

1 BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the
2018-2019 EXECUTIVE BUDGET ON
5 PUBLIC PROTECTION

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7 Hearing Room B
Legislative Office Building
8 Albany, New York

9 January 30, 2018
10 9:38 a.m.

11 PRESIDING:

12 Senator Catharine M. Young
Chair, Senate Finance Committee

13 Assemblywoman Helene E. Weinstein
14 Chair, Assembly Ways & Means Committee

15 PRESENT:

16 Senator Liz Krueger
Senate Finance Committee (RM)

17 Assemblyman Robert Oaks
18 Assembly Ways & Means Committee (RM)

19 Senator Diane Savino
Vice Chair, Senate Finance Committee
20 Vice Chair, Senate Codes Committee

21 Senator John J. Bonacic
Chair, Senate Committee on Judiciary

22 Assemblyman Jeffrey Dinowitz
23 Chair, Assembly Committee on Judiciary

24 Assemblyman Anthony H. Palumbo

1 2018-2019 Executive Budget
Public Protection
2 1-30-18

3 LIST OF SPEAKERS, Cont.

4 STATEMENT QUESTIONS

5 Nancy Lorence
Board Member

6 Connie Altamirano
Survivor

7 Call to Action Metro NY 741

8 Steve Powers
Leader

9 Bridie Farrell
Leader

10 Upstate Call to Action
-and-

11 Mary Ellen O'Loughlin
Board Member

12 Foundation for Survivors
of Abuse 752

13 Gary Greenberg

14 Founder
Protect New York Kids 766

✓ 15 Elena Sassower
Director

16 Center for Judicial
17 Accountability 775

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1 need education to prevent abuse. We need to
2 lower the numbers of children being abused in
3 this state, and those are the methods that I
4 believe will do it.

5 Thank you.

6 ✓ CHAIRWOMAN YOUNG: Thank you. Our
7 final speaker is Elena Sassower from the
8 Center for Judicial Accountability.

9 So we have 10 minutes on the clock, if
10 you could start, please.

11 MS. SASSOWER: My name is Elena
12 Sassower. I'm director and cofounder of a
13 nonpartisan, nonprofit citizens' organization
14 called Center for Judicial Accountability,
15 documenting corruption in the judiciary.
16 Because we're based in New York, we largely
17 document the corruption in the New York State
18 judiciary.

19 This is a Public Protection hearing.
20 And last year when I testified, I identified
21 that our foremost public protection is the
22 New York State Constitution, and that the
23 budget is off the constitutional rails.

24 You, the Legislature, are a defendant

1 in a lawsuit, a citizen taxpayer action, as
2 you know, suing you for your grand larceny of
3 the public fisc with respect to the judiciary
4 budget, the legislative budget, the executive
5 budget. It violates a succession of
6 constitutional provisions, statutory
7 provisions, legislative rules -- and you
8 don't care. You simply repeat from one year
9 to the next. You disregard our protections
10 that are the law.

11 Now, we are here now, 13 hours later,
12 in part because the budget is off the
13 constitutional rails. Most of this hearing
14 had nothing to do with what most people would
15 think a budget is about, which is numbers.
16 Math. Calculations. Most of this hearing
17 was devoted to policy. And the policy that
18 has been inserted and really has taken over
19 the budget doesn't belong, and it is
20 unconstitutional.

21 But you persist in allowing it to be
22 part of the budget, actually to crowd out the
23 numbers, because you want a budget that is a
24 slush fund. You want to steal taxpayer

1 money.

2 You have a budget deficit of
3 \$4.4 billion. As a condition for my
4 appearing today, I was required to provide
5 you in advance with a written statement which
6 identified that -- this is what I said, that
7 your first witness at this Public Protection
8 hearing would be Chief Administrative Judge
9 Marks, and that you needed to interrogate him
10 mercilessly because the Judiciary Budget was
11 unacceptable and was filled with all sorts of
12 deceit, was false and misleading, beginning
13 with how much money was being requested.

14 He testified this morning; he didn't
15 give you a cumulative figure. And your own
16 analyses, your color books, cannot agree, do
17 not agree, wildly diverge as to how much the
18 Judiciary is requesting. So according to the
19 Senate Majority White Book, it's
20 \$3.1 billion; the Senate Minority Blue Book
21 is \$3.04 billion; and the Yellow Book of the
22 Assembly Majority is \$3.06 billion. I guess
23 you can't figure out the Judiciary Budget.

