

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, March 14, 2017 3:42 PM
To: 'mhamilton@timesunion.com'; 'cseiler@timesunion.com'; 'rkarlin@timesunion.com'; 'cbragg@timesunion.com'; 'anorder@timesunion.com'; 'JVielkind@politico.com'; 'billmahoney@politico.com'; 'APaybarah@politico.com'; 'ABaird@politico.com'; 'daniel@politico.com'
Subject: Matt Hamilton's Capitol Confidential blog "Snow day read: The Assembly's one-house budget" (10:01 a.m./March 14, 2017)
Attachments: 1-31-17-submission-in-support-of-testimony.pdf

In his Capitol Confidential blog "*Snow day read: The Assembly's one-house budget*":

<http://blog.timesunion.com/capitol/archives/273038/snow-day-read-the-assemblys-one-house-budget/> ,

Matthew Hamilton writes:

“...The Assembly proposal is \$1.2 billion more than Gov. Andrew Cuomo’s executive budget proposal. The major points are not surprising:...” (underlining added).

What IS surprising is that Article VII, §4 of the New York State Constitution – about which I testified at the Legislature’s January 31st budget hearing – reads: “The legislature may not alter an appropriation bill submitted by the governor except to strike out or reduce items therein...” (underlining added) – and it is IMPOSSIBLE to reconcile the directives of §§4, 5, and 6 with the Assembly’s one-house budget proposal.

Have you ever read these constitutional provisions? Attached is a copy of Article VII, §§1-7 – identical to what I handed up to the Legislature on January 31st in support of my testimony. Are you able to reconcile the Assembly’s one-house budget proposal with §§4, 5, and 6 and with such interpretive caselaw as the Court of Appeals’ consolidated decision in *Pataki v. Assembly & Senate* and *Silver v. Pataki*, 4 NY3d 75 (2004) about which I testified at the Legislature’s January 30th budget hearing – and which, with the underlying briefs and lower court decisions, is posted on the “budget resource webpage” of CJA’s website here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/supreme-ct/2016/budget-resource-page.htm>.

If not, shouldn’t you be recommending a companion read for this “snow day”? -- Article VII, §§1-7 of the New York State Constitution, the interpretive caselaw, and – to give context for understanding the unconstitutionality, lawlessness, and fraud that is unfolding, completely unreported by the press -- the VIDEOS of my testimony before the Legislature at its January 30th and 31st budget hearings: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>.

And shouldn’t you also be getting answers from legislators on the subject – beginning with those in leadership and those who are lawyers? As reflected by my below March 3rd and 4th e-mails, furnished to Assemblyman David Buchwald and Assemblyman Phil Steck, each in the Assembly majority responsible for the Assembly’s one-house budget proposal, it is long past time for the media to EMPIRICALLY TEST whether, in fact, there is ANY appreciable difference between “full-time” and “part-time” legislators. This is a PERFECT OPPORTUNITY.

Thank you.

Elena Sassower, Director

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
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Subject: The inadvertent phone call to me from 516-454-5619 -- & my request for your coverage of my January 30th testimony on the budget

Dear Casey –

Following up on our brief phone conversation a short time ago -- resulting from a phone call to me from 516-454-5619 – here's the DIRECT link to CJA's webpage posting the VIDEO of my testimony at the Legislature's January 30th budget hearing <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>.

If you think that NEITHER my January 30th testimony pertaining to the **unconstitutionality, unlawfulness, and fraud of the budget** nor my written "statement supporting testimony" that I gave you, *in hand*, on January 30th, outside the hearing room, warrants coverage by you – or by other Times-Union reporters who work under you – please furnish this e-mail, IMMEDIATELY, to your editors at the Times-Union – and to the Times-Union's publisher.

Certainly, yesterday's release by the Assembly of its one-house/majority budget proposal: <http://nyassembly.gov/Press/20170313/> and the imminent release by the Senate of its one-house/majority budget proposal makes coverage of my January 30th testimony – and of my companion testimony at the Legislature's January 31st budget hearing -- all the more imperative.

Below is the news-worthy e-mail I sent you – and your Times-Union colleagues – ten days ago, without any follow-up from you, them – or from the reporters of Politico hereinabove copied.

