

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL PUBLIC RADIO, *et al.*,

Plaintiffs,

[Civil Case #1:25-cv-01674-RDM](#)

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*

Defendants.

PUBLIC BROADCASTING SERVICE, *et al.*,

Plaintiffs,

[Civil Case #1:25-cv-01722-RDM](#)

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*

Defendants.

**MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF
BY THE CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
IN SUPPORT OF DEFENDANTS' CROSS-MOTIONS FOR SUMMARY JUDGMENT
& IN OPPOSITION TO PLAINTIFFS' SUMMARY JUDGMENT MOTIONS**

Pursuant to [Local Civil Rule 7\(o\)\(1\)](#), proposed *amicus curiae*, Center for Judicial Accountability, Inc. (CJA), acting on its own behalf & on behalf of taxpayers of the United States & the public interest, respectfully moves this Court for leave to file an *amicus curiae* brief in support of defendants' cross-motions for summary judgment and in opposition to plaintiffs' motions for summary judgment. The proposed *amicus* brief is attached to this motion.

The granting of leave to file an *amicus curiae* brief is appropriate where *amici* have “relevant expertise and a stated concern for the issues at stake in [the] case.” [District of Columbia v. Potomac Elec. Power Co.](#), 826 F. Supp. 2d 227, 237 (D.D.C. 2011). Such is “normally [] allowed when . . . the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” [Cobell v. Norton](#), 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (quoting [Ryan v. Commodity Futures Trading Comm’n](#), 125 F.3d 1062, 1063 (7th Cir. 1997)); [Jin v. Ministry of State Sec.](#), 557 F. Supp. 2d 131, 137 (D.D.C. 2008) (same). This is the case at bar.

The purpose of CJA’s *amicus curiae* brief is to prevent “fraud on the court” by the NPR and PBS plaintiffs by furnishing the Court with relevant material facts and law pertaining to their complaints and summary judgment motions and, comparably, pertaining to the five *amicus curiae* briefs filed on their behalf – inexplicably not identified and addressed by the Justice Department’s summary judgment cross-motions for defendants. Local Civil Rule 7(o)(2).

This motion is timely filed pursuant to the Court’s two June 10, 2025 scheduling orders setting July 18, 2025 as the date by which *amicus curiae* briefs for defendants must be filed ([NPR Doc. 20](#); [PBS Doc. 11](#)). Local Civil Rule 7(o)(2)-(3).

The Justice Department has [consented](#) to the filing of this *amicus curiae* brief in support of defendants. Counsel for the PBS plaintiffs has also [consented](#). Counsel for the NPR plaintiff takes [no position](#). Likewise, counsel for the NPR three member stations takes [no position](#). In other words, there is no opposition to CJA’s filing of its *amicus curiae* brief herein. Local Civil Rule 7(o)(2).

As CJA is not represented by an attorney, this motion and *amicus curiae* brief are being e-mailed to dcd_intake@dcd.uscourts.gov, as is the procedure in such circumstances, identified by Chay of the Civil Intake Department (#202-354-3120) on Monday morning, July 14, 2025.

Dated: July 18, 2025

Respectfully submitted,



Center for Judicial Accountability, Inc. (CJA)
by: Elena Ruth Sassower, Director, *Pro Se*

*Acting on its own behalf & on behalf of taxpayers of the
United States & the public interest*

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AMICUS CURIAE BRIEF
OF THE CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
IN SUPPORT OF DEFENDANTS' CROSS-MOTIONS FOR SUMMARY JUDGMENT
& IN OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT

Center for Judicial Accountability, Inc. (CJA),
acting on its own behalf & on behalf of taxpayers of the
United States & the public interest, by its director, Elena Ruth
Sassower, *pro se*.

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**INTERESTS OF THE *AMICUS CURIAE*,
CORPORATE DISCLOSURE STATEMENT, & CERTIFICATION**

The Center for Judicial Accountability, Inc. (CJA) is a nonpartisan, nonprofit citizens' organization, incorporated in 1994 by the State of New York, dedicated to ensuring the integrity of the judicial process by primary-source, evidentiary presentations – and by litigations based thereon. This has included evidentiary presentations to NPR, PBS, their local member stations – and to the Corporation for Public Broadcasting (CPB). Elena Ruth Sassower is CJA's co-founder and was its coordinator until 2006, when she became its director.

CJA has no corporate affiliates, subsidiaries, or parent corporations, and owns no stock.

CJA Director Sassower certifies that she alone authored the brief and that no monetary contributions were made by anyone for its preparation or submission.

AMICUS CURIAE BRIEF

This *amicus curiae* brief, in support of defendants, is submitted to prevent “fraud on the court” by plaintiffs and their *amici curiae* – and also by defendants’ counsel, the U.S. Justice Department.

The particulars of this fraud – and of the unconstitutionality of the Public Broadcasting Act of 1967, *as applied, as written*, or both, which their fraud conceals – were the subject of two letters to Assistant U.S. Attorney Carmen Banerjee, who appears for the defendants herein. Cc’d on those letters was Assistant U.S. Attorney Jeremy Samuel Bloch Newman, who appears for the defendants in *CPB v. Trump, et al.* ([1:25 cv-01305-RDM](#)), also before this Court.¹

These two letters – dated [June 27th](#) and [July 7th](#) – were preceded by a [May 22nd e-mail](#) to Mr. Newman, alerting him to fraud and misrepresentation in the *CPB v. Trump* litigation and the unconstitutionality of the Public Broadcasting Act of 1967, to which there had been no response from him – or from the CPB attorneys, cc’d on that e-mail. It is not unreasonable to assume that the Justice Department’s assignment of Ms. Banerjee to the subsequently-commenced NPR and PBS litigations – rather than Mr. Newman – had something to do with his receipt of the May 22nd e-mail.

CJA’s June 27th letter requested responses from Ms. Banerjee and Mr. Newman by July 4th. Neither responded and CJA’s July 7th letter, noting this, stated that absent Ms. Banerjee’s submitting the two letters and May 22nd e-mail to the Court as declarations in support of defendants’ summary judgment cross-motion and in opposition to plaintiffs’ summary judgment

¹ Likewise before the Court is *USA v. Ross, et al.* (1:25 cv-02261-RDM), whose [July 15, 2025 complaint, co-signed by Mr. Newman as trial attorney](#), was designated as [related to CPB v. Trump, et al.](#).

motion, CJA would make a motion to file an *amicus curiae* brief in support of plaintiffs, furnishing same to the Court. Neither Ms. Banerjee nor Mr. Newman responded.

Although CJA supports the Justice Department's summary judgment cross-motions, they suffer from the fraud particularized by CJA's letters. This includes the assertion at page 13 of both its NPR and PBS memoranda that:

"The distinction between government funding and government regulation renders much of Plaintiffs' brief in support of their motion irrelevant." (p. 13, [NPR Doc. #30-9](#), [PBS Doc. #23-1](#), underlining added).

The Justice Department's use of the word "irrelevant" is its euphemism for what CJA's June 27th letter more accurately characterizes as fraud.

In any event, beyond the Justice Department's "sugar-coating" of plaintiffs' fraud as to relevant law is its inexplicable complicity in false material facts. Thus, notwithstanding CJA's June 27th letter demonstrated, with evidence, that #7 and #8 of [NPR's statement of undisputed material facts](#) are unsupported by any evidence and knowingly false, the Justice Department accepts #7 and #8 as "**Undisputed**" by its [response thereto](#), stating:

"7. NPR maintains an editorial firewall intended to protect NPR's newsroom from political and other interference in its editorial decisions. *Id.* at 3 (¶6).

Response: Undisputed.

8. NPR requires all editorial staff—defined as staff members who play a role in shaping the journalistic or creative direction of NPR's content—to adhere to ethics policies set out in the NPR Ethics Handbook, which instructs editorial staff to pursue the core journalistic values of accuracy, fairness, completeness, honesty, independence, impartiality, transparency, accountability, respect, and excellence. *Id.* (¶7).

Response: Undisputed." (Doc 30-1, bold in the original).

It is impossible to comprehend why the Justice Department would respond “**Undisputed**” to #7 and #8 and thereby undermine the factual legitimacy of [President Trump’s May 1, 2025 Executive Order](#) “Ending Taxpayer Subsidization of Biased Media” – and especially when it had the benefit of CJA’s June 27th letter on the subject. Notably, whereas both CJA’s letters evidentially reinforced the Executive Order’s factual basis and supplied the Justice Department with four sources from which to obtain written declarations as to NPR’s and PBS’ “biased and partisan news coverage”, there is no buttressing of the Executive Order’s factual basis by the Justice Department’s papers. Its three declarations do not do so and its memoranda and statements of undisputed material facts conceal, totally, [§396\(g\)\(1\)\(A\) of the Public Broadcasting Act](#) – and its statutory reinforcement in [§19 of the Telecommunications Act of 1992](#) – requiring “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature”.

This concealment includes incorporating the NPR and PBS stratagem, exposed by CJA’s June 27th letter, of cloaking their violations of the statutorily-required “objectivity and balance” as “content” and “viewpoint” with which “the Government...disagrees” and “dislikes” – whose replication by the NPR and PBS *amici* is highlighted by CJA’s July 7th letter. The Justice Department does this in its memoranda² under a section title “Plaintiffs’ First Amendment Claims Fail Because the Government Has Broad Powers to Choose How to Distribute Funding”³ – as if the “Broad Powers to Choose” is not tethered to a statute, the Public Broadcasting Act of 1967.

It is telling that the Justice Department’s refers to the statute, under this section title, exactly once, at the end of its second paragraph. These read, in full:

² Page 15 of the Justice Department’s memoranda: [NPR Doc. 30-9](#), [PBS Doc. 23-1](#).

³ Page 10 of the Justice Department’s memoranda: NPR Doc. 30-9, PBS Doc. 23-1.

“In the EO, the President determined that it was inappropriate to provide taxpayer subsidies to entities that he determined fail to ‘present[] a fair, accurate, or unbiased portrayal of current events to taxpaying citizens.’ Exec. Order No. 14,290 §1. Plaintiffs assert that the issuance and implementation of the EO violates the First Amendment. They contend that the President acted because of disagreements with Plaintiffs’ journalistic content—more specifically, that those actions (1) were based upon Plaintiffs’ viewpoint; (2) retaliated against Plaintiffs because of the content of their journalism; and (3) infringed on Plaintiffs’ freedom to freely associate.

All three flavors of the First Amendment claim fail, because the Supreme Court has long been clear that when the Government acts as patron to subsidize speech—as opposed to when it acts as sovereign to regulate it—First Amendment concerns are substantially diminished. *See Rust v. Sullivan*, 500 U.S. 173 (1991); *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205 (2013) (‘AID’). That principle does not change just because the Government is subsidizing journalism as opposed to a different type of speech. Were it otherwise, the Government would be unable to consider the quality or value of the speech it uses taxpayer dollars to fund—including whether that speech is ‘fair, accurate, or unbiased.’ That is not the law. Indeed, the very premise of the PBA is otherwise. This Court should not adopt Plaintiffs’ novel and far-reaching position.” (underlining added).

