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Lawyer for Kiryas Joel disputes report on voter fraud

By Chris McKenna
The Times Herald-Record
cmckenna@th-record.com

Kiryas Joel — A lawyer for the village is blasting a recent grand jury report on voting irregularities in Kiryas Joel as a "sweeping attack on the village's integrity" and a "political polemic."

"The report appears to be more of a political polemic than the thoughtful product of an informed citizenry," New York City attorney Andrew S. Fisher wrote in a July 1 letter to Orange County District Attorney Francis D. Phillips II.

Fisher sent copies of his five-page letter to 50 public officials, from Attorney General John Ashcroft on down — the same officials who were supposed to get the June 12 jury report.

"It's irrelevant as far as I'm concerned," Phillips said yesterday. "They were fair and well-founded findings in that report. People are free to agree with it or disagree with it."

The jury report concluded a six-month investigation into claims of voting fraud in the village's June 2001 election.

After hearing testimony from 25 witnesses, jurors decided that irregularities took place before and during the June and November elections, but chose not to indict anyone.

Instead, they issued a report with findings and recommendations for changes in state election law to combat voting fraud. The report itself has no impact; state lawmakers would have to enact legal changes.

In his letter, Fisher took umbrage at the jury's conclusion that irregularities "may have had a serious and deleterious impact on the integrity of the election system."

Jurors had confirmed that eight underage students voted illegally in June 2001 — as the Times Herald-Record reported last year — after registering with false birth dates that made them appear older than 18.

Fisher blasted the jury for citing an unnamed witness' uncorroborated testimony in its report. And he protested that the eight votes cast by underage students were only "0.18 percent" of the 4,400 votes.

In response, Phillips said there is no disputing that voting irregularities occur in Kiryas Joel elections, even if people disagree on the degree. "It's clear that it happens on an almost regular basis," he said.

Fisher also challenged the jury's recommendation that voters be required to show identification when registering and when voting. He said the state legislature has
opposed such requirements in the past, and in any event the state constitution wouldn’t allow it.

Lee Daghlian, spokesman for the state Board of Elections, responded: “I don’t see anything in our constitution that prevents such a change.”

However, under the 1965 federal Voting Rights Act, the state must get federal approval to change any election procedures. And New York also would need a waiver from the 1993 National Voter Registration Act to require voters to show ID, they said. Georgia and Florida have gotten such waivers, said Doug Lewis, executive director of the non-profit Election Center in Houston.