

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: 212-556-3717 12:00 noon 3 pages

TO: The New York Times, Joyce Purnick, Metro Editor; Jerry Gray, Political Affairs Editor

FROM: Elena Ruth Sassower, Coordinator

DATE: December 28, 1998

RE: THE TIMES' OBLIGATIONS TO THE PUBLIC

Enclosed is a copy of CJA's Letter to the Editor, published in today's New York Post -- about the Senate Judiciary Committee's no-notice, "by invitation only" confirmation hearing of Albert Rosenblatt to the Court of Appeals. Also enclosed is an article from last week's Gannett newspaper, in which the Senior Counsel for the Senate Judiciary Committee was not ashamed to admit that the hearing was "by invitation only" and that CJA was denied permission to testify in opposition.

In the face of our contemporaneous report to you of what was taking place -- and presentment of the documentary materials establishing the substantive nature of our opposition -- the Times has deliberately deprived its readers of *any* report of the travesty of Justice Rosenblatt's confirmation to our state's highest court. Indeed, I have been unable to find even a "blurb" in the Times that Justice Rosenblatt was confirmed. It thus appears that Times readers know *only* that Governor Pataki nominated Justice Rosenblatt to the Court of Appeals, and that, in the Times' view, this was a "wise choice".

I would note that CJA's files of the nominations and confirmations of Justices Levine and Ciparick, reflect that the Times presented its readers with stories of BOTH events. Assumedly, a search of the Times archives would show this to be the usual and customary policy -- and would reveal whether the Times usually rushes to editorialize on behalf of a state judicial nominee, whose disqualifications have not been subject to public scrutiny at confirmation hearings. As to both Justices Levine and Ciparick -- against whom CJA testified before the Senate Judiciary Committee at public confirmation hearings (which testimony was unreported by the Times¹), we have no record of there being any such editorials.

Elena Ruth Sassower

cc: Howell Raines [By Fax: 212-556-3815]; Arthur Sulzberger, Jr. [By Fax: 212-556-1434]
Clifford Levy [By Fax: 518-436-7109]

¹ Compendium III to our October 21, 1996 complaint against the Times focuses on the Times' suppression of our opposition testimony, including our expose of the unconstitutionality of the nominations process and of the sham and fraudulent Senate Judiciary Committee hearings and the confirmation vote. See CJA's opposition testimony posted on our website: www.judgewatch.org

NEW YORK POST

America's oldest continuously published daily newspaper

letters@nypost.com

An Appeal to Fairness: Revisit the Court of Appeals

•Your editorial "Reclaiming the Court of Appeals" (Dec. 18) asserts that Albert Rosenblatt will be judged by how well he upholds the democratic process "from those who would seek to short-circuit" it.

On that score, it is not too early to judge him. He permitted the state Senate to make a mockery of the democratic process and the public's rights when it confirmed him last Thursday.

The Senate Judiciary Committee's hearing on Justice Rosenblatt's confirmation to our state's highest court was by invitation only.

The Committee denied invitations to citizens wishing to testify in opposition and prevented them from even attending the hearing by withholding information of its date, which was never publicly announced.

Even reporters at the Capitol did not know when the confirmation hearing would be held until last Thursday, the very day of the hearing.

The result was worthy of the former Soviet Union: a rubber-

stamp confirmation "hearing," with no opposition testimony — followed by unanimous Senate approval.

In the 20 years since elections to the Court of Appeals were scrapped in favor of what was purported to be "merit selection," we do not believe the Senate Judiciary Committee ever — until last Thursday — conducted a confirmation hearing to the Court of Appeals without notice to the public and opportunity for it to be heard in opposition.

That it did so in confirming Justice Rosenblatt reflects its conscious knowledge — and that of Justice Rosenblatt — that his confirmation would not survive publicly presented opposition testimony. It certainly would not have survived the testimony of our non-partisan citizens' organization.

This is why we will be calling upon our new state attorney general as the "People's lawyer," to launch an official investigation. **Elena Ruth Sassower**
Center for Judicial Accountability
White Plains

.....

Activist denied entrance to judge's confirmation hearing

Woman protests being shut out of hearing for Rosenblatt

BRUCE GOLDING
The Journal News

WHITE PLAINS — A judicial-reform activist contends she was unfairly prevented from testifying against the promotion of state Justice Albert Rosenblatt to New York's highest court.

The state Senate unanimously confirmed Rosenblatt's nomination to the Court of Appeals on Thursday after no one spoke

against him during a Judiciary Committee hearing. Officials said testimony at the hearing was "by invitation only."

Elena Sassower, coordinator of the nonprofit Center for Judicial Accountability, said she tried repeatedly to arrange an appearance at the hearing to protest Rosenblatt's nomination. She said she was told Wednesday that she could not speak at the hearing, but was not told it would take place the next day.

"Justice Rosenblatt's nomination would not have survived our

opposition — that's why they rammed it through," Sassower said.

David Gruenberg, chief counsel to the Judiciary Committee, confirmed that he barred Sassower from speaking at the hearing.

"We decided to have testimony by invitation only," he said.

Sassower's opposition to Rosenblatt stems in part from his role as an Appellate Division judge in upholding the suspension of her mother's law license.