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LAW OFFICES

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Privileged and Confidential

January 10, 1991

Michael Tabak, Esq.
U.S. Attorney's Office
150 Grand Street
White Plains, New York 10601

RE: Castracan v. Colavita

Dear Mr. Tabak:

Following up our conversation this morning, I am enclosing a copy of Petitioners' Brief and Record on Appeal in the case of Castracan v. Colavita pending in Albany County. We are challenging a three-year judge-trading deal by cross-endorsements, as well as illegality, fraud, and other Election Law abuses committed by the Republican and Democratic Westchester County leadership.

This important case has received the most limited and slanted coverage in the local media. We believe this cover-up is due to the vested interests which are being protected--even when that means covering up blatantly improper, if not criminal, conduct.

The most recent illustration of the Gannett's protective attitude is its story about the \$175 per person "fund-raiser" which, according to the counsel for the Westchester County Republican Committee, Guy Parisi, Esq., was intended to build a "legal defense fund" to fight our pro bono case. As you can see from the enclosed article written by Ed Tagliaferri, Mr. Colavita told Mr. Parisi that "the judges knew of the event". Nevertheless, the following day, Gannett accepted the Judges' disclaimer of such knowledge--editorializing that the Judges were being used as "unwilling shills" for the Republican Party.

It is understandable that judges--caught in questionable conduct--should seek to publicly distance themselves from the Party leadership. However, accepting the judges' version as true (which, certainly, Gannett had no right to do as matter of blind faith) leads to the alternative conclusion that the Republican Party leadership is so self-confident in its power that it feels free to use the judges for its own purposes--even without consulting them and obtaining their approval.

Michael Tabak, Esq.

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No investigation of the Republican Party can be complete without an examination of the corrupting influence and control it has had on the judiciary in this County and in the Ninth Judicial District.

Very truly yours,



DORIS L. SASSOWER
Counsel

Ninth Judicial Committee

DLS/er
Enclosures

P.S. Since the Ninth Judicial Committee does not sponsor \$175-a-person "fund-raisers" and is a completely unfunded, pro bono citizens group, we would appreciate your photocopying the enclosed materials and returning them at your earliest convenience for future reuse.

3 judges seek ethics ruling on tie to political fund-raiser

By Ed Tagliaferrri
Staff Writer

Worried about the ethics of having their names used to promote a Westchester County Republican Committee fund raiser, three judges yesterday asked a state ethics panel for a formal opinion on the matter.

Surrogate Court Judge Albert Emanuelli, Family Court Judge Adrienne Hofmann Scancarelli and County Court Judge Jeanine Ferris Pirro also took the unusual step of telling county GOP Chairman Anthony Colavita they wanted to dissociate themselves from the \$175 per person, Jan. 14 event, billed as a victory celebration for the three.

"We are gravely concerned that our participation in this event would be considered im-



“But I have to conduct myself in a way that comports with the judicial canons. So I wait for an opinion.”

— Jeanine Ferris Pirro
Westchester County Court Judge

proper and in violation of the rules of the chief administrative judge,” they said in a letter, sent to the state Office of Court Administration’s Advisory Committee on Judicial Ethics. Such violations could lead to disciplinary actions against a judge, including possible removal from the bench.

But the counsel to the county

Republican Party said yesterday that there was nothing improper about the judges’ connection to the fund raiser and even disputed their contention that they were unaware of its scheduling.

All three judges are registered Republicans who were

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ETHICS

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elected in November. Emanuelli and Scancarelli ran unopposed for their posts, cross-endorsed by the Republican, Democratic and Conservative parties. Pirro ran in a contested election with the backing of the GOP and Conservatives.

In their letter, the judges said they were not consulted about the fund-raiser or the party using their names on invitations. The judges said they also were concerned because solicitations were made to lawyers who may have to appear before them and that the invitations made no mention of where the money raised would be used.

“It gives the appearance that, ‘OK, now I’m elected, now I’m a judge, now you lawyers, pay up.’” said Scancarelli.

