

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Monday, July 22, 2013 11:28 AM  
**To:** public@nytimes.com  
**Cc:** letters@nytimes.com  
**Subject:** How is the Public Editor Assisting in the Resolution of my June 28, 2013 Complaint of Knowingly Misleading, Materially Incomplete Journalism on an Issue of Important Public Concern?

Dear Public Editor Sullivan –

It is now more than two weeks since my below July 5<sup>th</sup> e-mail to Letters Editor Thomas Feyer, with a copy to you. I have received no response from Mr. Feyer. Have you?

As it plainly appears that Mr. Feyer is not planning to print my proposed letter to the editor – and I have received no communication from Mr. Kaplan or any other Times reporter or editor in response to my June 28<sup>th</sup> misconduct complaint, this to request that you make the complaint – and its handling by Letters Editor Feyer and the unidentified “appropriate person” to whom you were going to direct it – the subject of one of your upcoming columns.

Otherwise, kindly identify how the June 28<sup>th</sup> complaint is being resolved, including the name of the “appropriate person” to whom you directed it.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373

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**From:** Center for Judicial Accountability [mailto:elena@judgewatch.org]  
**Sent:** Friday, July 05, 2013 1:14 PM  
**To:** 'letters@nytimes.com'  
**Cc:** [public@nytimes.com](mailto:public@nytimes.com)

**Subject: Proposed Letter to Editor in Resolution of June 28, 2013 Complaint to Public Editor**

Dear Letters Editor Thomas Feyer:

At the suggestion of Meg Gourley, assistant to Public Editor Margaret Sullivan, in response to our June 28<sup>th</sup> misconduct complaint against Thomas Kaplan for his knowingly misleading and materially incomplete article, “*As Minority Officials Are Caught Up in Scandals, Some See a Conspiracy*”, which The Times prominently published, above-the-fold, on the front-page of that day’s metro section, below is our proposed letter to the editor.

Below, too, is the June 28<sup>th</sup> misconduct complaint against Mr. Kaplan and Ms. Gourley’s July 3<sup>rd</sup> e-mail, suggesting and offering to facilitate a letter to the editor. These are, however, more intelligible from our

website, where they are chronologically posted with the underlying substantiating proof, on our webpage: “**UNEQUAL JUSTICE: Going After Black & Hispanic ‘Little Fish’, while the ‘Big White Whales’ Go Free**”. Here’s the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/unequal-justice.htm> .

I have read your May 23, 2004 “*Our Compact, Updated*”, and look forward to speaking with you or your staff so as to confirm that I wrote the letter, that it “exclusive” to The Times, that I have a direct “connection” to the subject I have written about, that it is accurate (including as to the number of members of the Black, Puerto Rican, Hispanic and Asian Legislative Caucus, which I just confirmed minutes ago) – and as to any proposed edits.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
Tel: 914-455-4373  
Cell: 646-220-7987  
E-Mail: [elena@judgewatch.org](mailto:elena@judgewatch.org)

## PROPOSED LETTER TO THE EDITOR IN RESOLUTION OF JUNE 28, 2013 COMPLAINT TO PUBLIC EDITOR

Are black and Hispanic legislators being selectively and invidiously investigated and prosecuted by the two U.S. Attorneys covering New York City? That is the important issue recognized by your prominently published metro article “*As Minority Officials Are Caught Up in Scandals, Some See a Conspiracy*” (6/28/13), but not meaningfully examined.

You identify that State Senator James Sanders “decided to address the issue head on” by his forum “*Attack on Black Leaders: Corruption or Conspiracy?*” However, you omit the documentary evidence of conspiracy presented at the forum, Senator Sanders’ response to it, and that both were highlighted by a letter to all Senate and Assembly members requesting legislative follow-up, including by the 48-member Black, Puerto Rican, Hispanic and Asian Legislative Caucus, whose existence you also omit. Most egregiously, you omit the simple fact that it is easy to verify whether the U.S. Attorneys are “colorblind” in their investigations and prosecutions: all that is necessary is comparison of their handling of corruption complaints against black public officers with those against white. This is what I stated at Senator Sanders’ forum and by my letter to the legislators, furnishing a fully-documented corruption complaint against New York’s highest public officers – all of whom are white. Shouldn’t you be examining and reporting on how our U.S. Attorneys handle complaints against top white public officers and other readily-verifiable evidence, instead of repeating their self-serving disclaimers of bias, as you do?

Elena Sassower, Director, Center for Judicial Accountability, Inc.

