

## Center for Judicial Accountability, Inc. (CJA)

---

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, April 17, 2020 11:04 AM  
**To:** 'Martin Samoylov'  
**Subject:** Here's Goodell's posturing, worthless response -- FW: Elections 2020-Borrello, Goodell -- Investigative Reporting Required: Your today's article "Borrello Calls for Policy Removal"  
**Attachments:** Unconstitutional Examples.docx

Martin –

Below is Goodell's March 24, 2020 e-mail to me, responding to my March 24, 2020 e-mail to the Editor of the Jamestown Post-Journal entitled "Elections 2020-Borrello, Goodell -- Investigative Reporting Required: Your today's article 'Borrello Calls for Policy Removal'", to which I had cc'd him. The pertinent portion pertaining to Goodell reads:

"Finally, so that voters of the 150<sup>th</sup> Assembly District can hold Assembly Minority Leader *Pro Tempore* Goodell to account – and so that the Post-Journal can, likewise, discharge its constitutional function with respect to him -- a copy of this e-mail is also being sent to Assemblyman Goodell for response. What are his findings of facts and conclusions of law with respect to each of CJA's three letters to Governor Cuomo? How about with respect to CJA's two sets of written questions pertaining to the FY2020-2021 Legislative and Judiciary budgets and the Governor's Legislative/Judiciary appropriations bill, largely replicating the two sets of questions he was furnished last year, for FY2019-2020, with written testimony, because he was then – as now -- a member of the Assembly Committee on Governmental Operations: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/assembly-gov-operations.htm> and the Assembly Judiciary Committee: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/judiciary.htm>.

A short time ago, after calling Assemblyman Goodell's Albany office (518-455-4511) and leaving a voice mail message, I called his Jamestown district office (716-664-7773) and spoke with his chief of staff, Elizabeth Rankin, about the foregoing. She is expecting this e-mail."

Nu? Where are his findings of facts and conclusions of law as to my three letters to the Governor – and my two sets of questions pertaining to the FY2020-21 Legislative and Judiciary budgets and the Governor's combined Legislative/Judiciary appropriations bill: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-session-menu.htm>? By the way, on April 2<sup>nd</sup>, he stated the following in voting against the Legislative/Judiciary appropriations bill – fraudulently making appear that there were no pay increases for legislators therein:

"I can't. And I like that so much better earlier. I'm going to explain my vote and then. First, if I may, the party vote, the Republican caucus, in the negative. And we are checking to see if anyone would like to vote in the affirmative. Now, to explain my vote. This is a very simple budget, the simplest we've had. It has a 2 percent increase and normally a 2 percent increase would be well within reason and that 2 percent is designed to provide salary increases for our staff, not for us. We're not getting any increase. But, under the circumstances, I think it is appropriate for us to lead by example. And I'm hesitant to vote for an increase for the legislative budget of 2 percent, when we're holding all our schools for flat funding and they may be facing up to half a



billion in cuts and we're talking about contingency cuts that are just going to nail organizations and great operations all across the state. And so, I'm just not comfortable taking a raise, in our budget when we're asking everyone else to tighten their belts and take cuts. That explains my vote. I'm going to ask if I'm ready to see if any of my Republican colleagues disagree in which case they should just come over and contact us right away. **VIDEO: ASSEMBLY FLOOR PROCEEDINGS.**

Can you find one legislator – starting with the 15 who continue to get stipends, on top of their fraudulent pay raises – to deny or dispute the accuracy of my February 18, 2020, March 3, 2020, and March 18, 2020 letters to the Governor and my two sets of questions pertaining to the Legislative and Judiciary budgets and the Governor's combined Legislative/Judiciary appropriations bill. Yet, it's all business as usual for them...

What are the responses of others – the so-called "good government" groups, the scholars, etc.?

Thank you.

Elena  
914-421-1200

---

**From:** Andrew Goodell <goodell@windstream.net>  
**Sent:** Tuesday, March 24, 2020 4:48 PM  
**To:** elena@judgewatch.org; George Borrello <borrello@aol.com>; Andrew Goodell <goodella@nyassembly.gov>  
**Subject:** Fw: Elections 2020-Borrello, Goodell -- Investigative Reporting Required: Your today's article "Borrello Calls for Policy Removal"

Dear Elena:

Thank you for your recent e-mails. Unfortunately, our office has been overwhelmed with assisting constituents with critical information regarding the Coronavirus and related issues.

