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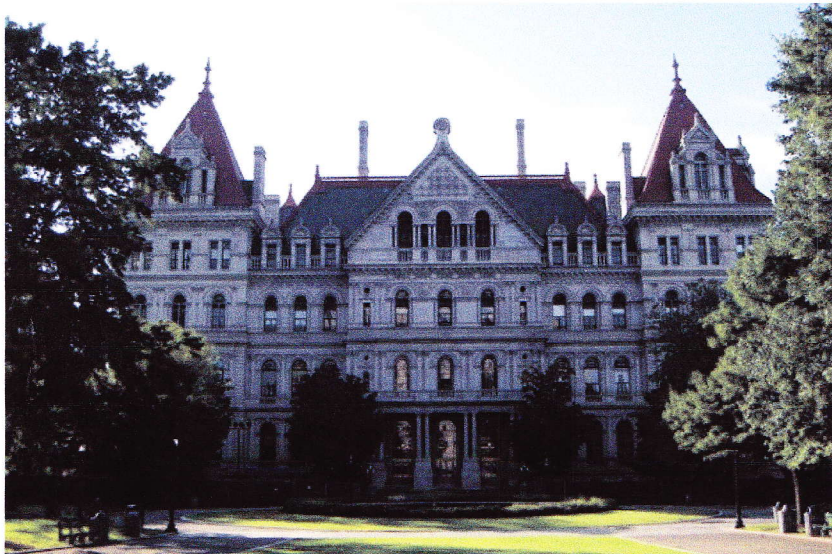
## STATE

# Can Anything Be Done About Corruption In Albany?

by David Howard King, Apr 07, 2013

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ALBANY, N.Y. — The arrests of two state lawmakers on federal corruption charges last



week were unwelcome reminders that New York is among the nation's go-to destinations for political scandal, graft and greed.

They were also reminders of how difficult it is to stop unscrupulous lawmakers from violating the public trust.

"From time to time the question arises: How common is corruption in New York?" Manhattan U.S. Attorney Preet Bharara said at a press conference on April 2 announcing the indictment of Democratic Sen. Malcolm Smith and a host of others in a bribery scheme to buy and sell the Republican line in the New York City mayoral race. "Based on the cases we have brought and continue to bring, it seems downright pervasive."

Two days later, Bharara was back in front of reporters announcing the indictment of Assemblyman Eric Stevenson for accepting bribes to craft and pass legislation. A second lawmaker, Assemblyman Nelson Castro, meanwhile, resigned and admitted to wearing a wire for about three years to help Bronx and federal prosecutors in various corruption cases — including but not limited to the investigation that led to the arrest of Stevenson.

Smith's attorney says he'll be vindicated, as has Stevenson's lawyer.

In response to the latest scandals, good government groups, including Gotham Gazette's sister organization, Citizens Union, have called for campaign financing reform, election reform, strengthening bodies charged with investigating ethics violations and more. If they sound familiar, that's no surprise — many have been batted about for years.

Of course, all of this comes with a sense of *deja vu*. Corruption and reform are an evergreen call-and-response of politics in Albany.

At his State of the State in 2011, Gov. Andrew Cuomo declared there would be a "new New York" — a place where government is clean and shiny and functions on every level. With much ado, he and the state Legislature worked to install a new state ethics commission, the Joint Commission on Public Ethics or JCOPE, and sought to curtail bad behavior through less visible means.

It's also worth recalling that Cuomo came into office having pursued corruption charges against former Sen. Pedro Espada and former Comptroller Alan Hevesi as attorney general.

In response to the latest corruption allegations, Cuomo said in a statement: "The allegations of public corruption by City and State officials revealed this week are appalling ... New Yorkers deserve a government that is as good as the people it serves and the events of the last few days fail this and every standard of public service."

Bill Mahoney of the New York Public Interest Research Group says some progress has been made in preventing corruption in Albany but that the entire culture of the capital is to blame.

"It seems like JCOPE will help prevent some scandals as they will require legislators to disclose outside interests," he said, saying that might have prevented past scandals. "But it seems like the culture just hasn't changed.

