

The People's Case against Political Manipulation of Judicial Elections

Press Suppression

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Swing The New York Times

For Summary Overview of the Election Law case
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SEE: NJC's October 24, 1991 letter to Governor Cuomo
 AT -- Correspondence-NYS Officials-Governor Cuomo
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 AT -- Correspondence-NYS Officials-Governor's Task Force on Judicial Diversity
**NJC's September 7, 1993 testimony in opposition to confirmation of Appellate Division,
 Third Department Justice Howard Levine to the New York Court of Appeals**
 AT -- Judicial Selection-NYS-Court of Appeals-Levine
**CJA's October 31, 1995 letter to Patricia Hynes, Second Circuit Representative on the ABA
 Standing Committee on Federal Judiciary, in opposition to nomination of Albany Supreme
 Court Justice Lawrence Kahn to the U.S. District Court for the Northern District of New York**
 AT -- Judicial Selection-Federal-1996-Kahn

* * *

SEE also Election Law Case, *Sady v. Murphy*

**In the Matter of the Application of MARIO M. CASTRACAN and
VINCENT F BONELLI, acting Pro Bono Publico,**

Petitioners,

**for an Order, pursuant to Sections 16-100, 16-102, 16-104,
16-106 and 16-116 of the Election Law,**

-vs-

**ANTHONY J. COLAVITA, Esq., Chairman, WESTCHESTER REPUBLICAN
 COUNTY COMMITTEE, GUY T. PARISI, Esq., DENNIS MEHIEL, Esq.,
 Chairman, WESTCHESTER DEMOCRATIC COUNTY COMMITTEE,
 RICHARD L. WEINGARTEN, Esq., LOUIS A. BREVETTI, Esq.,
 Hon FRANCIS A. NICOLAI, HOWARD MILLER, Esq., ALBERT J.
 EMANUELLI, Esq., R. WELLS STOUT, HELENA DONAHUE,
 EVELYN AQUILA, Commissioners constituting the NEW YORK STATE
 BOARD OF ELECTIONS, ANTONIA D'APICE, MARION B. OLDI,
 Commissioners constituting the WESTCHESTER COUNTY BOARD OF
 ELECTIONS,**

Respondents,

**for an Order declaring invalid the Certificates purporting to designate
 Respondents Hon. FRANCIS A. NICOLAI and HOWARD MILLER, Esq.
 as candidates for the office of Justice of the Supreme Court of the State
 of New York, Ninth Judicial District, and the Petitions purporting to designate
 ALBERT J. EMANUELLI, Esq. a candidate for the office of Surrogate of
 Westchester County to be held in the general election of November 6, 1990.**

SUPREME COURT - ALBANY COUNTY (Index#: 6056/90)

**Order to Show Cause, signed September 26, 1990 by Westchester County Supreme Court Justice Louis C.
Paletta, with Verified Petition of Mario Castracan & Vincent Bonelli**

- Exhibit A: Republican Certificate of Nomination
- Exhibit B: Democratic Certificate of Nomination
- Exhibit C: Objections to the Republican Party Certificate of Nomination,
- Exhibit D: Objections to the Democratic Party Certificate of Nomination
- Exhibit E: Specifications to Objections to Republican Certificate
- Exhibit F: Specifications to Objections to Democratic Certificate
- Exhibit G: Three-Year Judge Trading Deal

- Eye-Witness Affidavit of Vincent Bonelli, October 14, 1990
- Eye-Witness Affidavit of Eli Vigilano, Esq., October 14, 1990
- Eye-Witness Affirmation of David Cohen, Esq., October 5, 1990

Petitioners' Affidavits of Service (8)

Verified Answer & Objections in Point of Law of Respondent Colavita, October 11, 1990

Verified Answer of Respondents Mehiel, Westchester Co. Democratic Committee & Weingarten, October 10, 1990

Verified Answer & Objections in Point of Law of Respondent Colavita, October 11, 1990

