

NINTH JUDICIAL COMMITTEE

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FAX COVER SHEET

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TO: Gannett News
Att: Evelyn McCormack Senior Managing Editor

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This fax consists of a total of 4 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) 997-1677.

FROM: Ninth Judicial Committee

MESSAGE: Per telephone conversation
this morning.

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TO: EVELYN McCORMACK
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FROM: ELI VIGLIANO, Esq.
 Chairman, Ninth Judicial Committee

DATE: December 17, 1990

RE: RIGHT OF REPLY

In his November 30, 1990 response to my November 4, 1990 guest column, Samuel Yasgur, Esq., attorney for Surrogate-Elect Albert J. Emanuelli, stated: "It is important that people know the real facts." We could not agree with him more. The public needs to know about the judge-trading deal made by Republican and Democratic party bosses and how Mr. Emanuelli and other lawyers were hand-picked by such bosses--without any open pre-nomination screening process, e.g. non-partisan panels, such as those long in use in New York City. The 1990 election returns now confirm that the numerically more powerful Democratic voters of Westchester County were "shortchanged", when Democratic party bosses, as part of the deal, agreed not to oppose the Republican candidate for Surrogate, thereby assuring Republican retention of the rich patronage of the Westchester Surrogate's office. The public needs to understand these "real facts" as to why it was deprived of its constitutionally guaranteed right to choose between the major party candidates for Surrogate and Supreme Court in 1989 and 1990, and to be informed of the flagrant Election Law violations at the 1989 and 1990 Judicial Nominating

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Conventions. Otherwise, the "most important and valuable right" of nearly a million voters will be again compromised in 1991.

The Ninth Judicial Committee, a citizens' group of laymen and lawyers acting in the public interest, has fought to safeguard the rights of voters in the Ninth Judicial District and to set aside the judge-trading cross-endorsements deal. We furnished Gannett with our Court papers in Castracan v. Colavita, fully documenting Petitioners' detailed charges of scandalous, if not criminal, acts by would-be judges and public officials, as well as the total failure of the New York State Board of Elections to discharge its statutory duty to investigate and prosecute indisputable Election Law violations.

Gannett newspapers chose not to report those detailed documented facts to the public. Indeed, when the New York State League of Women Voters issued a state-wide alert calling voters' attention to the serious issues raised by the case--and specifically, "the legality of a contract between party leaders and judicial nominees involving a series of judicial cross-endorsements over a three year period and whether there were violations of the Election Law at the judicial nominating conventions"--Gannett newspapers failed to find it newsworthy.

When the Associated Press did an extensive story on the case, released nationally, local Gannett newspapers chose not to run it--even though local people and issues were directly involved.

The public needs to know what lies behind this obvious

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"cover-up" by Gannett and its protection of those who orchestrated and directly benefitted from the trading of judgeships.

Mr. Yasgur's article is replete with distortions, evasions and misstatements--not the least of which is his claim that the deal was "an effort to depoliticize the election of judges." What could be more political than replacing a choice between contesting candidates in open competition with a single slate created by the collusion of two political machines?

Only through the persistent pressure of our Committee did Gannett belatedly publish our guest column on the subject. We were explicitly limited to 750 words. The Committee stands by those 750 words and is ready to prove their truth and accuracy--in Court, in public debate, or in print.

Particularly in light of Mr. Yasgur's unjustified, self-serving personal attack on me and the Ninth Judicial Committee, we ask that Gannett newspapers assign an investigative reporter to provide the public with "the real facts". Such investigation could aid the appellate court, which will soon be hearing the case in Albany. Contrary to Mr. Yasgur's false and misleading statements, Castracan v. Colavita is very much alive, and voters of the Ninth Judicial District can still hope that their election rights will be restored. If Surrogate-Elect Emanuelli truly believes he was unfairly criticized, he will join in this request.