As you know, for many years I have been one of the most outspoken members of the Assembly regarding Constitutional issues, including unconstitutional budget bills. A copy of the Constitution, tabbed and highlighted, is always in my desk on the floor of the Assembly. Attached, as an example, are just a few of the many transcripts outlining my concerns.

Senator Borrello correctly noted that the budget improperly contains multiple legislative provisions that are unrelated to the budget. Senator Borrello's letter urging Governor Cuomo and the legislative leaders to present a clean budget that is not filled with policy and non-budgetary matters does not conflict with the clear language contained in Article VII, Section 6 of the New York State Constitution, but instead underscores the public policy and rationale for the Constitutional prohibition!

Sincerely yours,

Andrew Goodell



**TO: John Whittaker, Editor/Jamestown Post-Journal**

RE: "Borrello Calls For Policy Removal" (March 24, 2020)

Senator Borrello is ranking member of the Senate Committee on Budget and Revenues:

<https://www.nysenate.gov/senators/george-m-borrello/about>. Why is he writing to Governor Cuomo, Senate Majority Leader Stewart-Cousins, and Assembly Speaker Heastie – on stationary that does not reflect that position – asking for “consideration” that the budget not be filled with policy and non-budgetary matters:

[https://www.nysenate.gov/sites/default/files/press-release/attachment/ltr from sen. borrello to gov. cuomo state leaders re budget process.pdf](https://www.nysenate.gov/sites/default/files/press-release/attachment/ltr%20from%20sen.%20borrello%20to%20gov.%20cuomo%20state%20leaders%20re%20budget%20process.pdf). As ranking member of the Senate Committee on Budget and Revenues – and consistent with the duties he owes the People of the State of New York – he should be pointing out that such non-fiscal matter must be removed because it is UNCONSTITUTIONAL – and his letter should be co-signed by a long list of fellow legislators, beginning with those sharing the designations he bears of the Republican, Conservative, Libertarian, and Independence Parties.

Four days before Senator Borrello’s March 22, 2020 letter, our nonpartisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), sent Governor Cuomo the above-attached March 18, 2020 letter pertaining to the UNCONSTITUTIONALITY of his policy-packed budget. Entitled "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 'Article VII Bills' Because They are Unconstitutional. Here's why...", it was accompanied by a webpage on CJA’s website, posting the referred-to evidentiary proof to facilitate verification: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm>.

Below are the two e-mails that transmitted CJA’s March 18, 2020 letter to Governor Cuomo – and, simultaneously, to the 15 Legislative Leaders who receive stipends for the “significantly more work” and “additional duties” they perform. Did NONE of these 15 Legislative Leaders – including Assembly Minority Leader *Pro Tempore* Andy Goodell, Esq. – see fit to apprise Senator Borrello of the March 18, 2020 letter, as ranking member of the Senate Committee on Budget and Revenues? And what about CJA’s February 18, 2020 and March 3, 2020 letters to Governor Cuomo, also detailing the unconstitutionality and fraudulence of his FY2020-2021 executive budget – also sent to the 15 Legislative Leaders by e-mail.

As this is an election year, It is all the more imperative that you ask Senator Borrelli about his knowledge of these three important letters – and, additionally, of CJA’s two sets of written questions detailing the unconstitutionality, unlawfulness, and fraudulence of the FY2020-2021 Legislative and Judiciary budgets and the Governor’s FY2020-2021 Legislative/Judiciary appropriations bill, submitted for the record of the Legislature’s February 12, 2020 “public protection” budget hearing. What steps has he taken – or will he take – to verify their accuracy? When can we expect his release of findings of fact and conclusions of law as to each? For your convenience, all the foregoing is accessible *via* CJA’s menu page for the 2020 Legislative Session, here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/2020-session-menu.htm>.

Needless to say, if it is Senator Borrello’s view that CJA’s evidence-based, law-supported presentations pertaining to the FY2020-2021 budget can just be ignored, while he pumps out public statements, such as his March 23, 2020 release *“Budget should not be used as a vehicle for advancing a political agenda”*: <https://www.nysenate.gov/newsroom/press-releases/george-m-borrello/senator-borrello-calls-state-leaders-keep-budget-fiscally> – which is far more championing of the public’s rights than his softer-toned, deferential March 22, 2020 letter – the voters in New York’s 57<sup>th</sup> Senate District need to know about it, pronto!

Prior to sending this e-mail, I called Senator Borrello’s Albany office (518-455-3563), leaving a voice mail message at approximately 9:45 am. Immediately thereafter, I called his district office in Jamestown (716-664-4603), but there was no pick-up.

