

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Monday, March 28, 2016 1:55 PM
To: 'EJM@EmpireCenter.org'; 'thoefer@empirecenter.org'; 'info@empirecenter.org'
Subject: Lawsuit challenge to the constitutionality & lawfulness of NYS budget & "three-men-in-a-room" budget deal-making

Dear Mr. McMahan,

Following up our brief conversation and your statement to me that, to your knowledge, NY's "three-men-in-a-room" had never been the subject of legal challenge – and your view that such a challenge would not succeed, below is my March 25th e-mail to legislative leadership with the link to the webpage of our legal challenge.

I look forward to your comment on the below three-indicated causes of action, in particular: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>

Thank you.

Elena Sassower, Director
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914-421-1200

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Friday, March 25, 2016 2:04 PM
To: 'jdklein@senate.state.ny.us'; 'jdefranc@nysenate.gov'; 'scousins@nysenate.gov'; 'seward@nysenate.gov'; 'morellej@assembly.state.ny.us'; 'AubryJ@assembly.state.ny.us'; 'nozzolio@nysenate.gov'; 'croci@nysenate.gov'; 'golden@nysenate.gov'; 'gallivan@nysenate.gov'; 'comrie@nysenate.gov'; 'LentolJ@assembly.state.ny.us'; 'OdonnellD@assembly.state.ny.us'; 'OdonnellD@assembly.state.ny.us'; 'RamosP@assembly.state.ny.us'; 'SaladiJ@assembly.state.ny.us'; 'GiglioJ@assembly.state.ny.us'; 'SepulvedaL@assembly.state.ny.us'
Cc: 'squadron@nysenate.gov'; 'valesky@nysenate.gov'; 'parker@nysenate.gov'; 'serrano@nysenate.gov'; 'griffo@nysenate.gov'; 'bonacic@nysenate.gov'

Subject: Restoring constitutionality and lawfulness to NY's budgeting process -- & overriding the "force of law" judicial pay raises

TO: Members of the General Budget Conference Committee and its "Public Protection" Subcommittee & Members of the 2011 Temporary Senate Committee on Rules and Administration Reform

Below is my self-explanatory e-mail to Assembly Ways and Means Ranking Member Oaks.

As stated, THERE IS STILL TIME for you to prevent funding of the unconstitutional, statutorily-violative, and fraudulent judicial pay raises – and to enact legislation to override them.

Thank you.

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

Sent: Friday, March 25, 2016 12:29 PM

To: 'oaksR@assembly.state.ny.us'

Cc: cyoung@nysenate.gov; 'lkrueger@senate.state.ny.us'; 'farrelh@assembly.state.ny.us'; 'flanagan@nysenate.gov'; 'speaker@assembly.state.ny.us'; scousins@nysenate.gov; Assembly Minority Leader Brian M. Kolb; Andrew J. Lanza (lanza@senate.state.ny.us); hoylman@nysenate.gov; 'bonacic@nysenate.gov'; 'hassellt@senate.state.ny.us'; 'weinstH@assembly.state.ny.us'; 'montesanoM@assembly.state.ny.us'; 'peoplec@assembly.state.ny.us'; 'DupreyJ@assembly.state.ny.us'; 'JaffeeE@assembly.state.ny.us'; LawrenceP@assembly.state.ny.us; 'goodella@assembly.state.ny.us'; 'LopezP@assembly.state.ny.us'; 'NojayW@assembly.state.ny.us'; 'JohnsM@assembly.state.ny.us'; 'SteckP@assembly.state.ny.us'; garvey@nysenate.gov; grelick@nysenate.gov; latimer@nysenate.gov; buchwaldd@assembly.state.ny.us

Subject: Restoring constitutionality and lawfulness to NY's budgeting process -- & overriding the "force of law" judicial pay raises

Dear Ways and Means Ranking Member Oaks –

Thank you for giving me the opportunity to speak with you, at length, on Wednesday, March 23rd, at the Capitol. I look forward to continuing productive dialogue.

The verified second supplemental complaint in the Center for Judicial Accountability's citizen-taxpayer action, which I presented that morning in Albany Supreme Court, by an order to show cause with a stay and TRO, challenges the 2016-2017 fiscal year budget. It lays out much of what I summarized to you when we spoke. As promised, here's the link to the webpage on which it is posted: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>

As the verified second supplemental complaint is lengthy, may I suggest you start by reading:

- (1) the 12th cause of action (at pp. 36-53) "Nothing Lawful or Constitutional Can Emerge From a Legislative Process that Violates its Own Statutory & Rule Safeguards – and the Constitution";
- (2) the 13th cause of action "Chapter 60, Part E of the Laws of 2015 is Unconstitutional, *As Written...*", particularly its Parts D & E (at pp. 60-67); and
- (3) the 16th cause of action "Three-Men-in-a-Room Budget Deal-Making is Unconstitutional, *as Unwritten and as Applied*" (pp. 80-85).

As to the basis upon which Acting Supreme Court Justice McDonough struck the TRO relief from the order to show cause, allowing you and your legislative colleagues to proceed with unconstitutionally "amended" budget bills, sham conference committees, and behind-closed-doors budget deal-making -- greenlighting the Governor's slush-fund Legislative/Judiciary Budget Bill #S.6401/A.9001 and \$27,000,000+ in funding for unconstitutional, statutorily-violative, and fraudulent judicial salary increases that will take effect automatically on April 1st – you will find the answer in my yesterday's letter to him, also posted on the webpage. Judge McDonough's response, not denying or disputing anything I said, is also posted.

I am furnishing this e-mail to your legislative colleagues – who, with you, can and must prevent funding of the unconstitutional, statutorily-violative, and fraudulent judicial pay raises – and enact legislation to override them. THERE IS STILL TIME!

Thank you.

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