

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]  
**Sent:** Tuesday, August 21, 2012 1:37 PM  
**To:** 'seymour.lachman@wagner.edu'  
**Cc:** 'robert.polner@nyu.edu'; 'EJM@EmpireCenter.org'; 'Eric.Lane@hofstra.edu'  
**Subject:** Countdown to the 2012 Primary & General Elections -- and to the 2017 Ballot Question Whether There Should be a NYS Constitutional Convention

Dear Director Lachman,

Following up my phone message a short time ago with Suzanne, below is my e-mail of today's date to E.J. McMahon of the Manhattan Institute, with a copy to Professor Eric Lane, Interim Dean of Hofstra Law School. You identify their contributions to your book, Three Men in a Room, in the book's "Acknowledgments".

As stated by my below e-mail:

"The primary elections are only a few weeks away – and editorial boards are undoubtedly already interviewing incumbents and their challengers. An article, column, and/or Op-Ed by you about the scandal that is laid out by [CJA's] lawsuit [against our highest constitutional officer and three government branches] will help alert the editorial boards to what they should be interrogating incumbent legislators about. ... Such inquiries – among others – are consistent with what Professor Eric Lane, now interim dean at Hofstra Law School, wrote fifteen years ago in his article "*Albany's Travesty of Democracy*" in Manhattan Institute's City Journal.

'Lasting change will come about in Albany only when reform becomes a standard election issue, like taxes, criminal justice, and the schools. Voters will have to press candidates on their willingness to turn the Legislature into a true representative body. Editorial boards and interest groups will have to stake their endorsements on a commitment to openness and deliberation. Today, legislators' complicity in the Albany system costs them nothing. Tomorrow, it should cost them their jobs.'

Indeed, it was only from Three Men in a Room (at pp. 44-45) that I only learned of Professor Lane's powerful article.

There is no time to waste if we are to maximize the 2012 legislative elections to hold our incumbent legislators accountable for the perversion of democracy and responsible, constitutional government that you and Professor Lane have written about – and whose reform is the purpose of the Carey Institute for Government Reform. Certainly, too, if we delay we will not succeed to lay the groundwork for a YES vote on the 2017 ballot question as to whether there should be a New York constitutional convention – the necessity of which your book advocates. That includes passage of legislation to prohibit and/or restrict the election of legislators and political party leaders as convention delegates – a key obstacle to a YES vote in 1997.

As I stated in previous phone messages I left for you over the past four weeks – to which I have received no return call – the Carey Institute for Government Reform is perhaps the only academic institute in New York whose mission of “government reform” is part of its name. Certainly, with a name like that it should be leading the way in “Building a Roster of Academic Institutions, Think Tanks, and Scholars of the New York State Constitution and New York State Government” – which is why I have featured the Carey Institute under that heading on our webpage: [Building for a People's Constitutional Convention -- & Scholarship on NYS Constitutional Issues & Governance -- Beginning with CJA's Public Interest Lawsuit vs NYS' Highest Constitutional Officers & 3 Government Branches](#), together with a quote from the Carey Institute’s website:

“...colleges and universities are the institutions best suited for conducting the studies necessary to shape and disseminate an agenda for reform:

- The academic environment provides multidisciplinary and interdisciplinary resources for analyzing proposed reforms, as well as the impact of proposals once they are enacted.
- The academic environment, with its ideals and traditions of rigorous and dispassionate nonpartisan analysis, is far better suited than any number of ideological think tanks to lay the groundwork for developing a broad consensus of public support for reform proposals.
- The academic environment is oriented toward creating multigenerational interests in the need to adapt proposals as conditions change over time.”

Please call, as soon as possible, so that we can belatedly continue the constructive phone conversation we had in late June about “studies necessary to shape and disseminate an agenda for reform”. This includes scholarly evaluation of citizen lawsuits, such as CJA’s, seeking to safeguard New York’s constitution and the public rights – and having the potential to end the unconstitutional governance of “three men in the room”.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
646-220-7987

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**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewidth.org](mailto:elena@judgewidth.org)]  
**Sent:** Tuesday, August 21, 2012 11:23 AM

**To:** 'EJM@EmpireCenter.org'

**Cc:** 'eric.lane@hofstra.edu'

**Subject:** Countdown to the 2012 Primary & General Elections -- Safeguarding our Democracy by DOING WHAT YOU DO BEST!

Dear Mr. McMahon,

This follows up our phone conversation a short while ago. You – and the Manhattan Institute – are preeminent voices on pensions and how our dysfunctional state government is leading us to fiscal collapse.

