

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, October 22, 2019 1:52 PM
To: 'editor@dailyorange.com'; 'news@dailyorange.com'; 'opinion@dailyorange.com'; 'pulp@dailyorange.com'; 'ammunozc@syr.edu'
Subject: ALERT: Onondaga DA & judicial races -- & the opportunity of the Syracuse Daily Orange to demonstrate its importance -- & independence
Attachments: 8-21-19-nylj-ltr.pdf

TO: Syracuse University's Daily Orange

ATT: Haley Robertson/Editor-in-Chief & Catherine Leffert/Managing Editor

I am director and co-founder of a non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). This e-mail follows my phone call this morning to The Daily Orange in response to the October 20th article of Marnia Munoz "[District attorney incumbent challenged for first time in over 10 years](#)" – and my lengthy conversation with Erica Morrison, a Newhouse student who works on the business side of the Daily Orange's operations.

As I showed Ms. Morrison, CJA's homepage, www.judgewatch.org, contains a prominent center link "Elections - 2019", which leads to a menu page for the Onondaga County elections for district attorney – involving incumbent D.A. Fitzpatrick – and for Supreme Court justices for the 5th Judicial District – involving Onondaga state Senator Antonacci. It is imperative that there be investigation and reporting of the readily-verifiable EVIDENCE of the public corruption of Fitzpatrick and Antonacci – and what has been going on with respect to their electoral races. For the past nearly two weeks, I have tried to get the assistance of professors of Syracuse University's Newhouse School of Public Communications, of its Maxwell School of Citizenship and Public Affairs, and of its Institute for the Study of the Judiciary, Politics, and the Media – to no avail. Indeed, not a single Syracuse University professor saw fit to alert me to the existence of The Daily Orange – about which I knew nothing until I found Ms. Munoz' article by a google search for reporting on the Onondaga County D.A. race. The direct link to the webpage of my outreach, including to Syracuse University – which I showed Haley – is here: <http://www.judgewatch.org/web-pages/elections/2019/oct-2019-outreach.htm>.

As a starting point for a story – and Ms. Morrison made a memorable comment to me that it is "the job description" for journalists to be able to rapidly turn out stories – below is the e-mail I sent to Syracuse.com on October 18th for its yesterday's debate between the three Onondaga D.A. candidates. May I respectfully request that Ms. Munoz or other student journalists of the Daily Orange phone/e-mail Syracuse.com and find out why it did not ask the proposed question or any other comparable question, notwithstanding, since October 8th, it had all the EVIDENCE in substantiation, posted on CJA's webpage for the 2019 Onondaga D.A. race, here: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>. So that you can evaluate my proposed question – against the ones it asked -- here's the link to Syracuse.com's yesterday's October 21st debate: <https://www.syracuse.com/politics/cny/2019/10/watch-live-debate-for-onondaga-county-district-attorney.html>. Needless to say, The Orange should, additionally, phone/e-mail the D.A. challengers – each cc'd on my October 18th e-mail -- as well as incumbent D.A. Fitzpatrick – for their EVIDENCE-based responses. And they should find out why Syracuse University's listener-supported, public media-WAER, 88.3, has been "sitting on" investigating and reporting this story since October 10th.

I am available to assist you, to the max, in investigating and reporting FULLY-DOCUMENTED stories that will meaningfully inform the People of Onondaga County about the corruption that infests their state, local, and national governance – something which the established press has willfully NOT been doing, in collusion with Syracuse University. You may be sure that the result of such investigations and report will be a bonanza to your efforts to build financial support for your "local journalism" and "nonprofit newsroom": <https://donate.dailyorange.com/>

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

www.judgewatch.org

914-421-1200

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

Sent: Friday, October 18, 2019 3:35 PM

To: 'cbaker@syracuse.com' <cbaker@syracuse.com>

Cc: 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'ckeller3@twcny.rr.com' <ckeller3@twcny.rr.com>; 'timkennedy@syracuse.com' <timkennedy@syracuse.com>; 'mmorelli@syracuse.com' <mmorelli@syracuse.com>; 'citynews@syracuse.com' <citynews@syracuse.com>; 'features@syracuse.com' <features@syracuse.com>; 'ddowty@syracuse.com' <ddowty@syracuse.com>; 'Chris Alan Bolt' <cabolt@syr.edu>; 'Scott R Willis' <srwillis@syr.edu>; 'John S Smith' <jssmit05@syr.edu>; 'Ashley@MySouthSideStand.com' <Ashley@MySouthSideStand.com>; 'Gregory James Munno' <gimunno@syr.edu>; 'Jonathan Neal Glass' <jnglass@syr.edu>; 'mdavis@syr.edu' <mdavis@syr.edu>; 'gdreeher@maxwell.syr.edu' <gdreeher@maxwell.syr.edu>; 'news@wrvo.org' <news@wrvo.org>; 'jason@wrvo.org' <jason@wrvo.org>; 'kjbybee@maxwell.syr.edu' <kjbybee@maxwell.syr.edu>; 'ladolak@law.syr.edu' <ladolak@law.syr.edu>; 'rsgutter@syr.edu' <rsgutter@syr.edu>; 'rkanand@law.syr.edu' <rkanand@law.syr.edu>; 'bach@measuresforjustice.org' <bach@measuresforjustice.org>; 'Yusuf Abdul-Qadir' <yabdulqadir@nyclu.org>; 'Lanessa Chaplin' <lchaplin@nyclu.org>; 'Kevin Atwater' <katwater@nyclu.org>; 'spc@peacecouncil.net' <spc@peacecouncil.net>

