



New York COMMON CAUSE

Holding Power Accountable

THE ACTIVIST

Winter 2010
{ Volume 12, Number 1 }
Inside This Issue...

Back to Basics:
John Gardner and the
Economic Recovery 1

Fighting for Independent
Redistricting and
to End Prison-Based
Gerrymandering 2

U.S. Supreme Court
Attacks Campaign
Finance Reform 3

New Yorkers Take
Back the Empire State! 3

Message from the
Executive Director 5

Safe Drinking Water
or Cheap Natural Gas? 5

CC/NY Board Member
Spotlight: Ben Shuldiner 6

Celebrating Two
Outstanding New Yorkers 7

Crisis Situation Demands
Sweeping Ethics Reform 7

Common Cause/NY
74 Trinity Place, Ste 901
New York, NY 10006

nyoffice@commoncause.org
www.commoncause.org/ny
(212) 691-6421
1 (800) 300-8707

BACK TO BASICS: THE ECONOMIC RECOVERY

Returning to John Gardner’s Vision in Founding Common Cause

“We believe the problems of poverty and race must be among our first concerns. We will call for new solutions in housing, employment, education, health, consumer protection, environment, family planning, law enforcement and the administration of justice.”

- John Gardner, in his press release announcing the creation of Common Cause and the new organization’s mission.

By Chris Keeley

Common Cause/New York has been on the national forefront in the fight to demand state-level transparency under the stimulus package – the America Reinvestment and Recovery Act of 2009. We have led and participated in coalitions that have brought us to national prominence and provided the organization visibility on plenary panels, at conferences, and with media outlets throughout the country.



Common Cause’s Chris Keeley urges dozens of community groups to push for expanded transparency and participation under the Recovery Act at a training in October 2009.



Common Cause’s Susan Lerner unveils the “Common Principles for Transparency and Accountability” on the steps of NY City Hall in March 2009. Dozens of groups and legislators signed on in support of the Common Principles.

The Recovery Act was the largest domestic cash investment in the country's history. As Joe Klein recently wrote in on Time Magazine's website, a great deal of the huge \$787 billion investment went directly into the pockets of Americans around the country:

"Indeed, the largest single item in the package—\$288 billion—is tax relief for 95% of the American public. This money is that magical \$60 to \$80 per month you've been finding in your paycheck since last spring. Not a life changing amount, but helpful in paying the bills. The next highest amount was \$275 billion in grants and loans to states. This is why your child's teacher wasn't laid off...and why the fire station has remained open, and why you're not paying even higher state and local taxes to close the local budget hole."

We believe there is a role for the public sector to invest in public goods, for the government to create jobs and the atmosphere for job creation in all communities, for the collective will of our country to fight poverty and demand environmental sustainability. This was John Gardner's founding principle of the organization and we are proud to say that we have been fighting to ensure this massive infusion of public investment is spent transparently.

But transparency does not lead to job creation, the end of poverty

or an environmentally-sustainable economy, but through a transparent process and by making data about government investments available to the public, we can be better equipped in those fights.

We are currently joining with other membership, base-building organizations throughout the state in this fight, and we need your help! We will be organizing legislative lobby visits, conducting local trainings and discussions on how Recovery Act funds were invested, and pushing for expanded decision-making roles for the members of these organizations and the public at large.

This is an important time to defend the importance of public investment for the public good, and the overall faith in the effectiveness and use of government. ✓

YOU CAN HELP:

We need your help! Email us (nyoffice@commoncause.org) or call (800-300-8707) if you want to receive updates on our work fighting for transparency and broader participation in the economic recovery.

Let us know if you would like to host a meeting for Common Causers in your area where we talk about the historic levels of transparency already available under the Recovery Act and how we can use it to make new demands for participation and public investment.

Embracing the Fight for Independent Redistricting and to End Prison-Based Gerrymandering

By Dana Scott and Susan Lerner

You know that ending the practice where legislators pick their voters instead of voters picking their representatives won't happen without a fight. But that's the fight we've taken on in working to bring fair and independent redistricting¹ to New York. Not only do we want to keep legislators from cutting backroom deals to protect their seats from election challenge, we also want to be sure that poor and minority communities are no longer unfairly cheated when tens of thousands of people are miscounted where they are imprisoned and not in their home communities.

Fair and equitable redistricting helps insure that our government is truly representative of the people it serves. Redistricting should be done in a way that insures each district contains the same number of people and each person's vote counts equally, thus

maintaining the principle of "one person, one vote." To achieve this, New York must end politically-controlled redistricting practices that allow legislators to draw the boundaries of their own districts and eliminate archaic practices that keep poor and minority communities from being fairly counted and some dilute votes in counties with prisons.

