

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, March 14, 2013 10:37 AM
To: 'nostrae@assembly.state.ny.us'
Cc: paternol@assembly.state.ny.us; buchwaldd@assembly.state.ny.us; weisfeldd@assembly.state.ny.us; roithmayra@assembly.state.ny.us
Subject: Follow-up to our phone conversation, a short time ago: The Legislature's Duty to Reject Judiciary Appropriations Bill S2601-A3001 & its Unidentified Judicial Salary Increases that are Fraudulent, Statutorily-Violative & Unconstitutional

To: Elizabeth Nostrand, Legislative Director to Assemblyman Steve Englebright

Thank you for your call this morning, returning my call to the Assemblyman's office yesterday. Below is the e-mail I had sent to your own e-mail, but which had not reached you because of an erroneous e-mail address that spelled out your full last name.

With respect to the question identified by my e-mail as to the dollar amount of the Governor's appropriation bill for the Judiciary (A-3001; S-2601), as well as the further question as to the dollar amount requested by the Judiciary's budget – as to which the Legislature's "Yellow", "White", and "Blue" books all give different numbers, with the "Green" book giving no number at all – I have requested Lauren Paterno, Legislative Director to my Assemblyman, David Buchwald, to obtain these dollar amounts for me, as soon as possible.

Inasmuch as Assemblyman Buchwald is a member of the Assembly Committee on Governmental Operations -- which Assemblyman Englebright chairs -- I am sending Ms. Paterno a copy of this e-mail, with a request that she furnish these dollar figures not only to me, but to Assemblyman Englebright, so as to assist him in discharging his duties as a member of the Joint Budget Subcommittee on "Public Protection", Criminal Justice, and the Judiciary.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Wednesday, March 13, 2013 7:02 PM
To: 'briskym@assembly.state.ny.us'; 'nostrande@assembly.state.ny.us'; 'battistajulia@gmail.com'
Subject: The Legislature's Duty to Reject Judiciary Appropriations Bill S2601-A3001 & its Unidentified Judicial Salary Increases that are Fraudulent, Statutorily-Violative & Unconstitutional

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Wednesday, March 13, 2013 5:59 PM
To: 'lavignj@assembly.state.ny.us'
Subject: The Legislature's Duty to Reject Judiciary Appropriations Bill S2601-A3001 & its Unidentified Judicial Salary Increases that are Fraudulent, Statutorily-Violative & Unconstitutional

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Wednesday, March 13, 2013 5:45 PM

To: senator@senatorlibous.com; morellej@assembly.state.ny.us; LentolJ@assembly.state.ny.us; lavignij@assembly.state.ny.us; 'little@nysenate.gov'; hassellt@nysenate.gov; gsavage@nysenate.gov; EngleS@assembly.state.ny.us; CamaraK@assembly.state.ny.us; GiglioJ@assembly.state.ny.us; MontesanoM@assembly.state.ny.us

Cc: 'skelos@nysenate.gov'; jd Klein@nysenate.gov; scousins@nysenate.gov; susangrelick@yahoo.com; jltomlin@gmail.com; speaker@assembly.state.ny.us; KolbB@assembly.state.ny.us; jdefranc@nysenate.gov; luther@nysenate.gov; FarrelH@assembly.state.ny.us; 'sampson@senate.state.ny.us'; 'spotts@senate.state.ny.us'; [WeinstH@assembly.state.ny.us](mailto>WeinstH@assembly.state.ny.us); nozzolio@nysenate.gov; mfitzger@nysenate.gov; gball@nysenate.gov; sritz@ball4ny.com; gallivan@nysenate.gov; bryan@nysenate.gov; aldinger@nysenate.gov; golden@nysenate.gov; eilts@nysenate.gov; OdonnellD@assembly.state.ny.us

Subject: The Legislature's Duty to Reject Judiciary Appropriations Bill S2601-A3001 & its Unidentified Judicial Salary Increases that are Fraudulent, Statutorily-Violative & Unconstitutional

TO: General Conference Committee

Senator Thomas Libous

Assembly Members Joseph Morelle and Earlene Hooper

Joint Budget Subcommittee on "Public Protection", Criminal Justice, & the Judiciary

Assembly Co-Chair Joseph Lentol

Senators Elizabeth Little & Ruth Hassell Thompson

Assembly Members Steven Englebright, Karim Camara, Joseph Giglio, & Michael Montesano

This follows up my phone calls to each of your offices earlier today to alert you to what Senate and Assembly leadership and knowledgeable colleagues and staff should have already told you: that the judicial salary increases for which the Judiciary's budget seeks funding are fraudulent, statutorily-violative and unconstitutional, so-demonstrated by documentary proof in their possession -- and that the Judiciary's failure to identify the dollar amount of those increases in its budget and in any line-item of its "single budget bill" -- as, likewise, the Governor's failure to identify their dollar amount in any line-item of his Judiciary appropriations bill based thereon (S2601; A3001) -- is illustrative of the insufficient itemization of the appropriations bill, precluding meaningful review and requiring that the Legislature reject it, in its entirety, as unconstitutional.

Indeed the Governor's appropriations bill for the Judiciary, like the Judiciary's own, provides no cumulative tally of the appropriations it contains. Is the \$50,095,000 of "Reappropriations" a sum on top of the "All Funds", and "General State Charges" -- in which case isn't the total monies being appropriated \$2,683,991,476? Or does the bill contain more appropriations, as, for instance, \$15,000,000 for "New Appropriations (Supplemental)" and \$51,000,000 for "Capital Projects-Reappropriations", both tucked in the back.

The foregoing and other constitutional infirmities of the Judiciary appropriations bill (S2601; A3001) are detailed by my March 11, 2013 letter to the Senate Budget Subcommittee for "Public Protection" -- Senators Nozzolio, Ball, Gallivan, and Golden -- expanding upon my testimony on February 6, 2013 at the Senate and Assembly joint budget hearing on "public protection", at which I spoke in opposition to the judicial salary increases and the Judiciary budget.

I respectfully request that you read the March 11, 2013 letter and view the video of my 10-minute February 6, 2013 testimony so that you can understand that you cannot approve a Judiciary appropriations bill that includes the judicial salary increases without being chargeable with official misconduct that is both criminal and impeachable.

Both the letter and video are posted on the website of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA). Here's the direct link to the webpage on which they are posted together with the substantiating documentary proof which I handed up when I testified and to which I referred:

<http://www.judgewatch.org/web-pages/judicial-compensation/legislative-oversight-judicial-raises.htm> .

I would be pleased to speak with you directly and to answer your questions, including under oath.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373

cc: Senate Leaders Skelos, Klein, and Stewart-Cousins
Assembly Speaker Silver & Minority Leader Kolb
Senate Finance Committee Chairman DeFrancisco
Assembly Ways & Means Committee Chairman Farrell
Senate Judiciary Committee Ranking Member Sampson
Assembly Judiciary Committee Chairwoman Weinstein
Senator Nozzolio, Senator Ball, Senator Gallivan, Senator Golden
Assemblyman O'Donnell