

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Tuesday, October 31, 2017 3:04 PM  
**To:** 'editorial@nytimes.com'; 'metro@nytimes.com'; 'nytnews@nytimes.com'; 'foderaro@nytimes.com'  
**Cc:** 'susanne.craig@nytimes.com'; 'jesse.mckinley@nytimes.com'  
**Subject:** "Hotly Contested" Westchester County Executive Race -- Ready-Made Questions for Incumbent Candidates Latimer & Astorino  
**Attachments:** 8-10-17-open-ltr.pdf; e-mails-to-westchester-attorney-meehan.pdf; 7-8-16-ltr-to-counties-final-final.pdf

### TO: The New York Times

According to yesterday's City & State, the Westchester county executive race between state Senator George Latimer and Westchester County Executive Rob Astorino, is among the "key races" to watch:

<http://cityandstateny.com/articles/politics/campaigns-and-elections/key-2017-new-york-general-election-races-to-watch/#.WfiGmlhryUm>.

How is it then that other than an automated acknowledgment, I have received no response to my below October 17<sup>th</sup> e-mail entitled "AGAIN – NYT election endorsements, election reporting -- & the Westchester county executive race"? Within an hour after sending it, two weeks ago, I also sent it *via* the message feature of your Reader Center, "We Want to Hear From You": <https://www.nytimes.com/2017/08/08/reader-center/we-want-to-hear-from-you.html?rref=collection%2Fsectioncollection%2Freader-center&action=click&contentCollection=reader-center&region=rank&module=package&version=highlights&contentPlacement=2&pgtype=sectionfront>. This, after completing the Reader Center survey, then being featured, wherein I identified that other than an automated acknowledgment, I had received no response to my October 11<sup>th</sup> e-mail entitled "NYT election endorsements, election reporting -- & the Westchester county executive race", also sent *via* the Reader Center.

The November 7<sup>th</sup> elections – the voters' opportunity to "drain the swamp" of corrupt incumbents – are now only a week away. Where is your coverage of the Westchester county executive race – other than by Lisa Foderaro's inadequate and politically-slanted September 21<sup>st</sup> article, "*In New York Suburbs, Plenty of Democrats -- Just Not at the Top*": <https://www.nytimes.com/2017/09/21/nyregion/county-executive-astorino-latimer-martins-currant-election.html>, which furnished NO information about Candidate Latimer's record in office as state senator – the subject of my August 10<sup>th</sup> OPEN LETTER, detailing his collusion in a corrupt *status quo*, involving "grand larceny of the public fisc" in connection with the state budget, for which he and his conspiring public officers would all be indicted, were state and federal prosecutorial entities not themselves corrupted. Seemingly, the sum total of your subsequent reporting on the Westchester county executive race was a passing reference to it being "hotly contested" in Jesse McKinley's October 26<sup>th</sup> article "*Fear vs Hope: Battle Lines Drawn Over a Constitutional Convention*": <https://www.nytimes.com/2017/10/26/nyregion/fear-vs-hope-battle-lines-drawn-over-a-constitutional-convention.html> – which hyperlinked to Ms. Foderaro's article.

May I reprise for you what you said, editorially, eight years ago, with respect to what goes on in Albany – IDENTICAL to what goes on today, except that the state budget is now approximately \$30 billion more.

Your October 19, 2009 editorial, entitled "[Fed Up With Albany](#)", stated:

"New Yorkers have been complaining for many years about their abysmal state government, but it has simply grown worse. The state has become a national embarrassment, a swamp of intrigue and corruption, a \$131 billion monster controlled by a crowd of smug

officials whose main concern is keeping their soft jobs. By now, most New Yorkers have given up hope that these officials are capable of cleaning up their own mess.

The clock is ticking. In one year, unless the Albany crowd pull off some miracle, which we doubt will happen, **it will be up to the voters to get them out, all of them.**" (bold added).

You similarly stated by your December 30, 2009 editorial "[Failed State](#)":

"New Yorkers should be appalled at their failed state government, particularly their corrupt and clueless Legislature. Scandal and irresponsibility have been Albany's creed for decades. This year, the gang added another outrage to the list: complete fiscal incompetence.

