

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Monday, March 30, 2020 1:34 PM  
**To:** 'CarrollR@nyassembly.gov'  
**Cc:** 'bmax@gothamgazette.com'; 'skhurshid@gothamgazette.com'; 'ethangs@gothamgazette.com'  
**Subject:** Elections 2020: Your opinion piece in today's Gotham Gazette. Are you unaware that inclusion of non-fiscal policy legislation in the NYS budget is UNCONSTITUTIONAL?  
**Attachments:** 3-18-20-ltr-to-gov-revised-fn1.pdf; nylj-letter-as-given-to-commission-9-10-19.pdf

**TO: Assemblyman Robert Carroll, Esq.**

This follows up the voice mail message I left for you, shortly before 11 am today, at your Albany office (518-455-5377), which switched to your district office, pertaining to your today's opinion piece in the Gotham Gazette, "State Budget Negotiations are Focused on the Wrong Priorities; We Need an Emergency Coronavirus Package".

You seem to be unaware that inclusion of non-fiscal policy legislation in the New York State budget is UNCONSTITUTIONAL – and that the particulars of this were laid out, 12 days ago, in the Center for Judicial Accountability's above-attached March 18, 2020 letter to Governor Cuomo, simultaneously sent to the Legislature's 15 Leaders who continue to receive stipends for the "significantly more work" and "additional duties" they are expected to perform.

Below is the March 23<sup>rd</sup> e-mail I sent to the Gotham Gazette requesting its investigation and reporting of the March 18<sup>th</sup> letter, to which I received no response.

As you are a lawyer, in addition to being a legislator, the Gotham Gazette would clearly benefit from your response to the March 18<sup>th</sup> letter – including as part of its 2020 election coverage. I assume you are running for re-election.

Is it your view that the March 18<sup>th</sup> letter is of no significance and can properly be ignored by Governor Cuomo and Legislative Leaders? What will you do to secure from them their findings of fact and conclusions of law? And since it appears that Legislative Leaders have not forwarded the March 18<sup>th</sup> letter to rank-and-file legislators, like yourself, will you forward it to them so that they – and the Governor – may be held accountable for the flagrant violations of the New York State Constitution that are and have been taking place.

Please advise.

I take this opportunity to remind you that we previously met, on September 10, 2019, when – following your terrific testimony before the Public Campaign Financing and Election Commission, raising constitutional objections – I spoke with you briefly, furnishing you a copy of my above-attached letter to the editor "A Call for Scholarship, Civic Engagement & Amicus Curiae Before the NYCOA", as published in the August 21, 2019 New York Law Journal. As you were not present when I testified – and my testimony was misrepresented by the Commission's December 1, 2019 report (at p. 97) – here's CJA's webpage for it: <http://www.judgewidth.org/web-pages/searching-nys/force-of-law-commissions/part-xxx-2019budget/9-10-19-hearing.htm>. As you can see, I supported my testimony with the SAME August 21, 2013 letter to Governor Cuomo on a "...Properly Functioning Legislature" as is the SOLE enclosure to the March 18, 2020 letter to him.

I would be pleased to answer any questions you have – and would welcome your call.

Thank you.

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

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**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Monday, March 23, 2020 1:08 PM  
**To:** 'bmax@gothamgazette.com' <[bmax@gothamgazette.com](mailto:bmax@gothamgazette.com)>  
**Cc:** 'skhurshid@gothamgazette.com' <[skhurshid@gothamgazette.com](mailto:skhurshid@gothamgazette.com)>; 'ethangs@gothamgazette.com' <[ethangs@gothamgazette.com](mailto:ethangs@gothamgazette.com)>

**Subject: Request for Gotham Gazette's nonpartisan investigation & reporting of CJA's March 18, 2020 letter to Governor Cuomo as to the unconstitutionality of the policy-packed NYS budget & of 6 of his 7 "Article 7 Bills"**

**TO: Ben Max/Executive Editor-Gotham Gazette**

In keeping with Gotham Gazette's stated mission of nonpartisan, public interest, watchdog journalism that provides "illuminating analyses and original investigative reporting on policy and politics, the actions of elected officials and long-form interviews with thought leaders", <https://www.gothamgazette.com/index.php/about/>, this is to request your investigation of the accuracy of CJA's above-attached March 18, 2020 letter to Governor Cuomo as to the UNCONSTITUTIONALITY of policy and non-budgetary items in the NYS budget – and of 6 of his 7 "Article VII Bills", which I sent him and Legislative Leaders by my below March 18<sup>th</sup> and March 20<sup>th</sup> e-mails.

Also below is my today's e-mail to "good government groups" – including Citizens Union – whose March 16, 2020 press release "*Good Gov't Groups to NYS Lawmakers: 'Keep Policy Out of the Budget'*" was without referencing the NYS Constitution or specific budget bills.

I am available to assist you, to the max – and invite you to call me, to discuss.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
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**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Monday, March 23, 2020 11:17 AM  
**To:** 'slerner@commoncause.org' <[slerner@commoncause.org](mailto:slerner@commoncause.org)>; 'laura@lwny.org' <[laura@lwny.org](mailto:laura@lwny.org)>; 'bhorner@nypirg.org' <[bhorner@nypirg.org](mailto:bhorner@nypirg.org)>; 'rhaven@nypirg.org' <[rhaven@nypirg.org](mailto:rhaven@nypirg.org)>; 'rbloom@citizensunion.org' <[rbloom@citizensunion.org](mailto:rbloom@citizensunion.org)>; 'eperingersameth@citizensunion.org' <[eperingersameth@citizensunion.org](mailto:eperingersameth@citizensunion.org)>; 'jkaehny@reinventalbany.org' <[jkaehny@reinventalbany.org](mailto:jkaehny@reinventalbany.org)>  
**Cc:** 'editor@legislativegazette.com' <[editor@legislativegazette.com](mailto:editor@legislativegazette.com)>; 'bmax@gothamgazette.org' <[bmax@gothamgazette.org](mailto:bmax@gothamgazette.org)>

**Subject: NYS Budget: GOOD NEWS During the Coronavirus Emergency About Eliminating its Policy, Non-Budgetary Content**

TO: Common Cause/New York State  
League of Women Voters/New York State  
New York Public Interest Research Group (NYPIRG)  
Citizens Union  
Reinvent Albany

A propos of your March 16, 2020 press release "*Good Gov't Groups to NYS Lawmakers: 'Keep Policy Out of the Budget'*" – reported by the Legislative Gazette on March 18, 2020 in a story entitled "*Watchdog groups, Republican lawmakers make plea for a transparent and policy-free budget this year*" – this is to reiterate what I have previously alerted you to: that the inclusion of policy and non-budgetary items in the state budget is UNCONSTITUTIONAL.

The details are set forth in the Center for Judicial Accountability's above-attached March 18, 2020 letter to Governor Cuomo, sent to him and Legislative Leaders by the below e-mails. 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 analyzes the Governor's "Article VII Bills" for FY2020-21 and does so in the context of the Court of Appeals' seminal 2004 decision in *Pataki v. Assembly/Silver v. Pataki*, 4 NY3d 75, providing what appears to be the FIRST scholarship deconstructing its plurality, concurring, and dissenting opinions.

CJA's webpage for the March 18, 2020 letter – from which its referred-to substantiating evidentiary proof is accessible – is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm> .

Please advise as to whether you agree or disagree with the analysis in CJA's March 18, 2020 letter – and confirm that you will be forwarding the letter to scholars of the New York State Constitution and of the New York State Court of Appeals for their evaluation, as well.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
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**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, March 20, 2020 4:00 PM  
**To:** 'records.access@exec.ny.gov' <[records.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>  
**Cc:** 'David.Poleto@budget.ny.gov' <[David.Poleto@budget.ny.gov](mailto:David.Poleto@budget.ny.gov)>; 'foil@budget.ny.gov' <[foil@budget.ny.gov](mailto:foil@budget.ny.gov)>; 'perez@lbdc.state.ny.us' <[perez@lbdc.state.ny.us](mailto:perez@lbdc.state.ny.us)>; 'scousins@nysenate.gov' <[scousins@nysenate.gov](mailto:scousins@nysenate.gov)>; 'grelick@nysenate.gov' <[grelick@nysenate.gov](mailto:grelick@nysenate.gov)>; 'speaker@nyassembly.gov' <[speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)>; 'vargash@nyassembly.gov' <[vargash@nyassembly.gov](mailto:vargash@nyassembly.gov)>; 'flanagan@nysenate.gov' <[flanagan@nysenate.gov](mailto:flanagan@nysenate.gov)>; 'cmills@nysenate.gov' <[cmills@nysenate.gov](mailto:cmills@nysenate.gov)>; 'BarclaW@nyassembly.gov' <[BarclaW@nyassembly.gov](mailto:BarclaW@nyassembly.gov)>; 'herricks@nyassembly.gov' <[herricks@nyassembly.gov](mailto:herricks@nyassembly.gov)>; 'engelk@nyassembly.gov' <[engelk@nyassembly.gov](mailto:engelk@nyassembly.gov)>; 'skypej@nyassembly.gov' <[skypej@nyassembly.gov](mailto:skypej@nyassembly.gov)>; 'gianaris@nysenate.gov' <[gianaris@nysenate.gov](mailto:gianaris@nysenate.gov)>; 'weintrau@nysenate.gov' <[weintrau@nysenate.gov](mailto:weintrau@nysenate.gov)>; 'griffo@nysenate.gov' <[griffo@nysenate.gov](mailto:griffo@nysenate.gov)>; 'kinderma@nysenate.gov' <[kinderma@nysenate.gov](mailto:kinderma@nysenate.gov)>; 'PeopleC@nyassembly.gov' <[PeopleC@nyassembly.gov](mailto:PeopleC@nyassembly.gov)>; 'haltonl@nyassembly.gov' <[haltonl@nyassembly.gov](mailto:haltonl@nyassembly.gov)>; 'aubryJ@nyassembly.gov' <[aubryJ@nyassembly.gov](mailto:aubryJ@nyassembly.gov)>; 'hernandezd@nyassembly.gov' <[hernandezd@nyassembly.gov](mailto:hernandezd@nyassembly.gov)>; 'goodella@nyassembly.gov' <[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'lkrueger@nysenate.gov' <[lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)>; 'usher@nysenate.gov' <[usher@nysenate.gov](mailto:usher@nysenate.gov)>; 'seward@nysenate.gov' <[seward@nysenate.gov](mailto:seward@nysenate.gov)>; 'davie@nysenate.gov' <[davie@nysenate.gov](mailto:davie@nysenate.gov)>; 'WeinstH@nyassembly.gov' <[WeinstH@nyassembly.gov](mailto:WeinstH@nyassembly.gov)>; 'wamchair@nyassembly.gov' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>; 'ancowitzr@nyassembly.gov' <[ancowitzr@nyassembly.gov](mailto:ancowitzr@nyassembly.gov)>; 'beavers@nyassembly.gov'

