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BY FAX: 212-556-3717 2:55 p.m. 3 pages

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

FROM: Elena Ruth Sassower, Coordinator

DATE: December 18, 1998

RE: Vindicating the public's right to "merit selection" to the Court of Appeals

Following up my yesterday's fax: In the 22 years since elections to the Court of Appeals were scrapped, has the Senate Judiciary Committee ever -- before yesterday -- held a confirmation hearing to the Court of Appeals WITHOUT NOTICE and WITHOUT OPPORTUNITY FOR THE PUBLIC TO BE HEARD IN OPPOSITION?

Enclosed are illustrative public notices from The New York Law Journal for the confirmation hearings of Howard Levine and Carmen Ciparick -- against whom we testified, publicly, in 1993. [The testimony is accessible on CJA's website: www.judgewatch.org].

We agree that the Governor's "choice of a judge for the state's highest court is among the most important decisions [he] makes" (12/12/98 editorial). Indeed, that is precisely why the public must be permitted to scrutinize such "choice" at a hearing, where opposing testimony is heard.

Tomorrow will mark a week that the Times has had CJA's evidentiary proof, in its possession, of the fraud perpetrated on the public by the Governor's nomination of Justice Rosenblatt. How much more time must elapse before you meet your journalistic duty to report on that proof? -- which the Senate Judiciary Committee would not permit to be publicly-presented at Justice Rosenblatt's no-notice, rubber-stamp confirmation hearing.

Meantime, we reiterate our December 14th request to Mr. Raines for the evidentiary BASIS for (all but the first sentence of) the Times' precipitous and uninformed December 12th editorial, "*Governor Pataki's Wise Choice*".



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

New York Law Journal

NEW YORK, FRIDAY, DECEMBER 10, 1993

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The State Senate Judiciary Committee will hold a confirmation hearing Wednesday on Justice Carmen Beauchamp Ciparick's nomination to the Court of Appeals. The full Senate would vote on Thursday if the committee approves her.

New York Law Journal

NEW YORK, MONDAY, AUGUST 23, 1993

NEWS

Update



The State Senate will return for a special session Sept. 7 to consider the nomination of Justice Howard A. Levine of the Appellate Division, Third Department, for the Court of Appeals. A spokesman for Senate Majority Leader Ralph Marino said Friday the one-day session will be devoted to his confirmation, and there are no plans to deal with other matters. Governor Cuomo nominated Justice Levine, 61, on Aug. 12 to fill the vacancy created when Judith S. Kaye became Chief Judge.