

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Thursday, April 7, 2022 3:19 PM  
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**Subject:** "Correctable error" -- "New York Lawmakers Blow Budget Deadline..."  
(4/1/22, NYT print); "New York Judge Dies Judge Dies by Suicide..." (4/7/22,  
NYT print)  
**Attachments:** oral-testimony-jan-25-2022-corrected-as-read.pdf; written testimony-for-jan-  
25-2021-public-protection-budget-hearing-corrected.pdf

**TO: CORRECTIONS – THE NEW YORK TIMES**

This responds to your virtually instantaneous [e-mail acknowledgment](#) of my below e-mail, stating, in pertinent part:

“You have written to the corrections department, and your message will reach the appropriate editor or reporter promptly. If we determine there is a correctable error, a correction will be appended to the article and published in print if necessary.”

**Yes, there is “correctable error”.**

The most swiftly verifiable – and particularized by my below included link to [my March 21, 2018 e-mail](#) – is the “error” in your article "[New York Lawmakers Blow Budget Deadline...](#)" (4/1/22, print) that there is a “constitutionally mandated” “April 1 deadline” for the state budget – an error of magnitude requiring that the correction be “published in print” – and not merely as an item of “correction”, but by an article educating readers as to what the New York State Constitution says about how the state budget is to be fashioned and enacted.

Less swiftly verifiable is the “error” in your today’s printed article “[New York Judge Dies by Suicide...](#)” that the Commission on Judicial Conduct is “an independent agency that investigates allegations of misconduct involving New York’s judges”. That is what the Commission is supposed to be and do – but which it neither is nor does. Verification of this is also readily accomplished – and from the mountain of open-and-shut, primary-source documentary evidence, posted on CJA’s website, on the menu webpage for the Commission, [here](#).

This “error”, too, requires more than “in print” correction – an investigative expose is called for. Has the Times ever done an investigative examination of the functioning of the Commission on Judicial Conduct since it was constitutionally-established by the voters in 1978 or in its three-year statutory life before that? I do not believe so – and certainly not during the past 30 years when, repeatedly, again and again – and based on EVIDENCE – I have beseeched such investigation by the Times. This includes in [2001](#) and

[2002](#) to Jesse McKinley's brother, James McKinley, Jr., when he was not only stationed in the [Times](#) Albany Bureau at the Capitol, but was its Bureau Chief, and in [2011](#), to then [Times](#) reporter William Glaberson, a lawyer, covering a legal beat for the [Times](#).

Feel free to call me with questions. I am available to assist you with accurate reporting.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Thursday, April 7, 2022 10:36 AM

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**Subject: CORRECTIVE JOURNALISM REQUIRED: "New York Judge Dies by Suicide..." & your ongoing articles on the NYS budget, concealing its unconstitutionality, unlawfulness, fraud, & larceny**

**TO: THE NEW YORK TIMES**

The reasonable inference from your today's print article "*New York Judge Dies by Suicide After Facing Scrutiny Amid Federal Prosecution of Former Client*", reprising your April 5, 2022 posted article "[New York Judge Dies by Suicide After Authorities Search His Home](#)" (Ed Shanahan, Jesse McKinley), is that three separate authorities, the U.S. Attorney, the New York State Attorney General, and the State Commission on Judicial Conduct, are at the ready to protect the public from wrongdoing judges. This is false, as these authorities rarely go after judges – and essentially do so only when their misconduct is comparatively innocuous, does not implicate other and higher judges, or when it comes to light in a probe of criminal conduct by non-judges and is relevant thereto.

Indeed, the EVIDENCE establishing the corruption of ALL three of these "public protection" entities – and their collusion in the fraudulent, *without-basis-in-fact-and-law* judicial decisions that have perpetuated a wholly "OFF THE CONSTITUTIONAL RAILS" New York State budget, rife with constitutional, statutory, and legislative rule violations and outrightly stealing massive amounts of taxpayer monies, was furnished by my January 25, 2022 oral testimony before the Legislature at its "public protection" budget hearing, to which I alerted you by [my March 11<sup>th</sup> e-mail](#), [my March 15<sup>th</sup> e-mail](#), and then again by my below March 27, 2022 e-mail. Did you examine my fully-documented complaints to the Commission on Judicial Conduct and Attorney General pertaining to the state budget, aggregated in support of that testimony, [here](#). And when you describe the Commission on Judicial

Conduct as “an independent agency that investigates allegations of misconduct involving New York’s judges” is this **after** having examined my [February 7, 2021 judicial misconduct complaint](#), filed with the Commission and, based thereon, [my November 24, 2021 complaint against the Commission](#), filed with JCOPE – the importance of which my March 27<sup>th</sup> e-mail to you highlighted by its transmitted March 25<sup>th</sup> e-mail to the legislators.

