

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Tuesday, April 16, 2019 4:15 PM  
**To:** 'capi@law.columbia.edu'  
**Subject:** Request for Amicus Curiae Support & Scholarship: Citizen-Taxpayer Action, NOW at the Court of Appeals, Suing All 3 NYS Gov't Branches for Corruption with respect to the NYS budget -- & the commission-based pay raises it gives them

TO: Center for the Advancement of Public Integrity (CAPI)/Columbia University Law School  
Executive Director Berit Berger

This follows up my phone conversation this morning with Program Officer Rosie Fatt, who spoke with me at fair length, doing the necessary intake to assist you.

The reason for my call was, in the first instance, to speak with you about a monumental citizen-taxpayer action, now at the New York Court of Appeals, suing the constitutional officers of New York's three government branches for corruption with respect to the state budget and the commission-based salary increases it embeds -- of which they are all now beneficiaries.

The lawsuit, presenting ten causes of action -- including the first-ever-cause of action to challenge the constitutionality of "three-men-in-a-room" budget deal-making -- is before the Court of Appeals on an appeal of right -- and I am requesting that CAPI file an *amicus curiae* brief in support. As I showed Rosie, the full lawsuit record is accessible from CJA's website, [www.judgewatch.org](http://www.judgewatch.org), via the prominent center link: "CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' and Unconstitutional 'Three-Men-in-a-Room' Governance". For your convenience, the direct link to the webpage for my March 26, 2019 letter to the Court of Appeals in support of the appeal of right is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/3-26-19-ltr.htm>. It furnishes all the relevant facts and law. However, as I showed Rosie, you will also want to examine my April 11, 2019 letter to the Court: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/4-11-19-ltr-to-ct-appeals.htm>, as it not only details the state of the record, *vis-à-vis* the Attorney General's opposition to the appeal of right, but identifies an issue impacting on CAPI's work to secure public campaign financing, namely, the unconstitutionality of the commission on public campaign financing, inserted into the 2019-2020 revenue budget bill, following this year's "three-men-in-a-room" budget deal-making.

I also explained to Rosie that quite apart from my *amicus curiae* request, the second reason for my call was to furnish CAPI with primary-source, empirical evidence for scholarship -- as it is plain that its 2018 study of "Oversight and Enforcement of Public Integrity" in New York is not so-based: <https://www.law.columbia.edu/capi-map#capi-mapinfo>. Indeed, the record of CJA's citizen-taxpayer action -- and the underlying documentary evidence on which it rests: <http://www.judgewatch.org/web-pages/judicial-compensation/menu-ny-judicial-compensation.htm> -- "blows to smithereens" CAPI's 2018 New York study, beginning with the entities it identifies as part of New York's "substantial anti-corruption system" and "Oversight Structure": the Attorney General and Comptroller. This, because the Attorney General and Comptroller are each defendants-appellants in the citizen-taxpayer action, with the Attorney General, additionally, counsel.

Obviously, time is of the essence with regard to this *amicus curiae* request. Inasmuch as CAPI's study asserts:

"New York State's corruption issues have received unusual attention from scholars and activists, due to the state's position as a financial, cultural, and intellectual hub. Factors commonly cited as contributing to corruption in the state include: concentration of power

– particularly budgetary discretion – in the ‘three men in a room’ (governor, senate majority leader, and assembly speaker)...and the lack of press coverage of Albany”,

can CAPI assist us in building a coalition of such “scholars and activists” who, together with CAPI, will file an *amicus* brief on the corruption and constitutional issues – including as to the unconstitutionality of “three men in a room” budget deal-making? Will CAPI contact them, on our behalf? How about New York’s bar associations – and, additionally, the “many reform-oriented civil society organizations” in New York, so-identified by CAPI’s study. How about press coverage? Certainly, CAPI can easily reach out to Columbia’s journalism programs, including its Graduate School of Journalism, to find student journalists to investigate and report on CJA’s extraordinary, corruption-ending case, could it not?

I look forward to hearing from you, as soon as possible.

Thank you.

Elena Sassower, Director  
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