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Groups at Odds Over Postcard On Proposed Charter Changes

By JENNIFER STEINHAUER

Included in the flurry of campaign literature mailed to voters over the last several days was a postcard from the city's Charter Revision Commission.

The postcard, which features a picture of Mayor Rudolph W. Giuliani shaking hands with a firefighter, is meant to remind voters that there are five proposals on the ballot today, and to educate them about what those proposals are, an "educational campaign" required by law, commission officials say. But some groups have questioned whether that mailing crosses the line into advocacy of the proposals.

The city, which uses taxpayer money to pay for the required education effort, is not allowed to advocate for or against reforms to the charter, reforms that the mayor has called for. The commission chairman, Randy M. Mastro, said his group was careful to make sure that its postcard was highly neutral.

The front of the card reads, "Vote on charter reform, now more important than ever." The flip side says: "In these turbulent times, New Yorkers have a renewed appreciation for the courage of our emergency and public health workers. Now you can decide how New York City should address the issues of public safety and public health. On Nov. 6, you will have the opportunity to vote on these five separate ballot proposals."

The proposals are outlined: making the Mayor's Office of Emergency Management a permanent charter agency; merging the Departments of Health and Mental Health; making the Administration for Children's Services a permanent agency; doing the same with the Human Rights Commission and the Mayor's Office of Immigrant Affairs; and creating a gun-free school zone and other gun laws that would "protect our children from violence," according to the postcard. The card also says that anyone who wishes can get the commission's report, "Making Our City's Progress Permanent."

The New York Public Interest Research Group yesterday criticized the mailing. "There is no pretense of education here," said Gene Russianoff, the group's lawyer. He further suggested that it violated case law, although he conceded that it would require a court hearing to prove that.

"It is pure promotion, a grotesque exploitation of the Sept. 11 tragedy, which is completely unrelated to these proposals," he said. "I guess the message is if you vote no, then you are against progress."

Mr. Mastro said that the postcard, which was sent to every registered voter, had been vetted by the city's corporation counsel, and that the photo of the mayor with a firefighter was used because it depicted what the Office of Emergency Management does. He added that the mayor created that office. "A theme of the proposals,' he said, "is that many reforms of government occurred during Giuliani's tenure."

He added: "The card provides the information about the proposals that people would want to have. The headline on the postcard encourages people to vote. That is what these materials do."

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