

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewidth.org>
Sent: Friday, June 28, 2013 12:59 PM
To: public@nytimes.com
Subject: Complaint of Knowingly Misleading & Materially Incomplete Reporting on an Important Issue of Legitimate Public Concern
Attachments: 5-22-13-ltr-to-senators-assembly-members.pdf; 5-13-13-ltr-to-lynch.pdf

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 15th e-mail: (1) our May 22nd letter to ALL Senate & Assembly Members; & (2) our May 13th 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 15th 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
- 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

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

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

To: 'Alyssa_Plock@wcnyc.org'; amity.paye@amsterdamnews.com; 'ashort@cityandstateny.com'; azi@capitalnewyork.com; 'Betty Flood (EFMNEWS@aol.com)'; Bill Hammond (whammond@nydailynews.com); Blake Zeff (bzeff@salon.com); blambdin@wnyt.com; Bob McManus (rmcmanus8@gmail.com); Casey Seiler (cseiler@timesunion.com); 'Chuck Custer (news@wgy.com)'; Colin Campbell (ccampbell@observer.com); Dana Rubinstein (dana@capitalnewyork.com); 'David

King'; 'dlombardo@dailygazette.net'; **editorial@nytimes.com**; Elizabeth Benjamin (liz.benjamin@ynn.com); fklopott@bloomberg.net; Fredric Dicker (fdicker@nypost.com); Fredric Dicker (fud31@aol.com); Gothamist (jake@gothamist.com); Gothamist (jen@gothamist.com); Gothamist (tips@gothamist.com); 'Greg Fischer'; Greg Smith (gsmith@nydailynews.com); **'hakim@nytimes.com'**; Jacob Gershman (jacob.gershman@gmail.com); 'Jessica Bakeman'; Jill Colvin (jcolvin@observer.com); Jim Odato (jodato@timesunion.com); 'Jimmy Vielkind (jvielkind@timesunion.com)'; 'Joe Spector (jspector@gannett.com)'; joe@capitalnewyork.com; 'joelstashenko@aol.com'; 'John Caher'; Jon Campbell; Jon Lentz (jlentz@cityandstateny.com); josh@capitalnewyork.com; **'kaplan@nytimes.com'**; Karen DeWitt (kdewitt@wxxi.org); Ken Lovett (klnews@aol.com); kfischer@alm.com; Kris Fischer (wstorey@alm.com); Larry McShane (lmcshane@nydailynews.com); Matt Ryan (mryan@wmht.org); **metro@nytimes.com**; Michael Gannon (MichaelG@qchron.com); 'Michael Gormley (mgormley@ap.org)'; 'Michael Virtanen (mvirtanen@ap.org)'; milton@blackstarnews.com; Morgan Pehme (mpehme@cityandstateny.com); 'nick.reisman@ynn.com'; NY Observer; 'Pat Bailey'; Phil Reisman (preisman@lohud.com); rbarkan@observer.com; Reid Pillifant (reid@capitalnewyork.com); Rich Bockmann (rbockmann@cnglocal.com); Rick Karlin (rkarlin@timesunion.com); Robert Kessler (robert.kessler@newsday.com); Robert McCarthy (rmccarthy@buffnews.com); Stephen Acunto Jr. (sacunto@cinn.com); 'Susan Arbetter (susan_arbetter@wcnv.org)'; 'Teri Weaver (tweaver@syracuse.com)'; Thurman William Mathis (thurman2c@yahoo.com); 'Tom Precious (tprecious@buffnews.com)'; tom@capitalnewyork.com; 'Yancey Roy (yancey.roy@newsday.com)'; 'zack.fink@ny1news.com'

Cc: 'public@nytimes.com'; Senator James Sanders; James Sanders (behar@nysenate.gov); James Sanders (nichols@nysenate.gov); Senator Malcolm Smith; mhenders@nysenate.gov; Senator Malcolm Smith (twhite@nysenate.gov); Gerald L. Shargel (gshargel@winston.com); 'sampson@senate.state.ny.us'; 'spotts@senate.state.ny.us'; carter.zachary@dorsey.com; stevensone@assembly.state.ny.us; Eric Stevenson (wtmartin380@yahoo.com); poinvir@assembly.state.ny.us; fomb08@gmail.com; baynesl@stjohns.edu; richard@washington-at-law.com; 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 15th 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 15th 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 15th 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 15th e-mail and to the voice mail message I left for him, on June 20th, on his cell #, 917-656-7870.**

What would your response have been?

