March 18, 2013

TO: All Senate & Assembly Members

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

RE: **The People's Right to Know the Dollar Cost of the Judiciary Budget & of the Appropriations Bill for the Judiciary**

This follows up my March 15th e-mail to all members of the Senate and Assembly, whose subject line asked three questions: "Is the Judiciary Budget a 'Slush Fund'? What is its Dollar Cost – and that of the Appropriations Bill?"

Time is of the essence. Senate and Assembly leaders have announced their intention to have the Senate and Assembly vote on appropriations bills and a budget deal with the Governor by Thursday, March 21st. This means the bills must be on your desk today or tomorrow, absent the leaders' circumventing Article III, §14 of New York's Constitution by a "message of necessity" from the Governor. Yet, notwithstanding I sent out my e-mail before 9:00 a.m. on Friday, March 15th, I have received no answer to its subject line questions from any Senate or Assembly member, as of this hour and date, 9:00 a.m., Monday, March 18th.

I, therefore, reiterate those questions, on behalf of the People of the State of New York, whose tax dollars you will be spending. For your convenience, the substantiating body of the March 15th e-mail is set forth below:

"ALERT: Is the Judiciary Budget a 'Slush Fund'?

TO: All Senate & Assembly Members

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

What is the precise dollar cost of the Judiciary budget being approved by you?

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* **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

According to the Senate's 'White Book' of its Finance Committee's Majority Coalition (at p. 75), the total is $2,662,000,000. According to the Senate's 'Blue Book' of its Finance Committee's Democratic Minority (at p. 232), it is $2,660,128,900. The difference is $1,871,000 between them.

What about the Assembly? The 'Yellow Book' of its Ways and Means Committee (at p. 73-1), controlled by Majority Democrats, gives a far different total: $1,973,235,869. The 'Green Book' of the Ways and Means Minority Republicans gives no figure at all.

Who's right? Chief Administrative Judge Gail Prudenti, testifying in support of the Judiciary's budget at the February 6th joint budget hearing on 'public protection' wasn't asked – and didn't say. She gave no dollar amount for the Judiciary's budget – and, tellingly, its total cost was not set forth in the Judiciary's budget documents, whose two parts add up to $2,630,896,476. Nor was a total cost identified by the 'single budget bill' that the Judiciary passed on to the Governor – and which the Governor passed on to you with the 'Commentary' that it was '$2.6 billion' – a rounded figure that can conceal many tens of millions of dollars. As for the budget resolutions you passed on March 11th, the Senate resolution 'concurs with the Executive recommendation of $1.75 billion.'

Is the Judiciary budget a 'slush fund'? That's what I have called it in a March 11th letter sent to all members of the General Conference Committee and its Joint Budget Subcommittee on 'Public Protection', Criminal Justice, and the Judiciary. The letter suggests (at p. 10) that the untallied total cost of the Judiciary appropriations bill might be $2,683,991,476 or more and summarizes and expands upon my testimony at the February 6th budget hearing, calling upon you to reject the Judiciary budget as unconstitutional for lack of appropriate itemization, including its omission of the dollar cost of the judicial salary increase it contains, also nowhere identified in the appropriations bill.

All Senate and Assembly Members are indicated recipients of the March 11th letter, expressly so 'they might be held accountable for their votes' (at p. 13). The letter, the video of the February 6th hearing with my 10-minute testimony, and the documentary proof substantiating both the letter and my testimony are posted on CJA's website, www.judgewatch.org, on a webpage entitled 'Securing Legislative Oversight & Override of…the judicial pay raises…', accessible via the top panel 'Latest News'.
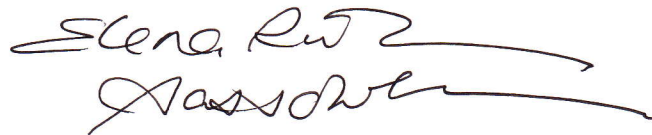
To facilitate your review – so that you may discharge your duty to your constituents and the People of the State of New York to reject the Judiciary budget and appropriations bill or, at very least, the judicial salary increase, demonstrated to be fraudulent, statutorily-violative, and unconstitutional – here's the direct link:

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

Thank you." (bold & underlining in the original).

Come election time, how will you face your constituents if you are unable to answer the questions here presented? And how will you explain voting for a Judiciary appropriations bill with unidentified judicial pay raises, whose fraudulence and statutory and constitutional violations were demonstrated by documentary proof in the possession of Senate and Assembly leadership and the fiscal committees of both houses, of which you had knowledge?

Lest you be complicit with them in what is "grand larceny of the public fisc, involving tens of millions of dollars this year alone" – so-described by my March 11th letter (at p. 3, underlining in the original) – you must rise up now, on behalf of your constituents and the People of the State of New York, in demanding that Senate and Assembly leaders and the fiscal committees respond to the particulars of that letter.

Elena Ruth
Sassower

cc: Governor Andrew M. Cuomo
       Budget Director Robert L. Megna
       The Public & The Press