lawsuit records, the testimony. Is there anything there presented that was not completely accurate and that New York's citizenry did not need to know – and PRONTO?

As I am unaware of ANY "original reporting"/investigative journalism by them of the [Commission to Investigate Public Corruption](#) or of the efficacy of New York's network of anti-corruption ethics and criminal entities in handling citizen complaints of public corruption – and I would have been a necessary source for same – their responses to this complaint must include furnishing such "original reporting"/investigative journalism as they purport to have done. The network of anti-corruption

ethics and criminal entities include:

- (1) the New York State Commission on Judicial Conduct;
- (2) the New York Court System's attorney grievance committees;
- (3) the New York Court System's Inspector General;
- (4) the New York State Joint Commission on Public Ethics (JCOPE) & its successor the Commission on Ethics and Lobbying in Government (COELIG);
- (5) the Legislative Ethics Commission;
- (6) the New York State Inspector General;
- (7) the New York State Attorney General;
- (8) the New York State Comptroller;
- (9) New York State's 62 District Attorneys;
- (10) New York State's 4 U.S. Attorneys;
- (11) the Legislature's relevant committees, as, for instance, the Senate and Assembly Judiciary Committees, the Senate and Assembly Codes Committees, the Senate Committee on Ethics and Internal Governance, the Assembly Committee on Ethics and Guidance, the Senate Committee on Investigations and Government Operations, the Assembly Committee on Governmental Operations, and the Assembly Committee on Oversight, Analysis, and Investigation.

Additionally, their responses to this complaint must include furnishing their "original reporting"/investigative journalism, if any, of:

- (1) the pay raises that New York's judges and district attorneys procured, since 2012;
- (2) the pay raises that New York's legislators, governor, lieutenant governor, attorney general, and comptroller procured, since 2019;
- (3) the constitutionality and lawfulness of the state budget;
- (4) the constitutionality of behind-closed doors "three men in a room" dealmaking between the governor, temporary senate president, and assembly speaker – beginning with their behind-closed-doors, amending-of-bills, budget dealmaking;
- (5) the constitutionality of the Legislature's behind-closed-doors party conferences that substitute for open legislative committee deliberations.

Here, too, I would have been a necessary source for ALL such investigative journalism.

If they contend that such reporting as they produced relating to the foregoing was not “fake news”/“journalistic fraud”, discernible from comparison to my e-mails to them, let them furnish such reporting for examination. And with respect to their rhetoric about investigating corruption, let them demonstrate that their corruption-exposing journalism is not, as it appears, partisan and one-sided, driven to advance a Democratic, left-wing, progressive, agenda.

I look forward to discussing with you all of the foregoing and answering your questions. To expedite your investigation, I am *cc*'ing the ten complained-against INN members for their responses, which I greatly look forward to receiving and which I trust you will require of each of them.

I am also *cc*'ing an eleventh INN New York member, [Chalkbeat](#), which I have not included in this complaint only because its focus is education. That being said, its website purports as its “[Values](#)” that “readers...have the utmost confidence in the accuracy of our journalism” and its “[Code of Ethics](#)” embodies this and includes to “correct errors transparently and swiftly; and learn from mistakes so that they aren’t repeated”. That has NOT been my experience with [Chalkbeat](#), to whose co-founder and CEO Elizabeth Green, who also is a co-founder of the [American Journalism Project](#), I sent an [April 26, 2023 e-mail](#) as to material errors in [Chalkbeat](#)'s reporting on the New York state budget. My final two paragraphs read:

“As the unconstitutionality and fraud of New York’s state budget dramatically impacts upon New York’s charter and public schools, SUNY and CUNY, and on private educational institutions, it is incumbent that [Chalkbeat](#) accurately report on the state budget and the corruption of constitutional state governance, of which it is part – and that the American Journalism Project also be called in to participate by an investigation and report on the performance of New York’s press with respect thereto, including of New York’s non-profit, virtual newsrooms, public radio and television, and the taxpayer-funded CUNY/Craig Newmark Graduate School of Journalism. The EVIDENCE of their black-balling, corruption-abetting, election-rigging reporting and editorializing on the state budget and matters pertaining to the integrity and constitutionality of state governance is accessible [here](#).”

I am available to answer questions – and would appreciate the opportunity to discuss with you my specific request herein that you forward this e-mail to the American Journalism Project, with your strongest recommendation for action by it – and on a top-priority, emergency basis. Can we set up a meeting, by phone?”

I received no response from Ms. Green or anyone else at [Chalkbeat](#) and the specific complained-about falsehoods about the New York state budget that prompted my April 26, 2023 e-mail were repeated by the same reporter in her subsequent reporting.⁹ CJA’s webpage for [Chalkbeat](#) is [here](#).

⁹ See April 27, 2023 article “[14 ‘zombie’ charters would open in NYC under Albany budget deal](#)” referring to the budget as “now 27 days late” and “overdue” and May 3, 2023 article “[New York state budget boosts school funding and allows more charter schools](#)” referring to “the April 1 deadline” for the budget that was “late” – both articles identifying a budget process and policy content NOT consistent with the New York

Thank you.

s/Elena Ruth Sassower

cc: [ProPublica](#)
[The Intercept](#)
[Sludge](#)
[New York Focus](#)
[The City](#)
[City Limits](#)
[Investigative Post](#)
[The Ithaca Voice](#)
[The Highlands Current](#)
[Rochester Beacon](#)
[Chalkbeat](#)