

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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January 7, 2014

TO: Commission Members & Special Advisors
of the Commission to Investigate Public Corruption

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: "FOLLOWING THE MONEY":
(1) investigating & reporting on the fraud and larceny in the proposed Judiciary and Legislative budgets for fiscal year 2014-2015 presented by CJA's December 11 and December 30, 2013 letters;
(2) supplement to CJA's July 19, 2013 corruption complaint & intervention request.

By letter dated December 11, 2013, the Center for Judicial Accountability, Inc. (CJA) notified Governor Cuomo and legislative leaders of the fraudulence and unconstitutionality of the Judiciary's proposed budget for fiscal year 2014-2015 – further identifying (at p. 8) that the letter was

“being simultaneously furnished to the Commission with a request that it investigate and render a report to [them] of the Judiciary's latest fraud and attempted grand larceny of taxpayer dollars by its materially unitemized, slush-fund budget and the concealed third phase of the judicial salary increase.”

In so doing, the letter noted that the Commission had “pledged to ‘follow the money’” and that your December 2, 2013 interim report had stated:

“Government watchdogs, the media, and, most of all, members of the public have a right to understand how their tax dollars are spent and by whom, as well as the process used to appropriate state funds’ (at p. 25)”.

For this reason, our December 11, 2013 letter was e-mailed to you simultaneously with its being e-mailed to the Governor and legislative leaders. We received no acknowledgment or follow-up from you.

Please be advised that on December 30, 2013, we e-mailed Governor Cuomo a further letter, this time notifying him and legislative leaders of the fraudulence and unconstitutionality of the Legislature's proposed budget for fiscal year 2014-2015. In identifying that we would also be furnishing it to the Commission, we stated (at p. 7) that the Legislature's proposed budget was the

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consequence of the Commission's "own corruption, born of brazen disregard of conflict of interest rules", and that:

"Certainly, had the Commission investigated the fully-documented corruption complaint we furnished it and Commission member Albany County District Attorney Soares nearly six months ago, resting, *inter alia*, on the June 13, 2013 corruption complaint we filed with U.S. Attorney Hartunian, identifying (at p. 4) the lack of certification and absence of 'General State Charges' in the legislative budget for the current fiscal year, it is unlikely that Temporary Senate President Skelos and Assembly Speaker Silver would have replicated these deficiencies in the legislative budget for the upcoming fiscal year, whose every line-item appropriation is identical to every line-item appropriation of the uninvestigated current legislative budget.

Certainly, too, investigation by the Commission would have confirmed the extent to which the violations and fraud of the current legislative budget both reflect, and result from, legislative rules that vest the Temporary Senate President and Assembly Speaker with disproportionate, strangulating power over legislators and legislative committees. To no avail, we alerted the Commission again and again to the simple truth that legislative rules reform – consistent with the recommendations of the 2009 Temporary Senate Committee on Rules and Administration Reform – is the *sine qua non* to a functioning Legislature, properly discharging its lawmaking and oversight functions, without which public corruption can never be effectively curtailed.^{fn.7} (underlining and italics in original).

Enclosed is a copy of that December 30th letter so that the Commission can also investigate and report to the Governor and Legislature about it. Like the December 11th letter, it is best reviewed from our website, www.judgewatch.org, as it is there posted on its own webpage with all referred-to documentary evidence and substantiating authorities. The webpages for both letters are accessible from our homepage hyperlink entitled "CJA Leads the Way to NYS Budget Reform...".

Needless to say, should you deem investigation and report on these letters properly the province of the Governor's Division of Budget and the Legislature's appropriate committees¹, we request that you state that in letters of referral to them.

^{fn.7} See, in particular, pp. 6-7 of our September 17, 2013 written testimony to the Commission, submitted at its September 17, 2013 'public' hearing in Manhattan. Such is posted, on our website, as part of our 'People's Campaign to Hold the Commission to Investigate Public Corruption True to its Name & Announced Purpose', accessible from our homepage. Here's the direct link to the webpage posting that testimony together with its referred-to substantiating evidence: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/sassower-elena.htm>."

