

elena@judgewatch.org

From: elena@judgewatch.org
Sent: Saturday, March 21, 2020 2:38 PM
To: 'michael.gormley@newsday.com'
Subject: Missing from your today's article "Virus exposes the need for hospital beds after years of reductions" is the NY Court of Appeals
Attachments: 3-26-19-ltr-23pp.pdf

TO: Michael Gormley/Newsday

I read with interest your article "*Virus exposes the need for hospital beds after years of reductions*", discussing the commission appointed by Governor Pataki and the Legislature, to reduce "excess" hospital capacity. You state:

"In Albany, the issue was so politically dicey that the Legislature and Pataki authorized the commission's recommendations to have the force of law, without a public vote by elected officials."

At least 7 lawsuits challenged the commission's closure/downsizing recommendations, including 2 lawsuits that went up to the Court of Appeals. The Court denied review in both cases, both by right and by leave – and its flagrant betrayal of its constitutional duties – motivated by its desire for judicial pay raises utilizing a comparable "force of law" commission scheme -- is laid out at pages 9-15 of CJA's attached March 26, 2019 letter to the Court of Appeals in support of an appeal of right for the *CJA v. Cuomo* citizen-taxpayer action challenging the budget statute that had established "force of law" Commission on Legislative, Judicial and Executive Compensation (see, in particular, fn. 4).

The link to CJA's webpage for the above-attached March 26, 2019 letter, posting the appeals of right and motions to the Court of Appeals from the 2 lawsuits, *McKinney* and *St. Joseph Hospital*, is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/3-26-19-ltr.htm>.

I invite you to call me so that I can discuss the foregoing with you, directly.

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