Subject: Question for Syracuse.com's Oct 21st Onondaga D.A. Candidates Debate -- & for other local journalism

TO: Chris Baker/Syracuse.com

Your October 16th article "[Syracuse.com to hold live debate with 3 candidates for District Attorney](#)" concludes with the sentence:

"If you have questions you'd like to ask of the candidates, or topics you'd like to see discussed, please send an email to reporter Chris Baker at cbaker@syracuse.com."

To ensure that Syracuse.com does not overlook my proposed question for the D.A. candidates, presented by my below October 18th e-mail, to which you and others at Syracuse.com were cc'd, it is, as follows:

"Is it true that the pay raises that D.A. Fitzpatrick and his Court of Claims-judge wife have been getting since April 1, 2012 – amounting to over half a million dollars to date – are the product of fraud and other illegality which Fitzpatrick covered up as chair of the Commission to Investigate Public Corruption by violating conflict of interest rules?"

I'm sure staff at Syracuse.com can easily calculate the precise dollar amounts of the fraudulent salary raises that D.A. Fitzpatrick and Judge Fitzpatrick have raked in over the past 7-1/2 years from the figures of their escalating salaries posted on CJA's webpage of EVIDENCE, here: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>.

Additionally, and as reflected by CJA's webpage of EVIDENCE, you should be grilling D.A. Candidate Lavine, a member of the Joint Commission on Public Ethics (JCOPE) since its inception, about why JCOPE – in violation of the statute creating it -- has been "sitting on" CJA's June 27, 2013 conflict-of-interest/ethics complaint

pertaining to the fraudulent judicial-DA salary increases – a complaint to which I referred in testifying before Fitzpatrick at the Commission’s September 17, 2013 hearing, furnishing a copy, as well.

As always, I would be pleased to assist Syracuse.com in framing meaningful questions addressed to public corruption issues. By the way, the Onondaga County District Attorney’s Office, under D.A. Fitzpatrick, <https://da.ongov.net/>, has NO “public integrity unit”, is that correct? Why? And how are complaints involving public corruption handled? How many does D.A. Fitzpatrick receive on an annual basis – and what are his policies, procedures, and protocols for handling public corruption complaints in which he has financial interests and interests arising from political, professional, and personal relationships?

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, October 18, 2019 1:34 PM
To: 'Yusuf Abdul-Qadir' <yabdulqadir@nyclu.org>
Cc: 'Lanessa Chaplin' <lchaplin@nyclu.org>; 'Kevin Atwater' <katwater@nyclu.org>; 'ckeller3@twcny.rr.com' <ckeller3@twcny.rr.com>; 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'cbaker@syracuse.com' <cbaker@syracuse.com>; 'citynews@syracuse.com' <citynews@syracuse.com>; 'features@syracuse.com' <features@syracuse.com>; 'timkennedy@syracuse.com' <timkennedy@syracuse.com>; 'mmorelli@syracuse.com' <mmorelli@syracuse.com>; 'ddowty@syracuse.com' <ddowty@syracuse.com>; 'spc@peacecouncil.net' <spc@peacecouncil.net>; 'Chris Alan Bolt' <cabolt@syrr.edu>; 'Scott R Willis' <srwillis@syrr.edu>; 'John S Smith' <jssmit05@syrr.edu>; 'Ashley@MySouthSideStand.com' <Ashley@MySouthSideStand.com>; 'Gregory James Munno' <gimunno@syrr.edu>; 'Jonathan Neal Glass' <jnglass@syrr.edu>; 'mdavis@syrr.edu' <mdavis@syrr.edu>; 'gdreeher@maxwell.syr.edu' <gdreeher@maxwell.syr.edu>
Subject: Moving beyond the rigged October 10th D.A. candidates forum -- to the upcoming Oct 21st D.A. candidates debate

Dear Mr. Abdul-Qadir –

Having failed to give me the courtesy of a response to my October 10th e-mail to you and to my October 13th e-mail to you, I was burdened to write my October 17th e-mail to the Syracuse Peace Council. You have replied to my cc.

The purpose of the October 10th forum, sponsored by more than a dozen organizations, was to inform voters about the Onondaga County D.A. candidates. To assist you in doing that, I sent you my October 10th e-mail, which you stated you did not see until AFTER the 6 pm D.A. candidates forum because you had an “all staff meeting from 10 am until 5 pm”. Are you saying that both Central NYCLU’s counsel Lanessa Chaplan, Esq. – to whom I sent the e-mail at 10:05 am, simultaneous with sending it to you – and Central NYCLU’s administrative assistant Kevin Atwater – to whom I forwarded the e-mail at 12:09 pm, upon speaking with him by phone – did not attend the “all staff meeting” and did not bring it to your attention? Was there no discussion of it – and of that evening’s D.A. candidates forum which you would moderate?

