

Facts don't warrant criticism of Emanuelli

By Samuel Yasgur

In a guest column on Nov. 4, Eli Vigliano, identified as the "Chairman" of a so-called group calling itself the Ninth Judicial Committee, claimed voters in Westchester, Putnam, Rockland and Orange Counties had been "effectively disenfranchised" by the cross endorsement of certain judicial candidates.



Samuel Yasgur

A group taking an active interest in the continued excellence of our judiciary should be applauded. However, when one speaks on behalf of a group

which claims such a role, he or she owes us candor and full disclosure.

"Chairman" Vigliano was not candid. He did not fully disclose. Worse, Chairman Vigliano obviously attempted to defame a highly qualified judge, knowing the facts were not as he represented them in his column.

In 1989, in an effort to depoliticize the election of judges, the Executive Committees of the Republican and Democratic parties in Westchester each resolved to work for the cross-endorsement of certain judicial candidates. They did so openly. Their efforts and their resulting agreement were reported and commented on in this paper and in the New York Times. The proposed candidates were named

in advance so that anyone else who sought those posts would have an opportunity to compete in judicial nominating conventions, or in primaries or by running on other lines.

One of the candidates who was cross-endorsed was the Albert J. Emanuelli, a highly regarded Westchester attorney. Former Justice Emanuelli has just been elected the next surrogate of Westchester. In his column Mr. Vigliano attacked Emanuelli. Vigliano said, "He, along with the other judicial nominees, also had to pledge to divvy up their patronage appointments so that the faithful in both parties would be equally rewarded". Vigliano also said there is a lawsuit pending in Albany to challenge these "illegal nominations". Those are serious charges. They are not true. It is important that people know the real facts. It is important that the people know the facts that Mr. Vigliano failed to disclose.

Vigliano did not disclose that he had earlier challenged the cross endorsements before the New York State Board of Elections and did not disclose that the Board of Elections had dismissed his claims last May.

Vigliano did not disclose that the Supreme Court in Albany dismissed the lawsuit he referred to in his column.

Vigliano did not disclose that though he purports to be the chairman of a "group", the lawsuit was not brought by a "group" but only by two individuals and that he was one of the lawyers who represented them.

Vigliano did not disclose that in

GUEST COLUMN

The writer, a White Plains attorney, represents surrogate-elect Albert J. Emanuelli.

the Albany Supreme Court it was made very clear that Judge Emanuelli was neither a party nor a signatory to the Resolutions of the Executive Committee and that he had not even seen the final Resolutions until well after their execution by the two Executive Committees.

Vigliano did not disclose that in the Supreme Court, in his presence, it was made very clear that Judge Emanuelli had never agreed to "... divvy up ..." appointments and that he would not do so.

Judge Emanuelli knows well that the position of surrogate is one of awesome responsibility. He will only appoint qualified people and will require that they perform their roles in the very best interests of those they serve. Judge Emanuelli knows that affiliation with a political party is not a qualification for appointment. He also believes, however, that the fact a person is committed to, and an active participant in, our democratic process does not and should not disqualify that person from serving the people.

The surrogate handles all matters involving decedents which among other duties, include presiding over will contests and kinship proceedings. It involves administering trusts, guardianships, adoptions and estates. The appointment of attorneys as law guardian to pro-

tect, for example, infants and incompetents is part of his duty. Their fees are paid from the estate, not by the taxpayer. Traditionally, guardian fees are very conservative.

Judge Emanuelli's appointments will be made from the approved list of qualified attorneys which is established and maintained by the Office of Court Administration. He encourages qualified attorneys to submit their names for inclusion on that list by filling out form UCS-852.1 and submitting it to the Office of Court Administration.

Finally, I note that, in his column, Mr. Vigliano recommended that the voters in the Ninth Judicial District abstain from voting for the judicial candidates. Obviously, the voters paid him no heed, but his request that people not vote was, at best, most disingenuous for a man who claimed to be against disenfranchisement.

We participate in our government by supporting qualified people and by casting our votes, not by abstaining. If Mr. Vigliano thought that he, or anyone else, was better qualified for those judicial posts than the men and women who were nominated he should have either run for office himself or should have encouraged and supported others. Neither he nor his "group" mounted any such effort. Instead, because he did not like certain endorsements, he manifested his petulance by counselling that voters give up their most important and valuable right, the right to vote. By his own pen, Mr. Vigliano unmasked his true self.