

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 694-5018
12 pages 2:00 p.m.

February 9, 1998

Ed Tagliaferri
Gannett

RE: O'Rourke Waiver

Dear Ed:

As discussed in our lengthy telephone conversation, there is no "quirk" or "loophole" in Section 211 of the Retirement and Social Security Law. Quite simply, the law was BROKEN by Chief Administrative Judge Lippman in granting the O'Rourke waiver.

Enclosed is a copy of our Memorandum to Senators Dollinger and Leichter, demonstrating that the Senators have been "duped" by Chief Administrative Judge Lippman's January 29th letter into believing that the problem is with Section 211 of the Retirement and Social Security Law. In turn, the press has been "duped" -- Gannett, as well as the Daily News. The real problem is that Chief Administrative Judge Lippman is flagrantly misrepresenting Section 211 to cover up the unlawfulness of having granted the O'Rourke waiver.

For your convenience, a copy of Judge Lippman's January 29th letter is also enclosed. Since you stated that you had seen our January 30th letters to the OCA, I'm not sending them to you. Don't hesitate to let me know if you need them. Annexed thereto was Section 211. READ IT FOR YOURSELF.

As you know from our January 30th letters, CJA has called for the waiver to be reconsidered and rescinded based on Section 211 -- and for there to be an investigation of OCA counsel for misrepresenting Section 211. Based on Judge Lippman's January 29th letter, that investigation should be expanded to include Judge Lippman.

This is a great and important story of how the public is being scammed -- although you'll excuse me for saying that it doesn't hold a candle to how the public was scammed by Mr. O'Rourke's nomination and confirmation. In case you didn't see the two-page summary of CJA's opposition to the

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nomination/confirmation -- which was annexed to our January 30th letters -- a copy is enclosed.

Finally, I enclose a copy of our February 1st letter to Chief Judge Kaye, calling upon her to give this matter her immediate supervisory attention.

Yours for a quality judiciary,
And good government,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures