



# TIMES UNION

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*Is this the year dysfunction trumps incumbency?*

*Trends bode ill for state lawmakers, some say*

*By Rick Karlin*

“Throw the bums out,” is an old anti-incumbent battle cry.

But while the thought of a clean sweep may sound appealing, voters tend to have trouble when the time comes to follow through.

**“They don’t want to throw their own bum out,” said Robert Ward, deputy director at the Rockefeller Institute.**

People may rail against the institution but they typically have warm feelings toward individual politicians, at least if they’ve met or had contact with them.

Any smart lawmaker knows this — including those in the New York state Legislature. Check out your local county fair, or Saratoga Race Course, and you’ll see lots of lawmakers glad-handing voters. Ditto for school graduations, Little League games and even funerals.

But is that changing this year?

Political consultants say a wholesale anti-incumbent movement in the Legislature is unlikely for many reasons, but an unusually high number may be booted out of office in 2008, thanks to the confluence of several trends.

“You hit a tipping point when everything is so dysfunctional that it overrides all warm feelings toward an elected official. Is Albany dangerously close to that tipping point? Yeah,” said Michael Tobman, a lobbyist and political consultant.

“I think there is an anti-incumbent attitude out there,” said Tom Connolly, vice chairman of the state

Independence Party, which has cross-endorsed both Democrats and Republicans at times.

Consider the following factors: Scandals: 2007 and 2008 have been banner years, even by Albany standards, with the travel records, or “Troopergate,” affair followed by former Gov. Eliot Spitzer’s abrupt departure in March because of a prostitution scandal.

His successor, David Paterson, kicked off his tenure with an admission of extramarital affairs. And in late 2006, Comptroller Alan Hevesi pleaded guilty to a felony charge that he misused state resources, and resigned. His alleged pay-to-play schemes remain under investigation. Tax cap fever: A push by Paterson to cap soaring school taxes was welcomed by the public. Concerned people have organized to push lawmakers to approve such a measure, and stirred up threats against incumbents resistant to the idea.

Cognizant of polls that show overwhelming support for a tax cap, Senate Republican Majority Leader Dean Skelos has said the Senate plans to adopt a cap this summer, putting the onus on Assembly members. Tom Golisano: The Rochester billionaire and three-time gubernatorial candidate is back on the political scene, saying he’ll dole out at least \$5 million to support legislators he likes.

So far, he’s leaned toward at least four Democratic Senate candidates seeking to oust incumbents: Kathy Konst, Rick Dollinger, David Nachbar and Joseph Addabbo, who are challenging Republicans Dale Volker of Buffalo, Joseph Robach and Jim Alesi of the Rochester area, and Serphin Maltese of Queens.

He’s also backing Barbara Kavanaugh, who wants to take on Democratic Assemblyman Sam Hoyt of Buffalo in a primary. The reform agenda: Spitzer may have imploded, but the desire for

change that helped get him elected remains among voters. For instance, a Siena Poll earlier this month showed only a third of voters were confident the governor and Legislature would tackle the property tax issue this year, suggesting people aren't convinced the current crop of politicians will do much about the state's high tax burden. The TV factor: First-term Assemblyman George Amedore, R-Rotterdam, got a political boost when he was profiled nationwide on the "Extreme Makeover" show. TV documentaries may continue to play a role in campaigns, sometimes to the detriment of incumbents.

Dennis Delano, the Buffalo detective looking to unseat Democratic Sen. William Stachowski, has been featured on "America's Most Wanted" and NBC's "Dateline" for his work in capturing a serial killer and exonerating a wrongly convicted suspect.

Despite these factors, political observers and even pro-change activists are quick to offer a reality

check. Bolstered by the fundraising advantage of incumbency, gerrymandered districts and the free publicity they garner through year-round news coverage, incumbents can often stay in place through sheer inertia.

"The seats are so well-secured that short of real revolution, a la 1994 when the Republicans took over the U.S. House of Representatives, I think it's unlikely," Robert Pecorella, chairman of the government and politics department at St. John's University, said of a wholesale anti-incumbent movement.

Jeremy Creelan agrees. Now a lawyer, he helped draft a well-publicized report four years ago at NYU law school's Brennan Center proclaiming New York's Legislature to be the worst in the nation.

Back then, Creelan heard lot of talk about how that report could lead to a big changes — but they never really happened.