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3 pages

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Blair Horner, Legislative Director
NYPIRG
Albany, New York

Dear Blair:

Gannett's January 31st editorial, "*Governor Should Explain Double Dip*" -- which works its way to accusing Senators Dollinger and Leichter of playing politics by their opposition to Mr. O'Rourke's waiver -- when they did not oppose his confirmation -- is a function of its misapprehension of the law. We believe that it was "sold a bill of goods" by the OCA -- much as the OCA tried to do the same with us.

The OCA's disreputable tactics in misrepresenting the law are recounted by our January 30th letters -- which we faxed you on Friday. These letters call upon Chief Administrative Judge Lippman to reconsider and retract the waiver -- and to investigate the conduct of OCA counsel in this matter. NYPIRG and Common Cause should be joining in this request.

Chief Administrative Judge Lippman has not yet responded to our January 30th letters -- but he has responded to the January 27th letter from Senator Dollinger and Leichter. A copy of that disingenuous response, misrepresenting the law and sidestepping the actual waiver issue, is enclosed. We have already contacted Senators Dollinger and Leichter's offices about, likewise, joining in our request for reconsideration and retraction of the waiver, etc.

Please let us hear from you ASAP. Thanks.

Yours for a quality judiciary,



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