

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, January 08, 2013 9:45 AM
To: 'klovett@nydailynews.com'; 'klnynews@aol.com'
Cc: 'gblain@nydailynews.com'; 'whammond@nydailynews.com'
Subject: Congratulations on taking the lead in reporting the behind-the-scenes struggle over Senate rules. Where's your follow-up?

NOTHING IS MORE IMPORTANT THAN THE SENATE'S AND ASSEMBLY'S OWN RULES, as they determine EVERYTHING ELSE.

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Tuesday, January 08, 2013 8:59 AM
To: 'susan_arbetter@wcny.org'; 'jbakeman@gannett.com'; 'liz.benjamin@ynn.com'; 'gblain@nydailynews.com'; 'jcaher@alm.com'; 'jcampbell1@gannett.com'; 'kdewitt@wxxi.org'; 'fud31@aol.com'; 'jim_felitte@wcny.org'; 'zack.fink@ny1news.com'; 'efmnews@aol.com'; 'jacob.gershman@gmail.com'; 'mgormley@ap.org'; 'hakim@nytimes.com'; 'whammond@nydailynews.com'; 'mark.harrington@newsday.com'; 'khughes@nysnys.com'; 'kaplan@nytimes.com'; 'rkarlin@timesunion.com'; 'fklopott@bloomberg.net'; 'ekriss@nypost.com'; 'blambdin@wnyt.com'; 'klnynews@aol.com'; 'mnatale@wrgb.com'; 'jodato@timesunion.com'; 'Alyssa_Plock@wcny.org'; 'tprecious@buffnews.com'; 'nick.reisman@ynn.com'; 'yancey.roy@newsday.com'; 'mryan@wmh.org'; 'cseiler@timesunion.com'; 'ashort@cityandstateny.com'; 'asichko@bizjournals.com'; 'jspector@gannett.com'; 'joelstashenko@aol.com'; 'jvielkind@timesunion.com'; 'mvirtanen@ap.org'; 'tweaver@syracuse.com'; 'michael.whittemore@ynn.com'; 'davidhowardking@gmail.com'
Subject: ALERT: Behind-the-scenes struggle over Senate rules reported by Daily News. What are you reporting?

ALERT: BEHIND-THE-SCENES STRUGGLE OVER SENATE RULES REPORTED BY DAILY NEWS. WHAT ARE YOU REPORTING?

Ken Lovett scandalously writes "...Democrats fear the GOP and the five-member Independent Democratic Conference are keeping the rules secret as long as possible so they can be passed with little chance for advanced public scrutiny. ..."

Here's the link to his January 6th article: <http://www.nydailynews.com/news/politics/skelos-stewart-cousins-disagree-rule-change-article-1.1234586?localLinksEnabled=false>. Notwithstanding our January 4th e-mail to him and you **"THE MOST IMPORTANT VOTES OF THE UPCOMING 236th LEGISLATIVE SESSION"** – reproduced below -- **it** appears to be the **ONLY** reporting about Senate and Assembly rules in the legislative session that opens tomorrow – and there have been no editorials.

If the Senate Democrats are so concerned about "public scrutiny" of Republican-introduced rules, why don't they release their own rules proposals – or are they planning to introduce none?

As stated by our December 26th letter to Republican Conference Leader Skelos and Democratic Conference Leader Stewart-Cousins:

"Because the Senate rules determine the ability of senators to properly represent their constituents, discharge their legislative duties, and promote accountability of the senators and the Senate as a whole, we call upon each of you to promptly and publicly release the rules you will be proposing for the upcoming Senate session, with an accompanying memorandum

identifying the extent to which they change the current Senate rules to incorporate the recommendations of the April 21, 2009 Republican Minority Report of the Temporary Committee on Rules and Administration Reform and of Resolution #357 of Senators Krueger and Squadron. (p. 5, underlining in original).

We quoted this in our January 3rd letter to ALL Senators, further stating:

“Nothing prevents individual Senators from introducing their own resolutions of new Senate rules, as was done, in 2011, when Senators Kreuger and Squadron introduced Resolution #357, incorporating recommendations of the 2009 Minority Report of the Temporary Committee on Rules and Administration Reform. Indeed, doing so would be in keeping with the empowerment of rank-and-file legislators that is at the core of those recommendations. Consequently, by this coverletter we call upon Senators, individually and collectively, to introduce long-overdue rules reform resolutions at the January 9th opening session.” (at p. 2, underlining in the original).

Here’s the direct-link to the “Latest News” webpage of our website, <http://www.judgewatch.org/web-pages/cja/latest-news.htm>, posting both these important letters – to which, as yet, we have received no response.

Meantime, here, again, is our January 4th e-mail to you, which bears re-reading. Please send it on to your editors and editorial boards:

“THE MOST IMPORTANT VOTES OF THE UPCOMING 236th LEGISLATIVE SESSION

are the ones that will take place on the Senate and Assembly floor at the opening session on Wednesday, January 9th: for Temporary Senate President and Senate rules; and for Assembly Speaker and Assembly rules. These will determine whether ‘dysfunctional’ and ‘three men in a room’ will continue as the adjectives describing how our Legislature operates. Astonishingly, changing these perversions of our democracy is not difficult. It can be accomplished, IMMEDIATELY. All that is required is that our legislators vote on rules that do not confer autocratic powers on the leadership and majority party.

To ensure that that finally happens -- and because our non-partisan, non-profit citizens’ organization has a great deal to contribute to an informed understanding and vote on legislative leadership and rule change – we have spent the past month engaged in important correspondence with both the leadership and rank-and-file members of both houses. This culminated, yesterday, in letters addressed to all Senators and Assembly members, raising a constitutional question – based on Article III, Sec. 9 of the NYS Constitution – as to whether their votes for rules on opening day should not precede their votes on leadership – and calling upon them to secure the expert opinions of this State’s constitutional scholars.

You can judge, for yourself, the game-changing significance of our correspondence – and the major scandal it presents -- as it’s all posted on our website, www.judgewatch.org, accessible *via* the top panel ‘Latest News’. Here’s the direct link, for your convenience: <http://www.judgewatch.org/web-pages/cja/latest-news.htm>.

To assist you – and our legislators – we’ve created a ‘Rules Reform Resource Page’ – which posts essential background materials, beginning with Professor Eric Lane’s landmark article ‘*Albany’s Travesty of Democracy*’ (1997) and including the Brennan Center’s landmark 2004 report which, based on analysis of ALL 50 states, concluded that NY’s Legislature is the MOST DYSFUNCTIONAL in the nation – a situation it confirmed as still true in its subsequent two reports, in 2006, and 2008.

That this grotesque dysfunction remains true TODAY is the subject of our People’s lawsuit vs Temporary Senate President Skelos & the Senate and Assembly Speaker Silver & the Assembly – and that, too, is

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I look forward to hearing from you.

Thank you."