

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Monday, March 28, 2016 10:33 AM
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Subject: NEWS ALERT: Lawsuit challenging NY's 3-men-in-a-room budget deal-making (1st ever?!)

[E]ven more opaque” this year than in previous years.

That is how yesterday's Wall Street Journal describes New York's behind-closed-doors “ ‘three men in a room’ process of negotiating the roughly \$154 billion budget” – with quotes from Senate Minority Leader Andrea Stewart-Cousins:

“This year’s budget process has been nothing but a series of covert meetings and phone calls shielded from the press and public”

and from Senate Finance Committee Ranking Member Liz Krueger that:

“[the secrecy] has never been acceptable but never seems to change”.

(<http://www.wsj.com/articles/new-york-state-budget-set-to-omit-tighter-rules-on-ethics-1459127730> --“New York State Budget Set to Omit Tighter Rules on Ethics”, Erica Orden, Mike Vilensky)

Apparently, no one has ever bought a court challenge to the constitutionality and lawfulness of “three men in a room” budget deal-making, let alone its exclusion of legislators, the public, and the press – until now.

Last Wednesday, March 23rd, the non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), filed lawsuit papers for a declaration that New York’s three-men-in-a-room budget deal-making is unconstitutional and unlawful – as likewise the whole of the executive budget for fiscal year 2016-2017 resting thereon and upon a mountain of other constitutional, statutory and rule violations.

The court papers are posted on CJA’s website, www.judgewatch.org, accessible from the prominent homepage link:

“CJA's Citizen-Taxpayer Action to End NYS' Corrupt Budget ‘Process’ & Unconstitutional ‘Three Men in a Room’ Governance”. The direct link to the webpage for the March 23rd order to show cause and verified second supplemental complaint is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>

The verified second supplemental complaint is a paper-trail of the corruption of the state budget, focused on the slush-fund \$4 billion legislative/judiciary budget bill and the “force of law” judicial salary increases recommended by the Commission on Legislative, Judicial and Executive Compensation whose \$27-plus million dollar cost for fiscal year 2016-2017 will take effect, automatically, on April 1st unless overridden by the Legislature before then. Most germane to these – and to the whole of the executive budget – are the following:

- (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 (at pp. 53-67) “Chapter 60, Part E of the Laws of 2015 [creating the Commission on Legislative, Judicial and Executive Compensation] is Unconstitutional, *As Written...*”, particularly its Parts D & E (at pp. 60-67); and
- (3) the 16th cause of action (at pp. 80-85): “Three-Men-in-a-Room Budget Deal-Making is Unconstitutional, *as Unwritten and as Applied*” .

I am available to be interviewed and to assist you, to the max. Call anytime, day or night.

Thank you.

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