The only solace is this: The entire Legislature is up for re-election in 2010. And unless there is a sudden turnaround -- and, so far, we see few signs of it -- **New Yorkers have no choice but to vote out all the lawmakers and start over.**" (bold added).

Corrupt lawmakers -- such as Senator Latimer -- have NO business seeking elevation by voters to be county CEOs. Yet, to date -- and notwithstanding my August 10<sup>th</sup> OPEN LETTER, furnished to The Times by my below October 11<sup>th</sup> e-mail, as likewise furnished previously and since to a broad band of other media whose coverage region is Westchester -- none more powerful than Gannett's resourced and staffed Journal News/Lohud -- there has been NO reporting on the August 10<sup>th</sup> OPEN LETTER, whose accuracy is evident from its referred-to, web-posted EVIDENTIARY PROOF: <http://www.judgewatch.org/web-pages/elections/2017/8-10-17-open-ltr.htm>. Did you not examine it, weeks ago?

To assist you in TAKING THE LEAD with belated reporting on the August 10<sup>th</sup> OPEN LETTER, here are ready-made questions for Candidates Latimer and Astorino about it -- the same as I proposed to Journal News/Lohud and to Westchester's RNN (Regional News Network), FIOS1 News, and News12 Westchester in connection with debates for Westchester county executive, rigged to exclude public questioning that might be decisive:

"...what, if anything, they deny or dispute about [the] content [of the August 10<sup>th</sup> OPEN LETTER?] As the starting point of my interaction with Senator Latimer, recited by the OPEN LETTER, was my testimony at the Legislature's February 6, 2013 budget hearing about the statutorily-violative, fraudulent, and unconstitutional judicial pay raises and the district attorney pay raises based thereon, resulting from the August 29, 2011 report of the Commission on Judicial Compensation, let him begin by identifying what steps he took to secure findings of fact and conclusions of law with respect to the substantiating documentary proof I handed up, at the hearing: <http://www.judgewatch.org/web-pages/elections/2017/feb-6-2013-testimony-evidence.htm>. And let Senator Latimer also identify the steps he has taken to secure findings of facts and conclusions of law with respect to the subsequent documentary proof I furnished that the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation, further raising judicial salaries and, as a result, district attorney salaries, is even more statutorily-violative, fraudulent, and unconstitutional.

As a result of these two commission reports, New York taxpayers have paid out, since April 1, 2012, well over \$200 million -- and the Westchester district attorney salary -- paid from the Westchester county budget -- has become the HIGHEST of ANY elected Westchester county officer. It is presently \$195,000 and is scheduled to rise another \$10,000 next year. Why has County Executive Astorino, whose salary is \$160,000, not repudiated and challenged the unlawful commission reports on which the Westchester district attorney salary rests? Was he not provided with my July 8, 2016 NOTICE, alerting him that the August 29, 2011 and December 24, 2015 commission reports are 'each false instruments, violating a succession of penal law provisions'? Attached is the July 8, 2016 NOTICE, with the transmitting e-mails to Westchester County Attorney Robert Meehan, expressly asking that he distribute it to 'all Westchester County legislators, executive officers & the treasurer/comptroller', which I simultaneously sent to then Acting Westchester District Attorney James McCarty -- who is

now 'second in command' to Westchester District Attorney Scarpino. Did County Attorney Meehan not distribute the July 8, 2016 NOTICE to County Executive Astorino and other officers: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/7-8-16-ltr-to-counties.htm>? How about the September 7, 2016 NOTICE OF RIGHT TO INTERVENE in the citizen-taxpayer action, so as to protect the interests of Westchester taxpayers: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/9-2-16-osc-complaint/9-7-16-notice-intervention.htm>? What investigation will County Executive Astorino take into the matter? Will he demand that County Attorney Meehan and First Deputy District Attorney McCarty release their findings of facts and conclusions of law with respect to the two commission reports? Or would he prefer to have District Attorney Scarpino, a former judge, make his own findings of facts and conclusions of law with respect to the reports, so that appropriate legal and prosecutorial steps can be taken to protect Westchester taxpayers – and taxpayers throughout the state – including to recover the \$200 million-plus already stolen from the public fisc?

