

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Saturday, January 04, 2014 3:47 PM
To: 'jstone@syr.edu'; 'tarr@camden.rutgers.edu'; 'benjamig@newpaltz.edu'; 'Bennett Gershman'; 'Brennan Center for Justice'; Bruce Gyory; 'Burton C. Agata'; 'Christopher Bobpst'; 'Daniel Feldman'; 'Daniel Feldman'; 'Doug Muzzio'; 'E. J. McMahon'; 'Empire Center for NYS Policy'; 'Eric.Lane@hofstra.edu'; 'Frank Mauro'; James Gardner; 'James Gardner'; 'Joseph F. Zimmerman'; Norden, Lawrence; David Lawrence (davidlaw770@gmail.com); Peter Galie; 'Richard Briffault'; 'Richard Brodsky'; 'Robert F. Williams'; Robert Ward; Seymour Lachman; Tom Gais; 'Vincent Bonaventure'
Cc: Primo, David (david.primo@rochester.edu); milyoj@missouri.edu; Bill Samuels (bsamuels@newroosevelt.com)
Subject: What is Your Expert Opinion of the Budgets Proposed by NY's Legislative & Judicial Branches? -- & How Should the Governor & Legislature be Reviewing Them, Consistent with Article VII of the NYS Constitution?
Attachments: 12-30-13-ltr-to-governor.pdf

Dear Professors, Etc. –

On December 30, 2013, the Center for Judicial Accountability (CJA) wrote a letter to Governor Cuomo, summarizing the unconstitutionality and fraudulence of the [Legislature's proposed budget](#) for fiscal year 2014-2015, proposing procedures for its review and rejection consistent with the Constitution, and identifying (at p. 7) that we would be furnishing the letter "to scholars of New York's budget and Constitution, bar associations with committees pertaining to these, and so-called 'good government groups' so that they may contribute their informed views to [the Governor] and the Legislature."

For that reason, the December 30, 2013 letter is annexed. It is, however, best viewed from our website, www.judgewatch.org, where it is posted on its own webpage, with all the substantiating evidence and constitutional provisions to which it refers. Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/budget-2014-2015/dec-30-2013-letter.htm>

I take this opportunity to note that with the exception of a single professor – Professor Alan Tarr, Director of the Center for State Constitutional Studies at Rutgers University – I have received no response from any of you to my below December 19, 2013 e-mail, requesting your expert opinion and scholarship with respect to the [Judiciary's proposed budget](#) for fiscal year 2014-2015, whose unconstitutionality and fraudulence were the subject of CJA's December 11, 2013 letter to Governor Cuomo and legislative leaders. To facilitate your response – including your assistance in locating pertinent scholars and constitutional experts – here's the direct link to our webpage for that December 11, 2013 letter, likewise posting all the referred-to substantiating evidence and constitutional and legal authorities: <http://www.judgewatch.org/web-pages/judicial-compensation/dec-11-2013-letter.htm>.

Please let me hear from you as soon as possible. Time is of the essence.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373
www.judgewatch.org

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Thursday, December 19, 2013 11:00 AM

To: (jstone@syr.edu); (tarr@camden.rutgers.edu); benjamig@newpaltz.edu; Bennett Gershman (bgershman@law.pace.edu); Brennan Center for Justice (lawrence.norden@nyu.edu); Bruce Gyory; Burton C. Agata (lawbca@hofstra.edu); Christopher Bobpst (cbopst@goldbergsegalla.com); Daniel Feldman ('danfeldman1@gmail.com'); Daniel Feldman ('dfeldman@jjay.cuny.edu'); Doug Muzzio (dmuzz@aol.com); E. J. McMahon (EJM@EmpireCenter.org); Empire Center for NYS Policy (info@empirecenter.org); Eric.Lane@hofstra.edu; Frank Mauro (mauro@fiscalpolicy.org); James Gardner; James Gardner (law-jaecklecenter@buffalo.edu); Joseph F. Zimmerman (zimmer@albany.edu); Norden, Lawrence; Peter Galie; Richard Briffault (rb34@columbia.edu); Richard Brodsky (richardbrodsky@gmail.com); Robert F. Williams (rffw@camden.rutgers.edu); Robert Ward; Seymour Lachman; Tom Gais; Vincent Bonaventure (vbonv@albanylaw.edu)

Subject: Expert Opinion-Scholarship Needed: NYS Budget

Dear Professors, Etc.

This follows my below November 29th e-mail, to which I received no response.