Did you ask ANY of New York’s 213 state legislators for their findings with respect to my January 25<sup>th</sup> testimony – the subject of my March 27<sup>th</sup> e-mail to you? If not, why not – and was there anything about my January 25<sup>th</sup> testimony and March 27<sup>th</sup> e-mail, whose accuracy you deny or dispute? Where are your OWN findings with respect to same?

Suffice to add that even superficial examination of the New York State Constitution by any of the FOUR reporters responsible for your March 31, 2022 article "[New York Is About to Blow its Budget Deadline. Here's Why](#)" – Ferre-Sadurni, McKinley, Ashford, and Rubinstein – would have revealed the falsity of its assertion that there is a “constitutionally mandated” “April 1 deadline” for the state budget – and Mr. McKinley may be presumed to know this as I previously educated him on the subject, as, for example, by [my March 21, 2018 e-mail](#) and then again by [my March 29, 2018 e-mail](#), bearing the subject title: “CORRUPTION ALERT: Does Albany ‘Outsider’ Cynthia Nixon think the ‘three/four men in a room’ budget deal-making, happening now & behind-closed-doors, is constitutional? How about The New York Times?”

Finally, if you are NOT going to respond to this and my below March 27, 2022 e-mail – and NOT going to correct your knowingly false and misleading reporting pertaining to the state budget and “public protection” entities – please forward this to the Times’ legal department so that it can instruct you that the First Amendment affords NO DEFENSE to the flagrant “fake news”/journalistic fraud and election-rigging for corrupt incumbent public officers that you have been committing.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
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**Subject: NYS BUDGET: Challenge to the constitutionality & lawfulness of the FY2022-23 NYS budget, the fraud of "ethics reform" -- & the 2022 elections**

**TO: THE NEW YORK TIMES**

MISSING from reporting and editorializing about the policy-laden FY2022-23 NYS budget, now being negotiated, as a package deal, behind-closed-doors, by Governor Hochul, Temporary Senate President Stewart-Cousins, and Assembly Speaker Heastie, is that ALL this violates express requirements of the NYS Constitution (Article VII, §§2-7, Article III, §10), statutes, and the Legislature's *own* rules – which mandate an open, transparent budget process: a budget from the Governor based on numbers, with policy only as relates to taxes and revenues – followed, after hearings, by Senate and Assembly emendations of the Governor's budget bills by reductions and eliminations of appropriations, with the two houses then reconciling their differing so-amended bills so that each reconciled bill becomes "law immediately without further action by the governor", as a rolling budget – the only exception being the Legislative/Judiciary budget bill (Article VII, §4).

Below is my March 25, 2022 e-mail about the unconstitutionality, unlawfulness, fraud, and larceny of the FY2022-23 budget, addressed to the 25 legislators present for my testimony at the January 25, 2022 "public protection" budget hearing – most of whom are also members of the 15-member "Public Protection/Criminal Justice/Judiciary" Budget Conference Subcommittee and some of whom are also among the Legislature's 15 stipend-receiving "leaders" and among the 14 members of the General Budget Conference Committee.

The cc's to the e-mail bring the total number of legislative recipients to 41 – including those highest in power and in the stipends they receive: Temporary Senate President Stewart-Cousins, Assembly Speaker Heastie, Senate Minority Leader Ortt, Assembly Minority Leader Barclay. The e-mail's direct recipients include the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee – Krueger, O'Mara, Weinstein, and Ra, each present for my January 25, 2022 testimony – and requested by my e-mail to furnish my testimony and such findings of fact and conclusions of law as were made with respect thereto to ALL 213 legislators for discussion, IMMEDIATELY, at the Legislature's majority and minority party conferences, which they hold, behind-closed-doors, in violation of Article III, §10.

Starting with these 41 legislators – most, if not all, of whom are running for re-election or higher office – will you ask them the straight-forward question my e-mail asks "What findings of fact & conclusions of law did you make regarding my testimony at the Jan 25, 2022 'public protection' budget hearing?" Do you not agree that this is what the public MOST needs to know about what is happening now, with the budget, with "ethics reform" – and about the fitness of these legislators for public service?

As always, I am available to assist you, to the max, so that the People of the State of New York – and its voters – can know how they have been betrayed by their public officers, including by their statutorily-violative, fraudulent, and unconstitutional pay raises, whose cost to taxpayers, since April 1, 2012, is approaching three quarters of a billion dollars.

