

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Wednesday, March 27, 2013 3:47 PM  
**To:** FarrelH@assembly.state.ny.us; 'OaksR@assembly.state.ny.us';  
buchwaldd@assembly.state.ny.us; katzs@assembly.state.ny.us  
**Cc:** paternol@assembly.state.ny.us; weisfeldd@assembly.state.ny.us;  
roithmayra@assembly.state.ny.us; keegant@assembly.state.ny.us;  
keegan.taram@gmail.com; josephmahearn@gmail.com; Addie Russell; Aileen Gunther;  
Al Graf; Al Stirpe; Alan Maisel; Alec Brook-Krasny; Amy Paulin; Andrew Garbarino;  
Andrew Hevesi; Andrew Raia; Andy Goodell; Angelo Santabarbara; Annette Robinson;  
Annie Rabbit; Anthony Brindisi; Aravella Siotas; Assemblyman Sheldon Silver  
(silver@assembly.state.ny.us); Barbara Clark; Barbara Lifton; Bill Nojay; Bill Reilich; Brian  
Curran; Brian Kavanagh; Brian M. Kolb; Carl Heastie; Carmen Arroyo; Catherine Nolan;  
Chad Lupinacci; Charles Lavine; Christopher Friend; Claudia Tenney; Clifford Crouch;  
Crystal Peoples-Stokes; Dan Quart; Dan Stec; Daniel O'Donnell; David DiPietro; David  
Gantt; David McDonough; David Weprin; Deborah Glick; Dennis Gabryszak; Didi Barrett;  
Donna Lupardo; Dov Hikind; Edward Braunstein; Edward Hennessey; Edward Ra; Ellen  
Jaffee; Eric Stevenson; Feliz Ortiz; Francisco Moya; Frank Skartados; Fred Thiele, Jr.;  
Gabriela Rosa; Gary Finch; Gary J. Pretlow; Harry Bronson; Harry Weisenberg; Helene  
Weinstein; Inez Barron; James Brennan; James Skoufis; James Tedisco; Jane Corwin;  
Janet Duprey; Jeffrey Dinowitz; Jeffrion Aubry; Joan Millman; John Ceretto; John  
McDonald III; Jose Rivera; Joseph Borelli; Joseph Giglio; Joseph Lentol; Joseph Morelle;  
Joseph Saladino; Karim Camara; Keith L.T. Wright; Ken Blankenbush; Kenneth Zebrowski;  
Kevin Cahill; Kieran Michael Lalor; Linda Rosenthal; Luis Sepulveda; Marc Butler; Marcos  
Crespo; Margaret Markey; Mark Gjonaj; Mark Johns; Matthew Titone; Micah Kellner;  
Michael Benedetto; Michael Cusick; Michael DenDekker; Michael Fitzpatrick; Michael  
Kearns; Michael Miller; Michael Montesano; Michael Simanowitz; Michaelle Solages;  
Michele Titus; Michelle Schimel; Nelson Castro; Nick N. Perry; Nicole Malliotakis; Nily  
Rozic; Patricia Fahy; Peter Abbate, jr.; Peter Lopez; Phil Ramos; Phil Steck; Philip  
Palmesano; Phillip Goldfeder; Rafael Espinal, Jr.; Raymond Walter; Rhoda Jacobs; Richard  
Gottfried; Robert Rodriguez; Robert Sweeney; Robin Schimmiger; Ron Kim; Samuel  
Roberts; Sandy Galef; Sean Ryan; Shelley Mayer; Stephen Hawley; Steve Englebright;  
Steven Cymbrowitz; Steven McLaughlin; Steven Otis; Thomas Abinanti; Tom McKeivitt;  
Tony Jordan; Vanessa Gibson; Vito Lopez; Vivian Cook; Walter Mosley; William Barclay;  
William Boyland, Jr.; William Colton; William Magee; William Magnarelli; William  
Scarborough  
**Subject:** Assisting Assembly Members in their Duty to Reject Judiciary Appropriations Bill A.3001  
**Attachments:** 3-26-13-ltr-to-assembly-members-with-questions-floor.pdf

**TO:** **Assembly Ways & Means Committee Chairman Farrell**  
**Ranking Member Oaks**  
**Assemblyman Buchwald**  
**Assemblyman Katz**

