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Will convictions of legislators change Albany's culture?

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Assembly Speaker Sheldon Silver, D-Manhattan, left, and Senate Majority Leader Dean Skelos, R-Rockville Centre, right, at the Capitol in Albany on Thursday, June 21, 2012. Photo Credit: AP / Tim Roske

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HIGHLIGHTS

- Reform ideas are on the table, but leaders have yet to act

ALBANY — Even the conviction of top legislators on corruption charges might not be enough to drive lawmakers to change the culture in Albany.

At least quickly.

There are plenty of reform ideas, including public financing of campaigns, eliminating campaign-contribution loopholes, creating an independent ethics cop, making legislators full-time employees, banning outside income and term-limiting lawmakers. Some observers believe mandating the nonpartisan drawing of election districts so that races are more competitive and lawmakers aren't complacent is the only way to bring fundamental change to state politics.



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And others are calling on voters to approve a constitutional convention when it next appears on the statewide ballot in 2017.

But so far, those calls haven't sparked political leaders to act, despite the convictions of the two men who led the State Legislature when 2015 began.

Former Assembly Speaker Sheldon Silver was convicted on Nov. 30 of seven corruption charges, for pocketing bribes disguised as legal fees in return for state grants and favorable legislation. Eleven days later, former Senate Majority Leader Dean Skelos (R-Rockville Centre) was convicted of eight counts of bribery, conspiracy and extortion after pressuring campaign contributors and others, who depended on legislation in Albany, to give his son lucrative jobs.

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The cases have been brought by U.S. Attorney Preet Bharara — who once said “it seems sometimes that Albany really is a cauldron of corruption” — rather than state or local prosecutors.

Gerald Benjamin, a State University of New York at New Paltz political scientist and a longtime political observer, played down expectations that the governor and legislature would implement effective reforms, even in the wake

of the Silver and Skelos convictions.



Nassau

Adam Skelos heard bragging of assurances from Nassau County about contracts in wiretapped conversation

"The people who are benefiting from the status quo are hard-pressed to change the status quo," he said after the Skelos verdict Friday. "I have to question whether the scope of change that is necessary can occur without a state constitutional convention."

After Silver's conviction, Gov. Andrew M. Cuomo downplayed quick fixes and said no amount of laws would deter someone bent on corruption.

"The problem with the Sheldon Silver situation was not that we didn't have a law," Cuomo said. "We had a law . . . I don't care how strong the law is. If a person is going to break the law, the person is going to break the law."

After Skelos' conviction, Cuomo blamed legislators for blocking ethics laws and said it would be on his 2016 agenda.

Assembly Speaker Carl Heastie (D-Bronx), in a recent statewide tour, said to reporters last month: "I ask you guys this question: What do you think, legislatively, we can do that would respond to what either Sheldon Silver or Dean Skelos is on trial for?"

Senate Majority Leader John Flanagan (R-East Northport) has said ethics changes would be revisited but hasn't endorsed any specific proposals. He said he would work to "completely restore the public trust."

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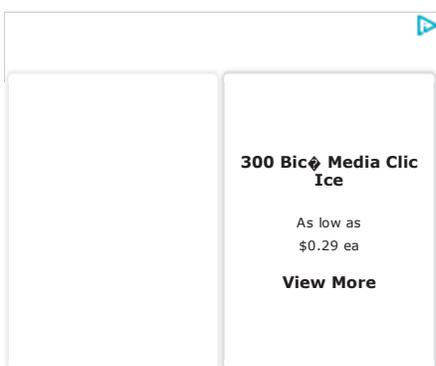




Nassau

Hear the wiretapped conversation

Lobbyists have already begun a subtle shift away from old-fashioned lobbying — that is, buttonholing lawmakers in Albany — and instead have focused on building public relations and other election-style campaigns to promote issues.



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But the behavior exposed in the Skelos and Silver cases spoke more to individuals' illegal actions and not the industry's, several lobbyists said.

