

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Tuesday, April 28, 2020 4:22 PM

**To:** estone@paulweiss.com; btannenbaum@paulweiss.com;  
kshanmugam@paulweiss.com

**Cc:** mjvolpe23@gmail.com; mjvolpe@venable.com;  
dmurphy@risingmediagroup.com; dmurphy@joinsamny.org;  
info@joinsamny.org; info@joinsam.org

**Subject:** **SAM-NY's federal lawsuit (SDNY #1:20-cv-00323-JGK), formerly, but no longer, naming, as defendants, Gov. Cuomo & the up-for-re-election Senate & Assembly majority/minority leaders**

**Attachments:** [3-18-20-ltr-to-gov-revised-fn1.pdf](#);  
[1st-lawsuit-16th-cause-of-action-3-men-in-a-room.pdf](#);  
[2nd-lawsuit-9th-cause-of-action-3-men-in-a-room.pdf](#)

**TO: PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**

**ATT: Eric Alan Stone, Esq.**

This follows the voice mail message I left for you yesterday at about 3:30 pm (212-373-3326), after first leaving voice messages for SAM-NY Chair Volpe (212-808-5676) and at the SAM national office (303-536-1169) and between those two voice messages having an unsettling conversation with SAM-NY's communications director Dan Murphy (914-714-4370). During these calls, I had before me, on my computer screen, the PACER-electronic docket of SAM-NY's federal action (SDNY #1:20-cv-00323-JGK), which you are handling – and which I still have open.

Unless Mr. Volpe is personally paying for the lawsuit – and I presume that the attorneys of Paul, Weiss, Rifkind, Wharton & Garrison LLP are not representing plaintiffs SAM-NY and Mr. Volpe, *pro bono* – I ask that you forward this e-mail, with its attachments, to whoever it is who is paying the substantial bill for the firm's litigation services. As stated by my below April 20<sup>th</sup> e-mail entitled **“GOOD NEWS FOR NY's THIRD PARTIES: You can EASILY challenge -- & win -- a lawsuit throwing out Part ZZZ of Budget Bill #S.7508-B/A.9508-B as UNCONSTITUTIONAL** – without response from Chair Volpe:

“...it is a slam-dunk...to bring and win a lawsuit throwing out Part ZZZ as unconstitutional, as the Center for Judicial Accountability, Inc. (CJA) can provide you with the dispositive law and legal argument you need, based on the New York State Constitution. This includes:

(1) that Part ZZZ is policy legislation that could not be constitutionally included in Governor Cuomo's executive budget – over and beyond its violation of Article VII, §6 because it pertains to no appropriation in the FY2020-21 budget and is not limited thereto;

(2) that Governor Cuomo's so-called 'Article VII' Budget Bill #S.7508-A/A.9508-B, allegedly for

“Transportation, Economic Development, and Environmental Conservation” – into which Part ZZZ was inserted -- was itself unconstitutional;

(3) that the Governor Cuomo’s behind-closed-doors, ‘three-men-in-a-room’ budget deal-making with Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, by which the Governor purported to ‘amend’ his Article VII Bill #S.7508-A/A.9508-A, was unconstitutional;

(4) that the Legislature’s ‘passage’ of the ‘amended’ Article VII Bill #S.7508-B/A.9508-B was unconstitutional and rife with statutory and legislative rule violations.” (underlining in the original).

Indeed, based on the three attachments to my April 20<sup>th</sup> e-mail, above furnished, and the full open-and-shut, substantiating evidence referred to by the e-mail as posted on CJA’s website – a properly-pleaded lawsuit is EASILY WON, at the outset, by summary judgment, with an award of significant PUNITIVE DAMAGES, in addition to counsel fees/costs. Such lawsuit would, more importantly, END New York’s “culture of corruption”, in one fell swoop – rooted, as it is, in New York’s corrupted budget “process”, unconstitutional “three-men-in-a-room”, behind-closed-doors governance, and a legislature that does not function at a remotely constitutional level. Such is far more consistent with SAM’s “process”-centered, corruption-fighting mission and objectives than what is presented by your January 14, 2020 complaint and April 16, 2020 amended complaint, both concealing that SAM-NY is part of a national SAM Party and identically focused on eliminating, but only for SAM-NY, the presidential-line requirement for ballot access. So, too, do both preserve, untouched, New York’s corrupt *status quo* by its Democratic and Republican Parties, in collusion with each other.

