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STATE OF NEW YORK

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PUBLIC HEARING

Commission on Legislative, Judicial
and Executive Compensation

-----X

November 4, 2019

NEW YORK LAW SCHOOL
185 West Broadway
New York, New York

B E F O R E:

MICHAEL CARDOZO
SEYMOUR LACHMAN
MITRA HORMOZI
HON. RANDALL ENG (RET.)
ROBERT MEGNA
JIM MALATRAS

Stefanie Johnson
Carolyn Barna
Senior Court Reporters

1 do the work. Well, with the Chief Judge's initiative, the
2 Excellence Initiative, we're going to help with reducing the
3 backlog, reducing the costs, and that's where the court
4 system is going to get its 1.2 percent to pay because the
5 judges work hard, and we will continue to work hard, and we
6 will work even harder.

7 So we are asking for no raise, no cost of living,
8 no nothing. And the difference is are you going to go back
9 to the bad times or will you continue the work of the last
10 Commissions?

11 Thank you very much.

12 THE CHAIRPERSON: Thank you very much.

13 Any questions? Anybody in Albany?

14 (No responses)

15 THE CHAIRPERSON: Thank you very much.

16 I believe we have, as our last speaker, Ms.

17 Sassower.

18 MS. SASSOWER: May I hand this up?

19 THE CHAIRPERSON: Yes.

20 MS. SASSOWER: (Handing documents)

21 THE CHAIRPERSON: Ms. Sassower.

22 MS. SASSOWER: I do solemnly swear to tell the
23 truth, the whole truth, and nothing but the truth, so help
24 me God.

25 This forum has been permeated with fraud. My name

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1 is Elena Ruth Sassower and I am director and cofounder of
2 The Center for Judicial Accountability, Inc., a
3 non-partisan, non-profit citizen organization that for more
4 than a quarter of a century-- no, for 30 years, has
5 documented that New York's Judiciary is not discharging its
6 constitutional function to render fair and impartial justice
7 according to law.

8 Rather, it is pervasively corrupt from trial levels
9 up through appellate and supervisory levels, throwing cases
10 by fraudulent judicial decisions that falsify and omit the
11 controlling facts and obliterate the most basic adjudicative
12 and due process standards.

13 And making this even more catastrophic and
14 unconstitutional is that all safeguards within the Judiciary
15 and within the legislative and executive branches are
16 dysfunctional and corrupted. Not the least reason being
17 because when citizens bring ~~steps~~^{suits} to enforce black letter,
18 unambiguous law and principles of constitutional governance
19 judges throw the cases, usually with ~~a~~^{the} connivance of our
20 state's highest law enforcement officer, the New York State
21 Attorney General who, when she has no legitimate defense,
22 defends anyway with litigation fraud for which she is
23 rewarded by fraudulent judicial decisions in favor of her
24 governmental clients.

25 As I stated when I testified before the Commission

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1 to investigate public corruption at its September 17, 2013
2 public hearing, cases are perfect paper trails. There is a
3 record, so it is easy to document judicial corruption.

4 Now, these sentences that I read were from the
5 opening presentation, the written presentation which I
6 delivered orally almost four years ago when I testified on
7 November 30, 2015 at the public hearing of The Commission on
8 Legislative, Judicial and Executive Compensation, at which
9 Commissioner Hormozi was a member of the panel.

10 And I handed up in substantiation case file
11 evidence.

12 By the way, both the written statement and the
13 video is not apparently accessible from your web site. For
14 some reason, that public hearing is not operative and my
15 written statement is not there and accessible.

16 I also testified to the same effect with evidence
17 four years earlier on June 20th -- I'm sorry, ~~It was~~
18 July 20, 2011 before The Commission on Judicial
19 Compensation. Also handing up evidence, case file evidence,
20 of the corruption that infests the Judiciary, that includes
21 the Commission on Judicial Conduct, the monitor, the
22 foremost monitor of the Judiciary.

23 Your web site which, by the way, is inexplicably
24 not a governmental web site. It is an org web site. Why is
25 that? Why do you have an e-mail that is a GMail, okay?

