



NINTH JUDICIAL COMMITTEE

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By Hand

September 21, 1993

Joseph Berger, Westchester Bureau Chief
The New York Times
White Plains, New York

Dear Mr. Berger:

As discussed, enclosed herewith is a copy of the Ninth Judicial Committee's powerful testimony presented to the Senate Judiciary Committee in Albany on September 7th, which you promised to read in full.

I am also enclosing the Times' article, written by James Dao, that appeared on September 8th--as well as our as yet unpublished Letter to the Editor. Mr. Dao told me that his article originally mentioned the Ninth Judicial Committee's opposition to Judge Levine's confirmation, but that such inclusion was cut because of space considerations.

In view of the September 9th "Op-Ed" piece, "New York's Archaic Courts", by E. Leo Milonas, New York State's Chief Administrative Judge, a story about our opposition to Judge Levine's confirmation is extremely relevant and timely. I direct your attention in particular to Judge Milonas' statement:

"Most of our trial judges are elected, not appointed, and their nomination is controlled by the Democratic and Republican Parties, which have used the judiciary as an important source of patronage"

A copy of Judge Milonas' piece is enclosed for your convenience, as is a copy of the Gannett editorial, "Judicial Selection Process is Outdated, and it's Flawed", appearing this past Sunday, relative to the political control of judgeships at the Judicial Nominating Conventions in the Ninth Judicial District. Since the Ninth Judicial Committee has been working relentlessly for the past 4 years to protect the public from precisely such political manipulation, I hope you would agree that a story about our work is long-past due.

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In that regard, I got the impression from our telephone conversation that you did not at all review our critique of Andrew O'Rourke and the federal judicial screening process, which I hand-delivered to you immediately following your March 6th article "O'Rourke Rejects Offer of Judicial Bid". Considering that there are now 130 vacancies on the federal bench being filled by President Clinton, I imagine that the Times would wish to do a story as to what changes have been made in the screening process since our critique, which documented its gross deficiencies, was presented to the leadership of the U.S. Senate. Certainly, in the coming months, we can expect to see a steady stream of articles in the Times announcing the 130 nominations--as, for instance, the enclosed August 23rd piece reporting on the first batch of 13. Don't you think the public should know something about the process and the essential role they can play in contributing to it?

You will recall that on March 9th, based on our extraordinary critique, I faxed to you numerous story proposals. For your convenience, a duplicate is enclosed. In light of the contest between Richard Brodsky and Andrew O'Rourke for County Executive--about which you have already written extensively--there are several important angles which could be developed. Indeed, the Ninth Judicial Committee made contact with Mr. Brodsky's office back in November 1991 when it first began its investigation into Mr. O'Rourke's judicial qualifications. Mr. Brodsky has been in possession of our critique since, at least, last September.

Please let us know when you would be available for us to make a personal presentation to you. We look forward to updating you on what is being accomplished by a local grass-roots citizens' group.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Coordinator, Ninth Judicial Committee

Enclosures:

- (a) 9/7/93 Statement by Doris L. Sassower
- (b) 9/8/93 NYT "Justice Levine is Confirmed to Top Court"
- (c) 9/9/93 Doris Sassower's Letter to the Editor
- (d) 9/9/93 NYT Op-Ed: "New York's Archaic Courts"
- (e) 9/20/92 Gannett Editorial: "Judicial Selection Process Is Outdated, and It's Flawed"
- (f) 8/23/93 NYT, "Unmaking the G.O.P. Court Legacy"
- (g) 3/9/93 Faxed Story Proposals

Fyl - I am also enclosing a piece that appeared in the 9/13/93 Legislative Gazette, together with the just published letter to the Editor