I invite you to call me, with any questions – and have created, for your convenience, an EVIDENTIARY webpage for my below e-mail, [here](#).

Thank you.

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, March 25, 2022 5:05 PM  
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**Subject: NYS BUDGET: What findings of fact & conclusions of law did you make regarding my testimony at the Jan 25, 2022 "public protection" budget hearing?**

**TO: The 25 Legislators present for my testimony at the Legislature's January 25, 2022 "Public Protection" Budget Hearing**

Senate Finance Committee Chair Krueger  
Senate Finance Committee Ranking Member O'Mara  
Assembly Ways and Means Committee Chair Weinstein  
Assembly Ways and Means Committee Ranking Member Ra

Senate Committee on Budget and Revenues Chair Gounardes  
Senate Judiciary Committee Chair Hoylman  
Assembly Judiciary Committee Chair Lavine  
Senate Codes Committee Chair Bailey  
Assembly Codes Committee Chair Dinowitz  
Assembly Codes Committee Ranking Member Morinello  
Senate Crime Victims, Crime and Correction Chair Salazar  
Senate Consumer Protection Chair Thomas  
Senator Finance Committee Members Gallivan and Serino  
Assembly Governmental Operations Committee Chair Zebrowski  
Assembly Governmental Operations Committee Ranking Member Lawler  
Assembly Correction Committee Chair Weprin  
Assistant Assembly Majority Leader Hyndman  
Assistant Assembly Minority Leader Palmesano  
Assembly Members Burdick, Abinanti, Walczyk, Epstein, Tannousis, & Reilly

You were each present for my three-minute oral testimony, which I read, at [the Legislature's January 25, 2022 "public protection" budget hearing](#) (& [here](#)) – and which followed my more particularized written testimony, submitted, as required, by January 22<sup>nd</sup>. None of you questioned me about my testimony – and I was, perhaps, the only witness to testify who was not asked a single question. Nor did I hear from you or any other legislators or staff in the two months since.

Ten of you, additionally, are among the 15 members of the Budget Conference Subcommittee on “Public Protection/Criminal Justice/Judiciary”, whose co-chairs are Senator Bailey and Assemblyman Dinowitz – and whose other five members include Senate Committee on Ethics and Internal Governance Chair Biaggi and Ranking Member Palumbo.

What were your findings of fact and conclusions of law with respect to my testimony, reiterating what I have demonstrated to you, for years, including by two citizen-taxpayer actions and by a mountain of criminal and ethics complaints, namely, that the state budget is “OFF THE CONSTITUTIONAL RAILS” and rife with constitutional, statutory, and legislative rule violations in its grand larceny of vast amounts of taxpayer monies which you obscure by frauds and by inserting non-revenue policy into the budget, which is not only unconstitutional, but distracts attention from the numbers.

Over all these years, you have never denied or disputed the accuracy of what I have presented – and yet you continue to flagrantly violate unambiguous, black-letter law and your duties. This includes with respect to the three “false-instrument” commission/committee reports by which you have stolen, and procured through the budget, statutorily-violative, fraudulent, and unconstitutional pay raises, initially for judges and district attorneys, and then for yourselves, the governor, the lieutenant governor, the attorney general, the comptroller, and executive branch commissioners – the cost of which, since April 1, 2012, is **now approaching three quarters of a billion dollars**. This and your other crimes against the People you have gotten away with because you have refused to oversee and rectify the corruption of the Judiciary, the attorney general, and all ethics and criminal authorities.

As I believe that neither the Senate Finance Committee, nor the Assembly Ways and Means Committee, nor the Senate Committee on Budget and Revenues discussed Governor Hochul’s purported FY2022-23 budget bills at committee meetings – nor any other Senate or Assembly Committees – I assume you discussed my testimony about the fraudulent introduction of the Governor’s “Article VII” legislation as

budget bills at the Senate and Assembly majority and minority conferences, which, in violation of Article III, §10 of the New York State Constitution, you hold behind closed doors. If not, I request that you do so, IMMEDIATELY. My testimony is above-attached and linked [here](#) and [here](#). The EVIDENCE substantiating it is posted on CJA's webpage for the January 25<sup>th</sup> "public protection" budget hearing, [here](#) – and on CJA's companion webpage for pertinent FY2023-24 budget documents and proceedings, [here](#).

