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13 pages

January 27, 1998

Blair Horner, Legislative Director  
NYPIRG  
107 Washington Avenue  
Albany, New York 12210

RE: Building a Public Interest Coalition on Judicial Selection/Discipline Issues

Dear Blair:

Enclosed, as discussed, is Gannett's January 23rd article "*State Judge O'Rourke Files Request to Double Dip*". I have a call in to Michael Colodner, Chief Counsel at the Office of Court Administration, requesting information, including a copy of Mr. O'Rourke's waiver request. Please let us know if NYPIRG, Common Cause, etc. has any information/position about such waivers.

Since you missed it, enclosed is the January 14th Gannett article "*O'Rourke Confirmed as Judge*". In addition to quoting my public comments at the Senate Judiciary Committee's meeting to rubber-stamp Mr. O'Rourke's judicial confirmation, the article refers to you and NYPIRG's intention to file a complaint with the State Board of Elections. We want a copy.

Finally, I enclose the January 23rd Gannett article "*Common Cause Honors GSN Staffer*". It is obvious from Common Cause's selection of award recipients, excluding yourself and the volunteer activists, that it is out-of-touch with who some of its awardees are. I don't know the basis upon which it gave an award to City Bar President Michael Cardozo (other than his opposition to a constitutional convention -- an opposition shared by the League of Women Voters and most especially Barbara Bartoletti), but President Cardozo has -- IN A BIG WAY -- been part of the problem -- not the solution -- on judicial selection/discipline issues. This was highlighted by our June 12, 1997 letter, which I sent to NYPIRG and COMMON CAUSE -- a copy of which I faxed you with my January 16th letter. Our March 7, 1997 letter to President Cardozo, referred to in the June 12, 1997 letter, is faxed herewith so that you can see its shocking and serious nature. There has been no response to that letter from President Cardozo -- or any of the other indicated recipients.

Further, you should know that when it comes to depriving the public of information on judicial selection/discipline issues, award recipients David McKay Wilson of Gannett and Andrea Bernstein

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of the New York Observer are, likewise part of the problem -- and we have the correspondence and direct, first-hand personal experience with them to prove it.

We would hope that if -- and when -- NYPIRG gives out awards, they are to those who work on the grass-roots level, tirelessly and out of their own pockets -- people such as Bob Schulz, who single-handedly moved heaven and earth to make a People's constitutional convention happen -- and that it recognize alternative-media journalists, who would never accept the kind of censorship of important public corruption stories that goes on at Gannett and the New York Observer.

Finally, quite **apart** from coalition building, **PLEASE, PLEASE**, in your many contacts with the media -- particularly in this election year with the race for Governor, Attorney General heating up -- let it be known that CJA has a documentary archive of devastating materials about the official misconduct of Governor Pataki and Attorney General Vacco in matters involving judicial selection/discipline -- all *independently verifiable*. This is reflected, *inter alia*, by CJA's \$3,000 public interest ad, "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" -- whose profound and documented nature should make it a MAJOR issue in the Attorney General race. With some help from NYPIRG and Common Cause, it could END any chance of Mr. Vacco's re-election and -- of the election prospects of Oliver Koppell.

Regards.

Yours for a quality judiciary  
And good government,



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

Enclosures

## Local News

# State Judge O'Rourke files request to double dip

By Kyle Hughes

Albany Bureau

ALBANY — Former Westchester County Executive Andrew P. O'Rourke has asked the state court system for a waiver to collect an annual state pension of \$80,000 on top of his \$113,000 judicial salary, officials confirmed yesterday.

"We have received a request," said David Bookstaver, spokesman for the Office of Court Administration. "We are in the process of reviewing that request. No determination have been made as yet."

O'Rourke, the 1986 Republican candidate for governor, was nominated by Gov. George Pataki to become a state judge after his retirement as county executive.

Though O'Rourke had no judicial experience and had not served as a private lawyer for more than a decade, he was confirmed last week by the state Senate to serve as a state Court of Claims judge. The Court of Claims hears lawsuits filed against state government.

He put in the double-dip request this week, Bookstaver said.

State law restricts the ability of public employees to collect two checks if they retire from one job and start work at another but allows exceptions.

The law restricts the amount of money retirees who go back to work for government can earn while collecting a pension and bars them from working for their former employer, unless a special permission is granted.

In O'Rourke's case, he requires the permission of the state court system.

O'Rourke is entitled to collect 64 percent of his final average salary of \$124,000.

# REPORTER DISPATCH

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Wednesday, January 14, 1998

## O'Rourke confirmed as judge

By Kyle Hughes  
and David McKay Wilson  
Staff Writers

ALBANY — State legislators confirmed Westchester County Executive Andrew P. O'Rourke as a state Court of Claims judge yesterday after he answered questions about his purchase of office furniture with campaign funds.