As always, I am available to assist you, to the max, in discharging your duty to accurately report on how our state government has been operating with respect to the budget and other critical issues of governance.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Saturday, March 4, 2017 9:52 AM
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Subject: correction & additions -- ... Exposing the hoax that "full-time" legislators are unconflicted, devoted public servants, unlike "part-time" legislators

Correcting my yesterday's e-mail, appearing below, Assemblyman Buchwald's undergraduate degree is from Yale, not Princeton. And, adding to his education credentials, he has a masters of public policy from Harvard's John F. Kennedy School of Government, in addition to his law degree, *cum laude*, from **Harvard Law School**.

I do not know whether any other "full-time" lawyer-legislators in the Assembly are Harvard Law School graduates, but **the Senate has at least two Harvard Law School graduates – both I believe "full time"**. They are **the Senate's Deputy Democratic Conference Leader Michael Gianaris** (<https://www.nysenate.gov/senators/michael-gianaris/about>) and **Senator Brad Hoylman who is the ranking (Democratic) member of the Senate Committee on Investigations and Government Operations AND the Senate Judiciary Committee** (<https://www.nysenate.gov/senators/brad-hoylman/about>). Each of these high-ranking Senators have been on notice of their duty to view the VIDEOS of my testimony at the Legislature's January 30th and 31st budget hearings and respond. To further facilitate my below proposal to "part time" dry cleaning Assemblyman DiPietro that he "take to the Assembly floor or hold a press conference and call upon his "full time" colleagues to deny or dispute the accuracy of my January 30th and 31st testimony - especially "full-time" lawyer-legislators who have no outside earned income" – a copy of this e-mail is being sent to Senators Gianaris and Hoylman -- AND to their counsel.

Thank you.

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

Sent: Friday, March 3, 2017 8:04 PM

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Subject: NY's dry-cleaner legislator DiPietro can lead the way in cleaning up Albany -- &, simultaneously, expose the hoax that "full-time" legislators are unconflicted, devoted public servants, unlike "part-time" legislators

TO: Christine Gierlinger/Chief of Staff to Assemblyman David DiPietro

Following up our lengthy phone conversation this morning, for which I thank you, here's the item I received as part of this morning's e-mail news summary from Politico :

"THE CASE FOR A VOLUNTEER LEGISLATURE, by POLITICO New York's Bill Mahoney: While an increasing number of legislators have publicly embraced proposals to give themselves pay raises in recent months, one lawmaker thinks their salary should be \$0. Assemblyman David DiPietro introduced a constitutional amendment on Tuesday that would define legislating as a part-time occupation. Members would be classified as volunteers who aren't be paid anything beyond travel expenses and per diems for the days they spend in Albany. 'People seem to forget that only a few short years ago, we worked until April 1,' said DiPietro, who argued that modern sessions typically drag on through June in order to justify higher salaries. 'Now \$80,000 isn't enough for the New York City members. The whole pay raise issue - that's why there's this whole fight in Albany right now, it's World War III.' [Read more here.](#)"

As I am not a subscriber of Politico, I cannot furnish you with the article – but surely Mr. Mahoney – who I am cc'ing -- would furnish it to the Assemblyman. I would appreciate if you would then send it on to me so that I might read it, as well. Also, I would appreciate a copy of Assemblyman DiPietro's proposed constitutional amendment – and any supporting memorandum, etc.

Upon reading the item, I was immediately reminded of Assemblyman Nojay's powerful, candid testimony about legislative pay, actual legislative days, and the value of "part-time" legislators having other, outside employment, which he presented at the March 23, 2016 hearing of the Commission on Legislative, Judicial and Executive Compensation in Albany. The video of the March 23, 2016 hearing – at which Assemblyman Nojay was the first witness – is accessible from the Commission's website here: <http://nyscommissiononcompensation.org/hearings-legislative.shtml>. The transcript is also posted: <http://nyscommissiononcompensation.org/pdf/CompensationCommission032316%203.pdf> – (see pp. 2-10).

Based on the quote from Assemblyman DiPietro in the above Politico item, he clearly shares important views about the Legislature held by Assemblyman Nojay. You confirmed as much, further stating that Assemblyman Nojay was one of Assemblyman DiPietro's closest friends. Obvious, too, is that Assemblyman Nojay's reference at the March 23, 2016 hearing to "A legislator immediately adjacent to [my district] owns three dry cleaning stores" (at p. 5, see also p. 12) was to Assemblyman DiPietro.

