

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Thursday, August 15, 2013 5:59 PM  
**To:** 'Jamieson, Wendell'  
**Cc:** 'Wendell Jamieson'; 'public@nytimes.com'  
**Subject:** The NYT corrections policy & your question "Did you have dealings with Bill Glaberson regarding judicial pay raises?"

Dear Mr. Jamieson,

Thank you for your prompt reply.

I have briefly examined the Times' webpage of recent corrections: <http://www.nytimes.com/pages/corrections/index.html>, where, for example, the Times has today made a correction to the spelling of "riesling" in yesterday's article "*When It Comes to New York Wines, the Governor Likes them All*" by Jesse McKinley. As this is a metro article, just like "*Power Broker, Fired, Faces Inquiry on Political Donations*", I feel confident that "the editor on [your] desk who makes the final determination on these matters" will agree that if the mere misspelling of a wine merits correction, a correction is all the more warranted for a factual misstatement that an "anticorruption task force" of the Attorney General and Comptroller is "new" – when your own hyperlink shows it to be more than two years old.

Indeed, while I appreciate that you have forwarded my correction request to "the editor on [your] desk who makes the final determination on these matters", I believe that he or she will tell you that your own view against correction flies in the face of the Times posted correction policy, which begins as follows:

"Because its voice is loud and far-reaching, The Times recognizes an ethical responsibility to correct all its factual errors, large and small (even misspellings of names), promptly and in a prominent reserved space in the paper. A correction serves all readers, not just those who were injured or who complained, so it must be self-explanatory, tersely recalling the context and the background while repairing the error."

As you are apparently unaware of the Times' correction policy, here's the direct link to it so that you can read it, in full: <http://publiceditor.blogs.nytimes.com/corrections/>.

In answer to your question as to whether we have had "dealings with Bill Glaberson regarding judicial pay raises?", please be advised that Mr. Glaberson's knowingly false and misleading reporting regarding judicial pay raises throughout the life span of the 2011 Special Commission on Judicial Compensation – and the reliance thereon by the Times Editorial Board – were the subject of a fact-specific, fully documented misconduct complaint that we filed on September 1, 2011 with the Times' Public Editor, who was then Arthur Brisbane. I realize you were not then Metro Editor, but we did send a copy to the Metro Desk, in addition to Mr. Glaberson and other metro reporters and columnists, in addition to the Editorial Board.

Two and a half months later, on November 17, 2011, with no response from Public Editor Brisbane, we wrote him a second time – again copying Mr. Glaberson and others at the Metro Desk and the Editorial Board. We noted that our September 1, 2011 misconduct complaint was a mere three days after the Commission on Judicial Compensation's August 29, 2011 "Final" Report – and that the facial deficiencies of that flimsy Report should

have been evident to Mr. Glaberson, a lawyer, to the lawyer Editorial Board members, and to anyone they might have reasonably consulted for an 'expert' opinion about it.

This November 17, 2011 letter also notified them that we had demonstrated the constitutional and statutory violations of the Commission's August 29, 2011 "Final" Report by a "game-changing" October 27, 2011 Opposition Report, which we had already provided to Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman. In addition to furnishing its location on our website, we enclosed an Executive Summary so that the Times could take appropriate steps to investigate, report, and editorialize.

Mr. Brisbane's response was a two-sentence e-mail on November 30, 2011 stating:

"Ms. Sassower: thanks for your message. I checked into your concerns regarding Mr. Glaberson's coverage of judges' compensation and satisfied myself that his work was appropriate and adequate."

That this was an indefensible cover-up by Public Editor Brisbane will be evident to you upon examination of the record of our September 1, 2011 misconduct complaint, which you can easily do as it is posted on our website. For your convenience, I will post the link beneath my posting of this e-mail on the webpage devoted to the issue which was the subject of my June 28, 2013 misconduct complaint against Mr. Kaplan: "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> .

