

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, April 14, 2017 11:21 AM  
**To:** 'mwhite@cbcny.org'  
**Cc:** 'lcolacurcio@cbcny.org'; 'cbrecher@cbcny.org'; 'dfriedfel@cbcny.org'; 'porecki@cbcny.org'  
**Subject:** OPPORTUNITY/OBLIGATION -- citizen-taxpayer action: March 29, 2017 OSC for declaration of unconstitutionality & unlawfulness of NYS budget -- returnable April 28, 2017

**TO: CITIZENS BUDGET COMMISSION -- Mitchell White/Development & External Affairs Associate --**

Following up our lengthy conversation a short time ago about CJA's unfolding citizen-taxpayer action, for which I thank you, below is the e-mail I sent more than a week ago, with the link to the webpage of CJA's March 29, 2017 order to show cause for a preliminary injunction, with TRO – the same webpage as I showed you during our conversation: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/3-29-17-osc.htm>.

It should not take the professional staff of the Citizens Budget Commission, with degrees in law, political science, public policy, economics, finance, etc. more than a brief amount of time to review the March 29, 2017 order to show cause – and recognize its potential. For this reason, I wish to speak directly with President Kellerman, and, additionally, with Director of Research Charles Brecher, Director of State Studies David Friedfel, and Research Associate Patrick Orecki, so that I might have the benefit of their thoughts and judgment.

I have no doubt that based on Article VII, §§4, 5, 6 of the New York State Constitution and the reinforcing Court of Appeals decisions in *Pataki v. Assembly & Senate/Silver v. Pataki*, 4 NY3d 75 (2004), and *New York State Bankers Association v. Wetzler*, 81 NY2d 98 (1993), they would EACH agree that the New York State budget is flagrantly “OFF THE CONSTITUTIONAL RAILS” and that the outcome of CJA's order to show cause – and the citizen-taxpayer action on which it rests – must be summary judgment for the plaintiffs, AS A MATTER OF LAW.

As I stated to you, I invite the Citizens Budget Commission to have “a piece of the action” by filing an *amicus curiae* brief and/or by making a motion to intervene – so that the court might have the Citizens Budget Commission's wider perspective and achieve, through the lawsuit, adjudications of the constitutional and legal significance of its years of advocacy and reports that New York's governors and legislators have all blithely ignored. Certainly, the Citizens' Budget Commission also has a bully-pulpit and can easily issue press statements about the case, as well as reach out to its large network of media and academic contacts so that the case receives both the press reporting and scholarship it deserves.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]  
**Sent:** Thursday, April 6, 2017 10:39 AM  
**To:** 'lcolacurcio@cbcny.org' <lcolacurcio@cbcny.org>

**Cc:** 'cbrecher@cbcny.org' <cbrecher@cbcny.org>; 'dfriedfel@cbcny.org' <dfriedfel@cbcny.org>; 'porecki@cbcny.org' <porecki@cbcny.org>

**Subject:** direct link -- citizen-taxpayer action: March 29, 2017 OSC/preliminary injunction to nullify budget bills, etc. -- returnable April 28, 2017

Dear Ms. Colacurcio,

As briefly discussed, the NYS Constitution is “OFF the constitutional rails”. Here’s the direct link to CJA’s March 29, 2017 order to show cause to nullify the Senate and Assembly “amended” budget bills, returnable on April 28, 2017: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/3-29-17-osc.htm>.

As the non-lawyer author of every paper in the current citizen-taxpayer action – and its predecessor -- I will especially look forward to speaking with CBC President Kellermann, a lawyer, whose law degree is from Harvard Law School.

Thank you.

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