The unidentified “very premise of the PBA” can only be its §396(g)(1)(A) requirement of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature”. However, the Justice Department here also conceals that “Plaintiffs’ novel and far-reaching position” cannot be adopted by the Court without rendering the Public Broadcasting Act of 1967 unconstitutional, *as written*. As stated by CJA’s July 7th letter:

“...the statutory requirement of ‘strict adherence to objectivity and balance in all programs or series of programs of a controversial nature’ has been window-dressing, hiding the fact that the very inclusion of that requirement in the Public Broadcasting Act of 1967 renders the Act unconstitutional, *as written* – at least if the First Amendment arguments of NPR,^{fn2} PBS and the *amici* are to be credited, seeming to claim that any enforcement of ‘objectivity and balance’ is unconstitutional.^{fn3}” (at p. 4, italics and underlining in the original).

For the substantiating evidence as to this and other frauds of the NPR and PBS complaints and summary judgment motions, precluding the Court's granting to them of any relief, indeed mandating sanctions pursuant to FRCP Rule 11 and FRCP Rule 56(h), CJA refers the Court to its June 27th and July 7th letters. They are annexed hereto as Exhibits A and B, with CJA's May 22nd e-mail also annexed as Exhibit C.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', with a long horizontal flourish extending to the right.

Center for Judicial Accountability, Inc. (CJA)

by: Elena Ruth Sassower, Director, *Pro Se*

*Acting on its own behalf & on behalf of taxpayers of the
United States & the public interest*

July 18, 2025

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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June 27, 2025

TO: [U.S. Department of Justice](#)
ATT: Assistant U.S. Attorney Carmen M. Banerjee

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

RE: Assisting, with Evidence, Your Slam-Dunk Defense of President Trump & U.S. Taxpayers in the NPR & PBS Lawsuits – & Your Cross-Motions for Summary Judgment & for Sanctions Pursuant to Rule 11 and FRCP 56(h)

I am director and co-founder of the New York-based non-partisan, non-profit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#) and have testimonial capacity and substantiating evidence to assist you in defending against [NPR v. Trump](#) and [PBS v. Trump](#), assigned to Judge Randolph Moss, who is also hearing [CPB v. Trump](#), which your colleague, Assistant U.S. Attorney Jeremy Samuel Bloch Newman, is defending against.

In the event Mr. Newman has not shared with you my May 22nd e-mail, alerting him to the unconstitutionality of the [Public Broadcasting Act of 1967 \(47 U.S.C. §396\)](#), *as applied* – if not also *as written* – by reason of the corruption of CPB's "internal governance and operations" and the absence of congressional oversight, it is [here](#). Attached thereto was my devastating [February 18th letter to House DOGE Subcommittee Chair Marjorie Taylor Greene and FCC Chair Brendan Carr](#) entitled "Defunding NPR, PBS – & Firing the CPB's Inspector General, for starters" which, on March 25th, I e-mailed to NPR and PBS ([here](#) & [here](#)) so that NPR President/CEO Katherine Maher and PBS President/CEO Paula Kerger could have it in advance of their testimony at the next day's House DOGE Subcommittee hearing "[Anti-American Airwaves: Holding the Heads of NPR and PBS Accountable](#)". I received no response from Mr. Newman – nor from the cc'd CPB lawyers and Executive Branch DOGE personnel.

Notably, [NPR's May 27th complaint](#) and [PBS' May 30th complaint](#) contain NO history of oversight and enforcement by CPB and Congress of the mandatory provision of §396(g)(1)(A) requiring "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature". Indeed, their two complaints do not even refer to the March 26th hearing, let alone identify the findings of fact and conclusions of law that a constitutionally-functioning subcommittee and Congress would have made based on the hearing record, whose content I inquired about by a [March 28th letter](#), without response. Certainly, findings of fact and conclusions of law based on that record would have revealed that Congress' duty was to have held the NPR and PBS presidents in contempt of Congress and to have referred their perjury to the Justice Department. In any event, it exposes

that the NPR and PBS lawsuits are fashioned on fraud. This includes NPR's due process claim, at ¶158 of its complaint and replicated at p. 40 of its memorandum in support of summary judgment:

“The Order punishes NPR because, in the government's view, NPR does not ‘present[] a fair, accurate, or unbiased portrayal of current events.’ Order §1. NPR did not have adequate notice that its journalistic activities would subject it to such punishment. ...” (underlining added).

Tellingly, the NPR complaint never refers to §396(g)(1)(A). The closest it comes is its deceptive ¶29, which, quoting from §396(g)(1)(A), omits its requirements of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature”. As for the PBS complaint, it is deceptive in a different way. Its ¶42 transmogrifies the express requirement of §396(g)(1)(A) of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature” – which pertains to content – to “a standard of ‘objectivity and balance’ in disbursing federal funds to local stations”. This is a falsification of the statute – and PBS' reliance on the FCC v. League of Women Voters majority opinion, 468 U.S. 364, 389 (1984), to legitimize its falsification does not change that fact.¹

That NPR and PBS conceal §396(g)(1)(A)'s requirement of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature” – and replicate that concealment in their June 13th summary judgment motions² – is the foundational fraud of their lawsuits, without which they could not purport, as they do, that NPR and PBS are in full compliance with the Public Broadcasting Act and that violations thereof are entirely President Trump's and involve his objections to “content”, as to which they have exclusive and absolute First Amendment constitutional protections. As illustrative, ¶1 of the PBS complaint, stating:

“... Consistent with Congress's mandate and funding, PBS has provided trusted...public affairs programming...our Constitution and laws forbid the President from serving as the arbiter of the content of PBS's programming...” (underlining added).

This is echoed at page 1 of PBS' summary judgment memorandum:

“... Pursuant to Congress's mandate and funding under the Act...PBS has provided trusted...public affairs programming”.... (underlining added).

¹ By contrast, the dissenting opinion of then Associate Justice William Rehnquist correctly quotes §396(g)(1)(A), at 404. *See* page 8, *infra*.

² *See* PBS' summary judgment memorandum (at pp. 7-8) for the identical falsification. As for NPR's summary judgment memorandum, it is identical to the NPR complaint in making no mention of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature” or to §396(g)(1)(A).

In the words of the NPR summary judgment memorandum: “the [President’s Executive] Order lacks any statutory basis” (at p. 18, underlining added).

It is because NPR and PBS have no defense to their flagrant violations of the “statutory basis” and “Congress’s mandate” of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature” – chronicled for decades by such organizations as the [Media Research Center \(MRC\)](#)³ and the [Committee for Accuracy in Middle East Reporting and Analysis \(CAMERA\)](#)⁴ – that they load their complaints and summary judgment memoranda with diversionary filler, having nothing to do with the evidentiary issue that is the basis for the President’s May 1st “[Executive Order](#)” *“Ending Taxpayer Subsidization of Biased Media”*.

As the face of the Executive Order makes obvious:

- it is predicated on NPR and PBS “news”, NOT educational and cultural programming, or emergency notification/alert capacities. Thus, its “Section 1. Purpose” refers to “news options”, “news media”, “fair, accurate, unbiased, and nonpartisan news coverage”, and “fair, accurate, or unbiased portrayal of current events”. Based thereon, its “Sec. 2. Instructions to the Corporation for Public Broadcasting” instructs, by the first sentence of its section (a) “The CPB Board shall cease direct funding to NPR and PBS, consistent with my Administration’s policy to ensure that Federal funding does not support biased and partisan news coverage.”
- reasonable interpretation of the second sentence of subsection (a), of subsection (b), and of “Sec. 3. Instructions to Other Agencies” is that they are LIMITED to funding and contracts pertaining to NPR and PBS “news coverage”;
- it contains a “Sec. 4. Severability” clause, stating:

“If any provision of this order, or the application of any provision to any agency, person, or circumstance is held to be invalid, the remainder of this order and the application of its provisions to any other agencies, persons, or circumstances shall not be affected thereby.”

³ Here’s [CJA’s webpage for MRC](#), showcasing illustrative advocacy, testimony, and complaints pertaining to NPR, PBS, and CPB. Its director of media analysis and its NewsBusters executive editor is Tim Graham, who testified at the May 8, 2024 House subcommittee hearing “[Examining Accusations of Ideological Bias at NPR, a Taxpayer Funded Entity](#)”, the record of which I requested “including subsequent meetings of the Subcommittee at which the members debated, deliberated, and voted on findings of facts, conclusions of law, recommendations, legislation, etc.” by an [April 3rd e-mail](#), without response.

⁴ Here’s [CJA’s webpage for CAMERA](#), showcasing illustrative advocacy, testimony, and complaints pertaining to NPR, PBS, and CPB.

Yet NPR and PBS lawsuits do not expressly challenge President Trump's Executive Order as inconsistent, overbroad, or disproportionate, and do not seek to restrict its provisions to "news coverage". The only explanation for this is that it would require them to confront that their "news coverage" is, as the Executive Order asserts, "biased and partisan".

Tellingly, NPR's complaint nowhere claims that NPR's "news coverage" has not been "biased and partisan" or that it has adhered to "objectivity and balance in all programs or series of programs of a controversial nature". Rather, it baldly purports – not repeated in its summary judgment memorandum:

"48. NPR upholds the highest standards of public service in journalism....

49. NPR ensures the integrity and high standards of its journalism through multiple, rigorous safeguards. It maintains an editorial firewall that protects against interference in editorial decision-making by its management or external actors, and it requires all editorial staff to adhere to stringent ethics policies set out in the NPR Ethics Handbook. Among other things, the NPR Ethics Handbook prohibits staff connected with news coverage from making contributions to political campaigns and referendums."

A summary judgment motion is required to be based on "undisputed material facts" and evidence ([FRCP 56](#)), with

"Affidavits or Declarations...used to support or oppose a motion...made on personal knowledge, set(ing) out facts that would be admissible in evidence, and show[ing] that the affiant or declarant is competent to testify on the matters stated." (FRCP 56(c)(4)).

NPR's summary judgment motion is supported by no evidence of the "multiple, rigorous safeguards" ensuring "the integrity and high standards of its journalism". There is no sworn statement from NPR's public editor, Kelly McBride, whose total nonfeasance with respect to my fully-documented complaints of "*knowingly* false, corruption-abetting, election-rigging journalism" by New York NPR member stations – and the total nonfeasance of President Maher and NPR leadership in face thereof – are particularized by my [February 18th letter](#). Nor is there a sworn statement of a single NPR news editor – or from President Maher, notwithstanding her personal knowledge of what has been going on. Instead, there is an irrelevant [declaration of NPR Vice President of Distribution Badri Munipalla](#), who says nothing on the subject, and a non-probative [declaration of NPR Chief Financial Officer/Treasurer Daphne Kwon](#), who does not show herself to have personal knowledge to support her rhetorical assertions, whose falsity is known to President Maher, Public Editor McBride, and, reasonably, NPR top tier news editors:

"4. For decades, NPR has delivered independent, accurate, fact-based journalism. ...