Notwithstanding a further tenet of the SAM Party is disclosure of “personal business and professional conflicts of interest”, I do not believe that Chair Volpe has disclosed to his 4 fellow members of SAM-NY’s executive committee: <https://joinsamny.org/about-us/>, or to the 12 directors of the national SAM Party: <https://joinsam.org/who-we-are>, or to you, his lawyer, that he suffers from serious conflicts of interest, impacting his ability to lead SAM-NY and to be a plaintiff in its lawsuit. Indeed, he may be presumed aware that he cannot now confront the dispositive significance of the law, legal argument, and evidence offered by my April 20<sup>th</sup> e-mail without exposing that back in 2018, when he was SAM-NY’s candidate for lieutenant governor, he and SAM-NY Gubernatorial Candidate Stephanie Miner covered up the comparable law, legal argument, and evidence that I repeatedly furnished them – and which, had they then “blown the whistle” about, would have up-ended New York’s 2018 elections for governor/lieutenant governor, attorney general, comptroller, and all 213 state senate and assembly seats – producing a WIN for the 2018 SAM-NY ticket and establishing the SAM Party “brand” in New York – and throughout the nation. Attached, in substantiation, is my October 30, 2018 e-mail to then SAM-NY Lieutenant Governor Candidate Volpe, to which I received no response. It is posted on CJA’s website, along with my prior and subsequent e-mails to Mr. Volpe and Ms. Miner. The direct link is here: <http://www.judgewatch.org/web-pages/elections/challengers/stephanie-miner.htm>.

So that there is no question as to what SAM-NY's 4 other executive committee members know and don't know about Chair Volpe's conflicts of interest – and, likewise, what the 12 directors of the national SAM Party know and don't know – I request that this e-mail be forwarded to each of them.

Needless to say, my hope is that you would want to discuss with me, substantively, the constitutional challenge proposed by my April 20<sup>th</sup> e-mail – and to help me understand the SAM-NY federal lawsuit, about which I have many questions. However, if you do not intend to call me – and over 24 hours has now elapsed since I left my yesterday's message for you – I ask that you give me the courtesy of an e-mail confirming that this e-mail has been forwarded to SAM-NY's other 4 executive committee members and to the 12 directors of the national SAM Party. I would especially look forward to speaking with the lawyers among them – and surely they will call me, consistent with the SAM Party platform and VIDEO of collaboration and “seeking input from lots of different sources”: <https://joinsam.org/our-platform>.

For the convenience of all, here's the direct link to the webpage I created for SAM-NY's federal action, posting, free of charge, documents I paid to download from PACER: <http://www.judgewatch.org/web-pages/searching-nys/force-of-law-commissions/part-xxx-2019budget/lawsuit-sam.htm>.

As for this e-mail, it will be posted on CJA's webpage for my April 20<sup>th</sup> e-mail, on which is also posted my below April 21<sup>st</sup> e-mail. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/third-parties-good-news.htm>.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, April 21, 2020 11:54 AM  
**To:** 'dmurphy@risingmediagroup.com' <[dmurphy@risingmediagroup.com](mailto:dmurphy@risingmediagroup.com)>  
**Cc:** 'mjvolpe23@gmail.com' <[mjvolpe23@gmail.com](mailto:mjvolpe23@gmail.com)>; 'mjvolpe@venable.com' <[mjvolpe@venable.com](mailto:mjvolpe@venable.com)>; 'info@joinsamny.org' <[info@joinsamny.org](mailto:info@joinsamny.org)>; 'info@joinsam.org' <[info@joinsam.org](mailto:info@joinsam.org)>

**Subject: Follow-up: GOOD NEWS FOR NY's THIRD PARTIES: You can EASILY challenge -- & win -- a lawsuit throwing out Part ZZZ of Budget Bill #S.7508-B/A.9508-B as UNCONSTITUTIONAL**

**TO: SAM-NY Communications Director Dan Murphy**

Following up the voice mail message I left for SAM-NY Chair Volpe, earlier this morning (212-808-5676) – and our brief conversation immediately thereafter, upon my call to you (914-714-4370) – below, with the above 3 attachments, is the e-mail I sent yesterday to SAM-NY Chair Volpe, which I request be forwarded to the four other members of SAM-NY's Executive Committee: <https://joinsamny.org/about-us/> -- and, additionally, to such other committees as SAM-NY has, screening candidates and deciding

upon endorsements in the 2020 elections: <https://joinsamny.org/uncategorized/sam-ny-interviewing-candidates-for-2020-endorsement/> – and, in particular, for New York state senate and assembly seats and for county district attorneys – and for judgeships or congressional offices, where the candidate is currently a NYS senate or assembly member.

