

FAIR CAMPAIGN PRACTICES COMMITTEE
LEAGUE OF WOMEN VOTERS OF THE SYRACUSE METROPOLITAN AREA
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For Immediate Release

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The Fair Campaign Practices Committee of the League of Women Voters has found that County Legislator Bernard Kraft violated his pledge of ethical conduct during the November 2007 election. The Committee was responding to a complaint from his opponent, Donald J. MacLaughlin. MacLaughlin alleged two violations of the ethical pledge, and the Committee found Kraft guilty of one, not guilty of the other.

The full report follows.

REPORT #1 OF THE FAIR CAMPAIGN PRACTICES COMMITTEE

IN RE MACLAUGHLIN V. KRAFT

BACKGROUND:

The Fair Campaign Practices (FCP) Committee of the League of Women Voters of the Syracuse Metropolitan Area seeks to promote elections in which the information provided to voters by the candidates is accurate and fair. The FCP Committee routinely asks all candidates for elective office in Onondaga County to sign a "Fair Campaign Pledge" that commits them to conducting an accurate and ethical campaign. Candidates are asked to pledge that they will not engage in personal attacks, appeal to prejudice, or distort facts. They are asked to pledge that they will clearly identify all campaign literature as to its origin, not abuse the FCP process to gain political advantage, and publicly repudiate materials or actions that violate this pledge.

The vast majority of candidates for elective office in November of 2007 signed this pledge, including the parties to this complaint.

The FCP Committee exists to hear complaints pursuant to alleged violations of this pledge, and to make the results of such an investigation public. The members of the FCP Committee are volunteers who live in the county and who were asked to serve by the League. While all have political affiliations and preferences, all pledged to look beyond these affiliations in hearing complaints.

Deliberations are based on the evidence produced for the Committee by the parties to the complaint. The Committee is not an investigative body. It does not have its own investigative staff. It cannot compel testimony or documents. Any authority it may have comes from the good will of elected officials, the power of publicity, and the inherent value of the process.

This is the first complaint brought to this body, which accounts for the "#1" notation at the top.

THE COMPLAINT:

Shortly after the November, 2007 election, Donald J. MacLaughlin, Democratic candidate for County Legislature--2nd District, brought a complaint against his victorious Republican opponent, Bernard Kraft.

Because the complaint came after the election, it could not influence the outcome, and the Committee was not compelled to render a judgment quickly. The FCP Committee assumes that typically complaints will be filed during the campaign. When that is the case, the Committee will attempt to provide opinions as to the validity of complaints before voters enter the voting booth.

The FCP Committee agreed to hear this complaint so as to provide an educational foundation for the public and candidates about unfair campaign practices. Only through the accumulation of "case law" can the FCP Committee hope to guide the campaign process toward a dialogue of greater value to voters.

MacLaughlin alleges two violations of the Fair Campaign Pledge.

First, he claims that two "Dear neighbor" letters sent to voters shortly before the election and signed by Bernard Kraft's wife, Eileen Kraft, and by Kraft supporter Mark J. Rupprecht (a former Clay Town Supervisor) were personal attacks. These letters were mailed out by the Kraft campaign, with the permission of Rupprecht and Eileen Kraft. Therefore, these letters should be viewed as Kraft campaign materials. Given that Bernard Kraft signed the Fair Campaign Pledge, these letters fall under the Pledge.

The letters suggest that MacLaughlin is, himself, engaging in negative campaigning. They suggest that MacLaughlin raises false questions about Kraft's health, and they claim that MacLaughlin is a chronic complainer who never solves problems as a public servant. MacLaughlin sees these letters as violating the "personal attack" provision of the Pledge.

Second, MacLaughlin believes the claim found in Rupprecht's letter and in some of Kraft's other campaign literature that "property taxes in Clay have been reduced by over 30% " in the past decade or so is false. Further, he believes

that the stated reason for such a decrease--"reined in spending" by the County Legislature, on which Bernard Kraft serves--is also false. He believes this claim violates the "distorts the facts" provision of the Pledge.

THE MEETING OF THE FCP COMMITTEE:

Six voting members of the FCP Committee met on Thursday, December 6, 2007 to hear this complaint. Present were:

The Honorable Minna Buck, a retired family court judge;

Mr. Steven Kulick, Director of Corporate, Foundation and Government Relations for LeMoyne College;

Ms. Marilyn Pinsky, the former Commissioner of the Onondaga County Department of Aging and Youth;

Mr. Bernhard Molldrem, Jr., an attorney;

Dr. Grant Reeher, a professor in the Political Science Department at Syracuse University's Maxwell School of Citizenship and Public Affairs; and

Dr. David M. Rubin, Dean of the Newhouse School of Public Communications at Syracuse University. Rubin is the elected chair of the Committee.

Of the parties to the complaint, only MacLaughlin was present. Bernard Kraft was not present. Rupprecht attended to represent himself as author of one of the "Dear neighbor" letters. Eileen Kraft was not present.

Representatives of both the Republican and Democratic parties were also present as observers.

THE FINDINGS:

The FCP Committee voted to uphold the MacLaughlin complaint about personal attacks, but voted to deny the complaint about a distortion of facts.

The reasoning of the Committee appears below.

There was no evidence introduced to support any of the following charges about MacLaughlin that appeared in the "Dear neighbor" letters:

* That MacLaughlin "...was known as someone who would offer enough criticism to get into the newspaper, but could not be bothered with

providing solutions to the real issues people face every day" (from Rupprecht's letter);

* That MacLaughlin was engaging in "negative campaigning" and circulating "innuendo and half-truths" (from Eileen Kraft's letter);

* That "some" unnamed people (by implication, MacLaughlin) were suggesting that Bernard Kraft might have health problems (from Eileen Kraft's letter); or

* That MacLaughlin frequently attacked Kraft, as suggested by Rupprecht's statement: "I continue to read attacks in the newspaper and in junk mail from Bernie Kraft's opponent."

These statements were offered without proof in the "Dear neighbor" letters themselves, nor was any proof provided to the FCP Committee. The burden of proof rests with the Kraft campaign to justify these charges. The campaign made them.

The Committee believes these statements do cast MacLaughlin in a negative light and do constitute personal attacks on his character that were unsubstantiated. Therefore the Committee believes the Kraft campaign was in violation of the Fair Campaign Pledge on this charge.

Rupprecht claims in his "Dear neighbor" letter that "In the decade or so that Bernie has served as our Majority Leader [of the County Legislature], County property taxes in Clay have been reduced by over 30%! This has been accomplished because the Legislature, under Republican leadership, has reined in spending." In making this claim Rupprecht selected as his baseline year for comparison 1995, when the tax rate was at its highest. He compared it with 2007.

Rupprecht's letter did not explain to voters that the Town of Clay had decided years earlier to apply new sales tax receipts to the Town's tax bill, thereby decreasing the amount of money residents would have had to pay in property taxes.

Thus there are two different figures to consider when discussing taxes in Clay: what Clay residents pay in taxes before the sales tax credit is applied, and what they pay after the sales tax credit is applied.

If one does not consider the application of the sales tax revenues, property taxes have actually increased slightly for Clay residents since 1995. However, if one adopts Rupprecht's view and applies the sales tax revenue, taxes have indeed fallen.

While a lively debate can be conducted over how the county's tax history is properly understood, the Committee found that the claim regarding taxes did not constitute a clear violation of the Pledge.

SUMMARY:

The complaint of Donald J. MacLaughlin against Bernard Kraft is upheld in part and denied in part.