

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

Elena Ruth Sassower, Coordinator

BY FAX: 212-556-3717

2 pages 10:30 a.m.

*Superseded:
Send for:
see
advise **

To: The New York Times, Metro Desk
ATT: Joyce Purnick, Jerry Gray, etc.

From: Elena Ruth Sassower, Coordinator

Date: February 5, 1998

RE: Andrew O'Rourke waiver

Following up our fax from Monday, which enclosed Gannett's 1/31/98 editorial on the O'Rourke waiver, "Governor Should Explain Double Dip", enclosed is today's Daily News editorial, "O'Rourke's Pork". From our reading of Section 211 of the Retirement and Social Security Law, there's no "loophole". The law has been BROKEN by the Office of Court Administration in granting the waiver. This is why CJA -- by its January 30th letter to OCA head Jonathan Lippman -- called for the waiver to be reconsidered, rescinded, and for there to be an investigation of OCA counsel.

A copy of that January 30th letter, including Section 211 as an exhibit, was enclosed with our Monday fax.

*** Please be sure that these materials are passed on to the Times editorial board so that when, belatedly an editorial does appear, it can accurately present the law -- unlike the editorials of both the Daily News and Gannett. Needless to say, such editorial should JOIN in CJA's request that -- based on the law -- the waiver be reconsidered, rescinded, and investigated.

DAILY NEWS

450 W. 33rd St., New York, N.Y. 10001

MORTIMER B. ZUCKERMAN, *Chairman & Co-Publisher*
 FRED DRASNER, *Chief Executive Officer & Co-Publisher*
 HAROLD EVANS, *Vice Chairman & Editorial Director*
 DEBBY KRENEK, *Editor In Chief*
 ARTHUR BROWNE, *Managing Editor*
 MICHAEL GOODWIN, *Editorial Page Editor*

O'Rourke's pork

People who go into public service like to say they do it to help others. But in the case of former Westchester County Executive Andrew O'Rourke, it seems to have been to help himself.

When he retired last month to become a Court of Claims judge after 15 years as county executive, O'Rourke began collecting a \$113,000 salary on top of an \$80,000 pension. And he took a truckload of furniture originally paid for by taxpayers.

O'Rourke's greed has made him the poster boy for reforming two laws, one in Albany and another in Westchester.

Change 1: State law prohibits most government employees from collecting both a pension and a salary. But Gov. Pataki used a loophole in the state Retirement and Social Security Law to ask for a waiver so O'Rourke could collect his new salary and his pension. The waiver loophole must be closed.

Change 2: Broad interpretation of a Westchester County law intended to let departing officials keep mementos also allows them to purchase their office furnishings at absurd discounts. O'Rourke took a fax machine, brass lamps, walnut tables, sumptuous leather chairs, a refrigerator and many other items originally bought by taxpayers. He paid only \$5,075, a fraction of the value. And the money came not from his own pocket, but from campaign contributors. Pretty shady.

Westchester legislators owe it to taxpayers to clarify the law to bar officials from pillaging when they exit office. In the meantime, O'Rourke can save his reputation by giving back one of his two government incomes and returning the office loot. It's up to O'Rourke how history should judge him: as a dedicated public servant, or a greedy, self-serving pol.