On December 11th, our non-partisan, non-profit citizens' organization wrote the Governor and Legislature, calling upon them to reject the Judiciary's proposed budget for the upcoming fiscal year as unconstitutional for lack of sufficient and meaningful itemization and violative of Article VII, § 7 of the New York State Constitution. Indeed, we also furnished the letter to the Commission to Investigate Public Corruption so that it could investigate the slush fund the proposed Judiciary budget creates – beginning with its completely unitemized, concealed appropriation of monies for the third phase of the judicial salary increase, the larcenous nature of which is established by CJA's October 27, 2011 Opposition Report to the August 29, 2011 Report of the Commission on Judicial Compensation and the four causes of action of our People's lawsuit based thereon, *CJA v. Cuomo, et al.*

Page 8 identifies that we would be "contacting scholars of New York's Constitution and budget" to request that they offer their expert opinion.

Attached is our December 11th letter. It can best be reviewed *via* our webpage for it, posting, in addition to the letter, its corroborating March 11, 2013 enclosure AND all substantiating documentation, including constitutional and legal authorities. Here's the link: <http://www.judgewatch.org/web-pages/judicial-compensation/dec-11-2013-letter.htm>.

In the event this call for your professional opinion and scholarship is not germane to your areas of expertise, I again request your assistance in locating the scholars and legal and constitutional experts whose expertise this is.

Thank you.

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From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Friday, November 29, 2013 3:21 PM

To: (jstone@syr.edu); (tarr@camden.rutgers.edu); benjamig@newpaltz.edu; Brennan Center for Justice (lawrence.norden@nyu.edu); Bruce Gyory; Burton C. Agata (lawbca@hofstra.edu); Christopher Bobpst (cbopst@goldbergsegalla.com); Daniel Feldman ('danfeldman1@gmail.com'); Daniel Feldman ('dfeldman@jjay.cuny.edu'); Doug Muzzio (dmuzz@aol.com); E. J. McMahon (EJM@EmpireCenter.org); Empire Center for NYS Policy (info@empirecenter.org); 'eric.lane@hofstra.edu'; Frank Mauro (mauro@fiscalpolicy.org); James Gardner; James Gardner (law-jaecklecenter@buffalo.edu); Joseph F. Zimmerman (zimmer@albany.edu); Brennan Center for Justice (lawrence.norden@nyu.edu); Peter Galie; Richard Briffault (rb34@columbia.edu); Richard Brodsky (richardbrodsky@gmail.com); Robert F. Williams (rffw@camden.rutgers.edu); Robert Ward; Seymour Lachman; Tom

Gais; Vincent Bonaventre (vbonv@albanylaw.edu)

Cc: Bennett Gershman (bgershman@law.pace.edu); Bill Samuels (bsamuels@newroosevelt.com); 'bob@givemeliberty.org'

Subject: BUILDING SCHOLARSHIP: Commission to Investigate Public Corruption -- & the Upcoming Budget for Fiscal Year 2014-2015

Dear Professors, Etc.

This Sunday, December 1, 2013, is the date by which – pursuant to Section VIII of Governor Cuomo’s Executive Order #106 -- the Commission to Investigate Public Corruption is required to issue a “preliminary policy report...setting forth its initial findings and making such recommendations...for the express purpose of consideration and enactment of statutory reforms by the Governor and the Legislature in the 2014 legislative session”.

It is also the date by which – pursuant to Article VII, Sec. 1 of the New York State Constitution -- the Judicial and Legislative branches are required to furnish their “itemized estimates” of their “financial needs” to the Governor, with a copy of the Judiciary’s “itemized estimates” “transmitted to the appropriate committees of the legislature”.

If your scholarship does not embrace these, I trust you will not be writing or giving comment to the press about them. If, however, they are within your scholarship, please let me hear from you *as soon as possible* about the primary-source documentary evidence of which my below October 24th e-mail gave you notice. To date, I have received no response from even a single scholar to my [August 21st letter to the Governor](#) or to my [August 5th letter to the Commission](#), let alone to my [September 17th written and oral testimony to the Commission](#) or subsequent correspondence as, for instance, my October 17th letter to the Commission, posted as our webpage entitled: [The People Have Something to Say -- & Evidence to Back It Up](#).

How would you explain this? Is there an explanation other than conflicts of interest?

