



Jeff Deskovic

My First Election Experience

As I wrote about a month ago, for the reasons which I laid out in depth, in order to further the cause of anti-wrongful convictions, I decided to get involved in the race for the Manhattan District Attorney's Office. After researching the candidates, I ultimately chose to support Richard Aborn, who previously helped pass legislation expanding the DNA databank and co-authoring a report on wrongful convictions for the New York State Bar Association, outlining their causes and reforms.

As a result of missing my teens from 16 forward, all of my 20's, until just before my 32nd birthday, there have now been many things that I have done for the first time. In this article, I will share my first experience being involved in a political race.

The Platform: Aborn ran his campaign on a wide range of progressive ideas. He was concerned about **wrongful convictions** and he had a comprehensive plan outlining specifically how he would prevent new ones from occurring, from reviewing old cases to using the office to seek legislative changes, while also trying to persuade law enforcement agencies to voluntarily adhere to best practices pending legislative changes.

Some of the prevention highlights within the DA's office included training modules on how to spot false confessions and mistaken identifications, taking prosecutorial misconduct seriously and abandoning "trial by ambush" by turning over information to defense attorney's as soon as possible. Not only would this facilitate justice, but would also speed up the disposition of cases.

He wanted to help further change the Rockefeller Drug laws, which have resulted in extremely long sentences for possession of drugs, and to send people with drug problems to rehabs rather than to prison.

He wanted to send people with mental health problems to receive treatment rather than being sent to prisons so they, too, could get help

rather than go to a place that would have inadequate services and would exacerbate their problems. He wanted to set up a mental health court.

He also wanted to push alternatives to incarceration for non-violent offenders.

He wanted to steer kids away from crime before it was too late and was willing to partner with agencies to accomplish this. He wanted to similarly work with other organizations to have a stronger prisoner re-entry program so that once released offenders would live crime free rather than commit crimes and be returned to prison. He was concerned with racial justice, frequently stating that 'there was something wrong when nearly one out of three African American can expect to spend some portion of their lives in prison' and that '4 out of 5 juvenile offenders are re-arrested within a few years.' His solutions: get guns off the streets before they are used, give at risk youth alternatives to crime, and treat drug addiction as a public health problem rather than a criminal justice problem.

He wanted to enforce tenant rights, and enforce minimum wage laws, unemployment insurance and workers compensation. He wanted to attack white collar crime beyond that which takes place on Wall Street, specifically scams against the elderly, and immigrant groups. He wanted to partner up with domestic violence programs and community organizations as well as places that provide housing and jobs to break the cycle of violence, and to prosecute violations of restraining orders. He wanted to uphold LGBT rights. He wanted to get guns off of the streets, stating that it is known where they come from and that he wanted to prevent them from even getting here.

Endorsements: Throughout the campaign, many progressive elected representatives as well as advocates endorsed Aborn's platform. Elected representatives: Congressman Jerrald Nadler, Congresswoman Carolyn

McCarthy, State Senator's Adams, Perkins, Schneiderman, Serrano, Squadron, Assemblymen Bing, Glick, Gottfried, Kavanagh, O'Donnell, Rosenthal, Schimel, Councilmen Brewer, Viverito, Mendez. Former Correction Commissioner Abate, Former Police Commissioner Bill Bratton, Association of Legal Aid Attorneys, Valerie and William Bell who are the parents of Sean Bell, Richard Davis, Pauline Park, Katrina vanden Heuvel of the progressive magazine *The Nation*, 504 Democratic Club, NYC Americans for Democratic Action, Barack Obama Democratic Club of Upper Manhattan, The Brady Campaign, Broadway Democrats, Chelsea Reform Democratic Club, Citizen Action of NYC, Coalition for a District Alternative, Community Free Democrats, Communications Workers of America, District 1, Communications Workers of America, Local 1180, Democrats in The Heights, Downtown Independent Democrats, Eleanor Roosevelt Democratic Club, *Gay City News*, Gay and Lesbian Independent Democrats, Gramercy Stuyvesant Independent Democrats, Gun Free Kids, Lexington Democratic Club, Met Council on Housing, Million Mom March, New Yorkers Against Gun Violence, New York Hotel and Motel Trades Council, Out People of Color PAC (OutPOCPAC), Park River Independent Democrats, Samuel J. Tilden Democratic Club, Sojourner Truth Democratic Club, Three Parks Independent Democrats, United Auto Workers Region 9A NYC CAP Council, United Food and Commercial Workers Local 1500, The Association of Legal Aid Attorney's, Village Independent Democrats, Workers United, and Working Families Party.

