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Testimony for the New York State Legislature's February 7, 2023 "Public Protection" Budget Hearing, submitted, as required, by 5 p.m. on February 4, 2023

I am Elena Sassower, director and co-founder of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA).

There is no need for me to alter what I stated last year in testimony before you or, for that matter, in my prior testimony before you spanning back to February 6, 2013,¹ because the situation is unchanged.

As I stated last year:

“Andrew Cuomo may be gone as governor..., but Governor Hochul’s executive budget, with its included legislative and judiciary budgets, is just as flagrantly unconstitutional and rife with unlawfulness, fraud, and larceny. Thus far, the Legislature’s response has been of the same ilk.

Look at how these legislative hearings are being conducted – not as hearings for each of Governor Hochul’s five appropriations bills, plus a revenue bill – consistent with the constitutional scheme of a rolling budget, enacted bill by bill. Rather, they are organized by so-called ‘programmatic areas’ – with testimony and questioning mostly not about numbers, but about non-fiscal policy, such as Governor Hochul has loaded into so-called ‘Article VII’ legislation, not bills – which the Legislature, by

¹ All this testimony has been before Senator Krueger, who, in 2013, was ranking member of the Senate Finance Committee until January 2019, when she became its chair, and/or before Assemblywoman Weinstein, who, in 2013, was chair of the Assembly Judiciary Committee until September 2017, when she became chair of the Assembly Ways and Means Committee.

My live testimony on [February 6, 2013](#) was before both Krueger and Weinstein. I was not permitted to give live testimony again until 2017, when I testified twice, on [January 30, 2017](#) and on [January 31, 2017](#), both times before Krueger. The following year, I testified on [January 30, 2018](#) before Krueger and Weinstein and on [February 5, 2018](#) before Weinstein. In 2019, I furnished them with [written testimony, dated February 19, 2019](#), and, in 2020, furnished them with my trilogy of letters to Governor Cuomo pertaining to the budget: [my February 18, 2020 letter](#), [my March 3, 2020 letter](#), and [my March 18, 2020 letter](#). In 2021 and 2022, I testified before both *via zoom*, on [February 10, 2021](#) and [January 25, 2022](#).

fraud, has converted into budget bills, in the Governor's name, including for 'public protection'.^{fn1} And the ten minutes that citizens used to have for their testimony, as recently as 2018, is now three minutes.

Suffice to bullet point that the unconstitutionality, fraud, and larceny of the state budget have been enabled and perpetuated by New York's corrupt 'public protection' entities, funded in the budget. The Commission on Judicial Conduct is a prime example. Others include the Judiciary's attorney grievance committees, the Judiciary's Inspector General, the Joint Commission on Public Ethics [JCOPE], the Legislative Ethics Commission, and the State Inspector General."

The only difference this year is that the crimes you and Governor Hochul committed last year, *via* the state budget, against constitutional, lawful governance, are the subject of a monumental lawsuit challenge by CJA, acting "on behalf of the People of the State of New York & the Public Interest". Commenced by a [June 6, 2022 verified petition](#) and resting on our [April 13, 2022 complaint to JCOPE against you and the Governor for what you did](#),³ the lawsuit not only seeks declarations of unconstitutionality, unlawfulness, and larceny with respect to the FY2022-23 state budget, including as to appropriations for "public protection" entities funded therein, but is in a posture of summary judgment for us on all ten of its causes of action. Indeed, the ONLY reason we have not secured the summary judgment to which the record entitles us, overwhelmingly and *as a matter of law*, is because your attorney and fellow respondent, Attorney General James, in the absence of ANY legitimate defense, corrupted the judicial process with litigation fraud and was rewarded by fraudulent judicial decisions.

The record of the lawsuit, *CJA v. JCOPE, et al.*, is posted on [NYSCEF](#) – and is a "perfect paper trail" of the *modus operandi* of fraud by which New York's attorney general and judges "throw" meritorious citizen lawsuits challenging government corruption, to which CJA has alerted you, again, and again, and again – as, for instance, with respect to our two prior citizen-taxpayer actions against you pertaining to the budget and pay raises, *CJA v. Cuomo, et al.*

^{fn1} The mechanics of this fraud – and the unconstitutionality of the insertion of non-fiscal policy into the budget – were dissected by [my March 18, 2020 letter to then Governor Cuomo](#), which I simultaneously furnished to the Legislature – and identified in the [62 grand jury/public corruption complaints I filed with New York's 62 district attorneys pertaining to the FY2020-21 budget](#). ...".

³ The [April 13, 2022 complaint to JCOPE](#) is Exhibit A-1 to the verified petition, followed by my [written](#) and [oral testimony](#) for the Legislature's January 25, 2022 "public protection" budget hearing, which are Exhibits A-2 and A-3. Exhibit A-4 is [my March 25, 2022 e-mail to you](#) entitled "NYS BUDGET: What findings of fact & conclusions of law did you make regarding my testimony at the Jan 25, 2022 'public protection' budget hearing?" – and your non-response to it and the FY2022-23 budget that thereafter emerged from behind-closed-doors "three-person-in-a-room" amending of budget bills are recounted by the April 13, 2022 complaint.

The “public protection” entities having ethics jurisdiction over Attorney General James are: (1) the Commission on Ethics and Lobbying in Government (COELIG) that you enacted last year, *via* the budget, to replace JCOPE, and which is funded in the State Operations appropriations bill; and (2) the Appellate Division, First Department’s Attorney Grievance Committee, which is funded, as part of the Judiciary budget, in the Legislative/Judiciary appropriations bill. We filed complaints with each against Attorney General James for her conflict-of-interest-driven litigation fraud in *CJA v. JCOPE, et al.* The record of their handling of the complaints is also a “perfect paper trail” – that each entity is a corrupt façade, which, absent overhaul, must be defunded, as larcenies of taxpayer monies.

CJA’s website, www.judgewatch.org, posts these “perfect paper trails” and other EVIDENCE substantiating this testimony on a webpage that is part of the “2023 Legislative Session”. It is accessible from our homepage, *via* the prominent center link “Comparing NY’s Legislature BEFORE & AFTER Its Fraudulent Pay Raises”, whose pluralized word “raise” reflects the December 22, 2022 pay raise you fraudulently voted for yourselves in a special session in the wake of the Court of Appeals’ November 17, 2022 decision in *Delgado v. New York State* – a lawsuit challenging the “force of law” December 10, 2018 report of the budget-born Committee on Legislative and Executive Compensation by which you fraudulently procured your prior pay raise – and whose record, at all court levels, manifests the same *modus operandi* of attorney general litigation fraud, rewarded by fraudulent judicial decisions. The particulars will be embodied in upcoming complaints, including to COELIG and its statutory-partner, the Legislative Ethics Commission, a respondent with you in the *CJA v. JCOPE* lawsuit.⁴

Thank you.

⁴ The direct link to the EVIDENTIARY webpage for this testimony is here: <https://www.judgewatch.org/web-pages/searching-nys/2023-legislative-session/feb-7-2023-testimony.htm>.