The issues presented by my October 10th e-mail that should have been – and should be now – of grave concern to the Central NYCLU and to each of the other sponsors of the October 10th forum – are two-fold:

(1) the “open-and-shut EVIDENCE” of public corruption by incumbent District Attorney Fitzpatrick, causing vast, irreparable, and ongoing injury to the People of the State of New York and Onondaga County – culminating in a far-reaching, corruption-busting citizen-taxpayer action, now at the Court of Appeals; and

(2) whether Candidates Keller and Lavine – themselves recipients of the October 10th e-mail – possess the basic evidentiary skills, commitment to the rule of law, and honesty and integrity requisite for a district attorney. Indeed, the October 10th e-mail was itself EVIDENCE for assessing their fitness, appending, as it did, my October 7th e-mails to each candidate, establishing that I had directly spoken with each of them by phone and had furnished each with the same EVIDENCE of D.A. Fitzpatrick’s public corruption as my October 10th e-mail would identify to you as “sufficient for ANY prosecutor to bring a criminal indictment and secure a conviction”. Had they not promptly examined the EVIDENCE? Did they disagree as to its sufficiency?

You complain that even had you seen my October 10th e-mail, you would not have had time to “vet” it. But, surely, at the October 10th forum, you had ZERO time to “vet” the questions that audience members were handing up for you to ask, on their behalf. Moreover, why would you have needed to “vet” the following question, on my behalf, which, had Ms. Chaplin called me in the many hours before the 6 pm forum, or Mr. Atwater following his receipt of the October 10th e-mail, I would have readily provided for you to ask of all three candidates:

“Is it true that the pay raises that D.A. Fitzpatrick and his Court of Claims-judge wife have been getting since April 1, 2012 – amounting to over half a million dollars to date – are the product of fraud and other illegality which Fitzpatrick covered up as chair of the Commission to Investigate Public Corruption by violating conflict of interest rules?”

Fortunately, Syracuse.com is hosting a D.A. candidates debate on Monday, October 21st – and that most minimal question can be asked of the three candidates, at that time. By copy of this e-mail to Syracuse.com – and consistent with its October 16th announcement of the October 21st debate and invitation for questions: <https://www.syracuse.com/politics/cny/2019/10/syracusecom-to-host-live-debate-between-3-candidates-for-district-attorney.html> – I am herewith submitting that question, in the event Syracuse.com does not formulate its own more devastating question based on its “vetting” of the EVIDENCE, conveniently aggregated on CJA’s webpage for the 2019 Onondaga D.A. race: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>, which it has had since October 8th to investigate.

There is more to be said in response to your yesterday’s e-mail, but time is of the essence. Suffice to say, I invite any of the 17 members of the Central NYCLU board and its Law Committee, chaired by Sam Young, Esq., to call me to discuss your handling of this matter – and their civic duty and professional obligations to take appropriate action in face of open-and-shut EVIDENCE of public corruption by an incumbent district attorney and the “head in the sand” silence of competing D.A. candidates, each with his own conflicts of interest that he has not disclosed. Will the board instruct you to notify Syracuse.com that Central NYCLU endorses my proposed question? Please promptly forward to them this e-mail, with its below chain of e-mails, for their determination.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 17, 2019 3:39 PM
To: 'Yusuf Abdul-Qadir' <yabdulqadir@nyclu.org>; 'spc@peacecouncil.net' <spc@peacecouncil.net>
Cc: 'Lanessa Chaplin' <lchaplin@nyclu.org>; 'Kevin Atwater' <katwater@nyclu.org>; 'ckeller3@twcny.rr.com' <ckeller3@twcny.rr.com>; 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'cbaker@syracuse.com' <cbaker@syracuse.com>; 'citynews@syracuse.com' <citynews@syracuse.com>; 'features@syracuse.com' <features@syracuse.com>; 'timkennedy@syracuse.com' <timkennedy@syracuse.com>; 'mmorelli@syracuse.com' <mmorelli@syracuse.com>; 'ddowty@syracuse.com' <ddowty@syracuse.com>; 'Chris Alan Bolt' <cabolt@syrr.edu>; 'Scott R Willis' <srwillis@syrr.edu>; 'John S Smith' <jssmit05@syrr.edu>; 'Ashley@Stand.com' <Ashley@Stand.com>; 'Gregory James Munno' <gimunno@syrr.edu>; 'gdreeher@maxwell.syr.edu' <gdreeher@maxwell.syr.edu>; 'Jonathan Neal Glass' <jnglass@syrr.edu>
Subject: RE: The rigged Oct 10th Onondaga D.A. Candidates Forum -- depriving voters of what they most need to know about D.A. Fitzpatrick & would-be D.A.s Keller & Levine

Dear Mr. Abdul-Qadir –

Thank you for the courtesy of your response – to which I will reply, hopefully by tomorrow. My cherished mother is dying – and I've been running back and forth to her home and the hospital to help nurse her.