What New York State's legislative incumbents did in saddling New York taxpayers with millions, and ultimately billions, of dollars in judicial pay raises, based on a report of the Commission on Judicial Compensation which ON ITS FACE, was statutorily violative in failing to evaluate "compensation and non-salary benefits" is a MAJOR SCANDAL that can make a BIG DIFFERENCE this election year when ALL legislative incumbents are up for re-election, most importantly, Senate Majority Leader Skelos and Assembly Speaker Silver – two of the three "men in the room".

All that is needed is that you do what you do best: using your expertise to WRITE about the Commission on Judicial Compensation's FACIALLY-VIOLATIVE August 29, 2011 Report – to which Senate Majority Leader Skelos and Assembly Speaker Silver gave the green-light, even in face of CJA's October 27, 2011 Opposition Report to them providing a full exposition on the subject so that they could take appropriate steps to protect the public. Where were their findings of fact and conclusions of law? And where are the findings of fact and conclusions of law of Governor Cuomo, Chief Judge Lippman – and of Attorney General Schneiderman, Senate Minority Leader Sampson, and Comptroller DiNapoli, to whom we also provided the Opposition Report so that they could take appropriate steps to protect the public. This is now the basis of CJA's explosive public interest lawsuit against all these constitutional officers and the three government branches for constitutional violations, fraud, and collusion against the People of this State.

The primary elections are only a few weeks away – and editorial boards are undoubtedly already interviewing incumbents and their challengers. An article, column, and/or Op-Ed by you about the scandal that is laid out by the lawsuit will help alert the editorial boards to what they should be interrogating incumbent legislators about. Do the incumbent legislative "leaders" and other legislators – all defendants in the lawsuit -- deny or dispute the complaint's allegations? What are they going to do about them? Such inquiries – among others – are consistent with what Professor Eric Lane, now interim dean at Hofstra Law School, wrote fifteen years ago in his article "*Albany's Travesty of Democracy*" in Manhattan Institute's City Journal.

"Lasting change will come about in Albany only when reform becomes a standard election issue, like taxes, criminal justice, and the schools. Voters will have to press candidates on their willingness to turn the Legislature into a true representative body. Editorial boards and interest groups will have to stake their endorsements on a commitment to openness and deliberation. Today, legislators' complicity in the Albany system costs them nothing. Tomorrow, it should cost them their jobs."

CJA's website, [www.judgewatch.org](http://www.judgewatch.org), posts Professor Lane's full article on the webpage entitled

“Easily Accomplished Recommended Legislative Rule Changes”. It is accessible *via* the top panel “Latest News”, whose below first section posts the link – and which you can access via this e-mail.

Time is of the essence. Please give this issue some PRIORITY attention – or pass it on to other scholars at the Manhattan Institute, so that they may immediately do so...

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
646-220-7987

## LATEST NEWS

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Holding Government Accountable

### THE PEOPLE FIGHT BACK!

**ELECTIONS 2012 -- when ALL 213 seats in NY's Legislature  
are Up for Election  
Making Judicial Corruption & Fraudulent Judicial Pay Raises  
Campaign Issues in 2012,  
as Likewise the Convening of a People's Constitutional Convention**

SCOREBOARD: PUTTING INCUMBENT NYS LEGISLATORS ON  
RECORD –

1. What is their answer to The People's lawsuit vs them to void the judicial pay raises -- & secure judicial accountability?

-- **click here for** [The People's Lawsuit vs NY's Legislative & Highest Constitutional Officers to Void the Judicial Pay Raises -- & Secure Judicial Accountability](#)

2. After the November 2012 elections, will they be coming back into session to vote themselves pay raises, either directly or by the establishment of a Special Commission, whose recommendations will automatically become law?

-- **click here for** [Press Reports on Legislative Pay Raises](#)

3. What is their position on the convening of a NYS constitutional convention -- & legislation to make it a "People's convention"?

-- **click here for** [Building for a People's Constitutional Convention -- & Scholarship on NYS Constitutional Issues & Governance -- Beginning with CJA's Public Interest Lawsuit vs NYS' Highest Constitutional Officers & 3 Government Branches](#)

4. What have they done to reform the legislature rules, which they could readily have done, to make the Legislature an effective governing body, not the sham controlled by the Senate Majority Leader and Assembly Speaker?

-- **click here for** [Easily-Accomplished Recommended Legislative Rule](#)

[Changes](#)

-- **click here for:**

[\*ELECTIONS 2012: Making NY's Legislative Elections Competitive -- Outreach to Reformers, Insurgent Candidates & Political Parties\*](#)