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RESTAURANT NOTES:

Elite Fine Dining revamps Friar's Table

TASTE, PAGE C1



JACKSON FEELS ANGRY, BETRAYED

BUCKY GLEASON, PAGE D1



Future judges earn poor ratings from peers

Unopposed candidates are shoe-ins for bench

By ROBERT J. MCCARTHY
NEWS POLITICAL REPORTER

Erie County Court's next judge will take the bench in 2016 even though he is "not recommended" by the Erie County Bar Association. And the two candidates expected to receive "cross endorsements" for State Supreme Court have been judged only as "qualified" — the lowest favorable rating.

James F. Bargnesi, an assistant district attorney well known as a homicide prosecutor, is assured of election in November because only he and incumbent County Judge Sheila A. DiTullio — both Democrats — qualified for two open positions on the ballot. While DiTullio garnered the bar association's highest rating of "outstanding," Bargnesi will take office saddled by the highly unusual situation of a negative rating from his peers.

Similarly, the two candidates expected to be nominated at Democratic and Republican judicial nominating conventions later this month also will take the bench without opposition but with poor ratings from the bar association. Democrat Frank A. Sedita III, the Erie County district attorney, and Republican divorce attorney Emilio Colaiacovo both received the bar association's "qualified" rating — "well qualified" and "outstanding" represent the two highest ratings — and both are expected to be cross-endorsed by the two major parties and assured of election.

The process of bipartisan backing, essentially sealed by the agreement of the Erie County Republican and Democratic chairmen, has resulted in uncontested elections for roughly half of State Supreme Court candidates in Western New York since 1995.

See **Ratings** on Page A4

Studio alters film to avoid NFL's anger

Emails show Sony eased off on concussion angle

By KEN BELSON
NEW YORK TIMES

NEW YORK — When Sony Pictures Entertainment decided to make a movie focusing on the death and dementia professional football players have endured

Buffalo's new school superintendent outlines his agenda

Attendance: Kriner Cash says that percentages here fall below the national average and that he will make phone calls and visit homes to find out why students are not coming to school.

Academic progress: The school district needs to create more options for students, particularly programs focused on career skills and those with rigorous standards.

Accountability: There needs to be more responsibility at the school and district levels for student performance.

Teachers contract: Cash says the current agreement is not conducive to improving performance. He sees the need for changes to provisions such as seniority and staffing.

Community involvement: Stakeholders will be encouraged to get involved in activities such as neighborhood watch to make sure children get to school safely.

'This is a system reboot'

Taking charge of a school district in crisis, Kriner Cash gets specific on ambitious goals for everything from attendance to graduation rates

By TIFFANY LANKES, SANDRA TAN AND DEIDRE WILLIAMS
NEWS STAFF REPORTERS

Buffalo's new school superintendent wants the graduation rate to hit 100 percent in the next five years, and by that time, he also wants 80 percent of students meeting state standards. On Tuesday, Kriner Cash offered for the first time some specifics on how he will try to make that happen.

Cash acknowledged that it is an ambitious goal — and that previous school leaders failed to deliver on similar promises — but said that it's important to set the bar high.

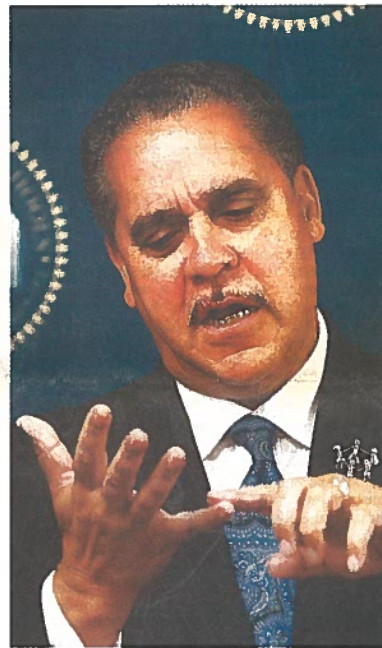
"I think you've got a top-flight, experienced leader in this work now," he said in a meeting with The Buffalo News Editorial Board.

"That is different than what you had prior. It's a known national reputation. Whether people liked everything I did or not, people will tell you they respected what I was doing and what I did in every place that I've been.

"I'm serious about doing it here. This is where the work is. I wouldn't want to be anywhere other than this. You won't see me looking for other jobs, or running home to the vineyard every other week."

