

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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By Priority Mail

January 23, 1995

Ms. Jane Fritch
Investigative Projects Editor
Metro Section
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Ms. Fritch:

Per our telephone conversation, I enclose a full copy of my November 27, 1994 letter to Hilton Kramer, with exhibits.

Enclosed too are the remarks of former Governor Mario Cuomo to the New York County Lawyers' Association, printed in today's New York Law Journal. Aside from "blowing his own horn" in demonstrably undeserved praise of his judicial appointments, particularly to the Court of Appeals, and making the demonstrably false representation that the Senate's power "to confirm or deny the Executive's judicial selection" removes politics from the process, Mr. Cuomo states:

"Of course there is occasional criticism. But there are no passionate campaigns for judicial term limits--no outcry for reform of the way our judges are selected or 'monitored' on the job."

Who is Mr. Cuomo trying to kid? And is he also trying to pretend that he knows nothing of our vigorous advocacy these past five years--including my mother's October 24, 1991 letter to him¹, referred to in our October 26, 1994 Times Op-Ed advertisement, "Where Do You Go When Judges Break the Law". I guess Mr. Cuomo doesn't read the New York Times.

¹ That October 24, 1991 letter, calling upon then Governor Cuomo to appoint a Special Prosecutor, is annexed as Exhibit "E-2" to my enclosed November 27, 1994 letter to Hilton Kramer. No coverage appeared in the Times until more than two years later, when, in garbled fashion, an article described it in the context of my verbal exchange with the Governor in Albany. A copy of that December 11, 1993 article, entitled "A Meeting With Cuomo Brings Out the Critics", is enclosed.

January 23, 1995

Perhaps we should send Mr. Cuomo a copy of our Op-Ed ad and let him know about the outpouring of "horror stories" we are receiving from people throughout this State for whom "dramatic radical change" cannot happen too soon.

May we propose that, in addition to a story about how New York's judiciary viciously retaliates against judicial whistle-blowers, the Times consider developing a series around the issues Mr. Cuomo has himself identified: judicial term limits, judicial selection, and judicial discipline in this State. We would be most pleased to provide your reporters with pertinent documentation to assist in their investigation. As you can see from our enclosed "Statement of Purposes", this is one of the goals for which the Center for Judicial Accountability, Inc. was formed.

If not sooner, may we suggest that "Law Day", May 1st, would be a particularly appropriate occasion around which to schedule such series.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

- Enclosures: (a) 11/27/94 ltr to Hilton Kramer
(b) "Thoughts on the State Judiciary", Mario Cuomo, NYLJ, 1/23/95
(c) "A Meeting With Cuomo Brings Out the Critics", NYT, 12/11/93
(d) Statement of Goals, Center for Judicial Accountability, Inc.

A Meeting With Cuomo Brings Out the Critics

By JAMES DAO

Special to The New York Times

ALBANY, Dec. 10 — For years Gov. Mario M. Cuomo has waxed poetic about the importance of participatory democracy. But today he got a tart taste of what can happen when there is a New England-style town hall meeting at the Capitol.

Mr. Cuomo had been asked to address a conference organized by Terry Anderson, the former hostage, and his group, the Alliance for a New York Renaissance. In the room were two dozen advocates for a wide range of government reforms, including term limits, stronger ethics codes and campaign finance restrictions.

It was a daunting prospect for any politician, much less a three-term incumbent who is undecided about seeking re-election next year and has seen several incumbent governors dumped by voters in recent elections.

But Mr. Cuomo opened gamely, pushing a pet project of his own: a constitutional convention to pass election reforms the Legislature won't touch. As he criticized the performance of elected officials everywhere, Mr. Cuomo might have thought he was winning them over. He was wrong.

For the next 45 minutes, the group engaged in a bruising assault on Mr. Cuomo's record, mixing harangues with civics lectures and displaying a disdain for incumbents in general and Mr. Cuomo in particular.

The grilling started with Elena Sassower, a member of the Center for Judicial Accountability, which argues that the cross-endorsement of judges by the Republican and Democratic parties in the lower Hudson Valley robs the voters of choice.

Three times, Ms. Sassower told the Governor, she wrote to him asking for the appointment of a special prosecutor to investigate what she called election irregularities. Three times his aides demurred. Ms. Sassower suggested something was amiss in the Governor's office.

"Please don't be disappointed if in this world of reasonable people there are several who unanimously disagree with you," the Governor said, diplomacy in his voice.

"The only thing I'm disappointed in is the Governor's office," Ms. Sassower retorted.

"Boy, you guys must be tough at dinner," Mr. Cuomo said.

Next up was Dick Martens, an employee of the State Assembly who stood up 10 feet from the Governor and bellowed, "When is your Budget Department going to shape up?"

Mr. Martens, as it turned out, has been a member of a long-standing commission on eliminating government waste. Clearly, Mr. Martens said, Mr. Cuomo had not taken the commission's suggestions to heart.

"Just read the report and respond.

Don't stand mute," Mr. Martens said, doing his best to prevent the Governor from responding.

When Mr. Martens stopped talking, possibly for lack of air, Mr. Cuomo looked at Mr. Anderson, who seemed to be checking his watch, and said, "Good luck, Terry."

Getting Grumpy

The Governor seemed so put upon that when Travis Plunkett, a lobbyist for the New York Public Interest Research Group, lobbed him a relatively softball question about legislation to increase voter registration, Mr. Cuomo gave him the verbal equivalent of a rabbit punch.

"Well, will you help me with the constitutional convention?" Mr. Cuomo said, cutting Mr. Plunkett off.

Mr. Plunkett said the group was

considering it. "Forget about your consideration," Mr. Cuomo said curtly. "I want your energy."

The advocates weren't done. Taking a swipe at the Governor's call for greater participatory democracy, Robert L. Schulz asked Mr. Cuomo why state lawyers have tried to block his legal challenges to state borrowing practices.

"Don't exhort us to get involved and when we do, do everything in your power to force us down," the normally soft-spoken Mr. Schulz said angrily after a rather sharp exchange with Mr. Cuomo.

Moments later, Mr. Anderson, who has said that he will support the Governor if he runs next year, announced that Mr. Cuomo had to depart. "I'm not trying to rescue him from your wrath," he said.