

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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**BY FAX: 212-556-3717 4:00 p.m. 4 pages**

**TO: The New York Times, Metro Desk  
ATT: Joyce Purnick, Editor  
Jerry Gray, Political Affairs Editor**

**FROM: Elena Ruth Sassower, Coordinator**

**DATE: December 17, 1998**

**RE: No-Notice, "By Invitation Only", fraudulent confirmation hearing of Albert Rosenblatt to the Court of Appeals**

Four days ago, CJA warned that the Times' editorial, "*Governor Pataki's Wise Choice*" (12/12/98), might embolden the Senate Judiciary Committee in its rubber stamp confirmation of Justice Rosenblatt's nomination to the Court of Appeals. Right now, that rubber stamp is taking place. The Senate Judiciary Committee is conducting a "hearing" on the confirmation -- with NO notice to the public and NO opportunity to testify or even submit written opposition. Indeed, as of yesterday afternoon, the hearing had NOT even been scheduled. This is memorialized by CJA's December 16th letter to David Gruenberg, Senior Counsel of the Senate Judiciary Committee -- faxed to him and the Committee at about 3:30 p.m.

As the letter highlights, "Justice Rosenblatt's nomination would NOT survive CJA's publicly-presented testimony and press scrutiny of the documentation we supplied to the Commission on Judicial Nomination." This should be evident to you, based on that very documentation, which we hand-delivered to the Times on Saturday. Likewise, it should be evident to you that the Senate Judiciary Committee is trying to "ram through" this nomination, in complete disregard of the public's rights and the public interest.

We have already faxed a copy of our December 16th letter to Clifford Levy, in your Albany Bureau, together with a copy of our November 18th letter to the Executive Committee of the City Bar, particularizing our opposition to Justice Rosenblatt and putting the Governor on notice of the Commission on Judicial Nomination's fraudulent screening procedures. Assumedly, tomorrow's Times will be running a story reporting on the confirmation. Even if it is only a "blurb", the public has a right to know the salient facts about how the confirmation was accomplished and about the devastating documented opposition that the Senate Judiciary Committee suppressed. Indeed, the public has a right to expect that the Times will vindicate its rights by a strong editorial on the subject.

cc: Howell Raines [By Fax: 212-556-3815]; Arthurs Sulzberger, Jr. [By Fax: 212-556-1434]  
Clifford Levy [By Fax: 518-436-7109]

*Elena Ruth Sassower*

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*Elena Ruth Sassower, Coordinator*

BY FAX: 518-274-0348

BY MAIL

2 pages

December 16, 1998

David Gruenberg, Senior Counsel  
New York State Senate Judiciary Committee  
The Capitol  
Albany, New York 12247

RE: The Senate Judiciary Committee's Rubber-Stamp Confirmation of the Nomination of Albert Rosenblatt to the New York Court of Appeals

Dear Mr. Gruenberg:

This memorializes your despicable conduct and astonishing statements to me at 12:50 p.m. today, when you returned my 11:30 a.m. phone call to your law office (518-274-7252). Upon my inquiry as to the Senate Judiciary Committee's hearing on Justice Rosenblatt's confirmation to the Court of Appeals -- and CJA's request to testify -- you stated that there would be "no public testimony", that the Committee was "not going to open it up to a public hearing", and that the hearing would be "by invitation only". You also stated that CJA could submit its opposition in writing, but would not be permitted to testify.

You were completely uninterested in the BASIS for CJA's opposition to Justice Rosenblatt. Indeed, you hung up the phone on me as I tried to describe it to you. From start to finish, our phone conversation was, I believe, no more than 40 seconds.

This 40-second conversation was our FIRST relative to CJA's opposition to Justice Albert Rosenblatt's nomination to the Court of Appeals. You had NOT returned my prior telephone messages left with the Senate Judiciary Committee's clerk, Susan Zimmer (518-455-2071), on December 10th and December 14th, relative to the Senate Judiciary Committee's confirmation hearing and our request to testify in opposition to Justice Rosenblatt's confirmation. In each of these phone calls, I had *expressly* asked that you call me so that we might discuss the basis of CJA's opposition and ensure that the Senate Judiciary Committee had -- or would request from the Commission on Judicial Nomination -- the documentary materials we had provided it, establishing Justice Rosenblatt's unfitness. Ms. Zimmer had stated that she did not know when the Senate would

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be holding a confirmation hearing on Justice Rosenblatt's nomination, other than that she believed it would be after the 1st of the year. She had also stated, in response to my request, that the Senate Judiciary Committee had NO publicly-available information about Justice Rosenblatt's nomination. Indeed, Ms. Zimmer told me that she, herself, had no paperwork on the nomination, expressly identifying that she did not yet have any certification of the Governor's nomination.

Immediately after you hung up the phone, I telephoned Ms. Zimmer, advising her of your boorish and unprofessional behavior. I asked that she bring it to the attention of Committee Chairman Lack and others in positions of responsibility at the Committee. This, so that CJA may be permitted to testify at a PUBLIC hearing and appropriate disciplinary action taken against you. I further requested that Ms. Zimmer let us know as soon as a date is set for the confirmation hearing and provide us with the identifies of those "invited" to testify.

Should the foregoing not accurately reflect our telephone conversation together -- or my phone conversation with Ms. Zimmer -- relative to Justice Rosenblatt's confirmation, please advise.

So that the record is clear, Justice Rosenblatt's nomination would NOT survive CJA's publicly-presented testimony and press scrutiny of the documentation we supplied to the Commission on Judicial Nomination.

Yours for a quality judiciary,



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

cc: Senate Judiciary Committee

ATT: Susan Zimmer, Committee Clerk [By Fax: 518-426-6904]

Press

*David Quaresima*

TRANSMISSION VERIFICATION REPORT

TIME : 12/16/1998 15:29  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	12/16 15:28
FAX NO. /NAME	15182740348
DURATION	00:00:59
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

*Senate Judiciary  
Committee*

TRANSMISSION VERIFICATION REPORT

TIME : 12/16/1998 15:31  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	12/16 15:30
FAX NO. /NAME	15184266904
DURATION	00:00:59
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RESULT	OK
MODE	STANDARD ECM