

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

**From:** Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]  
**Sent:** Friday, August 03, 2012 10:06 AM  
**To:** 'cpaladino@ellicottdevelopment.com'  
**Cc:** 'sheryljthomas@gmail.com'; 'albel1@aol.com'; 'jblake@blakeforupstate.com'; 'martin@americanmajorityaction.org'; 'info@neildicarlo.com'; 'cm@neildicarlo.com'  
**Subject:** Hitting a Bulls-Eye: Ousting the Legislative Leadership -- Senate & Assembly, Republican & Democratic...  
**Attachments:** 11-8-11-executive-summary-opp-report.pdf

Dear Carl,

Thank you for sending me your letter to Senator Libous, your open letter to 222 Committeemen in Senator Libous' 52<sup>nd</sup> Senate District, and your exchange with Albany County Republican Committee Chairman Clarey. I am in awe of – and greatly appreciate – your pungently-expressed views which so well capture the collusive betrayal by our highest constitutional officers against the People, covered up by a lapdog press.

Senator Libous is Deputy Majority Leader for Legislative Operations, second in command to Senate Majority Leader/Temporary Senate President Skelos – and so close to him that Senator Libous' Senate homepage features a photo of the two of them in the Senate chamber. Here's the link: <http://www.nysenate.gov/senator/tom-libous> .

You will hit a “bulls-eye” – and bring down Senate Majority Leader Skelos, FOR SURE, and, quite likely, Senator Libous and other top Republican Senate leaders (such as James Seward, being challenged by insurgent candidate Jim Blake) – if you demand their responses to our People's lawsuit against them for their larceny of millions, and ultimately billions, of taxpayer dollars in fraudulent and unconstitutional judicial pay raises. CERTAINLY, you will also bring down the top Senate Republican leaders who sit on the Senate Judiciary Committee, as for instance,

- (1) George Maziarz, the Senate's Vice President Pro Tempore, who was the Senate Judiciary Committee's Ranking Member when Democratic Senator John Sampson was its Chair from 2009-2010, now being challenged by insurgent candidate John Destino;
- (2) John DeFrancisco, Chair of the Senate Finance Committee and, from 2003-2008, Chair of the Senate Judiciary Committee; unchallenged by any insurgent candidate;
- (3) Kenneth LaValle, Chair of the Senate's Majority Conference and a long-time Senate Judiciary Committee member, unchallenged by any insurgent candidate;
- (4) Stephen Saland, Vice Chair of the Senate's Majority Conference and a long-time Senate Judiciary Committee member, now being challenged by insurgent candidate Neil DiCarlo;
- (5) John Bonacic, Deputy Majority Leader for Federal/State Relations, and, since 2011, Chair of the Senate Judiciary Committee, unchallenged

by any insurgent candidate.

What is their answer to the allegations of our March 30, 2012 verified complaint wherein they are defendants? Do they contest that the August 29, 2011 report of the Commission on Judicial Compensation recommending 27% judicial pay raises was ON ITS FACE violative of Chapter 567 of the Laws of 2010 in that it was NOT based on any examination and evaluation by the Commission of judicial “compensation and non-salary benefits”, as the statute expressly required, but only salary – and that Temporary Senate President Skelos was duty-bound to take steps to ensure a legislative override to prevent the first phase of the recommended pay raises from automatically becoming law on April 1, 2012 – hiking judicial salaries for Supreme Court justices from \$136,700 to \$160,000, with proportionate salary increases for all other state-paid judges, as, for instance, his brother, Peter Skelos, a Supreme Court justice sitting on the Appellate Division, Second Department.

What findings of fact and conclusions of law did Temporary Senate President Skelos make after receiving from us our October 27, 2011 opposition report, alerting him to this facial deficiency and a myriad of other respects in which the Commission’s judicial pay raise recommendations were statutorily violative, fraudulent, and unconstitutional and calling upon him to take action to protect the People of this State, beginning with initiating a legislative override?

Did Temporary Senate President Skelos NOT share CJA’s October 27, 2011 opposition report and his findings of fact and conclusions of law with his top Republican Senate leadership? Was it NOT discussed by his Republican Majority conference?

Demand that Temporary Senate President Skelos and his fellow Senate Republican leaders disgorge their findings of fact and conclusions of law pertaining to CJA’s October 27, 2011 NOW. Do they deny that such findings of fact and conclusions of law would have mirrored those identified by our Executive Summary to our Opposition Report – a copy of which is attached, for your convenience.

And what is their response to our March 30, 2012 verified complaint? Do Temporary Senate President Skelos and his fellow Republican Senate leaders deny or dispute the correctness of its causes of action – and if not – BECAUSE THEY CANNOT – what will they do to prevent further imposition on the public purse by judicial pay raises shown to be unconstitutional, statutorily-violative, and fraudulent? Will they move to have the court strike down the judicial pay raise that took effect on April 1, 2012? Will they support a legislative override of the second and third phases of the judicial pay raises that will otherwise automatically take effect on April 1, 2013 and April 1, 2014, hiking judicial pay to \$167,000 and \$174,000, respectively? Will they repeal the constitution-violating statute that created the Commission? Will they refer the Commissioners who perpetrated the fraudulent judicial pay raises to criminal authorities? Will they ensure investigation of the evidence of systemic judicial corruption that the Commission unlawfully and unconstitutionally ignored in making its judicial pay raise recommendations – such as provided and proffered by citizens at the Senate Judiciary Committee’ June 8, 2009 and September 24, 2009 hearings on the Commission on Judicial Conduct and court-controlled attorney disciplinary system, at which Senator DeFrancisco put in a fleeting appearance (6/8/09) and Senator Maziarz, an appearance of sufficient duration to hear devastating testimony of court corruption (9/24/09). Here is the link to the 2009 Senate Judiciary Committee hearings from CJA’s website: <http://www.judgewatch.org/web-pages/judicial-discipline/nys/nys-sjc-hearing.htm> . Will a task force be appointed, as was promised, to investigate the testimony and documentation that citizens provided and proffered to the Senate Judiciary Committee, with findings of fact, conclusions of law, and a committee

report based thereon?

And what are they planning after the election? Are they intending, as press reports indicate, to come back into session and vote themselves legislative pay raises, either directly or *via* a commission scam such as they used for the judges?

The public needs a champion, such as you, leading the charge by demanding answers to these questions from the defendant Legislators – and not just the Republicans, but the Democrats, and not just those in the Senate, but in the Assembly – beginning with Assembly Speaker Silver and his Democratic Assembly leadership and, of course, the Republican Assembly Minority, led by Brian Kolb and the top Republicans there.

As you know, CJA's website, [www.judgewatch.org](http://www.judgewatch.org), posts the March 30, 2012 verified complaint and underlying October 27, 2011 opposition report, accessible *via* the top panel "Latest News". Here's the direct link to that webpage, featuring additional questions for the legislative incumbents pertaining to a People constitutional convention and easily-implemented legislative rule changes to remove the stranglehold of the Senate Majority Leader and Assembly Speaker: <http://www.judgewatch.org/web-pages/cja/latest-news.htm>

Thank you.

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