As William C. Thompson, Jr.'s brazen fraud and disregard for conflict of interest rules as chair of the Commission on Judicial Compensation – covered up, *inter alia*, by Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, Chief Judge Lippman, Attorney General Schneiderman and Comptroller DiNapoli – is information essential to voters in the upcoming democratic primary for New York City mayor, please advise who will be handling this story. I have no doubt that once you have examined the record of our September 1, 2011 misconduct complaint against Mr. Glaberson, you will know it cannot be him.

In that connection, on July 11, 2013, we filed a corruption complaint against "the 2011 Special Commission on Judicial Compensation headed by William C. Thompson, Jr." with the New York State Inspector General. Here's the direct link to our webpage on which it is posted: <http://www.judgewatch.org/web-pages/judicial-compensation/ny-inspector-general.htm>

Thank you.

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

**From:** Jamieson, Wendell [mailto:wendell@nytimes.com]

**Sent:** Thursday, August 15, 2013 11:40 AM

**To:** Center for Judicial Accountability

**Cc:** Wendell Jamieson; public@nytimes.com

**Subject:** Re: 6/28/13 misconduct complaint vs Mr. Kaplan -- & proposal for investigation & coverage, immediately, as it relates to mayoral candidate William C. Thompson, Jr.

Dear Ms. Sassower:

Thank you for this. Yes, the public editor forwarded your letter, but the crush of news and summer staffing challenges has prevented me from giving my full attention until now. I apologize.

I do not think the sentence you mention merits a correction. Nonetheless, to be sure, I'll forward it to the editor on my desk who makes the final determination on these matters.

Did you have dealings with Bill Glaberson regarding judicial pay raises?

Sincerely,  
Wendell Jamieson

On Thu, Aug 15, 2013 at 8:22 AM, Center for Judicial Accountability <[elena@judgewatch.org](mailto:elena@judgewatch.org)> wrote:

Dear Mr. Jamieson,

This follows our brief and amicable phone conversation a short time ago, upon my telephoning to obtain your e-mail address for the below e-mail, already written. I welcome the opportunity to work constructively with you on the investigative and news stories here presented. Let's open dialogue so that the public can be provided with the vital information it needs for rooting out public corruption and exercising an informed vote.

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Dear Mr. Jamieson,

Two weeks ago, I was advised by Meg Gourley, Assistant to the Public Editor, that you would be responding to my June 28, 2013 misconduct complaint against Thomas Kaplan. Is that correct? If so, when will you be responding. As yet, I have received neither an e-mail nor phone message.

On a related subject – the Times' cover-up of corruption by this state's all-white highest constitutional officers, Attorney General Schneiderman and Comptroller DiNapoli among them – please advise why the Times' article "*Power Broker, Fired, Faces Inquiry on Political Donations*", posted on the Times' website on August 12<sup>th</sup> and printed in the August 13<sup>th</sup> newspaper, states that William Rapfogel is:

“now being investigated by the state's attorney general, Eric T. Schneiderman, and comptroller Thomas P. DiNapoli, as part of a new anticorruption task force.”

What is “new” about the purported “anticorruption task force” when the underlined hyperlink is to a May 22, 2011 Times article by Nicholas Confessore entitled “*Accord With Comptroller Will Help Attorney General Pursue Corruption Cases*”? In other words, the purported “anticorruption task force” is more than two years old.

I do not see any correction. Has there been one? Certainly, I would have expected that with four reporters responsible for the August 12<sup>th</sup> article – two on the byline, David W. Chen and Kate Taylor, plus Jesse McKinley and William K. Rashbaum as having “contributed reporting” – at least one would have caught so obvious an error.

Of course, had the Times identified that the “anticorruption task force” between Attorney General Schneiderman and Comptroller DiNapoli is NOT “new”, it would be obvious why these two constitutional officers are each named defendants in our People’s lawsuit, *Center for Judicial Accountability, Inc., et. al. v. Cuomo, et al.*, sued for corruption in connection with the fraudulent judicial pay raises recommended by the Commission on Judicial Compensation, whose cost to New York taxpayers has already reached about \$40 million – a figure currently rising \$3 million each month.