I see from the “News” feature of SAM-NY’s website: <https://joinsamny.org/news/> that for the 114<sup>th</sup> assembly district seat, SAM-NY has given its line to Evelyn Wood: <https://joinsamny.org/blog/sam-ny-endorse-evelyn-wood-for-assembly-114th-district/>. Can you furnish me with contact info for her? Also, I would like to contact your Albany County Chair, Barbara Collura, about her published letter: <https://joinsamny.org/uncategorized/sam-ny-county-leader-featured-in-local-newspaper/> -- and about SAM candidates in Albany County, especially for Albany County D.A.. Please furnish me with her contact information, as well.

In that connection, I take the opportunity to point out that the Conservative Party’s website: <https://www.cpnys.org/> is quite exemplary in posting the names and contact information for its state executive committee: <https://www.cpnys.org/state-executive-committee/> and county chairs: <https://www.cpnys.org/county-chairmen/>. Also exemplary, the Libertarian Party’s website: <https://lpony.org/> by its posting of the names and e-mails for its officers, state committee, and county chairs/contacts: <https://lpony.org/officers/>. Isn’t this something SAM-NY should emulate?

Finally, inasmuch as you told me that SAM’s January 14, 2020 complaint in its federal lawsuit has not yet been amended: <https://inswire.s3.amazonaws.com/jns-media/99/01/11329698/SAMvCUOMO.pdf> – as it dramatically must be in light of the statutory enactment, *via* the FY2020-21 state budget, of the recommendations of the Public Campaign Financing & Election Commission – the attorneys on the case must be promptly furnished the below e-mail and attachments, for their assessment – and I so-request.

SAM-NY is uniquely positioned to take the lead in running a WINNING slate of “whistle-blowing” candidates for the 2020 elections – and in building an effective coalition of third parties to either join in its existing federal action or commence a new lawsuit. To that end, it would be my privilege to help SAM-NY to the fullest.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Monday, April 20, 2020 4:59 PM  
**To:** 'mjvolpe23@gmail.com' <[mjvolpe23@gmail.com](mailto:mjvolpe23@gmail.com)>; 'mjvolpe@venable.com' <[mjvolpe@venable.com](mailto:mjvolpe@venable.com)>; 'info@joinsam.org' <[info@joinsam.org](mailto:info@joinsam.org)>; 'dmcmanus@workingfamilies.org' <[dmcmanus@workingfamilies.org](mailto:dmcmanus@workingfamilies.org)>; 'reply@workingfamilies.org' <[reply@workingfamilies.org](mailto:reply@workingfamilies.org)>; 'zteacherout@gmail.com' <[zteacherout@gmail.com](mailto:zteacherout@gmail.com)>; 'zteacherout@law.fordham.edu' <[zteacherout@law.fordham.edu](mailto:zteacherout@law.fordham.edu)>; 'cpnys@nybiz.rr.com' <[cpnys@nybiz.rr.com](mailto:cpnys@nybiz.rr.com)>; 'GerardKas@msn.com'

<[GerardKas@msn.com](mailto:GerardKas@msn.com)>; 'chair@gpny.org' <[chair@gpny.org](mailto:chair@gpny.org)>; 'chair2@gpny.org' <[chair2@gpny.org](mailto:chair2@gpny.org)>;  
'secretary@gpny.org' <[secretary@gpny.org](mailto:secretary@gpny.org)>; 'treasurer@gpny.org' <[treasurer@gpny.org](mailto:treasurer@gpny.org)>;  
'dunleamark@aol.com' <[dunleamark@aol.com](mailto:dunleamark@aol.com)>; 'sussman1@frontiernet.net'  
<[sussman1@frontiernet.net](mailto:sussman1@frontiernet.net)>; 'tdorazio@lpny.org' <[tdorazio@lpny.org](mailto:tdorazio@lpny.org)>; 'tcoburn@lpny.org'  
<[tcoburn@lpny.org](mailto:tcoburn@lpny.org)>; 'akolstee@lpny.org' <[akolstee@lpny.org](mailto:akolstee@lpny.org)>; 'larry@neo-sage-forum.com'  
<[larry@neo-sage-forum.com](mailto:larry@neo-sage-forum.com)>; 'frankmackay@yahoo.com' <[frankmackay@yahoo.com](mailto:frankmackay@yahoo.com)>