Verified Answer of Respondents Mehiel, Westchester Co. Democratic Committee & Weingarten, October 10, 1990

Petitioners' Notice of Rejection of Defectively-Verified Pleading of Respondent Mehiel, Westchester Co. Democratic
Committee & Weingarten, served October 12, 1990

Verified Answer of Respondent Brevetti

Verified Answer & Cross-Motion of Respondent Nicolai, October 10, 1990

Verified Answer of Respondent Miller, October 11, 1990

Verified Answer of Respondent Emanuelli, October 10, 1990

Verified Answer of NYS Board of Elections

Verified Answer of Westchester Co. Board of Elections, October 11, 1990

Verified Answer & Objections in Point of Law of Respondent Parisi

Affirmation in Opposition of Respondent Mehiel, Westchester Co. Democratic Committee, & Weingarten

Motion to Dismiss of Respondent Miller, supporting affirmation of Miller, supporting affirmation of Dranoff

Decision of Albany County Supreme Court Justice Lawrence Kahn, dated October 16, 1990, so-ordered
October 17, 1990

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APPELLATE DIVISION, THIRD DEPARTMENT
(Appeal #62134)

PETITIONERS-APPELLANTS' NOTICE OF APPEAL, October 17, 1990

PETITIONERS-APPELLANTS' BRIEF, October 16, 1990

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Exhibit B: Clerk's October 19, 1990 ltr to Doris Sassower

New York State Board of Election's Cross-Motion, October 25, 1990

Exhibit D: NYS Board of Election's 1990 Candidates List for General Election

Miller's Cross-Motion, October 25, 1990

Westchester Board of Election's Opposing Affirmation, October 25, 1990

Opposing Affirmation on behalf of Emanuelli, October 28, 1990

Exhibit A: NYS Board of Election's May 25, 1990 ltr to Eli Vigliano

Opposing Affirmation on behalf of Nicolai, October 25, 1990

Opposing Affirmation on behalf of Mehiel, Weingarten, & Westchester Co. Democratic Committee, October 23, 1990

DORIS SASSOWER'S AFFIRMATION IN REPLY AND IN OPPOSITION TO CROSS-MOTIONS, October 28, 1990

Exhibit A: New York League of Women Voters' Alert, "Cross-Endorsement Case Should be Heard"

Exhibit B: Eli Vigliano's November 1, 1989 letter to Governor Cuomo

Exhibit C: NYS Board of Elections' October 17, 1990 letter to Vigliano

Exhibit D: returned envelopes: May 25, 1990, June 12, 1990

Exhibit E: "Six Judicial Seats Are on Nov. 6 Ballot", NYT, 10/28/90

Exhibit F: 1990 ballot & illustrative modified ballot

AFFIRMATION OF ELI VIGLIANO, October 28, 1990

Appellate Division, 3rd Dept decision, October 30, 1990 (Kane, Casey, Weiss, Mikoll, Mercure)

NYS Board of Election's October 31, 1990 letter

NYS Board of Election's November 2, 1990 letter

DORIS SASSOWER'S NOVEMBER 2, 1990 LETTER TO CLERK, APPELLATE DIVISION

November 13, 1990 letter from Appellate Division Clerk to Doris Sassower

November 14, 1990 letter from counsel Dranoff to Appellate Division Clerk

Appellate Division, 3rd Dept. decision, November 13, 1990 (Kane, Casey, Weiss, Mikoll, Mercure)

