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40 Euclid Avenue
Hastings on Hudson, N.Y. 10706
April 11, 1991

George Judson, Regional Editor
The New York Times
229 West 43rd Street
New York, New York

Dear Mr. Judson:

An important story, with state and national implications, has developed in Westchester and the four other counties comprising the Ninth Judicial District (Dutchess, Putnam, Rockland and Orange). But, surprisingly, it has received little or no press coverage. A three-year judgeship-trading deal, initiated by the Westchester Republican and Democratic County Chairmen, that guaranteed--through cross-endorsements--the election of seven individuals hand-picked by them, has been the subject of a legal challenge. The challenge is made by a citizens' group called the Ninth Judicial Committee, headed by a White Plains lawyer, Eli Vigliano.

Summary dismissal of the Committee-sponsored suit brought before last November's election was immediately appealed, but blocked by the other side from being heard before Election Day. In Castracan v. Colavita, two voters, (one Democrat, one Republican), through their pro bono counsel, Doris L. Sassower of White Plains, assert that the deal violated constitutionally protected votes and ask that it be invalidated. This could lead to removal of three

judges elected in 1990, including the Westchester Surrogate and two Supreme Court judges.

On March 25, 1991, Sassower presented a meticulously documented brief and oral argument before an appellate panel in Albany. Her argument focussed on two points: First, that the resolution setting forth the three year pact, adopted by each party's Executive Committee at the behest of its Chairman, thereafter ratified at the judicial conventions and by the nominees, is an illegal contract. Its text orchestrates the steps to be taken, year by year, to comply with the seven-judge deal. It calls for early resignations by various judges to create vacancies for others to fill (thus adding turmoil and delay to already backlogged court-calendars). The deal also requires the cross-endorsed judges to divide their patronage along party lines.

Second: Since state Supreme Court seats are the linch-pin of the deal, the Ninth Judicial District convention's elected delegates were necessary to its implementation. The appellate record includes sworn statements of eyewitnesses attesting to the unlawful manner in which the 1990 judicial conventions were held. Election Law violations, including lack of a quorum and false certificates of nomination, raise serious questions about the nominations' legitimacy.

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The Appellate Court has yet to hand down its decision. But, meanwhile, the public should know that the issues involved are crucial to its welfare. Our present judiciary is not the best our democratic process can produce. The process has been subverted by political leaders who have usurped the people's right to choose their judges. The three-year deal exemplifies that.

Very truly yours,

Rachel Sady

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cc: Mr. James Feron