This follows up my phone calls to each of your offices earlier this afternoon to confirm your receipt of the e-mail I sent yesterday to you and every other Assembly member entitled **“grand larceny of the public fisc’ -- Why You Must Reject A.3001 -- Judiciary Appropriations Bill”**. That e-mail, attaching the above letter of yesterday’s date, stated:

**“We take this opportunity to request that Assembly Ways & Means Chairman Farrell – and Ranking Member Oaks – ensure that CJA’S Opposition Report & verified complaint, which I handed up at the February 6<sup>th</sup> budget hearing, are brought to the Assembly floor for inspection by Assembly members.”** (bold & underlining in yesterday’s e-mail).

I reiterated that request in my calls to Chairman Farrell and Ranking Member Oaks earlier today, further stating that I would request Assemblyman Buchwald, my own Assembly member, to also bring to the Assembly floor the copy of CJA’s Opposition Report & verified complaint that I had furnished him six weeks ago, on February 15<sup>th</sup>, so that he could verify the truth of what I had stated in my February 6<sup>th</sup> testimony.

As Assemblyman Buchwald is not only a graduate of Yale University, with a B.S. in physics – but a *cum laude* Harvard Law School graduate, with a master’s in public policy from Harvard’s Kennedy School of Government – he is uniquely qualified to assist his Assembly colleagues by stating – on the floor of the Assembly – his expert opinion as to whether – as I have stated – they establish that an Assembly vote to fund the judicial salary increase, embodied in A.3001, would be “grand larceny of the public fisc”.

That Assemblyman Buchwald is also qualified to give a legal opinion as to whether the Judiciary appropriations in A.3001 are unconstitutional for the multiple reasons summarized by CJA’s attached March 26<sup>th</sup> letter is, additionally, fortuitous. Indeed, as set forth at pages 2-3 of the letter, Assemblyman Buchwald’s office has been unable to identify the total dollar appropriations of A.3001, *to wit*, whether the \$66 million dollars of appropriations at the back of A.3001 is added on to the \$2,683,991,476 appropriations that his office and Senator Latimer’s office have each already confirmed.

Certainly, Chairman Farrell and Ranking Member Oaks should be able to furnish Assemblyman Buchwald, other Assembly members – and the taxpaying public – with such basic information as to the total dollar amount of the Judiciary appropriations in A.3001. I hereby call upon them to do so, as likewise to address such other aspects of CJA’s attached March 26<sup>th</sup> letter as Assemblyman Buchwald does not address when he rises in opposition to A.3001, as he is duty-bound to do based on what he has before him.

Finally, because Assemblyman Katz has gone on record as a champion of budget reform – powerfully stating on the Assembly floor on March 11<sup>th</sup> “...We are responsible for having a budget that is open, transparent, that we all can understand and is factually correct.” (video, at 1:45:35 - 1:52:50) – which was in the context of colloquy with Chairman Farrell about the legislative portion of A.3001 -- I reiterate my request to him on the subject, namely, that he take the lead, on the Assembly floor, in the vote on A.3001, by securing answers to the four questions presented by CJA’s March 26<sup>th</sup> letter. Indeed, the genesis of that letter was Assemblyman Katz’ telephone call to me, on March 21<sup>st</sup>, for such written specifications as therein contained.

Thank you.

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

cc: All Assembly Members

Below is yesterday’s referred-to e-mail:

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**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

**Sent:** Tuesday, March 26, 2013 1:54 PM

**To:** Addie Russell; Aileen Gunther; Al Graf; Al Stirpe; Alan Maisel; Alec Brook-Krasny; Amy Paulin; Andrew Garbarino; Andrew Hevesi; Andrew Raia; Andy Goodell; Angelo Santabarbara; Annette Robinson; Annie Rabbit; Anthony Brindisi; Aravella Siotas; Assemblyman Sheldon Silver (silver@assembly.state.ny.us); Barbara Clark; Barbara Lifton; Bill Nojay; Bill Reilich; Bob Oaks; Brian Curran; Brian Kavanagh; Brian M. Kolb; Carl Heastie; Carmen Arroyo; Catherine Nolan; Chad Lupinacci; Charles Lavine; Christopher Friend; Claudia Tenney; Clifford Crouch; Crystal Peoples-Stokes; Dan Quart; Dan