**Subject: GOOD NEWS FOR NY's THIRD PARTIES: You can EASILY challenge -- & win -- a lawsuit  
throwing out Part ZZZ of Budget Bill #S.7508-B/A.9508-B as UNCONSTITUTIONAL**

TO: NEW YORK'S THIRD PARTIES WITH BALLOT LINES

Serve America Movement Party  
Working Families Party  
Conservative Party  
Green Party  
Libertarian Party  
Independence Party

As you know, the “force of law” recommendations of the Public Campaign Financing and Election Commission – which the Conservative and Working Families Parties succeeded in striking down in their two coordinated state court lawsuits – are now, nonetheless, “the law”, enacted by Part ZZZ of Budget Bill #S.7508-B/A.9508-B.

§10 of Part ZZZ imposes a significantly higher hurdle for parties to maintain their ballot lines – threatening the viability of each of you, except for the Conservative Party, which can seemingly meet its more rigorous qualification requirements. Yet because Part ZZZ contains a non-severability clause (§11), tying all sections together as an indivisible package, the Conservative Party would presumably join, if not lead, a lawsuit challenging Part ZZZ, so as to knock out its public campaign financing provisions, as it rightfully should.

THE GOOD NEWS, which is the purpose of this e-mail, is to advise you that it is a slam-dunk for you to bring and win a lawsuit throwing out Part ZZZ as unconstitutional, as the Center for Judicial Accountability, Inc. (CJA) can provide you with the dispositive law and legal argument you need, based on the New York State Constitution. This includes:

(1) that Part ZZZ is policy legislation that could not be constitutionally included in Governor Cuomo’s executive budget – over and beyond its violation of Article VII, §6 because it pertains to no appropriation in the FY2020-21 budget and is not limited thereto;

(2) that Governor Cuomo’s so-called “Article VII” Budget Bill #S.7508-A/A.9508-B, allegedly for “Transportation, Economic Development, and Environmental Conservation” – into which Part ZZZ was inserted -- was itself unconstitutional;

(3) that the Governor Cuomo’s behind-closed-doors, “three-men-in-a-room” budget deal-making with Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, by which the Governor purported to “amend” his Article VII Bill #S.7508-A/A.9508-A, was unconstitutional;

(4) that the Legislature's "passage" of the "amended" Article VII Bill #S.7508-B/A.9508-B was unconstitutional and rife with statutory and legislative rule violations.

EVEN BETTER, the law and legal argument that CJA is able to provide is all embodied in open-and-shut, substantiating evidence – whose accuracy is uncontested. As illustrative, CJA's above-attached March 18, 2020 letter to Governor Cuomo, sent to him and Legislative Leaders by the below two e-mails. Entitled "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck Six of Your Seven 'Article VII Bills' Because They are Unconstitutional. Here's why...", it analyzes the Governor's "Article VII Bills" for FY2020-21 and does so in the context of the Court of Appeals' seminal 2004 decision in *Pataki v. Assembly/Silver v. Pataki*, 4 NY3d 75, providing what appears to be the FIRST scholarship deconstructing its plurality, concurring, and dissenting opinions. As for CJA's citizen-taxpayer actions suing Governor Cuomo and his "'Partners in Government' for unconstitutionality, unlawfulness, and fraud with respect to the budget" - to which the letter refers (at p. 2) – attached are the two cited causes of action (fn. 3) pertaining to the unconstitutionality of "three-men-in-a-room", behind-closed-doors budget-deal-making, *as unwritten and as applied*.

