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Written testimony required to be submitted on January 22, 2022 in support of 3-minute oral testimony at the Legislature's January 25, 2022 "Public Protection" Budget Hearing

I am Elena Sassower, director and co-founder of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability. Our website is www.judgewatch.org – and from its prominent center panel entitled “Comparing NY’s Legislature Before and After Its Fraudulent Pay Raise”, you can find the EVIDENTIARY substantiation of this testimony.¹

Notwithstanding a new governor – and her promise of transparency, integrity, and accountability – her FY2022-23 executive budget replicates, identically, ALL the constitutional and statutory violations, frauds, and larcenies of her predecessor’s budgets. This includes by her merging of the Legislature’s and Judiciary’s separately proposed budgets into a combined [Legislative/Judiciary budget bill](#) – to which she has inserted, in an out-of-sequence and mistitled section at the back, scores of millions of dollars of so-called “reappropriations” for the Legislature (pp. 31-65, 66). These “reappropriations”, which do NOT meet the definition of “reappropriation” in her Division of the Budget’s own [“Terminology Guide”](#), were NOT part of the Legislature’s proposed FY2022-23 budget that Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie transmitted to Governor Hochul by their [December 1, 2021 coverletter](#).

Moreover, Governor Hochul could NOT, as she has, embody the Legislature’s proposed budget into ANY budget bill because Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie had NOT furnished it to her, as Article VII, §1 of the New York State Constitution requires, as “itemized estimates of the financial needs of the legislature certified by the presiding officer of each house” – a fact EVIDENT from the face of their December 1, 2021 transmittal. Consequently, it was Governor Hochul’s duty to have rejected the proposed legislative budget, first, for lack of certification and second, because its figures were palpably NOT “itemized estimates” of “financial needs”. This includes the Legislature’s omission of “general state charges” – whose absence must be contrasted with the Judiciary’s proposed budget, bifurcated into two presentations: [an operating budget](#) and a [“general state charges” budget](#), each with their own certifications and approvals pursuant to Article VII, §1, *to wit*, “approved by the court of appeals and certified by the chief judge of the court of appeals” AND then combined in its [“Judiciary Appropriation Bill” \(Bill Copy, at pp. 10-11\)](#).

¹ The direct link to CJA’s EVIDENTIARY webpage for this written testimony is here: <http://www.judgewatch.org/web-pages/searching-nys/2022-legislative-session/jan-25-public-protection-budget-hearing.htm>.

Governor Hochul also failed to discharge her duty with respect to the Judiciary budget – also pursuant to Article VII, §1 – namely, to make “recommendations”.

Indeed, Governor Hochul made not a single “recommendation” as to the proposed budgets of either the Legislature or Judiciary – notwithstanding there were a great, great many recommendations for her to have made, particularly as she trumpets transparency, integrity, and accountability. Among these, for the Judiciary, were recommendations pertaining to its “reappropriations”.

The scores of millions of dollars of “reappropriations” sought by the Judiciary’s FY2022-23 proposed budget – which appear at [pages 24-30 of Governor Hochul’s Legislative/Judiciary Budget Bill #S.8001/A.9001](#) – were NOT in the Judiciary’s budget narrative or its budget tables. Rather, and without any explanation, they were only in its [“Judiciary Appropriation Bill” \(at pp. 12-19\)](#), where they replicate ALL the statutory and constitutional violations of past years – with a startling addition of a significant number of new “reappropriations” whose specificity makes evident that they do not meet the definition for “reappropriation” in the Division of the Budget’s “Terminology Guide”.

Governor Hochul – like the members of the Legislature, Attorney General James, Comptroller DiNapoli, and her lieutenant governor, former Senator Brian Benjamin – is fully-aware of the flagrant unconstitutionality, fraud, lawlessness, and larceny of the state budget. This includes with respect to the pay raises it embeds for the governor, lieutenant governor, the legislators, attorney general, comptroller, and New York’s state judges, as I alerted her to the situation on two separate occasions:

- (1) by a [May 4, 2018 e-mail](#), when she was seeking re-election as lieutenant governor and I furnished her with the relevant details pertaining to CJA’s citizen-taxpayer actions establishing the unconstitutionality, unlawfulness, fraud, and larceny of the budget and the pay raises – about which I had testified at legislative budget hearings, including the [January 30, 2018 “public protection” budget hearing](#) and the [February 5, 2018 budget hearing on “local government officials/general government”](#) – and had embodied in fully-documented complaints I had filed with New York’s criminal and ethics authorities;
- (2) by a [July 15, 2019 NOTICE, with accompanying analysis](#) of the December 10, 2018 report of the Committee on Legislative and Executive Compensation, sent certified mail to her and Governor Cuomo.

I have every reason to believe that Governor Hochul is also fully knowledgeable of my [June 4, 2020 grand jury/public corruption complaint](#) to Albany County District Attorney Soares, naming her as the second complained-against constitutional officer, after then Governor Cuomo, for colluding in the larceny and fraud of the FY2020-21 state budget and the pay raises.

The Legislature is itself fully knowledgeable of that June 4, 2020 grand jury/public corruption complaint – which is also against all its 213 members. This includes because I testified about it at last year’s [February 10, 2021 “public protection” budget hearing](#) – and at the [February 16, 2021 local forum on the state budget](#), sponsored by the Senate’s Westchester delegation, presided over by Temporary Senate President Stewart-Cousins, who is my own state senator.

In the wake of the Legislature’s inaction with respect to my testimony, I filed a [March 5, 2021 complaint with the Joint Commission on Public Ethics \(JCOPE\) and the Legislative Ethics Commission \(LEC\)](#) based on the June 4, 2020 grand jury/public corruption complaint and updated (at pp. 2-3, 4) by what was unfolding with respect to the FY2021-22 state budget. JCOPE has been “sitting on it” ever since – and LEC has been complicit in this.

Although the insertion of non-revenue producing policy legislation into the executive budget is unconstitutional – and so detailed, with fact and law, by my [March 18, 2020 letter](#), identified by my June 4, 2020 grand jury/public corruption complaint – Governor Hochul’s FY2022-23 executive budget is loaded with such policy. This includes the so-called “Independent Ethics Reform Act of 2022”² abolishing JCOPE and replacing it with an “Independent Commission on Ethics and Lobbying” – the \$5,594,000 appropriation for which is in Governor Hochul’s [State Operations Budget Bill #S.8000/A.9000 \(at p. 415\), which contains NO funding for JCOPE](#).

Any examination of that legislation shows that it is – in material respects – inferior to the JCOPE statute by its absence of the exemplary safeguards that the JCOPE statute contains. In any event, [my March 5, 2021 complaint – and the three that preceded it and the two that followed](#) – will be a dispositive FIRST TEST of the independence and integrity of this so-called “Independent Commission on Ethics”.

As always, I am available to assist you in meeting your duties under the New York State Constitution, which you swore to uphold – and which, as chronicled by my JCOPE/LEC complaints against you, you have flagrantly violated.

² The “Independent Ethics Reform Act of 2022”, [Part Z of Governor Hochul’s so-called “Article VII” “public protection” legislation \(at pp. 120-177\)](#), fraudulently became Part Z of her so-called “Article VII” [Budget Bill #S.8005/A.9005 \(at pp. 60-88\)](#). Her [memo in support](#) purports (at pp. 28-29), as Part Z’s “Budget Implications”, that “Enactment of this bill is necessary to implement the FY2023 Executive Budget because it would repeal JCOPE and replace it with an improved independent ethics oversight body for the executive and legislative branches of government.”