For purposes of that discussion, I am cc'ing, in addition to the other five members of the "Public Protection/Criminal Justice/Judiciary" Budget Conference Subcommittee, the nine stipend-receiving legislative "leaders" who were not at the January 25<sup>th</sup> hearing – most importantly, Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, who, *inter alia*:

- (1) orchestrated meetings of the 70-plus Senate and Assembly committees having NO agenda of discussion and vote on the FY2022-23 budget bills, such as amendments thereto;
- (2) failed to establish a budget conference committee or subcommittees to reconcile the different Senate and Assembly versions of the budget bills, as amended and voted-upon by their members, so that the amended bills could become "law immediately without further action by the governor", consistent with New York's constitutional scheme of a rolling budget, enacted budget bill, by budget bill (Article VII, §4);
- (3) failed to promulgate the schedule required by Legislative Law §53, entitled "Budget review process", and Legislative Law §54-a, entitled "Scheduling of legislative consideration of budget bills", reinforced by §1 of Senate-Assembly Joint Rule III of its Permanent Rules, requiring, within 10 days after the governor's submission of her budget, that they promulgate, either jointly or separately, "a schedule for the specific budget-related actions of each house" – failing even to do so after my [February 16, 2022 FOIL request](#);
- (4) in violation of all legitimate legislative process, allowed eight of Governor Hochul's so-called budget bills, excepting her [Legislative/Judiciary Budget Bill #S.9001/A.8001](#) and [Debt Services Budget Bill #S.9002/A.8002](#), to be "amended" by staff – *to wit*, by Assembly staff on Saturday, March 12<sup>th</sup> and by Senate staff on Sunday, March 13<sup>th</sup> – and in ways proscribed by Article VII, §4;
- (5) concealed the Legislature's constitutional, statutory, and legislative rule violations pertaining to the FY2022-23 budget by fraudulent and deceitful one-house budget resolutions, publicly released on Sunday, March 13<sup>th</sup> – for vote, the next day, by legislators – each resolution embodying its own set of the fraudulently "amended" eight budget bills, plus, unamended, the Governor's Legislative/Judiciary Budget Bill #S.9001/A.8001, retaining all the larcenies to which I alerted you by my testimony, and the unamended Debt Service Bill #S.9002/A.8002;

- (6) convened a 14-member General Budget Conference Committee on March 14<sup>th</sup>, immediately following party-line passage of the one-house budget resolutions – not reconvened since because it is sham “window-dressing”;
- (7) announced the appointment of ten budget conference subcommittees on March 15<sup>th</sup>, with meetings that day – the “Public Protection/Criminal Justice/Judiciary” Budget Conference Subcommittee among them – none of which have reconvened since, because they are sham “window-dressing”;
- (8) are now engaged in behind-closed-doors, “three person in a room”, budget deal-making with Governor Hochul – the flagrant unconstitutionality of which is proven by the [ninth cause of action of CJA’s second citizen-taxpayer action](#) and the record thereon. Such record, summarized by my [analysis of the Appellate Division, Third Department’s fraudulent December 27, 2018 “memorandum and order” \(at pp. 27-28\)](#), was furnished to the New York Court of Appeals by my [March 26, 2019 letter in support of plaintiffs’ appeal of right](#) – and its accuracy as to that ninth cause of action and everything else is [uncontested](#).

Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie are, of course, the co-chairs of the General Budget Conference Committee – and its members are herewith cc’d or direct recipients. These include, in addition to stipend-receiving Senate Minority Leader Ortt and Assembly Minority Leader Barclay, Legislative Ethics Commission (LEC) member Lanza, who is also a member of the Senate Committee on Ethics and Internal Governance.

Suffice to highlight that at the single March 15<sup>th</sup> session of the “Public Protection/Criminal Justice/Judiciary” Budget Conference Subcommittee, it appeared that no amendments are being contemplated to Governor Hochul’s Legislative/Judiciary Budget Bill #S.9001/A.8001 – or, at least, none to the Judiciary portion – and that already approved is \$7,189,000 for the Commission on Judicial Conduct, appropriated by [Governor Hochul’s State Operations Budget Bill #S.9000/A.8000 \(at p. 431\)](#) and left unchanged by the [Senate’s “amended” Budget Bill #S.9000-B \(at p. 496\)](#) and the [Assembly’s “amended” Budget Bill #A.8000-B \(at p. 495\)](#). The 20-minute meeting concluded with Chair Bailey commending “the incredible staff of the New York State Senate”, followed by Chair Dinowitz commending the “really, really incredible staff of the New York State Assembly” and stating “I look forward to us seeing you at the next meeting, whenever that is”.

All 213 legislators are responsible for the state budget – and, mercifully, this an election year and yet another opportunity for you to be held accountable to the voters.

