

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 23, 2020 9:32 AM
To: 'chair2@gpny.org'; 'lebowski42@gmail.com'
Cc: 'chair@gpny.org'; 'gmattera@gmail.com'; 'secretary@gpny.org'; 'progclav@gmail.com'; 'treasurer@gpny.org'; 'adrienne@gpny.org'; 'michael@gpny.org'; 'michael@counterpoint.org'; 'dunleamark@aol.com'; 'sussman1@frontiernet.net'; 'BarbaraforAD101@protonmail.com'; 'bask999@yahoo.com'
Subject: GOOD NEWS FOR NY's THIRD PARTIES: You can EASILY challenge -- & win -- a lawsuit throwing out Part ZZZ of Budget Bill #S.7508-B/A.9508-B as UNCONSTITUTIONAL
Attachments: 3-18-20-ltr-to-gov-revised-fn1.pdf; 1st-lawsuit-16th-cause-of-action-3-men-in-a-room.pdf; 2nd-lawsuit-9th-cause-of-action-3-men-in-a-room.pdf

TO: New York State Green Party Co-Chair Peter LaVenja –

This follows up the voice mail message I left for you yesterday (518-495-8001), shortly after 4 p.m., regarding my below April 20th e-mail of “GOOD NEWS...”, to which I had received no response from you, from Co-Chair Gloria Mattera, or from the Green Party’s secretary and its treasurer. To all four I had sent the e-mail, using the generic e-mail addresses for Green Party officers featured on the Green Party’s website: http://www.gpny.org/officers_and_committees. For this reason, I had called Ms. Mattera (917-886-4538), moments earlier. Her response to me, upon picking up the phone, was to say that she was a health care worker and could not speak. Upon thanking her for being a health care worker and asking when she would be able to call me back, she stated she didn’t know when. I, therefore, replied that I would call you – which I immediately did.

Did you receive, and have you read, my below e-mail and its above three attachments? Do you have no questions? Wouldn’t you like to discuss it with me?

Do I assume, correctly, that Mark Dunlea, Esq. will be the Green Party’s attorney in a lawsuit challenging the heightened ballot access requirements of Part ZZZ that will knock the Green Party off the ballot? Will Michael Sussman, Esq. also be involved, for the Green Party? Because I believed this likely – or, certainly, that you would look to both Mr. Dunlea and Mr. Sussman for advice – I also sent the April 20th e-mail to them. Have you discussed it with them, as yet?

Also, it appears from the Green Party’s webpage for its 2020 candidates: http://www.gpny.org/2020_candidates that the Green Party has candidates for only six of New York’s 213 legislative seats. Is that correct? Each of these six candidates can WIN, easily – if they use the bully-pulpits of their candidacies to “whistle-blow” about what Democratic and Republican legislative incumbents have been unconstitutionally and corruptly doing, chronicled with open-and-shut, *prima facie* evidence, by CJA’s webpage for the 2020 Legislative Session: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-session-menu.htm>. Indeed, by their “whistle-blowing”, Green Party candidates can force their Democratic and/or Republican rivals to themselves “whistle-blow” or be defeated by the Green Party “whistle-blowers”. Indeed, “whistle-blowing” by just one candidate, in just one electoral districts, will up-end the state legislative races in ALL 213 electoral districts – and the races for county district attorneys – and for congressional seats, where the candidate is an incumbent state senator or assembly member.

Will you furnish me with phone numbers and e-mail addresses for the Green Party’s state legislative candidates and/or their campaigns? Only Barbara Kidney, running for the 101st assembly seat, has such information accessible: <https://hudsonvalleygreenparty.blogspot.com/2020/04/barbara-for-ad101-campaign.html> – and I left a voice mail message for her volunteer, Andrew (845-699-3051), shortly before calling Ms. Mattera.

Immediately after leaving my voice message for you, I called the Green Party's only listed staffer, Michael O'Neil, (917-825-3562) – leaving a voice mail message for him, as well

I look forward to speaking with you, at your earliest convenience. When might that be?

