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Written Testimony for the New York State Legislature's February 12, 2026 Budget Hearing on "Public Protection"¹

After years of oral and written testimony at the Legislature's budget hearings on "public protection" and "local government officials/general government", furnishing facts and law establishing that the state budget is a "grand larceny of the public fisc", flagrantly "OFF THE CONSTITUTIONAL RAILS", and rife with constitutional, statutory, and legislative rule violations, I rest on all my prior testimony, as the situation there described is unchanged.

This is how I began my [written testimony for your February 4, 2025 budget hearing on "local government officials/general government"](#) – and I rest on that testimony, on my [written testimony for your February 13, 2025 "public protection" budget hearing](#), and on my [written testimony for your February 25, 2025 budget hearing on "higher education"](#), because, with one exception, the situation remains unchanged.

That exception is that in CJA's two lawsuits highlighted by my last year's testimony as establishing the unconstitutionality, unlawfulness, and larceny of the state budget, of the salary increases for judicial, legislative, and executive officers it embeds, and the corruption of "public protection"/oversight entities, which were then both at the Court of Appeals on appeals of right, [CJA v. JCOPE, et al.](#) and [CJA v. Commission on Legislative, Judicial and Executive Compensation...Wilson, Zayas, et al.](#) – lawsuits suing the Senate and Temporary Senate President Stewart-Cousins, the Assembly and Assembly Speaker Heastie, Governor Hochul, Attorney General James, and Comptroller DiNapoli – the Court of Appeals' six associate judges, with Chief Judge Wilson allegedly taking "no part", dismissed/denied the appeals of right by a fraudulent [March 18, 2025](#) order, so-demonstrated by CJA's ["legal autopsy"/analysis](#) in support of an [April 17, 2025 motion for reargument/transfer-certification](#), which they denied by a fraudulent [September 18, 2025 order](#), concealing, *in toto*, the facts, law, and argument presented by the motion."

¹ This written testimony was originally in support of oral testimony and [e-mailed, as required, before noon on February 6th](#). By a [February 11th e-mail](#), I was notified of the good news that I had been "chosen to be a witness", with the reminder, in bold, that "**Witnesses Have Only 3 Minutes Total Speaking Time**" and attaching a [witness list](#) showing that I was scheduled to testify last. Based on such sharply abbreviated time allowance and my past experience with how few legislators are present at the end of the hearing, I e-mailed back that I would rest on my written testimony, revised by this explanatory footnote, and a handful of non-substantive clarifications, corrections, and updating.

Chief Administrative Judge Zayas was the first to testify at last year’s “public protection” budget hearing – and the month later I sent him a [March 11, 2025 FOIL/records request pertaining to the FY2025-26 Judiciary budget](#), [simultaneously e-mailing it](#) to the chairs and ranking members of the Senate Finance Committee, the Assembly Ways and Means Committee, and the Senate and Assembly Judiciary Committees.

As with my written testimony, you simply ignored this March 11, 2025 FOIL/records request, exposing the deceit and larceny of the FY2025-26 Judiciary budget, and continued full speed ahead, violating yet more constitutional, statutory, and legislative rule provisions, to approve the FY2025-26 state budget, with a mountain of more larcenies and non-revenue-producing policy added to it.

Chief Administrative Judge Zayas did not himself respond to the March 11, 2025 FOIL/records request and his OCA FOIL office, although promising a response would be forthcoming, sent none – a situation to which I alerted the chairs and ranking members of the Senate Finance Committee, Assembly Ways and Means Committee, and Senate and Assembly Judiciary Committees by cc’ing them on a [January 26, 2026 FOIL/records request](#) to Chief Administrative Judge Zayas pertaining thereto, requesting records of his responses to its 17 requests, starting with the last:

“records reflecting what actions [he] and Chief Judge Wilson took with respect to [CJA’s January 18, 2024 Opposition Report to the Commission on Legislative, Judicial and Executive Compensation’s December 4, 2023 Report on Judicial Compensation](#), addressed to [them] both”.

As is immediately obvious from the most cursory examination of [CJA’s January 18, 2024 Opposition Report](#), the actions it mandated Chief Judge Wilson and Chief Administrative Judge Zayas to take were, in the first instance, to prevent the “force of law” judicial salary increase recommendations of the Commission’s December 4, 2023 Report from taking effect April 1, 2024 – the initial cost of which the Judiciary’s FY2024-25 budget submission identified as \$34.6M, with a line-item for that amount in its Judiciary appropriation bill. This they had not done – and, as [my last year’s testimony](#) highlighted, the \$34.6M cost then became a recurring expense in the Judiciary budget, in perpetuity, though no longer as a line-item. Thus, a second \$34.6M appropriation was embedded in the FY2025-26 Judiciary budget – and now the FY2026-27 Judiciary budget embeds a third \$34.6M appropriation.

