

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Monday, March 30, 2020 10:48 AM
To: 'tedisco@nysenate.gov'; 'akramer@nysenate.gov'
Cc: 'news@mylittlefalls.com'; 'borrello@nysenate.gov'; 'lhill@nysenate.gov';
'goodella@nyassembly.gov'; 'rankine@nyassembly.gov'; 'kregem@nyassembly.gov';
'jwhittaker@post-journal.com'; 'mbird@post-journal.com'; 'mzabrodsky@post-journal.com'; 'etichy@post-journal.com'; 'editorial@post-journal.com'
Subject: Elections 2020: Why does Senator Tedisco's March 28th public/press statement not identify the UNCONSTITUTIONALITY of Gov. Cuomo's policy-packed FY2020-21 state budget?
Attachments: 3-18-20-ltr-to-gov-revised-fn1.pdf

TO: Senator James Tedisco

This follows up the three voice mail messages I just left shortly before 10 am at your Albany and two district offices, pertaining to your March 28, 2020 public statement/press release "*Three People in a Zoom Up to Old Albany Budget Tricks as NYS Suffers from COVID-19 Pandemic*": *Tedisco Calls for Policy-Free, Barebones State Budget...*", reported by today's My Little Falls: <https://mylittlefalls.com/tedisco-calls-for-policy-free-barebones-state-budget-to-address-covid-19-pandemic-fund-essential-services/>. Why does your statement makes NO mention of the UNCONSTITUTIONALITY of Governor Cuomo's inclusion of policy and non-fiscal legislation in his FY2020-21 state budget?

Above attached is the Center for Judicial Accountability's March 18, 2020 letter to Governor Cuomo on that topic. Did Senator George Borrello, who is ranking member of the Senate Committee on Budget and Revenues – of which you are a member – not alert you to it? Below is the e-mail I sent to him on March 24th concerning the March 18th letter – to which I have received no response from him. What investigative steps did he undertake – and what findings of fact and conclusions of law did he make and/or obtain?

Please advise – and assist in forwarding both the letter and below e-mail chain to ALL Senate and Assembly members so that they can each be held accountable for the flagrant violations of the New York State Constitution that are and have been taking place.

I am available to answer any questions you may have – and would welcome your call.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewidth.org
914-421-1200

From: elena@judgewidth.org <elena@judgewidth.org>
Sent: Tuesday, March 24, 2020 1:27 PM
To: 'jwhittaker@post-journal.com' <jwhittaker@post-journal.com>; 'mbird@post-journal.com' <mbird@post-journal.com>; 'mzabrodsky@post-journal.com' <mzabrodsky@post-journal.com>; 'etichy@post-journal.com' <etichy@post-journal.com>; 'editorial@post-journal.com' <editorial@post-journal.com>
Cc: 'borrello@nysenate.gov' <borrello@nysenate.gov>; 'lhill@nysenate.gov' <lhill@nysenate.gov>;

'goodella@nyassembly.gov' <goodella@nyassembly.gov>; 'rankine@nyassembly.gov' <rankine@nyassembly.gov>;
'kregem@nyassembly.gov' <kregem@nyassembly.gov>

Subject: Elections 2020-Borrello, Goodell -- Investigative Reporting Required: Your today's article "Borrello Calls for Policy Removal"

TO: John Whittaker, Editor/Jamestown Post-Journal

RE: "Borrello Calls For Policy Removal" (March 24, 2020)

Senator Borrello is ranking member of the Senate Committee on Budget and Revenues:

<https://www.nysenate.gov/senators/george-m-borrello/about>. Why is he writing to Governor Cuomo, Senate Majority Leader Stewart-Cousins, and Assembly Speaker Heastie – on stationary that does not reflect that position – asking for “consideration” that the budget not be filled with policy and non-budgetary matters:

[https://www.nysenate.gov/sites/default/files/press-](https://www.nysenate.gov/sites/default/files/press-release/attachment/ltr%20from%20sen.%20borrello%20to%20gov.%20cuomo%20state%20leaders%20re%20budget%20process.pdf)

[release/attachment/ltr from sen. borrello to gov. cuomo state leaders re budget process.pdf](https://www.nysenate.gov/sites/default/files/press-release/attachment/ltr%20from%20sen.%20borrello%20to%20gov.%20cuomo%20state%20leaders%20re%20budget%20process.pdf). As ranking member of the Senate Committee on Budget and Revenues – and consistent with the duties he owes the People of the State of New York – he should be pointing out that such non-fiscal matter must be removed because it is UNCONSTITUTIONAL – and his letter should be co-signed by a long list of fellow legislators, beginning with those sharing the designations he bears of the Republican, Conservative, Libertarian, and Independence Parties.