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**From:** Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

**Sent:** Wednesday, July 03, 2013 4:43 PM

**To:** 'nytimes, public'

**Subject:** thank you -- RE: Complaint of Knowingly Misleading & Materially Incomplete Reporting on an Important Issue of Legitimate Public Concern

Dear Ms. Gourley,

I appreciate your response, both that you “will make sure the appropriate person” sees my misconduct complaint against Mr. Kaplan and your offer to facilitate a letter to the editor.

Will be in touch. Meantime, a happy July 4<sup>th</sup> holiday to you and Public Editor Sullivan.

Very truly yours,

Elena Sassower

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**From:** nytimes, public [<mailto:public@nytimes.com>]

**Sent:** Wednesday, July 03, 2013 3:41 PM

**To:** Center for Judicial Accountability

**Subject:** Re: Complaint of Knowingly Misleading & Materially Incomplete Reporting on an Important Issue of Legitimate Public Concern

Dear Ms. Sassower

Thank you for writing. I will make sure the appropriate person sees your e-mail. The points you make might find their best outlet in the form of a letter to the editor at The Times. While this office does not advocate for the printing of specific letters, we can let the letters editor know we have suggested this as an option. Letters to the editor can be sent to [letters@nytimes.com](mailto:letters@nytimes.com). I've included a link to the submission guidelines below for reference.

<http://www.nytimes.com/content/help/site/editorial/letters/letters.html>

Again, thank you for your e-mail. I hope you feel we have taken your concern seriously, which we have.

With best wishes,

Meg Gourley  
Assistant to the Public Editor  
The New York Times  
[public@nytimes.com](mailto:public@nytimes.com)

On 2013-06-28 12:59, "Center for Judicial Accountability" <[elena@judgewatch.org](mailto:elena@judgewatch.org)> wrote:

Dear Public Editor Sullivan,

Below is my today's e-mail, already sent to you as an indicated recipient & electronically and generically acknowledged by your office.

So that there is no doubt that you are receiving it as a complaint against Mr. Kaplan, etc., that same e-mail is herewith sent to you directly, with the same two attached letters, which we had furnished to Mr. Kaplan by our June 15<sup>th</sup> e-mail: (1) our May 22<sup>nd</sup> letter to ALL Senate & Assembly Members; & (2) our May 13<sup>th</sup> letter to U.S. Attorney Lynch.

As requested by your webpage, identifying the information you require for complaints:

- The headline of the complained-against article is “*As Minority Officials Are Caught Up in Scandals, Some See a Conspiracy*”.

- The date it was published – on the web – is June 27, 2013. The date of the printed article is, I believe, today, June 28, 2013.
- The “concern” is identified by the below e-mail of today’s date, itself supplying our prior June 15<sup>th</sup> e-mail to Mr. Kaplan with its attachments.
- My name is Elena Sassower & I am director of the Center for Judicial Accountability, Inc.
- My “Location” is White Plains, New York.
- My e-mail is [elena@judgewidth.org](mailto:elena@judgewidth.org)
- My phone number is 914-455-4373.

I would be happy to speak with you directly, to answer your questions, and to furnish you with such hard copies of the documentary evidence as were offered Mr. Kaplan.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373

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**From: Center for Judicial Accountability [<mailto:elena@judgewidth.org>]**

