

March 4, 2007

OP-ED CONTRIBUTOR

## The Legislature You Don't Know

By RICHARD L. BRODSKY

Albany

REFORM Albany: a good thing, no doubt, and given the legacy of the Pataki years, a popular thing as well. The cumulative weight of late budgets, spiraling debt and legislative gridlock has led to a consensus that something is seriously wrong with the way Albany functions. And, for a series of good and bad reasons, more blame — words like “dysfunctional,” “corrupt” and “ineffective” — has ended up attached to the Legislature rather than to former Gov. George Pataki.

Now Gov. Eliot Spitzer has seized on that reality, waging rhetorical and political war on the members and the institution with his usual energy and focus, and occasional profanity.

In fact, the Legislature's record is a good one. A lot depends on how you measure success. A successful legislature will do three things well: pass laws; provide ordinary people access to power and enable them to influence decisions; and, most important, check abuse of executive power.

By those standards, New York's Legislature is doing well. The least successful of the goals has been passing laws. Budgets were late, and important issues like rethinking the Rockefeller drug laws, electoral reform and changes in education financing were slow to happen. But that was mostly the result of divided government and ideological splits, and of resistance to Pataki policies that would have damaged New York City, like cuts in school aid and mass transit, and bad development deals.

The Legislature has always measured up to the second goal: offering access to ordinary New Yorkers. In individual districts, and in the Capitol, members are available and omnipresent. People who will never speak to a governor easily meet with their senators and Assembly members, and democracy functions in their name.

Most important, the Legislature stood up, fiercely and repeatedly, to abuses of executive power. We litigated over Governor Pataki's refusal to obey subpoenas, his violation of state laws, his assertion of executive privilege — and we won. We investigated corrupt deals at the Metropolitan Transportation Authority and the Erie Canal, the awarding of huge contracts to favored insiders, the politicization of the Long Island Power Authority and giveaways to campaign contributors. And we reformed state authorities, state contract procurement and education policies.

Yet we lost the confidence of the people, and we know it.

Part of our problem is genuine institutional failure. We haven't reformed our electoral processes, there have been instances of law-breaking and special interests are too powerful. Just as important, we failed to make

our case about what we do well. When attacks were made, we were silent. When falsehoods were spread, they went unanswered. We enabled the creation of a poisonous, corrosive atmosphere that still cripples our ability to meet our constitutional obligations.

Governor Spitzer has been outspoken about where he wants to take the state. He's mostly right. But he's also created the dangerous possibility that, in the name of reform, the constitutional centers of power intended to limit executive power will be damaged. Changing the system from three men in a room to one man in a room is not reform.

This country is a beacon of liberty not because of steamrolling chief executives, but because of legislatures that limit their power. Reform in Albany requires a credible, independent and active Legislature that can challenge the governor, improve or stop his proposals and protect the system of checks and balances that define a democracy.

The first responsibility is ours. We will support the governor's proposals when he's right, and oppose them when he's not. We will make our case to the people clearly. And we must never retreat from exercising our constitutional responsibilities as an independent branch of government, even in unpopular circumstances.

The governor ought to be a welcome partner in that effort. He's smart, honest and mostly right on the money. He's already reined in the personal invective and the threats that we heard last month, and the atmosphere has improved. But we will be an independent partner in government. We know what we need to do to improve our own functions. We won't be steamrolled. We deeply believe in our constitutional responsibilities. And the people need us to be effective, equal partners in the business of the state.

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**March 11, 2007**

**WESTCHESTER**

## **Crusader Is Needed to Make Albany Work**

To the Editor:

In "The Legislature You Don't Know" (Op-Ed, March 4), Assemblyman Richard L. Brodsky claims that the Legislature essentially suffers from a failure to communicate its successes to the public.

While he admits that it has been called "corrupt" and "ineffective," he does not mention the 2004 study by the Brennan Center for Justice at New York University School of Law that marked New York's Legislature as the most dysfunctional in the nation. Nor does he refute the study's charges that assemblymen and senators cede their votes to their leaders for perks, community program funds and campaign assistance, and are counted as present even if they don't appear in Albany to work or vote.

Sadly, it appears that Gov. Eliot Spitzer, who pledged to break this dysfunctional reality, has decided instead to go along with the present set-up of "three men in a room" to approve legislation. Let's hope this will soon pass and that the governor chooses to be the crusader he says he is.

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