By copy of this e-mail to Senator Borrello, I request his response to the foregoing and, additionally, that he identify whether – either prior or following his appointment as ranking member of the Senate Committee on Budget and



Revenues – he was ever informed of CJA’s citizen-taxpayer action, at the Court of Appeals, suing all three government branches for unconstitutionality and unlawfulness with respect to the entirety of the state budget and the “force of law” commission-based judicial pay raises it embeds – the subject of devastating e-mail communications from me, last year, to all members of the Senate Committee on Budget and Revenues: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/senate-budget-revenues.htm>.

Finally, so that voters of the 150<sup>th</sup> Assembly District can hold Assembly Minority Leader *Pro Tempore* Goodell to account – and so that the Post-Journal can, likewise, discharge its constitutional function with respect to him -- a copy of this e-mail is also being sent to Assemblyman Goodell for response. What are his findings of facts and conclusions of law with respect to each of CJA’s three letters to Governor Cuomo? How about with respect to CJA’s two sets of written questions pertaining to the FY2020-2021 Legislative and Judiciary budgets and the Governor’s Legislative/Judiciary appropriations bill, largely replicating the two sets of questions he was furnished last year, for FY2019-2020, with written testimony, because he was then – as now -- a member of the Assembly Committee on Governmental Operations: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/assembly-gov-operations.htm> and the Assembly Judiciary Committee: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/judiciary.htm>.

A short time ago, after calling Assemblyman Goodell’s Albany office (518-455-4511) and leaving a voice mail message, I called his Jamestown district office (716-664-7773) and spoke with his chief of staff, Elizabeth Rankin, about the foregoing. She is expecting this e-mail.

I am available to assist you, to the max, on this MAJOR story. When can I expect your call?

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

-----

**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Friday, March 20, 2020 4:00 PM

**To:** 'records.access@exec.ny.gov' <[records.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>

**Cc:** 'David.Poleto@budget.ny.gov' <[David.Poleto@budget.ny.gov](mailto:David.Poleto@budget.ny.gov)>; 'foil@budget.ny.gov' <[foil@budget.ny.gov](mailto:foil@budget.ny.gov)>;

'perez@lbdc.state.ny.us' <[perez@lbdc.state.ny.us](mailto:perez@lbdc.state.ny.us)>; 'scousins@nysenate.gov' <[scousins@nysenate.gov](mailto:scousins@nysenate.gov)>;

'grelick@nysenate.gov' <[grelick@nysenate.gov](mailto:grelick@nysenate.gov)>; 'speaker@nyassembly.gov' <[speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)>;

'vargash@nyassembly.gov' <[vargash@nyassembly.gov](mailto:vargash@nyassembly.gov)>; 'flanagan@nysenate.gov' <[flanagan@nysenate.gov](mailto:flanagan@nysenate.gov)>;

'cmills@nysenate.gov' <[cmills@nysenate.gov](mailto:cmills@nysenate.gov)>; 'BarclaW@nyassembly.gov' <[BarclaW@nyassembly.gov](mailto:BarclaW@nyassembly.gov)>;

'herricks@nyassembly.gov' <[herricks@nyassembly.gov](mailto:herricks@nyassembly.gov)>; 'engelk@nyassembly.gov' <[engelk@nyassembly.gov](mailto:engelk@nyassembly.gov)>;

'skypej@nyassembly.gov' <[skypej@nyassembly.gov](mailto:skypej@nyassembly.gov)>; 'gianaris@nysenate.gov' <[gianaris@nysenate.gov](mailto:gianaris@nysenate.gov)>;

'weintrau@nysenate.gov' <[weintrau@nysenate.gov](mailto:weintrau@nysenate.gov)>; 'griffo@nysenate.gov' <[griffo@nysenate.gov](mailto:griffo@nysenate.gov)>;

'kinderma@nysenate.gov' <[kinderma@nysenate.gov](mailto:kinderma@nysenate.gov)>; 'PeopleC@nyassembly.gov' <[PeopleC@nyassembly.gov](mailto:PeopleC@nyassembly.gov)>;

'haltonl@nyassembly.gov' <[haltonl@nyassembly.gov](mailto:haltonl@nyassembly.gov)>; 'aubryJ@nyassembly.gov' <[aubryJ@nyassembly.gov](mailto:aubryJ@nyassembly.gov)>;

'hernandezd@nyassembly.gov' <[hernandezd@nyassembly.gov](mailto:hernandezd@nyassembly.gov)>; 'goodella@nyassembly.gov'