**Sent: Friday, June 28, 2013 10:42 AM**

**To:** 'Alyssa Plock@wcnv.org'; [amity.paye@amsterdamnews.com](mailto:amity.paye@amsterdamnews.com); 'ashort@cityandstateny.com'; [azi@capitalnewyork.com](mailto:azi@capitalnewyork.com); 'Betty Flood (EFMNEWS@aol.com)'; Bill Hammond ([whammond@nydailynews.com](mailto:whammond@nydailynews.com)); Blake Zeff ([bzeff@salon.com](mailto:bzeff@salon.com)); [blambdin@wnyt.com](mailto:blambdin@wnyt.com); Bob McManus ([rmcmanus8@gmail.com](mailto:rmcmanus8@gmail.com)); Casey Seiler ([cseiler@timesunion.com](mailto:cseiler@timesunion.com)); 'Chuck Custer (news@wgy.com)'; Colin Campbell ([ccampbell@observer.com](mailto:ccampbell@observer.com)); Dana Rubinstein ([dana@capitalnewyork.com](mailto:dana@capitalnewyork.com)); 'David King'; 'dlombardo@dailygazette.net'; [editorial@nytimes.com](mailto:editorial@nytimes.com); Elizabeth Benjamin ([liz.benjamin@ynn.com](mailto:liz.benjamin@ynn.com)); [fklopott@bloomberg.net](mailto:fklopott@bloomberg.net); Fredric Dicker ([fdicker@nypost.com](mailto:fdicker@nypost.com)); Fredric Dicker ([fud31@aol.com](mailto:fud31@aol.com)); Gothamist ([jake@gothamist.com](mailto:jake@gothamist.com)); Gothamist ([jen@gothamist.com](mailto:jen@gothamist.com)); Gothamist ([tips@gothamist.com](mailto:tips@gothamist.com)); 'Greg Fischer'; Greg Smith ([gsmith@nydailynews.com](mailto:gsmith@nydailynews.com)); '[hakim@nytimes.com](mailto:hakim@nytimes.com)'; Jacob Gershman ([jacob.gershman@gmail.com](mailto:jacob.gershman@gmail.com)); 'Jessica Bakeman'; Jill Colvin ([jcolvin@observer.com](mailto:jcolvin@observer.com)); Jim Odatto ([jodatto@timesunion.com](mailto:jodatto@timesunion.com)); 'Jimmy Vielkind ([jvielkind@timesunion.com](mailto:jvielkind@timesunion.com))'; 'Joe Spector ([jspector@gannett.com](mailto:jspector@gannett.com))'; [joe@capitalnewyork.com](mailto:joe@capitalnewyork.com); '[joelstashenko@aol.com](mailto:joelstashenko@aol.com)'; 'John Caher'; Jon Campbell; Jon Lentz ([jlentz@cityandstateny.com](mailto:jlentz@cityandstateny.com)); [josh@capitalnewyork.com](mailto:josh@capitalnewyork.com); '[kaplan@nytimes.com](mailto:kaplan@nytimes.com)'; Karen DeWitt ([kdewitt@wxxi.org](mailto:kdewitt@wxxi.org)); Ken Lovett ([klnews@aol.com](mailto:klnews@aol.com)); [kfischer@alm.com](mailto:kfischer@alm.com); Kris Fischer ([wstorey@alm.com](mailto:wstorey@alm.com)); Larry McShane ([lmcshane@nydailynews.com](mailto:lmcshane@nydailynews.com)); Matt Ryan ([mryan@wmht.org](mailto:mryan@wmht.org)); [metro@nytimes.com](mailto:metro@nytimes.com); Michael Gannon ([MichaelG@qchron.com](mailto:MichaelG@qchron.com)); 'Michael Gormley ([mgormley@ap.org](mailto:mgormley@ap.org))'; 'Michael Virtanen ([mvirtanen@ap.org](mailto:mvirtanen@ap.org))'; [milton@blackstarnews.com](mailto:milton@blackstarnews.com); Morgan Pehme ([mpehme@cityandstateny.com](mailto:mpehme@cityandstateny.com)); 'nick.reisman@ynn.com'; NY Observer; 'Pat Bailey'; Phil Reisman ([preisman@lohud.com](mailto:preisman@lohud.com)); [rbarkan@observer.com](mailto:rbarkan@observer.com); Reid Pillifant ([reid@capitalnewyork.com](mailto:reid@capitalnewyork.com)); Rich Bockmann ([rbockmann@cnglocal.com](mailto:rbockmann@cnglocal.com)); Rick Karlin ([rkarlin@timesunion.com](mailto:rkarlin@timesunion.com)); Robert Kessler ([robert.kessler@newsday.com](mailto:robert.kessler@newsday.com)); Robert McCarthy ([rmccarthy@buffnews.com](mailto:rmccarthy@buffnews.com)); Stephen Acunto Jr. ([sacunto@cinn.com](mailto:sacunto@cinn.com)); 'Susan Arbetter ([susan\\_arbetter@wcnv.org](mailto:susan_arbetter@wcnv.org))'; 'Teri Weaver ([tweaver@syracuse.com](mailto:tweaver@syracuse.com))'; Thurman William Mathis ([thurman2c@yahoo.com](mailto:thurman2c@yahoo.com)); 'Tom Precious ([tprecious@buffnews.com](mailto:tprecious@buffnews.com))'; [tom@capitalnewyork.com](mailto:tom@capitalnewyork.com); 'Yancey Roy ([yancey.roy@newsday.com](mailto:yancey.roy@newsday.com))'; '[zack.fink@ny1news.com](mailto:zack.fink@ny1news.com)'