Of course, candidates Latimer and Astorino surely know that it doesn't take a lawyer or a judge to read the paltry August 29, 2011 and December 24, 2015 commission reports – and to examine THE EVIDENCE I furnished pertaining to the reports, all neatly presented by the citizen taxpayer action, and accessible from CJA's website, [www.judgewatch.org](http://www.judgewatch.org), – to conclude, on the most basic level, that the reports violated the statutory predicate for raising judicial salaries in that they only examined salary – and not, as required, 'compensation and non-salary benefits' -- whose worth in pension, health benefits, and other payments, has been estimated as adding on about \$40,000. All it takes is HONESTY – without which they have no business asking Westchester voters for their votes." (underlining in the original).

The referred-to July 8, 2016 NOTICE and its transmitting e-mails to Westchester County, including of the September 7, 2016 NOTICE OF RIGHT TO SEEK INTERVENTION, themselves represent a MAJOR NEWS STORY. They are attached above – and were furnished to Candidates Latimer and Astorino, with the above-quoted paragraphs, by e-mail, on October 23<sup>rd</sup>. The full October 23<sup>rd</sup> e-mail, whose subject line was "Oct 24 Westchester Co. Executive Debate -- plus request to appear before editorial board to answer questions about August 10, 2017 OPEN LETTER Concerning Candidates Latimer & Astorino -- & the multi-party endorsements they carry", is posted on CJA's webpage of "PRESS OUTREACH" pertaining to the August 10<sup>th</sup> OPEN LETTER, here: <http://www.judgewatch.org/web-pages/elections/2017/westchester/press-outreach.htm>.

What more do you need for this FULLY-DOCUMENTED, MAJOR NEWS STORY, whose ramifications blow open and make competitive next year's races for governor, attorney general, and comptroller and for ALL 213 state senate and assembly seats --as stated by the August 10<sup>th</sup> OPEN LETTER and reiterated by my below October 11<sup>th</sup> e-mail to you.

As always, I am available to answer questions and to assist you, to the max.

Thank you.

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

**From:** Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

**Sent:** Tuesday, October 17, 2017 2:38 PM

**To:** 'editorial@nytimes.com' <[editorial@nytimes.com](mailto:editorial@nytimes.com)>; 'nytnews@nytimes.com' <[nytnews@nytimes.com](mailto:nytnews@nytimes.com)>; 'foderaro@nytimes.com' <[foderaro@nytimes.com](mailto:foderaro@nytimes.com)>; 'metro@nytimes.com' <[metro@nytimes.com](mailto:metro@nytimes.com)>

**Cc:** 'susanne.craig@nytimes.com' <[susanne.craig@nytimes.com](mailto:susanne.craig@nytimes.com)>

**Subject: AGAIN -- NYT election endorsements, election reporting -- & the Westchester county executive race**

**TO: New York Times –  
Editorial Board  
Lisa Foderaro, Reporter**

It is now six days since I sent the below time-sensitive message, *via* the Readers Center & by e-mail – and I have received no response from The Times, other than the attached auto-generated acknowledgment.

Have you responded?

If you actually believe that none is warranted – and that the attached August 10, 2017 OPEN LETTER does not represent a MAJOR election story, precluding editorial endorsement of state Senator Latimer for ANY office of public trust -- please justify your decision – and confirm that it has been approved by New York Times executive officers – and, in particular, Publisher Arthur Sulzberger, Jr.; Deputy Publisher Arthur Gregg Sulzberger; President/CEO Mark Thompson; Executive Editor Dean Baquet; Managing Editor Joseph Kahn; Editorial Page Editor James Bennet; Executive Vice President/Chief Operating Officer Meredith Kopit Levian; and Executive Vice President/General Counsel & Secretary Diane Brayton.

Needless to say, as with my below message, I also give permission that my above question and requests be published.

Thank you.

