

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

(914) 421-1200 • Fax (914) 684-6554

Box 69, Gedney Station  
White Plains, New York 10605

By Fax and Hand-Delivery  
212-556-3717

September 16, 1996

Ms. Jan Hoffman  
The New York Times  
229 West 43rd Street  
New York, New York 10036-3959

RE: Being "Black-Balled"

Dear Ms. Hoffman:

Reference is made to your September 14th article, "Pataki Names Close Adviser to Judicial Screening Panel", about the appointment of the Governor's counsel, Michael Finnegan, to the Commission on Judicial Nomination.

On August 27th, when I telephoned Joyce Purnick, she told me that your desk is opposite hers and assured me that she would discuss with you our telephone conversation. I, therefore, would be most surprised if she had not shared with you the fact that CJA has more than six-months' direct, first-hand experience with Michael Finnegan's handling of judicial nominations to the Court of Claims and Supreme Court, on behalf of the Governor. Indeed, the reason I telephoned Ms. Purnick on August 27th was because it was then more than two months since I had provided her with documentation about the sham process by which the Governor nominates and the Senate confirms judicial appointees--without a single story appearing in the Times on this important subject. For your convenience, I am enclosing a copy of that documentation, consisting of our unresponded-to June 11th letter to New York State Senators<sup>1</sup> and our unresponded-to June 12th letter to Michael Finnegan.

My August 27th letter to Ms. Purnick--with a copy to you--addressed one of the "reasons" Ms. Purnick gave me for why she had not written a story: her purported skepticism about the Center for Judicial Accountability, Inc.<sup>2</sup>

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<sup>1</sup> Exhibit "B" thereto is our April 29, 1996 letter to Michael Finnegan.

<sup>2</sup> Among Ms. Purnick's other "reasons", she told me that she had no illusions about how the process worked--to which I responded that it was not a matter of what she, a sophisticated Times news reporter, knew, but what the public had a right to

It is ironic to us that your September 14th article refers to the Fund for Modern Courts as "a watchdog organization that monitors the courts". Although the Fund for Modern Courts is not a membership organization, Ms. Purnick was greatly concerned about how many members CJA had--and whether we would provide her with our membership lists.

Indeed, whereas CJA, in 1993, twice testified in opposition to Governor Cuomo's last two judicial nominees to the Court of Appeals and, based on our direct, first-hand experience, explicitly took the position that the present process is not "merit selection" and is unconstitutional besides, the Fund for Modern Courts has preferred to "duck" these pivotal issues. Parenthetically, it has also "ducked" the pivotal issues concerning the Commission on Judicial Conduct. On that never distant subject about which you and Ms. Purnick have each written--always excluding CJA--I enclose a copy of our August 22, 1995 letter to the Fund's Chairman, John Feerick, with a copy to its then Vice-Chairman--now President of the City Bar--Michael Cardozo, who you quote in your September 14th article. I specifically draw your attention to the third and fourth paragraphs of that letter. Both John Feerick and Michael Cardozo have refused to respond thereto, as has Gary Brown, the Fund's Executive Director, who your September 14th articles also quotes.

As I presume you are aware, there is a confluence between the high and mighty of the Association of the Bar of the City of New York and the Fund for Modern Courts. John Feerick, the Fund's Chairman, was President of the City Bar. Michael Cardozo, who was the Fund's Vice-Chairman, is now the City Bar's President.

Although we have great respect for much of the good work the Fund for Modern Courts has done, let there be no mistake, based on our direct, first-hand experience with it on numerous issues over a period of years, we include the Fund in the paragraph of our August 27th letter that reads:

"No, we are not the City Bar or the American Bar Association. But we are courageously doing what those organizations and our so-called 'leaders' cowardly and for reasons of their own self-interest refuse to do: address empirical evidence that mechanisms which, on paper, safeguard the public from incompetent, abusive, and dishonest judges, are not doing so in fact." (emphasis in the original).

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know. Ms. Purnick also told me that you--rather than she--reports on the law.

*\* See paragraphs on 2<sup>nd</sup> page*

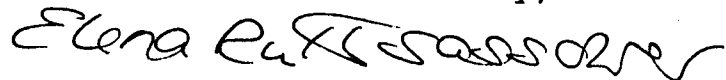
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We ask that you and Ms. Purnick respond to our August 27th letter by the end of the week and/or that you undertake to arrange a meeting for us with your superiors at The Times. As I mentioned to Ms. Purnick, it has long been obvious to us that we are being "black-balled".

Finally, in the event Ms. Purnick has not already related to you my conversation with Doreen Weisenhaus, who accepted for you the Silver Gavel Award at last month's Annual Convention of the ABA in Orlando, Florida, I'll do so now. I asked Ms. Weisenhaus how we might arrange for a story about judicial selection and discipline in The New York Times Magazine. Her enthusiastic response was that she had been wanting to do a story about judicial independence and the like and was planning to speak with you about it. For that purpose, I gave her two of CJA's brochures--one for herself and one for you.

Another is enclosed.

Yours for a quality judiciary,



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

- Enclosures:
- (1) unresponded-to 6/11/96 ltr to NYS Senate
  - (2) unresponded-to 6/12/96 ltr to Michael Finnegan
  - (3) 8/22/95 ltr to Modern Courts  
(acknowledged, but never responded-to)
  - (4) CJA brochure

cc: Joyce Purnick