**Cc:** '[public@nytimes.com](mailto:public@nytimes.com)'; Senator James Sanders; James Sanders ([behar@nysenate.gov](mailto:behar@nysenate.gov)); James Sanders ([nichols@nysenate.gov](mailto:nichols@nysenate.gov)); Senator Malcolm Smith; [mhenderson@nysenate.gov](mailto:mhenderson@nysenate.gov); Senator Malcolm Smith ([twhite@nysenate.gov](mailto:twhite@nysenate.gov)); Gerald L. Shargel ([gshargel@winston.com](mailto:gshargel@winston.com)); '[sampson@senate.state.ny.us](mailto:sampson@senate.state.ny.us)'; '[spotts@senate.state.ny.us](mailto:spotts@senate.state.ny.us)'; [carter.zachary@dorsey.com](mailto:carter.zachary@dorsey.com); [stevensone@assembly.state.ny.us](mailto:stevensone@assembly.state.ny.us); Eric Stevenson ([wtmartin380@yahoo.com](mailto:wtmartin380@yahoo.com)); [poinvir@assembly.state.ny.us](mailto:poinvir@assembly.state.ny.us); [fomb08@gmail.com](mailto:fomb08@gmail.com); [baynesl@stjohns.edu](mailto:baynesl@stjohns.edu); [richard@washington-at-law.com](mailto:richard@washington-at-law.com); [martinw@assembly.state.ny.us](mailto:martinw@assembly.state.ny.us)

**Subject: RELIABLE NEWS SOURCE: 12-day lead on NYT story on selective & invidious investigation & prosecution of Black & Hispanic legislators**

**TO: NEW YORK’S POLITICS, GOVERNMENT REPORTERS, COLUMNISTS, & EDITORIAL WRITERS:**

Today's New York Times runs the story by Thomas Kaplan that our below June 15<sup>th</sup> e-mail alerted you to.

Entitled "As Minority Officials Are Caught Up in Scandals, Some See a Conspiracy", Mr. Kaplan's story is already posted on the webpage of our website to which our June 15<sup>th</sup> e-mail alerted him -- and you: "**UNEQUAL JUSTICE: Going After Black & Hispanic 'Little Fish', while the 'Big White Whales' Go Free**". Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/unequal-justice.htm>.

By this e-mail to Mr. Kaplan -- and to the other Times recipients to whom our June 15<sup>th</sup> e-mail was contemporaneously sent -- and to Times Public Editor Margaret Sullivan, to whom it is now being sent -- **I ask that Mr. Kaplan identify his response to our June 15<sup>th</sup> e-mail and to the voice mail message I left for him, on June 20<sup>th</sup>, on his cell #, 917-656-7870.**

**What would your response have been?**

**And do you think -- based on the below June 15<sup>th</sup> e-mail and our above attached May 22<sup>nd</sup> letter to ALL Senators and Assembly Members and our May 13<sup>th</sup> letter/complaint to U.S. Attorney Lynch accompanying it-- that Mr. Kaplan's story is appropriate, honest journalism, informing readers of what they need to know in evaluating the important question as to whether minority legislators are being selectively and invidiously investigated and prosecuted?** This includes with respect to Senator Sanders' May 10<sup>th</sup> forum, "Attack on Black Leaders: Corruption or Conspiracy?" to which Mr. Kaplan devotes significant space -- and the further issue, *not even identified as such by Mr. Kaplan*, that the public release of Senator Peralta's name -- and the names of six other minority elected officials -- secretly taped by former Senator Huntley, though accused of no crime, is also evidence of conspiracy -- as investigation of the underlying facts would establish.

I invite Mr. Kaplan -- and his Times colleagues and editors -- to call me so that the Times can furnish readers with an accurate follow-up story about the documentary evidence of conspiracy against black and Hispanic legislators, concealed by Mr. Kaplan's today's story, to which our June 15<sup>th</sup> e-mail alerted him as having been presented at Senator Sanders' May 10<sup>th</sup> forum.

As NO OTHER PRESS has yet reported on this documentary evidence -- or on the documentary evidence pertaining to the release of the names of unindicted black and Hispanic elected officials, secretly recorded by former Senator Huntley -- I invite you to also call me.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373

P.S. Inadvertently omitted from the press list to whom our below June 15<sup>th</sup> e-mail was initially sent were Ross Barkan of the New York Observer & Azi Paybarah of CapitalNewYork.com -- each of whom (unlike Mr. Kaplan, who presumably viewed Mr. Paybarah's video) were present at Senator Sanders' May 10<sup>th</sup> forum. They were forwarded the e-mail, also on June 15<sup>th</sup>, as was Gerald Shargel, attorney for Senator Smith, who similarly had been inadvertently omitted from the initial e-mail.