5. NPR has upheld, and continues to uphold, the highest standards of public service in journalism. ...

6. NPR ensures the integrity and high standards of its journalism through multiple, rigorous safeguards. NPR maintains an editorial firewall that protects NPR's newsroom from political and other interference in its editorial decisions. This firewall is a critical feature of our public broadcasting system.

7. In addition, NPR requires all editorial staff to adhere to stringent ethics policies set out in the NPR Ethics Handbook.^{fn1} The NPR Ethics Handbook instructs editorial staff to pursue the core journalistic values of accuracy, fairness, completeness, honesty, independence, impartiality, transparency, accountability, respect, and excellence. Among other things, the NPR Ethics Handbook prohibits staff connected with news coverage from making contributions to political campaigns or referendums.

8. These safeguards, among others, enable NPR to be a trusted, independent news provider. NPR fills critical news and information gaps in America's communities with fair, accurate, and fact-based reporting. Indeed, NPR's role in disseminating factual, non-partisan news supports a functioning democracy and an informed public."

NPR's "Statement of Material Undisputed Facts" then reprises, *as if established*:

"7. NPR maintains an editorial firewall intended to protect NPR's newsroom from political and other interference in its editorial decisions. *Id.* at 3 (¶6).

8. NPR requires all editorial staff—defined as staff members who play a role in shaping the journalistic or creative direction of NPR's content—to adhere to ethics policies set out in the NPR Ethics Handbook, which instructs editorial staff to pursue the core journalistic values of accuracy, fairness, completeness, honesty, independence, impartiality, transparency, accountability, respect, and excellence. *Id.* (¶7).

9. Among other things, the NPR Ethics Handbook prohibits staff connected with news coverage from making contributions to political campaigns or referendums. *Id.*"

^{fn1} The Ethics Handbook is available online at <https://www.npr.org/series/688409791/npr-ethics-handbook>."

PBS' complaint, by contrast to NPR's, says nothing about any "multiple, rigorous safeguards", "ethics policies" or "Handbook" for ensuring the integrity of its journalism. It does, however, baldly "dispute[]" the accuracy of President Trump's charges against it, as follows:

"1. ...in an Executive Order issued on May 1, 2025, the President...singled out PBS (alongside National Public Radio) as failing to provide 'fair, accurate, unbiased, and nonpartisan news.'... PBS disputes those charged assertions in the strongest terms.

...

51. ...PBS disputes those examples and assertions as inaccurate – and misrepresentative of the variety of PBS programming discussed above.

52. Once again, PBS disputes these cherry-picked 'studies,' which are inaccurate and misrepresent the balanced range of viewpoints presented on PBS programs." (underlining added).

Similarly, the PBS summary judgment memorandum:

p. 1: "As the EO itself explains, the president believes that PBS content is not 'fair, accurate, unbiased, and nonpartisan.' EO §1. PBS disputes those charged assertions in the strongest terms." (underlining added).

p. 16: "... PBS disputes those examples, assertions, and cherry-picked 'stud[ies]' as inaccurate and misrepresentative of the variety and balance of PBS programming." (underlining added).

Yet these bald assertions that "PBS disputes" are not substantiated by any specifics or evidence. PBS' summary judgment motion is not supported by a sworn statement from a single PBS news editor – nor by its public editor, Ricardo Sandoval-Palos, whose total nonfeasance with respect to my fully-documented complaints of "*knowingly* false, corruption-abetting, election-rigging journalism" by New York PBS member stations – and the total nonfeasance of President Kerger and PBS leadership in face thereof – are particularized by my February 18th letter. Instead, PBS offers up an essentially irrelevant declaration of President Kerger, furnishing no illumination as to what "PBS disputes", which it does not even mention. Concealed, *in toto*, is her knowledge of facts pertaining to PBS' biased, fraudulent journalism – including the facts I furnished her and PBS leadership *via* my June 6th e-mail to the PBS News Hour, to which they were cc'd, entitled "FACT-CHECKING THE PBS NEWS HOUR (1) your referred-to 'independent analyses' that PBS/NPR journalism is 'objective and reliable' and not 'leftist news'; (2) the scholars & experts you have interviewed opposing federally-funded media", thereafter reinforced by two additional e-mails, on June 12th & here. As for PBS' scant "Statement of Undisputed Material Facts", accompanying its summary judgment motion, it is not separately docketed, but hidden behind PBS's notice of motion and memorandum. Unlike NPR's, it makes no assertion about the integrity of PBS' journalism – or of "multiple, rigorous safeguards" or "ethics policies" or a "Handbook", stating only:

“9. The EO attempts to cut off federal funding to PBS because (as stated in the EO itself, and confirmed by the accompanying Fact Sheet and other materials) the President believes PBS provides ‘biased and partisan news coverage’ and fails to ‘present[] a fair, accurate, [and] unbiased portray of current events to taxpaying citizens.’ EO §§1, 2”.

As for the fraud that the NPR and PBS lawsuits commit pertaining to the law, over and beyond their fraudulent concealment of §396(g)(1)(A)’s requirement of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature”, here’s some of what Professor Jed Rubenfeld, “a professor of constitutional law at Yale Law School, a free speech lawyer, and host of the Straight Down the Middle podcast” had to say about NPR’s lawsuit, in his May 27th article in The Free Press “[NPR and PBS Aren’t Entitled to Your Tax Dollars](#)”:

“National Public Radio is suing the Trump administration for cutting off its federal funds, which, [according to the NPR complaint](#), is a ‘blatant,’ ‘textbook’ First Amendment violation.

But NPR seems to have forgotten some free speech basics. As the District of Columbia District Court – the court where NPR filed suit on Tuesday – [stated just a few weeks ago](#) [*National Urban League v. Trump* (2025)], ‘the government does not abridge the right of free speech by choosing not to subsidize it.’

On May 1 of this year, Trump issued another of his innumerable executive orders, [this one telling the Corporation for Public Broadcasting](#) – the vehicle through which the government disburses about \$500 million annually to public radio and television – to stop giving any more federal money to NPR and PBS. The executive order said funding would be withheld because ‘neither entity presents a fair, accurate, or unbiased portrayal of current events to taxpaying citizens.’

...

But NPR, in its complaint, says that the government can’t defund public radio or television for being politically biased. That’s ‘an egregious form of content discrimination,’ forbidden by the First Amendment.

NPR is right that taking action against a news organization because of its biased political news coverage is what First Amendment jurisprudence calls a ‘[content-based](#)’ distinction, and it would usually be flat-out unconstitutional. But again, some free speech basics: When the government is *subsidizing* speech, the normal rule against content-based discrimination doesn’t apply.

‘It is well established,’ [as the Supreme Court held](#) in 2007 [*Davenport v. Washington Education Association*, 551 U.S. 177], ‘that the government can make content-based distinctions when it subsidizes speech.’

No broadcaster has a right to taxpayer funding. The government is not constitutionally obliged to subsidize any activity it doesn't want to fund, even if that activity is constitutionally protected. To [quote the Supreme Court again](#) [*United States v. American Library Association*, 539 U.S. 194 (2003)]: The 'refusal to fund protected activity, without more, cannot be equated with the imposition of a 'penalty' on that activity,' which is why the typical 'recourse' for a party that 'objects to a condition on the receipt of federal funding' is '[to decline the funds](#).' [*Agency for International Development v. Alliance for Open Society International*, 570 U.S. 205 (2013)].

But Trump is not merely engaging in content discrimination, says NPR; he's engaging in 'viewpoint discrimination.' That's possible, although the executive order is carefully drafted to avoid explicit viewpoint discrimination.

'Which viewpoints NPR and PBS promote does not matter,' says the order. If the administration is defunding NPR and PBS solely because their coverage is slanted and inaccurate, and not because of the particular viewpoints they espouse, that's not viewpoint discrimination as a legal matter, and it's consonant with CPB's statutory mandate to maintain '[strict adherence to objectivity and balance](#)' in the programming it funds.

...

NPR also alleges in its complaint that the federal statute creating the Corporation for Public Broadcasting prohibits Trump from making this defunding decision. That's a very different argument, which I'm not addressing here. But if the question is whether U.S. taxpayers are constitutionally required to fund ideologically slanted news organizations, or indeed any news organizations, the answer has to be no." (hyperlinks in the original, bracketed identification of the hyperlinked cases added, italicized "*subsidizing*" in the original).

Examination of the NPR and PBS complaints and summary judgment memoranda reveals their concealment of First Amendment law applicable to publicly-funded broadcast media. In that regard, they do not cite to any of the four-justice dissenting opinions, in favor of the FCC, in [FCC v. League of Women Voters](#), 468 U.S. 364, 402 (1984), notwithstanding it is where, at 404, §396(g)(1)(A) is correctly quoted by then Associate Justice Rehnquist, in contrast to the majority opinion, where it is falsified – and notwithstanding the [FCC appeal was argued by the now Associate Justice Alito](#).

Based on the foregoing, you have slam-dunk evidence with which to defend against the NPR and PBS summary judgment motions – and to substantiate your own [summary judgment cross-motions, due on July 11th](#), to which, based on the above, you must join a request for sanctions pursuant to [FRCP Rule 11](#) "Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions" and pursuant to FRCP 56(h) "Affidavit or Declaration Submitted in Bad Faith"⁵.

⁵

FRCP 56(h) reads:

U.S. Department of Justice

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June 27, 2025

For both your defensive and offensive purposes, you will require sworn statements from persons having personal knowledge and testimonial capacity concerning NPR's and PBS' "biased and partisan news coverage" – the basis of President Trump's Executive Order, derided, besmirched, and challenged by their lawsuits. In addition to myself, the Media Research Center and the Committee for Accuracy in Middle East Reporting and Analysis (CAMERA) are pre-eminent authorities – and by copy of this letter to them, I am alerting them that they should begin preparation of the sworn statements you will need, summarizing their decades of public advocacy, complaints, and testimony about NPR's and PBS' "biased and partisan news coverage" – essentially ignored by NPR, by PBS, by CPB, and by Congress.

Please confirm, as soon as possible – and no later than Friday, July 4th – that you will welcome and use such evidentiary statements so that we may be guided accordingly. By copy of this e-mail to Assistant U.S. Attorney Newman, I ask that he comparably advise by then as to the status of the Justice Department's determination of my [May 22nd e-mail](#) as to the unconstitutionality of the Public Broadcasting Act of 1967 (47 U.S.C. §396), by reason of the corruption of CPB's "internal governance and operations" and the absence of congressional oversight. Obviously, that issue, pertinent to the CPB lawsuit, is also pertinent to the NPR and PBS lawsuits.

I will refrain from furnishing this letter to adverse counsel and to NPR, PBS, and CPB until Monday, July 7th, unless I hear from you to the contrary. Likewise, I will refrain from furnishing it to Judge Moss and from publicizing and publicly posting it on CJA's website. I will, however, get busy on preparing a supplemental presentation, analyzing the *amicus curiae* briefs filed on June 20th in support of plaintiffs.

I am available to answer questions – including under oath – and affirm the foregoing to be true, to the best of my knowledge, information, and belief, under penalties of perjury.