Four days before Senator Borrello’s March 22, 2020 letter, our nonpartisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), sent Governor Cuomo the above-attached March 18, 2020 letter pertaining to the UNCONSTITUTIONALITY of his policy-packed budget. Entitled "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 'Article VII Bills' Because They are Unconstitutional. Here's why...", it was accompanied by a webpage on CJA’s website, posting the referred-to evidentiary proof to facilitate verification: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm>.

Below are the two e-mails that transmitted CJA’s March 18, 2020 letter to Governor Cuomo – and, simultaneously, to the 15 Legislative Leaders who receive stipends for the “significantly more work” and “additional duties” they perform. Did NONE of these 15 Legislative Leaders – including Assembly Minority Leader *Pro Tempore* Andy Goodell, Esq. – see fit to apprise Senator Borrello of the March 18, 2020 letter, as ranking member of the Senate Committee on Budget and Revenues? And what about CJA’s February 18, 2020 and March 3, 2020 letters to Governor Cuomo, also detailing the unconstitutionality and fraudulence of his FY2020-2021 executive budget – also sent to the 15 Legislative Leaders by e-mail.

As this is an election year, it is all the more imperative that you ask Senator Borrelli about his knowledge of these three important letters – and, additionally, of CJA’s two sets of written questions detailing the unconstitutionality, unlawfulness, and fraudulence of the FY2020-2021 Legislative and Judiciary budgets and the Governor’s FY2020-2021 Legislative/Judiciary appropriations bill, submitted for the record of the Legislature’s February 12, 2020 “public protection” budget hearing. What steps has he taken – or will he take – to verify their accuracy? When can we expect his release of findings of fact and conclusions of law as to each? For your convenience, all the foregoing is accessible *via* CJA’s menu page for the 2020 Legislative Session, here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-session-menu.htm>.

Needless to say, if it is Senator Borrello’s view that CJA’s evidence-based, law-supported presentations pertaining to the FY2020-2021 budget can just be ignored, while he pumps out public statements, such as his March 23, 2020 release “*Budget should not be used as a vehicle for advancing a political agenda*”: <https://www.nysenate.gov/newsroom/press-releases/george-m-borrello/senator-borrello-calls-state-leaders-keep-budget-fiscally> – which is far more championing of the public’s rights than his softer-toned, deferential March 22, 2020 letter – the voters in New York’s 57th Senate District need to know about it, pronto!

Prior to sending this e-mail, I called Senator Borrello's Albany office (518-455-3563), leaving a voice mail message at approximately 9:45 am. Immediately thereafter, I called his district office in Jamestown (716-664-4603), but there was no pick-up.

By copy of this e-mail to Senator Borrello, I request his response to the foregoing and, additionally, that he identify whether – either prior or following his appointment as ranking member of the Senate Committee on Budget and Revenues – he was ever informed of CJA's citizen-taxpayer action, at the Court of Appeals, suing all three government branches for unconstitutionality and unlawfulness with respect to the entirety of the state budget and the "force of law" commission-based judicial pay raises it embeds – the subject of devastating e-mail communications from me, last year, to all members of the Senate Committee on Budget and Revenues: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/senate-budget-revenues.htm>.

Finally, so that voters of the 150th Assembly District can hold Assembly Minority Leader *Pro Tempore* Goodell to account – and so that the Post-Journal can, likewise, discharge its constitutional function with respect to him -- a copy of this e-mail is also being sent to Assemblyman Goodell for response. What are his findings of facts and conclusions of law with respect to each of CJA's three letters to Governor Cuomo? How about with respect to CJA's two sets of written questions pertaining to the FY2020-2021 Legislative and Judiciary budgets and the Governor's Legislative/Judiciary appropriations bill, largely replicating the two sets of questions he was furnished last year, for FY2019-2020, with written testimony, because he was then – as now -- a member of the Assembly Committee on Governmental Operations: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/assembly-gov-operations.htm> and the Assembly Judiciary Committee: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/judiciary.htm>.

A short time ago, after calling Assemblyman Goodell's Albany office (518-455-4511) and leaving a voice mail message, I called his Jamestown district office (716-664-7773) and spoke with his chief of staff, Elizabeth Rankin, about the foregoing. She is expecting this e-mail.

I am available to assist you, to the max, on this MAJOR story. When can I expect your call?