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**From: Center for Judicial Accountability [mailto:[elena@judgewatch.org](mailto:elena@judgewatch.org)]**

**Sent: Saturday, June 15, 2013 12:50 AM**

**To: '[kaplan@nytimes.com](mailto:kaplan@nytimes.com)'**

**Cc: '[hakim@nytimes.com](mailto:hakim@nytimes.com)'; [metro@nytimes.com](mailto:metro@nytimes.com); [editorial@nytimes.com](mailto:editorial@nytimes.com); Senator James Sanders; James Sanders ([behar@nysenate.gov](mailto:behar@nysenate.gov)); James Sanders ([nichols@nysenate.gov](mailto:nichols@nysenate.gov)); Senator Malcolm Smith; [mhenderson@nysenate.gov](mailto:mhenderson@nysenate.gov); [sampson@senate.state.ny.us](mailto:sampson@senate.state.ny.us); [spotts@senate.state.ny.us](mailto:spotts@senate.state.ny.us); [carter.zachary@dorsey.com](mailto:carter.zachary@dorsey.com);**

[stevensone@assembly.state.ny.us](mailto:stevensone@assembly.state.ny.us); Eric Stevenson ([mbodja@assembly.state.ny.us](mailto:mbodja@assembly.state.ny.us)); Eric Stevenson ([wtmartin380@yahoo.com](mailto:wtmartin380@yahoo.com)); [fomb08@gmail.com](mailto:fomb08@gmail.com); [baynesl@stjohns.edu](mailto:baynesl@stjohns.edu); [richard@washington-at-law.com](mailto:richard@washington-at-law.com); [Alyssa\\_Plock@wcny.org](mailto:Alyssa_Plock@wcny.org); [amity.paye@amsterdamnews.com](mailto:amity.paye@amsterdamnews.com); [ashort@cityandstateny.com](mailto:ashort@cityandstateny.com); 'Betty Flood ([EFMNEWS@aol.com](mailto:EFMNEWS@aol.com))'; Bill Hammond ([whammond@nydailynews.com](mailto:whammond@nydailynews.com)); [blambdin@wnyt.com](mailto:blambdin@wnyt.com); Bob McManus ([rmanus8@gmail.com](mailto:rmanus8@gmail.com)); Casey Seiler ([cseiler@timesunion.com](mailto:cseiler@timesunion.com)); 'Chuck Custer ([news@wgy.com](mailto:news@wgy.com))'; Colin Campbell ([ccampbell@observer.com](mailto:ccampbell@observer.com)); Dana Rubinstein ([dana@capitalnewyork.com](mailto:dana@capitalnewyork.com)); 'David King'; [dlombardo@dailygazette.net](mailto:dlombardo@dailygazette.net); Elizabeth Benjamin ([liz.benjamin@ynn.com](mailto:liz.benjamin@ynn.com)); [fklopott@bloomberg.net](mailto:fklopott@bloomberg.net); Fredric Dicker ([fdicker@nypost.com](mailto:fdicker@nypost.com)); Fredric Dicker ([fud31@aol.com](mailto:fud31@aol.com)); Gothamist ([jake@gothamist.com](mailto:jake@gothamist.com)); Gothamist ([jen@gothamist.com](mailto:jen@gothamist.com)); Gothamist ([tips@gothamist.com](mailto:tips@gothamist.com)); 'Greg Fischer'; Greg Smith ([gsmith@nydailynews.com](mailto:gsmith@nydailynews.com)); Jacob Gershman ([jacob.gershman@gmail.com](mailto:jacob.gershman@gmail.com)); 'Jessica Bakeman'; Jill Colvin ([jcolvin@observer.com](mailto:jcolvin@observer.com)); Jim Odatto ([jodato@timesunion.com](mailto:jodato@timesunion.com)); 'Jimmy Vielkind ([jvielkind@timesunion.com](mailto:jvielkind@timesunion.com))'; 'Joe Spector ([jspector@gannett.com](mailto:jspector@gannett.com))'; [joelstashenko@aol.com](mailto:joelstashenko@aol.com)'; 'John Caher'; Jon Campbell; Jon Lentz ([jlentz@cityandstateny.com](mailto:jlentz@cityandstateny.com)); Karen DeWitt ([kdewitt@wxxi.org](mailto:kdewitt@wxxi.org)); Ken Lovett ([klnews@aol.com](mailto:klnews@aol.com)); [kfischer@alm.com](mailto:kfischer@alm.com); Kris Fischer ([wstorey@alm.com](mailto:wstorey@alm.com)); Larry McShane ([lmcshane@nydailynews.com](mailto:lmcshane@nydailynews.com)); Matt Ryan ([mryan@wmht.org](mailto:mryan@wmht.org)); Michael Gannon ([MichaelG@qchron.com](mailto:MichaelG@qchron.com)); 'Michael Gormley ([mgormley@ap.org](mailto:mgormley@ap.org))'; 'Michael Virtanen ([mvirtanen@ap.org](mailto:mvirtanen@ap.org))'; [milton@blackstarnews.com](mailto:milton@blackstarnews.com); Morgan Pehme ([mpehme@cityandstateny.com](mailto:mpehme@cityandstateny.com)); [nick.reisman@ynn.com](mailto:nick.reisman@ynn.com)'; 'Pat Bailey'; Phil Reisman ([preisman@lohud.com](mailto:preisman@lohud.com)); Reid Pillifant ([reid@capitalnewyork.com](mailto:reid@capitalnewyork.com)); Rich Bockmann ([rbockmann@cnglocal.com](mailto:rbockmann@cnglocal.com)); Rick Karlin ([rkarlin@timesunion.com](mailto:rkarlin@timesunion.com)); Robert Kessler ([robert.kessler@newsday.com](mailto:robert.kessler@newsday.com)); Robert McCarthy ([rmccarthy@buffnews.com](mailto:rmccarthy@buffnews.com)); Stephen Acunto Jr. ([sacunto@cinn.com](mailto:sacunto@cinn.com)); 'Susan Arbetter ([susan\\_arbetter@wcny.org](mailto:susan_arbetter@wcny.org))'; 'Teri Weaver ([tweaver@syracuse.com](mailto:tweaver@syracuse.com))'; Thurman William Mathis ([thurman2c@yahoo.com](mailto:thurman2c@yahoo.com)); 'Tom Precious ([tprecious@buffnews.com](mailto:tprecious@buffnews.com))'; 'Yancey Roy ([yancey.roy@newsday.com](mailto:yancey.roy@newsday.com))'; [zack.fink@ny1news.com](mailto:zack.fink@ny1news.com)'