Thank you.

s/Elena Ruth Sassower

cc: Assistant U.S. Attorney Jeremy Samuel Bloch Newman
Media Research Center (MRC)
Committee for Accuracy in Middle East Reporting and Analysis (CAMERA)

“(h) Affidavit or Declaration Submitted in Bad Faith. If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court — after notice and a reasonable time to respond — may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.”

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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July 7, 2025

TO: [U.S. Department of Justice](#)
ATT: Assistant U.S. Attorney Carmen M. Banerjee

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

RE: Assisting You, Yet Again – Now by Analysis of the *Amicus Curiae* Briefs Filed in Support of the NPR and PBS Summary Judgment Motions

This follows up my [June 27th letter](#) to you entitled “Assisting, with Evidence, Your Slam-Dunk Defense of President Trump & U.S. Taxpayers in the NPR & PBS Lawsuits – & Your Cross-Motions for Summary Judgment & for Sanctions Pursuant to Rule 11 and FRCP 56(h)”, requesting your response by July 4th and stating that I would “get busy on preparing a supplemental presentation, analyzing the *amicus curiae* briefs filed on June 20th in support of plaintiffs.”

I received no response from you – nor from cc’d Assistant U.S. Attorney Jeremy S.B. Newman as to the Justice Department’s determination of the unconstitutionality of the Public Broadcasting Act of 1967 by reason of the corruption of CPB’s ‘internal governance and operations’ and the absence of congressional oversight – the subject of my unresponded-to [May 22nd e-mail](#) to him.

To further assist you and Mr. Newman, below is my analysis of the five June 20th *amicus curiae* briefs, reinforcing the correctness of my June 27th letter and May 22nd e-mail.

To enable you to submit these as evidentiary declarations in support of your opposition to plaintiffs’ June 13th summary judgment motions and in support of your own summary judgment cross-motions, due July 11th, I attest to their truth under penalties of perjury.

Should you not submit them, I will attach them to a motion for leave to file an *amicus curiae* brief in support of your opposition/cross-motion. Pursuant to the briefing schedules, [here](#) and [here](#), the motion would need be filed by July 18th.

Finally, in addition to the suggestion in my June 27th letter that you request evidentiary declarations from the [Media Research Center](#) and [Committee for Accuracy in Middle East Reporting and Analysis \(CAMERA\)](#), I suggest you also request evidentiary declarations from [Accuray in Media \(AIM\)](#) and [Professor Robert Lichter/Committee on Media and Public Affairs](#) – and they are herein cc’d.

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July 7, 2025

My signature follows the below analysis.

* * *

**Analysis of the Five June 20th *Amicus Curiae* Briefs
Supporting Plaintiffs' June 13th Summary Judgment Motions**

With the exception of the [American Civil Liberties Union's *amicus* brief](#) (NPR #25, #28; PBS #16, #20)¹, the four other *amicus* briefs make no reference to the mandatory provision of [§396\(g\)\(1\)\(A\) of the Public Broadcasting Act of 1967](#) requiring “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature”. The ACLU’s *amicus* brief refers to it once – toward the end, stowed in a footnote (fn 3), reading:

“...the Act also purports to require CPB’s ‘strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.’ 47 U.S.C. §396(g)(1)(A). The D.C. Circuit, sitting *en banc*, has already determined that the ‘objectivity and balance’ language ‘is applicable only to the CPB itself, and even there only to a narrower category of programming dealing with controversial issues.’ *Cnty. Serv. Broad. of Mid-Am., Inc. v. FCC*, 593 F.2d 1102, 1117–18 (D.C. Cir. 1978) (*en banc*). *See also Accuracy in Media, Inc. v. FCC*, 521 F.2d 288 (1975) (upholding FCC’s determination that it lacked authority to enforce the ‘objectivity and balance’ language in part because any other conclusion would raise substantial constitutional questions). If the Act were instead meant to impose this requirement on local broadcasters—or, perhaps worse yet, creators and distributors of broadcast content— ‘then it is clear that we have moved . . . to [the realm] of regulation aimed at suppressing free speech, which may be justified only by reference to the most compelling government interests.’ *Cnty.-Serv. Broad. of Mid-Am*, 593 F.2d at 1122. Thus, that provision of the Act cannot justify any viewpoint-based discrimination against Plaintiffs here.” (underlining added).

This is false, as there is nothing “purport[ed]” about §396(g)(1)(A)’s requirement of “strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.” Indeed, the cited-to 1975 D.C. Circuit Court of Appeals’ decision in [Accuracy in Media, Inc. v. FCC and United States](#) states:

“Since the Section is clearly directed to the Corporation and its programming activities, we have no doubt that the Corporation must respect the mandate of the Section. However, we conclude that nothing in the language and legislative history of the Federal Communications Act or the Public Broadcasting Act of 1967 authorizes the FCC to enforce that mandate against the CPB.

¹ The separate NPR and PBS *amicus* briefs are identical except for the differing captions and referred-to plaintiffs. Citations herein are to the NPR brief.

...

We leave the interpretation of this hortatory language [‘strict adherence to objectivity and balance in all programs or series of programs of a controversial nature’] to the Directors of the Corporation and to Congress in its supervisory capacity. We hold today only that the FCC has no function in this scheme of accountability established by §396(g)(1)(A) and the 1967 Act in general other than that assigned to it by the Fairness Doctrine. Therefore, we deny the petition for review and affirm the Commission’s decision rejecting jurisdiction over the Corporation for Public Broadcasting.” (underlining added).

Tellingly, the ACLU brief does not reveal how “the Directors of the Corporation and...Congress in its supervisory capacity” thereafter interpreted the “hortatory language” that is CPB’s statutory “mandate”.

Clear, however, from the legislative history furnished three years later, in 1978, by the quoted-from [*Community Service Broadcasting of Mid-America, Inc. v. FCC*](#), and, most powerfully, by the two dissenting opinions (1135-1150 [Levanthal/Tamm]; 1150- 1154 [MacKinnon/Robb]) to which the ACLU does not quote or cite – and which made the referred-to “*en banc*” a 5-4 split – is that Congress meant what it said, lest “federal funds...create a propaganda machine that could be manipulated by any political party or ideological clique” (at 1137).

In 1992, Congress would statutorily reinforce the “hortatory language” of “strict adherence to objectivity and balance” by the [*Public Telecommunications Act of 1992*](#), whose Section 19 entitled “Objectivity and Balance Policy, Procedures and Report” reads:

“Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications Act of 1934 (47 U.S.C. 396(g)(1)(A)) ‘to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature,’ the Board of Directors of the Corporation shall:

(1) review the Corporation’s existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to

(A) provide reasonable opportunity for the members of the public to present comments to the Board regarding quality, diversity, creativity, excellence, innovation, **objectivity and balance of public broadcasting services, including public broadcasting of a controversial nature**, as well as any needs not met by those services;

(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, **objectivity, and balance**, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants ... that it finds necessary to meet **the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature**; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about **objectivity and balance** relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operation; and

(3) starting in 1993, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2)." (bold added).

This is the law, as exists today, though you would never know it from the *amicus curiae* briefs, which, like the NPR and PBS complaints and summary judgment motions, conceal it and furnish no history of CPB enforcement and congressional oversight with respect thereto. Piecing together such history – obscured as well by the [CPB's website](#) – are decades of nonfeasance, obfuscation, and subversion by CPB and virtually non-existent oversight by Congress. The result, for decades, is that the statutory requirement of "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature" has been window-dressing, hiding the fact that the very inclusion of that requirement in the Public Broadcasting Act of 1967 renders the Act unconstitutional, *as written* – at least if the First Amendment arguments of NPR,² PBS, and the *amici* are to be credited, seeming to claim that any enforcement of "objectivity and balance" is unconstitutional.³

² Representing the three Colorado NPR member stations in the NPR lawsuit is Steven D. Zansberg, Esq., who, more than three decades ago, authored "[Objectivity and Balance in Public Broadcasting: Unwise, Unworkable, and Unconstitutional](#)" (Yale Law & Policy Review, Vol. 12:184 (1994)), not cited-to by the NPR summary judgment motion which, like the NPR complaint, simply omits any reference to the statutory requirement of "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature".

It is because the stated basis of [President Trump's May 1, 2025 Executive Order](#) is “biased and partisan news coverage” – the truth of which is a flagrant violation of §396(g)(1)(A) – that the ACLU brief does not acknowledge the Executive Order’s factual legitimacy in any way⁴, instead distorting and mischaracterizing the situation for purposes of its fraudulent First Amendment argument, as:

p. 1 “he does not like [NPR’s] journalistic and editorial choices...”; “[he] accuses NPR of providing ‘biased and partisan news coverage.’”; p. 2 “[his] disagreement with NPR’s programming”; “[he] disagrees with [NPR’s] views”; p. 5 “NPR’s viewpoint, which President Trump openly despises”; p. 6 “President Trump considers its news coverage to be ‘biased and partisan’”; President Trump’s personal disapproval of NPR’s programming; “accusing NPR of leftwing bias...”;

³ Incomprehensibly, the 5-4 *en banc* D.C. Circuit Court decision in *Community Service Broadcasting of Mid-America, Inc. v. FCC* was not appealed to the Supreme Court. As for the D.C. Circuit Court decision in *Accuracy in Media v. FCC and USA*, the ACLU brief does not reveal that it was appealed to the Supreme Court, which denied *cert*, 425 U.S. 934 (1976). Another notable D.C. Circuit Court case, also denied *cert*, was [The Network Project, et al. v. CPB, PBS...Pat Buchanan](#), 561 F.2d 963 (D.C. Cir. 1977), *cert* denied, 434 U.S. 1068 (1978). All three cases were an opportunity for the Supreme Court to have confronted the constitutional issues here at issue.

⁴ The ACLU’s legal argument sits on its nonsensical rejection of the stated factual basis of the Executive Order:

“President Trump’s viewpoint-based animus against NPR is evident on the Executive Order’s face. Although Section 1 of the Order purports to disavow any interest in ‘[w]hich viewpoints NPR ... promote[s],’ this disclaimer is belied by the rest of the Order. The next sentence states that NPR does not ‘present[] a fair, accurate, or unbiased portrayal of current events,’ and the following sentence directs all ‘agencies to cease Federal funding for NPR[.]’ Exec. Order No. 14290 §1. Section 2 of the Executive Order similarly asserts that NPR’s funding is being cut because President Trump considers its news coverage to be ‘biased and partisan.’ *Id.* §2(a). And the Order itself is titled ‘Ending Taxpayer Subsidization of *Biased Media*’” (pp. 5-6, italics added by ACLU).

This essentially echoes the [PBS’ memorandum in support of summary judgment](#):

“Presumably because the President is aware that viewpoint discrimination is presumptively unconstitutional, the EO contains a disclaimer that ‘[w]hich viewpoints *** PBS promote[s] does not matter.’ EO §1. Such an afterthought cannot save the EO from First Amendment scrutiny. Indeed, it can hardly be taken seriously when considered in the context of (i) the very next sentence, which states that PBS does not ‘present[] a fair, accurate, or unbiased portrayal of current events,’ *id.*; (ii) the rest of the EO, which assails PBS’s purportedly ‘biased and partisan news coverage,’ *id.* §2; and (iii) the accompanying materials, which repeatedly criticize specific PBS content as radical, one-sided, and partisan.” (at pp. 30-31)

p. 8 “punishing NPR for purported bias”; “disfavored expression”; p. 10 “President Trump disapproves of NPR’s programming”; p. 13 “he considers it ‘biased’”.