But so far it is unclear how JCOPE has handled its first major test. The ethics commission has sent its final report on the sexual harassment settlement against Assemblyman Vito Lopez — reached in secret by Assembly Speaker Sheldon Silver —

**RECOMMENDED REFORMS**

-- **Campaign finance reform:** Limit the amounts legislators can raise and institute a public matching system in the image of New York City's.

-- **Give the attorney general more power:** The attorney general can't investigate the state Legislature. Any change to law would have to come from the governor through an executive action or the Legislature.

-- **Reform the state's Board of Elections:** The State Board of Elections is helmed by a Democrat and Republican appointee. Good government groups liken it to having the chicken watch the henhouse.

- **A Moreland Commission:** Cuomo's favorite threat has been that he will convene a Moreland Commission, which provides for broad investigative powers to look into the affairs of any arm of the state government, including the state Legislature. Cuomo enacted a commission to investigate utility providers after Hurricane Sandy.

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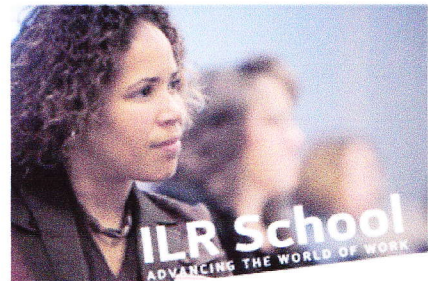


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Seems like JCOPE will prevent some scandals but the culture just hasn't changed says @mahoneyw

to a legislative committee. It's unclear if Silver himself will be a target of the report. Silver has two appointees on the ethics panel who could have blocked any investigation.

Over the weekend, New York Post Columnist Michael Goodwin [wrote of JCOPE and Cuomo's other reforms](#): "At best, the governor made no impact on public integrity among New York's native criminal class."

Mahoney points to an alleged quote from City Councilman Dan Halloran, who was also swept up in the corruption case involving Smith, caught on a wire tap. "It's all about the f--g money!" Halloran said, according to a transcript in the federal complaint.

"And Halloran is right," Mahoney said. "As long as legislators are used to walking through the Fort Orange Club" — a swanky clubhouse and banquet hall a block from the capital — "for big money fundraisers after session this culture will continue. It is legalized bribery."

Halloran has also denied the allegations.

New York has the highest campaign contribution limits of any state that has limits. Mahoney says that more than most other states, New York interest groups are flush with cash and ready to spend it to mold the legislation and they can do it legally.

That has led to calls for campaign finance reform, possibly to include an overhaul that would make the state system look more like the one in New York City, where funds raised are matched by public funds.

But opinion makers are already questioning whether such reforms will result in anything close to the level of accountability needed to curtail schemes like the one Smith is accused of orchestrating.

"Those who work in the trenches of city politics know it as the cash cow it is," [wrote columnist and Republican consultant William F.B. O'Reilly](#) in yesterday's edition of Newsday. He continued, writing:

Under the system, contributions collected by candidates are matched 6-1 with taxpayer money, ostensibly to keep politicians from being bought. The system is like a slot machine that returns \$700 for every \$100 you put in. It screams to be abused, and it is — year after year.

Alex Camarda, director of public policy for Citizens Union, disputed O'Reilly's characterization of the city's campaign finance system.

"Virtually everything he says in that article is factually wrong," he said in an interview, emphasizing that Smith would have had a difficult time gaming the city's system. "The campaign finance board audits every single piece of paper for every candidate."

Smith spent about \$2 million in campaign cash over five years on pure luxury under the state campaign finance system, including a trip to China with a stay at the Beijing Grand. Smith paid off his credit cards with campaign cash without listing what was paid for with the cards. Two cards had totals of over \$10,000 in debt. He also spent big at steakhouses like Smith & Wollensky and Bobby Van's.

But this is not atypical behavior for an Albany politician. Sen. Jeff Klein, the leader of the breakaway Independent Democratic Conference that is sharing power in the Senate, has spent tens of thousands of dollars in campaign cash over the years on fine dining. Assemblyman Peter Rivera used campaign cash to pay for two Mercedes.

Mahoney says there is an upside to Albany being portrayed in the media once again as a three-ring circus of sleaze. "This forces them to do something ... They have to address it."

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