CJA's website, [www.judgewatch.org](http://www.judgewatch.org), posts the evidence, in full. For your convenience, it is accessible from a webpage I created for this e-mail entitled "AGAIN, HELPING THE THIRD PARTIES, this time in a successful lawsuit to strike down Part ZZZ of Budget Bill #S.7508-B/A.9508-B as unconstitutional". This is part of a series of CJA's webpages for the 2020 Legislative Session, accessible from our homepage's prominent center link: "LEGISLATIVE SESSIONS: Comparing NY's Legislature BEFORE & AFTER its Fraudulent Pay Raise". The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/third-parties-good-news.htm>.

I look forward to discussing the foregoing with you, to answering your questions, and to working collaboratively on winning strategies, of nominal cost, based on law and evidence, benefiting ALL the People of the State of New York.

Needless to say, in this important 2020 election year when ALL New York's 213 legislative seats are on the ballot, no third party should endorse or confer its valuable party line to legislative incumbents whose gross nonfeasance and misfeasance in the performance of official duties, beginning with the unconstitutionality of the FY2020-21 budget, gives rise to the lawsuit. Indeed, now, more than ever, the third parties have an opportunity to demonstrate their vital function by fielding candidates who will "blow the whistle" on the corruption of Democratic and Republican legislators, in collusion with each other. This "whistle-blowing" requires no "big bucks" or public campaign financing. It requires only that candidates honored by your party lines use the "bully-pulpits" they command by reason of their candidacies to alert voters to the self-dealing and posturing of the Democratic and Republican incumbents, as established by the evidence posted and accessible from CJA's webpages for the 2020 Legislative Session: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-session-menu.htm>. Suffice to say, there is nothing complex that the voters would not understand – and especially as to the larceny perpetrated by the Legislature's **own** budget and the legislators' **own** pay raises.

Thank you.



Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

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**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, March 20, 2020 4:00 PM  
**To:** 'records.access@exec.ny.gov' <[record.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>  
**Cc:** 'David.Poleto@budget.ny.gov' <[David.Poleto@budget.ny.gov](mailto:David.Poleto@budget.ny.gov)>; 'foil@budget.ny.gov' <[foil@budget.ny.gov](mailto:foil@budget.ny.gov)>; 'perez@lbd.state.ny.us' <[perez@lbd.state.ny.us](mailto:perez@lbd.state.ny.us)>; 'scousins@nysenate.gov' <[scousins@nysenate.gov](mailto:scousins@nysenate.gov)>; 'grelick@nysenate.gov' <[grelick@nysenate.gov](mailto:grelick@nysenate.gov)>; 'speaker@nyassembly.gov' <[speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)>; 'vargash@nyassembly.gov' <[vargash@nyassembly.gov](mailto:vargash@nyassembly.gov)>; 'flanigan@nysenate.gov' <[flanigan@nysenate.gov](mailto:flanigan@nysenate.gov)>; 'cmills@nysenate.gov' <[cmills@nysenate.gov](mailto:cmills@nysenate.gov)>; 'BarclaW@nyassembly.gov' <[BarclaW@nyassembly.gov](mailto:BarclaW@nyassembly.gov)>; 'herricks@nyassembly.gov' <[herricks@nyassembly.gov](mailto:herricks@nyassembly.gov)>; 'engelk@nyassembly.gov' <[engelk@nyassembly.gov](mailto:engelk@nyassembly.gov)>; 'skypej@nyassembly.gov' <[skypej@nyassembly.gov](mailto:skypej@nyassembly.gov)>; 'gianaris@nysenate.gov' <[gianaris@nysenate.gov](mailto:gianaris@nysenate.gov)>; 'weintrau@nysenate.gov' <[weintrau@nysenate.gov](mailto:weintrau@nysenate.gov)>; 'griffo@nysenate.gov' <[griffo@nysenate.gov](mailto:griffo@nysenate.gov)>; 'kinderma@nysenate.gov' <[kinderma@nysenate.gov](mailto:kinderma@nysenate.gov)>; 'PeopleC@nyassembly.gov' <[PeopleC@nyassembly.gov](mailto:PeopleC@nyassembly.gov)>; 'haltonl@nyassembly.gov' <[haltonl@nyassembly.gov](mailto:haltonl@nyassembly.gov)>; 'aubryJ@nyassembly.gov' <[aubryJ@nyassembly.gov](mailto:aubryJ@nyassembly.gov)>; 'hernandezd@nyassembly.gov' <[hernandezd@nyassembly.gov](mailto:hernandezd@nyassembly.gov)>; 'goodella@nyassembly.gov' <[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'lkrueger@nysenate.gov' <[lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)>; 'usher@nysenate.gov' <[usher@nysenate.gov](mailto:usher@nysenate.gov)>; 'seward@nysenate.gov' <[seward@nysenate.gov](mailto:seward@nysenate.gov)>; 'davie@nysenate.gov' <[davie@nysenate.gov](mailto:davie@nysenate.gov)>; 'WeinstH@nyassembly.gov' <[WeinstH@nyassembly.gov](mailto:WeinstH@nyassembly.gov)>; 'wamchair@nyassembly.gov' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>; 'ancowitzr@nyassembly.gov' <[ancowitzr@nyassembly.gov](mailto:ancowitzr@nyassembly.gov)>; 'beavers@nyassembly.gov' <[beavers@nyassembly.gov](mailto:beavers@nyassembly.gov)>; 'peakec@nyassembly.gov' <[peakec@nyassembly.gov](mailto:peakec@nyassembly.gov)>; 'rae@nyassembly.gov' <[rae@nyassembly.gov](mailto:rae@nyassembly.gov)>; 'derocht@nyassembly.gov' <[derocht@nyassembly.gov](mailto:derocht@nyassembly.gov)>; 'lentolj@nyassembly.gov' <[lentolj@nyassembly.gov](mailto:lentolj@nyassembly.gov)>; 'morinelloa@nyassembly.gov' <[morinelloa@nyassembly.gov](mailto:morinelloa@nyassembly.gov)>; 'webere@nyassembly.gov' <[webere@nyassembly.gov](mailto:webere@nyassembly.gov)>

