

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Saturday, January 05, 2013 7:39 AM
To: 'eric.lane@hofstra.edu'; rb34@columbia.edu; seymour.lachman@wagner.edu;
'benjamig@newpaltz.edu'; galie@canisius.edu; 'jgard@buffalo.edu'; gaist@rockinst.org
Cc: lawrence.norden@nyu.edu; 'nordenL@exchange.law.nyu.edu'
Subject: Expert Opinion Needed: The Most Important Votes of the Upcoming 236th Legislative Session

EXPERT OPINION NEEDED: THE MOST IMPORTANT VOTES OF THE UPCOMING 236th LEGISLATIVE SESSION --

TO: Professor Eric Lane/Dean, Hofstra Law School
Professor Richard Briffault, Columbia Law School
Professor Seymour Lachman
(Director, Hugh Carey Institute for Government Reform/Wagner College)
Professor Gerald Benjamin (SUNY-New Paltz)
Professor Peter Galie
Professor James Gardner
(Director, Jaekle Center for State and Local Democracy/SUNY-Buffalo Law School)
Professor Thomas Gaist
(Director, Rockefeller Institute of Government/SUNY-Albany)

CC: Lawrence Norden, Brennan Center for Justice at New York Law School/Deputy Director-Democracy Program)

The below e-mail was sent to the indicated members of the press & all members of the New York State Senate and Assembly.

Kindly advise whether you would be available to provide your expert opinions to them – and us – on the issues of New York State constitutional law and governance presented. If not, please advise who are this State's pre-eminent scholars of our State's constitutional law and governance to whom they -- and we -- can turn --- and forward this e-mail on to them, as time is of the essence.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewidth.org]
Sent: Friday, January 04, 2013 7:34 AM
To: 'susan_arbetter@wcny.org'; 'jbakeman@gannett.com'; 'liz.benjamin@ynn.com'; 'gblain@nydailynews.com'; 'jcaher@alm.com'; 'kdewitt@wxixi.org'; 'fud31@aol.com'; 'efmnews@aol.com'; 'jacob.gershman@gmail.com'; 'mgormley@ap.org'; 'gutbrodt@senate.state.ny'; 'blambdin@wnyt.com'; 'kaplan@nytimes.com'; 'mnatale@wrgb.com'; 'zack.fink@ny1news.com'; 'whammond@nydailynews.com'; 'nick.reisman@ynn.com'; 'hakim@nytimes.com'; 'mark.harrington@newsday.com'; 'khughes@nysnys.com'; 'rkarlin@timesunion.com'; 'fklopott@bloomberg.net';

'ekriss@nypost.com'; 'blambdin@wnyt.com'; 'klnynews@aol.com'; 'jodato@timesunion.com'; 'Alyssa_Plock@wcny.org'; 'tprecious@buffnews.com'; 'yancey.roy@newsday.com'; 'mryan@wmht.org'; 'cseiler@timesunion.com'; 'ashort@cityandstateny.com'; 'asichko@bizjournals.com'; 'jspector@gannett.com'; 'joelstashenko@aol.com'; 'jvielkind@timesunion.com'; 'mvirtanen@ap.org'; 'tweaver@syracuse.com'; 'michael.whittemore@ynn.com'; 'davidhowardking@gmail.com'

Subject: The Most Important Votes of the Upcoming 236th Legislative Session --

THE MOST IMPORTANT VOTES OF THE UPCOMING 236th LEGISLATIVE SESSION –

are the ones that will take place on the Senate and Assembly floor at the opening session on Wednesday, January 9th: for Temporary Senate President and Senate rules; and for Assembly Speaker and Assembly rules. These will determine whether “dysfunctional” and “three men in a room” will continue as the adjectives describing how our Legislature operates. Astonishingly, changing these perversions of our democracy is not difficult. It can be accomplished, IMMEDIATELY. All that is required is that our legislators vote on rules that do not confer autocratic powers on the leadership and majority party.

To ensure that that finally happens -- and because our non-partisan, non-profit citizens’ organization has a great deal to contribute to an informed understanding and vote on legislative leadership and rule change – we have spent the past month engaged in important correspondence with both the leadership and rank-and-file members of both houses. This culminated, yesterday, in letters addressed to all Senators and Assembly members, raising a constitutional question – based on Article III, Sec. 9 of the NYS Constitution – as to whether their votes for rules on opening day should not precede their votes on leadership – and calling upon them to secure the expert opinions of this State’s constitutional scholars.

You can judge, for yourself, the game-changing significance of our correspondence – and the major scandal it presents -- as it’s all posted on our website, www.judgewatch.org, accessible *via* the top panel “Latest News”. Here’s the direct link, for your convenience: <http://www.judgewatch.org/web-pages/cja/latest-news.htm>.

To assist you – and our legislators – we’ve created a “Rules Reform Resource Page” – which posts essential background materials, beginning with Professor Eric Lane’s landmark article ‘*Albany’s Travesty of Democracy*’ (1997) and including the Brennan Center’s landmark 2004 report which, based on analysis of ALL 50 states, concluded that NY’s Legislature is the MOST DYSFUNCTIONAL in the nation – a situation it confirmed as still true in its subsequent two reports, in 2006, and 2008.

That this grotesque dysfunction remains true TODAY is the subject of our People’s lawsuit vs Temporary Senate President Skelos & the Senate and Assembly Speaker Silver & the Assembly – and that, too, is posted on our website, accessible *via* “Latest News”. Please note that a “hard copy” of the Verified Complaint & substantiating exhibits – identical to the four copies we served on Skelos, the Senate, Silver & the Assembly on April 5, 2012 -- is in the possession of Michael Virtanen of Associated Press.

I am available to assist you in reporting and developing the extraordinary story chronicled by our correspondence – and to answer your questions. Here’s my contact info:

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
elena@judgewatch.org
914-455-4373
cell: 646-220-7987

I look forward to hearing from you.

Thank you.