

The Advocate

Richard Blassberg

The Legislature Must Restore Dignity and Constitutionality To New York's Courts

New York State's Courts are largely out of control, and rapidly reaching the point of no return. Not even the beginnings of federal intervention, in the selection and nomination of Supreme Court Judges; nearly two years ago, with the ruling by Federal District Judge John Gleeson in the case of Brooklyn Surrogate Judge Margarita Lopez-Torres, who had been denied the opportunity to run for State Supreme Court, has made any impact on the corrupt, *Patronage-Driven Monster* run amuck.

Judge Gleeson rightly recognized the crux of the problem, as illustrated by the facts in the *Lopez-Torres* complaint, resides in the selection process, nominations to run for State Supreme Court conducted virtually out of contact with, and against the interests of, the voting public. Gleeson not only recognized the injury to the Plaintiff's Constitutional Rights, but also to all of those voters in her judicial district whose First Amendment rights of political association were likewise compromised by her exclusion without lawful cause, or Due Process. Judge Lopez-Torres was merely a victim of her own high morality, having refused to make patronage appointments sought by party bosses.

We believe Judge Gleeson got it right the first time when he ruled that the existing Judicial Convention System, under which candidates for State Supreme Court are nominated, denies voters the opportunity for input, and any say in who will be on the ballot. Here in the Ninth Judicial District, consisting of Westchester, Rockland, Putnam, Dutchess, and Orange Counties, we have seen repeated examples of just how corrupt and deteriorated the State's Courts have become, like a fish rotting from the head down.

Consider a slimeball, Giulio Cavallo, recently re-instated to chairmanship of the Westchester Independence Party by the State Supreme Court, Appellate Division, Second Department, many of whose members were elected to the Supreme Court with that party's paid-for cross-endorsement. That's correct; many of those justices sitting in the Appellate Division, once described by the *Village Voice* as "The Whores Who Became Madams," paid between \$10,000 and \$20,000 to buy the Independence Party's cross-endorsement.

Now it is one thing when a corrupt creature such as Cavallo is permitted to sell cross-endorsements for cash to those running for County Executive, Mayor, or Dog Catcher. Unfortunately, we have come to accept a little larceny in our Dog Catchers. But even the most jaded among us are reluctant to accept the notion that the individual cloaked in a black robe, and sitting in a position to send us to prison for a crime we haven't committed, or separate us from our children at the whim of a former spouse, or deny us the benefit of our own labor, is somebody

who never attended law school, bought his way into the County Court with funds that he swindled, paying for the cross-endorsement of his name then onto the State Supreme Court as a Republican. Democrat Jonathan Lippman, a bastard, proved under the current Judicial Convention System is State Supreme Court Justice Joseph Aleo, elected by the Committee on Judicial Credentials.

Yes, Judge Gleeson had it right when he ruled that Court Judge Candidates be selected by a primary election, electing those who might wish to, and are qualified, without interference by party bosses. Here in Westchester, we have demonstrated that only the primary election is holding the stranglehold that party bosses such as Giulio Cavallo, and their ilk have had over the election process. Judge Feiner and his team in Greenburgh, and Judge Williams in Mt. Vernon clearly established the notion that a primary system might be the best way of selecting candidates for State Supreme Court. The primary should be employed.

Judge Kaye's *ill-conceived bandaid* primary election, so-called Independent Judicial Election, will not resolve the existing problems with the commissions were selected by Kaye, a Chicago politician. In his experience, the four presiding judges of the Judicial Convention, including Jonathan Lippman, a fox in the henhouse, are all in the pocket of the same associations. In other words, largely the same.

What the State Legislature must do to restore dignity and constitutionality to our courts, and some measure of honesty to our offices, is really quite straight-forward and simple. The Senate and Assembly must abolish cross-endorsement, electing creeps and fraudsters like Giulio Cavallo out of the "election" process. The Legislature must put the nomination and election of judges out of the reach of party bosses by establishing a primary election, strict campaign controls, free of patronage appointments, and public funds, both in the primary process and in the judicial process.

Only after such legislative changes have been made, and more honest, dedicated, public servants are elected to other public office over time, will we witness a restoration of dignity and Constitutionality. ■

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who never attended law school, bought his way onto the Westchester County Court with funds that he swindled from his campaign treasurer, paying for the cross-endorsement of the Independence Party, and then onto the State Supreme Court as a Republican, by cross-endorsing Democrat Jonathan Lippman, a bastard scheme worked out and approved under the current Judicial Convention System. That somebody is State Supreme Court Justice Joseph Alessandro, found "unqualified" by the Committee on Judicial Credentials.

Yes, Judge Gleeson had it right when he proposed that Supreme Court Judge Candidates be selected by a primary process, thus permitting those who might wish to, and are qualified, to run without interference by party bosses. Here in Westchester, recent primary elections have demonstrated that only the primary process is capable of breaking the stranglehold that party bosses such as Larry Schwartz, Giulio Cavallo, and their ilk have had over the election process for years. Paul Feiner and his team in Greenburgh, and Clinton Young and Lyndon Williams in Mt. Vernon clearly established that fact. And, contrary to the notion that a primary system might be unwieldy or too costly for selecting candidates for State Supreme Court, in reality no other method should be employed.

Judge Kaye's *ill-conceived bandaid* put forth earlier this year, her so-called Independent Judicial Election Qualification Commissions will not resolve the existing problems because those serving on the commissions were selected by Kaye, a Chief Judge with no prior judicial experience, the four presiding judges of the Appellate Division, including Jonathan Lippman, a fox in the henhouse, and state and local bar associations. In other words, largely the same corrupt crowd.

What the State Legislature must do to restore dignity and Constitutionality to our courts, and some measure of credibility to most public offices, is really quite straight-forward and uncomplicated. The State Senate and Assembly must abolish cross-endorsement thereby putting creeps and fraudsters like Giulio Cavallo, Zehy Jereis, and others throughout the state, out of the "election for sale" business. And, they must put the nomination and election of Supreme Court Judges out of the reach of party bosses by establishing a primary-driven process, with strict campaign controls, free of patronage, and underwritten with public funds, both in the primary process and the general election.

Only after such legislative changes have been enacted, and many more honest, dedicated, public servants are elected to our courts and to other public office over time, will we witness the restoration of dignity and Constitutionality. ■