

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Saturday, April 02, 2016 4:46 PM
To: 'kmatthews@ap.org'
Cc: dklepper@ap.org; 'mvirtanen@ap.org'; 'apalbany@ap.org'; 'apnyc@ap.org'
Subject: UNREPORTED BY THE ASSOCIATED PRESS: 1st ever lawsuit challenging NY's 3-men-in-a-room budget deal-making

Dear Karen,

Following up my phone call to you in response to today's "BC-NY--New York News Digest, NY", <http://newsok.com/bc-ny-new-york-news-digest-ny/article/feed/992326>, which I received *via* the internet – whose "TOP STORIES" include:

"STATE BUDGET-NEW YORK

ALBANY, N.Y. — A week of secret negotiations yielded a budget full of compromise and outstanding issues Gov. Andrew Cuomo and lawmakers have deferred until later. By David Klepper. SENT: 985 words, photos."

and which states:

"Members can send stories and tips to apalbany@ap.org for upstate and apnyc@ap.org for the New York metro area. Karen Matthews on the New York City desk can be reached at 212-621-1670."

and:

"If you have stories of regional or statewide interest, please email them to apnyc@ap.org."

below is the first of two PRESS ALERTS/RELEASES I sent earlier this week to David Klepper and Michael Virtanen of AP's Albany Bureau at the Capitol – pertaining to the FIRST EVER LEGAL CHALLENGE to NY's three-men-in-a-room, behind-closed-doors budget deal-making – to which I received no follow-up from them. Instead, their reportage was the usual follow-the-pack journalism, presenting nothing distinctive – and nothing to give the public an understanding of how ordinary citizens can – and are—battling the corruption that plagues our government – and who to hold responsible for the brazen violations of the People's rights.

Indeed, the only report about the lawsuit to appear was in Syracuse.Com (Syracuse Post-Standard) by Mike McAndrew. Here's the link: http://www.syracuse.com/state/index.ssf/2016/03/nonprofit_sues_cuomo_ny_legislature_over_3_men_in_a_room_budget_making.html#incart_river_home

I will send you the second PRESS ALERT/RELEASE momentarily. Please forward to your highest editors at Associated Press so that they can verify for themselves the EXPLOSIVE nature of this story – including as relates to the HUGE judicial, legislative and executive pay raises that are unfolding, with the most minimal press coverage, NONE investigative.

I am available to be interviewed – and to assist you to the max.

Thank you.

Elena Sassower, Director

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

Sent: Monday, March 28, 2016 10:33 AM

To: jemcki@nytimes.com; 'metro@nytimes.com'; 'editorial@nytimes.com'; 'susan_arbetter@wcny.org'; 'liz.benjamin@twcnews.com'; 'gblain@nydailynews.com'; cbragg@timesunion.com; 'wbrunelle@politico.com'; 'jcampbell1@gannett.com'; dan.clark@twcnews.com; 'kclukey@politico.com'; kconley@nypost.com; acutler@wten.com; 'kdewitt@wxxi.org'; 'fud31@aol.com'; ny.tips@chalkbeat.org; 'zack.fink@ny1news.com'; jvielkind@capitalnewyork.com; 'cseiler@timesunion.com'; 'efmnews@aol.com'; news@cbs6albany.com; 'michael.gormley@newsday.com'; mhamilton@timesunion.com; 'khughes@nysnys.com'; ahupfl@cityandstateny.com; 'rkarlin@timesunion.com'; shaneking@statewatch.com; info@gothamgazette.com; 'dking@gothamgazette.com'; **dklepper@ap.org**; david@statewatch.com; 'klnynews@aol.com'; 'bmahoney@politico.com'; 'mmcandrew@syracuse.com'; Erica.Orden@wsj.com; 'nperreault@wutr.tv'; 'Alyssa_Plock@wcny.org'; mikep@statewatch.com; 'tprecious@buffnews.com'; 'nick.reisman@twcnews.com'; drobinson@bizjournals.com; krouse@wnyc.org; 'yancey.roy@newsday.com'; 'mryan@wmht.org'; 'jspector@gannett.com'; 'joelstashenko@aol.com'; 'jvalasquez@politico.com'; hviccaro@dailygazette.net; jvielkind@capitalnewyork.com; **mvirtanen@ap.org**; 'swaldman@politico.com'; vivian.yee@nytimes.com; mike.vilensky@wsj.com

Subject: NEWS ALERT: Lawsuit challenging NY's 3-men-in-a-room budget deal-making (1st ever?!)

[E]ven more opaque” this year than in previous years.

That is how yesterday's Wall Street Journal describes New York's behind-closed-doors “ ‘three men in a room’ process of negotiating the roughly \$154 billion budget” – with quotes from Senate Minority Leader Andrea Stewart-Cousins:

“This year's budget process has been nothing but a series of covert meetings and phone calls shielded from the press and public”

and from Senate Finance Committee Ranking Member Liz Krueger that:

“[the secrecy] has never been acceptable but never seems to change”.

(<http://www.wsj.com/articles/new-york-state-budget-set-to-omit-tighter-rules-on-ethics-1459127730> --“New York State Budget Set to Omit Tighter Rules on Ethics”, Erica Orden, Mike Vilensky)

Apparently, no one has ever bought a court challenge to the constitutionality and lawfulness of “three men in a room” budget deal-making, let alone its exclusion of legislators, the public, and the press – until now.

Last Wednesday, March 23rd, the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), filed lawsuit papers for a declaration that New York's three-men-in-a-room budget deal-making is unconstitutional and unlawful – as likewise the whole of the executive budget for fiscal year 2016-2017 resting thereon and upon a mountain of other constitutional, statutory and rule violations.

The court papers are posted on CJA's website, www.judgewatch.org, accessible from the prominent homepage link: “CJA's Citizen-Taxpayer Action to End NYS' Corrupt Budget ‘Process’ & Unconstitutional ‘Three Men in a Room’ Governance”. The direct link to the webpage for the March 23rd order to show cause and verified second supplemental complaint is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-suppl-complaint.htm>

The verified second supplemental complaint is a paper-trail of the corruption of the state budget, focused on the slush-fund \$4 billion legislative/judiciary budget bill and the “force of law” judicial salary increases recommended by the Commission on Legislative, Judicial and Executive Compensation whose \$27-plus million dollar cost for fiscal year 2016-2017 will take effect, automatically, on April 1st unless overridden by the Legislature before then. Most germane to these – and to the whole of the executive budget – are the following:

- (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 (at pp. 53-67) “Chapter 60, Part E of the Laws of 2015 [creating the Commission on Legislative, Judicial and Executive Compensation] is Unconstitutional, *As Written...*”, particularly its Parts D & E (at pp. 60-67); and
- (3) the 16th cause of action (at pp. 80-85): “Three-Men-in-a-Room Budget Deal-Making is Unconstitutional, *as Unwritten and as Applied*” .

I am available to be interviewed and to assist you, to the max. Call anytime, day or night.

Thank you.

Elena Sassower, Director
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