<[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'lkrueger@nysenate.gov' <[lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)>; 'usher@nysenate.gov'

<[usher@nysenate.gov](mailto:usher@nysenate.gov)>; 'seward@nysenate.gov' <[seward@nysenate.gov](mailto:seward@nysenate.gov)>; 'davie@nysenate.gov'

<[davie@nysenate.gov](mailto:davie@nysenate.gov)>; 'WeinstH@nyassembly.gov' <[WeinstH@nyassembly.gov](mailto:WeinstH@nyassembly.gov)>; 'wamchair@nyassembly.gov'

<[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>; 'ancowitzr@nyassembly.gov' <[ancowitzr@nyassembly.gov](mailto:ancowitzr@nyassembly.gov)>; 'beavers@nyassembly.gov'

<[beavers@nyassembly.gov](mailto:beavers@nyassembly.gov)>; 'peakec@nyassembly.gov' <[peakec@nyassembly.gov](mailto:peakec@nyassembly.gov)>; 'rae@nyassembly.gov'

<[rae@nyassembly.gov](mailto:rae@nyassembly.gov)>; 'derocht@nyassembly.gov' <[derocht@nyassembly.gov](mailto:derocht@nyassembly.gov)>; 'lentolj@nyassembly.gov'



<lentolj@nyassembly.gov>; 'morinelloa@nyassembly.gov' <morinelloa@nyassembly.gov>; 'webere@nyassembly.gov' <webere@nyassembly.gov>

**Subject: Executive Budget ... CJA's March 18, 2020 letter to Gov. Cuomo: "GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 'Article VII Bills' Because They are Unconstitutional. Here's why..."**

## **MORE GOOD NEWS DURING THE CORONAVIRUS EMERGENCY –**

CJA's March 18, 2020 letter to Governor Cuomo "...GOOD NEWS DURING THE CORONAVIRUS EMERGENCY", sent to you by the below March 18, 2020 e-mail, is now posted on CJA's website – on a webpage now reflecting the March 18, 2020 date. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-18-20-ltr-to-gov.htm>. According to the U.S. priority mail delivery receipt (there posted), the letter was delivered to the Governor's office this morning.

The letter, with a revised footnote 1 updating the link for the webpage, is attached. Additionally attached is the letter's single enclosure – CJA's August 21, 2013 letter to the Governor on "Achieving...a Properly Functioning Legislature..."

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200

-----  
-----  
**From:** [elena@judgewatch.org](mailto:elena@judgewatch.org) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Wednesday, March 18, 2020 11:52 AM

