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October 14, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL: Your Invitations to Legislators – & the Invitations of Common Cause & Citizens Union, Including to their Membership

At the Commission's March 10, 2016 hearing in Manhattan, the only two witnesses testifying were Susan Lerner, Executive Director of Common Cause-NY, and Dick Dadey, Executive Director of Citizens Union. Each commented upon the lack of witnesses. Their colloquy with Chair Birnbaum included the following:

### Transcript, at p. 14-16

Witness Lerner: And that's, basically, our position on this issue. And we will commit to trying to turn out people for your Albany and your Syracuse hearings. We will also let our [grass-roots] members across the state know that they have the ability to comment through your website and see if we can get them, because they are concerned about these issues; to chime in not only through our organization but directly to you. And I would also urge you – since we will assist with social media as well, but I would also suggest to you that it might be useful to issue actual invitations directly to each legislator to let them know when you're going to be in Albany and to invite them to appear and testify or at least to submit comments. ...

Chair Birnbaum: Thank you so much. I really appreciate the fact that you're going to reach out to your membership and other good government and bad government groups [depending] on your point of view, I guess, to appear at our other hearings or to e-mail us or send us information or factual information. We look forward to reading your comments. But your suggestions are incredibly useful. Thank you for your testimony."

### Transcript, at pp. 42-44

Chair Birnbaum: ...As I said, we didn't have a lot of quantity today, but we certainly had quality. And we look forward to reading your written remarks and Ms. Lerner's written remarks. And if you want to drum up business for us in Albany, we'd appreciate it. ...

Witness Dadey: If I can just – one thing in terms of notification: being I was in Albany in the last couple of weeks talking to state legislators about the effort to deal with corruption and talking about compensation issues, none of them knew that you were holding public hearings. Everyone I talked to said, Oh, I would love to testify, when is it. And I've actually sent the schedule. So there is a breakdown in communication with the legislature.

Chair Birnbaum: But we'll definitely -- and I think Ms. Lerner made that comment as well. We will invite them to our hearings in Albany and, hopefully, we will get some of them to testify.  
...The next hearing of the Commission is going to be in Albany on March 23<sup>rd</sup>. We will continue to invite people and try to extend the number of people we have testifying. And we are scheduled to have a hearing on April 23<sup>rd</sup> in Syracuse. So if you can reach out to members, et cetera, we would be appreciative of hearing from them as well."

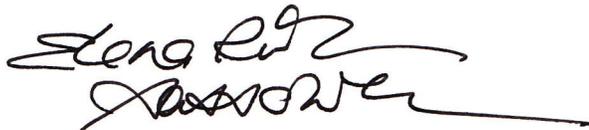
How surprising then that at the Commission's March 23<sup>rd</sup> hearing in Albany, there were only four witnesses testifying – Assemblyman William Nojay, Assemblyman Phil Steck, Fritz Schwarz, chair of the New York City Quadrennial Advisory Commission, and Blair Horner, executive director of NYPIRG.

As for the April 23<sup>rd</sup> hearing in Syracuse, it was "canceled because no one had signed up for it". (April 25, 2016 transcript, p. 2). Similarly, the Commission's subsequently scheduled May 25<sup>th</sup> hearing in Rochester was "canceled...because...no one signed up to testify" (September 22, 2016 transcript, p. 2).

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], this is to request:

- (1) all records establishing the Commission's outreach to legislators and other public officers, inviting them to testify at the March 23<sup>rd</sup> hearing in Albany, the April 23<sup>rd</sup> hearing in Syracuse – or, thereafter, at the May 25<sup>th</sup> hearing in Rochester;
- (2) all records that Common Cause and Citizens Union furnished the Commission reflecting their outreach to prospective witnesses, including through "social media" and by solicitations of their membership.

Thank you.



Enclosures: 2 transcript pages

April 25, 2016 Public Meeting  
Commission on Legislative Judicial  
+ Executive Compensation<sup>2</sup>

Proceedings

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2 MS. BIRNBAUM: Good morning. This is going  
3 to be a meeting of the Commission on Judicial Executive  
4 and Legislative Compensation. This is a sort of  
5 process procedural meeting to figure out what we have  
6 already done and where we are going. All of the  
7 commission members are here. Thank you all for your  
8 prompt attention and attendance.

9 Just to bring everyone up to speed, we have  
10 had hearings in New York and in Albany. We were  
11  supposed to have a hearing in Syracuse, which was  
12 canceled, because no one had signed up for it.

13 There's some suggestions, from a number of  
14 people, that, they wanted us to have a hearing in  
15 Rochester. We have been looking for a date for that  
16 hearing so that we could get, at least, a substantial  
17 number of the commission members there.

18 I think where we are is, we would like to  
19 have that hearing in Rochester done by video, if we  
20 can, because we think it would make it more efficient  
21 and would not cause the taxpayer a lot of money in  
22 travel. So, we will be announcing, on our website, a  
23 date for the Rochester meeting, probably, in late May  
24 or early June by video. And, we invite all of those in  
25 Rochester, who would like to testify, to, please, sign  
26 up to do so. So, we will post that date.

September 22, 2016 Public Meeting  
Commission on Legislative Judicial  
+ Executive Compensation

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Proceedings

CHAIRWOMAN BIRNBAUM: We're about to bring the meeting to order. This is the September meeting of the Commission on Compensation. We are going to continue today some discussions we had at our last meeting.

I'd just like to make some comments. That is, first, we've had numbers of people sending letters, e-mails, et cetera since our last meeting. All of that information has been useful. It has all been distributed to all of the commissioners. And one in particular I'd like to make reference to, which is on our website, from one of the members of the New York State Assembly that just came in last week, and I hope I don't butcher your name, Rodneyse Bichotte, which was a very interesting take on some of the issues we're talking about. The Commissioners have read that with interest, and there have been a number of other people from the Assembly or the Senate who have contacted us. So we are reviewing all of that material.

This morning I was handed a survey, an unscientific survey, but a survey from the -- I'm sorry, I lost the piece of paper, but it's a survey done by one of the TV stations up in Rochester. As you know, we canceled our Rochester meeting because of the fact that we had no one signed up to testify. And they have done a survey of their listeners and they have put together and just given me this morning the results of that survey, which included about 1,500 some-odd