1 There is rigging going on now, just as there was rigging four
 2 years ago, with The Commission on Legislative, Judicial and
 3 Executive Compensation, and four years earlier, with The
 4 Commission on Judicial Compensation.

5 And so I would like to devote my presentation to
 6 housekeeping matters. Because, with all ~~due~~ respect, you
 7 are opening with this hearing, at which you see I'm actually
 8 the only citizen testifying. I'm the only one who clearly
 9 is presenting opposition. Why is that? Because you are
 10 operating under the radar.

11 *ya, well,* It would appear, notwithstanding the transcription
 12 of your meeting some weeks ago, that perhaps there was not
 13 the ~~outrage~~ *outreach* that there needed to be. I don't believe that
 14 there was any newspaper announcement of this hearing today
 15 and you may be sure that if it were announced, and if it
 16 were announced that the issue is to raise judicial pay
 17 beyond where it already is, and virtually there is no
 18 mention of that level. It actually only came out in some of
 19 the interjection of Commissioner Eng what the levels are.

20 You are talking about judicial salaries that are
 21 vastly above what is the average household, median household
 22 income, and you are not concerning yourself in the least --
 23 you are accepting the deceit and the fraud that we have a
 24 high quality, functioning, excellent Judiciary.

25 Now, The Commissioner ~~on~~ Judicial Compensation did

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1 not examine the evidence that I handed up.

2 And, by the way, your web site no longer has a link
3 for the 2011 Commission. It's gone. I had already
4 complained that at some point the web site of The Commission
5 on Judicial Compensation from 2011 went inoperative, but it
6 had, at one point, been accessible from the 2015 Commission.

7 Now, with your Commission, you have wiped out the
8 2011 commission. Nothing is there. Not the video of my
9 presentation, not the evidence that I handed up in
10 substantiation and, as I said, with respect to the 2015
11 Commission, ^{my, my testimony —} the video of the November 30th hearing, the sole
12 hearing you held on Judicial Compensation, is gone and my
13 presentation.

14 ^{OK.} Now, Exhibit A, I have handed up a letter to the
15 editor, a letter to the editor, ^{called 'A Call'} that was published
16 August 21st in The New York law Journal. ^{And} I dare say that
17 probably most everyone here are readers of The Law Journal,
18 and I would find it hard to believe that they did not read
19 this article and it wasn't circulated and they didn't take a
20 look at the record evidence.

21 And the record evidence concerns what is Exhibit A
22 about how the Judiciary operates. It's ~~is~~ the citizen
23 taxpayer action suing all three branches for collusion
24 against the people with respect to these force of law
25 commissions, a scheme, a corrupt ~~and~~ unconstitutional scheme

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1 to give pay raises to corrupt public officers who should be
2 removed for their corruption in office.

3 The lawsuit is not just a challenge; although it is
4 a challenge frontally, to Part E, Chapter 60 of the Laws of
5 2015 which established this Commission, but it is a
6 challenge to the entirety of the budget and this statute
7 under which you are operating is an unconstitutional rider
8 inserted into the budget of 2015. Unconstitutionally.
9 Relates to no appropriations.

10 It was the product of behind closed doors, three
11 men in a room dealmaking. Three men in a room dealmaking.
12 Budget dealmaking. If you've ever read the New York State
13 Constitution and the Article 7, the finance article, you
14 know that the budget is off the constitutional rails and
15 three men in a room behind closed doors dealmaking has no
16 part in anything constitutional.

17 The lawsuit, the citizen taxpayer action
18 challenging this Commission scheme, you, and the budget, the
19 Judiciary budget, which embeds, hides the pay raises, has
20 hidden them, concealed their costs. The legislative budget,
21 the entirety of the executive budget, is challenged in the
22 lawsuit which is now at The Court of Appeals which, at every
23 level, this is the people's lawsuit, ~~is~~ brought in the
24 public interest on behalf of The People of the State of New
25 York. It challenges ^{by} ~~about~~ ten causes of action what has

*(holding up Commission
Cochran's book "three men
in a room")*

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1 been going on and your reliance on the reports, the 2011
2 report of The Commission on Judicial Compensation and the
3 2015 report of The Commission on Legislative Judicial and
4 Executive Compensation —

5 Well, these reports are fraudulent, are false
6 instruments, are violative on their face. On their face
7 they are violative of the statute pursuant to which they
8 purport to be rendered.

