

Center for Judicial Accountability

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Sent: Tuesday, April 30, 2013 12:39 PM
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Subject: Clarifying &/or Retracting Your Albany Times Union Editorial -- "An unfair pay impasse", 4/29/13

Clarifying &/or Retracting Your Albany Times Union Editorial -- "An unfair pay impasse", 4/29/13

TO: Albany Times Union Editorial Page Editor Jay Jochnowitz

Following up our brief phone conversation at 10 am this morning, kindly call me at any time convenient for you later today so that we can discuss the factual basis for your yesterday's editorial "*An unfair pay impasse*" –whose deficiencies I briefly discussed yesterday morning with your colleague, Tena Tyler, who, in addition to being on the editorial board, also serves as "reader representative". This, after Ms. Tyler told me that you would not be in. This was when I called to speak with you at about 11:30 a.m., which was roughly 3 hours after I had sent you an e-mail requesting a call about "Serious problems with & clarification necessary for 'An unfair pay impasse'".

Most importantly, what is the factual basis for the premise of your editorial that the Legislature has hostages the issue of salary raises for managerial and confidential state employees to salary raises of its own? Such is certainly not reflected by the "sponsor's memos" for A246 and S2953 establishing a special commission on compensation for managerial and confidential employees.

Indeed, beginning on April 20th, I sent your FOUR legislative reporters – Rick Carlin, Casey Seiler, James Odato, and Jimmy Vielkind – a succession of e-mails attaching an analysis of A246 and S2953 – including of the "sponsor's memos" -- contained in memoranda addressed to all the members of the Assembly Committee on Governmental Employees (April 20); all the members of the Assembly Ways and Means Committee (April 26); and all Senators (April 26). Were each of these four reporters unaware that you would be writing an editorial on the subject – and did they not believe that the information contained therein should inform your editorial?

Please be further advised that, consistent with the past practices of Albany Times-Union reporters of ignoring CJA's fact-based, evidence supported presentations, none of these four reporters saw fit to call me about the memoranda – including Rick Carlin who had written an April 16th article "*Raising the salary bar for some state workers*" and who, when I phoned him about it on April 17th, told me he couldn't speak with me and that I should send him "something in writing".

CJA's April 20th and April 26th memoranda – with their request for clarification and committee hearings on the "sponsor's memos" -- are posted on the "Latest News" page of our website, www.judgewatch.org. Here's the direct link, for your convenience: <http://www.judgewatch.org/web-pages/cja/latest-news.htm>.

Surely it was no coincidence that your editorial appeared on the very day that S.2953 was on the 3rd reading Senate floor calendar – ready for a vote --with A.246 poised to be on the agenda of the Assembly Ways and Means Committee for a vote. Yet, your editorial reveals none of this, instead stating, toward the end of the editorial, "Some suggest creating a new state pay commission that bypasses the Legislature, like the one the state created on judicial pay in 2011" – as if actual bills for a pay commission don't exist, but only "suggest[ions]" for same. That you then go on to state "That

shouldn't be necessary" would hardly register, for rushed legislators reading the editorial's title – and tailing off before the editorial's end – that they should vote against S.2953/A.246.

There is much else factually unfounded in the editorial – as, for instance, your calling the Legislature “part-time”, or your assertion that the judicial pay commission of 2011 was “created...when legislators finally recognized that holding up judges’ pay for more than a decade was harming the judiciary”, or your purporting that there might be a legitimate basis for contending that the Legislature is no longer “the most dysfunctional in the nation”. I look forward to discussing each of these with you, as well. Suffice to say that CJA’s website is a rich source of rebutting documentary proof. Most importantly, our October 27, 2011 Opposition Report to the Commission on Judicial Compensation’s August 29, 2011 Report; the March 30, 2012 verified complaint in *CJA v. Cuomo*, and our letters and memoranda to the Senate and Assembly pertaining to the judiciary budget and appropriations bill -- all furnished to your “cracker jack” reporters – Casey Seiler, Rick Carlin, James Odatto, and Jimmy Vielkind – without coverage from them.

Inasmuch as City & State’s “Power 100 List”, released last week, includes Casey Seiler as Times Union “state editor who directs the newspaper’s in-depth political coverage”, who “recently served as president of the Legislative Correspondents Association”, and Rex Smith, Times Union editor who “holds the reins of Albany’s dynamic hometown team of political reporters, including Casey Seiler, James Odatto, Rick Carlin, and Jimmy Vielkind” and “writes a highly regarded column on Saturdays that legislators read religiously”, I am furnishing a copy of this e-mail to City & State so that it can see the extraordinary deficit in reporting and editorializing about what goes on in Albany, illustrated by – but not exclusive to – the Times Union – as to which its small, shoe-string operation can make a powerful good-government difference.

Thank you.

Elena Sassower, Director
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