His plan includes a focus on attendance, student safety and on overhauling parts of the district that aren't effective. The heart of it is creating more academic programs and choices for families, something he says will drive district outcomes.

Although he wants to make some quick gains, Cash said, the district's ultimate success requires rebuilding the entire school system, which cannot currently deliver good results.



Robert Kirkham/Buffalo News file photo

"I'm serious about doing it here. This is where the work is. I wouldn't want to be anywhere other than this. You won't see me looking for other jobs, or running home to the vineyard every other week." — Kriner Cash

That could take up to six years. "This isn't just about achievement," he said. "This is a system reboot."

Much of that will begin when students return to school Thursday. Though turning around student achievement takes time, Cash said, people should expect dramatic changes in how the district does business.

"The first tough decisions are coming soon," he said.

Cash identified student attendance as a primary focus within the first month of school.

"Attendance. Attendance. Attendance. I'm going to be focusing on getting children to school on the first day and every day," he said, adding that the district's average daily attendance is not acceptable.

"We have an attendance issue in the district that's well below national base line levels for elementary school ... and for high school," Cash said. "The national benchmarks for high school are 92, 93 percent," and for elementary school, "it's 95 percent and above."

Comparatively, the Buffalo attendance percentage is in the 80s, he said.

"So that's well below acceptable levels for driving achievement and for driving progress," he said.

But at some of the school district's highest-performing schools, the attendance percentage is in the 90s. At Emerson School of Hospitality, for instance, the attendance rate is 94 percent and the graduation rate is 87 percent, he said.

To boost student attendance, Cash said he has a multifaceted plan.

For one, he said, he will build on positives that exist already in the district, such as the Ready Freddy initiative that focuses on the impor-

See **Cash** on Page A2

Walker's wall notion borders on the absurd

The Great Wall-Off of Canada
An immodest proposal
Lenses turn on fence



American, Canadian critics aren't amused

By JERRY ZEMSKY

CONTINUED FROM THE COVER

Aiming to 'go into neighborhoods and knock on doors'

CASH • from A1

tance of attendance, especially at the pre-K and kindergarten levels.

Cash also said he will continue grass-roots efforts such as attending town hall-style meetings and parent summits, as well as more personal efforts such as making phone calls to homes of students who are chronically absent and making special visits.

"I'll go into neighborhoods and knock on doors - 'Why isn't your child in school?'" he said.

Higher achievement

Huge improvements in student attendance and achievement will only be made through huge improvements in school programming that make students actually care about coming to class, Cash said. A big part of getting students to achieve is getting them enrolled in schools that make them care about education.

Schools without admission standards need strong interest areas or career themes to keep students engaged and motivated to return each day, he said.

He suggested that such programming be related to solar energy, medical device manufacturing, biologistics, biotechnology and allied health professions. All are emerging industries in Buffalo and programs that he wants business and community leaders to help the district launch.

"Because of my experience, because of my background," he said, "we can try a lot of things quickly if I get support from the board and from the buy-in of these impact figures in the community."

Cash also said he would like to see new technology invested in areas where achievement data clearly



Robert Kirkham/Buffalo News file photo

"We can try a lot of things quickly if I get support from the board and from the buy-in of these impact figures in the community." - Kriner Cash

shows a need. For instance, he said, the recent state grant of \$1.75 million to help struggling schools with technology needs will be invested in more online programs to help high school students who are behind earn the credits they need.

Dismissing the concept of incremental progress, Cash said his desire to see 80 percent of students reach proficiency on state tests and having 100 percent of students graduating from school within five years are goals he has shared with all district leaders.

"That has to be the goal," he said. "If you set the bar any lower, you're going to get lower."

Cash also said he has no problem with launching big programs midyear - including this school year - and dismissed the idea of starting out with modest pilot programs, task forces and studies. In the past, he said, he has launched everything from virtual schools to prep academies this way. His philosophy is to try a lot of things, based on best practices, and see what

works and is worth keeping.

"Time is short. Time is moving," he said, snapping his fingers. "There's always urgency, with me, around this work."

Cash also is dissatisfied with how the district is run and said that accountability has not been enough of a focus within the administration. That must change, he said.

'Change management'

"I'm working on the staffing of Central Office and making sure it's an effective organization," he said. "It has not been effective, in my mind, to get the results it has gotten over this long time."

Instead of having multiple people responsible for multiple components of a project, he said, for every new program that is rolled out, he will have a "lead" staff person responsible for making sure it works. That person will report directly to him.