¹ Apart from the Senate Finance Committee and Assembly Ways and Means Committee, the appropriate committees, with respect to the Judiciary budget, are, in the first instance, the Senate and Assembly Judiciary

As the December 11th and December 30th letters each continue the saga of unabashed budget corruption presented by our July 19, 2013 corruption complaint to Albany County District Attorney/Commission member Soares, which we additionally provided to the Commission, we also submit the letters as a supplement to that complaint. Like the July 19, 2013 complaint, each letter presents an open-and-shut, prima facie case of public corruption, verifiable in a matter of minutes, involving huge sums of taxpayer monies.

Needless to say, the letters also present you with even greater conflicts of interest than those presented by the July 19, 2013 complaint, as the recurrent corruption they detail involving the Judiciary and Legislative budgets directly results from your wilful nonfeasance with respect to the July 19, 2013 complaint, born of your conflicts of interest.

As of this date, the Commission has still not identified its protocol for dealing with conflicts of interest, requested by our August 5, 2013 letter, reiterated by my September 17, 2013 oral and written testimony, and further particularized by the October 17, 2013 letter we sent to each and every one of you, to which there has been no response. Indeed, the Commission has sought to conceal its conflicts of interest, including by materially false stenographic transcripts of its hearings.²

Suffice to quote from the concluding paragraph of our October 17, 2013 letter:

Committees, followed by the Senate Committee on Investigations and Government Oversight and the Assembly Committee on Government Operations, with additional jurisdiction by the Assembly Committee on Oversight, Analysis, and Investigation.

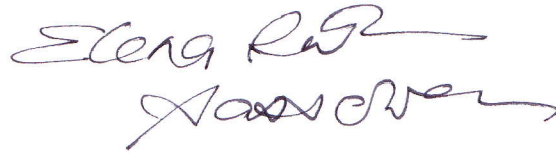
Apart from the Senate Finance Committee and Assembly Ways and Means Committee, the appropriate committees, with respect to the Legislative budget, would appear to be, in the first instance, the Senate Committee on Investigations and Government Oversight and the Assembly Committee on Government Operations – with additional jurisdiction by the Assembly Committee on Oversight, Analysis, and Investigation.

² All the referred to letters and testimony are posted on our webpage for this letter that is part of our “NYS Budget Reform” menu, accessible from our homepage, www.judgewatch.org. This includes my October 25, 2013 letter to the president of the transcription company retained by the Commission for its September 17, 2013 hearing, pertaining to its stenographer’s pattern of errors in transcribing my testimony, all material to my presentation as to the Commission’s conflicts of interest. According to the transcription company president, who I telephoned on December 4, 2013 because I had received no response to the October 25, 2013 letter, she was instructed by the Commission that no corrections were to be made to the transcript and that anyone calling about transcriptions should be directed to the Commission. She refused to tell me who at the Commission had given her these instructions. I thereupon called the Commission, leaving both a voice mail and in-depth message with the Commission’s operations manager, Heather Green, about what the transcription company president had told me and requesting to speak with Executive Director Calcaterra or whoever had charge of the matter. That was on December 4, 2013. I received no return call or other communication from the Commission. On December 16, 2013, I again telephoned the Commission, speaking once more to Ms. Green. Still, I have received no return call or other response from the Commission – and the materially erroneous transcription of my September 17, 2013 testimony, *as verifiable from the video*, remains uncorrected. As to the pattern errors in other transcriptions, see Will Galison’s December 19, 2013 article in the Black Star News, “*The Moreland Commission Exposed*”, posted on the webpage for this letter.

“please advise whether you will be taking steps to secure a special prosecutor for our July 19th corruption complaint and its requested intervention in our People’s lawsuit, *Center for Judicial Accountability, Inc. et al. v. Andrew Cuomo and Eric Schneiderman, et al.* – and, if not, how you will address District Attorney Soares’ inaction and that of every other investigative and prosecutorial body with respect thereto, including not only U.S. Attorneys Bharara and Lynch, but U.S. Attorney Richard Hartunian, who shares geographic jurisdiction with District Attorney Soares.” (at p. 6).

That this supplemental corruption complaint derives from, and embraces, the July 19, 2013 corruption complaint makes your answers additionally compelled.

Thank you.

Handwritten signature of Eric M. Galarneau in blue ink.

Enclosure

cc: Eric M. Galarneau, Bureau Chief/Public Integrity Unit of Albany County D.A. Soares
Recipients of CJA’s December 11, 2013 and December 30, 2013 letters
Assembly Committee on Governmental Operations Chair & Ranking Member:
Assemblyman Steven Englebright & Assemblywoman Janet L. Duprey