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Written Testimony in Lieu of Oral Testimony **by Center for Judicial Accountability Director Elena Sassower**

July 12, 2021 Public Hearing **“New York State’s System of Ethics Oversight and Enforcement”** **New York State Senate Committee on Ethics and Internal Governance**

This written testimony is necessitated by the e-mail sent to me at 10:18 p.m. on Friday, July 9, 2021, stating:

“...unfortunately due to time constraints we will not be able to accommodate your oral testimony. We are in receipt of your written support of testimony and would request that you send your written testimony if you would like it to be included in the official record. If so, please send your written testimony to reppy@nysenate.gov and jonesjj@nysenate.gov prior to the start of the hearing on Monday at 10am.

Although we are unable to accommodate you this time we are looking to have an another hearing in the fall.”

It is now 9:45 a.m., Monday July 12, 2021 and no witness list for the hearing has yet been posted on the Committee’s website. Nonetheless, to comply with the July 9th e-mail that I furnish “written testimony...prior to the start of the hearing...at 10am”, I herewith submit my accompanying “[July 9, 2021 Written Statement in Support of Testimony](#)” for inclusion “in the official record” of the hearing, together with the below further written testimony:

No honest committee purporting to examine “New York State’s system of ethics oversight and enforcement” could have failed to accord me FIVE MINUTES to testify at today’s hearing – and establishing this, beyond question, is my July 9, 2021 written statement and its substantiating [EVIDENTIARY webpage](#).

Indeed, it was presumably to prevent witnesses like myself from giving live testimony at today’s hearing that the Committee’s chair, Senator Biaggi, allowed this hearing to proceed on less than four days public notice, accompanied by outrageous, essentially-impossible requirements for witnesses seeking to testify, which I met.

So that “the official record” may contain the pertinent facts, they are, as follows:

On July 8th – sometime between 2 and 4 pm – an announcement was posted on the Senate’s website entitled “[Senate to Host Hearing on Ethics Oversight and Enforcement](#)”, stating that the Senate Ethics and Internal Governance Committee would be holding a hearing on July 12th, at 10 a.m., at which “registered speakers may participate” and furnishing an on-line link for “Individuals who would like to register to speak”.

The linked on-line registration webpage entitled “[New York State’s System of Ethics Oversight and Enforcement Witness Request](#)” stated:

“...If you wish to present oral testimony at this hearing, please completely fill out the form below and submit no later than 72 hours prior to the scheduled time of the hearing.

Upon review of the form submitted, the Legislative Committee will make a determination as to whether you will be scheduled to testify. While the Committee will endeavor to schedule as many persons to testify as is possible, representing a wide divergence of views, time constraints may not allow for all witnesses to testify.

If you are notified that you will be a witness, please submit your written testimony to both jonesjj@nysenate.gov and reppy@nysenate.gov, no later than 72 hours prior to the scheduled time of the hearing.

Failure to submit testimony electronically in a timely manner will result in a witness not being permitted to testify.

Witnesses will have 5 minutes in which to present their oral testimony. After this time, Legislators may ask the witnesses questions concerning either their oral testimony or their previously submitted written testimony.

Witnesses are strongly urged not to read their written testimony when testifying. Instead, the presentation of an oral summary of your written testimony, not exceeding 5 minutes, would be the best and most effective use of your time.

You can submit written testimony instead of testifying in person. Please send an electronic copy to jonesjj@nysenate.gov and reppy@nysenate.gov no later than the close of business on the day of the hearing.

Only one person will be allowed to testify from any organization.

Note: No substitutions of witnesses or submitted testimony will be permitted.

The Committee reserves the right to decline to allow presentation of any requested testimony if any of these rules are not complied with.

The Committee will use their best efforts to contact you as soon as possible if you have been chosen as a witness to testify in person. In the event the Committee has not responded to you at least 72 hours prior to the hearing, it is strongly recommended that you submit your written testimony to meet the above-required deadline.”

