

# THE BUFFALO NEWS

BUFFALONEWS.COM // WEDNESDAY, JUNE 29, 2022 // FINAL EDITION



## Former aide links Trump to violence at Capitol

Testimony advances possible legal action

By ALAN FEUER AND GLENN THRUSH  
NEW YORK TIMES

WASHINGTON — It was one of the most dramatic moments in a presentation filed with them: Just before President Donald Trump went onstage near the White House last year and urged his supporters to “fight like hell” and march on the Capitol, an aide testified on Tuesday, he was told that some of them were armed.

It was also a potentially consequential moment for any prosecution of Trump, legal experts said. Knowing that his crowd of supporters had the means to be violent when he exhorted them to march to the Capitol — and declared that he wanted to go with them — could nudge Trump closer to facing criminal charges, legal experts said.

“This really moved the ball significantly, even though there is still a long way to go,” said Renato Mariotti, a legal analyst and former federal prosecutor in Illinois.

The extent to which the Justice Department’s expanding criminal inquiry is focused on Trump remains unclear. But the revelations in the testimony to the House select committee by Cassidy Hutchinson, a former White House aide, both provided new evidence about Trump’s activities before the Jan. 6, 2021, assault on the Capitol and chipped away at any potential defense that he was merely expressing well-founded views about election fraud.

“There’s still a lot of uncertainty about the question of criminal intent when it comes to a president, but what just happened changed my bottom line,” said Alan Reznstein, a former Justice Department official who teaches at the University of Minnesota Law School. “I have gone from ‘Trump is less than likely to be charged to he is more than likely to be charged.’”

A spokesman for Attorney General Merrick Garland declined to comment.

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### CITY & REGION

#### TOPS RENOVATIONS MAKE AN IMPACT, BROWN SAYS



Mark Mulville/Buffalo News

“It looked different than it looked previously. That was helpful to me, and I’m hoping it will be helpful to other people,” Mayor Byron Brown said after a tour of the remodel store, which will reopen next month. *Story on Page C1*

## Hochul cruises to primary win, will face Zeldin in November



Associated Press and New York Times photos

“I stand on the shoulders of generations of women who constantly banged up against that glass ceiling,” Gov. Kathy Hochul proclaimed Tuesday after winning the Democratic primary. Rep. Lee Zeldin won a convincing victory in a four-way Republican primary.

#### Emerges as undisputed leader of state Democrats after easy win



Robert J. McCarthy

NEWS POLITICAL REPORTER

NEW YORK — Kathy Hochul, the Buffalo resident who a only year ago dwelled in Andrew M. Cuomo’s shadow as lieutenant governor, easily captured a three-way Democratic primary for governor Tuesday in a victory that anoints her as undisputed leader of the New York Democratic Party. News outlets declared Hochul the victor shortly after 9 p.m. as early returns showed her posting an overwhelming lead. She appeared to be swamping Rep. Thomas R. Suozzi of Nassau County — where he trailed by double digits — as well as New York City Public Advocate Jumaane D. Williams. She was scoring a major plurality in New York City, outpacing even Brooklyn’s Williams.

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### INSIDE



#### Turnout is light across Erie County

Early voting and small number of local races contribute to lack of voters.

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• **Lieutenant governor:** Antonio Delgado scores resounding victory. *Page A6*

• **National roundup:** Abortion at forefront of key midterm races. *Page A6*

#### Zeldin vows feisty fight after hard-fought GOP primary



Jerry Zremski

NEWS WASHINGTON BUREAU CHIEF

BALDWIN — Rep. Lee Zeldin, a four-term lawmaker from Suffolk County, scored a convincing victory Tuesday in a hard-fought four-way Republican primary for governor, setting up what promises to be a feisty fight against the incumbent Democrat, Gov. Kathy Hochul.

Trailing in early returns to Andrew Gillum — son of the former New York mayor — Zeldin pulled into a double-digit lead once returns from Long Island were counted. The two other candidates, former Westchester County Executive Rob Astorino and businessman Harry Wilson, trailed far behind.

In a hard-hitting speech before several hundred jubilant supporters in a banquet hall in this Nassau County suburb, Zeldin vowed to take the fight to Hochul.

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## Eden supervisor beats incumbent in county clerk’s race

By SANDRA TAN, LEAH CLARK AND COREY DOCKSER  
NEWS STAFF REPORTERS

Endorsed Democrat Melissa Hartman, the supervisor for the Town of Eden, handily won the Democratic primary race for Erie County clerk against five-year incumbent Michael “Mickey” Kearns.

The two will face off again in the general election. While Hartman has now secured the Democratic Party line, Kearns still carries both the Republican and Conservative party lines.



Michael “Mickey” Kearns and Melissa Hartman will have a rematch in November’s general election.