9 ~~You're~~^{your} charged, and you have not, ~~because~~^{because} you have not held
10 ~~the~~^a proper organizational meetings at which you studied the
11 statute and discussed what it means.

12 You have not considered your duty to examine the
13 specified factors and the ~~the~~^{the} enumerated factors and other ~~the~~^{the}
14 appropriate factors. The factors enumerated are six. And
15 three of them, I believe, relate to not just salary, but
16 non-salary benefits.

17 This is a Compensation Commission. The prior two
18 Commissions which Commissioner Hormozi was a member of,
19 failed. Failed. That report is a false instrument and
20 fraudulent because it did not examine anything but salary
21 and in a most superficial way, just like The Commission on
22 Judicial Compensation in 2011 only addressed salary, not
23 compensation, on its face.

24 All these lawyers and judges, ~~had~~^{have} they not read the
25 statute? Did they not see by reading the report and reading

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1 the statute that on its face -- and neither of those reports
2 make any finding that -- which is the only predicate for
3 raising salary, that levels were inadequate. It's not a
4 matter of what they think judges ^{should,} would like because it's
5 consistent with their sense of dignity and honor. It's
6 adequacy. ^{yes.} Your charge is adequacy.

7 There ^{can} ~~could~~ be no argument made reasonably that the
8 astronomically high salaries that are unlawfully,
9 unconstitutionally ^{the} enjoyed by judges are inadequate and so you
10 have to add COLAs --

11 *MS SASSOWER,* *please*
THE CHAIRPERSON: Can you please finish up, Ms.

12 Sassower?

13 *Sum up.*
MS. SASSOWER: [^] Yes.

14 So, okay, this is what I am leaving you with. What
15 I handed up, and everything will be posted on our web site,
16 www.judgewatch.org. The center link reads New York ^{prominent} 's Force of
17 Law Commissions Unconstitutionality and Fraud in Plain
18 Sight.

19 And you can see what I'm handing up, in addition to --
20 ~~what~~ I will say that you have in addition to the letter to
21 the editor that was published in The Law Journal, my letter
22 to Chief Judge DiFiore, December 31st, 2015, in which I hand-
23 delivered to her office, ^{she was} to the Westchester County District
24 Attorney, this evidentiary substantiation (indicating) of
25 the presentation made in the letter that both Commission

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(folders of documents held up)

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1 reports, both The Commission on Judicial Compensation[,] in the
 2 2011 report and the 2015 report of The Commission on
 3 Legislative and Judicial Executive Compensation raising
 4 salaries, raising judicial salaries, was a false instrument,
 5 violative of ^{a succession} sections of the Penal Laws and the Public Trust
 6 Act. *(folders of documents held up)*

7 And, indeed, it is, and your duty now, this is what
 8 was handed up (indicating). You have all of this. You have
 9 a full copy of the record of the -- ^{oh,} one last thing. Because ^{Mr.}
 10 *Hi.* ^{Alan} Mr. Klinger, who acted as counsel to the sham, corrupt, *(turning around)*
 11 Committee on Legislative and Executive Compensation, the
 12 video of my testimony shows what I handed up which was the
 13 Appellate record of the citizen taxpayer action now at The
 14 Court of Appeals, Center for Judicial Accountability
 15 against Cuomo, et al, and the last defendant is Chief Judge
 16 DiFiore.

17 I, under your statute, you have the resources of
 18 every department, every agency. You are not limited, you
 19 should, and you have ^{subpoena} special power. You have the power of
 20 legislative committees, it says, right in your statute. Your
 21 duty is to find the evidence that I handed up in 2011, in
 22 2015, in 2018.