**Subject:** Executive Budget ... CJA's March 18, 2020 letter to Gov. Cuomo: "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 'Article VII Bills' Because They are Unconstitutional. Here's why..."

## MORE GOOD NEWS DURING THE CORONAVIRUS EMERGENCY –

CJA's March 18, 2020 letter to Governor Cuomo "...GOOD NEWS DURING THE CORONAVIRUS EMERGENCY", sent to you by the below March 18, 2020 e-mail, is now posted on CJA's website – on a webpage now reflecting the March 18, 2020 date. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm>. According to the U.S. priority mail delivery receipt (there posted), the letter was delivered to the Governor's office this morning.

The letter, with a revised footnote 1 updating the link for the webpage, is attached. Additionally attached is the letter's single enclosure – CJA's August 21, 2013 letter to the Governor on "Achieving...a Properly Functioning Legislature..."

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

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**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Wednesday, March 18, 2020 11:52 AM  
**To:** 'records.access@exec.ny.gov' <[records.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>  
**Cc:** 'David.Poleto@budgetny.gov' <[David.Poleto@budgetny.gov](mailto:David.Poleto@budgetny.gov)>; 'perez@lbdn.state.ny.us' <[perez@lbdn.state.ny.us](mailto:perez@lbdn.state.ny.us)>; 'scousins@nysenate.gov' <[scousins@nysenate.gov](mailto:scousins@nysenate.gov)>; 'grelick@nysenate.gov' <[grelick@nysenate.gov](mailto:grelick@nysenate.gov)>; 'speaker@nyassembly.gov' <[speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)>; 'vargash@nyassembly.gov' <[vargash@nyassembly.gov](mailto:vargash@nyassembly.gov)>; 'flanagan@nysenate.gov' <[flanagan@nysenate.gov](mailto:flanagan@nysenate.gov)>; 'cmills@nysenate.gov' <[cmills@nysenate.gov](mailto:cmills@nysenate.gov)>; 'BarclaW@nyassembly.gov' <[BarclaW@nyassembly.gov](mailto:BarclaW@nyassembly.gov)>; 'herricks@nyassembly.gov' <[herricks@nyassembly.gov](mailto:herricks@nyassembly.gov)>; 'engelk@nyassembly.gov' <[engelk@nyassembly.gov](mailto:engelk@nyassembly.gov)>; 'skypej@nyassembly.gov' <[skypej@nyassembly.gov](mailto:skypej@nyassembly.gov)>; 'gianaris@nysenate.gov' <[gianaris@nysenate.gov](mailto:gianaris@nysenate.gov)>; 'weintrau@nysenate.gov' <[weintrau@nysenate.gov](mailto:weintrau@nysenate.gov)>; 'griffo@nysenate.gov' <[griffo@nysenate.gov](mailto:griffo@nysenate.gov)>; 'kinderma@nysenate.gov' <[kinderma@nysenate.gov](mailto:kinderma@nysenate.gov)>; 'PeopleC@nyassembly.gov' <[PeopleC@nyassembly.gov](mailto:PeopleC@nyassembly.gov)>; 'haltonl@nyassembly.gov' <[haltonl@nyassembly.gov](mailto:haltonl@nyassembly.gov)>; 'aubryJ@nyassembly.gov' <[aubryJ@nyassembly.gov](mailto:aubryJ@nyassembly.gov)>; 'hernandezd@nyassembly.gov' <[hernandezd@nyassembly.gov](mailto:hernandezd@nyassembly.gov)>; 