

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, April 5, 2017 4:46 PM
To: 'jesse.mckinley@nytimes.com'
Subject: What's AG Scheiderman's response? How does he reconcile the behind-closed-doors, "three-men-in-a-room" amending of budget bills with Article VII, §§4, 5, 6 & Article III, § 10?
Attachments: 2-3-17-hand-out-red-alert.pdf

See below, sent before the Assembly commenced its voting on the budget...

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Wednesday, April 5, 2017 10:50 AM
To: 'Eric.Schneiderman@ag.ny.gov' <Eric.Schneiderman@ag.ny.gov>
Cc: 'Jason.Brown@ag.ny.gov' <Jason.Brown@ag.ny.gov>; 'Janet.Sabel@ag.ny.gov' <Janet.Sabel@ag.ny.gov>; 'Kent.Stauffer@ag.ny.gov' <Kent.Stauffer@ag.ny.gov>; 'Meg Levine' <Meg.Levine@ag.ny.gov>; 'Jeffrey Dvorin' <Jeffrey.Dvorin@ag.ny.gov>; 'Helena Lynch' <Helena.Lynch@ag.ny.gov>; 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>; 'Hartman Chambers' <hartmanchambers@nycourts.gov>; 'Joanne Locke' <jlocke@nycourts.gov>; 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'kolbB@nyassembly.gov' <kolbB@nyassembly.gov>

Subject: CJA v. Cuomo, et al (#5122-16) -- Your duty to advise your co-defendant clients of their treason to the NYS Constitution by their behind-closed-doors, "3-men-in-a-room"- "amended" budget bills -- violating Article VII, §§4, 5, 6 & Article III, §10

TO: ATTORNEY GENERAL SCHNEIDERMAN –

I have yet to hear from you or your high-ranking, supervisory & managerial staff with respect to my April 2nd and March 31st e-mails.

Below is my e-mail to Assembly members, sent at 9:02 a.m. today. Among them: defendant Assembly Speaker Heastie & Assembly Minority Leader Kolb, whose offices confirmed receipt – and assured me that the e-mail would be furnished to Speaker Heastie & Minority Leader Kolb immediately.

You have had more than ample time to discern the clear meaning of Article VII, §§4, 5, 6 & Article III, §10 of the New York State Constitution. Consistent with your duty, you must IMMEDIATELY counsel your legislative clients and your client-Governor that the behind-closed-doors, "three-men-in-a-room", "amended" budget bills, being shamelessly steamrolled to enactment, are a treasonous repudiation of those constitutional provisions and null and void by reason thereof.

Please advise, without further delay, with respect to my unresponded-to April 2nd and March 31st e-mails, determinative of these constitutionality issues.

Thank you.

Elena Sassower, unrepresented plaintiff

On her own behalf & on behalf of the People of the State of New York and the Public Interest

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

Sent: Wednesday, April 5, 2017 9:02 AM

To: 'goodella@nyassembly.gov' <goodella@nyassembly.gov>; 'lopezp@nyassembly.gov' <lopezp@nyassembly.gov>; 'castorinar@nyassembly.gov' <castorinar@nyassembly.gov>; 'malliotakis@nyassembly.gov' <malliotakis@nyassembly.gov>; 'murrayd@nyassembly.gov' <murrayd@nyassembly.gov>; 'StecD@nyassembly.gov' <StecD@nyassembly.gov>; 'butterm@nyassembly.gov' <butterm@nyassembly.gov>; 'crouchc@nyassembly.gov' <crouchc@nyassembly.gov>; 'mclaughlin@nyassembly.gov' <mclaughlin@nyassembly.gov>
Cc: 'johnsm@nyassembly.gov' <johnsm@nyassembly.gov>; 'rae@nyassembly.gov' <rae@nyassembly.gov>; 'dixonf@nyassembly.gov' <dixonf@nyassembly.gov>; 'assembly150@gmail.com' <assembly150@gmail.com>; 'scarangellot@nyassembly.gov' <scarangellot@nyassembly.gov>; 'floode@nyassembly.gov' <floode@nyassembly.gov>; 'zadlod@nyassembly.gov' <zadlod@nyassembly.gov>; 'livanr@nyassembly.gov' <livanr@nyassembly.gov>; 'capezsd@nyassembly.gov' <capezsd@nyassembly.gov>; 'ebertd@nyassembly.gov' <ebertd@nyassembly.gov>; 'bouasays@nyassembly.gov' <bouasays@nyassembly.gov>; 'greyg@nyassembly.gov' <greyg@nyassembly.gov>; 'BuchwaldD@nyassembly.gov' <BuchwaldD@nyassembly.gov>; 'steckP@assembly.state.ny.us' <steckP@assembly.state.ny.us>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'kolbB@nyassembly.gov' <kolbB@nyassembly.gov>

Subject: Your DUTY to expose the "3-men-in-a-room"- "amended" budget bills as treason to the NYS Constitution -- violating Article VII, §§4, 5, 6 & Article III, §10

TO: Assembly Members Goodell, Lopez, Castorina, Malliotakis, Murray, Stec, Butler, Crouch, and McLaughlin

This follows up my phone conversations with your staff yesterday, urging that you continue the leadership you showed on Monday, April 3rd, on the floor of the Assembly, in the debate on Governor Cuomo's two extender bills. You had decried the budget negotiations, conducted behind-closed doors, by "three-men-in a room", from which the Assembly and Senate minority leaders had been excluded -- and the Governor's insertion of policy, including controversial policy, into the budget -- and into the extender.

Your criticisms are no less relevant today -- when, startlingly -- and in the absence of any "necessity" by reason of the extender, you will be led by "leadership" to vote on budget bills that emerged last night and in the wee hours of today, from behind the closed-door, "three-men-in-a-room" negotiations, already "amended".

You must vote against all these "amended" budget bills because they are UNCONSTITUTIONAL -- violating Articles VII, §§1-7 and III, §10 of the New York State Constitution in the same respects as the Assembly and Senate "amended" budget bills that had preceded them and on which these newly "amended" bills rest. For your convenience, Articles VII, §§1-7 and III, §10 of the New York State Constitution are attached.

The unconstitutionality and fraud of the Assembly and Senate's previously "amended" budget bills is the subject of a citizen-taxpayer action, *Center for Judicial Accountability v. Cuomo, et al* (Albany Co. #5122-16) with an order to show cause for a preliminary injunction, returnable on April 28th. It is posted on the Center for Judicial Accountability's website, www.judgewatch.org -- and I showed your staff where it could be found. Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/3-29-17-osc.htm>.

Suffice to repeat now what I explained to your staff with respect to the Governor's inclusion of policy in his original & 30-day amended budget bills, *to wit*, that Article VII, §4 furnishes the Assembly and Senate with the solution. Pursuant thereto, the Assembly and Senate are free to strike such policy items and appropriations from the Governor's budget bills -- and to enact the budget without these appropriations and without further action by the Governor -- upon reconciling the differences in their separately amended budget bills.

No budget can constitutionally be enacted that so flagrantly violates Article VII, §§4, 5, 6 and Article III, §10 -- as do the budget bills now before you. Individually and collectively, your duty -- reinforced by the oath of office you took just

three months ago – is to rise up and not only VOTE against the budget bills being thrown to you today for your “rubber-stamp” approval, but to forcefully speak up and expose them as the treason to the New York State Constitution that each of them is.

I am available to answer questions and assist you, to the max, so that you can faithfully uphold what the New York State Constitution commands.

Thank you.

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