Before the Senate vote, he joked with lawmakers about using \$4,700 in leftover campaign donations to help cover the \$5,075 purchase of county-owned furniture valued by an appraiser at more than \$9,000.



**Andrew O'Rourke**

go into the used-furniture business."

Then he told members of the state Senate Judiciary Committee that his intent was to "purchase through the campaign committee this furniture and use it in my judge's chambers, thereby keeping it in public service and also saving the state of New York the necessity of having to furnish an office."

"That was my purpose," O'Rourke said. "I believe it is within the meaning and intent of

*Please see O'ROURKE, 2A*

# O'Rourke: Gets OK as judge

Continued from page 1A

the Election Law, and that's what I did."

However, O'Rourke's campaign committee paid for the furniture on Nov. 20, which was more than three weeks before he was interviewed and then nominated for the post.

The purchase of the furniture by People for O'Rourke is expected to become the topic of an investigation by the state Board of Elections. Blair Horner, legislative director of New York Public Interest Research Group, said he intends to file a complaint with the agency.

Horner contended that O'Rourke was converting the campaign funds to his personal use.

O'Rourke is expected to visit his new chambers at 140 Grand St. in White Plains today. He will be assigned cases filed against the state of New York in Orange, Rockland and Dutchess counties. David Klingaman, clerk of the state Court of Claims, said O'Rourke would move into an already furnished office that had been used by Chief Administrative Judge Jonathan Lippman.

"Lippman's furniture will be moved to other offices when O'Rourke's furniture arrives, he said. Klingaman said O'Rourke had informed him that the county would move the furniture from an Ardsley warehouse to White Plains.

County spokesman Susan Tolchin declined to comment on whether O'Rourke would pay for the moving service. She also declined to say whether the county would allow it to be moved before O'Rourke paid an outstanding balance of \$375 on the furniture.

After he was confirmed unani-



The Associated Press

Andrew O'Rourke speaks yesterday at a meeting of the New York Senate Judiciary Committee in Albany.

mously to the \$113,000 judgeship, O'Rourke brushed aside additional questions about the furniture and decoration of his new office.

"If there is any furniture there, it will be shifted to some other state use," O'Rourke said. "I don't think there's any Pulitzer Prize with that story."

As O'Rourke sat in the Senate gallery listening, no senator spoke against his nomination.

"He is really a renaissance man in the 20th century," said Sen. John Marchi, R-Staten Island. "Erudition, jurisprudence, academic, whatever field. When he had to beat his sword into a plowshare, he did and he did it very well."

While the confirmation vote came without controversy, his appearance before the Judiciary

Committee ended chaotically, with senators and aides scurrying out of a room after an outburst by a Westchester resident who said O'Rourke was unqualified to be a judge.

When O'Rourke wrapped up an anecdote about his 1986 campaign for governor, and the committee began to vote, Elena Ruth Sassower began shouting.

"No! There is citizen opposition to this nomination," she said, leaping from her seat and moving toward startled legislators. "This nomination is not properly before the Senate, and this committee has not interviewed the citizen opposition nor received the proper evidence."

"There is no committee report on Mr. O'Rourke's qualifications," she said. "It is required as a matter of law. It must be avail-

able to the public for public inspection. This nomination is a nullity."

Sassower was allowed to continue to speak, but she was surrounded by Senate security men as the room emptied out. With a guard watching, she later passed out materials from her group, the Center for Judicial Accountability, and said O'Rourke had not been properly investigated before being nominated for a judgeship.

She cited her group's conclusion that O'Rourke was "thoroughly unfit for judicial office." The group has challenged his legal credentials and his record while a lawyer in private practice.

He has no judicial experience and has not been a lawyer in private practice since 1982.

1/23/98 Gannett

## Common Cause honors GSN staffer

Gannett Suburban Newspapers staff writer David McKay Wilson will be among the honorees tonight at Common Cause/NY's 25th anniversary reception in Manhattan.

Wilson will be honored for his articles on illegal corporate campaign contributions in the state.

In 1996, an investigation by Wilson found that 203 companies had made illegal donations totaling more than \$665,000.

The other honorees are Barbara Bartoletti and Aimee Allaud of the League of Women Voters; Michael Cardozo, president of the Association of the Bar of the

City of New York; Blair Horner, legislative director of New York Public Interest Research Group; Jean Foster and Howard Hoffman, volunteer activists; Andrea Bernstein, a reporter for the New York Observer; and singer Peter Yarrow of Peter, Paul & Mary, who will perform at the event.