

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

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**From:** James McGuire <jmcguire@hsgllp.com>  
**Sent:** Tuesday, April 18, 2017 11:21 AM  
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**Subject:** RE: In search of scholarship: "Budgets and the Balance of Power: The Lasting Impact of Silver v. Pataki and How It Shapes the Future of Government in New York State"-- June 16, 2015 forum

This is all stuff and nonsense (indeed, to use Bentham's delicious phrase, "nonsense on stilts"). The reason for the rule is discussed in the constitutional history – Stimson, in particular, as I recall – and in the briefs in the COA cases (and the lower courts). And it's obvious: Without it, executive budgeting simply disappears; if the legislature can alter one item, it can alter all of them and you are right back to legislative budgeting and the entire purpose of the amendments that later landed in Article 7 is undone. In fact, if my recollection is correct, Stimson said, in words or substance, "Without it you have nothing."

But I should not be understood as taking the position that my friend, Prof. Bonventre, will agree with me!

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**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:[elena@judgewatch.org](mailto:elena@judgewatch.org)]  
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**TO: Rockefeller Institute of Government/Deputy Director of Operations Robert Bullock**