Meantime, kindly furnish me with the list of sponsoring organizations for the October 10th Onondaga district attorney candidates forum – as the posting on the Syracuse League of Women Voters website is no longer accessible: <https://my.lwv.org/new-york/syracuse-metropolitan-area/event/candidate-forum-onondaga-county-district-attorney>. Assumedly the sponsoring organizations are listed on a press release for the forum – and I would appreciate a copy of the press release and the date it was sent to the press.

Thank you.

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

From: Yusuf Abdul-Qadir <yabdulqadir@nyclu.org>
Sent: Thursday, October 17, 2019 10:35 AM
To: elena@judgewatch.org; spc@peacecouncil.net
Cc: Lanessa Chaplin <lchaplin@nyclu.org>; Kevin Atwater <katwater@nyclu.org>; ckeller3@twcny.rr.com; glavine@bhlawpllc.com; cbaker@syracuse.com; citynews@syracuse.com; features@syracuse.com; timkennedy@syracuse.com; mmorelli@syracuse.com; ddowty@syracuse.com; 'Chris Alan Bolt' <cabolt@syrr.edu>; 'Scott R Willis' <srwillis@syrr.edu>; 'John S Smith' <jssmit05@syrr.edu>; Ashley@Stand.com; 'Gregory James Munno' <gimunno@syrr.edu>; gdreeher@maxwell.syr.edu; 'Jonathan Neal Glass' <jnglass@syrr.edu>
Subject: Re: The rigged Oct 10th Onondaga D.A. Candidates Forum -- depriving voters of what they most need to know about D.A. Fitzpatrick & would-be D.A.s Keller & Levine

Good morning,

Thank you for your e-mails and calls to my office, our NY office, to our advisory board and legal committees - which serve as advisory and have neither fiduciary or programmatic or other oversight roles - the press and others. I appreciate your zealotry, but find your emails inconsistent with what we at the NYCLU are able to do and engage in. Firstly, you sent your email the morning of the forum. To expect that, on the day of, after months of planning, that we'd adjust without having had the ability to vet this before presenting it, is not in line with what is reasonable. Secondly, we had an all staff meeting from 10 am until 5 pm on October 10th. I did not see email, nor would I have been in a position to respond as the forum began at 6 that evening. Thirdly and most importantly, this targeting of one candidate violates our understanding of the limitations of our C3 and C4 work. We do not cross those lines and in fact, the NYCLU's role is to educate people about the power of the office and not to engage in what would give the appearance of partisanship.

I must say though, that I find and take serious issue with how you've chosen to engage. If you feel as passionately as you clearly do, write a letter to the editor, hold a press conference, engage the public, show up to the debate and ask those questions, share this information in a myriad of other forums available to you and the organization that you represent. To demand for us to be that proxy is inappropriate and out of line. To send the number of emails, make the number of calls and to try to pressure us in the ways you have, is out of line. I am not easily pressured, nor do I believe your line of engagement appropriate. The merits of your issues aside, you do a serious disservice to what may very well be important information, by how you chose to pressure us at the NYCLU. You should show up and canvas and share those concerns, hold press conferences, write to the press or do a number of other activities.

So, with that said, we are not going to be sharing this information, not because we do or don't believe in its merits, but because it is not the role that we should be playing in this regard. I wish you luck in your passionate advocacy and hope you much success.

Best,

Yusuf Abdul-Qadir
Pronouns: he, his
Central New York Chapter Director
New York Civil Liberties Union
499 S. Warren St., Syracuse, NY 13202
o. 315.471.2821 | d. 315.299.4384

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From: elena@judgewatch.org <elena@judgewatch.org>

Sent: Thursday, October 17, 2019 10:08:28 AM

To: spc@peacecouncil.net <spc@peacecouncil.net>

Cc: Yusuf Abdul-Qadir <yabdulqadir@nyclu.org>; Lanessa Chaplin <lchaplin@nyclu.org>; Kevin Atwater <katwater@nyclu.org>; ckeller3@twcny.rr.com <ckeller3@twcny.rr.com>; glavine@bhlawpllc.com <glavine@bhlawpllc.com>; cbaker@syracuse.com <cbaker@syracuse.com>; citynews@syracuse.com <citynews@syracuse.com>; features@syracuse.com <features@syracuse.com>; timkennedy@syracuse.com <timkennedy@syracuse.com>; mmorelli@syracuse.com <mmorelli@syracuse.com>; ddowty@syracuse.com <ddowty@syracuse.com>; 'Chris Alan Bolt' <cabolt@syr.edu>; 'Scott R Willis' <srwillis@syr.edu>; 'John S Smith' <jssmit05@syr.edu>; Ashley@Stand.com <Ashley@Stand.com>; 'Gregory James Munno' <gjmunno@syr.edu>; gfreeher@maxwell.syr.edu <gfreeher@maxwell.syr.edu>; 'Jonathan Neal Glass' <jnglass@syr.edu>

Subject: The rigged Oct 10th Onondaga D.A. Candidates Forum -- depriving voters of what they most need to know about D.A. Fitzpatrick & would-be D.A.s Keller & Levine

TO: Syracuse Peace Council

This follows my substantive conversation with staff organizer Michaela Czerkies yesterday afternoon about the rigging of the October 10th district attorney candidates forum by the director of the Central New York Civil Liberties Union, Yusuf Abdul-Qadir, who – having been furnished *readily-verifiable* EVIDENCE establishing, *prima facie*, the public corruption of District Attorney Fitzpatrick as chair of the Commission to Investigate Public Corruption, causing vast, irreparable, and on-going injury to the People of the State of New York and resulting in hundreds of thousands of dollars in personal financial gain to Fitzpatrick and his judge-wife – EVIDENCE previously furnished to District Attorney Candidates Keller and Lavine – failed to pose even a single question about it.

