State judge in line for U.S. post
Troy Republican said to be Sen. D'Amato's first choice

By Shirley Armstrong
Staff writer

State Supreme Court Justice Con G. Cholakis, under pressure by U.S. Sen. Alfonse D'Amato, R-NY, to accept the nomination for a federal judgeship in the Northern District of New York, said Thursday he will make a decision within a week to 10 days.

Cholakis, who reportedly had once declined to seek the post vacated when Judge Roger J. Miner was sworn in as a judge of the U.S. Court of Appeals, 2nd Circuit, has since agreed to reconsider.

He said Thursday he had met Wednesday with a representative of D'Amato's office, but is still "considering my options." Cholakis was seen lunching at Jack's Restaurant Wednesday with William D. Powers, D'Amato's director of state operations, and Northern District Chief Judge Howard Munson.

Although there have been numerous bids for the post from throughout the state, including at least seven from the Albany area, and D'Amato set up a screening committee to review the applicants, he announced at a press conference on Sept. 14 that Cholakis (who has not filed an application) was his first choice.

Speaking out just prior to Miner's investiture in a federal courtroom in Albany, the senator lauded Cholakis' judicial ability. "He is respected by his peers and has a distinguished record," D'Amato said. "I believe he would be the kind of person to take this important position."

Cholakis, who said he had not been advised of D'Amato's plan to go public with his blandishments, told a reporter at that time that he was honored and would give the matter more thought.

Although the federal judge salary of $76,000 is less than the $82,000 Cholakis now earns in the state Supreme Court judgeship he has held since 1977, he will be eligible for retirement from the state system when he turns 55 next month, and, after nearly 22 years of service in various capacities, could receive a pension atop the federal salary.

The pension would be computed on the basis of the average of the three highest annual salaries received by Cholakis (about $78,000), divided by 50 and multiplied by the number of years of service.

However, a retiree who opts for an alternate pension plan, under which benefits are decreased during the individual's lifetime but are paid to the surviving spouse after his death, receives about 80 percent of the sum he would receive under the first option.

Cholakis, a Troy Republican, previously served as assistant Rensselaer County district attorney, first assistant public defender in that county, Rensselaer County district attorney and Rensselaer County Judge.

Political observers say D'Amato, a candidate for re-election, might find his own chances enhanced by the nomination of Cholakis, a popular jurist who would win the approval of all factions within the Republican Party.

If Cholakis does accept the nomination, his appointment by President Reagan would be far down the road, in view of the time-consuming process of required investigations and recommendations and the approval of the U.S. Senate.