

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Wednesday, April 1, 2020 11:36 AM  
**To:** 'walczykm@nyassembly.gov'; 'schenkm@nyassembly.gov'  
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**Subject:** FY2020-21 Budget -- Call for Leadership: The Unconstitutionality of 6 of Gov. Cuomo's 7 "Article VII Bills"  
**Attachments:** 3-18-20-ltr-to-gov-revised-fn1.pdf

### TO: Assemblyman Mark Walczyk

This follows up my phone conversation with your Chief of Staff/Legislative Director Mike Schenk, earlier this morning, commending you on your intelligent and articulate presentation yesterday -- and on March 2, 2020, when the Legislature accorded Governor Cuomo emergency powers beyond those he already possesses.

If you want to be effective, however, you need to invoke the New York State Constitution which, with respect to Governor Cuomo's FY 2020-21 executive budget, you can easily do because the unconstitutionality of 6 of his 7 "Article VII Bill" is laid out by the Center for Judicial Accountability's March 18, 2020 letter to him -- the accuracy of which he has NOT denied or disputed. Nor has its accuracy been denied or disputed by any of the letter's other recipients.

Illustrative is my March 25<sup>th</sup> e-mail to Assembly Minority Leader William Barclay, Esq. -- to which I have received no response.

As this is NOT a partisan issue -- but one of constitutional governance -- please forward the above-attached March 18, 2020 letter to ALL Assembly and Senate member -- minority and majority -- and the link to CJA's webpage for the letter on which its evidentiary substantiation is posted: <http://www.judgewidth.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm>. Any legislator who believes such serious and substantial letter can be simply ignored, without response from Governor Cuomo, from Budget Director Mujica, from the Legislative Bill Drafting Commission, and from Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, among others, should NOT be seeking re-election or other elective office this year -- or ever.

If you will show leadership -- we will ALL be winners.

I am available to answer your questions -- and would welcome your call.

Thank you.



Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
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**Subject:** Gov Cuomo's inclusion of policy in the budget is UNCONSTITUTIONAL -- "Will The New York State Budget Be Cuomo's Big Buzzkill?" (Spectrum News/Susan Arbetter March 24, 2020)

**TO: Assembly Minority Leader William Barclay, Esq.**

Yesterday's article by Susan Arbetter "[Will the New York State Budget Be Cuomo's Big Buzzkill?](#)" (Spectrum News), identifies you as having "caution[ed]" against the inclusion of "complex policies" in the budget – and quotes you as saying that "The state needs a bare-bones approach to the budget".

**Why have you NOT asserted that Governor Cuomo's policy-packed budget is UNCONSTITUTIONAL?**

Did you not read CJA's above-attached March 18, 2020 letter to Governor Cuomo on that subject, 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.

As reflected by the below, I e-mailed the letter to you – and to three members of your staff – twice last week, on March 18th and then, again, on March 20th.

Unless you deny or dispute the accuracy of the analysis contained therein, you already have the "bare-bones approach to the budget" you purport to want.

Finally, shouldn't you be correcting the assertion in Ms. Arbetter's article that Cuomo "already holds most of the cards during the budget process". That is certainly not consistent with the "budget process", laid out by Article VII, §§1-7 of the New York State Constitution.

**Wouldn't the Assembly and Senate minority be more effective in protecting minority rights if they explicated the New York State Constitution for the press – and the public – and insisted on adherence to its provisions?**

Your duty, to which you swore by your oath of office (Article XIII, §1), is to uphold the New York State Constitution. Such benefits ALL the People of the State of New York – and I would be happy to assist you in so-doing. Please feel free to call me with any questions.

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)>

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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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**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  
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