Below is my October 13th e-mail to Mr. Abdul-Qadir, setting forth the pertinent facts – and inquiring whether his conduct was with the knowledge of the 17 members of the Central NYCLU board and of the 13 or so other organizations co-sponsoring the forum with the Central NYCLU.

Having received no response from Mr. Abdul-Qadir or anyone else at Central NYCLU to my October 13th e-mail and to my phone calls on October 15th, including to its Legal Committee chair, Sam Young, Esq., I decided to begin calling the 13 or so other organizations – and Syracuse Peace Council was the first.

I would appreciate, if, in addition to forwarding this e-mail to your board members, you forward it to the other organizational co-sponsors of the October 10th forum – so that, individually and collectively, they can examine the EVIDENCE, for themselves, and evaluate the duty they owe Onondaga voters – and the People of the State of New York – to “blow the whistle” at a press conference or by other means.

I am available to assist you, and them, to the max.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, October 13, 2019 9:59 AM
To: 'yabdulqadir@nyclu.org' <yabdulqadir@nyclu.org>
Cc: 'lchaplin@nyclu.org' <lchaplin@nyclu.org>; 'katwater@nyclu.org' <katwater@nyclu.org>; 'ckeller3@twcnny.rr.com' <ckeller3@twcnny.rr.com>; 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'cbaker@syracuse.com' <cbaker@syracuse.com>; 'citynews@syracuse.com' <citynews@syracuse.com>; 'features@syracuse.com' <features@syracuse.com>; 'timkennedy@syracuse.com' <timkennedy@syracuse.com>; 'mmorelli@syracuse.com' <mmorelli@syracuse.com>; 'ddowty@syracuse.com' <ddowty@syracuse.com>; 'cabolt@syr.edu' <cabolt@syr.edu>; 'srwillis@syr.edu' <srwillis@syr.edu>; 'Jssmit05@syr.edu' <Jssmit05@syr.edu>; 'Ashley@MySouthSideStand.com' <Ashley@MySouthSideStand.com>; 'gmunno@syr.edu' <gmunno@syr.edu>; 'Grant Davis Reeher' <gdreeher@maxwell.syr.edu>; 'robert.harding@auburnpub.com' <robert.harding@auburnpub.com>; 'robert.harding@lee.net' <robert.harding@lee.net>; 'jeremy.boyer@auburnpub.com' <jeremy.boyer@auburnpub.com>; 'michael.dowd@auburnpub.com' <michael.dowd@auburnpub.com>; 'mbowers@auburnpub.com' <mbowers@auburnpub.com>; 'chris.sciria@auburnpub.com' <chris.sciria@auburnpub.com>; 'david.wilcox@auburnpub.com' <david.wilcox@auburnpub.com>; 'mary.catalfamo@lee.net' <mary.catalfamo@lee.net>
Subject: Informing the Voters: The open-&-shut EVIDENCE of public corruption by D.A. Fitzpatrick -- & its cover-up by Candidates Keller & Lavine

TO: Central New York Civil Liberties Union

ATT: Yusuf Abdul-Qadir/Director

I was surprised to have received no response from you or from counsel Lanessa Chaplin, Esq. to my below October 10th e-mail pertaining to the open-and-shut EVIDENCE of Onondaga County D.A. Fitzpatrick's public corruption, causing vast, irreparable, and ongoing injury to the People of the State of New York and Onondaga County, and furnishing you with my October 7th e-mails to Candidates Lavine and Keller on the subject.

Did you examine the EVIDENCE posted on the webpage I had created to speed verification of the pertinent facts: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>. Indeed, if you watched the [VIDEO of my testimony before D.A. Fitzpatrick at the September 17, 2013 hearing of the Commission to Investigate Public Corruption](#), you know that my parting words were that the EVIDENCE was "open-and-shut" and could be verified "in a matter of minutes". Certainly, it takes only "a matter of minutes" to read the [executive summary to CJA's October 27, 2011 opposition report](#) to the [Commission on Judicial Compensation's August 29, 2011 report](#) – and to recognize what is obvious from comparing those two documents, *to wit*, the fraudulence of the paltry, facially-violative August 29, 2011 report that had boosted judicial salaries – and which, by reason of the statutory link between judicial salaries and district attorney salaries, also boosted district attorney salaries.