Experiences: I did as much as I could to assist the campaign. I endorsed him, and participated in a press conference with him announcing that endorsement and his plan to limit wrongful convictions, and that resulted in news coverage. *The Daily*

News ran a story entitled "DA Hopeful Snyder Loses Support Of Exonerated Prisoner To Rival Aborn". Although I did not like that title because I like to define myself as the advocate that I have become with my motivation being my background, I was happy that Aborn got the additional coverage, which in a way is like free advertising.

Other news publications ran stories, such as the *Soho Journal* "ABORN LANDS DESKOVIC ENDORSEMENT, UNVEILS PLAN TO LIMIT WRONGFUL CONVICTIONS" and the online publication called *The Examiner* "Richard Aborn Pledges To Reduce Errors At The District Attorney's Office". I also did an interview with *The Huffington Post*, and a story by *WNYC News* also ran.

Many blogs reprinted the articles and the story spread around the internet reaching many people. I appeared at fundraising events with him and other similar events, where he would point me out as an example of what he wanted to prevent. The effect of seeing me in flesh and blood was much more powerful than if he had simply referenced my case. I wrote an article endorsing him in *The Guardian*. I set out an email blast from my website encouraging people to vote for him, get others to do so, make contributions, and to volunteer to help his campaign. I tweeted the same message on *Facebook* regularly for him. I spoke on his behalf at an event at Cardozo School Of Law.

I learned many things along the way. I previously conceived a campaign largely consisting of press conferences, fundraising events, public appearances, and community forums. I learned that it also consists of handing out campaign literature, having conversations with voters on the street, and making contacts within advocacy organizations and advocates, as well as professional who either work in the field related to the office one is running for or who have previously worked in the field. For two weeks in



a row I handed out campaign literature with him at subway stops at 7:30 in the morning. I wore an oversized "Aborn For District Attorney" button on my suit: that button enabled me to engage in a short conversation with voters about who I was and why I was in support with Aborn who otherwise would not have taken literature.

If a conversation took place with a voter, typically it had to be fast and concise, like during a lobbying session with an elected official. Such conversations were regarded as worth double than simply handing out literature. Handing out literature is a numbers game: For every two people that took literature, there would be 4-5 who would not, without even the slightest dialogue, and sometimes with an attitude.

I learned quickly that I would have to develop thick skin. In time, I became effective enough that I was occasionally asked to go to a different location than Aborn in order to double our coverage.

I learned that the deployment of volunteers to pass out literature was strategically done, and that a list was kept so that the campaign knew precisely which areas were covered by who. At first, when I was at locations that had volunteers from the other campaigns, it was awkward. But I got used to it, and would frequently shake hands with them. A few times there were too many workers from other campaigns at a location and I would call for backup volunteers to be sent to help pass out literature.

There were even some occasions when the other candidates themselves were meeting voters and passing out literature less than ten feet from me. While other locations either when the candidates were there and simply their volunteers, whenever I spotted someone with opposition campaign literature I would frequently successfully pass out our literature, saying "information about another candidate, compare and contrast, make an informed choice."

There were a variety of things that pumped all of us up and made us think we would win, as well as things that happened before I joined the campaign but which I read about. Aborn performed exceptionally well in the debates, sticking to the issues while his two opponents personally attacked each other. In fact, toward the end of the race, they often ignored

him all together as if he was not running.

Yet signs continued to point toward a victory. Aborn receiving 17 out of 21 endorsements from elected reps who were popular enough that they were able to get elected in their districts, the experts and advocate endorsements, news articles reporting that his campaign was surging, that he had many more volunteers than his opponents, and that he had raised a similar amount of money to his opponents. Similarly encouraging was the reaction we were getting on the streets from voters.

At the end of the campaign, Aborn had a press conference with his endorsers around him, including myself, during which we all spoke about why they were endorsing him. Aborn received a surprise endorsement from Michael Steinberg, who was a postal worker who was slashed with two power saws nearly being killed in a subway station three years ago. He said that he would feel a lot safer if Aborn was the district attorney.