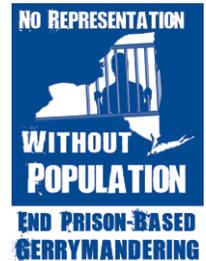
In New York currently, congressional and state legislative district lines are drawn by the Legislature itself, working from maps and data prepared by the NYS Legislative Task Force on Demographic Research and Reapportionment from U.S. Census data collected every 10 years. This task force is a six-person, bi-partisan committee equally split between Democrats and Republicans. Common Cause/NY advocates for the removal of this Task Force and its replacement by an independent non-partisan commission

which would have ultimate responsibility for drawing district lines.

Partisan redistricting contributes to voter cynicism, allows incumbents to remain in office and limits electoral competition. It is essential that districts are drawn fairly and objectively according to population and are not based on political bargaining (i.e. "gerrymandered") as we have seen in New York in the past.

But it isn't only politics that can have a significant impact on how well the redistricting maps will reflect the actual population of our state. The maps are drawn from U.S. Census data, so if the U.S. Census is not accurately counting people, the redis-

continued on page 4



¹ Redistricting is the process by which congressional and legislative districts are redrawn according to changes in the state's population.

A Rampaging U.S. Supreme Court Attacks Campaign Finance Reform in *Citizens United* Decision

By Angela Perdos and Susan Lerner

Responding to your concerns about the corrupting influence of campaign dollars, Common Cause/NY has consistently worked in New York City and New York State for reforms designed to lessen the impact of money in politics. With your help, New York City passed and significantly improved a public funding of elections program, while we have all worked at the state level to move an intransigent Legislature to adopt needed reforms.

Now, a radical decision of the U.S. Supreme Court, *Citizens United V. Federal Election Commission*, announced by the Court in an extraordinary session in late January, threatens the advances you've worked so hard to achieve. In a stunning decision, the Roberts Court opened the floodgates to out-of-control corporate and union spending in elections. This wrong-headed ruling poses an immediate threat to the vibrancy of our democracy.

The Supreme Court's ruling means that you will see an ever-increasing torrent of corporate and union money paying for ads supporting or attacking candidates. In this election year, with races for governor and US Senator on the ballot, this could have a huge impact. While New York State doesn't bar corporate and union contributions to candidates and committees outright, it does limit them to \$5,000 in the aggregate per year and New York City's law strictly limits the amount that lobbyists and companies which do business with the City can contribute to campaigns.

The Supreme Court's radical attack on campaign finance regulation simply underscores the urgent need for public funding of elections programs at both the state and federal level. ✓

WHAT CAN YOU DO?

- **Write or call your Congressional Representative and tell him or her that you want them to support the Fair Elections Now Act (FENA)**, which provides public funding for congressional campaigns. Only 13 out of the 29 members of Congress from New York are co-sponsors of the bill. ALL of NY's Congressional delegation should be co-sponsors. To see whether your congressional representative has signed on to the bill and find their phone number, check our website at www.CommonCause.org/FindElectedOfficials or call us at 800-300-8707.
- **Call your State Assemblymember or State Senator** and tell them that public funding of campaigns is the only protection they have against a flood of corporate and union dollars following *Citizens United* and that this is the year you expect to see New York pass public funding for state races. You can find out who your Assemblymember or State Senator is and how to reach them at www.CommonCause.org/FindElectedOfficials.
- **Let us know that campaign finance reform is one of your top issues** and that you want to receive updates and action alerts about developments at the state and federal level by writing us at nyoffice@commoncause.org or calling us at 800-300-8707.
- **Help support our work** by sending a donation in the attached envelope.

It's Time for New Yorkers to Take Back the Empire State

By Susan Lerner

As an organization dedicated to open and effective government and holding power accountable, we at Common Cause/NY understand the challenges facing New York State. Our state government was and remains at its most corrupt in recent memory. In a year of real fiscal crisis, we saw the Legislature mired in a political quagmire borne of self-interest that paralyzed the workings of the entire state. Most recently, following the felony conviction of Senator Joe Bruno, the Legislature adjourned without even considering a bill for ethics reform and then, in its new session, passed a watered-down ethics proposal. (See page 7.)

These events clearly show that the Legislature will not reform itself. Those who hold unaccountable power will not voluntarily give it up. That is why Common Cause/NY has launched its *Take Back the Empire State* campaign. If we don't change the structure of our State government we will never achieve meaningful reform.

