

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, January 18, 2019 1:56 PM  
**To:** 'jerredb@nyassembly.gov'; 'BarclaW@nyassembly.gov'  
**Subject:** FW: Request to Testify at the Legislature's Jan. 29, 2019 and Feb. 11, 2019 Joint Budget Hearings -- plus request as to the referred-to constitutional provisions concerning budget approval by April 1st  
**Attachments:** 5-16-18-ltr-to-underwood-revised.pdf

**TO: Brittany Jerred/Assembly Ways & Means Committee Ranking Member William Barclay, Esq.**

Following up our phone conversation a short time ago – for which I thank you – below is my e-mail requesting to testify at the Legislature’s upcoming budget hearings. Is Assembly Ways and Means Committee Ranking Member Barclay aware of the content of the January 15, 2019 hearing announcement – with its reference to “provisions of the New York State Constitution concerning the approval of the state budget by April 1<sup>st</sup>?” Can he answer the question my e-mail asks as to what specific constitutional provisions are being referred to?

As discussed, the state budget is “off the constitutional rails” and rife with unlawfulness and fraud– and our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), has challenged this in a citizen-taxpayer action that is now *en route* to the Court of Appeals. The record of the citizen-taxpayer action – and of the predecessor citizen-taxpayer action which it incorporates -- is, as I showed you, accessible from CJA’s homepage, [www.judgewatch.org](http://www.judgewatch.org). Is Ranking Member Barclay aware of it – and my testimony about its ten causes of action, as, for instance, last year, at two of the Legislature’s budget hearings, and the year before, also at two of the Legislature’s budget hearings? Here’s the direct link to CJA’s webpage that I showed you for the “2018 Legislative Session”: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/menu-2018-legislative-session.htm>, from which Ranking Member Barclay can easily access the videos of those four budget hearings – and the video of my initial testimony, in 2013, as to the statutorily-violative, fraudulent, unconstitutional commission-based judicial pay raises, then the subject of a declaratory judgment action.

As Ranking Member Barclay is a lawyer – and the only lawyer among the four leaders of the Senate Finance Committee and Assembly Ways and Means Committee – he is well equipped to assist his three fellow fiscal committee leaders in evaluating the record of the citizen-taxpayer action – and verifying that the attorney general had no legitimate defense to any of its ten causes of action, corrupted the judicial process with litigation fraud, and was rewarded by fraudulent judicial decisions, in Supreme Court and now at the Appellate Division, Third Department. Indeed, it is his duty to do so, especially as his leadership position as Assembly Ways and Means Committee ranking member gives him a \$20,500 stipend, retained by the December 10, 2018 report of the Compensation Committee, whose “force of law” recommendations raised his annual salary – and that of all legislators – from \$79,500 to \$110,000, as of January 1<sup>st</sup>.

In that connection, and because, last May, he was appointed to be a member of the legislative panel that interviewed then Interim Attorney General Underwood and other candidates to fill the vacancy created by Attorney General Schneiderman’s resignation, attached is my May 16, 2018 NOTICE/complaint to then Interim Attorney General Underwood concerning her testimony before the panel and furnishing a synopsis of the record of the second citizen-taxpayer action, at that time – and of the current fiscal year budget. The webpage for the NOTICE/complaint, affording ready-access to its evidentiary substantiation, is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/5-16-18-notice-to-underwood.htm>.

I am available to meet with Ranking Member Barclay and to assist him, to the fullest. Meantime, I respectfully request his assistance concerning the January 15, 2019 hearing announcement – and its referred-to “provisions of the New York State Constitution concerning the approval of the state budget by April 1<sup>st</sup>”.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, January 18, 2019 11:26 AM  
**To:** 'financechair@nysenate.gov' <financechair@nysenate.gov>; 'wamchair@nyassembly.gov' <wamchair@nyassembly.gov>  
**Cc:** 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'mike\_2233@yahoo.com' <mike\_2233@yahoo.com>; 'carlosv845@gmail.com' <carlosv845@gmail.com>; 'goddard@nysenate.gov' <goddard@nysenate.gov>  
**Subject:** Request to Testify at the Legislature's Jan. 29, 2019 and Feb. 11, 2019 Joint Budget Hearings -- plus request as to the referred-to constitutional provisions concerning budget approval by April 1st

**TO: Mitzi Hart/Senate Finance Committee**  
**Clinton Freeman/Assembly Ways & Means Committee**

This follows up my telephone calls to you yesterday, requesting to testify at the Legislature's January 29, 2019 budget hearing on "public protection" and February 11, 2019 budget hearing on "local government officials/general government", which you stated I must put in writing. I hereby do so, so that I may publicly testify as to the unconstitutionality and unlawfulness of the whole of the budget, including its unconstitutional inclusion of policy which the Legislature's budget hearings, organized by "programmatic areas", rather than by budget bills, enables.

My testimony will also address the following "appropriation bills": (1) Legislative/Judiciary Budget Bill #S.1501/A.2001; (2) State Operations Budget Bill #S.1500/A.2000 – appropriations for Attorney General, Comptroller, Commission on Judicial Conduct, JCOPE, Office of the Inspector General; and (3) and Aid to Localities Budget Bill #S.1503/A.2003 – "grants to counties for district attorney salaries".

This request to testify is pursuant to Legislative Law §32-a – and I once again object to the Legislature's subverting such statute by combining budget hearings pursuant thereto with those mandated by Article VII, §3 of the New York State Constitution and Legislative Law §31 – especially when its net result, if not its reason, is to limit and exclude public testimony. In that connection I take this opportunity to object to the reduction of time for witness testimony to five minutes – with witnesses who are members of the public relegated to the end, if time permits.

Indeed, a propos of the sentence in the January 15, 2019 announcement of the joint budget hearings: **"Due to time constraints related to provisions of the New York State Constitution concerning the approval of the state budget by April 1st, only a limited number of witnesses can be accommodated at any given hearing", please advise as to what are the specific "provisions of the New York State Constitution" being referred-to.**

Thank you.

Elena Ruth Sassower, Director  
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