This is replicated by the [amicus brief of Digital Content Next, The Intercept Media, Pro Publica, and Radio Television Digital News Association](#) (NPR #22-1, #27; PBS #13, #19):

p. 1 “speech the President dislikes”, “disfavored speech”; p. 3 “his dislike of their speech”; p. 5 “disfavored speech”; p. 6 “The President does not want NPR, PBS, and their member stations to broadcast the content of their choosing – he wants them to broadcast content he prefers”; “perceives as ‘Biased Media’”; “claiming falsely that ‘NPR and PBS have fueled partisanship and left-wing propaganda’”; p. 7 “disfavored reporting”; p. 8 “the President’s ‘factual mistake’ of characterizing Plaintiffs as ‘radical, woke propagand[ists],’”; p. 14: “their perceived viewpoints”.

Also, by the [amicus brief of Reporters Committee for Freedom of the Press and 29 NPR Member Stations](#) (NPR #26-1, #29):

p. 5 “disagreement with their reporting”; “claiming NPR is ‘biased’ and ‘left-wing propaganda’”; p. 9 “displeasure”; “complained of bias or unfair treatment”; “Accusations of bias”; p. 21 “what the Administration perceives to be NPR’s viewpoint.”; p. 22 “perception that NPR is ‘biased’ and possesses a ‘left-wing’ viewpoint”; p. 24 “reporting and content that the President dislikes”; p. 25 “speech it does not like.”; “stories he does not like”.

This is the same *modus operandi* that is evident in the NPR and PBS complaints and summary judgment memoranda:

[NPR complaint](#): ¶92 “hostility toward the perceived viewpoints expressed by NPR and PBS”; ¶94 “the President’s disapproval of the content of the speech and news reporting by NPR and PBS”; ¶134 “editorial discretion in ways disfavored by the Administration”;

[NPR’s summary judgment memorandum](#): p. 22 “disfavored content”; p. 25 “the President’s dislike of NPR’s journalism and other speech”; “NPR is, in the President’s view, ‘biased.’”; “the President disapproves”; p. 27 “the views expressed by NPR do not align with the President’s”, “what the President views as ‘left-wing propaganda’”; p. 31 “his own editorial judgment – his viewpoints – for NPR’s and the Local Member Stations”;

[PBS complaint](#): ¶1 “disagreements”; ¶3 “perceived political slights in news coverage”; ¶49 “his disagreement with the purported views expressed through its programs and editorial decisions”; ¶102 “the President believes PBS provides ‘biased

and partisan news coverage””; ¶103 “he disagreed with the content and viewpoint of its speech”; ¶134 “based on allegations that PBS provides ‘biased and partisan news coverage’”;

PBS summary judgment memorandum: p. 1: “simply because the President disagrees with the speech”; “the President believes that PBS content is not ‘fair, accurate, unbiased, and nonpartisan’”; “the speech of public media he disfavors”; pp. 2-3: “perceived political slights in news coverage”; p. 15: “his disagreements with the views purportedly expressed through PBS’s programs and editorial decisions”; p. 17: “the President’s view”; p. 18 “accuses PBS”; p. 30 “the President believes”, “he disagrees with PBS’s viewpoint”; p. 33 “programming the President ‘doesn’t like’”.

Simultaneously, the *amicus* briefs – as, likewise, the NPR and PBS complaints and summary judgment motions – are packed with hyperbolic rhetoric about the First Amendment, the vital role of the press in our democracy, and unsworn assertions about how NPR and PBS discharge their role by their supposed “quality”, “fact-based”, “truthful reporting on matters of public concern”.⁵

As for the *amicus* brief of America’s Public Television Stations (PBS #18, #21) and the *amicus* brief of the Attorneys General of 23 states (NPR #23, PBS #14), these are not so much briefs as unsworn factual recitations. The AGs’ *amicus* brief mentions the Executive Order once (at p. 2), but not its basis – “biased and partisan news coverage”. The American Public Television Station’s *amicus* brief refers to the Executive Order as “E.O. 14,290”, but not its basis.

The *amicus* brief of the 23 AGs does not get to the subject of “news coverage” until its page 18, at the very bottom, carrying over to page 19:

“Finally, Plaintiffs serve an important role in distributing information regarding state and local politics and voting rights. Broad access to information and diverse opinions is nowhere more critical than in the electoral context....But independent reporting on state and local politics has been on decline for years.^{fn49} Public broadcasting, however, continues to fill this need by showcasing state and local politics in All Amici States. *Id.* This includes some of the only content informing voters on the actions taken by their elected officials. *See id.* at 3. And in 80% of states, NPR provides voter guides to assist voters in understanding the issues they consider in the voting booth. *See id.* at 8...”

⁵ Digital Content Next, The Intercept Media, Pro Publica, and Radio Television Digital News Association *amicus* brief: p. 1 “NPR, PBS, and their member stations play a vital role in the nation’s media landscape...providing fact-based reporting on national news”; p. 2 “the vital role of a free press in our democracy”; p. 5 “fact-based news coverage...truthful reporting on matters of public concern”.

The annotating footnote 49 is:

“Corp. for Pub. Broad. & Edison Research, State Government Coverage in Public Media: Edison Media Research Survey 1 (2021), https://cpb.org/sites/default/files/CPB_SCCS_2021_FINAL.pdf.”

Aside from the fact that the indicated link is incorrect, the referred-to [2021 survey](#) is of public media radio and television stations whose self-reporting about their own state and local journalism, further cloaked by anonymity, is NOT evidence of the true facts. As relates to New York, the true facts, established by [primary source, documentary evidence](#), spanning decades, are of “*knowingly* false, corruption-abetting, election-rigging journalism” by the local New York NPR and PBS member stations, [identical](#) to New York’s other non-profit and its for-profit media, covered up and abetted by the NPR and PBS public editors, presidents/CEOs, boards of directors, counsels, and other management and, thereafter, by the CPB inspector general – a situation that Congress has been aware of since [February 18th](#) and CPB’s executive vice-president/general counsel since [May 2nd](#) – which is when I first furnished them with my [February 18th letter](#) “Defunding NPR, PBS – & firing the CPB Inspector General, for starters”.

That New York’s Attorney General Letitia James is one of the [22 AGs on the amicus brief](#), purporting (at pp. 2-3) that “Amici States have a strong interest in the safeguarding of constitutional values” is a fraud on both counts, as AG James is, with New York’s judiciary, [the](#) pivotal corrupter of constitutional governance in New York and a top beneficiary of the “*knowingly* false, corruption-abetting, election-rigging journalism” of local New York NPR and PBS member stations and other New York media – so-highlighted by my February 18th letter (at pp. 6-8) as follows:

“...the election of New York Attorney General Letitia James in 2018, her re-election in 2022, and the election in 2021 of Manhattan District Attorney Alvin Bragg, a top deputy to A.G. James’ predecessors, Eric Schneiderman and Barbara Underwood, were achieved by the collusion of New York’s non-profit and for-profit media, in willfully not reporting on the evidence of their corruption, presented by the record of the citizen-taxpayer action, [CJA v. Cuomo, et al.](#), suing the highest constitutional officers of New York’s three branches, the A.G., among them, for corrupting state governance, involving the massive, policy-laden, ‘OFF THE CONSTITUTIONAL RAILS’ state budget, rife with constitutional, statutory, and legislative rule violations and billions of dollars of larcenies of taxpayer monies,^{fn4} including for their own salaries – a lawsuit commenced in September 2016 and which, in the absence of any legitimate defense, the A.G. defended by litigation fraud and was rewarded by fraudulent decisions, ‘throwing’ the case, at every level, up to the New York Court of

^{fn4} “About 40% of the state budget is supported by the federal government”, so-reported by [NY Public Radio’s] February 16, 2025 article ‘[NY comptroller warns of potential federal cuts, questions rebate checks](#)’. An August 2024 article ‘[Which states rely the most on federal aid?](#)’ puts New York second, at \$110.2 billion, after California.”

Appeals which, [exactly five years ago today, February 18, 2020](#), issued the last of its five fraudulent orders, denying review by right and by leave – and which, since June 2022, has been continued by *CJA v. JCOPE, et al.*, and, since March 2023, by *CJA v. Commission on Legislative, and Executive Compensation, et al.*. A.G. James is a named respondent/defendant in both lawsuits, sued for corruption – and she has defended each by litigation fraud, for which she has been rewarded by fraudulent judicial decisions, ‘throwing’ the cases. Both are still LIVE, however, pending before the New York Court of Appeals, on appeals of right ([here](#) and [here](#)), with A.G. James, once again, as in 2019-2020 in *CJA v. Cuomo, et al.* ([here](#)), being unremitting in her litigation fraud, before the state’s highest court.

In that connection, to no avail, in 2021 and 2023, I tried to alert then former President Trump to the situation – constructing for that purpose two webpages on CJA’s website. The first, a ‘[June 4, 2021 Message to Mr. Trump](#)’, pertaining to A.G. James and to then Manhattan D.A. Cyrus Vance, Jr., and the second, an ‘[April 3, 2023 Message to Mr. Trump](#)’ pertaining to successor Manhattan D.A. Bragg.

The framing paragraphs of the June 4, 2021 Message summed up what was going on, none of which had been reported by New York’s press then – or since:

‘DEAR MR. TRUMP:

Your NY Democratic prosecutors – NY Attorney General Letitia James & Manhattan D.A. Cyrus Vance, Jr. – who are pursuing you because ‘*no one is above the law*’, are themselves ‘*above the law*’ – and while you were still president, the FBI & your acting US Attorneys for NY had the OPEN-and-SHUT, *prima facie* EVIDENCE to indict them & scores of other NY public officers for corruption and fraud involving the NY state budget and ‘false instrument’ pay raises they stole for themselves. The highest of these public officers – ALL Democrats – are Governor Andrew Cuomo and the heads of NY’s Legislative and Judicial branches.

...

MR. TRUMP, the reason you know nothing about any of this is because NY’s mostly left-leaning press has, for years, been complicit in the systemic corruption of NY’s governance – involving all three government branches. It has concealed, totally, the EVIDENCE of what has been going on and, by its knowingly false reporting and editorializing, has sped the collapse of constitutional checks and balances, including by its rigging of NY’s elections. Here’s [CJA’s 30-year archive chronicling this](#) – and here’s our two lawsuits aimed at securing media accountability, the first vs [The New York Times](#), and the second vs [Gannett](#) – both ‘thrown’ at trial and appellate levels by fraudulent judicial decisions of NY’s state courts

because there was NO legitimate defense to either lawsuit. Here's also CJA's most recent and IMMEDIATELY relevant chronicling of the 'fake news', corruption-abetting, election-rigging journalism that has deprived the People of the State of New York of what they have needed to know about their public officers and state governance: [last year, before the 2020 elections](#) and, after, in [November](#) and in [December](#), and this year: in [January](#), [February-March](#), [April-May](#), and thus far, in [June](#).

