

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

BY FAX: 212-556-3690 4 pages

TO: Joseph Lelyveld, Executive Editor, The New York Times

FROM: Elena Ruth Sassower, CJA Coordinator

DATE: January 12, 1998

RE: NYT suppression of important and time-sensitive stories
concerning the integrity of essential governmental processes

Following up my Friday's fax and my telephone call a short time ago to your secretary, Barbara Laverty, this is to reiterate that the situation is EXIGENT: Senate confirmation of Andrew O'Rourke to the Court of Claims is scheduled for tomorrow, January 13th.

An article must be written about what's been going on with this judicial nomination, as well as the others made by the Governor. The Governor's so-called "screening process" is demonstrably sham and completely violative of the public's rights. The "confirmation "process" simply doesn't exist. This has been meticulously laid out in our mammoth correspondence with the Governor's office, with the State Judicial Screening Committee, with Mr. O'Rourke, with the Senate Judiciary Committee, and with Chief Judge Judith Kaye -- all of which have been in the possession of the Times Metro Desk and discussed with Jerry Gray, the political editor there, to whom we hand-delivered a copy of our 1992 critique documenting that Mr. O'Rourke was thoroughly unfit for judicial office. In my last telephone conversation with Mr. Gray on December 31st, he told me that he and Albany reporters had reviewed our materials -- and that the Times would be writing a story. He then "disappeared" -- as he had previously -- by failing to return my phone calls and, indeed, by failing to call me, as he had promised to do by Tuesday, January 6th. -- if not Friday, January 2nd.

There is no longer any time for foot-dragging and game-playing by the Times. The public is entitled to expect that a Times reporter will immediately "snoop around" and telephone those who received our correspondence and get answers to the serious questions raised. Among those questions is whether, as *expressly* required under the Governor's Executive Order which created the State Judicial Screening Committee, there is a written committee report on Mr. O'Rourke's qualifications and why it has not been made "publicly available" during the month since Mr. O'Rourke's nomination was announced -- as the Governor's Executive Order *expressly* requires.

Enclosed is a copy of Gannett's December 27th article, "*Judicial Reform Group Challenges O'Rourke Judgeship*", which quotes the Governor's spokesman as saying "I don't think there is a report". Also enclosed is our published Reply, appearing in today's Gannett newspaper, highlighting the significance of that statement and the fact that there is a complete lack of any substantiation for the "highly qualified" rating which the State Judicial Screening Committee allegedly conferred on Mr. O'Rourke.

I will be in until about 3:15 p.m. today to answer any questions. Tomorrow, I'll be in Albany -- spectating the "rubber-stamp" travesty of Senate confirmation. There is no "hearing".

Thank you.



cc: Arthur Sulzberger, Jr., NYT publisher
Metro Desk: Joyce Purnick, editor
Jerry Gray, political editor
Jack Kadden, editor