And do you think -- based on the below June 15th e-mail and our above attached May 22nd letter to ALL Senators and Assembly Members and our May 13th 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 10th 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 15th e-mail alerted him as having been presented at Senator Sanders' May 10th 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 15th 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 10th forum. They were forwarded the e-mail, also on June 15th, as was Gerald Shargel, attorney for Senator Smith, who similarly had been inadvertently omitted from the initial e-mail.

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

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

To: 'kaplan@nytimes.com'

Cc: 'hakim@nytimes.com'; metro@nytimes.com; editorial@nytimes.com; Senator James Sanders; James Sanders (behar@nysenate.gov); James Sanders (nichols@nysenate.gov); Senator Malcolm Smith; mhenderson@nysenate.gov; 'sampson@senate.state.ny.us'; 'spotts@senate.state.ny.us'; carter.zachary@dorsey.com; stevensone@assembly.state.ny.us; Eric Stevenson (mbodja@assembly.state.ny.us); Eric Stevenson (wtmartin380@yahoo.com); fomb08@gmail.com; baynesl@stjohns.edu; richard@washington-at-law.com; 'Alyssa_Plock@wcn.org'; amity.paye@amsterdamnews.com; 'ashort@cityandstateny.com'; 'Betty Flood (EFMNEWS@aol.com)'; Bill Hammond (whammond@nydailynews.com); blambdin@wnyt.com; Bob McManus (rmcmanus8@gmail.com); Casey Seiler (cseiler@timesunion.com); 'Chuck Custer (news@wgy.com)'; Colin Campbell (ccampbell@observer.com); Dana Rubinstein (dana@capitalnewyork.com); 'David King'; 'dlombardo@dailygazette.net'; Elizabeth Benjamin (liz.benjamin@ynn.com); fklopott@bloomberg.net; Fredric Dicker (fdicker@nypost.com); Fredric Dicker (fud31@aol.com); Gothamist (jake@gothamist.com); Gothamist (jen@gothamist.com); Gothamist (tips@gothamist.com); 'Greg Fischer'; Greg Smith (gsmith@nydailynews.com); Jacob Gershman (jacob.gershman@gmail.com); 'Jessica Bakeman'; Jill Colvin (jcolvin@observer.com); Jim Odato (jodato@timesunion.com); 'Jimmy Vielkind (jvielkind@timesunion.com)'; 'Joe Spector (jspector@gannett.com)'; 'joelstashenko@aol.com'; 'John Caher'; Jon Campbell; Jon Lentz (jlentz@cityandstateny.com); Karen DeWitt (kdewitt@wxxi.org); Ken Lovett (klynnews@aol.com); kfischer@alm.com; Kris Fischer (wstorey@alm.com); Larry McShane (lmcshane@nydailynews.com); Matt Ryan (mryan@wmht.org); Michael Gannon (MichaelG@qchron.com); 'Michael Gormley (mgormley@ap.org)'; 'Michael Virtanen (mvirtanen@ap.org)'; milton@blackstarnews.com; Morgan Pehme (mpehme@cityandstateny.com); 'nick.reisman@ynn.com'; 'Pat Bailey'; Phil Reisman (preisman@lohud.com); Reid Pillifant (reid@capitalnewyork.com); Rich Bockmann (rbockmann@cnglocal.com); Rick Karlin (rkarlin@timesunion.com); Robert Kessler (robert.kessler@newsday.com); Robert McCarthy (rmccarthy@buffnews.com); Stephen Acunto Jr. (sacunto@cinn.com); 'Susan Arbetter (susan_arbetter@wcn.org)'; 'Teri Weaver (tweaver@syracuse.com)'; Thurman William Mathis (thurman2c@yahoo.com); 'Tom Precious (tprecious@buffnews.com)'; 'Yancey Roy (yancey.roy@newsday.com)'; '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 10th forum "*Attack on Black Leaders: Corruption or Conspiracy?*" – following which, on May 22nd, 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 22nd letter and its enclosed May 13th letter-complaint to U.S. Attorney Lynch are attached. These are also posted on the Center for Judicial Accountability's website, 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 22nd 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 10th 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
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