'goodella@nyassembly.gov' <[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'lkrueger@nysenate.gov' <[lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)>; 'usher@nysenate.gov' <[usher@nysenate.gov](mailto:usher@nysenate.gov)>; 'seward@nysenate.gov' <[seward@nysenate.gov](mailto:seward@nysenate.gov)>; 'davie@nysenate.gov' <[davie@nysenate.gov](mailto:davie@nysenate.gov)>; 'WeinstH@nyassembly.gov' <[WeinstH@nyassembly.gov](mailto:WeinstH@nyassembly.gov)>; 'wamchair@nyassembly.gov' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>; 'ancowitzr@nyassembly.gov' <[ancowitzr@nyassembly.gov](mailto:ancowitzr@nyassembly.gov)>; 'beavers@nyassembly.gov' <[beavers@nyassembly.gov](mailto:beavers@nyassembly.gov)>; 'peakec@nyassembly.gov' <[peakec@nyassembly.gov](mailto:peakec@nyassembly.gov)>; 'rae@nyassembly.gov' <[rae@nyassembly.gov](mailto:rae@nyassembly.gov)>; 'derocht@nyassembly.gov' <[derocht@nyassembly.gov](mailto:derocht@nyassembly.gov)>; 'lentolj@nyassembly.gov' <[lentolj@nyassembly.gov](mailto:lentolj@nyassembly.gov)>; 'morinelloa@nyassembly.gov' <[morinelloa@nyassembly.gov](mailto:morinelloa@nyassembly.gov)>; 'webere@nyassembly.gov' <[webere@nyassembly.gov](mailto:webere@nyassembly.gov)>

**Subject: ...Executive Budget...GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 "Article VII BILLS" Because They are Unconstitutional. Here's why....**

TO: Governor Andrew Cuomo, Esq.  
Budget Director Robert Mujica, Esq.



Legislative Bill Drafting Commission  
15 Stipend-Benefitting Legislative Leaders

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Assembly Speaker Carl Heastie  
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Senate Finance Committee Ranking Member James Seward  
Assembly Ways and Means Committee Chair Helene Weinstein, Esq.  
Assembly Ways and Means Ranking Member Edward Ra, Esq.  
Assembly Codes Committee Chair Joseph Lentol, Esq.  
Assembly Codes Committee Ranking Member Angelo Morinello, Esq.

Attached is my above-entitled letter of today's date to Governor Cuomo, the original of which will be mailed to him. All others are indicated recipients, for the reasons stated in the last paragraph (at p. 13).

Due to a catastrophic computer breakdown, on this end, I am presently unable to post the letter on CJA's website, [www.judgewatch.org](http://www.judgewatch.org) and to update the site. The webpage for the letter – which had been prepared two days ago, before the breakdown – is here – reflecting the letter's then March 16, 2020 date: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-16-20-ltr-to-gov.htm>. From the webpage you can access the letter's referred to-documentary proof – and its sole enclosure: my August 21, 2013 letter to the Governor, entitled "Achieving BOTH a Properly Functioning Legislature & Your Public Trust Act (Program Bill #3) – the *Sine Qua Non* for 'Government Working' & 'Working for the People'", to which I received no response.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200