

Letters To The Editor

TWO LETTERS THAT NEED CLARIFICATION

To the Editor:

A serious question raised in the recent election campaign has been neither settled nor, in fact, even discussed publicly since Nov. 4th. I refer to the question raised by William F. Gordon in publicly citing two letters written by H. F. Krucker, Judge of the Superior Court.

In one, Judge Krucker is pointing out to a particular attorney that "I have ruled in your favor in the . . . case although there was strong question in my mind about punitive damages"; and then a sentence later, Krucker says, "I have an election contest in the fall, and I would appreciate a contribution from you to my campaign." A copy of this appeared in a political ad in the Oct. 31 Citizen, and Krucker has not denied writing this most unusual letter.

IN THE SECOND LETTER, Krucker addresses an Attorney Polley concerning a case in which Krucker was shortly to preside as judge, Polley being one of the two opposing lawyers. Krucker seems to be explaining to this attorney how the issues of the forthcoming hearing might best be handled to achieve an outcome favorable to Polley's client. Indeed, Krucker seems to suggest how he, as judge, could rule in the case, and all this a week before the case is to be heard! The cited letter states, "I think I could exercise my discretion and refuse any higher bid. We have to do something that is iron-clad or Pintek will appeal which he will probably do anyway. I will leave that to you to study out." This astonishing letter was made public by Gordon at a Tucson Press Club forum covered in a Citizen story on Oct. 25. In the latter story, Krucker is indirectly quoted as saying that there was nothing secret about this pre-hearing advisory to Polley because he had sent the opposing attorney, Pintek, a copy of it. Now it seemed to be improbably nonchalant of any judge to send a copy of such a letter to the opposing attorney, so I have taken the trouble to contact Pintek to check this crucial point. Pintek said no copy



was ever sent to him, that it was only long after the hearing (which Krucker decided against his client) that this letter came to light in a transfer of case files, and that he, in fact, has been trying unsuccessfully to get this matter under formal bar association investigation for months. Pintek felt obliged to add, in fairness to Krucker, that he was standing quite near to Krucker throughout the entire Press Club forum and was positive that he had not heard Krucker claim that Pintek had been sent a copy of the Polley letter.

WHEN A JUDGE of the superior court was charged with secretly communicating with one of two opposing lawyers in a case to be heard in that judge's court, then I believe that local newspapers, attorneys, and bar association representatives should quickly have entered the debate to settle this vitally important question: Was a litigant's precious right to impartial trial violated by Krucker?

We have heard nothing said publicly of this issue since the election. I have discussed this matter with many friends since Nov. 4th, and all of us are awaiting further public discussion of the details of the case. It is very much the public's concern to scrutinize its courts and to insist that the courts be kept above all suspicion of unfairness. At present, Gordon's charges and the very content of these two letters constitute a cloud over the court. The public should be given immediate clarification of all facts and issues involved.

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