

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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

Tel. (914) 421-1200
Fax (914) 684-6554

E-Mail: judgewatch@aol.com
Web site: <http://www.judgewatch.org>

By Fax: 212-556-3622
By E-Mail: letters@nytimes.com
By Hand

November 13, 1996

Letters to the Editor
The New York Times
229 West 43rd Street
New York, New York 10036

Dear Editor:

Your editorial, "No Way to Choose Judges" (11/11/96), urges Governor Pataki to recognize his role in promoting a quality and independent judiciary and lead the way to "a nonpartisan system of merit selection". In your view, judicial elections are contaminated by politics and "clubhouse politicians".

Our citizens' organization has spent years documenting that it is not just judicial elections that are contaminated by politics, but--likewise--judicial appointment. This includes the so-called "merit selection" appointment of judges to our State's highest court.

We share your position that the Governor should take the lead in protecting the public from processes of judicial selection which do not foster a quality and independent judiciary. However, this Governor is the problem--not the solution.

EX "C-2"

Two months ago, The Times ran an article (9/14/96) about how Governor Pataki has politicized "merit selection" to New York's highest court by appointing his counsel, Michael Finnegan, to the Commission on Judicial Nomination, the supposedly independent body which will recommend names to him of purportedly highly-qualified candidates for that court.

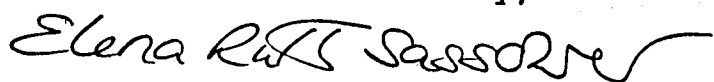
Completely unreported, but more egregious, is how Governor Pataki has handled judicial appointment to the State's "lower" courts. Over a year and a half ago, the Governor promulgated an Executive Order to establish various screening committees to evaluate candidates for appointive judicial positions. Yet not one of these committees has been established. Instead, the Governor--now almost halfway through his term--purports to use a temporary judicial screening committee, as to which no information is publicly available. Indeed, the Governor's temporary committee has no telephone number and all inquiries about it must be directed to Mr. Finnegan, the Governor's counsel. Mr. Finnegan refuses to divulge any information about the temporary committee's membership, its procedures, or even about the qualifications of the judicial candidates which Governor Pataki appoints, based on its recommendation to him that they are "highly qualified".

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We know. We have spent many, many months trying to obtain that basic information from Mr. Finnegan--without success. We have also demonstrated that the Governor's temporary judicial screening committee, if it does exist, is controlled by the Governor, via Mr. Finnegan, who rigs its ratings by withholding from the committee information adverse to the politically-connected candidates it reviews.

Six months ago we requested to meet with Governor Pataki to present him with petitions, signed by 1,500 New Yorkers, for an investigation and public hearings on "the political manipulation of judgeships in the State of New York". The Governor's response? We're still waiting.

Yours for a quality judiciary,



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

The Center for Judicial Accountability, Inc. is a national, non-partisan citizens' organization, monitoring the processes of judicial selection and discipline