Please know that prior to our bringing the lawsuit, we filed complaints with both Attorney General Schneiderman and State Comptroller DiNapoli against the Commission on Judicial Compensation for its “fraud...effectively stealing from the People of New York hundreds of millions of taxpayer dollars” – even furnishing them with the Times’ May 2011 article “*Accord With Comptroller Will Help Attorney General Pursue Corruption Cases*”, which we had downloaded from Attorney General Schneiderman’s own website on November 29, 2011 and whose pertinent text was as follows:

“We’ll coordinate our respective roles to uncover and prosecute government waste, fraud and abuse,” Mr. DiNapoli said in a statement. “This is a powerful message: New York’s two independently elected oversight officials are partnering together to ensure integrity and accountability to every level of government in New York State.

...

“Expanding the attorney general’s power to prosecute public corruption will be a major element of our comprehensive approach,” Mr. Schneiderman said in a statement.”

Why is the Times calling up a two-year old article that regurgitates press statements and misleads readers to believe that these “two independently elected oversight officials” are safeguarding them from the larceny of taxpayer money? Shouldn’t the Times be probing what

this “anticorruption task force” has been doing for over two years? Assuredly, Attorney General Schneiderman and Comptroller DiNapoli will NOT grant you access to inspect the complaints they have received. Yet, as Mr. Kaplan well knows, this is NOT an insurmountable obstacle, if members of the public come forward with the corruption complaints they have filed with Attorney General Schneiderman and Comptroller DiNapoli. And, certainly, we offer you the corruption complaints we filed with them against the Commission on Judicial Compensation so that you can establish the kind of flagrant “protectionism” and cover-up that these “two independently elected oversight officials” have been engaged in, costing New York taxpayers so dearly.

The fact that Governor Cuomo appointed William C. Thompson, Jr., in June 2011, to be chair of the Commission on Judicial Compensation – and allowed him to remain as chair despite his undisputed conflict of interest – and then took no action with respect to our October 27, 2011 Opposition Report and the verified complaint in our People’s lawsuit based thereon – makes the proposed story of IMMEDIATE electoral significance to New York City voters, who will be casting votes in the democratic mayoral primary less than a month from now.

This proposed story would go far in rectifying Mr. Kaplan’s misconduct, the subject of our June 28, 2013 complaint. As always, we offer you our full assistance.

Meantime, you can easily find the November 29, 2011 complaint we filed with Attorney General Schneiderman and the March 1, 2012 complaint we filed with Comptroller DiNapoli, as likewise the Times’ May 2011 article “*Accord With Comptroller Will Help Attorney General Pursue Corruption Cases*”, which we had downloaded from Attorney General Schneiderman’s own website on November 29, 2011, as these are part of the *CJA v. Cuomo* verified complaint. See Exhibit Q to the verified complaint, this being our March 2, 2012 letter to Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Lippman – to which Attorney General Schneiderman and Comptroller DiNapoli were each indicated recipients. Here’s the direct link to our webpage for *CJA v. Cuomo*: <http://www.judgewatch.org/web-pages/judicial-compensation/cja-v-governor.htm> .

As for the disposition of our November 29, 2011 complaint by Attorney General Schneiderman, it is discussed at page 2 (fn.1) of our March 2, 2012 letter. As for the disposition of our March 1, 2012 complaint to Comptroller DiNapoli, it is identified on the second page of the coversheet of our April 15, 2013 corruption complaint to U.S. Attorney Bharara. The direct link to our webpage for that April 15, 2013 complaint is here: <http://www.judgewatch.org/web-pages/judicial-compensation/corruption-complaint-to-us-attorney-bharara2.htm> .

Thank you.

Elena Sassower, Director

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