The Clerk’s Office handles local Department of Motor Vehicles transactions, as well as real estate transactions and pistol permits.

Though Kearns is a lifelong registered Democrat, he has carried the Republican and Conservative endorsements in his prior runs for election to the clerk’s seat. Hartman had been a lifelong Republican until a few months ago, when she formally changed her party affiliation to Democrat.

Hartman, 43, has said she has always supported more progressive social issues and been

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**WEATHER**  
Mostly sunny, breezy. High 74, low 58. Details on Page C10

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THE BUFFALO NEWS



Nicole Fusco votes with her dog Annie Tuesday at the Unitarian Universalist Church on Elmwood Avenue. Election officials offered a number of reasons for what appeared to be a light turnout including voters unfamiliarity with the June primaries.

## Being eligible isn't enough for some this time around

**Numbers are down despite early voting**

By BEN TSUJIMOTO  
NEWS STAFF REPORTER

The introduction of early voting has not attracted many new voters but merely given existing voters more flexibility, Erie County Board of Elections commissioners Ralph M. Mohr and Jeremy J. Zellner agreed Tuesday. That's one explanation for why voter turnout among the more than 440,000 eligible voters in Erie County was described by officials as light through Tuesday afternoon.

The Cheektowaga Senior Center welcomed just 49 voters in the first seven hours polls were open. The Unitarian Universalist Church on Elmwood Avenue had significantly more, with an estimated 300 submitted at 1 p.m., but that did little to boost the overall numbers.

"It just seems like the interest isn't really there anymore," said May Bauer, a poll worker in Cheektowaga.

"I just wish we had a bigger percentage people of being involved," said Gene Walek, a Vietnam War veteran who voted Tuesday at the senior center. "You hear a lot of people complain, and you ask if they voted, and they say no."

Registered voters from Republican and Democratic parties cast their ballots Tuesday in state primary races for governor, headlined by county native Kathy Hochul among the Democrats and a quartet of candidates vying for the Republican bid, as well as lieutenant governor, plus an intriguing race for Erie County Clerk between incumbent Mickey Kearns and challenger Melissa Hartman.

Theories among voters and officials to explain low turnout centered on the low number of races; a lack of familiarity with gubernatorial candidates beyond Hochul, the only contender for either party from Erie County; the recent move of the state race to June; a general dearth of local intrigue; and the fact that primaries almost always pale compared to general elections.

"I think a lot of people just assume

that because we're a very democratic state and all of that, it's just assumed that Kathy Hochul, the incumbent is going to win," said Samantha Nephew, who was working on behalf of Hartman's campaign.

Mohr, the Republican Board of Elections commissioner, thought Hochul — with the chance to become the first governor elected from upstate — would be the major draw. "You would think the interest would have been more," he said.

Some Hochul supporters hit the polls, though.

"I would like a lady governor for a change," said Marcia Szmania, who voted in Cheektowaga. "Somebody homegrown, not someone from Long Island or downstate."

Compared with the last gubernatorial election, when Andrew Cuomo defeated Cynthia Nixon in a "bitter primary contest" in 2018, the difference in turnout was stark. While 27% of eligible county voters cast their vote in that race, just 7% had by 2 p.m. Tuesday, Mohr said. While the commissioner thought a dinner-time surge

would boost numbers, he predicted they would land around 20%.

Mohr said early voting numbers were down this year, too, with just over 11,000 people casting their vote in the 30-day window that ended Sunday, compared to 27,000 in the first year it was instituted.

Light turnout has the potential to produce surprise results, Mohr said, citing India Walton's win over incumbent Byron Brown in the Democratic primary last June.

"You're always disappointed when the turnout is less than what you hoped for, and I think it makes the elections more unpredictable as well as you saw in the mayor's race last year," Mohr said.

Zellner said he believed the switch to a June primary for state races — which were held in September before a 2019 change sought to unite them with federal races in June — was responsible for the low turnout.

"Folks are not engaged right now," said Zellner, who also serves as Erie County Democratic Party chairman.

"They're not used to being engaged

in this community for a summertime election."

But was Tuesday's light turnout a product of a lethargic voter base or a lack of notable races? Mohr said it will be telling to review what happens on Aug. 23, the second primary when State Senate and Congressional races are held. More familiar candidates such as Brian Higgins, Nick Langworthy, Carl Paladino and Joel Giambra on the ballot could spark greater general interest, the commissioner thought.

For the voters who did turn out Tuesday, a sense of responsibility was the overarching reason.

"I think it's a duty and, you know, if we care about the kind of society we live in, the least we can do is to vote," said Cheryl Bell, a Buffalo resident at the Elmwood Avenue polling location.

Mildred Pjaski, who rode with Szmania to vote at the Cheektowaga Senior Center, said nothing would stop her. "I can't drive no more but I make sure I get here," the 93-year-old said.