Needless to say, New York government will never be other than flagrantly and systemically dysfunctional and corrupt unless we build honest scholarship that is [methodologically-sound](#) and based on primary-source documentary evidence that is not cherry-picked. To that end – and especially if you will not be confronting this evidence – I would appreciate the names of other scholars of New York’s Constitution, governance, and politics to whom we and the press can turn.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]

Sent: Thursday, October 24, 2013 1:21 PM

To: (jstone@syr.edu); (tarr@camden.rutgers.edu); benjamig@newpaltz.edu; Brennan Center for Justice (lawrence.norden@nyu.edu); Bruce Gyory; Burton C. Agata (lawbca@hofstra.edu); Christopher Bobpst (cbopst@goldbergsegalla.com); Daniel Feldman ('danfeldman1@gmail.com'); Daniel Feldman ('dfeldman@jjay.cuny.edu'); Doug Muzzio (dmuzz@aol.com); E. J. McMahon (EJM@EmpireCenter.org); Empire Center for NYS Policy (info@empirecenter.org); Eric.Lane@hofstra.edu; Frank Mauro (mauro@fiscalpolicy.org); James Gardner; James Gardner (law-jaecklecenter@buffalo.edu); Joseph F. Zimmerman (zimmer@albany.edu); Norden, Lawrence; Peter Galie; Richard Briffault (rb34@columbia.edu); Richard Brodsky (richardbrodsky@gmail.com); Robert F. Williams (rhw@camden.rutgers.edu); Robert Ward; Seymour Lachman; Tom Gais; Vincent Bonaventre (vbonv@albanylaw.edu)

Cc: Bill Samuels (bsamuels@newroosevelt.com); Eleanor Randolph (randolph@nytimes.com); 'mpehme@cityandstateny.com'; Jon Lentz (jlentz@cityandstateny.com); Alyssa Plock (Alyssa.Plock@wcnny.org); 'bob@givemeliberty.org'

Subject: Links: ALERT: NYS Constitutional Scholars & Political Scientists: "Corruption on Steroids" --
http://artvoice.com/issues/v12n43/guest_essay_casino

[CJA's August 21, 2013 letter to Governor](#) and [CJA's August 5, 2013 letter to Commission](#) are too important to your scholarship for them not to open DIRECTLY from the "MORE TO FOLLOW" section of the e-mail ALERT sent you a short time ago.

The properly-linked e-mail ALERT, which is below, is now resent.

Apologies for any inconvenience.

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

ALERT TO NYS CONSTITUTIONAL SCHOLARS & POLITICAL SCIENTISTS!

MUST READ ARTICLE/COLUMN "Proposition 1: Corruption on Steroids"

HERE'S THE LINK: http://artvoice.com/issues/v12n43/guest_essay_casino
sent to you, consistent with my below posted comment:

Please forward to your fellow scholars of the NYS Constitution & NYS politics --

"Wow! What a devastating presentation. Thank you Joel Rose for writing this -- and Artvoice for circulating it. I will e-mail it to reporters & editors, political and constitutional scholars & commentators -- and to the membership of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), with a request that it be forwarded on, and on, and on.

I would note that on October 8th, [Bill] Samuels, who funds an organization called "Effective New York" and another called "New Roosevelt", held a conference on a new New York Constitution, with the first segment on the six constitutional propositions on this year's ballot, including one to raise the mandatory retirement age for various NYS judges from 70 to 80. In the question portion, I asked how many of these constitutional propositions were the product of a legitimate legislative process -- that is, introduced by legislators into committee, with public hearings then held at which citizens and experts could testify, followed by debate by committee members based thereon, mark-ups, amendments, committee votes -- embodied in committee reports -- then moved to the full Senate and Assembly, with debate and amendments before votes -- with the final legislation of each house then reconciled by conference committees. Only by such process are we protected against flawed legislation. The answer from the panelists was -- or so it seemed -- that none of the constitutional propositions on the ballot had resulted from such process.

We, the People, must take action to protect the desecration of legitimate, constitutional governance by our public officers -- and by their protectors in the media, academia, and elsewhere.

Elena Sassower, Director
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MORE TO FOLLOW –

Essential scholarship, based on primary-source documentary evidence, is completely lacking as to the Commission to Investigate Public Corruption, as to which reporting has been utterly and knowingly superficial and skewed. Illustrative of the primary-source evidence, deliberately suppressed by the press: [CJA's August 21, 2013 letter to Governor](#) and [CJA's August 5, 2013 letter to Commission](#) -- hard copies of which I furnished, *in hand*, to Eleanor Randolph, on October 8th, at the referred-to program on New York's constitution, having previously e-mailed each letter to a huge swath of New York political reporters, columnists, and editorial writers, without any investigation or report. By the way, I directly provided the Commission to Investigate Public Corruption with hard copies of both letters when I testified before it on September 17th at its hearing in Manhattan. Here's the link to the webpage of CJA's website, posting my explosive September 17th testimony, both oral and written, neither reported by the press – notwithstanding their far-reaching political and constitutional significance, readily apparent: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/sassower-elena.htm>.

I welcome you to call me so that I can answer your questions and furnish further details.

Thank you.

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