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Political experts say Gov. Andrew Cuomo may have good reason to shrug off the scandals, even though he campaigned for governor as a prosecutor who went after corrupt politicians. | Getty

Will corruption convictions stick to Cuomo? Don't bet on it

By **JIMMY VIELKIND** | 07/23/2018 05:08 AM EDT

ALBANY — Joe Percoco, Sheldon Silver, Alain Kaloyeros and Dean Skelos. Guilty, guilty, guilty and guilty.

You'd think a two-term governor whose tenure has coincided with four high-profile corruption convictions would be heading to defeat, if he decided to run at all.

But Gov. Andrew Cuomo, who was never accused of wrongdoing during the trials, continues to poll well as he seeks a third term this year. And he appears to be unconcerned about any possible electoral consequences arising from those trials.

“I think there has never been a suggestion that I did anything wrong,” the governor said last week in Brooklyn, asked if he thought the convictions would have an impact in either his primary contest against Cynthia Nixon or the general election in November.

First it was Percoco, Cuomo's former campaign manager, close confidante and surrogate brother. Then, in trials reprising their 2015 convictions, it was Silver and Skelos, onetime leaders of the Assembly and state Senate, respectively. Just before the indictments came down in early 2015, Cuomo referred to the two of them and himself as “three amigos.”

And on July 12, jurors convicted former SUNY Polytechnic Institute President Alain Kaloyeros, a key architect of the Democratic governor's economic development efforts, in a bid-rigging scheme along with several construction executives who were Cuomo donors.

Political experts say Cuomo may have good reason to shrug off the scandals, even though he campaigned for governor for the first time in 2010 as a prosecutor — he has served a term as attorney general — who went after corrupt politicians.

“The New York electorate seems to be inured to corruption, they seem to believe it's normal and expected behavior,” said Gerald Benjamin, a professor of political science at SUNY New Paltz. “The cynicism is manifested in low turnout, and the inability to get any serious traction for reform. The Legislature has learned that reform is not a live-or-die issue.”

Dutchess County Executive Marc Molinaro, the Republican gubernatorial nominee, was almost glum when he was asked whether the scandals would translate into votes.

“I don't know how it's going to affect the outcome of an election,” he said. “I think New Yorkers seem to believe this is the way government functions regardless of who is in charge. We've seen it, in fact, with Republicans and Democrats, state legislators and

governors. But it's not."

Four incumbent lawmakers were reelected while under indictment in 2014: Rep. Michael Grimm (R-Staten Island), state Sen. Tom Libous (R-Binghamton), state Sen. John Sampson (D-Brooklyn) and Assemblyman William Scarborough (D-Queens).

Alan Hevesi was elected state comptroller in 2006 despite a looming scandal about using a state driver to chauffeur his wife. He pleaded guilty to a felony and was forced to resign before he could begin his second term. (Cuomo later prosecuted him on more serious charges of pay-to-play regarding the state pension fund, which Hevesi oversaw.)

According to a poll released last week by Quinnipiac University, 45 percent of New Yorkers consider corruption to be a "very serious" problem, but 48 percent of voters said it's as bad as anywhere else, 32 percent say the Empire State has more corruption than other states and 12 percent say it has less corruption. The previous day, a Quinnipiac poll showed Cuomo leading his Democratic primary challenger, Cynthia Nixon, by 36 points.

"You'll be hard pressed to find New Yorkers who don't think government corruption is a problem in New York State," poll analyst Mary Snow said. "Yet, it's not the defining issue in the race."

Steve Greenberg of the Siena Research Institute explained why: Voters say corruption is a serious problem, but voters care more about other things.

"We have historically seen, when you ask voters about corruption, they're against it, and when you ask about ethics reform, they're for it. But, when you ask how ethics reform to fight corruption compares to education, or taxes, or jobs ... it tends to be at or near the bottom in terms of what voters are interested in," Greenberg said. "At some point, one assumes there will be the infamous tipping point. The good-government groups reached that point 25 years ago, but the public hasn't gotten there — to date."

Political scientists have researched the effect of corruption on the electorate, and generally found that it erodes participation in elections. Some studies show that challengers feel the depression of turnout even more.

