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The New York Times

To the Editor:

NOTE: A copy of the referred-to December 16th letter to Senator Majority Leader Bruno is faxed and e-mailed herewith in substantiation of this proposed letter to the editor. A copy of the referred-to documentary evidence has been in the possession of James McKinley, Jr. since December 17th.

As The New York Times did not publish my December 19th proposed letter based on Mr. McKinley's December 18th article, "*State Senate Votes to Confirm One of its Own to a Judgeship*", I hope this one will be published.

The Times regularly editorializes for "more rigorous review" of the qualifications of federal judicial nominees by the U.S. Senate – most recently this past Sunday, December 22nd ("*Judicial Selection After Trent Lott*"). Some equivalent attention must now be paid to what is happening here in New York, where the State Senate, under Senate Majority Leader Bruno, facilitated by Senate Judiciary Committee Chairman Lack, has REFUSED to undertake ANY "review" of the qualifications of Governor Pataki's judicial nominees – hundreds of whom have been confirmed in completely "rubber stamp" confirmations at which NO opposition testimony has been permitted.

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"The Odd Man Out in Albany's Triumvirate of Power" (front page, metro, Dec. 26) makes it appear as if Senate Majority Leader Bruno is not responsible for the dysfunction of our Legislature.

Yet, this "most powerful man in the State Senate" is responsible for what the Senate does. And when it comes to confirmation of Governor Pataki's judicial nominees, there is no triumvirate. The Senate's "advice and consent"

role is exclusive.

How has Senate Majority Leader Bruno used his unfettered powers in this regard? Nothing captures this better than what he did on December 16th and 17th – the very dates you cite as illustrating “the strengths and weaknesses in Mr. Bruno’s style”, yet without identifying what was then taking place pertaining to Senate confirmation of Senate Judiciary Committee Chairman James J. Lack to the Court of Claims.

On December 16th, six days after the Governor nominated Chairman Lack, our non-partisan, non-profit citizens’ organization presented Senate Majority Leader Bruno with an extensive letter requesting postponement of Senate confirmation proceedings. This, based on a 1997 report of the Association of the Bar of the City of New York that a minimum of 30 days are necessary between nomination and confirmation for the Senate to meaningfully discharge its “advice and consent”.

Our letter also requested that arrangements be made for impartial review of documentary evidence of Chairman Lack’s unfitness for judicial office, based on his official misconduct as head of the Senate Judiciary Committee, of which we had six years of direct, first-hand experience.

Nothing stopped Mr. Bruno from showing his “penchant for action”, not to mention the leadership he owes the People of this State. Instead, on December 17th, he allowed the Senate he controls to “ram through” the confirmation. No matter that the Judiciary Committee’s confirmation “hearing” was held *without* notice to the public, *without* permitting opposition testimony, *without* asking its Chairman Lack any questions, *without* any inquiry as to the facts particularized by our letter, and *without* any stenographer to record this charade.

In light of Mr. Bruno’s purported “folksy candor” and “habitual frankness”, you should be calling upon him to account for this flagrant manifestation of the Senate’s dysfunction, whose responsibility is squarely at his doorstep.



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

Enclosure: CJA’s 11-page letter to Senate Majority Leader Bruno, with its 11-pages of enclosures, including the City Bar’s 1997 report.