As you required both registration and written statements 72 hours in advance of the hearing – in other words approximately 18 hours from the posting of the announcement and registration – you were thereby burdening registrants with having to prepare and submit written statements even before you were informing them whether they would be permitted to testify based on their timely registrations.

One would assume that the first to register for five-minute time slots would have been the first to be slotted – and it is hard to imagine that my on-line registration, at approximately 5:30 p.m. on July 8th, was not among the first registrations you received – surely among those who did not enjoy the “inside track” And presumably my July 9th, 9:55 a.m. e-mail, transmitting my “Written Statement in Support of Testimony”, was unique as compared to such other written statements as you by then had received or that you would receive in the next five minutes – *if any* – thereby meeting your further criteria of a “wide divergence of views”.

Consequently, “time constraints” are unlikely to have been the real reason you were unable to “accommodate” my oral testimony. More likely is that – by contrast to the testimony of your approved witnesses – you had a conflict-of-interest with respect to my testimony, starting with the fraud it would reveal about the hearing itself, beginning with its lack of adequate notice, followed by the self-promotion of its [July 8th announcement](#):

“The hearing continues the Senate Majority’s efforts to fight corruption in state government.

...

Senate Majority Leader Andrea Stewart-Cousins said, “The Senate Majority has been steadfast in taking action on long-needed ethics reforms in New York State government. ... Engaging the public in this effort is crucial to earning the public’s trust in their government. ...I look forward to the input that we will receive as a result of the hearing and continuing our work to ensure state government is best serving the people it represents.”

Senator Alessandra Biaggi, Chair of the Senate Ethics and Internal Governance Committee, said, “It is long past time for New York State to end the cycle of corruption and abuse of power that continues to plague Albany. New Yorkers deserve a government they can trust and that works for them — not those in powerful

positions. Monday’s public ethics hearing is an opportunity to draw attention to the extensive flaws within our system of ethics and oversight, and identify effective solutions. I want to thank Majority Leader Stewart-Cousins for prioritizing this issue and for her continued commitment to bringing good governance and transparency to Albany.”

As Chair Biaggi well knows, nothing could be further from the truth. The Senate Majority, led by Senate Majority Leader Stewart Cousins, has wilfully and deliberately continued, exacerbated, and financially benefitted from the corruption that infests this state’s governance and the budget – and the particulars are recited, with EVIDENCE, by [CJA’s fully-documented March 5, 2021 conflict-of-interest complaint](#) against Senate Majority Leader Stewart-Cousins and the Legislature’s 212 other members, filed with the Joint Commission on Public Ethics (JCOPE) and the Legislative Ethics Commission (LEC) – which my July 9th written statement furnished by its accompanying [EVIDENTIARY webpage](#).

Indeed, Senator Biaggi, whose election in November 2018 transformed the long-standing Senate Minority Leader Stewart-Cousins into Senate Majority Leader Stewart-Cousins, is fully knowledgeable of the facts giving rise to CJA’s March 5, 2021 complaint to JCOPE and LEC – and not only because she received from me substantial *prior* correspondence, beginning in January 2019, as a member of the Senate Committee on Investigations and Government Operations, but from my *subsequent* correspondence to her, just last month, as a member of the Senate Judiciary Committee.

In substantiation of the foregoing, this written testimony is substantiated by its own [EVIDENTIARY webpage](#) – with links to:

- (a) a [REALITY-CHECK webpage for Senate Majority Leader Stewart-Cousins](#), posting a mountain of my correspondence to her since 2012, when she was the newly-elected Senate Minority Leader – and spanning to my testimony before her, at this year’s local forum on the state budget, sponsored by Westchester’s State Senate Delegation – of which Senator Biaggi is a member;
- (b) a [REALITY-CHECK webpage for Chair Biaggi](#), posting my correspondence to her, spanning from January 2019 to June 2021 – with the June 2021 correspondence establishing her collusion in the Senate Majority’s fraud and corruption of duties by its confirmation to the New York Court of Appeals of Nassau County District Attorney Madeline Singas and New York City Civil Court Administrative Judge Anthony Cannataro – concealed by her grand-standing, posturing opposition to the confirmation on June 8th at the Senate Judiciary Committee’s meeting, on the Senate floor, and by her press statements, such as posted on her [Senate website](#) about “tak[ing] the constitutional responsibility of voting to confirm judicial nominees incredibly seriously.”