"I haven't had anyone articulate to me, in

any way, that the Shelly and Dean cases will change the business," one veteran lobbyist said.

One proposal that would make a big change, he said, is to eliminate the so-called LLC loophole. The state Board of Elections, unlike its federal counterpart, treats limited-liability companies, or LLCs, as individual donors rather than as corporations. The distinction is important: Individuals can give up to \$150,000 to political campaigns per election cycle when companies are limited to \$5,000. In addition, because companies can create as many LLCs as they want, critics say companies face virtually no contribution limits.

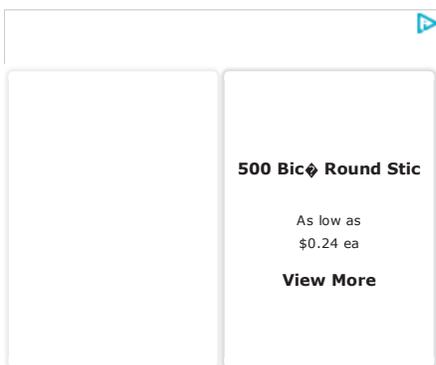
Glenwood Management, the New Hyde Park-based developer whose executives have testified against Silver and Skelos, used dozens of LLCs to contribute \$13.4 million to New York lawmakers over the last 15 years.



Politics

Ex-NY Senator Dean Skelos

“The LLC thing is a huge thing,” said the lobbyist. “You were able to contribute a great deal of money without a great deal of effort. If they make LLCs like corporations, that will change, minimally, who writes the checks. Of all the [reforms] they’re talking about, that one could happen and have an impact.”



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Blair Horner, legislative director for the New York Public Interest Research Group, said Skelos' conviction on top of Silver's has turned up the heat on lawmakers to tackle significant ethics reform. “ I just don't

believe elected officials are going to want to run for office next year . . . saying I did nothing about it,” he said.

Horner noted, however, that “it's largely in the hands of the governor if anything is going to happen.”

In 2013, Cuomo launched a panel called the Moreland Commission that was tasked with investigating “public corruption.” But his administration was accused of interference in the panel's work and he shut it down early. After Silver was convicted, Cuomo revised his view of the panel, saying it wasn't meant to investigate but merely prod legislators into passing ethics laws.

Bharara's probe of Silver began in June 2013, before the Moreland panel was formed. And his assistants said in affidavits that “none” of the panel's work was helpful in the Skelos case.



New York
Sheldon Silver

Some lawmakers who are calling for big changes are ones who don't hold much power now.

"I think this has cast a shadow over all of Albany," said Assembly Minority Leader Brian Kolb (R-Canandaigua). "That's the perception we get when we've had, what, over 30 legislators since 2000 having legal issues."

He has called for term limits for leaders and committee chairs and said lawmakers should strongly consider limits on outside incomes. But he noted that typically "Albany has responded to corruption alarms by hitting the snooze button each time."

"This is Albany's Watergate moment and, just like Congress did in the 1970s, we must seize this opportunity to restore the public trust," said state Sen. Brad Hoylman (D-Manhattan).

Polls often show New Yorkers believe corruption in state government is a serious issue, but polling experts note that it doesn't have a widespread impact on Election Day.



Long Island
Skelos and son charged with extortion, conspiracy

Benjamin said reform efforts have been about after-the-fact punishment by making the penalties tougher. But it's had little impact, he said.

"We've been doing that a long time, and we haven't gotten anywhere," Benjamin said. For him, the fix starts with competitive elections. Most

incumbents rarely face strong re-election challenges and accountability erodes, he said.

The best chance is for New Yorkers in 2017 to vote in favor of holding a constitutional convention wherein structural alterations to state government could be made, Benjamin said.

"We might have this convergence, with the high levels of corruption, the lack of trust, the disgust with state government," he said, "where people might say, 'Let's take a look at the system.' "

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