24 And I furnished you with 46 questions,

1 and I sent it to each of the leaders of this
2 fiscal committee -- Senator Krueger,
3 Assemblywoman Weinstein, Assemblyman Oaks,
4 Senator Young. I sent it to every member of
5 the Judiciary Committee. And not a single
6 legislator saw fit to ask, Well, bottom line,
7 what is the cumulative dollar figure of the
8 Judiciary Budget? You don't know. And you
9 didn't care to find out.

10 And you also can't agree on the
11 percentage increase. According to the
12 Majority of the Senate, the White Book, it's
13 3.4 percent. According to the Blue Book of
14 the Senate Minority, it's 2.98 percent.
15 According to the Yellow Book of the Assembly
16 Majority, it's 2.96 percent. And of course
17 the Judiciary purports it's 2 percent.
18 Right?

19 But when the Governor orally presented
20 the budget, the Executive Budget, he
21 represented that it was 2.5 percent. He said
22 that that was the Judiciary's request. That
23 was false. But the Governor hasn't furnished
24 any commentary on the Judiciary Budget, which

1 he had always done. Governors had routinely
2 done that, because that is one of the aspects
3 that is identified in the constitution, to
4 make recommendations. And last year was the
5 first year he didn't make commentary. He
6 didn't make commentary this year; instead, he
7 made a misrepresentation.

8 And in the White Book of the Senate
9 Majority, it purports to reconcile how can it
10 be that the ^{Judiciary} Governor says it's 2 percent but
11 the Executive ~~{sic}~~ says it's 2.5. And the
12 White Book purports that, well, it's because
13 \$11 million has been transferred from one
14 fund to another fund. Which obviously, in a
15 budget of \$3 billion, an \$11 million transfer
16 would not result in a 0.5 percent increase.

17 The bottom line is you don't know what
18 the worth of the budget is in any respect,
19 nor do you concern yourself with other
20 deceits of the budget -- with respect to the
21 judicial salary increases, that it was the
22 duty of the Judiciary to identify to you in
23 the executive summary. And to identify that
24 you have the duty, you have the prerogative

1 and the duty to override and prevent those
2 increases from taking effect.

3 Instead, what the Judiciary did,
4 without even identifying what the dollar
5 amount of the pay increases would be, was to
6 represent in its narrative that they were
7 mandated by what it calls the Commission on
8 Judicial and Legislative Salaries.

9 They're not mandated. What the
10 statute requires, the statute that created
11 the Commission on Legislative, Judicial and
12 Executive Compensation requires, is that you
13 examine whether or not you should abrogate,
14 modify them. It gives you that power. And
15 the Judiciary concealed that you have that
16 power. And your color books also don't
17 identify -- either they don't identify or
18 they make it appear, well, it's just part of
19 the budget.

20 The center's website is
21 www.judgewatch.org. And from the prominent
22 center link, entitled "Outing Corrupt and
23 Collusive Incumbents and Ending their Road to
24 Reelection and Higher Office with Evidence,"

1 is posted the 2018 legislative session. And
2 clicking on that, the public can see what a
3 charade this hearing was. That you
4 allowed -- you didn't -- the public can see
5 the kinds of questions that you did not see
6 fit to ask of the Judiciary.

7 There is no excellence in the
8 Judiciary. The Judiciary is as dishonest in
9 its budget as it is in its decisions. The
10 Judiciary is throwing cases that includes the
11 lawsuit against you, suing you for your
12 corruption with respect to the budget.

13 I leave with you -- my time is up -- I
14 leave with you the evidence, the judicial
15 misconduct complaint filed with the
16 Commission on Judicial Conduct against the
17 judge, and the complaint filed against
18 Attorney General Schneiderman, who is your
19 codefendant and has represented you with
20 litigation fraud, because you had no defense
21 to any of the causes of action.

22 Cases are perfect paper trails.

23 SENATOR KRUEGER: Thank you very much
24 for your testimony tonight.

1 MS. SASSOWER: The last thing I will
2 say is that DA Soares has been sitting on a
3 corruption complaint involving what you have
4 been doing with respect to the budget since
5 2013, and that is also the subject of a
6 misconduct complaint filed with the attorney
7 grievance committees.

8 Thank you.

9 SENATOR KRUEGER: This closes the
10 public hearing on Public Protection.

11 Join us again at 10 a.m. tomorrow
12 morning -- 9:30, excuse me, for Education at
13 9:30.

14 (Whereupon, the budget hearing
15 concluded at 10:37 p.m.)

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