



NINTH JUDICIAL COMMITTEE

Box 69, Gedney Station
White Plains, New York 10605-0069
Tel: (914) 997-8105 / Fax: (914) 684-6554

November 23, 1993

Stephen F. Sloan, Secretary of the Senate
New York State Senate
State Capitol, Room 321
Albany, New York 12247

ATT: Lois G. Ferro

RE: Record of the 9/7/93 proceedings of the
Senate Judiciary Committee on the
confirmation of Justice Howard Levine
to the Court of Appeals

Dear Ms. Ferro:

This letter follows up our telephone conversation last month wherein I noted that although the copy of "The Stenographic Record" of the Senate Judiciary Committee's proceedings on September 7, 1993 on the confirmation of Justice Howard Levine, which we received from you, included--at the end--our full statement in opposition, it did not contain the 117-page Compendium of documents which accompanied it.

As reflected by pages 60 and 77 of the transcript of the proceedings, the Compendium was specifically referred to in our testimony and its receipt was acknowledged by the Senators. Additionally, as reflected by the written text of our statement, our statement is annotated with specific page references to the compendium (See fn. 1, p. 2). The Compendium is thus an integral part of the official record of the proceedings.

We, therefore, ask you to confirm that the permanent record of the confirmation proceedings includes our Compendium and that anyone receiving or requesting the full copy of the proceedings is being sent the Compendium.

For your convenience, we enclose a copy of the two-page cover sheet to the Compendium, as well as pages 60 and 77 of the Stenographic Record and page 2 of our statement in opposition.

Mr. Stephen F. Sloan

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Thank you for your prompt attention.

Very truly yours,

A handwritten signature in cursive script, reading "Elena Ruth Sassower", followed by a checkmark.

ELENA RUTH SASSOWER, Coordinator
Ninth Judicial Committee

Enclosures

1 decision affirming the lower court's dismissal
2 on other grounds, and its subsequent
3 two-sentence October 17, 1991 decision denying
4 petitioners' motion for re-argument, renewal,
5 recusal and, alternatively, for leave to appeal
6 to the Court of Appeals, show convincingly that
7 Justice Levine's elevation to this state's
8 highest court not only disservices the public
9 interest, but jeopardizes it.

10 Copies of both those decisions,
11 as well as petitioners' reargument motion and
12 supporting memorandum are included in the
13 compendium of documents assembled to assist you
14 in evaluating the substantial nature of this
15 opposition to Justice Levine and the need for
16 full review of the files in this case.

17 Before I proceed further, may I
18 inquire as to whether you all have received
19 copies of the compendium? I would assume.

20 SENATOR GOLD: We received
21 copies, and I can say in my case I've read them
22 all and read your remarks in advance, which may
23 make you want to understand what Senator Marchi

1 speaking for the public, I think that's untrue.
2 I think everybody here, Judge Casey and
3 everyone, is doing a public service when they
4 come forward and give their opinion, whether it
5 agrees with you or it doesn't.

6 In terms of making our judgments,
7 I think the record should indicate, since you
8 made reference to it, that there is a document;
9 it says Ninth Judicial Committee, Table of
10 Contents, and it's got a number of pages all
11 clearly marked, which you have submitted and
12 I've read, and I will tell you that, based upon
13 my experience with this Judiciary Committee, we
14 have a tendency, Mrs. Sassower, to read more
15 slowly those comments made that are negative
16 than positive, so I can assure you that, when I
17 cast my vote today, it will be after having very
18 carefully considered the documents that you have
19 submitted.

20 I also --

21 MS. SASSOWER: I think --

22 SENATOR GOLD: I also -- excuse
23 me, Ma'am. I also, and I hope that the former



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