23 And, if you want more of it, more of the record,
 24 the complete record, to ask the Judiciary, it's now at The
 25 Court of Appeals, ^{it's, it's} you can access the complete record. It's

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1 also on the web site, ^{you can} But your duty is to make findings of
2 fact, ~~and~~ conclusions of law.

3 And if these judges and lawyers are so fit, and so
4 excellent, and so wonderful, let them, charge them with
5 making the findings of fact and conclusions of law because
6 what you have here is a grand larceny, ^{of the public fisc involving} and you should know
7 that, as of this date, already paid out in fraudulent,
8 statutory violative, unconstitutional judicial pay raises is
9 --

10 THE CHAIRPERSON: Ms. Sassower, you have one minute
11 to finish --

12 MS. SASSOWER: -- probably on the order of half a
13 billion dollars.

14 Plus, ^{oh} you must remember, too, that there is a ^{statutory} link
15 between ^{judicially appropriate} -- another factor for you to consider --

16 THE CHAIRPERSON: Ms. Sassower, would you please
17 finish up.

18 MS. SASSOWER: -- the statutory link between
19 judicial salaries and D.A. salaries. ^{So} When you raise
20 judicial salaries, they go up. ^{ok?} There's been a mass, a mass
21 deluge of public money, taxpayer money spent and that needs
22 to be recovered.

23 Last thing, with all respect to Judge Eng, Judge
24 Eng, and ^{and, and} most of you are afflicted by conflict ^{of} interest.
25 I must say to you, Judge Eng, with all respect --

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1 THE CHAIRPERSON: Thank you.

2 MS. SASSOWER: With all respect, you have already

3 --

4 THE CHAIRPERSON: Ms. Sassower, would you please
5 finish up: *Ms Sassower* *Would you please sit down*

6 MS. SASSOWER: You have already, by virtue of --

7 THE CHAIRPERSON: Ms. Sassower --

8 MS. SASSOWER: -- *your judicial* the office been the beneficiary
9 of these pay raises.

10 THE CHAIRPERSON: Ms. Sassower --

11 MS. SASSOWER: What we're talking about here is
12 *criminal* criminal fraud by the judges. *ok?*

13 THE CHAIRPERSON: *Alright* Ms. Sassower, thank you.

14 MS. SASSOWER: There has to be adjudication of what
15 has gone on and you and other judges will all be *11956 for* -- *clawbacks*

16 THE CHAIRPERSON: *Do you want* ~~Would you like me to call the~~
17 security officer or will you stop?

18 Thank you *so* very much.

19 MS. SASSOWER: Of course I will stop.

20 Thank you so much.

21 THE CHAIRPERSON: Any questions from the
22 commissioners? *Let me just*

23 MS. SASSOWER: I look forward to your findings of
24 fact and conclusions of law.

25 THE CHAIRPERSON: I assume there's no one else here

1 who wants to testify?

2 MS. SASSOWER: No, because no public announcement
3 was disseminated.

4 THE CHAIRPERSON: *just, let me* Let me announce that ~~it is~~ ^{is} posted
5 ^{been} and distributed ⁱⁿ ~~on~~ our media releases.

6 We will have a public hearing in Albany on
7 November 14th and then our next meeting after that is
8 scheduled at the City Bar Association on November 21~~st~~.

9 Let me remind the New York-based commissioners that
10 if they are not going to be able to travel to Albany, that
11 the meeting will be held at the City Bar Association
12 available in New York. I personally will be in Albany to
13 join our two colleagues and I hope others of you will as
14 well.

15 Any questions or comments that any of my colleagues
16 want to make?

17 MR. MALATRAS: *Mr. Chairman* I would just like to say, so it's
18 clear on the record, that ~~Mr. Eng~~ ^{Commissioner} and ~~Ms. Hormozi's~~ ^{Commissioner}
19 reputations are impeccable and they serve with integrity and
20 I just want the record to reflect that for the public
21 record.

22 THE CHAIRPERSON: Thank you very much.

23 MS. SASSOWER: *Uh-* The *evidence speaks for itself and*
is being

24 THE CHAIRPERSON: The meeting is adjourned.

25 (Whereupon, the meeting is concluded.)