On primary election day, I was at one of the voting sites with Aborn, and while remaining outside of the campaign free zone, I continued to hand out literature while also funneling voters to Aborn so that he could talk to them. I also gave a brief statement to *Channel One News*, which had come to video Aborn vote for himself, and his family. After voting, many voters came up to us and volunteered that they had voted for Aborn.

We knew that we would need to get out the vote in order to win, but we thought that given his plank and the reputation for progressiveness that Manhattan has, that his message would cause them to do just that. To a person, we all thought that from a moral point of view, given the plank he was running on, he should win. The statements of the people who voted only reinforced our belief that we would win.

Thoughts Post Election: From as powerful and prestigious an office as the Manhattan District Attorney's office, the changes that Aborn wanted to make could have started a chain reaction up and down New York State and then throughout the country. Accordingly, this loss affected me greatly because of what it meant. It was about preventing wrongful convictions, getting people with drug problems and mental health problems help rather

than incarcerating them, preventing crime and diverting youth from crime and prison, not looking at incarceration as a cure all, cutting down on recidivism, keeping our streets safe with *smart on crime* policies, looking out for immigrants and other at risk populations while going after those who would take advantage of them. Yet the people had not come out to vote. One news source reported that only 8% of the people who are registered to vote in Manhattan voted, which was down from 15% last time. Of the people who did vote, not enough voted for Aborn. Cy Vance won the election with 44% of the vote, Leslie Crocker Snyder got 30%, and Aborn got 26%.

I have reflected on what the outcome means, and I have come to some conclusions. It is ridiculous that in almost every election, a common concern is "to get people to come out and vote." Voting makes a difference; if it didn't people wouldn't have died to achieve the right to vote nor would evil people have killed others to discourage it.

But more than that, as pertains to injustice, I have concluded that the general populace just doesn't care about issues of justice. Too many people are simply too wrapped up in their own individual pursuit of happiness to care about injustice that is visited upon others. That is, unless it is injustice being visited upon them, their family or friends. It is nice to hear words of support for a cause, but the true test is action.

To really believe in a cause is to do what one is able in the furtherance of it, to struggle for it, and to make sacrifices. It makes a big difference who is in office. Voter indifference is what enables abusive and/or corrupt people to remain in office. It is what prevents those who do want to bring about progressive change for the people unable to get elected or succeed, especially when they run on a plank to help the masses people and meanwhile the masses don't care enough

to vote. That equation equals a loss, because amongst too many that do vote, people oriented platforms are not messages or issues that resonate with them.

It is disheartening to take wrongful convictions and police brutality seriously and yet entire

at risk populations don't care enough to vote for their champions and vote out their abusers. In the end, I must conclude that despite lip service, those that don't vote or take action are not real progressives at all, but rather indifferent and apathetic. To those of us working for change in different ways, apathy is always our first obstacle, and in many ways is reminiscent of the indifference I found when I was wrongfully incarcerated and seeking in vain for someone to help me.

I have a few thoughts going forward. Although it will hurt not having a powerful anti-wrongful conviction advocate in the Manhattan DA's office, I must continue to battle against wrongful convictions. Going forward, it is clear that I need to amass supporters who are willing to take action once the word goes out to demonstrate, to group lobby, rally, protest, or other public demonstration of support, or to vote for an anti-wrongful conviction candidate or to vote against someone who opposes changes.

In that way, elected representatives will be forced to take more seriously the issue of wrongful convictions when I meet with them in their offices and lobby for changes. It will also help during future elections. If I had a larger voting block, that would have been helpful during this election.

Having willing, pre-organized supporters, who care about wrongful convictions is infinitely better than making a general appeal to the masses. To achieve this, I have started a Facebook group called Jeffrey Des-kovic's Innocence Team. I will have a New York group and a national one. I also hope to get an anti-wrongful conviction not-for-profit organization up and running. I will continue to speak and write about the subject, as well as lobbying and testifying at hearings. If there are future elections that could make a difference, I will consider getting involved again, and hopefully this time we will win. ■

GFN	
GALLO, FEINSTEIN & NAISHTUT, LLP	
ATTORNEYS AT LAW	
TONY CASTRO	
OF COUNSEL	
tcastro@gfnlaw.com	
T 914.939.0002 211 S. RIDGE ST. RYE BROOK, NY 10573	T 203.629.5074 28 SOUND VIEW DRIVE, BOX 4845 GREENWICH, CT 06830