

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 26, 2018 10:35 AM
To: 'felder@nysenate.gov'
Cc: 'rpowis@nysenate.gov'
Subject: "This definitive moment": Proposal for responding to Governor Cuomo's letter to you

To: New York State Senator Simcha Felder/17th Senate District

I am director and co-founder of a non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). Yesterday morning – about an hour before Governor Cuomo either sent you, or publicly released, his letter to you, urging you to caucus with the mainline Senate Democrats so as to give them a majority, I called your Albany office, for the express purpose of providing you with information useful to assessing this would-be Democratic Senate majority – and the Senate Republicans, with whom you have been caucusing.

In the absence of your Chief of Staff, Rodney Powis, who was unavailable, I spoke for about 15 minutes with your session assistant, Lela, and guided her to our website, www.judgewatch.org, so that she could see for herself the serious and substantial nature of what I was telling her, namely that the Democrats, despite their rhetoric, are not “clean”, but are 100% collusive with the Republicans in flagrant corruption involving the state budget, as well as legislative rules – and that the EVIDENCE is laid out by the pleadings in a devastating citizen-taxpayer action, suing the Senate and Assembly, and in criminal and ethics complaints that prosecutorial and disciplinary authorities have been “sitting on” since 2013. I further stated that the Democratic electoral win of Assemblywoman Shelley Mayer to fill Senator George Latimer's vacant seat had been “rigged” by the press, which concealed her complicity in what has been going on, just as it had “rigged” the Democratic win of Latimer to become Westchester County Executive, likewise concealing his complicity. I also stated that the Democratic attempt to ram through a “progressive agenda” flew in the face of what Senate Democratic Minority Leader Andrea Stewart-Cousins had learned as a member of the 2009 Temporary Senate Committee on Rules and Administration Reform – namely, that legitimate legislative process is ESSENTIAL to sound legislation – and that to achieve this it is necessary to reform Senate rules, which can be done at any time.

Hours later, I learned of, and read, the Governor's letter to you –which begins by identifying Shelley Mayer's victory in Tuesday's special election. In speaking glowingly of the Democrats and the “progressive” policy they are poised to enact upon your making them the Senate's majority party, the letter nowhere mentions corruption, let alone that Democratic Senate Minority Leader Stewart-Cousins and her fellow Senate Democratic leaders are “front-and-center” in engaging in, and perpetuating, corruption, in tandem with their Republican counterparts. Yet Governor Cuomo is fully aware of what has been going on – as he, along with his fellow Democrats, Attorney General Schneiderman and Comptroller DiNapoli, are defendants in the citizen-taxpayer action – and, like the legislators, the subject of the same criminal and ethics complaints. Indeed, none of the “ethics reforms” the Governor's letter specifies --“campaign finance reform, closing the LLC loophole and banning outside income” – all favorites of “progressives” -- will end the corruption pertaining to the budget and arising from legislative rules, particularized by the citizen-taxpayer action and complaints – corruption which the “progressives” are content to perpetuate as it is the means through which to obtain their “progressive” ends.

The reason for the Governor's urging you to return to the Democratic fold is his concern that, by your continuing to caucus with the Republicans, “no significant legislation currently has the chance of moving”. However, there is ANOTHER SOLUTION to that concern – as Senate Democratic Minority Leader Stewart-Cousins well knows. It is to amend the Senate's rules to divest the Senate majority leader of his ability to prevent legislation from “moving” and to activate and empower committees and rank-and-file legislators to assume their rightful role in the legislative process, consistent with what the 2009 Temporary Senate Committee on Rules and Administration Reform recognized in both its Democratic majority and Republican minority reports as essential to a functioning legislature and sound legislation. In

the likely event that you are not familiar with the 2009 Temporary Senate Committee – whose Republican members, still in the Senate, are John Bonacic, its co-chair, and Joseph Griffo – and whose Democratic members, still in the Senate, are David Valesky, its co-chair, Senator Jeffrey Klein, Senator Jose Serrano, and Senator Kevin Parker, in addition to Senator Stewart-Cousins – CJA’s website has aggregated its reports and the VIDEOS and transcripts of its four hearings and four committee meetings, along with other pertinent primary-source materials pertaining to it, on a “Senate Rules Reform Resource Page”, here: <http://www.judgewatch.org/web-pages/judicial-compensation/rules-reform-resource-page-senate.htm>.

For the benefit of your Brooklyn constituents – and all fair-minded People of the State of New York – you have an historic opportunity to broker Senate rules reform so that “progressive” legislation is not rammed-through the Senate, but, rather, is fashioned by, and subjected to, legislative “due process” – with hearings and evidence, taken in committee, followed by amendments, mark-ups, discussions, and votes – all in committee – then passed on, with committee reports, to the full Senate, with debate, amendments, and votes – with the voted-upon legislation then reconciled, with the Assembly, through conference committees, conducted openly, for transmittal to the Governor.

As for the state budget – which the 2009 Temporary Senate Committee on Rules and Administration Reform recognized was also in need of reform -- you have an equally historic opportunity to bring an end to its flagrant unconstitutionality and unlawfulness – including the piling of policy within it and the behind-closed-doors, three-men-in-a-room, budget deal-making, from which emerges amended and new bills, thereupon rammed through the Legislature on “messages of necessity”. The roadmap for your doing so are the ten causes of action of the citizen-taxpayer action – and its reach extends to the Legislature’s closed-door party conferences – which, as you know, is the Legislature’s *modus operandi*, not just with respect to the budget, but for all legislative and other matters.

Everything is posted on CJA’s website, www.judgewatch.org – easily accessible from the prominent homepage center links. By way of overview, you may want to start with the VIDEOS of my testimony at the Legislature’s budget hearings, especially this year, on January 30, 2018 and February 5, 2018 – accessible *via* the link “2018 Legislative Session”. Certainly, too, you will want to view CJA’s webpages of illustrative correspondence with Governor Cuomo – and related primary-source EVIDENCE, spanning back to 2011, here: <http://www.judgewatch.org/web-pages/elections/2018/cuomo.htm>, and of illustrative correspondence with Senate Minority Leader Andrea Stewart-Cousins – and related primary-source EVIDENCE, spanning back to 2012, here: <http://www.judgewatch.org/web-pages/elections/2018/stewart-cousins.htm>. For your further convenience, I have created a webpage for this e-mail and the Governor’s letter to you – accessible from the “2018 Legislative Session” webpage, on which I will post the referred-to helpful links and other materials. Here it is, directly: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/felder-rules-reform.htm>.

I am available to answer your questions and to assist you to the fullest, in what the Governor calls “this definitive moment”. Contrary to the Governor’s assertion that “The status quo takes force to move”, NO “force” is required. Rather, all that is needed is leadership by one with power to effect change. In “this definitive moment”, you have that power – and, as the Governor correctly states, the “opportunity to improve the state for all”.

Thank you.

Elena Sassower, Director
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