

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, April 26, 2019 1:42 PM
To: 'etp2113@law.columbia.edu'
Cc: 'capi@law.columbia.edu'
Subject: STATUS? -- 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

Research Fellow Edward Popovici, Esq.

Following up our phone conversation this morning, below is the e-mail I sent ten days ago to Executive Director Berit Berger – to which I received no response – and about which I called, two days ago, leaving a voice mail message, to which I received no response.

Did she respond? And if not, why not.

As discussed, it is not difficult to END the systemic public corruption that plagues New York state government. What it requires is that academic institutes – such as CAPI – engage in **scholarship based on primary source, empirical EVIDENCE – and build advocacy and strategies based thereon**. Illustrative of the kind of rock-solid EVIDENCE I am talking about is that which our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), has offered to CAPI. It "blows to smithereens" CAPI's superficial, assumption-laden 2018 report on "*Oversight and Enforcement of Public Integrity*" in New York State, whose annotating footnotes are mostly to news reporting and commission/committee reports, whose accuracy, methodologies, and integrity it does not investigate: <https://www.law.columbia.edu/capi-map#capi-mapinfo>. Likely, CJA's treasure-trove of EVIDENCE would have the same effect with regard to your article on the Commission on Prosecutorial Conduct – and CAPI's February 2019 program about DAASNY's lawsuit against it, featuring DAASNY President Albany County D.A. Soares. Perhaps you will send me links so I can verify this.

So that you can begin your *own* verification – and the necessary scholarship flowing therefrom – here are some links from CJA's website, www.judgewatch.org, that will surely be relevant – and which will lead you to scores of other valuable links, with EVIDENCE galore:

My FULLY-DOCUMENTED October 14, 2016 conflict-of-interest/misconduct complaint against Albany District Attorney Soares and his fellow New York district attorneys – including those, like himself, who were members of the Commission to Investigate Public Corruption, filed with New York's attorney grievance committees: <http://www.judgewatch.org/web-pages/searching-nys/oct-14-2016-district-attorney-complaint/menu-oct-14-2016-complaint.htm> – whose beginning recitation is about the district attorneys' opposition to the then-proposed Commission on Prosecutorial Conduct at the Legislature's June 8, 2016 public forum on the Commission on Prosecutorial Conduct – & whose links include to CJA's webpage for the VIDEO of that public forum & my October 5, 2016 e-mail to Assemblyman Nick Perry's Legislative Director about it: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/full-time-legislators/comm-prosecutorial-conduct.htm>;

My FULLY-DOCUMENTED March 6, 2018 corruption complaint against all the public officers that D.A. Soares has been “protecting” since 2013, filed with him and seeking enforcement of “The Public Trust Act” (Penal Law §496 “corrupting government”) – which, like my prior July 19, 2013, January 7, 2014, and June 21, 2016 corruption complaints – D.A. Soares has been “sitting on”: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/enforcing-public-trust-act.htm>.

All this underlies – and has led to – the citizen-taxpayer action that is now before the New York Court of Appeals, on an appeal of right – for which I am seeking CAPI’s *amicus curiae* support and other assistance, as set forth by the below.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, April 16, 2019 4:15 PM
To: 'capi@law.columbia.edu' <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, 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
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

Center for Judicial Accountability, Inc. (CJA)

From: Mail Delivery Subsystem <MAILER-DAEMON@atl4mhob18.registeredsite.com>
Sent: Friday, April 26, 2019 1:43 PM
To: elena@judgewatch.org
Subject: Returned mail: see transcript for details
Attachments: details.txt; STATUS? -- Request for Amicus Curiae Support & Scholarship: Citizen-Tax... (20.6 KB)

The original message was received at Fri, 26 Apr 2019 13:42:24 -0400 from atl4qobmail01pod6.registeredsite.com [10.30.71.209]

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*successfully resent
to etp2113@columbia.edu* →

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Re-sent. Let's see if it arrives!

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