

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, August 1, 2017 5:13 PM
To: 'rcarson@nypirg.org'
Cc: 'rhaven@nypirg.org'; 'bhorner@nypirg.org'; 'mshelton@nypirg.org'; 'mahearn@nypirg.org'; 'grussian@nypirg.org'; 'jmakarowski@nypirg.org'
Subject: Thank you -- Developing effective strategies for advancing NYPIRG's "good government" agenda

Dear Ryan,

Following up on our phone conversation a short time ago, for which I thank you, below is my self-explanatory e-mails to NYPIRG's paid professional staff – sent yesterday.

Inasmuch as you stated to me that you are a graduate student, accepted into law school, the litigation record of CJA's citizen-taxpayer action should be of especial interest to you, documentarily establishing, as it does, the complete obliteration of ANY cognizable "judicial process" in New York State when citizens come forward with legal challenges to the corruption of New York State government. Surely, other pre-law and political science majors at CUNY, who volunteer for NYPIRG, would find it of interest and relevance, as well.

As reflected by the below, neither Russ nor Blair have been willing to discuss ANY aspect of this politically-explosive lawsuit with me – or give me the slightest assistance in advancing it. I would like to discuss this and other matters, directly, with NYPIRG's student board of directors and would appreciate your guidance in facilitating that.

As my testimony before the Legislature on January 30, 2017 and January 31, 2017 at its budget hearings furnish a powerful overview of the citizen-taxpayer action and will enable you to better understand that making New York's elections competitive can be easily accomplished by examining what the incumbents did in response to my testimony, I recommend that you view the videos, in the first instance, and then examine the March 29, 2017 order to show cause, laying out what took place before, at, and after my testimony at the January 30th and 31st budget hearings. The links are below.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, July 31, 2017 4:12 PM
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Subject: what is NYPIRG's evidence as to the empirical difference between "full-time" and "part-time" legislators?

Dear Russ,

I forgot to send you the VIDEO of my testimony at the Legislature's January 30, 2017 budget hearing, which you stated you had not seen. It is posted on the same webpage of CJA's website as posts the VIDEO of my testimony at the Legislature's January 31, 2017 budget hearing: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>.

You told me that you had seen my January 31st testimony LIVE – presumably because it followed Blair's. My testimony on January 30th followed Barbara Bartoletti's – and, as I stated to you, highlights that, based upon my more than 25 years of experience interacting with the Legislature, there is NO EMPIRICAL DIFFERENCE between legislators who are "full time" and have no outside "active" earned income and those who have "active" earned income and are dubbed "part-time".

What is NYPIRG's evidence that there is an EMPIRICAL DIFFERENCE? Shouldn't NYPIRG's Board of Directors and funders have the benefit of that information, as well?

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Monday, July 31, 2017 3:41 PM
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Subject: Follow-up -- NYPIRG & citizen action of ordinary citizens

Dear Russ,

Following up my phone call to you, in which you acknowledged not having responded to my below e-mails, please send me, as you promised, the legislation curtailing the Comptroller's oversight responsibilities, so I can examine the kind of "legislative due process" that produced it.

The issue of "legislative due process" is encompassed by CJA's unfolding citizen-taxpayer action. As the lawsuit record establishes – and as you can verify for yourself: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/menu-2nd-citizen-taxpayer-action.htm> -- neither the attorney general nor judge has had ANY defense to our evidentiary and legal showing and have both colluded in corrupting any semblance of judicial "process".

Isn't "legislative due process" one of NYPIRG's top priority issues? How much progress has NYPIRG made in achieving it, over the past many decades? Ditto, with respect to "legislative oversight", "legislative transparency", and "budget reform". How much real progress has NYPIRG made on ANY of these issues, each encompassed by the citizen-taxpayer action? And what are NYPIRG's strategies, going forward, to bring about the changes it has had negligible success in bringing about until now.

CJA's unfolding citizen-taxpayer action is the MOST EXPEDITIOUS and CERTAIN fashion to achieve that success. However, you cannot determine that, for yourself, unless you spend at least a minimal amount of time in reviewing the lawsuit record, which you have not done. If I understand you correctly, you stated to me that you will not

do so – nor delegate the responsibility, including to NYPIRG’s volunteers, including college students. Nor were you receptive to my entreaties that you reach out to constitutional and legal scholars with whom NYPIRG has personal and professional relationships, and amply-resourced, attorney-staffed organizations like Brennan Center, with which you work. None of this involves any expenditure of money.

Your view – and Blair’s – seems to be that citizens who meaningfully advance NYPIRG’s agenda issues of “legislative due process”; “legislative oversight”; “legislative transparency” and “budget reform”, as, for example, by lawsuits which lay out the unconstitutionality and unlawfulness of what has been going on, should also not be invited to participate, in any fashion, in NYPIRG’s work – and that their civic contributions should be completely ignored, as if they do not exist, by Blair’s regular media columns and press appearances. If this is not the case, please respond, in writing.

