

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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February 19, 2016

TO: Senate Judiciary Committee

Chair: Senator John Bonacic

Ranking Member: Senator Ruth Hassell-Thompson

Assembly Judiciary Committee

Chair: Assemblywoman Helene Weinstein

Ranking Member: Assemblyman Michael Montesano

Senate Committee on Investigations and Government Operations

Chair: Senator Andrew Lanza/Deputy Senate Majority Leader  
for Government Oversight & Accountability

Ranking Member: Senator Brad Hoylman

Assembly Committee on Governmental Operations

Chair: Assemblywoman Crystal Peoples-Stokes

Ranking Member: Assemblywoman Janet Duprey

RE: Preventing Yet Another “Grand Larceny of the Public Fisc”:

- (1) Did you furnish my e-mails to ALL your committee members, as requested?;
- (2) What are your findings of fact and conclusions of law with respect to my particularized showing that the latest round of judicial salary increases & this year’s Judiciary & Legislative budgets & the Governor’s materially discrepant Budget Bill #S.6401/A.9001 are statutorily-violative, unconstitutional, and fraudulent?

FROM: Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

As you know, your committees are the “appropriate” ones with respect to the Judiciary and Legislative budgets – and with respect to the “force of law” judicial salary increases recommended by the Commission on Legislative, Judicial and Executive Compensation’s December 24, 2015 Report.

Enclosed is my yesterday’s letter to the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee pertaining to the February 4, 2016 “public protection” budget hearing.

The questions the letter asks are questions also properly asked of you. Did you furnish my e-mails pertaining to the Legislature’s February 4, 2016 “public protection” budget hearing to ALL members of your committees, as those e-mails requested<sup>1</sup> and as I further requested in follow-up phone calls to your staff. And if not, why not?

And what are your findings of fact and conclusions of law with respect to those e-mails and the other correspondence I sent you from January 15<sup>th</sup> onward, all demonstrating that the latest round of judicial salary increases and this year’s Judiciary and Legislative budgets, combined in the Governor’s materially discrepant Budget Bill #S.6401/A.9001, are statutorily-violative, unconstitutional, and fraudulent.

As stated by my yesterday’s letter, applying equally to you:

“There is only one conclusion that can be drawn from what transpired at the February 4, 2016 non-hearing on the Legislative budget and sham hearing on the Judiciary budget– and from your non-responsiveness and that of every legislative recipients to whom I e-mailed my correspondence from January 15<sup>th</sup> to February 3<sup>rd</sup> or to whose staff I spoke by phone, apprising them of the issues and the correspondence. That inescapable conclusion is that individually and collectively you are embarked upon yet another ‘grand larceny of the public fisc’ for the upcoming fiscal year with respect to the newest round of judicial salary increases and the slush-fund Judiciary and Legislative budgets, paralleling your ‘grand larceny of the public fisc’ in prior fiscal years with respect to the first round of judicial salary increases and the slush-fund Judiciary and Legislative budgets.

If this conclusion is incorrect, then prove it by discharging your duty to come forward with findings of fact and conclusions of law with respect to those matters about which you reasonably knew I would have testified at the February 4, 2016 ‘public protection’ budget hearing – had I been permitted to testify:

- (1) the showing made by my January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie, including by its most important three enclosures: my ‘Statement of Particulars in Further Support of Legislative Override of the ‘Force of

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<sup>1</sup> Specifically, did the Chairs and Ranking Members of the Senate and Assembly Judiciary Committees: (1) forward my January 28, 2016 letter addressed to them and its enclosed January 26, 2016 letter to Chief Judge DiFiore to ALL members of their committee – as requested by my transmitting January 29<sup>th</sup> e-mail?; and (2) forward my February 2, 2016 “Questions for Chief Administrative Judge Marks” to ALL members of their committees – as requested by my transmitting February 2<sup>nd</sup> e-mail? And did the chairs and ranking members of the Senate Committee on Investigations and Government Operations and the Assembly Committee on Governmental Operations forward my February 3, 2016 “Questions for Temporary Senate President Flanagan and Assembly Speaker Heastie” to all members of their committees – as requested by my transmitting February 3<sup>rd</sup> e-mail?

Law’ Judicial Salary Increase Recommendations, Repeal of the Commission Statute, Etc.’, my December 31, 2015 letter to Chief Judge Nominee DiFiore, and the sponsors’ memo to Assembly Bill #7997, that the judicial salary increases recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation are statutorily-violative, fraudulent, and unconstitutional;

(2) the showing made by my January 28, 2016 letter to you and the January 26, 2016 letter to Chief Judge DiFiore it enclosed;

(3) my ‘Questions for Chief Administrative Judge Lawrence Marks’;

(4) my ‘Questions for Temporary Senate President John Flanagan and Assembly Speaker Carl Heastie’”.

So that I may be guided accordingly, please furnish your aforesaid findings of fact and conclusions of law by a week from today, February 25, 2016.” (February 18, 2016 letter, at pp. 13-14, underlining in the original).

Please let me have your answers and your findings of fact and conclusions of law by then, as well.

For your convenience, this letter and the span of correspondence to which it refers are posted, with all substantiating proof, on CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), accessible *via* our prominent homepage link: “NO PAY RAISES FOR NEW YORK’s CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!”.

Thank you.

Enclosure: February 18, 2016 letter with its enclosures

cc: Senate Finance Committee Chairwoman Catharine Young  
Senate Finance Committee Ranking Member Liz Krueger  
Assembly Ways & Means Committee Chairman Herman Farrell, Jr.  
Assembly Ways & Means Committee Ranking Member Bob Oaks