Mr. Trump, from [this website](#), you have the EVIDENCE to PROVE that you are being invidiously and selectively investigated by AG James and DA Vance who have corrupted their offices and are pocketing fraudulent pay raises for their crimes – and that the media has known about this, but reported NOTHING. You have a slam-dunk opportunity to not only help yourself, but, simultaneously, to do a great public good: to 'drain the swamp' that is NY's governance and expose – definitively and beyond all doubt – its 'fake news' press. Go to it!" (italics, capitalization, and hyperlinking in the original).^{fn5}

Notably, among the other non-profit media colluding in the "*knowingly* false, corruption-abetting, election-rigging journalism" that has wiped out constitutional, lawful state governance in New York are the *amici* [Pro Publica](#) and [The Intercept](#). The true facts as to them, putting the lie to the descriptions about themselves at pp. vii-viii of [their amicus brief](#), are established by the [primary source, documentary evidence](#) furnished by my [June 16, 2023 complaint to the Institute for Nonprofit News](#), to which they are members – a complaint summarized by pages 5-6 of my February 18th letter.

As for the 29 NPR member stations which are *amici* on the same [amicus brief as the Reporters Committee for Freedom of the Press](#) (NPR #26-1, #29), these include five local New York stations whose "*knowingly* false, corruption-abetting, election-rigging journalism" gave rise to my [May 8, 2023 complaint](#) and then my [September 17, 2024 complaint](#) to NPR Public Editor Kelly McBride, featured at page 2 of my February 18th letter. These five are New York Public Radio (WNYC),

^{fn5} The 'swamp' of corruption that is New York's governance is enabled by the corruption of its 'public protection' oversight entities, such as the Commission on Judicial Conduct, the Appellate Division Attorney Grievance Committees, and the Unified Court System's Inspector General, to which Congresswoman Elise Stefanik and others filed complaints on behalf of former President Trump. For more than 30 years, I have furnished the media with the evidence that these entities are corrupt 'window-dressing', as, for instance, the record of [my February 11, 2021 complaint to the Attorney Grievance Committees for AG James' disbarment and referral to criminal authorities](#) – the same as hyperlinked by my [June 4, 2021 webpage 'Message to Mr. Trump'](#) – but they refuse to investigate and report, instead publishing articles as if they are legitimately functioning, as they did pertaining to Rudolph Giuliani's disbarment."

WXXI, WAMC, WLIW (owned by WNET Group), and WSHU. The consequence of what they have been doing, for decades, in tandem with New York's other nonprofit and for-profit media, has now directly resulted in the New York City Democratic mayoral primary win of Zohran Mamdani, whose unfitness as an Assembly candidate and corruption as an Assemblyman is summarized by my [March 14th e-mail](#) to him. This I furnished to WNYC Albany reporters by a [March 18th e-mail](#) entitled "The NYS Budget – & the 6 NYS Legislators Running for NYC Mayor, NYC Public Advocate, Manhattan Borough President, & NYC Council", *cc'*ing Mamdani and other candidates⁶ – and twice re-sent it to WNYC on March 19th due to a block, [here](#) and [here](#). This followed a [February 22nd](#) election "heads up" to WNYC about the NYC primary races, identifying Mamdani, contained in a second re-sending, due to a block, of my [February 21st e-mail](#) to the 12 member stations comprising the New York Public News Network (NYPNN)⁷ – WNYC, WXXI, WAMC, WLIW, and WSHU, among them – entitled "OVERSIGHT REQUIRED: Corruption-abetting, election-rigging, 'fake news'/fraudulent, agenda-driven journalism by your new Capitol Bureau hire, Jeongyoon Han & her colleagues Jimmy Vielkind & Jon Campbell, enabled by NY Public Radio leadership".⁸

[New Hampshire Public Radio](#) is also an *amicus* on the 29 NPR member station brief – and pages 12-14 spotlight its "ground-breaking and award-winning news investigation... additionally notable because of what occurred after it aired" – with a proclamation at pages 20-21 that "For NPR Member Stations, the quality and independence of their reporting is central to their credibility", quoting from the NPR Ethics Handbook:

"To secure the public's trust, we must make it clear that our primary allegiance is to the public. ... Under no circumstances do we skew our reports for personal gain, to help NPR's bottom line or to please those who fund us".

This is false – proven not only by my above-recited decades of interaction with New York's NPR member stations, but by my recent interaction with New Hampshire Public Radio (NHPR). The primary source, documentary evidence of this are the series of e-mails to which NHPR was *cc'*d,

⁶ Mamdani and other candidates were also *cc'*d on my comparable [March 20th e-mail](#) to "New York City's 'local journalism'" – the [New York Times](#), [New York Post](#), [New York Daily News](#), [New York Law Journal](#), [Wall Street Journal](#) and Associated Press – which, following a bounce-back, I successfully [resent to the AP, with a further message](#).

⁷ NYPNN is identified in the more elaborated description of WAMC that appears in the motion for leave to file an *amicus* brief ([NPR #26](#), at pp. 13-14) – a description stating, *inter alia*, "Headquartered less than a mile from the statehouse in Albany... the station is one of the most prolific producers of local and regional content in the country. Central to the station's mission is coverage of state and local government, and the downstream effects of policy and legislation across the listening region."

⁸ This [February 21st e-mail](#) was the follow-up to my nearly identically-titled [February 11th e-mail](#) to New York Public Radio's Senior Vice President of News/Editor in Chief Audrey Cooper, recited at page 4 of my [February 18th letter](#).

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beginning May 26th and culminating in my [June 2nd e-mail to New Hampshire's congressional delegation](#) entitled "Corruption at NPR, PBS, and CPB, mandating congressional investigation & NO funding until 'heads roll' & safeguards are restored – & the left-wing bias & hypocrisy of NHPR journalism", stating:

"...is it not concerning to you that NHPR – a recipient of federal funding – has known of the [\[February 18th\] letter and its 'paper trail' odyssey](#) since [May 25th, when I sent a first e-mail to its Civics 101 podcasting team, its senior political reporter/editor, its news director, and its president/CEO](#), with subsequent e-mails to all of them on [May 26th](#), [May 29th](#), and then again on May 29th by the below, but NHPR has not contacted me for further information or reported anything. How does this accord with NHPR's posted [Code of Ethics](#) about 'fair, independent, accurate, complete and honest' news reporting and its May 2nd message '[The Independence of Public Media Cannot Be Compromised](#)' from its President/CEO Jim Schachter, about reporting 'in the public interest, holding the powerful to account without fear or favor.'

Based thereon and the profusion of assertions by the NHPR Civics 101 podcasters about their integrity and their unbiased, reliable, truth-telling journalism – including at Dartmouth's May 20th forum '[Effective Journalism in a Polarized World](#)' – wouldn't your New Hampshire constituents reasonably expect NHPR to be reporting on [the February 18th letter and its cover-up](#), assisted by experts and scholars, such as from Dartmouth? What an outrage to see what NHPR has chosen instead, such as its misleading, money-focused, left-tilted, and hypocritical May 28th '[Refresher Course: What can be done about corruption in politics?](#)' – part of its 'Every other Tuesday' series when 'the team behind [Civics 101](#) joins NHPR's *All Things Considered* to talk about how our democratic institutions actually work.'

By the way, do you have any content analysis of NHPR journalism, whose left-wing bias is readily discerned – or have you not asked your constituents about this? ..." (hyperlinking in the original).

Identical to the *modus operandi* of New York's NPR member stations, there was no response from New Hampshire's member station, whose [website](#) touts:

"For over 40 years, New Hampshire Public Radio has produced timely, accurate, unbiased, and independent journalism in the public interest. With our media landscape fractured and our democratic governance under stress, we now redouble our commitment to producing trustworthy journalism..."

NHPR is New Hampshire's primary source for accountability reporting on government and private institutions, a forum for the public to question and challenge

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elected officials, candidates, and other leaders, and a trusted guide to everyday life in our state. Our national programs, rooted in New Hampshire interests and values, interrogate the most pressing concerns of our time. By producing distinctive, enterprising journalism that our audiences cannot find elsewhere and leveraging NPR's excellence in national and international reporting, NHPR makes itself indispensable."

Nor, of course, was there any disclosure of conflicts of interest, such as of [NHPR President/CEO Schacter](#) who, for seven years until October 2019, was senior vice president for news at WNYC, and, prior thereto, was 17 years at the [New York Times](#), "rising to the masthead position of associate managing editor". He would, thereafter, post a [facebook VIDEO](#) about NHPR's participation in the *amicus* brief, stating it was "because press freedom is on the line".

To complete the picture of the New Hampshire scene – and NHPR President/CEO Schacter would reasonably have been aware of same – I also forwarded my June 2nd e-mail to [New Hampshire PBS](#), whose website identifies its "trusted local and national programs". My transmitting [June 4th e-mail](#) entitled "Defunding NPR & PBS is NOT a partisan issue, it's a corruption issue – & New Hampshire's congressional delegation has the evidence" was addressed to its president, its vice-president/chief content officer, and the host of its "The State We're In" show, who is director of the Granite State News Collaborative. It read:

"Apart from the [PBS News Hour](#), has there been any local journalism by [New Hampshire PBS](#) on the question of defunding NPR and PBS? I assume this would have been by [The State We're In](#), but I have not found any episode on it.

Please advise – and deem my below June 2nd e-mail to New Hampshire's congressional delegation, alerting it, with evidence, that defunding NPR and PBS is NOT a partisan issue, but a corruption issue, a proposal for your investigative journalism. ..." (hyperlinking in the original).

To the [Granite State News Collaborative](#), whose website states that its journalism "holds government accountable to its citizens", I sent a further [June 4th e-mail](#), reading:

"...kindly review and advise, as soon as possible, whether the Granite State News Collaborative will undertake investigative reporting – and, if not, whether you will forward to [ALL the Collaborative's partners – seemingly the entirety of New Hampshire journalism](#) – for their collective and individual consideration.

Please also advise how much New Hampshire 'local journalism' you have been able to find on the NPR/PBS defunding issue – and your assessment of NPR and PBS national reporting on the topic. ..." (hyperlinking in the original).

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Thereafter, to assist New Hampshire PBS and the Granite State News Collaborative in assessing the News Hour's reporting on the defunding issue, I cc'd them and PBS' public editor, senior management, and board of directors on three further e-mails:

- my [June 6, 2025 e-mail to PBS News Hour](#) – “FACT-CHECKING THE PBS NEWS HOUR (1) your referred-to ‘independent analyses’ that PBS/ NPR journalism is ‘objective and reliable’ & not ‘leftist news’; (2) the scholars & experts you have interviewed opposing federally-funded public media”
- my [June 12, 2025 e-mail to Professor Victor Pickard/University of Pennsylvania](#) – “Fact-Checking the PBS News Hour – & Your Scholarship”
- my [June 12, 2025 e-mail to Associate Professor Allison Perlman/University of California-Irvine](#) – “Your Co-Update to the ‘official history of public broadcasting... for the Corporation for Public Broadcasting’ – Fact-Checking the PBS News Hour & More”.

