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Gov. Andrew Cuomo is pictured at a rally on June 6, 2017 with U.S. House Minority Leader Nancy Pelosi in New York City. | AP Photo

Before Cuomo's House push, a history of non-engagement

By **JIMMY VIELKIND** | 06/07/2017 05:04 AM EDT

ALBANY — There were 19 attorneys representing 10 clients, from a Harlem school teacher to the leaders of the state Legislature. They had lined up in a federal courtroom in Brooklyn to argue about the shape of New York's political landscape for the next decade.

It was 2012, and a federal magistrate was listening to arguments about how she should draw 27 districts for the House of Representatives. The process is normally handled by the state Legislature, which for decades would do back flips to gerrymander maps that would reinforce Republican control of the state Senate and Democratic rule in the Assembly.

Backroom talks over the state districts were still going on when Roanne Mann walked into court on March 5. In all the back-and-forth over state districts, lawmakers had basically kicked the task of drawing congressional lines to a district court. Mann was asking whether she should consider things like incumbent residency, or use the existing districts as a template.

Gov. Andrew Cuomo, a centrist Democrat, had been elected two years earlier promising to veto any gerrymandered lines. But he had reversed himself in slow motion, and was extracting a major legislative package — legalization of full-fledged casinos, the reduction of pension benefits for new state workers and redistricting reform that will take effect in 2022 — from lawmakers in exchange for the ability to control their own destiny.

Mann went down the line, stopping at a slender man with curly hair from the attorney general's office who, in this instance, was the governor's lawyer. She asked him to weigh in.

"Joshua Pepper, for the governor," he said meekly. "We waive our time."

On Tuesday — five years, three months and one day later — Cuomo stood next to House Democratic leader Nancy Pelosi to declare that he stands ready "to fight with you and the fight to take back America starts in New York and it starts today."

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The rally at the Javits Center, designed to ramp up efforts to oust Republicans from Congress, was an increasingly clear step toward a possible Cuomo presidential bid in 2020, and comes in the same week that the governor announced he would lead a coalition of states to abide by the Paris Climate Accords and sanction insurers who leave the state's health care exchange if Obamacare is repealed.

But it illustrates just how winding the governor's path has been, and how he's better known until now for failing to help his fellow Democrats' efforts in the federal House or New York state Senate, where Republicans — blocked from statewide office for the last decade — maintain a crucial grip on power.

"Many were disappointed that the governor hasn't shown any real support for electing members of the House," said Bill Lipton, executive director of the left-leaning Working Families Party and a veteran campaign operative. "To be clear, it's a very good thing that the governor is engaging in this fight now. But we just want him to extend that fight down to the state Senate, and finally apply the same standard and principles that he's applying at the federal level to the state level."

Cuomo was riding high in 2012, buoyed by legislative victories during his first two sessions that included same-sex marriage, a new ethics reform bill and property tax cap. Amid Occupy protests, he renewed most of an expiring income tax surcharge but spun it as a cut. Chronically late budgets were enacted on time; partisan bickering was replaced with cross-aisle cooperation, and the basic narrative emanating from the Capitol changed from "lawmakers dithered and nothing happened" to "Cuomo brokered a deal and we're moving forward."

Knowing that having Republican opponents with some bit of relevance was crucial to his political story, Cuomo treaded lightly on what they considered an existential threat: the ability to gerrymander districts that would help them keep a Senate majority in an increasingly blue state.

Governors traditionally kept out of legislative redistricting, according to SUNY New Paltz political science professor Gerald Benjamin, to avoid “nuclear” reactions from someone who might be upset by their meddling. They often step in to boost their party-mates in the delegation, though.

In this regard, 2012 was going to be a bad year. New York's population growth lagged other states in the 2010 Census, so it was set to lose two seats. For months the political world waited to see if any incumbents planned to retire. Finally, Democrats Maurice Hinchey and Gary Ackerman said they would not seek re-election, giving officials two targets.

The actual work of drawing the lines falls to a legislative task force called LATFOR, controlled by Democrats who dominate the Assembly and Republicans who control the Senate. Former Assemblyman Jack McEneny, an Albany Democrat who led his chamber's team, said he and former speaker Sheldon Silver traveled to Washington to hear out the needs of the delegation and the Democrats' political team.

LATFOR released draft sets of maps which were roundly panned. Cuomo's spokesman said they were unacceptable, and LATFOR went back to the drawing board. A school teacher from Manhattan sued state leaders, arguing they had abdicated their responsibility and were threatening to throw upcoming elections into chaos. A panel of three federal judges agreed, and gave Mann a pen.

Cuomo said nothing. In court, he did nothing. In Washington, they were livid.

“They were not happy that it went to the courts. They felt we should be doing something,” McEneny recalled on Tuesday.

A source in the New York delegation, speaking on background so as not to offend Cuomo, said the episode made Cuomo's latest push seem cynical.

“I presume this is just more posturing about how we're going to turn New York blue,” the source said. “If he wanted Democratic congressional seats, he could have done something during redistricting. He laid down totally on that.”

Democrats did well in 2012, buoyed by Barack Obama's successful re-election. But in 2014 they lost three seats to Elise Stefanik in the North Country, John Katko in Syracuse and Lee Zeldin on Long Island. Stefanik and Zeldin voted for the GOP proposal to repeal Obamacare, and are now said to be in Cuomo's cross-hairs.

It's not exactly clear how important redistricting was. Mann drew lines that were “neutral,”

according to Benjamin of SUNY New Paltz, preserving the cores of old districts and following geographically logical divides. Could Cuomo have pushed to make seats in the Hudson Valley, on Long Island or around Syracuse better turf for Democrats?

“My feeling would be that the outcomes are what they are,” Benjamin said. “Neutral lines should advantage Democrats, but so many Democratic votes are concentrated downstate. Even though they have numbers, it’s much more of a fight in the upstate districts.”

People like Lipton who have watched Cuomo’s campaign efforts found them lacking, too. The governor’s endorsements would often arrive late in close districts — one candidate recalled being surprised, and said most of the press coverage focused on Cuomo finally breaking his non-endorsement stance and stepping up — and that resources were rarely available.

This was most acute in 2014, with Cuomo on top of the ticket instead of Obama. Democrats lost control of the House of Representatives that year, and there was plenty of blame to go around. Republicans also gained seats in the state Senate, which they hold now in part because of an alliance with the Independent Democratic Conference that Cuomo, despite the urging of other Democrats, refuses to denounce.

Steve Israel, the former congressman from Long Island who at the time chaired the Democratic Congressional Campaign Committee, was relatively un-diplomatic in a post-rout interview with the New York Times.

“I have no comment on Governor Cuomo’s effect on this election. Quote me on that,” Israel said in 2014, adding, “We had conversations several months ago with the governor’s staff about helping to organize and coordinate a campaign and I didn’t see the fruition to those conversations.”

Israel did not attend Cuomo’s rally on Tuesday, but spoke with POLITICO from a bus in Washington, D.C.

“When I chaired the DCCC he was very helpful,” Israel said. “Of course, when you’re the chair of the DCCC you always want people to do more and you get very greedy, but he was as good with this time as anybody could have expected. He helped fund-raise, he did ads for our candidates, he did rallies across the state.”

And during redistricting?

“We were never going to get distinctly Democratic partisan maps, so we did as well as we

could,” Israel said. “If I could have gotten every single district in New York State written for a Democrat, I would have taken it. But that’s not a reasonable expectation.”

“The governor was always responsive. We had good dialogues,” he concluded. “I don’t want to go back and assess or reassess the past: what matters is that the announcement today is a game changer, and the path to a Democratic majority runs straight through New York.”