As discussed, I was very impressed by Assemblyman Nojay and, for that reason, reached out to him on several occasions. I was also influenced by him. My assertion -- at the Legislature's January 30, 2017 budget hearing on "Local Government Officials/General Government" – that the Legislature needs to sever the statutory link between district attorney salaries – and judicial salaries – has its genesis in a quote from Assemblyman Nojay in an April 14, 2016 article in the online Daily News, <http://www.thedailynewsonline.com/lcn01/livingston-county-supervisors-see-support-for-budget-amendment-to-pay-da-salary-increase-20160414>, by his mention of "repeal".

I respectfully request that Assemblyman DiPietro view the VIDEO of my January 30th testimony, as well as the VIDEO of my January 31st testimony at the Legislature's budget hearing on "Public Protection". As I showed you, both are posted on CJA's website, www.judgewatch.org, accessible *via* the prominent homepage link: "2017 Legislative Session". For your convenience, here is the direct link to CJA's webpage posting the VIDEOS and evidence in support of my testimony: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>.

As discussed, the VIDEOS of my January 30th and January 31st testimony – and the evidence supporting it -- present Assemblyman DiPietro with a stellar opportunity to demonstrate the fearless leadership that a dry cleaner can bring to the Legislature. Indeed, based on my testimony, he can easily put to the test his many fellow legislators who, having no

I would be pleased to assist Assemblyman DePietro to the max. Likewise, his hardworking, skeletal staff and patriotic citizen activists, such as Mr. Ostrowski, who are part of his circle.

Meantime, I am cc'ing all recipients of my attached October 24, 2016 e-mail, as well as Politico's below indicated reporters interested in "tip(s)", "Feedback", and "News to share" -- to help get the ball rolling.

Thank you.

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From: Azi Paybarah and Jimmy Vielkind [<mailto:newyorkplaybook@politico.com>]
Sent: Friday, March 3, 2017 7:18 AM
To: elena@judgewatch.org
Subject: POLITICO New York Playbook, presented by the New York State Association of REALTORS®: THE DISTANCE BETWEEN Cuomo and de Blasio — PROPOSAL: Pay legislators \$0 — UNIONIZING at Vice

03/03/2017 07:15 AM EDT

By Jimmy Vielkind in Albany and Azi Paybarah in Manhattan, with Addy Baird and Daniel Lippman

DUEL EXPORT: The top two Democrats from the Empire State are in Florida and Illinois this morning - and while the distance between Gov. Andrew Cuomo and NYC Mayor Bill de Blasio is physically larger than usual, it's perfectly in line with their dueling views of where the Democratic Party should be. Cuomo is in Hollywood, FL to speak to leaders of New York's construction trade unions, who are gathering for a meeting there. NYC Mayor Bill de Blasio will talk to a civic group in Chicago, where crime rates have been an obsession for President Donald Trump.

Cuomo and de Blasio are talking to two different crowds but are also sending messages to one another. With his speech, Cuomo is taking an early drive on the 2020 circuit, and further embracing the construction trade crowd, emphasizing his reputation as a builder and a non-ideological public servant who makes jobs and big development projects really happen. This stands in contrast with de Blasio's strategy, which is to be both the loudest progressive voice in any room he occupies, while encouraging others to step inside. In Chicago, de Blasio is expected to tout the record-low crime reductions happening in his city. He's expected to make the case that his achievements came from enacting policies that run diametrically opposed to Trump's stated immigration and public safety goals.

GOOD MORNING. TGIF. Good luck with [National Unplugging Day](#) - Got a tip? Feedback? News to share? Let us know. By email: JVielkind@politico.com, APaybarah@politico.com, ABaird@politico.com, and daniel@politico.com, or on Twitter: [@JimmyVielkind](https://twitter.com/JimmyVielkind), [@Azi](https://twitter.com/Azi), [@addysue](https://twitter.com/addysue), and [@dlippman](https://twitter.com/dlippman).

WHERE'S ANDREW? In Florida, giving a speech to the Building Trades Council of Greater New York.

WHERE'S BILL? In Illinois, to talk to the City Club of Chicago, before trips to Florida and California.