No response from anyone.

Parenthetically, there was also no response to my June 2nd e-mail from the New Hampshire Union Leader, whose [website](#) says it “deliver(s) trusted news”, is the “only statewide newspaper[.]...fielding New Hampshire’s largest professional news team”, with “journalists...dedicated [to] keeping a watchful eye on politics and government, and making our Granite State the most well-informed in the nation.” My transmitting [June 4th e-mail](#) to it and the [Nackey S. Loeb School of Communications](#), entitled “How will New Hampshire’s Democratic congressional delegation be voting on whether to defund NPR & PBS – & on what evidence?”, read:

“Using the ‘search’ feature of the Union Leader’s website, I have found negligible reporting on the question of [defunding NPR and PBS](#) – essentially only a single May 30th article from Reuters, ‘[PBS sues Trump to reverse funding cuts](#)’, insufficient to inform New Hampshire citizens or their representatives on the issue.

Please advise — and deem my below June 2nd e-mail to New Hampshire’s Democratic congressional delegation, alerting it, with evidence, that defunding NPR and PBS is NOT a partisan issue, but a corruption issue, a proposal for your investigative journalism.

As the Loeb School is affiliated with [New Hampshire Institute of Politics at Saint Anselm College](#), I am cc’ing its executive director and relevant faculty, with a request for their expert opinion and scholarship. ...”. (hyperlinking in the original).

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There was no response, from anyone – further reinforcing, by [a microcosm case study of New Hampshire journalism and academia](#), spanning less than a month and involving the four-member New Hampshire congressional delegation, what is established as to New York, on a macro scale, by my [February 18th letter](#) as to “*knowingly* false, corruption-abetting, election-rigging journalism”, destroying lawful, constitutional governance and our democracy.

* * *

As stated at the end of my June 27th letter, I am available to answer questions – including under oath – and affirm the foregoing to be true, to the best of my knowledge, information, and belief, under penalties of perjury.

Thank you.

s/Elena Ruth Sassower

cc: Assistant U.S. Attorney Jeremy Samuel Bloch Newman
Media Research Center – Tim Graham, Director of Media Analysis
Committee for Accuracy in Middle East Reporting and Analysis (CAMERA)
Accuracy in Media (AIM)
Professor Robert Lichter/Founder & President-Center for Media and Public Affairs

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, May 22, 2025 4:41 PM
To: 'jeremy.s.newman@usdoj.gov'

Cc: 'jason.mcelroy@saul.com'; 'peter.nanov@saul.com';
'jeffrey.robbyns@saul.com'; 'joseph.lipchitz@saul.com'

Subject: **CPB v. Trump Lawsuit: The corruption of CPB's "internal governance and operations", the absence of congressional oversight, & the unconstitutionality of the Public Broadcasting Act of 1967 (47 U.S.C. §396)**

Attachments: [cja-2-18-25-ltr-to-greene-carr.pdf](#)

TO: [U.S. Department of Justice](#)

ATT: Jeremy Samuel Bloch Newman, Esq.

I am director and co-founder of the New York-based non-partisan, non-profit citizens' organization [Center for Judicial Accountability, Inc. \(CJA\)](#) and have testimonial capacity and substantiating evidence with respect to the "internal governance and operations" of the Corporation for Public Broadcasting (CPB), germane to its lawsuit that you are defending, [CPB, et al. v. Trump, et al.](#). I am writing to alert you to facts that have been placed before the Court, requiring modification, because they are misleading – and to the unconstitutionality of the Public Broadcasting Act of 1967 ([47 U.S.C. §396](#)).

In the [Justice Department's May 6, 2025 opposition to plaintiffs' counsel's motion for a TRO](#), you state (at p. 7) in your "Statutory Background" section:

"The CPB is a 'designated Federal entity' under the Inspector General Act, 5 U.S.C. §415(a)(1)(A), which means it has an Inspector General who conducts investigations and audits of the CPB's operations and issues reports to Congress, the CPB Board and Management, and the public, see Office of the Inspector General, Corporation for Public Broadcasting, <https://cpboig.oversight.gov/what-we-do/overview> (the CPB's Office of the Inspector General 'conduct[s] independent audits, evaluations, and investigations' and 'report[s] to Congress and the public about our activities')." (hyperlink in the original).

Impliedly the Justice Department believes that the CPB's Inspector General is discharging its duties. This view was not corrected by [CPB Executive Vice President/General Counsel Evan Slavitt's May 9th Supplemental Declaration](#), notwithstanding on May 2nd I had furnished him with evidence dispositive of the corruption of the CPB's Office of Inspector General, requiring immediate EMERGENCY action. This was shortly after briefly speaking with him by phone about my above-attached February 18, 2025 letter to House DOGE Subcommittee Chair Marjorie Taylor Greene and Federal Communications Commission Chair Brendan Carr entitled "Defunding NPR, PBS – & Firing the CPB's Inspector General, for starters", which I then sent him by e-mail.

I have reason to believe Mr. Slavitt withheld [my May 2nd e-mail](#) and [my follow-up May 16th e-mail](#) from the five members of CPB's Board of Directors and its President/CEO, as he has not responded to my e-mails to him on the subject, from yesterday morning and the day before.

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

Below is the original e-mail chain of my correspondence with Mr. Slavitt which, since [May 20th](#), has included DOGE Team Member at the General Services Administration Nate Cavanaugh and his colleagues, whose April 29th e-mail to CPB for a meeting “to learn more about [CPB] and discuss getting a DOGE team assigned” was put before the Court by [plaintiffs’ counsel’s May 9th reply](#) to your May 6th opposition to the TRO and, specifically, by Mr. Slavitt’s May 9th Supplemental Declaration. CJA’s webpage on which this e-mail chain of correspondence is chronologically posted is [here](#).

I am cc’ing plaintiffs’ counsel on this e-mail so that they can verify with their CPB Board of Directors and President/CEO clients whether and when Mr. Slavitt forwarded to them my e-mails with the [February 18th letter](#). If he did not do so promptly – indeed, as soon as he read the February 18th letter, which I sent him an hour before [CPB’s May 2nd Board meeting](#) – he should be fired, forthwith – a consequence also mandated by his below one-sentence “Just to be clear” [May 20th e-mail](#), which he sent only to me. On the other hand, if Mr. Slavitt did furnish CPB’s Board of Directors and President/CEO with my e-mails and February 18th letter, and they have opted to do nothing, they, too, must be removed forthwith. If the Public Broadcasting Act of 1967 does not enable either the President or Congress to effectuate same, the Act is unconstitutional – and must be so-declared.

Notably, [Mr. Slavitt’s initial April 29th Declaration](#) supporting plaintiffs’ counsel’s motion for a TRO stated in its second and third paragraphs:

“2. CPB’s purpose is **to steward Congressionally appropriated funds** and ensure universal access to non-commercial, **high-quality content** and services that educate, inform, foster curiosity, and promote civil discourse essential to American society.

3. CPB operates from private offices leased from a private corporation located in downtown District of Columbia. CPB does not share any space with any government agency. CPB’s offices are locked and access is given only to the authorized persons, with the exception that the public is allowed to attend meetings of its board of directors. Within the CPB office space are my offices and those of the legal department as well as **the offices of CPB’s Inspector General**. The legal department offices contain attorney/client privileged information as well as attorney work product. **The IG offices contain confidential information about CPB and about a large number of broadcasting stations**. CPB’s offices also contain irreplaceable archival material as well as personal belongings of its employees and officers.” (bold added).

I am available to answer the Justice Department’s questions, starting with the records that Mr. Slavitt should reasonably have obtained from CPB’s Inspector General, substantiating my February 18th letter of “*knowingly* false, corruption-abetting, election-rigging journalism” of NPR and PBS local New York stations, abetted by the national NPR and PBS public editors, boards of directors, presidents, counsel, and other highest management, and, thereafter, by CPB’s Inspector General – and invite you to call me for that purpose and to discuss the hoax of congressional oversight of CPB, directly germane to the [CPB v. Trump](#) lawsuit, as to which your May 6th opposition to the TRO states (at p. 7), also in your “Statutory Background” section and immediately following your recitation about the CPB Inspector General:

“Congress holds oversight hearings regarding the CPB. See, e.g., House Committee on Energy & Commerce, Oversight and Investigations Subcommittee Hearing: ‘Examining Accusations of Ideological Bias at NPR, a Taxpayer Funded News Entity,’ <https://energycommerce.house.gov/events/oversight-and-investigations-subcommittee>

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

hearing-examining-accusations-of-ideological-bias-at-npr-a-taxpayer-funded-news-entity (May 8, 2024); see also Slavitt Decl. ¶19, ECF No. 2-2 (the CPB submits 'annual request for appropriations' to Congress)." (hyperlink in the original).

The referred-to "Slavitt Dec." is Mr. Slavitt's April 29th Declaration, whose ¶19 states, in pertinent part, that CPB: "Is not required to attend frequent oversight hearings in front of Congress, aside from CPB's annual request for appropriations" (underlining added), concealing, as do ALL of plaintiffs' counsel's papers and Mr. Slavitt's May 9th Supplemental Declaration, the actual absence of congressional oversight over CPB's operations.

I also invite plaintiffs' counsel – presumably paid by taxpayer monies – to call me.

Finally, please promptly forward my February 18th letter to Attorney General Bondi, as requested by my below May 2nd and May 16th e-mails to Mr. Slavitt, without response from him. Your confirmation that you have done so would be greatly appreciated.

Thank you.

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

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

Sent: Wednesday, May 21, 2025 8:37 AM

To: 'Slavitt, Evan' <eslavitt@cpb.org>

Cc: 'nate.cavanaugh@gsa.gov' <nate.cavanaugh@gsa.gov>; 'justin.fox@gsa.gov' <justin.fox@gsa.gov>; 'Justin.W.Aimonetti@doge.eop.gov' <Justin.W.Aimonetti@doge.eop.gov>; 'jonathan.mendelson@gsa.gov' <jonathan.mendelson@gsa.gov>

Subject: Correcting -- Clarifying Your Insupportable Response

TO: CPB Executive Vice President/General Counsel Slavitt

My yesterday's e-mail to DOGE Team Member Cavanaugh referred to your response to his April 29th e-mail as also being April 29th. That was error. Your responding e-mail to Mr. Cavanaugh was April 30th. Please correct, accordingly, as I have by the below, in your forwarding of my e-mail to CPB's five Board Members and to its President/CEO, which I request you do without delay.

Thank you.

Elena Sassower

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

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

Sent: Tuesday, May 20, 2025 4:35 PM

To: 'Slavitt, Evan' <eslavitt@cpb.org>

Cc: 'nate.cavanaugh@gsa.gov' <nate.cavanaugh@gsa.gov>; 'justin.fox@gsa.gov' <justin.fox@gsa.gov>; 'Justin.W.Aimonetti@doge.eop.gov' <Justin.W.Aimonetti@doge.eop.gov>; 'jonathan.mendelson@gsa.gov' <jonathan.mendelson@gsa.gov>

Subject: Clarifying Your Insupportable Response

TO: CPB Executive Vice President/General Counsel Slavitt

Responding to your below e-mail, there is nothing “clear” about your insupportable response, which you do not support in any way – and which you are now informing me of for the first time.

