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Statement by Center for Judicial Accountability Director Elena Sassower on “Groundhog’s Day” – at the February 2, 2018 Forum on the State Budget, Sponsored by Westchester’s Delegation of State Assembly Members

ENDING THE GROUNDHOG’S DAY REPETITION OF “DYSFUNCTIONAL ALBANY”

It is now a year since I stood before you, at your February 3, 2017 forum on the state budget, alerting you that the budget was “off the constitutional rails” and, in addition to violating a succession of constitutional provisions, was violating a succession of statutory provisions and the Legislature’s own rules. I told you that this was particularized by a citizen-taxpayer action, brought by our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), suing you – the Legislature – for corruption and “grand larceny of the public fisc”. I stated that embedded in the state budget were judicial salary increases that are the product of two state commission reports that are statutorily-violative, fraudulent, and unconstitutional -- as to which there had been no oversight by the Legislature. Only days earlier I had testified about all of this, in Albany, at two of the Legislature’s budget hearings – and I urged you to view the VIDEOS of my testimony – identifying that they and everything else were conveniently posted on CJA’s website, www.judgewatch.org, accessible *via* the link “2017 Legislative Session”.

If you viewed the VIDEOS and examined the citizen-taxpayer action, you know that they detail that not a single legislative committee had engaged in any oversight of either of the two state commission reports – each “false instruments” under the Penal Law – nor of the 40-year old state law that had taken from counties their prerogative to set the salaries of their own district attorneys, notwithstanding district attorneys are county officers whose salaries come out of the county budget. As a consequence, the two fraudulent state commission reports had not only raised judicial salaries – which the state was paying for – but district attorney salaries – which the counties were paying for.

Following my appearance before you, I sent correspondence imploring you to take steps to rectify the lawlessness chronicled by our citizen-taxpayer action – and for legislative committees to discharge oversight. The first, dated February 6, 2017 (Exhibit A), was addressed to Senate Minority Leader Stewart-Cousins – who is MY senator, representing the 35th senate district. Its Senate cc’s, from the Westchester delegation, were: Senator Murphy, chair of the Senate Committee on Investigations and Government Operations, and Senator Bailey, ranking member of the Senate Committee on Crime Victims, Crime, and Correction. Its Assembly cc’s, from the Westchester delegation, were:

- Assemblyman Buchwald, who is MY assembly member, representing the 93rd assembly district, and not only a lawyer, with a Harvard Law School degree and a further degree from the Kennedy School of Government, but a member of a trifecta of relevant Assembly committees: Judiciary, Government Operations, and Local Governments;

- Assemblyman Abinanti, a lawyer and chair of the Commission on Government Administration – a joint Senate and Assembly entity;
- Assemblyman Otis, a lawyer and member of the Assembly Committee on Local Governments;
- Assemblywoman Galef, a member of the Assembly Committee on Governmental Operations;
- Assemblyman Pretlow, a member of the Assembly Ways and Means Committee.

On December 4, 2017, I sent each of you – indeed, all 14 Senate and Assembly members of Westchester’s Albany delegation, including then Senator Latimer — a letter identifying that embedded in the Westchester County budget for 2018 were \$70,000 in fraudulent salary increases for the Westchester County district attorney – and that your obligation was to assist the Westchester County Board of Legislators in protecting Westchester County taxpayers by furnishing it with your findings of fact and conclusions of law with respect to the state commission reports so that it could understand its duty to remove them from the county budget (Exhibit B). By then, Assemblywoman Paulin had been appointed chair of the Assembly Committee on Corporations, Authorities and Commissions – presumably a further legislative committee having jurisdiction over the state commission reports and the larceny they enabled. Eleven days later, Assemblywoman Mayer, a lawyer, would be appointed chair of the Assembly Committee on Oversight, Analysis, and Investigation – the overarching Assembly oversight committee.

