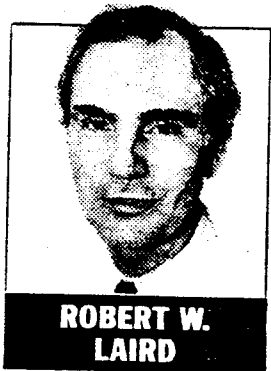


OPINIONS

An honest jurist gets unjust reward



ROBERT W. LAIRD

Of all the sleazy games being played with judgeships in New York this election season, the sleaziest is being played in Suffolk County

with a judge named Stuart Namm.

Namm's 10-year term as an elected county judge expires this year. Normally, judges in that situation are routinely re-nominated and just as routinely reelected.

But not Judge Namm. When the Republican and Democratic chairmen of Suffolk unveiled their 1992 list of cross-endorsements — judicial candidates supported by both parties and, therefore, guaranteed election — Namm's name was missing. His name will not appear on the ballot.

Why is he being discarded? Not because he's a bad judge: Elizabeth Hubbard of the Committee for Modern Courts says Namm is "highly rated" by court monitors in Suffolk. And not because Namm is a Democrat in a heavily Republican county; the candidate who was cross-endorsed to replace him is also a Democrat.

Namm is being dumped because he's an honest judge who blew the whistle on police corruption in Suffolk.

It was, in 1985, when he was one of the judges assigned to handle Suffolk homicide cases, that Namm realized both police and prosecutors in two controversial murder trials were behaving suspiciously. In one case, prosecutors presented a known perjurer as a key witness. Other witnesses complained of being intimidated. Detectives' notebooks were strangely incomplete. Namm wrote to Gov. Cuomo asking for an investigation. What followed was a three-year probe by the State Investigation Commission that sliced and diced Suffolk law enforcement.

The SIC found that police officers were conducting illegal wiretaps, manufacturing evidence, beating "confessions" out of suspects and committing perjury. The SIC said the district attorney's office played along with the corruption, winning convictions with fraudulent evidence.

The police chief resigned before the SIC report came out. The DA, Patrick Henry, didn't even bother to run for reelection.

Needless to say, none of this endeared Judge Namm to the police, prosecutors or the Suffolk political establishment.

Dominic J. Baranello is Democratic chairman of Suffolk, and he is Namm's former law partner. Early this year, Namm wrote to Baranello saying he wanted to be nominated for reelection. Baranello never answered the letter.



Judge Stuart Namm

Namm finally got Baranello on the phone, and the party chairman said, "I'll get back to you." But what he meant was, "I'll get you." He never called again, and Namm learned his fate only when the list of cross-endorsements was released with his name conspicuously absent.

Judge Namm spoke to Baranello one more time to ask why he was being dumped. Came the reply: "It's not your

year, Stuart."

When someone suggested to Namm that that sounded like Rod Steiger's line to Marlon Brando in "On the Waterfront" ("It's not your night, kid"), Namm observed wryly: "I feel as if I've been living a movie script. I never expected the Republicans to support me. But my own party and my former law partner? Outrageous!"

There's an added twist to the story. The candidate who has been nominated to replace Judge Namm is Arthur G. Pitts, supervisor of the Town of Babylon. That serves the interests of both parties: Neither the Republicans nor the Democrats in Suffolk care for Pitts — the GOP because he's not one of theirs, his own party because he's stingy with patronage.

So by elevating Pitts to the bench, the politicians get rid of a *persona non grata*. And the job of Babylon supervisor becomes vacant, allowing both parties to run more compliant candidates.

This whole dirty business is possible because New York's system of electing most of its judges gives political bosses near-dictatorial power over the selection of judicial candidates. If judges were appointed on the basis of merit, a tough, courageous jurist like Stuart Namm would stay on the bench where he wants to be, and where he clearly belongs.

Robert Laird is deputy editorial page editor.