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LOCAL

DEMOCRATS NOMINATE SWARTS' SLATE FOR COURT SEATS
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News Political Reporter

An Allegany County attorney named Patricia K. Fogarty never dreamed she would become the central figure in the war among Erie County Democrats when she arrived in Buffalo on Saturday for her party's normally ho-hum nominating convention for State Supreme Court in the eight-county 8th Judicial District.

But after a morning of white-hot politics all around her in hotel lobbies and living rooms, as well as over cell phones, the Belmont resident simply made up her own mind. She cast the deciding vote for a slate of candidates backed by Erie County Clerk David J. Swarts.

The vote not only meant that Democratic judicial candidates Joseph S. Forma, Sheila A. DiTullio, Paul V. Crapsi and E. Jeanette Ogden were nominated, but also registered as a rebound for Swarts and a stunning setback for G. Steven Pigeon, chairman of the Erie County Democratic Party.

Vincent J. Sorrentino, the former party chairman who fell just one vote short of receiving a nomination, and City Judge Shirley Troutman also lost out.

"Normally the Erie County chairman couldn't care less about the Southern Tier," Fogarty said after a morning of intense political pressure. "This was bizarre."

An unprecedented combination of circumstances cast Fogarty into the spotlight and allowed her vote to determine the political future of several judicial candidates.

For the first time in memory, several factors made a Western New York judicial nominating convention become open and competitive:

The success of Swarts-backed candidates for the judicial convention in the Sept. 12 primary, giving the county clerk significant influence -- even after Pigeon's re-election as county chairman Wednesday night.

The bitterness of State Sen. Alfred T. Coppola of Buffalo toward former ally Pigeon following his primary defeat. Coppola boycotted the convention, blaming Pigeon for his loss and costing the chairman a crucial vote -- even after personal lobbying at his home by Mayor Anthony M. Masiello and other Pigeon allies.

The death several months ago of Olean attorney Robert Isaac, which would thrust Fogarty from the role of alternate into delegate, and

her subsequent rebellion against what she considered heavy-handed political pressure.

Fogarty, who grew up in the Town of Tonawanda and who once served as Allegany County's interim district attorney, learned she would serve as a delegate upon arriving at the convention in the Radisson Suites Hotel on Saturday morning. When Coppola didn't show, she suddenly became the center of attention.

"There was a great deal of pressure from Mr. Pigeon's forces -- significant pressure," she said. "They had my county chair call me, and they told me the success of our State Senate candidate depended upon Pigeon winning today."

Fogarty said the Pigeon forces shared a "real belief" that funding for Fredonia Mayor Frank Pagano, the Democratic candidate against State Sen. Patricia K. McGee, the Republican incumbent, depended on Pigeon. But Fogarty, a graduate of Cardinal O'Hara High School and Catholic University of America, said she was attracted to the idea that the nomination of Supreme Court judges would, for once, not be controlled by party bosses.

"This is the first time, and I've been coming to these things for many years, when the delegates' votes counted for something," she said. "This is the healthiest thing I've seen in many, many years."

Also standing firm was Coppola, who suddenly found Masiello, Sorrentino and Council Member at Large Rosemarie LoTempio at his front door begging for his vote.

But Coppola maintains that Pigeon could have prevented Masten Council Member Byron W. Brown from challenging him in the primary, as well as the challenge by County Legislator Crystal D. Peoples to Deputy Assembly Speaker Arthur O. Eve, which resulted in a heavy turnout of African-American voters.

"Their goal was to get Vince Sorrentino on that ballot, when their goal should have been to have Al Coppola win the Senate," Coppola said. "I'm not finished with Steve. I'm on the Conservative, Working Families and Green (party) lines, and I'm going to go all out to win this in November."

Pigeon acknowledged his defeat, but took consolation in the closeness of the vote. He said he was happy with the nominations of Forma and Ogden, whom he also supported, and again charged that Swarts, Coppola and others are conspiring with Republicans against him.

"I hope all these signs of them continuing to work with Republicans aren't true," he said. "Al will be a (Republican) pawn in a year we can win the Senate. And with Coppola's vote, we would have won."

After losing to Pigeon for party chairman earlier in the week, Swarts described himself as energized by the victory. He also voiced pleasure at the open nature of the convention, claiming he took part in "no threats or deals." His forces, he maintained, must be reckoned with in the county Democratic Party.

"Whether it was Wednesday night or today, there is no mandate that Steve can point to giving him the authority he needs," Swarts said. "He can now opt for healing, or he can perceive that everything is fine in the garden. I hope it's the former."

Saturday's convention began with more than 20 Democrats expressing interest in a Supreme Court nomination and most recognizing that an open convention gave them a chance. But it came down to only a few -- including Martin P. Violante and John M. Curran -- making the cut for serious consideration.

Sources close to Pigeon said they then put forward Troutman in the hope of attracting black delegates. But except for former Council Member Herbert L. Bellamy Sr., the black delegates pledged to Swarts held firm.

DiTullio, a former prosecutor and current Erie County judge; Forma, an incumbent Supreme Court justice; and Crapsi, a Niagara County Family Court judge, all were rated "well qualified." Ogden has not yet received a rating.

Republicans are scheduled to meet at 7:30 p.m. Monday in the Statler Towers to finalize their slate. Robert E. Davis, chairman of the county Republican Party, said he expects County Legislature Minority Leader Frederick J. Marshall and attorney Donna M. Siwek to be nominated, while Niagara County Attorney Ralph A. Boniello III will receive strong consideration.

Davis said other Republicans might enter the mix by Monday evening, adding he did not believe the GOP would offer a cross-endorsement for Forma.

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Caption: Patricia K. Fogarty HARRY SCULL JR./Buffalo News Erie County Clerk David J. Swarts takes the floor at Saturday's convention to nominate his slate of judicial candidates.

---- INDEX REFERENCES ----

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