

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

**From:** Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]  
**Sent:** Tuesday, July 24, 2012 2:53 PM  
**To:** 'jgard@buffalo.edu'  
**Subject:** Building Scholarship on NYS Constitutional Issues & Governance -- Beginning with CJA's Public Interest Lawsuit vs NYS' Highest Constitutional Officers & 3 Government Branches

Dear Professor/Director Gardiner,

This follows up a succession of phone messages left for you, both on your voice mail and with your administrative assistant, Sue Martin – on June 26<sup>th</sup>, July 3<sup>rd</sup>, July 11<sup>th</sup>, and July 23<sup>rd</sup>, to which I received no return call.

The website of the Citizens' Committee for an Effective Constitution, [www.effectiveny.org](http://www.effectiveny.org), identifies you as its contact person at SUNY Buffalo Law School involved in its essay competition on New York State constitutional issues, with research interests that include “the theoretical foundations of the constitutional structure of politics, the institutionalization through law of principles of democracy, constitutional structures of federalism, and subnational constitutional law”. You are, additionally, Director of the Jaekle Center for State and Local Democracy, described by its website as the “research center” at SUNY-Buffalo Law School “dedicated to the study of the ways in which law, politics, and principles of democratic self-governance intersect at the state and local (subnational) level.”

As such, I would have expected a prompt return call from you about the New York State constitutional issues about which I was calling – much as I would have expected a prompt return call from you two years ago when I left you repeated phone messages, to which I received no return call. My messages, at that time, pertained to “merit selection” to the New York Court of Appeals – achieved by constitutional amendment in 1977 – and, specifically, your testimony before Chairman Sampson at the State Senate Judiciary Committee’s May 21, 2009 hearing in Buffalo on “merit selection” to the New York Court of Appeals, my own testimony before Chairman Sampson on the same subject, first at the Judiciary Committee’s January 27, 2009 hearing in Albany and then at its June 5, 2009 in Brooklyn, and the two sets of written comment we submitted on September 21, 2009 and January 26, 2010 as to rule changes proposed by the Commission on Judicial Nomination.

Then, as now, I was endeavoring to bring into scholarship primary source, documentary evidence – without apparent interest by you.

If you are not planning to return my calls, kindly identify the reason – and identify other scholars of the New York State Constitution and New York State government at SUNY Buffalo Law School and the University to whom I might turn.

CJA’s website, [www.judgewatch](http://www.judgewatch), posts the primary source, documentary evidence of the unconstitutionality of Chapter 567 of the Laws of 2010, *as written and as applied*, relating to judicial compensation, embodied in our unfolding public interest lawsuit against New York State’s highest constitutional officers and three government branches for a declaratory judgment, about which I have called you four times over the past

month. It is accessible *via* the top panel "Latest News". Similarly accessible is my July 9, 2012 letter to the Executive Director of the Citizens' Committee for an Effective Constitution, highlighting the necessity of building scholarship concerning "court interpretation" of constitutional questions -- beginning with the Court of Appeals' February 23, 2010 decision in the judges' three judicial compensation lawsuits, underlying Chapter 567 of the Laws of 2010. For your convenience, here's the direct link to that July 9, 2010 letter <http://www.judgewatch.org/web-pages/ny-constitutional-convention/building-nys-constitutional-convention.htm>.

I eagerly await your phone call and can be reached at 646-220-7987. Meantime, this e-mail will be posted with a hyperlink for you and the Jaekle Center for State and Local Democracy on the same webpage as the July 9, 2010 letter under the heading **"BUILDING A ROSTER OF ACADEMIC INSTITUTIONS, THINK TANKS, & SCHOLARS OF THE NYS CONSTITUTION & NYS GOVERNMENT"**.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)