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THE SENATE  
STATE OF NEW YORK



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October 3, 2006

Dennis R. Hawkins, Executive Director  
Denise Kronstadt, Director of Advocacy  
The Committee for Modern Courts  
351 West 54th Street  
New York, NY 10019

Dear Mr. Hawkins and Ms. Kronstadt:

Thank you very much for sending me your legislative questionnaire regarding the judicial selection process.

As an incumbent legislator, I receive dozens of these questionnaires from a great many interest groups. I have reluctantly reached the conclusion that it is in our mutual best interests for me to adopt a policy of generally not responding to these questionnaires. Please let me explain.

Questionnaires of this type invariably ask me to take a position, in advance of a formal vote, on issues likely to come before the Legislature. As you know, there are many twists and turns to the legislative process. Bills may be amended so that their meaning changes substantially between today and the time they are actually voted on. Good ideas may be subsumed as part of bad bills, and sometimes bad ideas are made part of otherwise very good bills. I may think about an idea or bill today and decide that, at first blush, it seems particularly good or bad. Yet, as I listen to debate in committee or on the Floor or as I receive letters or other communications from my constituents, I may be convinced otherwise.

With so many reasons why my answer today could be quite different from my vote weeks or months from now, I believe that to answer these questionnaires would be unfair to my constituents, unfair to you and your organization, and unfair to myself. I am elected by, and work to represent, my constituents. By taking a position before hearing the views of my constituents I am disregarding the very reason for my existence in a representative democracy -- to learn the views of my constituents and to represent them accordingly. By taking a position which you publicize to your membership, I may mislead you into believing that I support your position, when the circumstances of the final vote convince me that I must do otherwise. Or, my initial answer may demonstrate that I oppose your views, and you may write me off as an "adversary" when what you really need to do is to educate me better on the topic.



page 2

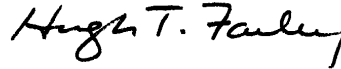
Finally, taking a position in response to a questionnaire may create for me a serious moral dilemma. When the final vote comes, if I am convinced that I must vote contrary to my initial response, I am placed in the untenable position of either voting the wrong way because that is what I promised you I would do, or voting the right way but breaking my promise to you.

I do recognize the difficulty which my non-response presents to you as you seek to inform your membership of significant legislative events. I also understand that by refusing to make promises which I may be unable to keep, I may very well be placing myself at a great disadvantage relative to other political candidates. Nonetheless, I believe that my legislative record over the past years should provide a reasonable guide to my views and my efforts to represent my constituents of the 44th Senate District. As you know, my voting record is public information, and I would be more than happy to discuss specific aspects of it with you if you so desire.

I very much appreciate your interest in my views and I am sure that you can understand why I am unable to respond to questionnaires of this type. Please let me know if I may be of any further service to you.

Best regards.

Cordially,

A handwritten signature in black ink that reads "Hugh T. Farley". The signature is written in a cursive style with a large, prominent "H" and "F".

Hugh T. Farley  
Senator

HTF: EDS