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: GOOD NEWS FOR NY's THIRD PARTIES: You can EASILY challenge -- & win -- a lawsuit throwing out Part ZZZ of Budget Bill #S.7508-B/A.9508-B as UNCONSTITUTIONAL

TO: NEW YORK'S THIRD PARTIES WITH BALLOT LINES

Serve America Movement Party
Working Families Party
Conservative Party
Green Party
Libertarian Party
Independence Party

As you know, the “force of law” recommendations of the Public Campaign Financing and Election Commission – which the Conservative and Working Families Parties succeeded in striking down in their two coordinated state court lawsuits – are now, nonetheless, “the law”, enacted by Part ZZZ of Budget Bill #S.7508-B/A.9508-B.

§10 of Part ZZZ imposes a significantly higher hurdle for parties to maintain their ballot lines – threatening the viability of each of you, except for the Conservative Party, which can seemingly meet its more rigorous qualification requirements. Yet because Part ZZZ contains a non-severability clause (§11), tying all sections together as an indivisible package, the Conservative Party would presumably join, if not lead, a lawsuit challenging Part ZZZ, so as to knock out its public campaign financing provisions, as it rightfully should.

THE GOOD NEWS, which is the purpose of this e-mail, is to advise you that it is a slam-dunk for you to bring and win a lawsuit throwing out Part ZZZ as unconstitutional, as the Center for Judicial Accountability, Inc. (CJA) can provide you with the dispositive law and legal argument you need, based on the New York State Constitution. This includes:

(1) that Part ZZZ is policy legislation that could not be constitutionally included in Governor Cuomo's executive budget – over and beyond its violation of Article VII, §6 because it pertains to no appropriation in the FY2020-21 budget and is not limited thereto;

(2) that Governor Cuomo's so-called "Article VII" Budget Bill #S.7508-A/A.9508-B, allegedly for "Transportation, Economic Development, and Environmental Conservation" – into which Part ZZZ was inserted -- was itself unconstitutional;

(3) that the Governor Cuomo's behind-closed-doors, "three-men-in-a-room" budget deal-making with Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, by which the Governor purported to "amend" his Article VII Bill #S.7508-A/A.9508-A, was unconstitutional;

(4) that the Legislature's "passage" of the "amended" Article VII Bill #S.7508-B/A.9508-B was unconstitutional and rife with statutory and legislative rule violations.

EVEN BETTER, the law and legal argument that CJA is able to provide is all embodied in open-and-shut, substantiating evidence – whose accuracy is uncontested. As illustrative, CJA's above-attached March 18, 2020 letter to Governor Cuomo, sent to him and Legislative Leaders by the below two e-mails. Entitled "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck Six of Your Seven 'Article VII Bills' Because They are Unconstitutional. Here's why...", it analyzes the Governor's "Article VII Bills" for FY2020-21 and does so in the context of the Court of Appeals' seminal 2004 decision in *Pataki v. Assembly/Silver v. Pataki*, 4 NY3d 75, providing what appears to be the FIRST scholarship deconstructing its plurality, concurring, and dissenting opinions. As for CJA's citizen-taxpayer actions suing Governor Cuomo and his "'Partners in Government' for unconstitutionality, unlawfulness, and fraud with respect to the budget" - - to which the letter refers (at p. 2) – attached are the two cited causes of action (fn. 3) pertaining to the unconstitutionality of "three-men-in-a-room", behind-closed-doors budget-deal-making, *as unwritten and as applied*.

CJA's website, www.judgewatch.org, posts the evidence, in full. For your convenience, it is accessible from a webpage I created for this e-mail entitled "AGAIN, HELPING THE THIRD PARTIES, this time in a successful lawsuit to strike down Part ZZZ of Budget Bill #S.7508-B/A.9508-B as unconstitutional". This is part of a series of CJA's webpages for the 2020 Legislative Session, accessible from our homepage's prominent center link: "LEGISLATIVE SESSIONS: Comparing NY's Legislature BEFORE & AFTER its Fraudulent Pay Raise". The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/third-parties-good-news.htm>.

I look forward to discussing the foregoing with you, to answering your questions, and to working collaboratively on winning strategies, of nominal cost, based on law and evidence, benefiting ALL the People of the State of New York.

