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From: elena@judgewatch.org
Sent: Monday, March 23, 2020 11:17 AM
To: 'slerner@commoncause.org'; 'laura@lwvny.org'; 'bhorner@nypirg.org';
'rhaven@nypirg.org'; 'rbloom@citizensunion.org'; 'eperingersameth@citizensunion.org';
'jkaehny@reinventalbany.org'
Cc: 'editor@legislativegazette.com'; 'bmax@gothamgazette.org'
Subject: NYS Budget: GOOD NEWS During the Coronavirus Emergency About Eliminating its
Policy, Non-Budgetary Content
Attachments: 3-18-20-ltr-to-gov-revised-fn1.pdf

TO: Common Cause/New York State
League of Women Voters/New York State
New York Public Interest Research Group (NYPIRG)
Citizens Union
Reinvent Albany

A propos of your March 16, 2020 press release "*Good Gov't Groups to NYS Lawmakers: 'Keep Policy Out of the Budget'*" – reported by the *Legislative Gazette* on March 18, 2020 in a story entitled "*Watchdog groups, Republican lawmakers make plea for a transparent and policy-free budget this year*" – this is to reiterate what I have previously alerted you to: that the inclusion of policy and non-budgetary items in the state budget is UNCONSTITUTIONAL.

The details are set forth in the Center for Judicial Accountability's above-attached March 18, 2020 letter to Governor Cuomo, sent to him and Legislative Leaders by the below e-mails. Entitled "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 '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.

CJA's webpage for the March 18, 2020 letter – from which its referred-to substantiating evidentiary proof is accessible – is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm> .

Please advise as to whether you agree or disagree with the analysis in CJA's March 18, 2020 letter – and confirm that you will be forwarding the letter to scholars of the New York State Constitution and of the New York State Court of Appeals for their evaluation, as well.

Thank you.

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

From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Friday, March 20, 2020 4:00 PM
To: 'records.access@exec.ny.gov' <records.access@exec.ny.gov>
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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)
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From: elena@judgewatch.org <elena@judgewatch.org>
Sent: Wednesday, March 18, 2020 11:52 AM

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 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'grelick@nysenate.gov' <grelick@nysenate.gov>;
 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'vargash@nyassembly.gov' <vargash@nyassembly.gov>;
 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'cmills@nysenate.gov' <cmills@nysenate.gov>;
 'BarclaW@nyassembly.gov' <BarclaW@nyassembly.gov>; 'herricks@nyassembly.gov' <herricks@nyassembly.gov>;
 'engelk@nyassembly.gov' <engelk@nyassembly.gov>; 'skypej@nyassembly.gov' <skypej@nyassembly.gov>;
 'gianaris@nysenate.gov' <gianaris@nysenate.gov>; 'weintrau@nysenate.gov' <weintrau@nysenate.gov>;
 'griffo@nysenate.gov' <griffo@nysenate.gov>; 'kinderma@nysenate.gov' <kinderma@nysenate.gov>;
 'PeopleC@nyassembly.gov' <PeopleC@nyassembly.gov>; 'haltonl@nyassembly.gov' <haltonl@nyassembly.gov>;
 'aubryJ@nyassembly.gov' <aubryJ@nyassembly.gov>; 'hernandezd@nyassembly.gov' <hernandezd@nyassembly.gov>;
 'goodella@nyassembly.gov' <goodella@nyassembly.gov>; 'lkrueger@nysenate.gov' <lkrueger@nysenate.gov>;
 'usher@nysenate.gov' <usher@nysenate.gov>; 'seward@nysenate.gov' <seward@nysenate.gov>; 'davie@nysenate.gov' <davie@nysenate.gov>;
 'WeinstH@nyassembly.gov' <WeinstH@nyassembly.gov>; 'wamchair@nyassembly.gov' <wamchair@nyassembly.gov>;
 'ancowitzr@nyassembly.gov' <ancowitzr@nyassembly.gov>; 'beavers@nyassembly.gov' <beavers@nyassembly.gov>;
 'peakec@nyassembly.gov' <peakec@nyassembly.gov>; 'rae@nyassembly.gov' <rae@nyassembly.gov>;
 'derocht@nyassembly.gov' <derocht@nyassembly.gov>; 'lentolj@nyassembly.gov' <lentolj@nyassembly.gov>;
 'morinelloa@nyassembly.gov' <morinelloa@nyassembly.gov>; 'webere@nyassembly.gov' <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
 Senate Majority Leader Andrea Stewart-Cousins
 Assembly Speaker Carl Heastie
 Senate Minority Leader John Flanagan, Esq.
 Assembly Minority Leader William Barclay, Esq.
 Deputy Senate Majority Leader Michael Gianaris, Esq.
 Deputy Senate Minority Leader Joseph Griffo
 Assembly Majority Leader Crystal Peoples-Stokes
 Assembly Speaker *Pro Tempore* Jeffrion Aubry
 Assembly Minority Leader *Pro Tempore* Andrew Goodell, Esq.
 Senate Finance Committee Chair Liz Krueger
 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 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.

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