You state “I have reviewed your allegations and I find them to be without merit”. What is the opinion of CPB’s five Board Members and President/CEO, to whom my May 2nd and May 16th e-mails were also addressed? Or did you not transmit those two e-mails to them?

To be “clear”, please advise – and include DOGE Team Member Cavanaugh and his colleagues.

Thank you.

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

From: Slavitt, Evan <eslavitt@cpb.org>

Sent: Tuesday, May 20, 2025 3:43 PM

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

Subject: RE: Your April 29, 2025 e-mail to the CPB to "learn more about [it]" and "get[] a DOGE team assigned"

Just to be clear, I have reviewed your allegations and I find them to be without merit.

Evan Slavitt
Executive Vice President and General Counsel

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

eslavitt@cpb.org
(work) 202/879-9715
(cell) 781/710-0714



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

Sent: Tuesday, May 20, 2025 3:40 PM

To: nate.cavanaugh@gsa.gov

Cc: justin.fox@gsa.gov; Justin.W.Almonetti@doge.eop.gov; jonathan.mendelson@gsa.gov; Slavitt, Evan <eslavitt@cpb.org>

Subject: Your April 29, 2025 e-mail to the CPB to "learn more about [it]" and "get[] a DOGE team assigned"

TO: Nate Cavanaugh/DOGE Team Member Working at the General Services Administration

Three days after you sent your April 29th e-mail to the Corporation for Public Broadcasting (CPB) requesting "a meeting...to learn more about [it]and getting a DOGE team assigned" – to which CPB Executive Vice President/General Counsel Evan Slavitt responded by an April [30]th e-mail, declining same – I spoke with Mr. Slavitt by phone about the above-attached February 18th letter to House DOGE Subcommittee Chair Marjorie Taylor Green and Federal Communications Chair Brendan Carr, which I then sent him by a [May 2nd e-mail](#) entitled "CPB's Stewardship of Taxpayer Monies – Halting Funding to Poynter Institute, NPR, PBS, & NY's Local 'Public Media', & Firing the CPB Inspector General – All Mandated by CJA's February 18, 2025 Letter".

The e-mail was for CPB's Board of Directors and its President, in addition to Mr. Slavitt, but I received no response from anyone – and, [on May 16th, sent an e-mail](#) inquiring about this and identifying what appears to be more fraud and misappropriation at the CPB – this relating to CPB's "official history of public broadcasting" which it has contracted to "update". As I have also received no response to this May 16th e-mail, I believe you should be alerted to the situation so that appropriate investigation and corrective action can be taken to protect the public and its tax dollars. I am cc'ing Mr. Slavitt so that he can advise about what's been happening – including as to whether, as expressly requested, the CPB has referred the February 18th letter to Attorney General Bondi.

I am available to answer questions, including under oath – and invite you to call me, no matter how early or late. Below is the original May 16th e-mail, with the May 2nd e-mail beneath it.

Thank you.

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, May 16, 2025 11:25 AM
To: 'eslavitt@cpb.org' <eslavitt@cpb.org>
Cc: 'josh7759@colorado.edu' <josh7759@colorado.edu>; 'aperlman@uci.edu' <aperlman@uci.edu>
Subject: STATUS? -- CPB's Stewardship of Taxpayer Monies -- Halting Funding to Poynter Institute, NPR, PBS, & NY's Local "Public Media", & Firing the CPB Inspector General -- All Mandated by CJA's February 18, 2025 Letter

TO: [CORPORATION FOR PUBLIC BROADCASTING](#)

ATT: [Board of Directors](#)

Chair Ruby Calvert
Vice-Chair Laura Ross, Esq.
Diane Kaplan
Tom Rothman, Esq.
Liz Sembler

[Corporate Officers & Senior Staff](#)

President/CEO Patricia Harrison
Executive Vice President/General Counsel Evan Slavitt

It has been two weeks since my below May 2nd e-mail with my above-attached February 18th letter, to which I have received no response.

What investigative and corrective steps have you taken – and did they include forwarding my May 2nd e-mail to Attorney General Pam Bondi, as I expressly requested?

Please advise as to the foregoing, without delay, as the “*knowingly* false, corruption-abetting, election-rigging journalism” of local New York NPR/PBS member stations has “continued UNABATED”, as my May 2nd e-mail to you reported – and it has now resulted in the May 8th passage of a \$254 billion New York state budget whose flagrant unconstitutionality, unlawfulness, fraud, and massive larceny their journalism conceals, *in toto*. In the event your examination of the hyperlinks in my [February 18th letter](#) did not lead you to my e-mails to the local New York NPR/PBS journalists and editors, furnishing them with the open-and-shut, primary-source evidence pertaining to the FY2025-26 state budget, the webpages on which they are posted are [here](#) and [here](#) – with my last e-mail, [on April 18th](#), entitled “Fact-Checking Your Journalism on the NYS Budget -- & Now Some New Facts”, stating, by its closing:

“If you have not – as...requested – forwarded [my prior April 7th e-mail] to ‘your editors and to managerial levels of your publications, including your legal counsel, so that there is no question as to culpability for your *knowingly* false journalism, having NO First

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

Amendment protection and entitling the defrauded public to massive compensatory and punitive damages against all involved', please now forward this e-mail to them." (italics & capitalization in the original).

Also, I understand that Associate Professors Josh Shepperd and Allison Perlman are "[under contract to co-update the official history of public broadcasting...for the Corporation for Public Broadcasting \(CPB\) and Current](#)". What does the "official history of public broadcasting" say about the establishment and functioning of the NPR and PBS public editors and the CPB Inspector General? By a [May 5th e-mail](#) I forwarded to them my May 2nd e-mail and its attached February 18th letter, stating that their "update" of these "[vital safeguards](#)" in the "official history" would assuredly have to be "[revised, dramatically](#)" based thereon. Did they communicate with you about this? I received no response from them – and no response to my follow-up [May 14th e-mail](#) requesting their response by 5 pm yesterday so that I might be guided accordingly.

Is this behavior acceptable to you – and consistent with honest scholarship? Don't you agree that the "update" of "official history" MUST include the open-and-shut, primary-source evidence furnished by my February 18th letter – and your response to it?

By the way, how much taxpayer money is being paid to these two scholars pursuant to the "contract"?

Please advise as to this, as well.

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, May 2, 2025 12:35 PM
To: 'eslavitt@cpb.org' <eslavitt@cpb.org>

Subject: CPB's Stewardship of Taxpayer Monies -- Halting Funding to Poynter Institute, NPR, PBS, & NY's Local "Public Media", & Firing the CPB Inspector General -- All Mandated by CJA's February 18, 2025 Letter

TO: [CORPORATION FOR PUBLIC BROADCASTING](#)

ATT: [Board of Directors](#)

Chair Ruby Calvert
Vice-Chair Laura Ross, Esq.
Diane Kaplan
Tom Rothman, Esq.
Liz Sembler

[Corporate Officers & Senior Staff](#)

President/CEO Patricia Harrison

Exhibit C: CJA's May 22, 2025 E-Mail to Justice Department

Executive Vice President/General Counsel Evan Slavitt

This follows up my brief phone conversation with Executive Vice President/General Counsel Slavitt, who promptly returned the voice mail message I had left for him, shortly before noon and furnished me with his e-mail address so that I could send him this e-mail, already written. He stated that he had no knowledge of my above-attached and below-described February 18, 2025 letter to House Doge Subcommittee Chair Marjorie Taylor Greene and FCC Chair Brendan Carr.

* * *

I am director and co-founder of the New York-based non-partisan, non-profit citizens' organization, [Center for Judicial Accountability, Inc. \(CJA\)](#) – and am writing in response to your yesterday's press release "[Introducing the Public Media Executives Selected for 2025 Poynter/CPB Fellowship to Strengthen Editorial Leadership](#)".

Did your Inspector General Kimberly Howell not alert you that the Poynter Institute and particularly its vice president and chair of its Craig Newmark Center for Ethics and Leadership, Kelly McBride – who is also NPR's public editor – have been covering up and perpetuating "*knowingly* false, corruption-abetting, election-rigging journalism" by NPR, PBS, and other "public media" – [the evidence of which I provided](#) to her, to her deputy, William Richardson, III, and, in the first instance, to IG Investigative Counsel Helen Mollick. This is recited by my above-attached February 18, 2025 letter to House DOGE Subcommittee Chair Marjorie Taylor Greene and FCC Chair Brendan Carr entitled "Defunding NPR, PBS – & Firing the CPB's Inspector General, for starters".

Did no one share the letter with you?

The letter is additionally germane to President Trump's yesterday's Executive Order "[Ending Taxpayer Subsidization Of Biased Media](#)" – and to your [today's responding press release](#).

I look forward to speaking with you about all this – and about the [\\$42,556,210 in taxpayer monies that CPB is giving in "grants and allocations" to New York "public media"](#), whose "*knowingly* false, corruption-abetting, election-rigging journalism" has continued UNABATED, since I first reported it to NPR Public Editor McBride by a [May 8, 2023 complaint](#) and to PBS Public Editor Ricardo Sandoval-Palos by a [May 15, 2023 complaint](#), as recounted by my [February 18, 2025 letter](#). **What oversight and corrective action will you be taking to rectify this catastrophic, democracy-dooming situation – and will it include forwarding this e-mail to Attorney General Pam Bondi so that she can investigate the crimes to which I first alerted the CPB IG's Office more than six months ago, before the November 5, 2024 election. Please deem this e-mail my express request for such forwarding.**

Feel free to call, no matter how early or late – and over the weekend.

Thank you.

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

CERTIFICATE OF COMPLIANCE

Apart from the three evidentiary exhibits, this *amicus curiae* brief complies with the page/word-limit of Local Civil Rule 7(o)(4) as it is only 5 pages. It also complies with the typeface and type-style requirements of Local Civil Rule 5.1(d) as it has been prepared in Microsoft Word using Times New Roman in size 12 font.

Dated: July 18, 2025

A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', written over a horizontal line.

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL PUBLIC RADIO, *et al.*,

Plaintiffs,

[Civil Case #1:25-cv-01674-RDM](#)

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*

Defendants.

PUBLIC BROADCASTING SERVICE, *et al.*,

Plaintiffs,

[Civil Case #1:25-cv-01722-RDM](#)

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*

Defendants.

**ORDER GRANTING MOTION OF THE CENTER FOR JUDICIAL
ACCOUNTABILITY, INC. FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF
IN SUPPORT OF DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT
& IN OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT**

Upon consideration of the Center for Judicial Accountability Inc.'s motion for leave to file an *amicus curiae* brief in support of defendants' cross-motions for summary judgment and in opposition to plaintiffs' motions for summary judgment, the Court grants same and deems the *amicus curiae* brief attached to the motion as having been timely filed on July 18, 2025.

Signed:

United States District Judge Randolph D. Moss