OUR GOAL: Change the structure of state government, including a fair and inclusive map setting legislative districts, to ensure that our government serves the public interest, not the interests of lobbyists, campaign contributors or the elected officials, themselves. Since this will require modifying large sections of our State's Constitution, a Constitutional Convention is the best way to achieve this goal.

OUR CHALLENGE: Constitutional Conventions and the Redistricting Task Force are currently rigged to enable the legislators to retain their power and serve the special interests of their contributors. The public's ability to set the Convention's agenda or elect the delegates who participate in decision-making, or require fair legislative districts, is extremely limited. In fact, the Legislature elects many of the delegates and is allowed to select legislators as

continued on bottom of page 4



tricting maps won't fairly reflect New York's population, no matter who is drawing them.

The U.S. Census Bureau counts people who are incarcerated as residents of their place of confinement, rather than as residents of their home communities. These false population counts are then used to draw state and local legislative districts. The result is that the political power of many communities is warped: the home communities of people who are incarcerated who have unfairly lost population and the communities where prisons are located that have artificially gained population that isn't made up of actual residents. This has dramatic consequences for both the community gaining residents and the one losing them – urban communities with high rates of people who are incarcerated lose political power from the miscounting, while people living in counties with prisons but in non-prison districts have their votes diluted. And, because so many of the New Yorkers who are incarcerated are poor, black and/or Latino, this unfair practice hits minority and poor communities – already underrepresented in our political system – the hardest.

Prison-based gerrymandering is not just unfair; it also violates the New York State Constitution. Since 1938, New York's Constitution expressly provides that, "For the purpose of voting, no person shall be deemed to have gained or lost a residence... while confined in any public prison." Yet, nothing is done to correct the miscount of people who are incarcerated by the U.S. Census.

New York can fix this broken system in time for the redistricting that will take place in 2011. State Senator Eric Schneiderman

and Assembly Member Hakim Jeffries will champion legislation in Albany this year to get individuals who are incarcerated counted in their home communities. New Yorkers need to call on their legislators to change the way population is counted in New York State, before the next round of state and local redistricting. Common Cause/NY is working with a broad coalition of community, prison reform, and good government groups to pass this important redistricting bill. ✓

YOU CAN HELP:

- Call your State Assembly member or State Senator and tell them that this unfair and unconstitutional practice has to stop. Ask them to co-sponsor Sen. Schneiderman and Assemblyman Jeffries' legislation that would put an end to this practice.
- Sign our on-line petition and learn more at www.CommonCause.org/NY/PrisonersOfCensus.
- Let us know that ending prison gerrymandering is one of your top issues and that you want to receive updates and action alerts about developments at the state level by writing us at nyoffice@commoncause.org or calling us at 800-300-8707.
- Host a meeting of local Common Causers and others to learn about this unfair and unconscionable practice and how we can end it. We'll provide a speaker and help you identify Common Causers in your area.
- Tell us if you belong to a group that might want to schedule a presentation by Common Cause/NY staff on redistricting and ending prison gerrymandering.

delegates, and draws its own district lines. As a result, fear that a convention will be used to enshrine special interests, rather than to rectify the structural deficiencies in our government, has blocked calling a Constitutional Convention in the past.

OUR STRATEGY:

Educate our grassroots membership on the issues and impediment to effective government by issuing a series of position papers on topics like term limits, selecting delegates to a constitutional convention, budget procedures, and ballot initiatives that might be considered as ways to make New York's government work for the people again.

Convene a Citizens' Committee. Assemble a coalition of New York's prominent reform-minded civic leaders who are familiar with state government and represent the diverse communities of our state in order to:

- Identify the substantive changes to our State government needed to make New York the state it can and should be
- Build consensus for the measures needed to pass before a

Convention is convened;

- Change the way Constitutional delegates are selected so that qualified and principled people serve and the public is truly represented in the process; and,
- Insure that the Convention focuses solely on eliminating the structural obstacles to honest, effective and responsive government. ✓

WHAT CAN YOU DO?

- Let us know that you want to join us to *Take Back the Empire State* and receive updates and action alerts about the campaign by writing us at nyoffice@commoncause.org or calling us at 800-300-8707
- Let us know if you would like to host a meeting for Common Causers in your area to talk about organizing to *Take Back the Empire State*.
- Help support our work by sending a donation in the attached envelope and we'll send you a button.

Message from the Executive Director: I need to hear from you more!



Susan Lerner

It's always challenging to do good government work in New York State, but the last nine months have been a doozy. From the lowest lows (the meltdown of the State Senate and attendant paralysis of state government) to the heights (Governor Paterson acting on Common Cause/NY's recommendation that he appoint a Lt. Governor and break the senate stalemate) back to the depths again (legislative passage of an inadequate

ethics bill after months of hard negotiations, trying to get meaningful reform).

