

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Sunday, March 27, 2016 5:09 PM
To: jemcki@nytimes.com
Subject: AGAIN, NEWS LEAD: Clearing the Room! Lawsuit challenge to 3-men-in-a-room budget dealmaking (1st ever?!)

Dear Jesse,

[Again, I'd like you to have the lead on this dynamite story.](#) I believe it is the FIRST lawsuit to challenge the constitutionality of 3-men-in-a-room budget deal-making – and, additionally, the Legislature's repudiation, in tandem with the Governor, of the constitutionally-mandated budget "process" and essentially ALL statutory and rule safeguards for ensuring its integrity. This, in addition to its challenge to the constitutionality and lawfulness of the Commission on Legislative, Judicial and Executive Compensation – and its huge "force of law" judicial salary increases that take effect, automatically, on April 1st.

If you have not already done so, please read the below-indicated three causes of action in our March 23rd verified 2nd supplemental complaint – and forward to your editors and fellow NYT reporters, as well. The link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>.

Tomorrow morning, I will be sending out a press release.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Friday, March 25, 2016 3:08 PM
To: 'jemcki@nytimes.com'
Subject: NEWS LEAD: Clearing the Room! Lawsuit challenge to 3-men-in-a-room budget dealmaking (1st ever?!)

Dear Jesse,

The lawsuit papers I filed Wednesday are a road-map of the corruption of New York's budget process – and, incredibly, may be [the FIRST-EVER legal challenge to its culminating three-men-in-a-room budget-dealmaking.](#)

Below is my e-mail to Assembly Ways and Means Committee Ranking Member Oaks, furnishing the link to the lawsuit papers – and highlighting the three most far-reaching causes of action pertaining to the budget process and the Legislature, including as to the [unconstitutionality of three-men-in-a-room budget deal-making, as unwritten and as applied.](#)

In the hope that, through you, the [New York Times](#) will take the lead on this powder-keg, change-making story, I will hold off furnishing it to other press until tomorrow.

Feel free to call me anytime, no matter how late or early, with questions, etc. I am available!

Thank you.

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From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Friday, March 25, 2016 12:29 PM

To: 'oaksR@assembly.state.ny.us'

cc: cyoung@nysenate.gov; 'krueger@senate.state.ny.us'; 'farrelh@assembly.state.ny.us'; 'flanagan@nysenate.gov'; 'speaker@assembly.state.ny.us'; scousins@nysenate.gov; Assembly Minority Leader Brian M. Kolb; Andrew J. Lanza (lanza@senate.state.ny.us); hoylman@nysenate.gov; 'bonacic@nysenate.gov'; 'hasselt@senate.state.ny.us'; 'weinstH@assembly.state.ny.us'; 'montesanoM@assembly.state.ny.us'; 'peoplec@assembly.state.ny.us'; 'DupreyJ@assembly.state.ny.us'; 'JaffeeE@assembly.state.ny.us'; LawrenceP@assembly.state.ny.us; 'goodella@assembly.state.ny.us'; 'LopezP@assembly.state.ny.us'; 'NojayW@assembly.state.ny.us'; 'JohnsM@assembly.state.ny.us'; 'SteckP@assembly.state.ny.us'; garvey@nysenate.gov; grelick@nysenate.gov; latimer@nysenate.gov; buchwaldd@assembly.state.ny.us

Subject: Restoring constitutionality and lawfulness to NY's budgeting process -- & overriding the "force of law" judicial pay raises

Dear Ways and Means Ranking Member Oaks –

Thank you for giving me the opportunity to speak with you, at length, on Wednesday, March 23rd, at the Capitol. I look forward to continuing productive dialogue.

The verified second supplemental complaint in the Center for Judicial Accountability's citizen-taxpayer action, which I presented that morning in Albany Supreme Court, by an order to show cause with a stay and TRO, challenges the 2016-2017 fiscal year budget. It lays out much of what I summarized to you when we spoke. As promised, here's the link to the webpage on which it is posted: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>

As the verified second supplemental complaint is lengthy, may I suggest you start by reading:

- (1) the 12th cause of action (at pp. 36-53) "Nothing Lawful or Constitutional Can Emerge From a Legislative Process that Violates its Own Statutory & Rule Safeguards – and the Constitution";
- (2) the 13th cause of action "Chapter 60, Part E of the Laws of 2015 is Unconstitutional, *As Written...*", particularly its Parts D & E (at pp. 60-67); and
- (3) the 16th cause of action "Three-Men-in-a-Room Budget Deal-Making is Unconstitutional, *as Unwritten and as Applied*" (pp. 80-85).

As to the basis upon which Acting Supreme Court Justice McDonough struck the TRO relief from the order to show cause, allowing you and your legislative colleagues to proceed with unconstitutionally "amended" budget bills, sham conference committees, and behind-closed-doors budget deal-making -- greenlighting the Governor's slush-fund Legislative/Judiciary Budget Bill #S.6401/A.9001 and \$27,000,000+ in funding for unconstitutional, statutorily-violative, and fraudulent judicial salary increases that will take effect automatically on April 1st – you will find the answer in my yesterday's letter to him, also posted on the webpage. Judge McDonough's response, not denying or disputing anything I said, is also posted.

I am furnishing this e-mail to your legislative colleagues – who, with you, can and must prevent funding of the unconstitutional, statutorily-violative, and fraudulent judicial pay raises – and enact legislation to override them. THERE IS STILL TIME!

Thank you.

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