



The Post-Standard

DeFrancisco quiets a critic

State senator cuts off speaker's attack on state judicial nominating system.

Thursday, January 23, 2003

By Erik Kriss Albany bureau

State Sen. John DeFrancisco ordered marshals to remove a critic of the state's judicial nominating system from a public hearing Tuesday in the Capitol during his first appearance as Senate Judiciary Committee chairman.

Elena Ruth Sassower, coordinator of the Center for Judicial Accountability, was speaking against Gov. George Pataki's latest nominee to the Court of Appeals, presiding Court of Claims Judge Susan Phillips Read.

Sassower also spoke against the system by which judges are nominated by the governor and confirmed by the Senate.

DeFrancisco, R-Syracuse, who had warned Sassower before she began her testimony that the purpose of the hearing was to comment on Read's qualifications, accused her of straying from that issue.

When Sassower began to discuss how the system of judge selection was "corrupted," DeFrancisco asked her to address Read's qualifications.

She promised to do so, but when DeFrancisco perceived she had again strayed, he declared her remarks "closed."

"Please pack up your bags," he said.

Sassower, who was six minutes into her presentation, said it was "normal and customary" to afford people 10 minutes to speak.

"Your 10 minutes are up," DeFrancisco replied. "If you do not pack up your boxes, we will have you removed."

Then, DeFrancisco added, "This is an interesting start" to his chairmanship of the committee.

Sassower asked Read to voice her support of the public's right to be heard. But before Read could respond, Sen. Dean Skelos, R-Rockville Centre, moved to approve Read's nomination and the committee did so unanimously and without comment.

Read, a former deputy counsel to Pataki, is the fourth woman and fourth appointee of Pataki, a Republican, on the state's highest court.

While Sassower remained at the witness table trying to speak, DeFrancisco asked the marshals to remove her, but the hearing ended without incident.

"Congratulations on the way you handled that," Sen. Serphin Maltese, R-Queens, told DeFrancisco afterward. "It was very difficult."

Read had no comment afterward.

DeFrancisco noted Sassower has appeared before the Judiciary Committee before and prior leaders of the panel have accused her of disrupting meetings.

"We have to have some kind of process here," he said.

He said he learned how to handle similar situations as president of both the Syracuse school board and the city's Common Council.

Sassower said afterward of DeFrancisco, "He's a lawyer. Lawyers understand the importance of procedure. But the public has a right to hear and be heard as to her (Read's) fitness. What Senator DeFrancisco didn't want to have known was there has been no investigation of her qualifications."

Sassower has been a frequent critic of the selection process, which others have also described as secretive.

DeFrancisco said the governor's office provides state police Bureau of Criminal Investigation reports on judicial nominees and has the nominees complete questionnaires.

He acknowledged the Senate does not conduct independent inquiries of nominees, but he said the questionnaire is a "sworn document."