Stec; Daniel O'Donnell; David Buchwald; David DiPietro; David Gantt; David McDonough; David Weprin; Deborah Glick; Dennis Gabryszak; Didi Barrett; Donna Lupardo; Dov Hikind; Edward Braunstein; Edward Hennessey; Edward Ra; Ellen Jaffee; Eric Stevenson; Feliz Ortiz; Francisco Moya; Frank Skartados; Fred Thiele, Jr.; Gabriela Rosa; Gary Finch; Gary J. Pretlow; Harry Bronson; Harry Weisenberg; Helene Weinstein; Herman Farrell, Jr.; Inez Barron; James Brennan; James Skoufis; James Tedisco; Jane Corwin; Janet Duprey; Jeffrey Dinowitz; Jeffrion Aubry; Joan Millman; John Ceretto; John McDonald III; Jose Rivera; Joseph Borelli; Joseph Giglio; Joseph Lentol; Joseph Morelle; Joseph Saladino; Karim Camara; Keith L.T. Wright; Ken Blankenbush; Kenneth Zebrowski; Kevin Cahill; Kieran Michael Lalor; Linda Rosenthal; Luis Sepulveda; Marc Butler; Marcos Crespo; Margaret Markey; Mark Gjonaj; Mark Johns; Matthew Titone; Micah Kellneer; Michael Benedetto; Michael Cusick; Michael DenDekker; Michael Fitzpatrick; Michael Kearns; Michael Miller; Michael Montesano; Michael Simanowitz; Michaelle Solages; Michele Titus; Michelle Schimel; Nelson Castro; Nick N. Perry; Nicole Malliotakis; Nily Rozic; Patricia Fahy; Peter Abbate, jr.; Peter Lopez; Phil Ramos; Phil Steck; Philip Palmesano; Phillip Goldfeder; Rafael Espinal, Jr.; Raymond Walter; Rhoda Jacobs; Richard Gottfried; Robert Rodriguez; Robert Sweeney; Robin Schimmiger; Ron Kim; Samuel Roberts; Sandy Galef; Sean Ryan; Shelley Mayer; Stephen Hawley; Steve Englebright; Steve Katz; Steven Cymbrowitz; Steven McLaughlin; Steven Otis; Thomas Abinanti; Tom McKeivitt; Tony Jordan; Vanessa Gibson; Vito Lopez; Vivian Cook; Walter Mosley; William Barclay; William Boyland, Jr.; William Colton; William Magee; William Magnarelli; William Scarborough

**Subject: "grand larceny of the public fisc" -- Why You Must Reject A.3001 -- Judiciary Appropriations Bill**

**WHY YOU MUST REJECT A.3001 – JUDICIARY APPROPRIATIONS BILL**

**TO: ALL ASSEMBLY MEMBERS**

The attached supersedes the above-entitled letter sent to most Assembly members earlier this morning – and now sent to all members. It materially changes the second paragraph on page 10, which now reads:

*“Any Assembly member who would be heard in support of the judicial salary increase must be required to respond to the particularized facts and law presented by CJA’s Opposition Report and verified complaint based thereon, as they are devastating and dispositive. Indeed, it is each member’s duty to personally review the Opposition Report and verified complaint so as to confirm for himself that funding the judicial salary increases recommended by the Commission on Judicial Compensation is ‘nothing short of grand larceny of the public fisc’. This is how Ms. Sassower described it in a March 11, 2013 letter (at p. 3), summarizing and expanding upon her testimony at the February 6<sup>th</sup> hearing – a letter sent to every member of the General Budget Conference Committee and its Subcommittee on “Public Protection”, Criminal Justice, and Judiciary on March 13<sup>th</sup>.”* (italics & underlining in letter).

**We take this opportunity to request that Assembly Ways & Means Chairman Farrell – and Ranking Member Oaks – ensure that CJA’S Opposition Report & verified complaint, which I handed up at the February 6<sup>th</sup> budget hearing, are brought to the Assembly floor for inspection by Assembly members.**

Meantime, you can find them posted on CJA’s website, [www.judgewatch.org](http://www.judgewatch.org). Here’s the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/legislative-oversight-judicial-raises.htm> – on which is also posted the video of my 10-minute February 6<sup>th</sup> testimony, which we also request that you watch.

Thank you.

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