Bruce Gyory, a strategist at Manatt, Phelps and Phillips and adjunct political science professor at SUNY Albany, said that the broad spectrum of the people, charges and convictions has created a milieu that is confusing for voters, and helps prevent any large-scale outflow of the proverbial bums.

“Because it’s pervasive and has affected everyone, no one comes to it with clean hands,” Gyory said. “The only defense mechanism the system has is, basically, it’s been productive.”

Nixon, attorney general candidate Zephyr Teachout, and a slate of insurgent legislative candidates argue the contrary, and say the achievements and experience that Cuomo has — which Gyory said should help him carry the day — is tainted.

They are hoping that the traditional support structures — political party committees and unions — for incumbents like Cuomo have atrophied. They hope to mobilize a raft of new voters who have registered in recent years, and they take heart from Alexandria Ocasio-Cortez's defeat of Rep. Joe Crowley in a primary last month.

The convictions of Kaloyeros and Skelos coincided with a campaign finance disclosure deadline, which let Nixon connect the verdicts with what she says is a culture of “pay-to-play” central to Cuomo’s modus operandi. The governor raised \$5.85 million in the past six months, some of which came from companies and lobbyists with business before the state.

While campaign contributions were not mentioned at the Kaloyeros trial, prosecutors included them in early court documents and executives from LPCiminelli and Cor Development were directed to donate to the campaign by Todd Howe, a co-conspirator who pleaded guilty to eight felonies

“For any other governor in America, this would be earth-shattering. But in Andrew Cuomo’s Albany, it was just a Thursday,” Nixon said after Kaloyeros was convicted. “The trials of Joe Percoco and Alain Kaloyeros have revealed in sordid detail how Andrew Cuomo has created a pay-to-play culture in Albany and sold our government to the highest bidder.”

Nixon is refusing to take any corporate money. Molinaro said he’ll shut down the government if state legislators won’t vote on a package that includes term limits and a ban on raising campaign money from people seeking state contracts. (He’s received campaign cash from people getting county business, records show.)

Cuomo argues that he’s done what he can to stop corruption. In 2011, he, Silver and Skelos touted the creation of the Joint Commission on Public Ethics to police both the legislative and executive branches and mandate the public disclosure of how much the state’s technically part-time legislators receive from side jobs.

The governor has pushed for a system of public finance for campaigns, and when legislators didn’t act, he convened a Moreland Commission to investigate them in 2013.

Cuomo took lumps when he tried to direct the Moreland Commission's work, but ultimately negotiated its dissolution in exchange for some more lobbying disclosures, a public finance pilot and a new enforcement counsel at the Board of Elections. The commission's files were inherited by U.S. Attorney Preet Bharara, who used them as the genesis of his cases against Silver and Skelos.

Further reform has been stifled by partisan bickering: Republicans say term limits are the answer, but oppose the use of taxpayer funds for elections. Democrats want public financing but oppose term limits. Democrats in the Assembly approved some limits on outside income, which Cuomo panned; Republicans in the Senate took up no such measure.

After Kaloyeros and Percoco were charged in 2016, Cuomo ordered a self-review and placed SUNY Poly's portfolio under new management. He also won greater disclosure of political spending, but reformers say these measures barely treat the symptoms. Teachout has called for a house-cleaning at JCOPE, which she and other reformers say is invigorous and opaque.

It's hard for a voter to rise above the muck, Gyory said: "For it to become a top tier electoral issue, what you have to do is fashion a platform arrow where people feel, yup, if we fire this arrow it will really improve."

Cuomo said there was a simple solution, but the answer lies not with him but with Republicans in the Senate — who this year passed a procurement reform bill that Cuomo opposes.

"If you really want to fix it, that's how you fix it: Public financing, which gets the money out of politics from donors, and then no outside income, period," Cuomo said last week in Brooklyn. "We need a new Legislature. I think the Democratic Senate will go along with this."

New York Public Research Group Executive Director Blair Horner, who at one point worked for Cuomo and has spent 30 years advocating for government reform, said it's up to the governor.

Horner said the governor has not engaged with public campaigns the way he has for other issues, including gun control, raising the minimum wage or legalizing same-sex marriage.

"He's the political King Kong in this state, but for whatever reason, he's chosen not to make this a priority," Horner said. "So, will it matter on election day? I don't know."

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