

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Friday, July 25, 2014 9:20 AM
To: 'susanne.craig@nytimes.com'
Cc: rashbaum@nytimes.com; kaplan@nytimes.com; 'metro@nytimes.com'; 'editorial@nytimes.com'
Subject: When can I expect to hear from you? -- RE: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Dear Ms. Craig,

How disappointing to have received no follow-up from you, Mr. Rashbaum, Mr. Kaplan – or anyone else at The Times – to our telephone conversation, shortly before 10 a.m. on July 23rd.

In that phone conversation, I identified to you that I had direct, first-hand information and evidence germane to your featured expose, *"Cuomo's Office Hobbled State Ethics Inquires"*. At your request, I thereafter sent an elaborating e-mail, which is below.

Have you examined the below links, furnished by that e-mail?

As I stated when we spoke, I believe an important reason – if not the true reason – why Cuomo disbanded the Commission to Investigate Public Corruption is because the Legislature cut its funding from the budget – and such was a statutory prerequisite for it to investigate outside the Executive branch pursuant to Executive Law §63.8. This was a focal argument in the declaratory judgment action and other litigations against the Commission, brought in the Legislature's name, by its leaders, as I myself pointed out to the Legislature after it ignored my requests to testify at its budget hearings against the Governor's requested \$270,000 appropriation for the Commission (see March 28, 2014 verified complaint in citizen-taxpayer lawsuit, ¶¶48-50, 72-74, at the below link).

Examination of the record in the declaratory judgment action would lead to the conclusion that the Governor was going to LOSE in court. As he reasonably would have been advised of this, he knew he had to shut down the Commission before there was any determination of the issues. That the Legislature cut the Commission's \$270,000 appropriation only reinforced this. The so-called "deal" he got – most significantly, the "Public Trust Act", was bogus. The "Public Trust Act" – and his other ethics reforms – could have been achieved long before, and without the Commission, *via* "legitimate legislative process", and this is embodied in the first cause of action of my April 23, 2014 verified complaint to intervene in the declaratory judgment action (¶¶107, 111-113). All the controversy about the Commission only underscores that the constitutional, separation-of-powers issues about the Commission's establishment and operation are NOT moot.

As this is an election year, time is of the essence. Please advise when I can expect to hear from you or your Times colleagues, so that I may know how to proceed.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200

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

Sent: Wednesday, July 23, 2014 12:29 PM

To: 'susanne.craig@nytimes.com'

Subject: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Resent, as I previously misspelled your name. Apologies.

Elena

914-421-1200

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

Sent: Wednesday, July 23, 2014 12:05 PM

To: 'suzanne.craig@nytimes.com'

Cc: 'rashbaum@nytimes.com'; 'kaplan@nytimes.com'; 'metro@nytimes.com'; 'editorial@nytimes.com'

Subject: More, much more, to your story: "Cuomo's Office Hobbled State Ethics Inquiries"

Dear Ms. Craig,

There is more – much more – to what you have today reported, derided by Governor Cuomo's office as old news, "the subject of other news articles and exhaustively covered".

The Commission was not just "hobbled" by "Cuomo's Office". **The Commission was itself corrupt**: it three Co-Chairs, its Commissioners, its Special Advisors, including individuals quoted by your story as if they were honest: as, for instance, D.A. David Soares and League of Women Voters Legislative Director Barbara Bartoletti. This is chronicled by my April 23, 2014 proposed verified complaint to intervene in the declaratory judgment action vs the Commission, purportedly brought by the Legislature, which is STILL LIVE (NY Co. #160941/2013). Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/intervention-declaratory-judgment.htm> .

Also LIVE – and in a position of summary judgment – is a further lawsuit chronicling the Commission's corruption: CJA's citizen-taxpayer action against Cuomo, Schneiderman, DiNapoli, Skelos, Silver, and the Legislature (Albany Co. #1788/2014). Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/budget-2014-2015/lawsuit-citizen-taxpayer%20action.htm> .

All the Commission's corruption emanates from its wilful refusal to address the threshold question of how it was handling conflicts of interest. This is a question I asked the Commission at its inception and throughout the course of its operation, including publicly and repeatedly when I testified before the Commission at its September 17th hearing. Here's the link to the webpage of CJA's website for the Commission's September 17th hearing, posting the video clip of my testimony – and listing the 16 other ordinary witnesses who testified at the hearing, NONE OF WHOM the Commission thereafter contacted to take further testimony or to investigate their allegations and evidence: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/hearing-9-17-13-manhattan.htm>. The significance of all this is particularized by my April 23, 2014 order to show cause to intervene in the declaratory judgment action, both by my proposed verified complaint and moving affidavit.

There is so much more to say. This includes about U.S. Attorney Bharara -- whose office I called immediately and repeatedly in April to alert it that it needed to ensure that it got **ALL** the Commission's files, not just the Commission's investigative files, as from these would be verifiable how the Commission had been ignoring complaints, such as I had presented to it, against Cuomo, Schneiderman, DiNapoli, Skelos, Silver, the Legislature, etc. I also alerted U.S. Attorney Bharara to the above two litigations, each furnishing a roadmap of the Commission's corruption. Suffice to furnish you with the link to the most recent letters I sent to U.S. Attorney Bharara regarding JCOPE – letters about its cover-up of

Cuomo's corruption: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/exposing-jcope.htm>. It is part of our set of webpages bearing the title "Exposing the Corruption of the Commission to Investigate Public Corruption", featured on our homepage: www.judgewatch.org

I am available to answer your questions and to be interviewed.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200