“I found this a very difficult letter to write,” said Emanuelli, noting that he respected the parties that endorsed him. “But I felt . . . I had to take an affirmative step having been placed in this position.”

Pirro said she appreciated the party wanting to honor her.

“But I have to conduct myself in a way that comports with the judicial canons. So I wait for an opinion,” she said.

The judges said they hope the advisory committee will decide whether future jurists should participate in such fund-raisers and if the three sufficiently distanced themselves from the Jan. 14 bash.

The advisory committee, made up of 19 retired and active judges, answers ques-

tions from judges throughout the state about codes of conduct and ethics.

William Bowman, the committee’s administrative assistant, said he could not comment on the judges’ letter, because the committee is required to keep such contacts confidential. The judges, however, are permitted to disclose the communications.

“In the main, judges are prohibited from practically all political activity,” Bowman said. “But an exception is made and the rules are relaxed in some respects during the period the judge is a candidate — nine months before the election or primary and for six months thereafter.”

County GOP counsel Guy Parisi said the fund-raiser fell within those guidelines. He said Colavita told him the judges knew of the event. Colavita did not return several telephone messages yesterday.

Parisi said that proceeds from the event would be used solely to pay for a lawsuit brought by a citizens group challenging the legality of the cross-endorsements of judges. A state Supreme Court justice upheld the legality of the cross-endorsements in November, but that ruling is being appealed.

The invitation lacked the information about the purpose of the fund-raiser because the GOP “didn’t want to stigmatize them (the judges) as having a legal defense fund.” The lawsuit, which Parisi is handling for the county GOP, should cost the party at least \$10,000 to \$15,000, he said.

There is also “nothing illegal about” having Pirro connected to the fund-raiser, even though she is not involved in the lawsuit, Parisi said, because she and the other two judges “ran as a team.”

Editorial Page

Gannett Westchester Newspapers/Saturday, January 5, 1991

GOP tries to use judges as shills

The Westchester Republican Party has gone overboard in satisfying its never ending appetite for funds.

The party embarrassed three judges who started terms of office this week by promoting their names in an attempt to draw lawyers and others to a \$175 a person fund raiser scheduled for Jan. 14. What appeared on the surface to be a party to both honor and raise funds for the judges turned out to be nothing more than an opportunity to stock the Republican treasury. The campaign committees of the judges are not going to get a cent from the event, and it is doubtful any of them will make an appearance.

Instead of honoring the judges, the Republican leaders have come close to dishonoring them.

The three judges who said they were not consulted in advance about the fund raiser, an assertion disputed by one party official, are Surrogate Albert Emanuelli of White Plains, Family Court Judge Adrienne Hofmann Scancarelli of Mount Vernon and County Court Judge Jeanine Ferris Pirro of Harrison. Emanuelli, cross endorsed by Republicans, Democrats and Conservatives, had no opposition in the last election. Scancarelli, also endorsed by those three parties, faced token opposition. Pirro, a Republican Conservative, used large amounts of funds, mostly her's and her family's, in her contest against a Democratic rival.

Those who received invitations

were puzzled and upset about being asked to make a contribution at this time, particularly because they knew none of the three campaign committees needed to pay debts.

The judges are justifiably disturbed by this fiasco. Not only did they convey their feelings to Westchester Republican Chairman Anthony Colavita, but they are

seeking a ruling from the Advisory Committee on Judicial Ethics of the state Office of Court Administration over whether they can attend the event. Colavita has post poned the party pending that

Party to honor three jurists nearly results in dishonor.

opinion.

"We are gravely concerned that our participation in this event would be considered improper and in violation of the rules of the chief administrative judge," the three wrote in a letter to the ethics committee.

One doesn't have to be on an ethics committee to know that using the judges as unwilling shills is highly improper. That a Colavita aide said the money is going to defend a lawsuit against the judicial cross endorsement doesn't make matters better.

In fact, one of the main purposes of the cross-endorsement pact was to remove judicial positions from politics and rid the system of the obnoxious practice whereby lawyers are asked to contribute to campaigns of judges who later may hear their cases.

We hope Colavita and Co. will learn a lesson from this, that political fund-raising does have perimeters.