

Center for Judicial Accountability, Inc. (CJA)

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Sent: Friday, April 14, 2017 3:37 PM
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Subject: OPPORTUNITY/OBLIGATION -- citizen-taxpayer action: March 29, 2017 OSC for declaration of unconstitutionality & unlawfulness of NYS budget -- returnable April 28, 2017

TO: NYPIRG/General Counsel Russ Haven

Following up our substantive phone conversation yesterday about CJA's unfolding 2nd citizen-taxpayer action, for which I earnestly thank you, here's the link to the webpage of CJA's March 29th 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 will not take you long to review the March 29th order to show cause – and recognize its potential. For this reason, please call me after you review it so that I might have the benefit of your 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 *Silver v. Pataki/Pataki v. Assembly & Senate*, 4 NY3d 75 (2004), and *New York State Bankers Association v. Wetzler*, 81 NY2d 98 (1993) – ALL posted on the webpage of the March 29th order to show cause – you will 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 of the 2nd 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 NYPIRG to have “a piece of the action” by filing an *amicus curiae* brief and/or by making a motion to intervene so that NYPIRG might contribute its wider perspective and achieve, through the citizen-action, adjudications of the constitutional and legal dimensions of its advocacy about the budget, spanning countless years – all blithely ignored by New York's governors and legislators. Certainly, NYPIRG 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 coverage and substantive scholarship it deserves. Then, too, Blair, has his own column and radio casts through which to educate and alert the public about the case – and the impact it should rightfully have on next year's elections, when all the defendants, excepting the Chief Judge, will be on the ballot. There is much important work that NYPIRG's student volunteers can do in examining and analyzing the state budget and in researching and uncovering the history of New York's budgets, over the decades, to the present.

I respectfully request that you forward this e-mail to all members of NYPIRG's board, as soon as possible, as time is of the essence.

NYPIRG has a powerful opportunity, if not obligation, to play a leadership role here, for the benefit of ALL New Yorkers. The order to show cause for declarations of unconstitutionality and unlawfulness of the New York State budget is OPEN & SHUT – and WE WILL WIN!

Thank you, again.

Elena Sassower, Director
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