

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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By Fax: 212-541-4630

January 5, 1996

Edward I. Koch, Esq.
Robinson, Silverman, Pearce, Aronsohn & Berman
1290 Avenue of Americas, 30th Floor
New York, New York 10104

RE: Your December 29th Radio Show

Dear Mr. Koch:

This letter responds to your January 2nd note, which wishes me "all the best" and is signed "sincerely".

Frankly, I do not know what you mean when you say "I have no additional comments other than those I stated on my radio show". Are you saying that you stand by your public smear of my good name on your December 29th radio show, which you based on an unidentified reporter? Are you also saying that you still refuse to identify who that reporter is so that I might challenge him and defend myself against his scurrilous charge?

May I draw your attention to the ethical standards you demand of your radio audience and of Mayor Guiliani. On your January 2nd radio show--the first to follow that of December 29th, which had closed with your public assassination of my character--you stated: "I don't like people to be unfairly attacked", "I don't like broad charges--which are not specific" and, responding to a caller on that day's show, you were adamant in telling her "you got to give a name, you just can't smear".

In your column in today's Post--the excellence of which you boasted on your today's radio show--you regard Joseph Welch's remarks to Joseph McCarthy as "particularly appropos" [sic] to Mayor Guiliani, who you accuse of engaging in "character assassination" and "every conceivable slander". Amazingly, you fail to recognize that Mr. Welch's remark, "Have you no sense of decency, sir?," perfectly describes your due process-less, un-American treatment of me on your December 29th radio show--which you have in no way rectified in the week that has now elapsed.

Nor have you taken the opportunity to answer the three questions--which--by your conduct--I was prevented from asking you on your December 29th radio show. Those questions were set forth in my January 2nd letter (at p. 4), which expressly asked that you "answer them publicly".

By contrast, in the same week that has elapsed, Mayor Guiliani has instructed the Executive Director and Chairman of his Advisory Committee on the Judiciary to meet with us on the issues raised by those questions.

Since you take so much pride in having established what you call the "merit selection" process in this City, we invite you to provide the Mayor's Advisory Committee on the Judiciary with the benefit of your "voice of reason" response to those three questions--which will be a focal issue at our upcoming meeting. For your convenience, I repeat them as follows:

1. Since judges are public servants--who serve the public and are paid for by them--why should judicial screening be a "behind-closed-doors" process with the public given no opportunity to know the identity and qualifications of applicants for judicial office?
2. How can the public independently verify that a judicial screening panel is adhering to "merit selection" principles if it keeps confidential all information about the "pool" of applicants who have applied to it for judicial positions and all information about the recommendees it has forwarded to the mayor--even their names--and when the public is deprived of even the applications of the judicial nominees the mayor appoints?
3. What justification is there for denying the public access to the applications filed by Mayor Guiliani's judicial nominees with his screening committee--or the applications filed with screening panels by judicial nominees appointed by Mayor Dinkins and yourself?

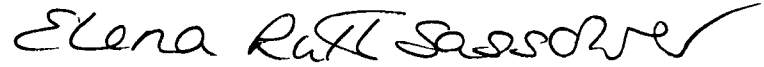
Because you think so highly of the Fund/Committee for Modern Courts which--on your January 2nd radio show--you touted as "accepted by everybody in the city and state as telling it as it is with respect to judges, the judiciary, and appointments", I am forwarding a copy of this correspondence to it. That way, it too may contribute its views to the Mayor's Advisory Committee on this important subject.

Edward Koch, Esq.

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Yours for a quality judiciary,

A handwritten signature in cursive script that reads "Elena Ruth Sassower". The signature is written in dark ink and is positioned above the typed name.

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

cc: Ron Mitchel, WABC Morning Show Producer
Curtis Sliwa, WABC Radio
Jay Diamond, WABC Radio
Members of the local press
Mayor Rudolph Guiliani
Former Mayor David Dinkins
Fund/Committee for Modern Courts