

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, March 27, 2020 5:01 PM
To: nicholasjpinto@gmail.com
Subject: **Follow-up: Your March 25th and Feb. 23rd articles in The Intercept -- & the unconstitutionality of Gov. Cuomo's policy-packed budget, in which the Legislature is collusive**
Attachments: [3-18-20-ltr-to-gov-revised-fn1.pdf](#)

Dear Mr. Pinto,

RE: "[America's Crisis Daddy Andrew Cuomo Exploits Coronavirus Panic to Push Bail Reform Roll-Back in New York](#)" (March 25, 2020, The Intercept-Nick Pinto);
"[The Backlash: Police, Prosecutors and Republicans Are Looking to Undo a Criminal Justice Reform in New York](#)" (February 23, 2020, The Intercept-Nick Pinto)

I am director and co-founder of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), which, for the past seven years, has chronicled the unconstitutionality and unlawfulness of the New York state budget in two citizen-taxpayer actions, brought on behalf of the People of the State of New York, against Governor Cuomo, the Legislature, the Attorney General, the Comptroller and the Chief Judge.

MISSING from each of your above two articles is the material fact that the reforms of New York's bail and criminal justice laws, which took effect on January 1, 2020, were enacted *via* the FY2019-20 state budget. Such was unconstitutional then – and any "roll-back" emendation, inserted into the FY2020-21 state budget, will also be unconstitutional.

Would you be willing to investigate and report on the unconstitutionality of Governor Cuomo's policy-packed state budget, to which New York's legislators – Republican, Democratic, Conservative, Progressive – are ALL collusive? You would seem to be a natural for such task, considering your descriptions of how the New York state budget is fashioned and enacted:

Thus your article two days ago stated:

"In New York, state budget negotiations are opaque at the best of times. The governor and the leaders of the two houses of the legislature — the proverbial "three people in a room" — hash out a series of horse-trades and concessions, which are then presented to legislators as an omnibus mash for a single take-it-or-leave-it vote.

These are not the best of times. Several legislators have already been diagnosed with coronavirus infections, and the statehouse has been evacuated, with legislators sent home to shelter in place, unable to meet or debate. They've been told to be ready to return to the state capitol in Albany on short notice to approve a budget they've yet to see and are unlikely to have a chance to even read before they vote on it.

For the advocates and legislators who helped pass New York's landmark bail reforms last year, Cuomo's drive to reverse those gains by slipping language into an under-scrutinized, must-pass disaster budget is the height of antidemocratic shock-doctrine misgovernment."

And your article last month stated:

"It's increasingly likely that the reforms will be rolled into the budget process, a fixture of the New York legislative machinery in which, rather than giving bills a full public debate and an up-or-down vote, the governor and legislative leaders engage in closed-door horse-trading, bartering one piece of legislation for another to create a last-minute 'take it or leave it' omnibus package. The budget process, Albany-watchers know, is where good laws with popular support and seemingly strong legislative backing go to die in the dark."

The best place to start in evaluating this proposal is my above-attached March 18, 2020 letter to Governor Cuomo 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 details the unconstitutionality of the Governor's policy-packed executive budget – and its referred-to substantiating proof is all readily accessible from CJA's webpage for the letter. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm> .

Below are the e-mails transmitting the March 18, 2020 letter to Governor Cuomo – and to the 15 Legislative Leaders who receive stipends for the "significantly more work" and "additional duties" they are expected to perform. Why not call up the Governor and these 15 Legislative Leaders and inquire as to their findings of fact and conclusions of law with respect to the letter? What, if anything, do they deny or dispute?

As you are not among the staff listed by The Intercept: <https://theintercept.com/about/>, it appears you are a freelance journalist. For this reason, I am offering this explosive story to you, first. As time is of the essence, please let me know, by tomorrow, if you are not interested so that I can immediately offer it to The Intercept -- unless you would like to do so, on my behalf, which I would greatly appreciate.

I am available to assist you, to the max. Feel free to call me anytime, during the weekend and at night.

Thank you.

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

Cc: 'David.Poleto@budget.ny.gov' <David.Poleto@budget.ny.gov>; 'foil@budget.ny.gov' <foil@budget.ny.gov>; 'perez@lbd.state.ny.us' <perez@lbd.state.ny.us>; '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 ... 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.

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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

To: 'records.access@exec.ny.gov' <records.access@exec.ny.gov>
Cc: 'David.Poleto@budget.ny.gov' <David.Poleto@budget.ny.gov>; 'perez@lbdc.state.ny.us' <perez@lbdc.state.ny.us>; '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>; 'haltonI@nyassembly.gov' <haltonI@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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