Your response to this December 4, 2017 letter, identical to your response to my prior and subsequent communications – was no response. Why was that? What did each of you do to VERIFY the truth of what I stated to you, as, for instance that not a single legislative committee had discharged oversight over the two state commission reports, “notwithstanding their facial statutory violations are verifiable within minutes” – or that the cost of this “to Westchester taxpayers and to taxpayers throughout the state...[is] approximately \$300 million, to date, in larcenous judicial salary increases and in district attorney salary increases resulting therefrom, as well as in increased costs of such salary-based, non-salary benefits as pensions”? (Exhibit B: p. 2, underlining in the original).

The state budget for fiscal year 2018-2019 – by the Judiciary’s budget – adds on another \$70 million or so for the judicial salary increases resulting from the two state commission reports. Other than Senator Bailey, not a single legislator from Westchester’s Albany delegation attended the Legislature’s hearing on the Judiciary’s budget this past Tuesday. This includes Assemblyman Buchwald who, on Monday, received from me both telephonic and written notice that the Judiciary’s budget was deceitful, false and misleading – including with respect to the judicial salary increases it embeds – and that Chief Administrative Judge Marks needed to be interrogated “mercilessly” about it. My written notice furnished 46 questions for that purpose (Exhibit C) – all designed to safeguard HUGE sums of public monies and achieve a state judiciary that fulfills its constitutional mission of rendering justice, rather than, as it does, obliterating ALL cognizable adjudicative standards to “throw” cases by fraudulent judicial decisions.

As not a single legislator asked Chief Administrative Judge Marks a single one of the 46 questions at Tuesday's hearing on the Judiciary's budget – a fact about which I testified, as the last witness at the hearing, stating that I had furnished the questions to every member of the Senate and Assembly Judiciary Committees and to the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee – I am supplying you with the same written notice and questions as I furnished them (Exhibit C), with a request that you secure the answers from Chief Administrative Judge Marks on behalf of your constituents and the People of the State of New York.

If you do not think that you are not duty-bound to secure answers to these 46 questions, or to secure legislative oversight, immediately, of the two state commission reports – as to which there has been no oversight – or to address the multitude of constitutional, statutory, and rule violations pertaining to the state budget, chronicled by the pleadings in the citizen-taxpayer action, and the litigation record establishing what my notice identifies, *to wit*, that CJA's citizen-taxpayer action suing you for corruption was torpedoed by a double-whammy of litigation fraud by your co-defendant, Attorney General Schneiderman, and fraudulent judicial decisions – then you should not be running for re-election this year – or, as Assemblywoman Mayer is currently doing, running for the senate seat vacated by now Westchester County Executive Latimer.

Quite simply, if you believe that you can just keep quiet about it all, you should read the Penal Law:

Penal Law §175.35 (“offering a false instrument for filing in the first degree”);
Penal Law §155.42 (“grand larceny in the first degree”);
Penal Law §190.65 (“scheme to defraud in the first degree”);
Penal Law §195.20 (“defrauding the government”);
Penal Law §195 (“official misconduct”);
Penal Law §105.15 (“conspiracy in the second degree”);
Penal Law §20.00 (“criminal liability for conduct of another”); and
Penal Law §496 (“corrupting the government”) – part of the “Public Trust Act”

because you are chargeable thereunder as accomplices and co-conspirators in public corruption and grand larceny of taxpayer monies. In that regard, I take this opportunity to furnish you with the January 8, 2018 criminal/corruption complaint I filed against you with Westchester County District Attorney Anthony Scarpino, arising from your willful disregard of the December 4, 2017 letter (Exhibit D) – a complaint also against District Attorney Scarpino for colluding in the larceny of taxpayer monies, of which he is a direct beneficiary.

For the benefit of all – and none more so than your Westchester constituents whose votes you will be seeking in this election year and before whom you posture as honest, ethical public servants, concerned about their tax dollars and the proper functioning of their government – this statement and all the substantiating EVIDENCE on which it is based is posted on CJA's website, www.judgewatch.org, accessible *via* the link “2018 Legislative Session” – which is beneath, and part of, CJA's webpages for “OUSTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Officer – WITH EVIDENCE”.

I am available to assist you, to the max, in cleaning up “dysfunctional Albany” and safeguarding public monies. What more do you need from me?