Please advise, without delay, which EVIDENCE, if any, you reviewed, when – as it appears -- you decided not to pose even a single question at the D.A. candidates forum as to D.A. Fitzpatrick's public corruption, financially benefitting himself and his judge-wife by hundreds of thousands of dollars – and whether, in so-deciding, you had forwarded my e-mail to the Central New York Civil Liberties' 17 board members (<https://www.nyclu.org/en/chapters/central-new-york>), to its Legal Committee chair, and, additionally, to the 13 or so other organizations co-sponsoring the October 10th D.A. candidates forum (<https://my.lwv.org/new-york/syracuse-metropolitan-area/event/candidate-forum-onondaga-county-district-attorney>) for their examination and deliberation as to their obligations to voters with respect to all three candidates.

Finally, apart from the most minimal news reporting of the October 10th D.A. candidates forum, I am unable to find any posted VIDEO. Was such an important forum for voters not VIDEOED – or, for that matter, live-streamed? Please advise – and as soon as possible – as time is of the essence, especially in light of this year's early voting.

Thank you.

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

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

Sent: Thursday, October 10, 2019 10:05 AM

To: 'yabdulqadir@nyclu.org' <yabdulqadir@nyclu.org>; 'lchaplin@nyclu.org' <lchaplin@nyclu.org>

Cc: 'cabolt@syr.edu' <cabolt@syr.edu>; 'cbaker@syracuse.com' <cbaker@syracuse.com>; 'citynews@syracuse.com' <citynews@syracuse.com>; 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'ckeller3@twcny.rr.com' <ckeller3@twcny.rr.com>

Subject: Tonight's Onondaga County D.A. Candidates Forum -- Exposing the Corruption of D.A. Fitzpatrick -- & Testing the Fitness of Candidates Lavine, Keller

TO: Central New York Civil Liberties Union

ATT: Yusuf Abdul-Qadir/Director

Lanessa L. Chaplin, Esq.

D.A. Fitzpatrick is CORRUPT – and has willfully and deliberately caused vast and ongoing injury to the People of Onondaga and the State of New York, while financially benefitting by hundreds of thousands of dollars in fraudulent pay raises, with his Court of Claims judge-wife. The open-and-shut EVIDENCE, sufficient for ANY prosecutor to bring a criminal indictment and secure a conviction, is posted on the Center for Judicial Accountability's website, here: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>.

Please call me, ASAP, so that I can assist you in presenting this EVIDENCE at tonight's D.A. candidates forum – ENDING Fitzpatrick's candidacy and establishing the fitness of the two candidates competing against him and each other.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 10, 2019 9:32 AM
To: 'cabolt@syr.edu' <cabolt@syr.edu>
Subject: Tonight's Onondaga County D.A. Candidates Forum -- Fitzpatrick, Lavine, Keller

TO: WAER/Scott Willis & Chris Bolt --

Following up the voice mail messages I left, a short time ago, first at 315-443-4046 and then at 315-443-5242, upon reading your posting "[Three Onondaga County D.A. Candidates to Make Their Case to Voters at Forum](#)", below are the October 7th e-mails I sent D.A. Candidates Gary Lavine, Esq. and Charles Keller, Esq. following my lengthy phone conversations with them. They can EASILY defeat D.A. Fitzpatrick – and without money. It requires nothing more than their "whistleblowing" about the *open-and-shut* EVIDENCE of his corruption as chair of the Commission to Investigate Public Corruption -- including his flagrant violation of conflict of interest rules to financially benefit himself and his Court of Claims judge wife by hundreds of thousands of dollars in fraudulent pay raises. It is EVIDENCE that brings down D.A. Fitzpatrick and the whole edifice of public corruption that was his obligation to expose and prosecute six years ago – and it is posted on the website of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, www.judgewatch.org. The direct link to the EVIDENCE webpage I built to assist Candidates Lavine and Keller, the press – and voters – is here: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>.

Please call me so that student reporters can get to work on investigating and reporting this, as soon as possible – starting with viewing the VIDEO of my testimony before D.A. Fitzpatrick at the Commission to Investigate Public's first rigged hearing, on September 17, 2013: <https://www.youtube.com/watch?v=-1hXstPOUhw>.

Thank you.

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

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

Sent: Monday, October 7, 2019 7:19 PM

To: 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>

Cc: 'ckeller3@twcny.rr.com' <ckeller3@twcny.rr.com>

Subject: You can win, easily & without \$, against D.A. Fitzpatrick -- ALL it takes is "whistleblowing" as to the open-and-shut, prima facie EVIDENCE" of his corruption as chair of the Commission to Investigate Public Corruption

TO: Onondaga District Attorney Candidate Gary Lavine –

Following up your return call to me, a short time ago – and our lengthy conversation together, largely replicating what I had discussed with Candidate Keller this morning – below is the e-mail I sent to him, with its above-attachment pertaining to the significance of CJA's citizen-taxpayer action, now at the Court of Appeals.

This e-mail to you – and the below to him – will be posted on the webpage I created for the 2019 Onondaga County District Attorney race. It is accessible from the Center for Judicial Accountability's homepage, www.judgewatch.org, via the prominent center link: "ELECTIONS – 2019" – which leads to a menu page with a link for D.A. Fitzpatrick's 2019 candidacy for re-election. The direct link is here: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>.

