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6 pages

December 28, 1998

Attorney General-Elect Eliot Spitzer  
477 Madison Avenue, 11th Floor  
New York, New York 10022

ATT: Lloyd Constantine, Chairman, Transition Team

RE: Rescinding the appointments of Michelle Hirshman and Richard Rifkin

Dear Mr. Constantine:

In my telephone conversation with Mr. Estes last Wednesday, I apprised him that the Center for Judicial Accountability, Inc. (CJA) had submitted a Letter to the Editor, which was going to be published, and that it referred to our intention to call upon our new state attorney general to launch an investigation into corruption.

That Letter appears in today's New York Post under the title, "*An Appeal to Fairness: Revisit the Court of Appeals*". A copy is enclosed for your convenience. Such Letter should be of particular interest to you, in view of your own past experience testifying before the U.S. Senate Judiciary Committee on July 15, 1994, in opposition to its rubber-stamp confirmation of Stephen Breyer to the U.S. Supreme Court.

I look forward to your return call so that I may, belatedly, thank you for giving such important testimony. This, prefatory to answering any questions you may have as to the voluminous materials I hand-delivered to your office on Thursday, December 24th and discussing with you further materials, not as yet delivered -- all establishing the unfitness of Ms. Hirshman and Mr. Rifkin for the key positions to which Mr. Spitzer has appointed them.

Such materials documentarily reinforce the urgent need for "an office of public integrity under the attorney general to monitor state government..." (The New York Times, 10/30/98, B7). This need is exponentially greater because of individuals such as Ms. Hirshman and Mr. Rifkin who betrayed and corrupted the essential monitoring agencies and offices they have headed.

In that connection and a propos of CJA's published Letter to the Editor, I am readying for transmittal to you a duplicate of the materials referred to in CJA's November 18, 1998 letter as having been supplied to the State Commission on Judicial Nomination in opposition to Justice Albert Rosenblatt's

Court of Appeals' candidacy. Such letter is Exhibit "B" to my December 24th coverletter to you. A superseding version of that December 24th coverletter is enclosed, correcting typographical and grammatical errors.

Until we speak,

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosures

**NEW YORK POST**

*America's oldest continuously published daily newspaper*

**letters@nypost.com**

## **An Appeal to Fairness: Revisit the Court of Appeals**

•Your editorial "Reclaiming the Court of Appeals" (Dec. 18) asserts that Albert Rosenblatt will be judged by how well he upholds the democratic process "from those who would seek to short-circuit" it.

On that score, it is not too early to judge him. He permitted the state Senate to make a mockery of the democratic process and the public's rights when it confirmed him last Thursday.

The Senate Judiciary Committee's hearing on Justice Rosenblatt's confirmation to our state's highest court was by invitation only.

The Committee denied invitations to citizens wishing to testify in opposition and prevented them from even attending the hearing by withholding information of its date, which was never publicly announced.

Even reporters at the Capitol did not know when the confirmation hearing would be held until last Thursday, the very day of the hearing.

The result was worthy of the former Soviet Union: a rubber-

stamp confirmation "hearing," with no opposition testimony — followed by unanimous Senate approval.

In the 20 years since elections to the Court of Appeals were scrapped in favor of what was purported to be "merit selection," we do not believe the Senate Judiciary Committee ever — until last Thursday — conducted a confirmation hearing to the Court of Appeals without notice to the public and opportunity for it to be heard in opposition.

That it did so in confirming Justice Rosenblatt reflects its conscious knowledge — and that of Justice Rosenblatt — that his confirmation would not survive publicly presented opposition testimony. It certainly would not have survived the testimony of our non-partisan citizens' organization.

This is why we will be calling upon our new state attorney general as the "People's lawyer," to launch an official investigation. **Elena Ruth Sassower**  
Center for Judicial Accountability  
White Plains

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