

Ninth Judicial Committee

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January 23, 2000

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Re: In Reply

The following replies to Bruce Golding's 1/21/00 piece "Cross-Endorsement Sought for GOP Judge of Surrogate's Court," which, in making reference to the Ninth Judicial Committee, included a misstatement as to its Court of Appeals challenge of the 1989 Three-Year Deal:

Stop Cross-Endorsements on the Horizon

Well, well, well! It now turns out that the infamous 1989 Three-Year Deal (involving 7 judgeships), between then Democratic Westchester boss, Richard Weingarten -- fronting for former County Committee Chairman, Sam Fredman -- and Republican boss, Anthony Colavita, did not tell the full story. That deal, in **writing** and adopted by the Democratic and Republican County Committees of the Ninth Judicial District -- Westchester, Putnam, Dutchess, Rockland and Orange-- effectively disenfranchised voters in the five counties, contrary to our rights under the State Constitution.

Apparently, there was more: the deal-making Albert J. Emanuelli, who became Westchester County Surrogate 10 years ago, also got, as an added bonus, the promise of another cross-endorsement this year when his term expires and he is up for re-election.

On his induction in 1990, Surrogate Emanuelli expressed the hope that no judge would

have to run in the future without benefit of cross-endorsement. However, overt judicial cross-endorsements were not utilized in the intervening years, thanks to the court challenges raised by the Ninth Judicial Committee in state and federal lawsuits it spearheaded.

Contrary to your assertion, the NY Court of Appeals did **not** uphold the political deal challenged by the Ninth Judicial Committee. Our highest court refused to take the two separate state court cases raising the issue. These rulings -- *not* to hear the issue -- effectively “rubber-stamped” the politically-motivated lower court decisions -- a deliberate cover-up for judges and would-be judges who had engaged in fraudulent acts under New York’s Election Law, designed to protect the sanctity of the franchise from such outright criminality.

Mr. Weingarten, one of the 12 named defendants in one of the lawsuits attacking the Deal, is now satisfied that Judge Emanuelli kept his part of the bargain, which required him to share judicial patronage equally along party lines between Republican and Democratic lawyers to maintain the immoral system inherent in the Surrogate Court “gold-mine” that serves to support the bedrock of political power.

Unfortunately for the so-called “bi-partisan” committee being set up by Weingarten to build cross-endorsement support for Surrogate Emanuelli, the Brooklyn “mess”, also involving “pay-back” judicial patronage, which has required Chief Judge Judith Kaye to investigate these corrupt appointments, is an investigation which must be extended into Westchester County.

At this moment in time, the courts are less likely to summarily dismiss Election Law court challenges like those sparked by the Ninth Judicial Committee, whose mission is to restore the constitutional right of our citizenry to elect its judges, taken away from them by political bosses in both parties, acting in concert.

Rest assured that the new judicial cross-endorsement deal now again in the works for the Westchester Surrogate office is doomed to failure. This is not a five-county judicial position, like a Supreme Court judgeship, which requires a lawyer to be nominated at a nominating convention controlled by the party bosses. This is a county-wide election in a Democrat-controlled county, with a history of vigorous legal challenge to judicial cross-endorsement deals. Why would the Democrats in a Democratic county in a presidential year -- bound to bring out a large Democratic vote -- agree to a GOP Surrogate, especially when two well-regarded, experienced Supreme Court Justices, Honorable Anthony A. Scarpino, Jr. and Joan Lefkowitz, are prepared to go into a primary against each other to win the Democratic nomination? Good government in a democracy in a free marketplace demands open elections with a competition of the best candidates each party has to offer – and not retention of a judge who corruptly sold his soul in 1989 to the political bosses!

This is **not** 1989. Any and all judges or lawyers seeking the Surrogate or other judicial nominations, ready to challenge cross-endorsed candidates, should contact the White Plains-based Center for Judicial Accountability, Inc., which has valiantly continued the work of the Ninth Judicial Committee in its arduous efforts to bring forth qualified lawyers for the bench.

Of course, one might also wonder how Chief Judge Kaye can expect impartial supervision of Surrogate Court patronage appointments when the Administrative Judge of the Ninth Judicial District, Justice Francis Nicolai, himself a party to the Three-Year Deal, owes his own Supreme Court judgeship to Surrogate Emanuelli -- a man who, per the Deal, created that vacancy by resigning from his Supreme Court post, where he had served but eight (8) months of his 14-year term. This thereby permitted then County Court Judge Nicolai to move up into that

deal-created vacancy . Can the fox be trusted to guard the chicken coop?

The writer is founder and chairman of the Ninth Judicial Committee.