The People need district attorneys who are true to their duty to "follow the EVIDENCE" – and it is EVIDENCE that brings down D.A. Fitzpatrick and the whole edifice of public corruption that was his obligation to expose and prosecute six years ago.

I am available to assist you, to the max, to achieve honest, accountable, constitutional governance. As the posted EVIDENCE establishes, this is something we do not remotely have.

Thank you.

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

From: Elena Sassower <elenaruth@aol.com>

Sent: Monday, October 7, 2019 1:13 PM

To: 'ckeller3@twcny.rr.com' <ckeller3@twcny.rr.com>

Subject: You can win, easily & without \$, against D.A. Fitzpatrick -- ALL it takes is "whistleblowing" as to the open-and-shut, prima facie EVIDENCE" of his corruption as chair of the Commission to Investigate Public Corruption

TO: Onondaga District Attorney Candidate Charles Keller –

Following up our phone conversation a short time ago (315-450-3846) – aided by your visit to the Center for Judicial Accountability's website, www.judgewatch.org – here's the direct link to the webpage I showed you that I had created to enable you to WIN against Onondaga County District Attorney Fitzpatrick: <http://www.judgewatch.org/web-pages/elections/2019/fitzpatrick.htm>.

Winning will not require you to expend lots of campaign money -- or, for that matter, any money. All it requires is using the "bully-pulpit" of your candidacy to "whistle-blow" about the open-and-shut, *prima facie* EVIDENCE of Fitzpatrick's corruption as chair of the Commission to Investigate Public Corruption. For starters, here's the direct link

to the webpage of my September 17, 2013 testimony before him and the Commission, posting, in addition to the VIDEO, the primary-source EVIDENCE I furnished in substantiation: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/sassower-elena.htm>.

As promised, I am also sending, by the below and attached, my August 2019 published letter in the New York Law Journal about the significance of CJA's second citizen-taxpayer action, now before the New York Court of Appeals. As discussed, that citizen-taxpayer action encompasses and expands upon a first citizen-taxpayer action, whose origin was the Commission to Investigate Public Corruption's pretense that the EVIDENCE I furnished it on September 17, 2013 and thereafter, pertaining to the larceny of taxpayer monies arising from the Commission on Judicial Compensation's "force of law" August 29, 2011 report recommending judicial pay raises and the slush-fund state budget "falls outside of our mandate" (1st citizen-taxpayer action, March 28, 2014 verified complaint at para. 5(i) [p. 7]).

The details of the corruption of the Commission to Investigate Public Corruption are laid out, with substantiating proof, in CJA's motion to intervene in the Legislature's declaratory judgment action against it. The direct link to the record is here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/intervention-declaratory-judgment.htm>.

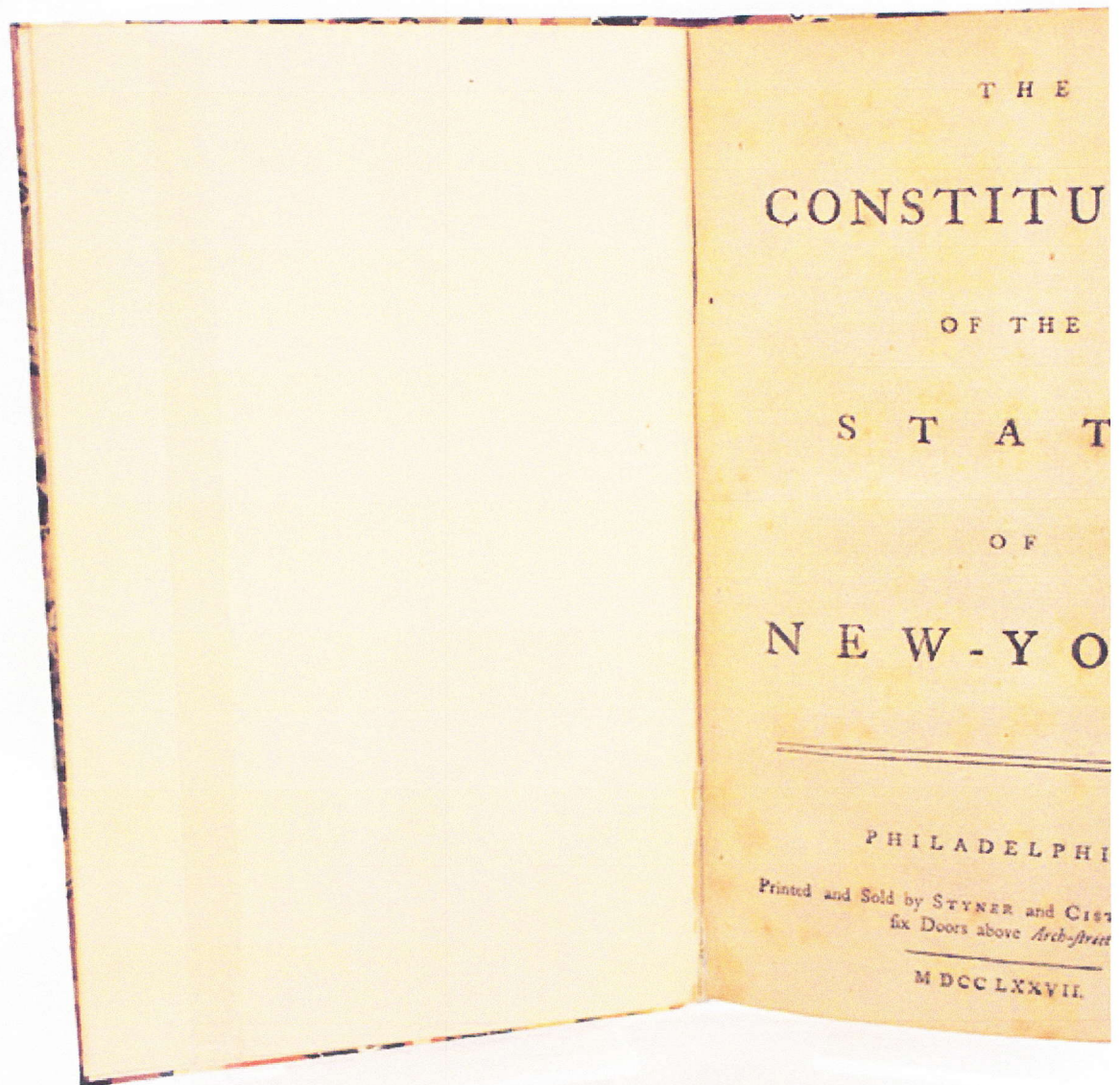
I am available to assist you, to the max.

