

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, August 14, 2018 1:38 PM
To: 'darethompson@gmail.com'; 'Judiel728@aol.com'; 'robintwins@gmail.com'; 'janepark@stny.rr.com'; 'lorirob528@gmail.com'; 'CarolMellor140@gmail.com'; 'sbernson@mac.com'; 'bking8213@charter.net'; 'smstass@mac.com'
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Subject: FW: BOARD OF DIRECTORS' DECISION REQUESTED: Achieving our Shared Goal of an Accountable & Transparent State Budget Process & Budget -- Request for the League's Amicus Curiae Participation & Other Assistance for Perfected Appeal -- Citizen-Taxpayer Action
Attachments: 8-13-18-ltr-to-organizations-amicus.pdf

TO: NYS League of Women Voters 2017-2019 Board of Directors

This follows my phone conversation at about 10:15 this morning with you executive director, Laura Bierman, about the below e-mail she sent me at 4:05 pm yesterday, responding to the e-mail I had sent her less than five hours earlier, at 11:16 am yesterday, which is also below. The letter it attached is above.

I discovered Ms. Bierman's e-mail upon returning from the post office, after having mailed to her, by priority mail, an original of the letter – and its substantiating appellants' brief and three-volume reproduced record on appeal – as my letter expressly stated I would do, for her convenience and for the convenience of “those within your organizations empowered to authorize *amicus curiae* participation”. Without awaiting its arrival, Ms. Bierman e-mailed that the “information” I had provided was “shared with my board members and we have decided not to participate”.

I asked Ms. Bierman to explain what her e-mail meant. Did it mean that she had furnished my e-mail with its attached letter to the nine persons, from Dare Thompson to Suzanne Stassevitch, whose bios are posted on the League's website as constituting the board of directors, <http://www.lwvny.org/board.html>? In response, Ms. Bierman revealed that she did not, in fact, furnish it to any of the nine listed board members. Rather, she furnished it only to what she characterized as a “committee of the board” – these being “issue specialists”. She would not reveal who these “issue specialists” were from among the seven listed on the League's website, <http://www.lwvny.org/about/Board-List-2017-19.pdf>, other than that they were four. She stated that she could not give me their names without first asking their permission – giving, as the reason, that I might “harass them”. I stated that I wished to know their names because their decision – unaccompanied by the slightest explanation or comment about what I had laid before them – was indefensible and explicable only as a manifestation of conflict-of-interest. Ms. Bierman's response was that all League board members – which she characterized the “issue specialists” to be – have to sign statements that they have no conflicts of interest. She conceded, however, that conflicts arise with given circumstances.

Ms. Bierman demurred when I requested that she forward my e-mail, with its attached letter, to all nine members of the League's board. Likewise, she demurred to my request that, upon her receipt of my priority package with its appellants' brief and reproduced record that she send it to 2nd Vice President Sally Robinson – whose bio identifies that she a lawyer – and her husband, as well. Indeed, I noted that there were other lawyers on the board who should also be reviewing my *amicus curiae* request – these being Grassroots Director Carol Mellor and At-Large Member Sheila Miller Bernson. Recognizing the significance of the appellate brief and record will be no challenge for them, either.

As Ms. Bierman made reference to the fact that everyone's e-mail is on the League's website, in other words, that I could myself contact the full board for consideration of my request for *amicus* and other assistance in the lawsuit, I am doing that now, by this e-mail, with a request that any board decision in the negative be accompanied by an explanation – and a statement as to how the League will be incorporating the EVIDENCE particularized and presented by the verified pleadings and lawsuit record in its legislative and public advocacy concerning the state budget, behind-closed-doors “three men in a room” budget dealmaking, closed-door party conferences in the Legislature, commission-based pay raises, the judiciary, and our so-called “rule of law, etc. As Ms. Bierman discouraged me from including the League's legislative director, Jennifer Wilson, as a recipient of my yesterday's email/letter, I do so now.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Laura Bierman <laura@lwvny.org>
Sent: Monday, August 13, 2018 4:05 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>; ejm@empirecenter.org;
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Subject: RE: Achieving our Shared Goal of an Accountable & Transparent State Budget Process & Budget -- Request for Your Amicus Curiae Participation & Other Assistance for Perfected Appeal -- Citizen-Taxpayer Action

Thank you for the information, Elena. I have shared it with my board members and we have decided not to participate.

Laura Ladd Bierman
Executive Director
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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Monday, August 13, 2018 11:16 AM
To: ejm@empirecenter.org; thoefers@empirecenter.org; lawrence.norden@nyu.edu; deutsch@fiscalpolicy.org;
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Subject: Achieving our Shared Goal of an Accountable & Transparent State Budget Process & Budget -- Request for Your Amicus Curiae Participation & Other Assistance for Perfected Appeal -- Citizen-Taxpayer Action

Following up my phone conversations and messages for you last week, requesting that, individually or collectively, your organizations file an *amicus curiae* brief in the perfected appeal of CJA's second citizen-taxpayer action pertaining to the state budget, attached is my letter to you of today's date, being mailed with our appellants' brief and three-volume reproduced record on appeal. The webpage on which the brief and three-volume record are posted is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18-appellants-brief.htm>.

Kindly confirm that my letter will be promptly furnished to all those responsible for making *amicus curiae* decisions at your organizations – and the time frame within which I can expect a response, hopefully, positive and enthusiastic.

Thank you.

Elena Sassower, Director
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