There were plenty of instances of the classic problem we reformers seem to always face when dealing with elected officials: is it better to settle for a little progress now or hold out for more? If we stand on principle, sticking to our previously expressed bottom line, do we miss our best chance for some progress? Or, if we fold and move the goal closer to the players, do we undercut our own efforts and settle for too little, delaying or preventing the passage of significant reforms we consider essential? In short, how much reform is enough to earn the support of "reformers"?

There are no easy answers to these questions. Each time the Legislature proposes a bill that falls short of our goals – and that's almost all the time – we go through the same calculation and balancing. In many instances, we'll weigh the situation and decide

that the incremental progress represented by the bill is, on balance, worth supporting.

But does that really satisfy the responsibility of being an advocate for reform, always settling for as much as the Legislature is willing to give? How do we trump the Legislature's calculus, changing enough to claim reform, but not enough to seriously upset the status quo?

These are the questions we struggle with all the time. And **I would like to hear from you** about where you feel the right balance lies. Were we right to support the Public Authorities reform bill and ask the Governor to sign it (that one turned out well, there's a new law with good changes in place)? We opposed the Legislature's ethics reform bill (see my article on page 7). Do you agree that Common Cause/NY took the right position? If not, why not? Now, with our new *Take Back the Empire State* campaign, we are shifting our focus away from Albany, trying to develop a bold new strategy for change that doesn't start with our elected officials. Good idea or not?

Sometimes I wonder if we are doing everything we can in our endlessly optimistic effort to make government more effective, efficient, responsive and accountable. Common Cause/NY is the citizens' lobby – your voice in Albany. To do that job effectively, we need to know that the positions we take are the ones you support.

When you get an action alert from us via email or read about one of our positions in a newspaper article, *please* let us know what you think. **Your input and feedback is invaluable** – don't hold back! ✓



What Would You Choose: SAFE Drinking Water or CHEAPER Natural Gas? Marcellus Shale & Natural Gas: A New Approach to Money in Politics

By Susan Lerner

Common Cause/NY is working to be sure that state policies governing natural gas drilling in New York are made on the basis of sound information and not tainted by influence purchased with stacks of industry dollars spent on campaign contributions and lobbyists. The stakes are enormously high as New York State determines how to regulate natural gas exploitation in the Marcellus Shale. At risk are not only wells that provide water for upstate farms and families, but the safety of New York City's drinking water supply. New York State stands on the threshold of a

new era in energy production, one that will either help usher in a revolution in cleaner, domestically produced fuel or result in poisoned wells and spilled toxic chemicals across landscapes.

The Marcellus Shale is a geological formation that stretches from New York down to West Virginia, and which underlies much of Central New York, the Southern Tier and Catskills, including the New York City watershed. This formation has been described as a "super giant" gas field, containing the largest untapped reservoir of natural gas now known anywhere in the world. Experts

estimate that it contains enough natural gas to satisfy all of the United States' natural gas needs for anywhere from 2 to 14 years. Natural gas companies and landowners stand to make a tremendous amount of money from the exploitation of this gas field. The State could, if it sets up an appropriate fee or tax structure, also share in this financial bonanza, a welcome possibility in this time of fiscal crisis and persistent budget short-falls.

But the gas is not easy to extract and doing so comes at a financial and environmental

continued on page 6

CC/NY MEMBER SPOTLIGHT: BEN SHULDINER



My name is Ben Shuldiner and I am a proud advisory board member of Common Cause/New York. As the founder and principal of the High School for Public Service in Crown Heights, Brooklyn, I have devoted my professional career to finding ways for our school community to achieve academic excellence while creating better citizens. I firmly believe in working toward incorporating the

ideals that we as Americans should all strive to make this a more perfect union, and to that end, I was honored to be asked to help Common Cause. Common Cause's historic and storied past, as well as its continued active relevance, speaks to the exact ideals

we promote at the High School for Public Service. Common Cause asks for our leaders to be accountable, it asks that our government work for the people, it asks that we must all share in the burden of bettering our country. When John Gardner founded Common Cause forty years ago he wanted to create an organization for citizens to have avenues to change our society for the better. We try to instill this same belief in our students everyday. Be it opening up our children to opportunities to work nursing homes, to serve hot meal to homebound New Yorkers, or to walk dogs at an animal shelter, the mission of finding ways to serve the public interest is paramount. Public service, like Common Cause, is inherently non-partisan, focusing solely on empowering ordinary people to make their voices heard in their community. This fundamental, shared belief guides me in my service, and it is why I am thrilled to serve on the board of Common Cause/New York.