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**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  
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**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Wednesday, March 18, 2020 11:52 AM  
**To:** 'records.access@exec.ny.gov' <[records.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>  
**Cc:** 'David.Poleto@budget.ny.gov' <[David.Poleto@budget.ny.gov](mailto:David.Poleto@budget.ny.gov)>; 'perez@lbdc.state.ny.us' <[perez@lbdc.state.ny.us](mailto:perez@lbdc.state.ny.us)>; 'scousins@nysenate.gov' <[scousins@nysenate.gov](mailto:scousins@nysenate.gov)>; 'grelick@nysenate.gov' <[grelick@nysenate.gov](mailto:grelick@nysenate.gov)>; 'speaker@nyassembly.gov' <[speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)>; 'vargash@nyassembly.gov' <[vargash@nyassembly.gov](mailto:vargash@nyassembly.gov)>; 'flanagan@nysenate.gov' <[flanagan@nysenate.gov](mailto:flanagan@nysenate.gov)>; 'cmills@nysenate.gov' <[cmills@nysenate.gov](mailto:cmills@nysenate.gov)>; 'BarclaW@nyassembly.gov' <[BarclaW@nyassembly.gov](mailto:BarclaW@nyassembly.gov)>; 'herricks@nyassembly.gov' <[herricks@nyassembly.gov](mailto:herricks@nyassembly.gov)>; 'engelk@nyassembly.gov' <[engelk@nyassembly.gov](mailto:engelk@nyassembly.gov)>; 'skypej@nyassembly.gov' <[skypej@nyassembly.gov](mailto:skypej@nyassembly.gov)>; 'gianaris@nysenate.gov' <[gianaris@nysenate.gov](mailto:gianaris@nysenate.gov)>; 'weintrau@nysenate.gov' <[weintrau@nysenate.gov](mailto:weintrau@nysenate.gov)>; 'griffo@nysenate.gov' <[griffo@nysenate.gov](mailto:griffo@nysenate.gov)>; 'kinderma@nysenate.gov' <[kinderma@nysenate.gov](mailto:kinderma@nysenate.gov)>; 'PeopleC@nyassembly.gov' <[PeopleC@nyassembly.gov](mailto:PeopleC@nyassembly.gov)>; 'haltonl@nyassembly.gov' <[haltonl@nyassembly.gov](mailto:haltonl@nyassembly.gov)>; 'aubryJ@nyassembly.gov' <[aubryJ@nyassembly.gov](mailto:aubryJ@nyassembly.gov)>; 'hernandezd@nyassembly.gov' <[hernandezd@nyassembly.gov](mailto:hernandezd@nyassembly.gov)>; 'goodella@nyassembly.gov' <[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'lkrueger@nysenate.gov' <[lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)>; 'usher@nysenate.gov' <[usher@nysenate.gov](mailto:usher@nysenate.gov)>; 'seward@nysenate.gov' <[seward@nysenate.gov](mailto:seward@nysenate.gov)>; 'davie@nysenate.gov' <[davie@nysenate.gov](mailto:davie@nysenate.gov)>; 'WeinstH@nyassembly.gov' <[WeinstH@nyassembly.gov](mailto:WeinstH@nyassembly.gov)>; 'wamchair@nyassembly.gov' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>; 'ancowitzr@nyassembly.gov' <[ancowitzr@nyassembly.gov](mailto:ancowitzr@nyassembly.gov)>; 'beavers@nyassembly.gov' <[beavers@nyassembly.gov](mailto:beavers@nyassembly.gov)>; 'peakec@nyassembly.gov' <[peakec@nyassembly.gov](mailto:peakec@nyassembly.gov)>; 'rae@nyassembly.gov' <[rae@nyassembly.gov](mailto:rae@nyassembly.gov)>; 'derocht@nyassembly.gov' <[derocht@nyassembly.gov](mailto:derocht@nyassembly.gov)>; 'lentolj@nyassembly.gov' <[lentolj@nyassembly.gov](mailto:lentolj@nyassembly.gov)>; 'morinelloa@nyassembly.gov' <[morinelloa@nyassembly.gov](mailto:morinelloa@nyassembly.gov)>; 'webere@nyassembly.gov' <[webere@nyassembly.gov](mailto: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](http://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)  
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914-421-1200