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By Hand

November 18, 1996

Michael Oreskes, Metropolitan Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Mr. Oreskes:

Enclosed is a copy of our Letter to the Editor--the lead Letter in Saturday's Times--"On Choosing Judges, Pataki Creates Problems".

There's a big story here, requiring immediate follow-up by the Times Metro Desk with, among others, Michael Finnegan and his boss, Governor Pataki.

Indeed, omitted, for space reasons, from the printed version of our Letter to the Editor, was the penultimate paragraph, which included the following sentence:

"...We have also demonstrated that the Governor's temporary judicial screening committee, if it does exist, is controlled by the Governor, via Mr. Finnegan, who rigs its ratings by withholding from the committee information adverse to the politically-connected candidates it reviews."

We first made this explosive charge--for which we provided substantiating proof--in a June 11, 1996 letter to the Senators of the New York State Senate. We transmitted a copy of that letter to Mr. Finnegan under a June 12, 1996 coverletter to him requesting a response on behalf of the Governor. He has not responded--just as he has not responded to our previous letters to him, seeking information about the Temporary Judicial Screening Committee and inquiring as to why it has not been superseded by Executive Order #10 establishing State, Department, and County judicial screening committees.

We trust Mr. Finnegan and the Governor will be more forthcoming if The Times presses them for answers. Therefore, by copy of this letter, we are asking the Letters Department to forward you the aforesaid correspondence which, unsolicited, we provided it last Thursday when we transmitted the hard-copy of our Letter to the Editor.

November 18, 1996

You should know that it took the Times Letters Department less than an hour after we faxed it our Letter last Wednesday to recognize its importance and notify us that it was interested in publishing it. It should not take the Times Metro Desk substantially longer to assign a reporter to follow-up this story. However, in appreciation to the Times Letters Department, we will give the Metro Desk two days to notify us of its interest in follow-up.

After that, we will turn to other media for coverage of this dynamite story about how Governor Pataki--aided and abetted by the State Senate--has perverted the process by which state judges are appointed.

FYI, an informational brochure about our citizens organization is enclosed.

Yours for a quality judiciary,



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

Enclosures

cc: Letters to the Editor

The New York Times

EDITORIALS/LETTERS SATURDAY, NOVEMBER 16, 1996

On Choosing Judges, Pataki Creates Problems

To the Editor:

Our citizens' organization shares your position that Gov. George E. Pataki should take the lead in protecting the public from processes of judicial selection that do not foster a quality and independent judiciary ("No Way to Choose Judges," editorial, Nov. 11). However, the Governor is the problem — not the solution.

A Sept. 14 news article described how Governor Pataki had politicized "merit selection" to New York's highest court by appointing his own counsel, Michael Finnegan, to the Commission on Judicial Nomination, the supposedly independent body that is to furnish him the names of "well qualified" candidates for that court.

More egregious is how Governor Pataki has handled judicial appointment to the state's lower courts. Over a year and a half ago, the Governor promulgated an executive order to establish screening commit-

tees to evaluate candidates for appointive judgeships. Not one of these committees has been established. Instead, the Governor — now almost halfway through his term — purports to use a temporary judicial screening committee. Virtually no information about that committee is publicly available.

Indeed, the Governor's temporary committee has no telephone number, and all inquiries about it must be directed to Mr. Finnegan, the Governor's counsel. Mr. Finnegan refuses to divulge any information about the temporary committee's membership, its procedures or even the qualifications of the judicial candidates Governor Pataki appoints, based on its recommendation to him that they are "highly qualified."

Six months ago we asked to meet with Governor Pataki to present him with petitions, signed by 1,500 New Yorkers, for an investigation and public hearings on "the political manipulation of judgeships in

the State of New York." Governor Pataki's response? We're still waiting.

ELENA RUTH SASSOWER
Coordinator, Center for Judicial
Accountability Inc.
White Plains, Nov. 13, 1996