**To:** 'records.access@exec.ny.gov' <[records.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>

**Cc:** 'David.Poleto@budget.ny.gov' <[David.Poleto@budget.ny.gov](mailto:David.Poleto@budget.ny.gov)>; 'perez@lbdc.state.ny.us' <[perez@lbdc.state.ny.us](mailto:perez@lbdc.state.ny.us)>; 'scousins@nysenate.gov' <[scousins@nysenate.gov](mailto:scousins@nysenate.gov)>; 'grelick@nysenate.gov' <[grelick@nysenate.gov](mailto:grelick@nysenate.gov)>; 'speaker@nyassembly.gov' <[speaker@nyassembly.gov](mailto:speaker@nyassembly.gov)>; 'vargash@nyassembly.gov' <[vargash@nyassembly.gov](mailto:vargash@nyassembly.gov)>; 'flanagan@nysenate.gov' <[flanagan@nysenate.gov](mailto:flanagan@nysenate.gov)>; 'cmills@nysenate.gov' <[cmills@nysenate.gov](mailto:cmills@nysenate.gov)>; 'BarclaW@nyassembly.gov' <[BarclaW@nyassembly.gov](mailto:BarclaW@nyassembly.gov)>; 'herricks@nyassembly.gov' <[herricks@nyassembly.gov](mailto:herricks@nyassembly.gov)>; 'engelk@nyassembly.gov' <[engelk@nyassembly.gov](mailto:engelk@nyassembly.gov)>; 'skypej@nyassembly.gov' <[skypej@nyassembly.gov](mailto:skypej@nyassembly.gov)>; 'gianaris@nysenate.gov' <[gianaris@nysenate.gov](mailto:gianaris@nysenate.gov)>; 'weintrau@nysenate.gov' <[weintrau@nysenate.gov](mailto:weintrau@nysenate.gov)>; 'griffo@nysenate.gov' <[griffo@nysenate.gov](mailto:griffo@nysenate.gov)>; 'kinderma@nysenate.gov' <[kinderma@nysenate.gov](mailto:kinderma@nysenate.gov)>; 'PeopleC@nyassembly.gov' <[PeopleC@nyassembly.gov](mailto:PeopleC@nyassembly.gov)>; 'haltonl@nyassembly.gov' <[haltonl@nyassembly.gov](mailto:haltonl@nyassembly.gov)>; 'aubryJ@nyassembly.gov' <[aubryJ@nyassembly.gov](mailto:aubryJ@nyassembly.gov)>; 'hernandezd@nyassembly.gov' <[hernandezd@nyassembly.gov](mailto:hernandezd@nyassembly.gov)>; 'goodella@nyassembly.gov' <[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'lkrueger@nysenate.gov' <[lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)>; 'usher@nysenate.gov' <[usher@nysenate.gov](mailto:usher@nysenate.gov)>; 'seward@nysenate.gov' <[seward@nysenate.gov](mailto:seward@nysenate.gov)>; 'davie@nysenate.gov' <[davie@nysenate.gov](mailto:davie@nysenate.gov)>; 'WeinstH@nyassembly.gov' <[WeinstH@nyassembly.gov](mailto:WeinstH@nyassembly.gov)>; 'wamchair@nyassembly.gov' <[wamchair@nyassembly.gov](mailto:wamchair@nyassembly.gov)>; 'ancowitzr@nyassembly.gov' <[ancowitzr@nyassembly.gov](mailto:ancowitzr@nyassembly.gov)>; 'beavers@nyassembly.gov' <[beavers@nyassembly.gov](mailto:beavers@nyassembly.gov)>; 'peakec@nyassembly.gov' <[peakec@nyassembly.gov](mailto:peakec@nyassembly.gov)>; 'rae@nyassembly.gov' <[rae@nyassembly.gov](mailto:rae@nyassembly.gov)>; 'derocht@nyassembly.gov' <[derocht@nyassembly.gov](mailto:derocht@nyassembly.gov)>; 'lentolj@nyassembly.gov' <[lentolj@nyassembly.gov](mailto:lentolj@nyassembly.gov)>; 'morinelloa@nyassembly.gov' <[morinelloa@nyassembly.gov](mailto:morinelloa@nyassembly.gov)>; 'webere@nyassembly.gov' <[webere@nyassembly.gov](mailto:webere@nyassembly.gov)>



**Subject: ...Executive Budget...GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck 6 of the 7 "Article VII BILLS" Because They are Unconstitutional. Here's why....**

TO: Governor Andrew Cuomo, Esq.  
Budget Director Robert Mujica, Esq.  
Legislative Bill Drafting Commission  
15 Stipend-Benefitting Legislative Leaders

Senate Majority Leader Andrea Stewart-Cousins  
Assembly Speaker Carl Heastie  
Senate Minority Leader John Flanagan, Esq.  
Assembly Minority Leader William Barclay, Esq.  
Deputy Senate Majority Leader Michael Gianaris, Esq.  
Deputy Senate Minority Leader Joseph Griffo  
Assembly Majority Leader Crystal Peoples-Stokes  
Assembly Speaker *Pro Tempore* Jeffrion Aubry  
Assembly Minority Leader *Pro Tempore* Andrew Goodell, Esq.  
Senate Finance Committee Chair Liz Krueger  
Senate Finance Committee Ranking Member James Seward  
Assembly Ways and Means Committee Chair Helene Weinstein, Esq.  
Assembly Ways and Means Ranking Member Edward Ra, Esq.  
Assembly Codes Committee Chair Joseph Lentol, Esq.  
Assembly Codes Committee Ranking Member Angelo Morinello, Esq.

Attached is my above-entitled letter of today's date to Governor Cuomo, the original of which will be mailed to him. All others are indicated recipients, for the reasons stated in the last paragraph (at p. 13).

Due to a catastrophic computer breakdown, on this end, I am presently unable to post the letter on CJA's website, [www.judgewatch.org](http://www.judgewatch.org) and to update the site. The webpage for the letter – which had been prepared two days ago, before the breakdown – is here – reflecting the letter's then March 16, 2020 date: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-16-20-ltr-to-gov.htm>. From the webpage you can access the letter's referred to-documentary proof – and its sole enclosure: my August 21, 2013 letter to the Governor, entitled "Achieving BOTH a Properly Functioning Legislature & Your Public Trust Act (Program Bill #3) – the *Sine Qua Non* for 'Government Working' & 'Working for the People'", to which I received no response.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200