Please confirm that my EVIDENCE-substantiated January 22, 2022 and January 25, 2022 written testimony has been furnished to ALL legislators – and that you are also furnishing them with the findings of fact and conclusions of law that you or the “incredible staff” of the New York State Senate and Assembly have made with respect thereto and, specifically:



- as to my [March 18, 2020 letter](#) – identified and linked by both my January 22, 2022 testimony (at p. 3) and my January 25, 2022 written testimony (fn. 1) – and whose sole enclosure is my August 21, 2013 letter as to how a bill becomes a law in a properly-functioning legislature;
- as to **the corruption of the Commission on Judicial Conduct, as established by its handling of my series of judicial misconduct complaints pertaining to CJA’s second citizen-taxpayer action, the budget, and the “false instrument” judicial pay raises** – most importantly, [my February 7, 2021 judicial misconduct complaint to the Commission](#) – and, based thereon, [my November 24, 2021 complaint to JCOPE against the Commission and its Administrator/Counsel Tembeckjian](#) – to which my January 22 and January 25, 2022 testimony alerted you, including by a substantiating [inventory of my complaints to New York’s “public protection” entities pertaining to the state budget – and the pay raises](#), so that you could readily access all records for verification purposes.

Thank you.

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[elena@judgewatch.org](mailto:elena@judgewatch.org)

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Wednesday, January 26, 2022 8:16 AM  
**To:** 'Finance Chair' <[financechair@nysenate.gov](mailto:financechair@nysenate.gov)>; 'wamchair@nyassembly.gov.' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>  
**Cc:** 'maddalla@nysenate.gov' <[maddalla@nysenate.gov](mailto:maddalla@nysenate.gov)>; 'greenste@nysenate.gov' <[greenste@nysenate.gov](mailto:greenste@nysenate.gov)>

**Subject: Jan. 25, 2022 Public Protection Budget Hearing -- (Superseding) Written ORAL 3-minute TESTIMONY, as read -- FOR POSTING & THE RECORD**

**TO: Senate Finance Committee/Assembly Ways and Means Committee**

Attached is my oral (written) testimony, as read by me shortly before 10 pm at yesterday’s “public protection” budget hearing – superseding what I sent you, prior to testifying, by my below e-mails.

I note that at the conclusion of yesterday’s hearing Senate Finance Chair Krueger announced that testimony might yet be submitted – in other words, overriding the written requirement that it be submitted before 5 pm of the hearing date. It was because of that requirement that I had sent you my (written) oral testimony *before* I testified, which was not until five hours later.

Thank you – and apologies for any inconvenience.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, January 25, 2022 6:36 PM  
**To:** 'Finance Chair' <[financechair@nysenate.gov](mailto:financechair@nysenate.gov)>; 'wamchair@nyassembly.gov.' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>  
**Cc:** 'maddalla@nysenate.gov' <[maddalla@nysenate.gov](mailto:maddalla@nysenate.gov)>; 'greenste@nysenate.gov' <[greenste@nysenate.gov](mailto:greenste@nysenate.gov)>

**Subject: SUPERSEDING -- Jan. 25, 2022 written 3-minute oral testimony -- FOR POSTING & THE RECORD: Public Protection Budget Hearing**

**TO: Senate Finance Committee/Assembly Ways and Means Committee**

This follows up my below e-mail, sent at 4:54 pm,

In view of the non-fiscal, even non-budget, policy questioning of the legislators at this “public protection” budget hearing, I have accordingly modified my written 3-minute oral testimony that I will be reading, as the last witness. Please post & include with the record, as likewise my above-attached corrected January 22<sup>nd</sup> written testimony that I had sent with the below, which I ask that you replace with what is posted.

Thank you.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, January 25, 2022 4:54 PM  
**To:** 'Finance Chair' <[financechair@nysenate.gov](mailto:financechair@nysenate.gov)>; 'wamchair@nyassembly.gov.' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>

**Subject: FOR POSTING & THE RECORD: Public Protection Budget Hearing -- (1) written Jan 25, 2022 oral testimony; (2) corrected/superseding Jan. 22, 2022 written testimony**

**TO: Senate Finance Committee/Assembly Ways and Means Committee**

Attached, [as required BEFORE 5 pm of this day's "public protection" budget hearing](#), is my 3-minute written/oral testimony. Please make part of the record – and post.

Additionally, please replace the January 22, 2022 written testimony that you have posted: <https://www.nysenate.gov/calendar/public-hearings/january-25-2022/joint-legislative-public-hearing-2022-executive-budget-0>, with the above attached, correcting typos and making minor non-substantive adjustments.

Thank you.

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