



FAX TRANSMISSION SHEET

DORIS L. SASSOWER, P.C.
283 Soundview Avenue
White Plains, New York
Telephone: (914) 997-1677

FAX: (914) 684-6554

**PRIORITY ATTENTION
PLEASE!** Mr. Miller
is waiting for this
& needs to close the
issue.

5/30/91
DATE

11 a.m.
TIME

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NUMBER OF PAGES
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TO: George Judson - Att: Roland Miller

FAX NUMBER: 212 - 556 - 4603

FROM: DLS

If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-1677.

MESSAGE:

As requested

As promised *per our phone conversation.*

For your information

For your review and comment

Please review and call me if any editing is intended.

Who is being
protected,
By whom - why

Ⓢ

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PRIORITY
ATTENTION

FAX: (914) 684-6554

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12³⁰ pm
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TO: ROLAND MILLER: 4th floor
Westchester -
Regional

FAX NUMBER: 212-556-4603

FROM: DLS

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(Who is being protected?)



ATT: Mr. Roland Miller

May 30, 1991

Mr. George Judson
Regional Editor, Westchester Weekly
New York Times
229 W. 43rd Street
New York, New York 10036

WHO IS BEING PROTECTED, BY WHOM, AND WHY?

Your May 19, 1991 story in the Westchester edition on the highly controversial cross-endorsement case gives rise to serious questions. The reporter made a number of significant factual errors and omissions, even omitting the name of the case--Castracan v. Colavita. No information was given as to the genesis of the Ninth Judicial Committee, its purpose, or the name and credentials of its Chairman, Eli Vigliano, Esq., a lawyer of forty years standing. The reporter sought no comment from him or me as to the legal arguments relative to the procedural basis upon which the appellate court ruled. No reference was made to the Code of Judicial Conduct, disqualifying a judge from participating "in a proceeding where his impartiality might reasonably be open to question"--clearly the situation where three of the five judges who decided the appeal failed even to disclose their own major party cross-endorsements. Nor was any reference to my own extensive credentials in the field of law reform--known to your reporter--included by her.

MORE →

Doris L. Sassower, P.C.

Mr. George Judson

ATT: Mr Roland Miller

The Ninth Judicial Committee is a non-partisan group of lawyers and other civic minded citizens, concerned with improving the quality of the judiciary in Westchester and the four other counties that comprise the Ninth Judicial District--Putnam, Dutchess, Rockland, and Orange. The Committee came into being in the fall of 1989 as a response to the "Three-Year Deal" between the Westchester Republican and Democratic party leaders and their judicial nominees, which effectively disenfranchised voters in all five counties and furthered political control of the judiciary in this District. Strangely, your reporter failed to discuss the terms or ramifications of the deal: the trading of seven judgeships over three years; the requirement that judicial candidates agree to early resignations to create new vacancies to be kept open for months; the divvying up of judicial patronage along political lines.

Your reporter also omitted the fact that the factually and legally improper dismissal by the lower court, without any hearing, ignored the uncontradicted documentary evidence of Election Law violations at both ~~the~~ Republican and Democratic judicial nominating conventions. Because of the constitutional issues involved in the impairment of voting rights, the case will be appealed as a matter of right to the Court of Appeals.

In addition to omitting such highly relevant facts, your reporter skewed the article by personalizing this major legal proceeding

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Doris L. Sassower, P.C.

Mr. George Judson

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Att: Mr. Roland Miller (SS)

as if it were "Mrs. Sassower's case". No information was given as to the Petitioners in the case, who are Dr. Mario Castracan, a registered Republican of the town of New Castle (holder of four degrees) and Profesor Vincent Bonelli, a registered Democrat of New Rochelle (and professor of political science at a local Westchester college).

Unfortunately, despite the enormous political and social importance of the Castracan v. Colavita case, the New York Times has done its best to bury the story. Back in October 1990, the Times did not see fit to print, even in its weekly Westchester edition, that the New York State League of Women Voters had issued a state-wide alert to voters urging the appellate court to review the case before Election Day, or that the statutory preference to which Election Law proceedings are entitled to as a matter of right was, nonetheless, denied, after being vigorously opposed by the judicial nominees defending the case. Likewise, the Times failed to report that in February of this year the NAACP Legal Defense & Educational Fund sought, and was granted, permission to file an amicus brief. These newsworthy developments--of more than local significance--were totally ignored, as was an extensive Associated Press story by a prize-winning journalist released nationally--but not printed by the Times--two weeks before last year's election.

Your reporter's gratuitous reference to "a personal court case"

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Doris L. Sassower, P.C.

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SS

Mr. George Judson

Att: Mr Roland Miller

in which I was involved before Justice Samuel G. Fredman two years ago was to inferentially suggest that my concern for the transcending issues of Castracan v. Colavita was personally motivated and of recent origin. Your reporter chose to ignore my longstanding background of concern with how judges are selected. Indeed, I began my legal career 35 years ago by working for New Jersey Chief ^{Justice} ~~Judge~~ Arthur T. Vanderbilt, a leader in court reform, published an article in 1971 about my experience on the pre-nomination judicial screening panel set up by the Reform Democrats in that year, and from 1972-1980, served, pro bono, as the first woman appointed to serve on the Judicial Selection Committee of the New York State Bar Association.

Interestingly, your reporter mentions that Judge Fredman was cross-endorsed, without stating that he was not named as a party to the Castracan cross-endorsement challenge. She recites alleged facts in the matter before Justice Fredman--former Chairman of the Westchester Democratic County Committee--as to which she never interviewed me and which are demonstrably false, misleading, and incomplete. Indeed, a proper story of that case would depict--all too graphically--the corruption of the judicial process that occurs when politicians are put on the bench.

From the inaccurate, slanted, inadequate coverage given by the Times, it is evident that this newspaper has not met its journalistic responsibility to the public to fully and fairly

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Doris L. Sassower, P.C.

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Mr. George Judson

ATT: Mr. ~~Rolland~~ Miller ^{SS}

report the facts--or to make any independent investigation of its own. It is shocking that your newspaper repeats the self-serving statements of politicians such as Mr. Weingarten that the political parties do "a better job of picking candidates" than merit selection panels; and that the guaranteed election of the hand-picked candidates by two political bosses represents "a major step toward non-partisan election of judges". Had your reporter given the Ninth Judicial Committee the opportunity for rebuttal, it could have put the lie to these ludicrous claims.

Indeed, your reporter, who had all the relevant appellate records, should have exposed the hypocrisy of politicians such as Mr. Weingarten who profess disappointment that "the substantial issues in the case were not reached", when the facts show that he--along with the other public officials and now sitting judges in the case--fought vigorously to prevent those issues from being addressed.

The obvious questions remain to be answered by your newspaper so that the public interest can be protected. Unless the public is immediately apprised of what is taking place, the cross-endorsed judicial nominations representing the third phase of the Deal will proceed as scheduled in the 1991 elections.



DORIS L. SASSOWER, Esq.
Pro Bono Counsel
NINTH JUDICIAL COMMITTEE