**Subject: NYT story on selective & invidious investigation & prosecution of Black & Hispanic legislators?**

Dear Mr. Kaplan,

I understand you are writing a story examining whether Black and Hispanic legislators are being invidiously and selectively investigated and prosecuted. Is that correct?

If so, please know that there is documentary evidence of such invidious and selective investigation and prosecution. Indeed, I presented it at Senator Sanders' May 10<sup>th</sup> forum "Attack on Black Leaders: Corruption or Conspiracy?" – following which, on May 22<sup>nd</sup>, I sent a letter to ALL Senators and Assembly Members requesting Legislative follow-up, including the holding of a hearing by the 48-member Black, Puerto Rican, Hispanic and Asian Legislative Caucus.

A copy of that May 22<sup>nd</sup> letter and its enclosed May 13<sup>th</sup> letter-complaint to U.S. Attorney Lynch are attached. These are also posted on the Center for Judicial Accountability's website, [www.judgewatch.org](http://www.judgewatch.org) – on a special webpage entitled "UNEQUAL JUSTICE: Going After Black & Hispanic 'Little Fish', while the Big 'White Whales' Go Free". Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/unequal-justice.htm>.

Indeed, you can verify the truth of what the May 22<sup>nd</sup> letter describes – unreported by the press in thereafter purporting that there is "scant evidence" for conspiracy claims – as Azi Paybarah's video of the May 10<sup>th</sup> forum is also posted on our "UNEQUAL JUSTICE" webpage. Additionally, you can verify the significance of the documentary evidence I handed up at the forum, as that, too, is posted – including on its own webpage entitled "CJA's April 15, 2013 corruption complaint to U.S. Bharara". Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/corruption-complaint-to-us-attorney-bharara2.htm>.

To facilitate the accuracy of your story on selective and invidious prosecution of Black and Hispanic legislators, I am willing to furnish you with a hard copy of the posted documentary evidence. I am also available to be interviewed.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
914-455-4373

cell: 646-220-7987

[elena@judgewatch.org](mailto:elena@judgewatch.org)