

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, March 14, 2013 12:11 PM
To: 'hakim@nytimes.com'
Cc: 'kaplan@nytimes.com'; metro@nytimes.com; editorial@nytimes.com
Subject: Citizen Challenge to Judiciary Budget, Exposes the Sham of NY's Budget Process & the Hoax of its New Transparency

Dear Mr. Hakim,

Following up our conversation a short time ago, below is the e-mail I sent yesterday to the Legislature's General Conference Committee – and its Joint Budget Subcommittee on “Public Protection”, Criminal Justice, and the Judiciary. It summarizes a MAJOR story, established by:

- (1) the video of my 10-minute testimony on February 6, 2013 at the Legislature's joint budget hearing on “Public Protection”; and
- (2) my March 11, 2013 letter to the Senate Budget Subcommittee for “Public Protection” – Senators Nozzolio, Gallivan, Ball, and Golden – now each members of the Joint Subcommittee for “Public Protection”, Criminal Justice, and the Judiciary.

These are each posted on our website, on the page devoted to “The People Fight Back: Securing Legislative Oversight & Override...” Here's the direct link: : <http://www.judgewatch.org/web-pages/judicial-compensation/legislative-oversight-judicial-raises.htm> .

As I believe I mentioned, the “White”, “Blue”, and “Yellow” books of the Legislature each give different figures as to the dollar amount requested by the Judiciary's budget – and the Governor's “Commentary” to its budget gives an approximation: “\$2.6 billion”. As stated at page 10 of my March 11th letter, this is “a rounded figure able to conceal many tens of millions of dollars: a veritable slush fund...”

Your investigation and reporting of this scandalous story can achieve MAJOR good-government reform for the People of this State. I look forward to assisting you, to the fullest.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Wednesday, March 13, 2013 5:45 PM
To: senator@senatorlibous.com; morellej@assembly.state.ny.us; LentolJ@assembly.state.ny.us; 'lavignij@assembly.state.ny.us'; 'little@nysenate.gov'; hasselt@nysenate.gov; gsavage@nysenate.gov; EngleS@assembly.state.ny.us; CamaraK@assembly.state.ny.us; GiglioJ@assembly.state.ny.us; MontesanoM@assembly.state.ny.us
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Subject: The Legislature's Duty to Reject Judiciary Appropriations Bill S2601-A3001 & its Unidentified Judicial Salary Increases that are Fraudulent, Statutorily-Violative & Unconstitutional

TO: General Conference Committee

Senator Thomas Libous

Assembly Members Joseph Morelle and Earlene Hooper

Joint Budget Subcommittee on "Public Protection", Criminal Justice, & the Judiciary

Assembly Co-Chair Joseph Lentol

Senators Elizabeth Little & Ruth Hassell Thompson

Assembly Members Steven Englebright, Karim Camara, Joseph Giglio, & Michael Montesano

This follows up my phone calls to each of your offices earlier today to alert you to what Senate and Assembly leadership and knowledgeable colleagues and staff should have already told you: that the judicial salary increases for which the Judiciary's budget seeks funding are fraudulent, statutorily-violative and unconstitutional, so-demonstrated by documentary proof in their possession -- and that the Judiciary's failure to identify the dollar amount of those increases in its budget and in any line-item of its "single budget bill" -- as, likewise, the Governor's failure to identify their dollar amount in any line-item of his Judiciary appropriations bill based thereon (S2601; A3001) -- is illustrative of the insufficient itemization of the appropriations bill, precluding meaningful review and requiring that the Legislature reject it, in its entirety, as unconstitutional.

Indeed the Governor's appropriations bill for the Judiciary, like the Judiciary's own, provides no cumulative tally of the appropriations it contains. Is the \$50,095,000 of "Reappropriations" a sum on top of the "All Funds", and "General State Charges" -- in which case isn't the total monies being appropriated \$2,683,991,476? Or does the bill contain more appropriations, as, for instance, \$15,000,000 for "New Appropriations (Supplemental)" and \$51,000,000 for "Capital Projects-Reappropriations", both tucked in the back.

The foregoing and other constitutional infirmities of the Judiciary appropriations bill (S2601; A3001) are detailed by my March 11, 2013 letter to the Senate Budget Subcommittee for "Public Protection" -- Senators Nozzolio, Ball, Gallivan, and Golden -- expanding upon my testimony on February 6, 2013 at the Senate and Assembly joint budget hearing on "public protection", at which I spoke in opposition to the judicial salary increases and the Judiciary budget.

I respectfully request that you read the March 11, 2013 letter and view the video of my 10-minute February 6, 2013 testimony so that you can understand that you cannot approve a Judiciary appropriations bill that includes the judicial salary increases without being chargeable with official misconduct that is both criminal and impeachable.

Both the letter and video are posted on the website of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). Here's the direct link to the webpage on which they are posted together with the substantiating documentary proof which I handed up when I testified and to which I referred:

<http://www.judgewatch.org/web-pages/judicial-compensation/legislative-oversight-judicial-raises.htm> .

I would be pleased to speak with you directly and to answer your questions, including under oath.

Thank you.

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

914-455-4373

cc: Senate Leaders Skelos, Klein, and Stewart-Cousins
Assembly Speaker Silver & Minority Leader Kolb
Senate Finance Committee Chairman DeFrancisco
Assembly Ways & Means Committee Chairman Farrell
Senate Judiciary Committee Ranking Member Sampson
Assembly Judiciary Committee Chairwoman Weinstein
Senator Nozzolio, Senator Ball, Senator Gullivan, Senator Golden
Assemblyman O'Donnell