

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewidth.org>  
**Sent:** Thursday, August 15, 2013 11:22 AM  
**To:** 'wendell@nytimes.com'; 'wendell.jamieson@nytimes.com'  
**Cc:** public@nytimes.com  
**Subject:** 6/28/13 misconduct complaint vs Mr. Kaplan -- & proposal for investigation & coverage, immediately, as it relates to mayoral candidate William C. Thompson, Jr.

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