

FOR IMMEDIATE RELEASE
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FINDINGS IN THE COMPLAINT OF
PETER GUIDARELLI V. BRIAN STRATTON
COMPLAINT 2003-3

Fair Campaign Practices for the Capital Region, Inc. (FCP) held a hearing on October 31, 2003 to consider a complaint made by Peter Guidarelli against Brian Stratton, candidates for Mayor of Schenectady. Present were Hearing Panel members Barbara Thomas, Joan Elliott, Elizabeth Smith-Holmes, Terry Lowenthal, and Coordinator Betsey Swan.

Mr. Guidarelli complained that Mr. Stratton engaged in unfair campaign practices by distributing or failing to repudiate unfair and misleading political advertisements.

The first advertisement was a radio spot sponsored by Friends of Brian Stratton that ran multiple times on local radio stations. It read in relevant part, "Schenectady voters, did you know that Peter Guidarelli made deals with the police union in exchange for the endorsement of the Conservative party, which they control? "

The second advertisement was a flyer allegedly distributed by the Schenectady County Democratic Committee, which read in relevant part:

Schenectady – Peter Guidarelli is a big supporter and the hand-picked successor of Mayor Al Jurczynski, whose failed management of Schenectady has brought a police corruption scandal and a credit rating that has dropped to junk bond status.

Guidarelli will keep the same Jurczynski kitchen cabinet – who are making large contributions to the Guidarelli campaign.

Guidarelli really represents no change at all. Schenectady can't afford four more years of the Jurczynski-Guidarelli team.

At a hearing attended by both parties Paul Brown, Chair of the Schenectady County Conservative Party explained his party's endorsement process, in which the Executive Committee, composed of 13 individuals, interviews candidates and votes to endorse a candidate. Of the thirteen members of the committee, two

members are members of the Schenectady Police Department. One of the two police members was Mr. Brown's brother, who is head of the Police Benevolent Association. However, Mr. Brown's brother was not in attendance when the Executive Committee voted on the endorsement, and Mr. Brown said he had not discussed the endorsement with his brother. Both Mr. Brown and Mr. Guidarelli indicated that no deal had been made with the Schenectady Police Union in return for the Conservative Party endorsement. When Mr. Stratton was asked describe information available to him, which led him to conclude that Mr. Guidarelli had made a deal with the Schenectady Police Union, he could not provide any concrete information and stated only that the Conservative Party had indicated it did not agree with his (Mr. Stratton's) position with respect to some matters relating to the Schenectady Police.

Mr. Guidarelli took issue with the flyer's assertions that he was a "big supporter" of Mayor Jurczynski, that he way the Mayor's "hand-picked successor," and that he would retain Jurczynski employees if elected. Mr. Guidarelli, Chair of the Schenectady County Legislature, testified that he had disagreed with the Mayor on many occasions and did not consider himself to be a big supporter of the Mayor. Mr. Stratton suggested that Mr. Guidarelli's public appearances of approximately one year ago, in which Mr. Guidarelli indicated he thought the Mayor had done some good things for Schenectady and in which Mr. Guidarelli indicated he would not enter a primary race against Mr. Jurczynski, constituted support for Mr. Jurczynski. Mr. Guidarelli testified that he was not Mr. Jurczynski's hand-picked successor and that he had received the Republican Committee endorsement by going through a process similar to that employed by the Conservative Committee. Mayor Jurczynski was not a member of the Republican Committee that voted to endorse Mr. Guidarelli and did not otherwise endorse or support Mr. Guidarelli in his quest for the Republican endorsement. In response to Mr. Stratton's claim that Mr. Guidarelli would retain Mayor Jurczynski's top appointees, Mr. Guidarelli had previously indicated in public that, if elected, he would bring in his own people. When Mr. Stratton was asked to provide evidence for the statement that Mr. Guidarelli would retain Jurczynski appointees, he stated that because some Jurczynski appointees had contributed money to the Guidarelli he concluded that they would retain their jobs.

FINDING WITH RESPECT TO RADIO SPOT – UNFAIR CAMPAIGN PRACTICE

This advertisement violated FCP's principle 4, which prohibits the use of any campaign material or advertisement that misrepresents, distorts, or otherwise falsifies a fact regarding the candidate or an opponent. The radio spot was clearly misleading in that it implied that Mr. Guidarelli had entered into a deal with the police union in return for the Conservative Party endorsement when Mr. Stratton could produce no evidence to support this assertion.

FINDING WITH RESPECT TO FLYER – UNFAIR CAMPAIGN PRACTICE

Similarly, the flyer also violated FCP principle 4. The flyer tried to associate Mr. Guidarelli with Mayor Jurczynski, whose tenure has been tarnished by a police corruption scandal and falling city credit ratings. Mr. Guidarelli provided uncontroverted testimony that, while he had supported certain initiatives of Mayor Jurczynski, he had also been critical of the Mayor. Similarly, there was no indication that Mr. Guidarelli was the Mayor's hand-picked successor. While Mr. Stratton clearly perceived a political advantage in categorizing Mr. Guidarelli as a supporter of the Mayor and the Mayor as a supporter of Mr. Guidarelli, there was simply no factual evident to support his assertions. Nor was there any evidence to support Mr. Stratton's assertion that Mr. Guidarelli would retain Jurczynski appointees.

While FCP supports the robust debate of issues, when debate consists of misleading innuendo unsubstantiated by fact, it has crossed the line into the realm of the unfair campaign practice. This type of distortion is made more dangerous by its appearance immediately prior to an election, when candidates are limited in their ability to overcome its negative effects.

If a candidate or campaign wishes to quote from this Finding, FCP requires that the Finding be quoted in its entirety. FCP regards selective quotation of its Findings as an Unfair Campaign Practice.