Respondent New York State Board of Election's Opposing Brief

Exhibit A: Board of Elections' May 25, 1990 Determination

Respondent Westchester Board of Election's December 12, 1990 letter

Respondent Emanuelli's Opposing Brief, December 17, 1990

Respondent Miller's Opposing Brief, December 14, 1990

Respondent Nicolai's Opposing Brief

Respondents Colavita's and Paris's Opposing Brief

Exhibit 1A: "A surrogate election for 1989 calendar", Gannett,

Exhibit 1B: "Bush's brother urges DioGuardi to run again", Gannett, 5/7/89

Exhibit 1C: "Parties may share judicial candidates", 6/7/89

Exhibit 1D: "Party leaders repack deal on judges", 8/23/89

Exhibit 2: "NYS Board of Elections' May 25, 1990 ltr to Eli Vigliano, Esq. & determination

Opposing Brief of Respondent Westchester Democratic County Committee, Mehiel, and Weingarten, December 13, 1990

PETITIONER-APPELLANT'S REPLY BRIEF, January 24, 1991

Exhibit 1: "State Supreme Court justice resigns", Gannett, 8/7/90

Exhibit 2: "Judicial deal survives last-minute shuffle", Gannett, 8/8/90

Exhibit 3: pp. 22-28 from Sassower's October 28, 1990 affirmation, with exhibits B-D therein

Exhibit 4: Debates in the 1846 constitutional convention

Errata Sheet to the Reply Brief

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NAACP/LDEF's February 8, 1991 letter to the Appellate Division

Appellate Division's February 11, 1991 letter

Appellate Division's February 21, 1991 decision

NAACP/LDEF's March 1, 1991 letter

DORIS L. SASSOWER'S ORAL ARGUMENT BEFORE THE APPELLATE DIVISION

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Appellate Division's May 2, 1991 Decision/Order (Mahoney, Mikoll, Levine, Crew III, Harvey)

PETITIONERS-APPELLANTS' MOTION FOR REARGUMENT/RENEWAL, RECUSAL, LEAVE TO APPEAL TO THE COURT OF APPEALS, July 25, 1991

- Exhibit A: Appellate Division's May 2, 1991 decision/order (Mahoney, Mikoll, Levine, Crew III, and Harvey)
- Exhibit B: Appellate Division's order, dated and entered May 15, 1991
- Exhibit C: October 31, 1990 letter of NYS Board of Elections
- Exhibit D: Affidavits of Service for Specifications of Objections
- Exhibit E: Multi-party endorsements of Appellate Division panel
- Exhibit F: Doris Sassower's October 19, 1990 letter to Appellate Division
- Exhibit G: Appellate Division's October 19, 1990 letter

PETITIONERS-APPELLANTS' MEMORANDUM OF LAW IN SUPPORT OF REARGUMENT/RENEWAL, RECUSAL, LEAVE TO APPEAL TO THE COURT OF APPEALS, July 25, 1991

Respondent New York State Board of Election's Cross-Motion, August 2, 1991

Respondent Emanuelli's Cross-Motion, August 12, 1991
- accompanying Memorandum of Law

Respondent Miller's Affirmation in Opposition & Support of Board of Election's Cross-Motion, August 8, 1991
- accompanying Memorandum of Law

Respondent Nicolai's letter to Appellate Division, Third Dept. Clerk, August 15, 1991

Respondent Colavita's Cross-Motion, August 12, 1991

Respondent Paris's Cross-Motion, August 12, 1991

ELI VIGLIANO'S AFFIRMATION IN REPLY AND IN OPPOSITION, August 15, 1991

- Exhibit A: Appendix to Constitutional Provisions in the Record
- Exhibit B: Appellants' Memorandum in Support of Subject Matter Jurisdiction as of Right
- Exhibit C: Eli Vigliano's July 5, 1991 letter to Court of Appeals

August 22, 1991 letter from Assistant Deputy Clerk to Eli Vigliano, Esq.

