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BY FAX: 212-930-5842 4:15 p.m. 3 pages

TO: New York Post, Al Guart

FROM: Elena Ruth Sassower, Coordinator

DATE: December 18, 1998

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

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

You should find out whether yesterday's confirmation hearing of Albert Rosenblatt was -- as we believe -- the FIRST TIME in the 22 years since elections to the Court of Appeals were scrapped, that the Senate Judiciary Committee held a confirmation hearing to the Court of Appeals WITHOUT NOTICE and WITHOUT OPPORTUNITY FOR THE PUBLIC TO BE HEARD IN OPPOSITION.

Of course, the Senate Judiciary Committee had to ram through that confirmation since, as set forth in CJA's December 16th letter to Mr. Gruenberg -- "Justice Rosenblatt's nomination would NOT survive CJA's public-presented testimony and press scrutiny of the documentation we supplied to the Commission on Judicial Nomination."

I'm sure you'll have no doubt on the subject once you examine that documentation for yourself. It should be arriving in Monday's mail.

Regards.

Elena