*News staff reporter Haajrah Gilani also contributed to this story.*

## Hartman had been criticized for switching party affiliation

CLERK • from A1

staunchly anti-Trump, despite her affiliation with the Republican Party prior to this year. Kearns has long positioned himself as an "independent" Democrat.

"While I haven't always been a member of Democratic Party, I've always shared their values," Hartman said in her victory speech. "The voters had an important choice tonight in this election, where they chose to support the candidate who supported their values, such as a woman's right to choose, equality for all and safety from gun violence."

A Hamburg native who moved to Eden 11 years ago, Hartman touted her accomplishments in keeping the Town of Eden running during the Covid-19 era as a hallmark of her campaign for clerk. She also noted that no women currently hold countywide elected office.

She was criticized for not changing her party affiliation to Democrat until she decided to run against Kearns.

As supervisor, Hartman has taken on different leadership roles, she said, and worked to move forward a town master plan that addresses land use issues and would allow the town to modernize without losing its rural character.

Her campaign platform included establishing a gun buyback program, distributing free gun safety locks with every new pistol permit, offering more suicide preven-

**Erie County clerk**  
(106 for one)  
95.48% of Election Day districts  
100% of early voting

DEMOCRAT		
	Votes	%
Michael P. Kearns	18,314	36.43%
Melissa M. Hartman	31,473	63.30%
Uncounted mail-in	n/a	

tion information and opening a new county auto bureau, preferably in East Buffalo, to improve access to motor vehicle services.

"I've been out knocking on doors for months now, speaking with residents and listening to their concerns — their concerns for their safety, their concern for their rights," she said Tuesday. "They want someone who can listen to them and bring them access to their communities."

Kearns, 53, endured a tough primary in which his opponent highlighted his conservative stances on immigration and abortion. He was also criticized for hiring his cousin to serve as first deputy county clerk.

"My opponent ran a campaign on national issues," Kearns said of his loss. "I want to run a campaign on the County Clerk's Office. We've talked about all the issues that deal with the Clerk's Office, and that's what I'm going to focus on."

As part of his campaign, Kearns pointed to his ability to keep the Clerk's Office going despite the economic shutdown in 2020.

## Cheektowaga justice hopefuls to meet again; Ostrowski wins 4 in Pendleton

By BARBARA O'BRIEN  
NEWS STAFF REPORTER

Candidates for town justice in Cheektowaga will meet again in November, while voters in Pendleton made a decisive choice for a former Town Board member to become the next town justice.

In Cheektowaga, endorsed Democrat Jennifer A. Runfola won the Democrat primary over John J. Wanat, but Wanat won the Conservative primary by more than two-to-one, according to unofficial tallies.

Runfola, an attorney for 25 years and a former confidential law clerk to Erie County Court Judge Thomas F. Franczyk, has served as an Erie County assistant district attorney and went into private practice in 1999.

Wanat, a registered Democrat who has more than 25 years of law enforcement experience, is a sergeant with the Cheektowaga Police Department, where he has worked for 22 years.

In Pendleton, retired Niagara County Sheriff's Capt. Todd T. Ostrowski faced off against Wolfgang Buechler in four primaries. Ostrowski is a former Pendleton Town Board member, and Buechler is the chairman of the

**Cheektowaga town justice**  
(106 for one)  
93.33% of Election Day districts  
100% of early voting

DEMOCRAT		
	Votes	%
John J. Wanat	1,991	42.88%
Jennifer A. Runfola	2,634	56.73%
Uncounted mail-in	n/a	

CONSERVATIVE		
	Votes	%
John J. Wanat	120	75.47%
Jennifer A. Runfola	38	23.90%
Uncounted mail-in	n/a	

Zoning Board of Appeals. Incumbent Justice Ed Maziarz is not seeking re-election.

Unofficial results had Ostrowski winning the Republican, Democrat, Conservative and Working Families races.

Registered party members in some districts will head to the polls again in August, the primary day for Congressional and State Senate candidates. Voting was split into two primary dates because courts rejected new district lines drawn by Democrats. By the time new lines were in

**Pendleton Town Justice**  
(106 for one)  
100% of Election Day districts  
100% of early voting

DEMOCRAT		
	Votes	%
Wolfgang Buechler	93	38.43%
Todd T. Ostrowski	149	61.57%
Uncounted mail-in	n/a	

REPUBLICAN		
	Votes	%
Todd T. Ostrowski	307	70.25%
Wolfgang Buechler	130	29.75%
Uncounted mail-in	n/a	

CONSERVATIVE		
	Votes	%
Todd T. Ostrowski	40	66.67%
Wolfgang Buechler	20	33.33%
Uncounted mail-in	n/a	

place, it was too late to organize a vote in June. Those primaries will be held Aug. 23.