Elena Sassower, Director
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A Call for Scholarship, Civic Engagement & Amicus Curiae Before the NYCOA

Where are the voices of the scholars of the New York state constitution and other experts of law and political science about the "clear violation" that has been going on in statutorily delegating legislative powers to commissions?

By Elena Sassower | August 20, 2019 at 02:26 PM



The Constitution of the State New York, 1777. Photo: The Library Company of Philadelphia Constitution Center

New York—the “Excelsior State”—has 13 law schools, a 70,000-plus-member state bar association, countless county, city and specialized bar associations, a vast array of universities, colleges and other schools with scholars of constitutional law and political science, as well as think tanks and research institutes. Yet, it was solo practitioner Roger Bennet Adler who sounded the alarm by his recent perspective column entitled [“It’s Legally Perilous to Have a Commission Responsible for Election Laws”](#) whose internet subtitle (8/9/19) and stand-out text in its print edition (8/13/19) was even more stark, reading: “Simply put, there are no available legislative shortcuts around the State Constitution. The recent attempts to ignore it to raise legislative and executive salaries via an appointed commission is in clear violation.”

Where are the voices of the scholars of the New York state constitution and other experts of law and political science about the “clear violation” that has been going on in statutorily delegating legislative powers to commissions? The most cursory investigation would reveal it to be even more flagrantly unconstitutional than what Mr. Adler so admirably describes.

I should know. For more than seven years, I have been single-handedly litigating its unconstitutionality and unlawfulness, as written, as applied and by its enactment in three major lawsuits, brought expressly “on behalf of the

People of the State of New York & the Public Interest,” The third of these lawsuits, encompassing the prior two, is now before the New York Court of Appeals, appealing by right and by leave the Appellate Division, Third Department’s December 27, 2018 decision in *Center for Judicial Accountability, Inc. v. Cuomo*, 167 A.D.3d 1406.

This is the decision Mr. Adler identifies and describes as being one of three decisions cited by Albany Supreme Court Justice Ryba in her June 7, 2019 decision upholding the constitutionality of the statutory delegation of legislative power challenged in *Delgado v. State of New York*. In fact, *CJA v. Cuomo* is the first decision to which Justice Ryba cites—and eight times in total—because it is the decision on which she relies, involving, as it does, a materially identical statute. As for Mr. Adler’s description that the *CJA v. Cuomo* decision “upheld the delegation to the commission to increasing judicial salaries”—implying that it did not uphold delegation of legislative and executive salaries, this is incorrect. It upheld these, as well.

The shocking record of *CJA v. Cuomo*—including before the Court of Appeals—is accessible from the [Center for Judicial Accountability’s website](#) and powerfully refutes Mr. Adler’s assertion that “legislating by proxy commissioners, is doomed to failure when judicially challenged.”

Likewise, his further comment that a newly-commenced lawsuit challenging the constitutionality of the Public Campaign Financing and Election Commission “is an initial salvo in a legal struggle to vindicate the plain words of the State Constitution, and hold the Legislature constitutionally accountable.”

I invite Mr. Adler to join with me in rallying scholars, experts and just plain civic-minded attorneys to examine and report on the record and to file amicus curiae briefs with the Court of Appeals. Especially is this important because *CJA v. Cuomo* is dispositive of *Delgado* and of the five current other lawsuits challenging delegations of legislative power to commissions/committees—a fact I stated to the Court of Appeals, most recently by an August 9, 2019 letter—without contest from the Attorney General.

Elena Sassower is the director of the Center for Judicial Accountability.