On top of this, the [FY2026-27 Judiciary budget](#) includes a further judicial salary increase of 2%, effective April 1, 2026, pursuant to the December 4, 2023 Report – this time, without any identification of its cost and without a line item in the Judiciary appropriation bill for it to be stricken, indeed, falsely purporting that it is “required by law”, which it is not. I alerted the chairs and ranking members of the Senate Finance Committee, Assembly Ways and Means Committee, and Senate and Assembly Judiciary Committees to this by cc’ing them on a [January 26, 2026 FOIL/records request to the FOIL officers of the OCA and the Governor](#) for the dollar amount of the 2% judicial salary increase.

Suffice to say that on November 20, 2025, when the seven judges of the Court of Appeals approved the [Judiciary's FY2026-27 budget submission](#), with Chief Judge Wilson certifying same – all six associate judges were fully familiar with CJA's January 18, 2024 Opposition Report, as its dispositive significance, mandating the voiding of the Commission's December 4, 2023 Report, was the subject of *CJA v. Commission on Legislative, Judicial and Executive Compensation...Wilson, Zayas, et al.* – whose constitutional entitlement to direct review of right they had already fraudulently dismissed/denied, twice.

As Chief Judge Zayas is the first witness at this year's "public protection" budget hearing, he must be grilled about the foregoing – and such other deceits and larcenies of the Judiciary's FY2026-27 budget submission as my [January 26, 2026 FOIL/records request to him about it](#) particularize and which I [simultaneously e-mailed](#) to the chairs and ranking members of the Senate Finance Committee, Assembly Ways and Means Committee, and Senate and Assembly Judiciary Committees, and [supplemented on February 6th](#). Indeed, the dizzying and diverging numbers and percentages in the scant Senate and Assembly majority and minority "color book"/analyses of the Judiciary's FY2026-27 budget submission underscore the Judiciary's deceptions as to the dollar amounts, percentage changes, and legitimacy of its budget.²

² The [Judiciary's FY2026-27 budget submission](#) makes it appear, by the second sentence of its "Introduction", that this year's percentage increase over last year's is **6.7%** -- and stows the whopping **14.3% increase** in General State Charges to the end of the submission (p. 98), preceded by its **20% increase** for Capital Projects (p. 96) and its **11.4% increase** for Aid to Localities (p. 92). The Legislature's "color books" furnish the following percentages:

[The "Blue Book" of the Senate Majority](#), in its section on "The Judiciary" (pp. 183-186), features a chart entitled "All Funds Appropriations (\$ in Millions)" with three lines. The first line "OCA All Funds" shows a percentage change as "**7%**". The second line "General State Charges (GSC) shows a percentage change of "**14%**". The third line, the Total, lists a "**9%**" change.

The "Overview" identifies "total appropriations...**nine percent**" and "a workforce... increase of 1,100 FTEs".

Under the heading "Office of Court Administration" is stated "The OCA All Funds appropriations...represent an increase of...**6.9 percent**".

Under a heading "General State Charges", it states "All Funds GSC...**14 percent**".

[The "White Book" of the Senate Minority](#), in its "Public Protection" section: p. 19: "All Funds appropriations...an increase of...**6.1 percent**...intend to hire approximately 900 new non-judicial employees, a majority of whom would be new court officers. ...All Funds appropriations...an increase of ...**11.4 percent**"; "Capital Appropriations...an increase of...**20 percent**."; p. 22: "All Funds State Operations appropriation. ...an increase of...**6.1 percent**.", "planning to hire approximately 900 new non-judicial employees, a majority of whom would be new court officers."; p. 24: "Aid to Localities appropriation...an increase of...**11.4 percent**." p. 25: Capital Appropriation...an increase of...**20 percent**"; p. 26: "General State Charges appropriation...an increase of...**14.3 percent**."

[The "Yellow Book" of the Assembly Majority](#) in its section on "The Judiciary" (pp. 155-156) features a chart of "Appropriations" identifying a "**8.8 percentage change**". It then summarizes "All Funds appropriations...an increase of...**8.8 percent**" and notes "an increase of 900 FTE positions".

Under a heading "Judiciary Operations" it repeats "900 new non-judicial positions".

Under a heading "Civil Legal Services" it states "an increase of...**17.7 percent**".

Under a heading Capital Projects, it states "an increase of...**20 percent**".

[The "Green Book" of the Assembly Minority](#), in its section "Legislature & Judiciary" (p. 188) states

I attest to the truth of this written testimony under penalties of perjury – and am available to answer questions and give oral testimony under oath.

Thank you.

s/Elena Ruth Sassower

“\$4.1 billion for the Judiciary...an **8.9% increase** over last year”; that Capital Projects is “same as last year”, and gives no percentage increase for General State Charges, whose dollar figure it gives as “\$1 billion, \$72.1 million more than last year”.