As is EVIDENT from [the March 5, 2021 JCOPE/LEC complaint](#), the Senate Majority along with the Senate Minority, the Assembly Majority, and the Assembly Minority are ALL directly interested in perpetuating and protracting the [easily-remediable](#) corruption of JCOPE and LEC because the moment those bodies become properly-functioning, all 213 Senate and Assembly members would have to answer 15-day notices as to whether there is any explanation, other than HUGE financial and other interests, for their wilful and deliberate nonfeasance with respect to [the “false instrument” December 10, 2018 report pursuant to which they are each receiving statutorily-violative, fraudulent, and unconstitutional pay raises](#) and with respect to other demonstrated larcenies in the legislative budget, including for fiscal year 2021-2022. This they could not do without conceding their conflicts of interest underlying their flagrant violation of official duties, stealing taxpayer monies – and which a properly-functioning JCOPE and LEC would refer to criminal authorities for prosecution. That a grand jury would readily indict – and a trial jury just as readily convict – is obvious from the open-and-shut, *prima facie* EVIDENCE substantiating the March 5, 2021 complaint, starting with its [Exhibit A: CJA’s June 4, 2020 grand jury/public corruption complaint, filed with Albany County District Attorney Soares against all the legislators](#) – materially replicated in 61 other grand jury/public corruption complaints to New York’s 61 other district attorneys.

Does Chair Biaggi deny this? How about her six fellow members of the Senate Ethics and Internal Governance Committee, five of whom, like herself are lawyers. The substantiating webpage for this written testimony – <http://www.judgewatch.org/web-pages/searching-nys/2021-legislative-session/july-12-2021-written-testimony.htm> – also includes REALITY-CHECK webpages for each of them, establishing their knowledge of, and complicity in, the systemic governmental corruption that has taken place involving their pay raises, the legislative budget, and a legislature not remotely functioning on a constitutional level. This parallels what is established by the REALITY-CHECK webpages for Chair Biaggi and Senate Majority Leader Stewart-Cousins.

Will Chair Biaggi and her six fellow Committee members disclose their conflicts-of-interest with respect to the March 5, 2021 JCOPE/LEC complaint – and with respect to [the other 12 complaints I furnished in substantiation of my “July 9th Written Statement in Support of Testimony”](#). And, if not, will the Committee’s seven members nonetheless demonstrate that they can rise above their conflicts by doing their duty to make findings of fact and conclusions of law with respect to how each of these 14 complaints has been handled by the ethics entities to which they were filed: JCOPE, LEC, the Commission on Judicial Conduct, the Judiciary’s attorney grievance committees, the State Inspector General, and the Office of Court Administration’s Inspector General.

Suffice to say, [if Chair Biaggi truly wants, by this hearing, to “identify effective solutions” so as to “end the cycle of corruption and abuse of power that continues to plague Albany”](#), she should ask the witnesses testifying as to whether they would not agree that the easiest and fastest way to accomplish this is NOT through legislation – whose passage by 213 self-interested legislators is not going to happen, absent unrelenting and scathing media publicity and public shaming – but, [as highlighted by the concluding third page of my July 9th written statement](#), by removing the members and staff of JCOPE, LEC, and the other ethics entities whose conflict-driven, law-violating, corrupt conduct is established by the records of facially-meritorious, fully-documented complaints filed with them.

Why shouldn't Chair Biaggi – if not the Committee, as a whole – get the ball rolling by publicly calling upon these members and staff to step down, be fired, or be removed and by filing corruption complaints to help make that happen with New York's relevant criminal authorities: Albany D.A. Soares and Attorney General James.