Elena Sassower, Director  
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914-421-1200  
[www.judgewatch.org](http://www.judgewatch.org)

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**From:** Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]  
**Sent:** Wednesday, October 11, 2017 12:52 PM  
**To:** 'editorial@nytimes.com' <[editorial@nytimes.com](mailto:editorial@nytimes.com)>; 'nytnews@nytimes.com' <[nytnews@nytimes.com](mailto:nytnews@nytimes.com)>; 'foderaro@nytimes.com' <[foderaro@nytimes.com](mailto:foderaro@nytimes.com)>; 'metro@nytimes.com' <[metro@nytimes.com](mailto:metro@nytimes.com)>  
**Cc:** 'susanne.craig@nytimes.com' <[susanne.craig@nytimes.com](mailto:susanne.craig@nytimes.com)>

**Subject: NYT election endorsements, election reporting -- & the Westchester county executive race**

**TO: New York Times –  
Editorial Board  
Lisa Foderaro, Reporter**

While waiting for your responses to my e-mails and voice mails (212-556-3652; 844-698-6397; 212-556-1659), I sent the below to The Times' Readers Center, at 11:47 a.m. today, *via* its message feature: <https://www.nytimes.com/2017/08/08/reader-center/we-want-to-hear-from-you.html?rref=collection%2Fsectioncollection%2Freader-center&action=click&contentCollection=reader-center&region=rank&module=package&version=highlights&contentPlacement=2&pgtype=sectionfront>, further answering the question as to whether I wanted it published: “yes, absolutely, please publish -- & my contact info: [elena@judgewatch.org](mailto:elena@judgewatch.org) & phone #914-421-1200”.

**MESSAGE --**

“What electoral races will be the subject of editorial endorsement by The New York Times -- and by what process does The Times evaluate the candidates? Why is this

information not available on The Times' website -- and in a designated section devoted to The Times' election coverage, so that members of the public, with information concerning those races and the fitness of those candidates, can contact The Times and furnish same for its consideration.

Since last Friday, October 6, 2017, including by three voice mail messages, I have been endeavoring to ascertain whether The Times will be making an endorsement in the Westchester county executive race -- and, if so, to furnish information and documentation concerning the fitness of the two candidates -- NYS Senator George Latimer & Incumbent County Executive Rob Astorino -- and the legitimacy of the multi-party lines on which they are running. To date, Times' coverage of the Westchester county executive race has consisted of a single article, on September 21, 2017, by Lisa Foderaro, who I have endeavored to speak with, also since October 6th. As reflected by the article's title, 'In New York Suburbs, Plenty of Democrats -- Just Not at the Top', it frames the county executive race in standard partisan terms -- Democrat/Republican -- liberal/conservative. It furnishes voters with NO information about the candidates' records, in office, with respect to government corruption issues -- notwithstanding polls consistently show that government corruption is a high priority among the public. Certainly, the electoral victory of President Trump, who campaigned on a theme of 'draining the swamp', demonstrates this priority among voters.

Elections are the voters' chance to 'drain the swamp' and eject perpetrators of government corruption. They cannot do this, cannot 'throw the bums out', when the press does not inform them as to how candidates, as occupants of public office, have handled the 'swamp' issues that have been before them.

The 'draining the swamp' ramifications of the Westchester county executive race extend to a plethora of other races throughout the state this year—and to the races, next year, for governor, attorney general, comptroller, and for every state senate and assembly seat, all of which will be made competitive. The details are furnished by my August 10, 2017 OPEN LETTER, sent to New York's eight 'recognized' political parties and the Westchester county executive candidates. It is posted on the website of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), of which I am director and co-founder. You can reach it from CJA's homepage, [www.judgewatch.org](http://www.judgewatch.org), via the prominent link: 'OUTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Office in 2017, 2018, and beyond -- WITH EVIDENCE.'

The November 7th general elections are less than a month away. Please advise immediately what The Times will be doing, editorially and news-wise, to meaningfully inform its readers and Westchester voters with respect to this important Westchester county executive race.

Thank you."

I would appreciate hearing from you, as soon as possible -- including with respect to my attached August 10, 2017 OPEN LETTER -- whose easily-verifiable evidentiary proof is posted on CJA's webpage for the OPEN LETTER. The direct link is here: <http://www.judgewatch.org/web-pages/elections/2017/8-10-17-open-ltr.htm>.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc.

[www.judgwatch.org](http://www.judgwatch.org)

914-421-1200