Needless to say, in this important 2020 election year when ALL New York's 213 legislative seats are on the ballot, no third party should endorse or confer its valuable party line to legislative incumbents whose gross nonfeasance and misfeasance in the performance of official duties, beginning with the unconstitutionality of the FY2020-21 budget, gives rise to the lawsuit. Indeed, now, more than ever, the third parties have an opportunity to demonstrate their vital function by fielding candidates who will "blow the whistle" on the corruption of Democratic and Republican legislators, in collusion with each other. This "whistle-blowing" requires no "big bucks" or public campaign financing. It requires only that candidates honored by your party lines use the "bully-pulpits" they command by reason of their candidacies to alert voters to the self-dealing and posturing of the Democratic and Republican incumbents, as established by the evidence posted and accessible from CJA's webpages for the 2020 Legislative Session: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-session-menu.htm>. Suffice to say, there is nothing complex that the voters would not understand – and especially as to the larceny perpetrated by the Legislature's *own* budget and the legislators' *own* pay raises.

Thank you.

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From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Friday, March 20, 2020 4:00 PM
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Subject: Executive Budget ... CJA's March 18, 2020 letter to Gov. Cuomo: "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 'Article VII Bills' Because They are Unconstitutional. Here's why..."

MORE GOOD NEWS DURING THE CORONAVIRUS EMERGENCY –

CJA's March 18, 2020 letter to Governor Cuomo "...GOOD NEWS DURING THE CORONAVIRUS EMERGENCY", sent to you by the below March 18, 2020 e-mail, is now posted on CJA's website – on a webpage now reflecting the March 18, 2020 date. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm>. According to the U.S. priority mail delivery receipt (there posted), the letter was delivered to the Governor's office this morning.

The letter, with a revised footnote 1 updating the link for the webpage, is attached. Additionally attached is the letter's single enclosure – CJA's August 21, 2013 letter to the Governor on "Achieving...a Properly Functioning Legislature..."

Thank you.

Elena Sassower, Director
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Subject: ...Executive Budget...GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 "Article VII BILLS" Because They are Unconstitutional. Here's why....

TO: Governor Andrew Cuomo, Esq.

Budget Director Robert Mujica, Esq.

Legislative Bill Drafting Commission

15 Stipend-Benefitting Legislative Leaders

Senate Majority Leader Andrea Stewart-Cousins

Assembly Speaker Carl Heastie

Senate Minority Leader John Flanagan, Esq.

Assembly Minority Leader William Barclay, Esq.

Deputy Senate Majority Leader Michael Gianaris, Esq.

Deputy Senate Minority Leader Joseph Griffo

Assembly Majority Leader Crystal Peoples-Stokes

Assembly Speaker *Pro Tempore* Jeffrion Aubry

Assembly Minority Leader *Pro Tempore* Andrew Goodell, Esq.

Senate Finance Committee Chair Liz Krueger

Senate Finance Committee Ranking Member James Seward

Assembly Ways and Means Committee Chair Helene Weinstein, Esq.

Assembly Ways and Means Ranking Member Edward Ra, Esq.

Assembly Codes Committee Chair Joseph Lentol, Esq.
Assembly Codes Committee Ranking Member Angelo Morinello, Esq.

Attached is my above-entitled letter of today's date to Governor Cuomo, the original of which will be mailed to him. All others are indicated recipients, for the reasons stated in the last paragraph (at p. 13).

Due to a catastrophic computer breakdown, on this end, I am presently unable to post the letter on CJA's website, www.judgewatch.org and to update the site. The webpage for the letter – which had been prepared two days ago, before the breakdown – is here – reflecting the letter's then March 16, 2020 date: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-16-20-ltr-to-gov.htm>. From the webpage you can access the letter's referred to-documentary proof – and its sole enclosure: my August 21, 2013 letter to the Governor, entitled "Achieving BOTH a Properly Functioning Legislature & Your Public Trust Act (Program Bill #3) – the *Sine Qua Non* for 'Government Working' & 'Working for the People'", to which I received no response.

Thank you.

Elena Sassower, Director
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