

Center for Judicial Accountability

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Subject: REQUEST FOR NYT COVERAGE: Dec. 3rd Oral Argument in the Legislature's Declaratory Judgment Action vs the Commission to Investigate Public Corruption
Attachments: 10-2-14-letter-from-court.pdf

REQUEST FOR NYT COVERAGE

December 3rd Oral Argument in the Legislature's Declaratory Judgment Action vs the Commission to Investigate Public Corruption

Tomorrow, December 3rd, at 3 p.m., Supreme Court Justice Alice Schlesinger will be holding oral argument in the declaratory judgment action brought by New York's Legislature against the Commission to Investigate Public Corruption, in her courtroom, Room 222, Supreme Court, 60 Centre Street, Manhattan. If she is true to the law and her oath of office, her decision will clean up New York's corrupt government, once and for all.

I believe The New York Times has done NO significant reporting of the NYS Legislature's declaratory judgment action against the Commission to Investigate Public Corruption, *NYS Senate et al. v. Rice, et al* (NY Co. #160941/2013). Certainly, had The Times done an analysis of the state of the record in the case, perhaps inviting constitutional scholars and legal experts to also weigh in, it might have concluded that the reason Governor Cuomo shut down the Commission was because – based on the record – he was going to lose – and especially once the Legislature struck out his funding appropriation for the Commission in the budget for fiscal year 2014-2015.

It is because, based on the record, I believed the Senate and Assembly were entitled to summary judgment on the critical constitutional, separation of powers issues, but that a question existed as to whether they were actually parties – and that Temporary Senate Presidents Skelos and Klein and Assembly Speaker Silver lacked standing to assert those causes of action based on the true facts about the genesis of the Commission, concealed by their unverified complaint – that, on April 23, 2014, I moved to intervene as a plaintiff, on behalf of the People of the State of New York & the public interest – including for purposes of challenging that the declaratory action was mooted by the Governor's shuttering of the Commission.

Initially, Justice Schlesinger dismissed the declaratory judgment action as moot, denying intervention for that reason. However, on June 17, 2014, I made a motion for reargument/renewal and vacatur for fraud. It is this dynamite motion that Justice Schlesinger had the courage to schedule for oral argument. Attached is her letter.

The record of the case is accessible from the Center for Judicial Accountability's website, www.judgewatch.org, by the prominent hyperlink on our homepage entitled: "THE PEOPLE FIGHT BACK: December 3rd Oral Argument – for a Judicial Declaration that the Commission to Investigate Public Corruption was Unconstitutional — & Itself Corrupt".

Over and beyond reporting on tomorrow's oral argument, the state of the record in this far-reaching case warrants an investigative expose by The Times. This includes as to the absence of ANY Senate and Assembly resolutions authorizing the declaratory judgment action and the absence of any Senate and Assembly contracts with ANY of the law firms for this or other litigations, and no approvals by the Comptroller – the consequence of which is that the plaintiffs are not properly plaintiffs and that the untold hundreds of thousands of taxpayer dollars paid to the law firms are illegal, if not

unconstitutional, expenditures. These are the explosive threshold issues, detailed and documented by my September 26, 2014 reply affidavit (at ¶¶2-3, 7-33) and by my September 26, 2014 reply memorandum of law (at pp. 1-2, 4-8), both in further support of my June 17, 2014 reargument/vacatur for fraud motion, directly accessible here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/6-17-14-reargument.htm>. Surely, you can easily turn to constitutional scholars and legal experts to assist with the record analysis.

Please share this e-mail with The Times' highest editors. This is a MAJOR STORY, whose ramifications reach to U.S. Attorneys Preet Bharara and Loretta Lynch – and, as to the latter, establish her unfitness for the office of U.S. Attorney General, to which I have already alerted the U.S. Senate Judiciary Committee. The Commission invited both these U.S. Attorneys to be its honored opening witnesses at its September 17, 2013 public hearing in Manhattan – and then and thereafter covered up the documentary and testimonial evidence before it of their collusion in systemic corruption of NYS government, involving the highest public officers of all three government branches. This is particularized by my April 23, 2014 affidavit in support of my order to show cause to intervene (at ¶¶62, 65, 73-75) and by my April 23, 2014 proposed verified complaint (at ¶¶24-25, 29, 59, 66, 71, 93, 99, 123, 124). Here's the direct link to the webpage for those documents – on which, additionally, is a link to the September 17, 2013 public hearing: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/4-23-14-osc-with-notice-to-produce.htm>.

I am available to be interviewed and to answer your questions, anytime – and I am reachable by e-mail (elena@judgewatch.org), phone (914-421-1200); cell & text (646-220-7987).

Thank you.

Elena Sassower, Director
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