The idea of "change management" is a hard one to adjust to, he said, but

it's necessary. Until now, he said, there has been no one held singly responsible for following through on major programs and making sure they thrive. That's not a model for district improvement.

"The lead, then, is responsible to me for following up," he said, "for making sure these things happen all year long."

With a teachers contract that expired more than a decade ago and new receivership powers that allow the superintendent to make contractual changes at struggling schools, Cash needs to handle negotiations on two fronts. And his remarks about the agreement suggest he will be tough in pushing through drastic changes.

Cash talked about working through a "tough union culture here in Buffalo" that is not conducive to improving student achievement.

He also said he will likely play an active role in the negotiations.

Cash already reached out to Buffalo Teachers Federation President Philip Rumore to begin talks about changes at the receivership schools - which already total nearly half the district's schools - and emphasized that time is of the essence. The receivership guidelines require that Cash attempt to negotiate contractual changes with the union; but if the two parties cannot come to an agreement, state Education Commissioner MaryEllen Elia - who recommended Cash for the Buffalo job - will make the final decision.

Although Cash was hesitant to talk about specific changes he will seek, he identified several issues he plans to address. Those include seniority, evaluations and staffing procedures. He emphasized it is important to make sure schools have the best teachers for the programs they offer.

Even before becoming superinten-

dent, Cash was actively meeting with community leaders and seeking their input on the school systems.

That outreach continues, with Cash specifically saying he plans to meet with some of the city's most prominent figures, including members of the Rich and Jacobs families. He recently met with Mayor Byron W. Brown. On Tuesday, he planned to have dinner with banker Robert G. Wilmers.

Community involvement

Cash also noted that he has been driving around neighborhoods all over the city, from South Buffalo to the Fruit Belt, and greeting people sitting on their porches.

That's a first step toward getting them more involved in the district, including an effort to ensure students get to school safely, which he acknowledged is an issue. Cash said he plans to call on the community to maintain a presence and observe as children travel to and from school each day.

"Walkers need support going to and from school," he said. "We're going to need, in all parts of town, people helping them have a safe passage."

Cash's success or failure achieving these goals may depend on just how long he stays in a district with high turnover in leadership positions, including superintendent.

His contract is for four years, and he said he has every intention on staying until the end.

He added that he has no intention of looking for other jobs and has leased an apartment within easy walking distance of his City Hall office.

"I want to be here for the duration of my contract," Cash said.

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Length of wall would be impressive

WALL • from A1

Strange as all that may be for border-town residents to contemplate, when asked about a U.S.-Canada border wall on NBC's "Meet the Press" on Sunday, Republican presidential contender Scott Walker said: "That is a legitimate issue for us to look at."

And much to Walker's chagrin, politicians and pundits have been looking at it ever since, and responding to the notion with a mixture of shock and snark.

"As a Co-Chair of the Northern Border Caucus, a senior member of the Homeland Security Committee and a representative of a northern border community I can tell you that the idea that we would militarize the border with our largest trading partner and strongest ally is ludicrous," Rep. Brian Higgins wrote in a letter to Walker.

Freed from the burden of decorum that most elected officials try to maintain, former Rep. John J. LaFalce took to Facebook to offer some choice words about Walker, the Wisconsin governor.

"Dear Canadian Friends: I apologize that we have such an idiot serving as governor of a Great Lakes state, and running for President at that. Perhaps he will try building a wall across Lakes Superior and Michigan also, since both touch Wisconsin," the retired Democrat from the Town of Tonawanda wrote.

Meanwhile in Canada, an online petition surfaced advocating the building of such a wall - to keep Scott Walker out of the country.

Walker wasn't specific about what kind of border wall he would contemplate, and he has been trying to walk back his comments ever since.

people react to things," Walker continued. "I've said for some time that you need to secure the southern border."

Of course, Republican presidential frontrunner Donald Trump has been saying that more loudly than anyone, advocating a wall between the United States and Mexico that, he says, he will make the Mexicans pay for.

Given the support Trump has won from a significant minority of Republican voters with such arguments, Higgins said in an interview that the Wisconsin governor was, in his initial comments, merely trying to trip Trump.

"Look, I think it's about presidential primary politics," the Democrat from Buffalo said.

One thing's for sure, though: the Canadians are earnestly opposed to the idea.

"I would remind that governor or anyone else in the United States of the enormous progress that we have made under the Beyond the Border agreement that Prime Minister (Stephen) Harper signed with President Obama, which massively improves continental perimeter security," Canadian defense minister Jason Kenney said on Monday. "As you know, we often find there are some American political actors who are not aware of the progress that has been made on continental security."

And on Tuesday, Christine Constantin, a spokesman at the Canadian embassy in Washington, weighed in by saying: "It is a fact that no terrorists have been successful in attacking the United States coming through the Canadian border."

It's also a fact that a Canada border wall would be, as Trump might say, huge, as well as hugely expensive.

5,525 miles long - longer than the Great Wall of China.

If it were to be built, tourists flying over the massive structure would likely look down from their plane windows in wonder to see it, just as visitors to China look down on the Great Wall. (This, of course, presumes that future presidents will still allow air traffic to travel over the U.S.-Canadian border.)

American taxpayers would pay a steep price, though, for this massive sight. If it costs as much per mile as the proposed wall at the Southern border would cost, the Great Wall-Off of Canada would cost \$17.8 billion, nearly three times as much as its southern counterpart.

And that's a conservative estimate, given that the northern border wall would have to traverse the Great Lakes and the Niagara River.

Of course, there would be complications. Great Lakes shipping and the St. Lawrence Seaway would be affected, and of course the wall would have to be big enough to keep out Canadians but not so high as to pose an environmental hazard to any bird species.

Higgins, meantime, worries that a wall in the middle of the Niagara River would disturb the amount of hydropower produced by the Niagara Power Project.

Perhaps for these reasons or perhaps not, Bruce Sanders, a spokesman for the U.S. Army Corps of Engineers in Buffalo, said that in his 42-year career, he can never recall hearing of a proposal to build a wall between Canada and the United States.

Sanders, like many others, seemed more amused than alarmed by the idea of a border wall, quipping: "I believe it is intended to keep out undocumented hockey players."

Discovery of brain disease led to a crisis for the league

MOVIE • from A1

football or the league.

"Will it not anti football (nor is the movie) and isn't planning to be a spokesman for what football should be or shouldn't be but rather is an actor taking on an exciting challenge," Dwight Caines, the president of domestic marketing at Sony Pictures, wrote in an email to three top studio executives about how to position the movie. "We'll develop messaging with the help of NFL consultant to ensure that we are telling a dramatic story and not kicking the hornet's nest."

Another email noted that some "unflattering moments for the NFL" were deleted or changed, while in another correspondence, a top Sony lawyer is said to have taken "most of the bite" out of the film "for legal reasons with the NFL and that it was not a balance issue." Another string of emails discuss an aborted effort to reach out to the NFL.

The trailer for the movie, due out in December, was released Monday. It prominently showed Smith as Bennett Omalu, whose pioneering work diagnosing a disease known as CTE - a degenerative brain disease linked to repeated blows to the head - led to one of the NFL's biggest crises: A possibility that the game itself could be lethal.

Suicides by former star players, including Dave Duerson and Junior Seau, have heightened the scrutiny on the NFL, which has agreed to pay hundreds of millions of dollars to settle a lawsuit brought by about 5,000 retired players, who accused the league of deliberately hiding the dangers of concussions.

The trailer shows several scenes depicting Omalu with jaw-dropping surprise in his lab and angrily demanding

ter the thrust of the story, which focuses on Omalu, a forensic pathologist who identified chronic traumatic encephalopathy, or CTE.

"We're just being smart because any large corporation will design a response to something it considers to be a threat to its existence," Landesman said of Sony's efforts. "We don't want to give the NFL a toe-hold to say 'They are making it up,' and damage the credibility of the movie."

The NFL has previously pressured business partners to step back from issues that are potentially embarrassing to it.

In 2013, NFL officials complained to ESPN executives about a documentary, called "League of Denial," that it had produced with "Frontline," detailing the league's response to the dangers of head trauma. ESPN stopped working on the project with "Frontline," which later broadcast it.

In 2004, the NFL complained to the chief executive of the Walt Disney Co., the parent company of ESPN, about a hard-hitting television series on the sports network that delivered an unsavory depiction of professional football players. The show ended after one season.

In this case, the dozens of emails, some of which were first reported on Reddit, suggested that Sony saw a dramatic story behind Omalu, a Nigerian immigrant who discovered a disease and became an unexpected whistle-blower when he tried to warn the NFL about the risk of playing football. Landesman, a former journalist who has written for the New York Times Magazine, was asked in November 2013 to join the project by Scott and his wife, Giannina, who are co-producing the film.

In one of the hundreds of emails