

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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January 14, 2014

TO: “The Appropriate Committees of the Legislature”:

Senate Finance Committee

Chair: Senator John DeFrancisco

Ranking Member: Senator Liz Krueger

Assembly Ways & Means Committee

Chair: Assemblyman Herman Farrell, Jr.

Ranking Member: Assemblyman Robert Oaks

Senate Judiciary Committee

Chair: Senator John J. Bonacic

Ranking Member: Senator Ruth Hassell-Thompson

Assembly Judiciary Committee

Chair: Assemblywoman Helene E. Weinstein

Ranking Member: Michael Montesano

Senate Committee on Investigations and Government Operations

Chair: Senator Carl Marcellino

Ranking Member: Senator Brad Hoylman

Assembly Committee on Governmental Operations

Chair: Assemblyman Steve Englebright

Ranking Member: Assemblywoman Janet L. Duprey

Assembly Committee on Oversight, Analysis, & Investigation

Chair: Assemblyman Andrew Hevesi

Ranking Member: Assemblyman Michael Montesano

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

RE: Vindicating the Public's Rights under Article VII, §1 of the NYS Constitution & Legislative Law §32-a:

- (1) request to testify at the Legislature's joint budget hearings in opposition to the proposed Judiciary & Legislative budgets;
- (2) request for information/records as to the process, if any, by which the Legislature's proposed budget was compiled.

The follows up the Center for Judicial Accountability's December 11th, December 30th, and January 7th letters as to the unconstitutionality and fraudulence of the proposed budgets of the Judiciary and Legislative branches for fiscal year 2014-2015, as to which, over the past many weeks, I have repeatedly telephoned your offices and sent e-mails to request meetings.¹

¹ These letters and e-mails are posted on our website, www.judgewatch.org, accessible via the homepage hyperlink "CJA Leads the Way to NYS Budget Reform...". The direct link is: <http://www.judgewatch.org/web-pages/searching-nys/budget-2014-2015/menu-budget-reform.htm>.

EX 7-1

In response to the Legislature’s January 10th announcement of its “Joint Budget Hearing Schedule”, I yesterday telephoned the offices of Senate Finance Committee Chairman DeFrancisco and Assembly Ways and Means Committee Chairman Farrell, requesting to testify in opposition to the proposed Judiciary and Legislative budgets.

Like the Legislature’s joint budget hearing schedules of untold previous years, this year’s schedule fails to specifically designate hearings for the proposed Judiciary and Legislative budgets. As the Judiciary and Legislature are separate government branches, whose budgeting is differentiated from the Executive branch by Article VII, §§1 and 4 of the New York State Constitution, hearings thereon should not be combined with hearing on the budgets of Executive branch departments, agencies and offices, as if they are the same.

Certainly, it makes no sense that the Legislature’s hearing on the proposed Judiciary budget is subsumed within the February 5, 2014 hearing on “Public Protection”, rather than the January 27, 2014 hearing on “Local Government Officials/General Government”. And if the Judiciary budget is classified as “Public Protection” – as the Legislature has done for untold years – shouldn’t the Legislature’s budget be “Public Protection”, as well? Do you not view the Legislature’s lawmaking and oversight functions as “Public Protection” equal to the “Public Protection” of a functioning Judiciary branch?

Of course, my request to testify in opposition to the Legislature’s proposed budget is premature. Based on CJA’s December 30th letter, Governor Cuomo may well conclude that he must exclude it from the state budget because it does not satisfy the conditions precedent “for inclusion in the budget without revision” under Article VII, §1, *to wit*, “itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house”.

That being said, it seems that my request to testify in opposition to the Legislature’s proposed budget may be the FIRST time the Senate Finance Committee and Assembly Ways and Means Committee have had to consider the category within which to place a hearing on the Legislative budget, pursuant to Legislative Law §32-a. Apparently, these two fiscal committees have allowed previous proposed Legislative budgets to slip through the Legislature without any hearings. This is all the more egregious as it now appears that the Legislature’s budgets are contrivances of the Temporary Senate President and Assembly Speaker to perpetuate their domineering and coercive powers, not the product of any process by which legislators and legislative committees are all contributing their “itemized estimates” of “financial needs”. Such would explain why this year – as in untold past years – the Temporary Senate President and Assembly Speaker have not certified the Legislature’s proposed budgets as “itemized estimates” of its “financial needs”, as Article VII, §1 expressly mandates.

So that my testimony in opposition to the Legislature’s proposed budget for fiscal year 2014-2015 may be informed by facts, not suppositions, I request that “the appropriate committees of the legislature” having primary jurisdiction over the Legislature’s proposed budget – the Senate Committee on Investigations and Government Operations and the Assembly Committee on Governmental Operations – identify the process by which the Legislature’s proposed budget for fiscal year 2014-2015 was compiled. If the Senate Finance Committee or Assembly Ways and

Means Committee – having more general jurisdiction – can answer that question, or if the question can be answered by the supervisory Assembly Committee on Oversight, Analysis, and Investigation, I request that they do so. Indeed, it should be obvious that the reason Article VII, §1 requires that the Judiciary’s “certified” “itemized estimates” of its “financial needs” be transmitted to “the appropriate committees of the legislature”, in addition to the Governor, but does not require that the Legislature’s “certified” “itemized estimates” of its “financial needs” be transmitted to “the appropriate committees of the legislature”, is because “the appropriate committees of the legislature” are presumed to have formulated the “itemized estimates” that the “presiding officer of each house” have “certified”.

Needless to say, absent your answer as to the process underlying the Legislature’s proposed budget for fiscal year 2014-2015, Temporary Senate President Skelos and Assembly Speaker Silver must be called upon to furnish it, publicly, at the Legislature’s joint budget hearings. In any event, they or their designated representatives should be expected to testify and answer questions about the Legislature’s proposed budget, just as the Chief Administrative Judge will be testifying and answering questions about the Judiciary’s proposed budget.

Pursuant to Senate Rule XV, “Freedom of Information”, and Assembly Rule VIII, “Public Access to Records”, I request all records delineating the process, if any, by which the proposed Legislative budget for fiscal year 2014-2015 was compiled. For such purpose, a copy of this letter is being furnished to the Secretary of the Senate and Assembly Public Information Office.

Thank you.

A handwritten signature in black ink, appearing to read "Stena R. W. [unclear]". The signature is written in a cursive, flowing style.

- cc: Secretary of the Senate
Assembly Public Information Office
Senate Leadership
Temporary Senate President Dean G. Skelos
Temporary Senate President Jeffrey D. Klein
Senate Minority Leader Andrea Stewart-Cousins
Assembly Leadership
Assembly Speaker Sheldon Silver
Minority Leader Brian M. Kolb
Governor Andrew M. Cuomo
Mylan Denerstein, Counsel to the Governor
Division of the Budget Director Robert L. Megna
Chief Judge Jonathan Lippman
Chief Administrative Judge A. Gail Prudenti
Commission to Investigate Public Corruption
Eric M. Galarneau, Bureau Chief/Public Integrity Unit of Albany Co. D.A. Soares
U.S. Attorney for the Northern District of New York Richard Hartunian
Senator George Latimer (37th Senate District)
Assemblyman David Buchwald (93rd Assembly District)
The Public & The Press