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Friday, March 20, 2020 4:00 PM
To: 'records.access@exec.ny.gov' <records.access@exec.ny.gov>
Cc: 'David.Poleto@budget.ny.gov' <David.Poleto@budget.ny.gov>; 'foil@budget.ny.gov' <foil@budget.ny.gov>; 'perez@lbdc.state.ny.us' <perez@lbdc.state.ny.us>; 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'grelick@nysenate.gov' <grelick@nysenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'vargash@nyassembly.gov' <vargash@nyassembly.gov>; 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'cmills@nysenate.gov' <cmills@nysenate.gov>; 'BarclaW@nyassembly.gov' <BarclaW@nyassembly.gov>; 'herricks@nyassembly.gov' <herricks@nyassembly.gov>; 'engelk@nyassembly.gov' <engelk@nyassembly.gov>; 'skypej@nyassembly.gov' <skypej@nyassembly.gov>; 'gianaris@nysenate.gov' <gianaris@nysenate.gov>; 'weintrau@nysenate.gov' <weintrau@nysenate.gov>; 'griffo@nysenate.gov' <griffo@nysenate.gov>; 'kinderma@nysenate.gov' <kinderma@nysenate.gov>; 'PeopleC@nyassembly.gov' <PeopleC@nyassembly.gov>; 'haltonl@nyassembly.gov' <haltonl@nyassembly.gov>; 'aubryJ@nyassembly.gov' <aubryJ@nyassembly.gov>; 'hernandezd@nyassembly.gov' <hernandezd@nyassembly.gov>; 'goodella@nyassembly.gov'

<goodella@nyassembly.gov>; 'lkrueger@nysenate.gov' <lkrueger@nysenate.gov>; 'usher@nysenate.gov' <usher@nysenate.gov>; 'seward@nysenate.gov' <seward@nysenate.gov>; 'davie@nysenate.gov' <davie@nysenate.gov>; 'WeinstH@nyassembly.gov' <WeinstH@nyassembly.gov>; 'wamchair@nyassembly.gov' <wamchair@nyassembly.gov>; 'ancowitzr@nyassembly.gov' <ancowitzr@nyassembly.gov>; 'beavers@nyassembly.gov' <beavers@nyassembly.gov>; 'peakec@nyassembly.gov' <peakec@nyassembly.gov>; 'rae@nyassembly.gov' <rae@nyassembly.gov>; 'derocht@nyassembly.gov' <derocht@nyassembly.gov>; 'lentolj@nyassembly.gov' <lentolj@nyassembly.gov>; 'morinelloa@nyassembly.gov' <morinelloa@nyassembly.gov>; 'webere@nyassembly.gov' <webere@nyassembly.gov>

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
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Wednesday, March 18, 2020 11:52 AM
To: 'records.access@exec.ny.gov' <records.access@exec.ny.gov>
Cc: 'David.Poleto@budget.ny.gov' <David.Poleto@budget.ny.gov>; 'perez@lbdc.state.ny.us' <perez@lbdc.state.ny.us>; 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'grelick@nysenate.gov' <grelick@nysenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'vargash@nyassembly.gov' <vargash@nyassembly.gov>; 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'cmills@nysenate.gov' <cmills@nysenate.gov>; 'BarclaW@nyassembly.gov' <BarclaW@nyassembly.gov>; 'herricks@nyassembly.gov' <herricks@nyassembly.gov>; 'engelk@nyassembly.gov' <engelk@nyassembly.gov>; 'skypej@nyassembly.gov' <skypej@nyassembly.gov>; 'gianaris@nysenate.gov' <gianaris@nysenate.gov>; 'weintrau@nysenate.gov' <weintrau@nysenate.gov>; 'griffo@nysenate.gov' <griffo@nysenate.gov>; 'kinderma@nysenate.gov' <kinderma@nysenate.gov>; 'PeopleC@nyassembly.gov' <PeopleC@nyassembly.gov>; 'haltonl@nyassembly.gov' <haltonl@nyassembly.gov>; 'aubryJ@nyassembly.gov' <aubryJ@nyassembly.gov>; 'hernandezd@nyassembly.gov' <hernandezd@nyassembly.gov>; 'goodella@nyassembly.gov' <goodella@nyassembly.gov>; 'lkrueger@nysenate.gov' <lkrueger@nysenate.gov>; 'usher@nysenate.gov' <usher@nysenate.gov>; 'seward@nysenate.gov' <seward@nysenate.gov>; 'davie@nysenate.gov'

<davie@nysenate.gov>; 'WeinstH@nyassembly.gov' <WeinstH@nyassembly.gov>; 'wamchair@nyassembly.gov' <wamchair@nyassembly.gov>; 'ancowitzr@nyassembly.gov' <ancowitzr@nyassembly.gov>; 'beavers@nyassembly.gov' <beavers@nyassembly.gov>; 'peakec@nyassembly.gov' <peakec@nyassembly.gov>; 'rae@nyassembly.gov' <rae@nyassembly.gov>; 'derocht@nyassembly.gov' <derocht@nyassembly.gov>; 'lentolj@nyassembly.gov' <lentolj@nyassembly.gov>; 'morinelloa@nyassembly.gov' <morinelloa@nyassembly.gov>; 'webere@nyassembly.gov' <webere@nyassembly.gov>

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
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200