DORIS L. SASSOWER'S OMNIBUS AFFIDAVIT IN OPPOSITION TO RESPONDENT'S CROSS-MOTION FOR SANCTIONS, September 6, 1991

- Exhibit A: August 12, 1991 transcript of the decision of Westchester County Supreme Court Justice Vincent Gurahian in *Sady v. Murphy*, so-ordered August 13, 1991
- Exhibit B: August 21, 1991 decision & order of Appellate Division, 2nd Dept in *Sady v. Murphy* (Mangano, Thompson, Sullivan, Lawrence)
- Exhibit C: Eli Vigliano's August 23, 1991 letter to the Judges of the NY Court of Appeals
- Exhibit D: Ct of Appeals' August 28, 1991 order in *Sady v. Murphy*
- Exhibit E: item from Gannett, 9/12/90
- Exhibit F: September 28, 1990 letter from Rockland County Sheriff
- Exhibit G: "State Supreme Court justice resigns", Gannett, 8/7/90;
"Judicial deal survives last-minute shuffle", Gannett, 8/8/90

ELI VIGLIANO'S AFFIRMATION IN REPLY AND IN OPPOSITION TO LATER CROSS-MOTIONS BY RESPONDENTS OTHER THAN NYS BOARD OF ELECTIONS, September 6, 1991

PETITIONERS-APPELLANTS' REPLY MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO REARGUE OR, ALTERNATIVELY, FOR LEAVE TO APPEAL TO THE COURT OF APPEALS

- Exhibit A: August 12, 1991 ltr from Westchester Co. Board of Elections pertaining to specifications of objections to conservative party designating petition for Terry Ruderman to Family Court

Appellate Division's October 17, 1991 Order (Mahoney, Mikoll, Levine, Crew III, Harvey)

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PETITIONER-APPELLANTS' NOTICE OF ENTRY OF ORDER, June 20, 1991

PETITIONERS-APPELLANTS' NOTICE OF APPEAL BY DORIS L. SASSOWER, P.C., June 20, 1991

June 28, 1991 letter from Respondents Mehiel, Westchester Co. Democratic Committee, and Weingarten to Court of Appeals Clerk

Eli Vigliano's July 5, 1991 letter to Court of Appeals Clerk

July 2, 1991 letter from Respondent Miller to Court of Appeals Clerk

PETITIONER-APPELLANT'S SIGNED CONSENT TO CHANGE ATTORNEY, July 11, 1991

PETITIONER-APPELLANT'S NOTICE OF APPEAL, July 11, 1991

PETITIONERS-APPELLANTS' JURISDICTIONAL STATEMENT, July 11, 1991

July 16, 1991 letter from Court of Appeals Clerk to Eli Vigliano, Esq.

ELI VIGLIANO'S letter to the Court of Appeals, transmitting PETITIONERS-APPELLANTS' MEMORANDUM IN SUPPORT OF SUBJECT MATTER JURISDICTION OF RIGHT, August 1, 1991

- Appendix to Constitutional Provisions in the Record
- Contents of Transmitted File

Respondent New York State Board of Election's letter to Eli Vigliano, August 2, 1991, enclosing motion to dismiss the appeal and for sanctions

Respondent New York State Board of Election's Motion for Sanctions, August 2, 1991

Respondent Miller's Affirmation in Support of Motions to Dismiss Notice of Appeal and for sanctions, August 8, 1991

Letter from Respondent Nicolai supporting Board of Elections motion to dismiss appeal and for sanctions, August 15, 1991

Letter from Respondent Emanuelli supporting Board of Elections motion to dismiss appeal and for sanctions, August 20, 1991

Letter from Respondent Board of Elections to Court of Appeals Clerk, August 27, 1991

ELI VIGLIANO'S AFFIRMATION IN OPPOSITION, September 7, 1991

- Exhibit A: August 12, 1991 transcript of the decision of Westchester County Supreme Court Justice Vincent Gurahian in *Sady v. Murphy*, so-ordered August 13, 1991
- Exhibit B: Eli Vigliano's July 5, 1991 letter to Court of Appeals

Court of Appeals' October 15, 1991 decision and order

Letter from Respondent Board of Elections to Eli Vigliano, Esq., dated October 22, 1991