

CENTER for  
JUDICIAL  
ACCOUNTABILITY



Box 69, Gedney Station • White Plains, New York 10605-0069  
TEL: 914/997-8105 • FAX: 914/684-6554

FAX COVER SHEET

9/30/94

4:20  
3:50 p.m.

DATE

TIME

THE NEW YORK TIMES  
EDITORIAL BOARD  
ATT: Mr. Howell Raines

TO:

212-556-3845

FAX NUMBER:

6

This fax consists of a total of \_\_\_\_\_ pages, including this cover-sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105.

Elena Ruth Sassower, Coordinator

FROM:

Per my telephone conversation with Phil Boffey's office, I understand that the enclosed letter--hand-delivered at about midnight last night to the front desk of The New York Times--has not been received by the editorial board.

I, therefore, am faxing a duplicate, together with one of the two enclosures referred to therein: my 9/25/94 Letter to the Editor.

An additional hard-copy, with both enclosures, will be hand-delivered tomorrow.

Your attention is greatly appreciated.

*Elena Ruth  
Sassower*

P.S. Please give our sincerest compliments to the writers of "New York's Mystery General" and "No Way to Pick a Judge".

EX 'L'

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By Hand

September 29, 1994

Board of Editors  
The New York Times  
229 West 43rd Street  
New York, New York 10036

RE: "New York's Mystery General"  
"No Way to Pick a Judge"

Dear Editorial Board:

Following up my yesterday's telephone message, I wish to inform you of the extraordinary fact that Times' reporters have no interest in pursuing the important issues identified in your above-mentioned editorials.

Indeed, relative to the editorial "New York's Mystery General", I have left innumerable recorded messages with the reporter who has been covering the Attorney General's race--and he simply does not even return my calls.

I note that The New York Times has written extensively about "conflict of interest" issues--and that your editorial position on the confirmation of Stephen Breyer to the U.S. Supreme Court was framed in the context of that issue.

However, whereas the "conflict of interest issue" in Justice Breyer's case was one about which ethicists differed [i.e. Professor Stephen Gillers v. Professor Monroe Freedman], there can be no dispute that our New York State Attorney General has broken the most fundamental rule regarding judicial disqualification and, without the slightest legal authority, has allowed judges sued in an Article 78 proceeding, challenging their conduct as criminal, to decide their own case.

Although the Article 78 remedy is a bulwark of our democracy--designed to afford independent review of governmental abuse--your reporters--who are not lawyers--have not the slightest knowledge of what it is and don't care about it or about conflicts-of-interest, no matter how brazen those conflicts are.

September 29, 1994

Please read the enclosed "Letter to the Editor", which I faxed to the Times on September 26th--as yet unpublished. It outlines the extraordinary Article 78 proceeding, now before the Court of Appeals, which must properly be an issue in this campaign.

Please also read my September 29th letter to the Republican nominee for Attorney General, Dennis Vacco (c/o Mr. Flynn)--which refers to and annexes communications with the Democratic nominee, Karen Burstein.

The voters are counting on you to push the reporters of the Times to ask the candidates the questions that your September 17th editorial pose. Don't fail us!

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability

Enclosures: (a) 9/25/94 "Letter to the Editor"  
(b) 9/29/94 letter to Dennis Vacco, Esq.