

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 212-643-7828

27 pages 4:00 p.m.

February 5, 1998

Alex Storozynski, Editorial Board

Daily News

450 West 33rd Street

New York, New York 10001

RE: "O'Rourke's Pork" (2/5/98)

Dear Mr. Storozynski:

As discussed, the story of Andrew O'Rourke's waiver is about more than "pork" -- it's about flagrant violation of law, not only as to the waiver, but as to Mr. O'Rourke's very appointment to the Court of Claims. The Center for Judicial Accountability, Inc. (CJA) will be happy to provide you with full documentation, all *independently* verifiable. At your request, I enclose the following:

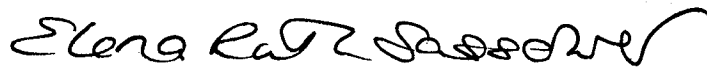
- (1) CJA's proposed Letter to the Editor
- (2) CJA's January 31st letters to the OCA. They consist of two letters to OCA Counsel John Eiseman, with coverletters to OCA head, Jonathan Lippman, calling for Mr. O'Rourke's waiver to be reconsidered, rescinded, and for an investigation of OCA counsel for its misrepresentation of the law under which the waiver was granted.

As discussed, annexed to our first letter is a copy of the January 27th letter we sent the OCA requesting a copy of Mr. O'Rourke's waiver application and information about its evaluation process, including the opportunity for citizen participation. Included with it was the 2-page summary of CJA's opposition to Mr. O'Rourke's confirmation that I handed to the Senators at the Senate Judiciary Committee's January 13th meeting. That confirmation meeting is indirectly referred to in the Daily News January 14th item, "*In the Nabs: Ex-exec's now Judge O'Rourke*". However, the News missed the most explosive part of the Senate's rubber-stamp meeting on Mr. O'Rourke's confirmation -- my public comments. They are reflected in Gannett's January 14th newstory, "*O'Rourke Confirmed as Judge*", a copy of which is annexed to that first letter as Exhibit "E-3".

February 5, 1998

We have informed the offices of Senators Dollinger and Leichter that Administrative Judge Lippman's January 29th response to the Senators' January 27th letter is an outright deceit, designed to mislead them -- and which, based on their February 4th press release -- did mislead them. We have offered to provide the Senators with a written analysis of that letter, which should be ready by tomorrow. I will fax you a copy then so that you can see for yourself how unabashedly Judge Lippman not only misrepresented Section 211 of the Retirement and Social Security Law, but the Freedom of Information Law, and the State Constitution to cover up his unlawful waiver.

Yours for a quality judiciary
and honest government,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures