

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, October 24, 2016 4:41 PM
To: 'cseiler@timesunion.com'
Cc: 'steckP@assembly.state.ny.us'; 'BuchwaldD@nyassembly.gov';
'bichotter@nyassembly.gov'; 'brownmm@assembly.state.ny.us';
'roithmayra@nyassembly.gov'; 'taylorr@nyassembly.gov'; 'rkarlin@timesunion.com';
'cbragg@timesunion.com'; 'mhamilton@timesunion.com'; 'anorder@timesunion.com'
Subject: Challenging NYS' Re-Election-Seeking Legislators -- & Examining Whether "Outside Income" Affects Legislative Performance, Starting with Lawyer-Legislators Steck & Buchwald & Newbie Legislator Bichotte
Attachments: 3-31-16-email-to-buchwald-gannett.pdf

Dear Casey,

RE: "Hard to talk of pay raises", Albany Times Union, October 24,
2016: <http://www.timesunion.com/tuplus-local/article/Hard-to-talk-of-pay-raises-10131609.php>

This follows up my e-mail to you earlier today – a copy of which I simultaneously sent to Assemblyman Phil Steck for response.

Like Assemblyman Steck, Assemblyman David Buchwald is also a lawyer-legislator and member of the Assembly Judiciary Committee. This, in addition to being a member of the Assembly Committee on Governmental Operations – on which Assemblywoman Rodneyse Bichotte sits.

Below is my October 17th e-mail to Assemblyman Buchwald, in preparation for what I had expected to be my testimony on October 18th before the Commission on Legislative, Judicial and Executive Compensation – a hearing largely scheduled so that Assemblywoman Bichotte could testify in support of legislative pay raises, as requested by her September 20th statement to the Commission.

As Assemblyman Buchwald – who is MY Assembly member -- is one of the few legislators who fully responded to your Times-Union survey, including by the comment that legislative salaries should be "determined through an open legislative process, accountable to voters", you should be asking him about his findings of facts and conclusions of law with respect to the 13th cause of action of the March 23, 2016 verified second supplemental complaint in CJA's first citizen-taxpayer action, *CJA v. Cuomo, et al.* Paragraphs 407-423 lay out the behind-closed-doors, "three-men-in-a-room", NON-"legislative process" that produced the budget bill that established the Commission on Legislative, Judicial and Executive Compensation – and I alluded to these this morning when we spoke. As you can see from the attached March 31, 2016 e-mail to Assemblyman Buchwald, he has had more than ample time to determine that such paragraphs suffice, in and of themselves, to require the voiding of Chapter 60, Part E, of the Laws of 2015, *as a matter of law* – rendering any Commission report recommending legislative or executive pay raises A NULLITY. The direct link to the March 23, 2016 verified second supplemental complaint – *via* the September 2, 2016 verified complaint in our second citizen-taxpayer action, *CJA v. Cuomo, et al*, which incorporates it – is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/9-2-16-osc-verified-complaint.htm>.

Please note that Assemblyman Buchwald is a graduate of HARVARD LAW SCHOOL and of HARVARD's KENNEDY SCHOOL OF GOVERNMENT. I do not believe he earns any outside income as a lawyer – unlike lawyer-legislator Steck whose earning of outside income your article notes. The question of limits on outside income was one of your survey questions. Instead of blithely accepting and perpetuating the self-serving platitudes of your always-the-same roster of

“good government groups” that legislative corruption is rooted in outside income, shouldn’t the Times-Union do an investigative examination, based on evidence, into whether, in fact, outside income makes any difference to the on-the-job performance of New York’s legislators. Certainly, had the Commission’s October 18th hearing not been cancelled, I would have testified, with a mountain of evidentiary proof, that it is A BOGUS ISSUE: New York’s “full-time” legislators with NO OUTSIDE INCOME, are just as corrupt as its “part-time” legislators – and the verified pleadings in CJA’s two citizen-taxpayer actions and in our 2012 declaratory judgment action, CJA v. Cuomo, et al – ALL THREE NAMING THE LEGISLATURE AS DEFENDANTS -- furnish a mountain of readily-verifiable particulars and proof.

By copy of this e-mail to “full-time” Assemblyman Buchwald and to “part-time” Assemblyman Steck – both seeking re-election -- let them come forward with their findings of fact and conclusions of law with respect to these three groundbreaking lawsuits. Better still, let them explain why each of them took no steps to secure legislative oversight of what’s been unfolding these many years with respect to the pay raises – and the slush-fund judiciary/legislative budgets of which they have had repeated notice and proof.

Similarly, by copy of this e-mail to re-election-seeking Assemblywoman Bichotte, who, apparently, was one of the overwhelming majority of legislators who did not respond to your survey, let her explain as to what she knows about the Commission’s cancellation of the October 18th hearing at which she was to testify. When – and why – did she inform the Commission that she would not be testifying? Did it have anything to do with my call to her office shortly before noon on October 17th that I would be testifying at the next day’s hearing, including as to my extensive conversation with her chief of staff, Rona Ms. Taylor, on September 22nd, about CJA’s “paper trail” of proof rebutting her September 20, 2016 written statement to the Commission – beginning with my January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie, copies of which I had sent to the chairs and ranking members of the Assembly Committee on Governmental Operations and a host of other committees having oversight responsibilities over the Commission’s judicial pay raise recommendations, for distribution to their members – with many of these chairs and ranking members being women and minorities.

I am available to assist you to the MAX in reporting on the TRUE FACTS, as verifiable from EVIDENCE, all readily-accessible to you from CJA’s website, www.judgewatch.org, via its prominent homepage links – none more immediately germane than “NO PAY RAISES FOR NEW YORK’S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!”. The direct link is here: <http://www.judgewatch.org/web-pages/judicial-compensation/2015-no-pay-raises-menu.htm>

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, October 17, 2016 1:06 PM
To: 'BuchwaldD@nyassembly.gov' <BuchwaldD@nyassembly.gov>; 'roithmayra@nyassembly.gov' <roithmayra@nyassembly.gov>

Subject: here's the 2nd citizen-taxpayer action -- commenced September 2, 2016

Dear Alex,

Following up our phone conversation, a short time ago, I will be testifying tomorrow before the Commission on Legislative, Judicial and Executive Compensation. What is Assemblyman Buchwald’s response to the unlawfulness and unconstitutionality of the Commission on Legislative, Judicial and Executive Compensation – set forth by the thirteenth, fourteenth, and fifteenth causes of action in the March 23, 2016 verified second supplemental complaint in our then-

pending citizen-taxpayer action – and now by the sixth, seventh, and eighth causes of action in our new citizen-taxpayer action, commenced on September 2, 2016? Here’s the link: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm>.

Thank you.

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