I believe that it is long past time that NYPIRG’s board of directors and funders were apprised of how ordinary citizens doing the most exemplary, far-reaching citizen-action fare under your leadership – not the least reason because it helps explain NYPIRG’s lack of success in battling New York state legislative corruption. I will await your written response on the subject, so that I might represent the situation accurately.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Tuesday, July 18, 2017 12:48 PM

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Subject: ALSO -- CJA's citizen-taxpayer actions -- AND defendants Comptroller DiNpoli & Attorney General Schneiderman

Inadvertently failed to include Blair’s June 26th column “*Albany Makes Things Worse*”:

<http://www.nypirg.org/capitolperspective/?p=1902> – with its discussion of the 2017-2018 state budget – the subject of plaintiffs’ March 23, 2017 verified supplemental complaint: <http://www.judgewatch.org/lawsuit-2016-budget/3-29-17-osc/3-29-17-supplemental-complaint-corrected.pdf>.

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

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Subject: CJA's citizen-taxpayer actions -- AND defendants Comptroller DiNpoli & Attorney General Schneiderman

Dear Russ & Blair –

A short time ago I left voice mail messages for each of you. I would appreciate your return calls, as soon as possible. Apart from the fact that I have received no response from you to my below time-sensitive April 14th e-mail, I am puzzled by Blair's weekly commentary – particularly what he has written with respect to legislation curtailing the Comptroller's oversight, as for instance, by his May 1st column "*The State Senate Teams Up with The Comptroller to Advance Ethics*": <http://www.nypirg.org/capitolperspective/?p=1875>.

How can statutory law restrict the Comptroller's constitutionally-mandated oversight duties – and be constitutional? Kindly furnish me with the bill numbers of the legislation introduced by Governor Cuomo and passed by the Legislature to which his May 1st column refers so that I can better understand the situation, including why, as it appears, Comptroller DiNapoli & Attorney General Schneiderman have not challenged the constitutionality of same – or issued advisory opinions.

Both Attorney General Schneiderman and Comptroller DiNapoli are defendants in CJA's current and prior citizen-taxpayer actions – because, as we have documented, they are utterly collusive with Governor Cuomo and the Legislature, also defendants, in the unconstitutionality, unlawfulness, and fraudulence of the state budget and other corruption involving tax payer monies.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
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Subject: OPPORTUNITY/OBLIGATION -- citizen-taxpayer action: March 29, 2017 OSC for declaration of unconstitutionality & unlawfulness of NYS budget -- returnable April 28, 2017

TO: NYPIRG/General Counsel Russ Haven

Following up our substantive phone conversation yesterday about CJA's unfolding 2nd citizen-taxpayer action, for which I earnestly thank you, here's the link to the webpage of CJA's March 29th order to show cause for a preliminary injunction, with TRO – the same webpage as I showed you during our conversation: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/3-29-17-osc.htm>.

It will not take you long to review the March 29th order to show cause – and recognize its potential. For this reason, please call me after you review it so that I might have the benefit of your thoughts and judgment. I have no doubt that based on Article VII, §§4, 5, 6 of the New York State Constitution and the reinforcing Court of Appeals decisions in *Silver v. Pataki/Pataki v. Assembly & Senate*, 4 NY3d 75 (2004), and *New York State Bankers Association v. Wetzler*, 81 NY2d 98 (1993) – ALL posted on the webpage of the March 29th order to show cause – you will agree that the New York State budget is flagrantly “OFF THE CONSTITUTIONAL RAILS” and that the outcome of CJA's order to show cause – and of the 2nd citizen-taxpayer action on which it rests – must be summary judgment for the plaintiffs, AS A MATTER OF LAW.

As I stated to you, I invite NYPIRG to have “a piece of the action” by filing an *amicus curiae* brief and/or by making a motion to intervene so that NYPIRG might contribute its wider perspective and achieve, through the citizen-taxpayer action, adjudications of the constitutional and legal dimensions of its advocacy about the budget, spanning countless

years – all blithely ignored by New York’s governors and legislators. Certainly, NYPIRG also has a bully-pulpit and can easily issue press statements about the case, as well as reach out to its large network of media and academic contacts so that the case receives both the press coverage and substantive scholarship it deserves. Then, too, Blair, has his own column and radio casts through which to educate and alert the public about the case – and the impact it should rightfully have on next year’s elections, when all the defendants, excepting the Chief Judge, will be on the ballot. There is much important work that NYPIRG’s student volunteers can do in examining and analyzing the state budget and in researching and uncovering the history of New York’s budgets, over the decades, to the present.

I respectfully request that you forward this e-mail to all members of NYPIRG’s board, as soon as possible, as time is of the essence.

NYPIRG has a powerful opportunity, if not obligation, to play a leadership role here, for the benefit of ALL New Yorkers. The order to show cause for declarations of unconstitutionality and unlawfulness of the New York State budget is OPEN & SHUT – and WE WILL WIN!

Thank you, again.

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