



NINTH JUDICIAL COMMITTEE

Box 69, Gedney Station
White Plains, New York 10605-0069
Tel: (914) 997-8105 / Fax: (914) 684-6554

FAX COVER SHEET

9/13/93

4:00 p.m.

DATE

TIME

NEW YORK LAW JOURNAL
Letters to the Editor

TO:

212-741-3985

FAX NUMBER:

23

This fax consists of a total of _____ pages, including this cover sheet. If you do not receive the indicated number of pages, or if there is a question as to the transmittal, please call (914) 997-8105.

Doris L. Sassower, Director

FROM:

Dear Editors:

Faxed herewith is my "Letter to the Editor". In the event it is not published, I request an opportunity to set forth, with more detail, the shocking events that occurred in connection with Judge Levine's confirmation, as well as the substantive issues of my aborted presentation in opposition.

A copy of my written testimony is also enclosed. Should you wish the compendium of substantiating documents referred to therein, please let me know.

Very truly yours,

DORIS L. SASSOWER
Director, NINTH JUDICIAL COMMITTEE

DORIS L. SASSOWER

263 SOUNDVIEW AVENUE • WHITE PLAINS, N.Y. 10606 • 914/997-1677 • FAX: 914/884-6554

By Fax and Mail
212-741-3985

September 13, 1993

New York Law Journal
Letter to the Editor
111 Eight Avenue
New York, New York 10011

Dear Editor:

The Law Journal's front-page coverage (9/8/93) of the Senate Judiciary Committee's purported "public hearing" on the confirmation of Judge Howard Levine to the Court of Appeals did not discuss the substantial legal and ethical issues I sought to raise in opposition. The Senate Judiciary Committee not only deliberately suppressed such issues, but publicly misrepresented the nature of the opposition when it reported to the Senate prior to the vote taken immediately thereafter.

Such suppression and misrepresentation by the Senate Judiciary Committee can be readily verified by comparison of my written statement with the transcripts of the "public hearing" and the Senate proceedings. Reflected therein is nothing less than a knowing fraud upon the Senate and the public at large by the Senate Judiciary Committee. Without such fraud, accomplished in the presence of Judge Levine and with his tacit approval, he would not now be sitting on our State's highest Court.

My oral testimony, required by the Senate Judiciary Committee to be furnished in advance in written form, made serious charges against Judge Levine based on his participation

in the Appellate Division, Third Department panel which decided the politically-explosive case of Castracan v. Colavita. Those charges were substantiated by a compendium of documents, supplied to the Senate Judiciary Committee members to support my request for investigation before confirmation.

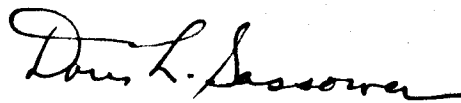
It was with such documentary proof in hand and the full files of the Castracan case in the possession of its counsel that the 12 all-male members of the Senate Judiciary Committee refused to permit me to publicly present the concrete and specific evidence of Judge Levine's disqualifying judicial misconduct. The Committee was fully aware that I was testifying not only as a witness with direct personal knowledge of the facts--having been pro bono counsel to the Castracan Petitioners--but as an expert in the field of judicial selection. These include eight years of service as the first woman member of the Judicial Selection Committee of the New York State Bar Association, evaluating the qualifications of every judicial candidate from 1972 to 1980 for the Court of Appeals, the Appellate Divisions, and the Court of Claims.

Such invaluable testimony--constituting the only opposition being presented at the "public hearing"--was halted after ten minutes on threat of physical removal. The Senate Judiciary Committee did not call upon Judge Levine to respond to the serious charges being made against him. Nor did Judge Levine, seated in the front row of the audience, come forward to

deny the truth of the charges or to protest the curtailment of my right to present and the public's right to know the extent of the evidence against him.

What took place before the eyes of Judge Levine at the "public hearing" and, thereafter, on the floor of the Senate was conduct by public officers which subverted the democratic and judicial nominating processes. These identical issues were at the very heart of the Castracan v. Colavita lawsuit. Indeed, the thrust of my testimony against Judge Levine was his failure in Castracan to protect the processes of democracy and judicial nomination, where to do so would have threatened his political patrons and jeopardized his judicial aspirations.

How ironic that Judge Levine, with his confirmation hanging in the balance at the "public hearing", again chose to protect his career over his duty to protect the public from the corruption of the democratic and judicial nominating processes that was occurring before him. He thereby gave the most vivid testimony confirming my position: that it was self-interest, not the public interest, that motivated the decisions in Castracan.



DORIS L. SASSOWER
Director, NINTH JUDICIAL COMMITTEE