Natural Gas continued from page 5

cost. Environmental groups and others have raised concerns that the technique used to extract the gas, known as hydraulic fracturing ("fracking"), has not received the same scientific scrutiny as the processes used for many other energy sources. In fact, reports are beginning to cumulate from states that have allowed fracking that it puts drinking water at risk. New York City is concerned that drilling in its watershed might require it to build water purification plants at a cost of many billions of dollars. Currently, because of the purity of its water supply, New York City does not have to filter or process its water. As a result, New York City has asked the state to ban gas drilling within its watershed. New York State will have to balance the tension between these 2 competing interests, encouraging natural gas exploration and protecting drinking water, in setting its policy.

Based on our experience observing Albany and in conducting our "Connect the Dots" research into the impact of money in politics, Common Cause/NY is concerned about the influence that the gas industry's deep pockets could have on our elected offi-

cial as they decide what regulations should be put in place and how quickly to move. So, we are shifting the focus of our Connect the Dots project, which in past years has surveyed various industries to examine the use of campaign dollars to buy access and try to influence public policy in many different areas.

Over the next year, our Connect the Dots project will concentrate on a more in-depth examination of one industry's use of money to influence policy, examining the natural gas industry to determine whether and how gas companies and industry groups use financial resources to try and influence New York's policy regarding natural gas exploration.

We'll try to examine the issue from *all angles*, looking at the pressures and conflicts of interest which our elected representatives may be subject to in deciding what to do about the Marcellus Shale, and examining the campaign contributions and lobbying expenditures of proponents *and* opponents of extensive and early use of fracking. We'll issue reports and provide information, giving presentations about our research to you,

our members, and other interested people and groups around the state. ✓

YOU CAN HELP:

Email us (nyoffice@commoncause.org) or call (800-300-8707) if you want to receive updates on our work Connecting the Dots about policies effecting natural gas exploration in New York State.

If you want to learn more about the controversies surrounding potential widespread use of fracking and natural gas exploitation in the Marcellus Shale, check our website, www.commoncause.org/ny/naturalgas for links to websites and newspaper articles that provide more information.

Let us know if you would like to host a meeting for Common Causers in your area where we talk about the results of our research and policies regarding fracking in New York State.

Tell us if you belong to a group that might want to schedule a presentation by Common Cause/NY staff on Connecting the Dots on natural gas exploration in New York State.

Crisis Situation Demands Sweeping Ethics Reform, Not Simply Improvement

By Susan Lerner

You would think that the wave of ethics scandals that have washed over New York in the last few years would lead to the passage of strong ethics legislation, but think again! In January, the NYS Assembly and the Senate passed an ethics bill that legislative leaders heralded as sweeping reform. We agreed that there are some improvements to current law but, on balance, we concluded it was not the sweeping change demanded by the corruption crisis facing Albany.

Some of the improvements include:

- Lobbyists disclose payments to legislators;
- Executive branch subject to independent oversight;
- Elected officials required to provide better disclosure of their outside income;
- A new body to investigate ethics complaints against legislators;
- Explicitly outlawing the use of state resources by public officials for private gain; and
- Board of Elections enforcement strengthened.

However, the Legislature's ethics bill does not provide:

- Independent oversight of the Legislature, as its members are appointed by the Legislature;

- Full disclosure by all elected officials of all sources of outside income;
- Increased disclosure by campaign contributors and expanded enforcement of those laws; and
- Independent authority to fully investigate alleged campaign finance law violations.

We urged the Governor to veto the bill and he did so. Now, the Governor must work with the Legislature to achieve an acceptable ethics reform bill. Only through cooperation between the Legislature and the Governor will New York achieve the ethics reform that the current crisis demands. ✓

WHAT CAN YOU DO?

- Call Governor Paterson and tell him you support his veto of the ethics bill and urge him to work with the Legislature to achieve a better bill.
- Call your State legislators and tell them to work with the Governor to strengthen the ethics bill by providing independent oversight over all elected officials.

CELEBRATING 2 OUTSTANDING NEW YORKERS

On December 1, 2009, Common Cause/New York hosted our Annual Awards Dinner, to honor and celebrate Dr. Vartan Gregorian, President of the Carnegie Corporation, and Andrew Rasiej, Founder of the Personal Democracy Forum. Calvin Trillin served as the evening's Master of Ceremonies. More pictures and video highlights of this special evening can be found on our website www.CommonCause.org/NY/Events.

Dr. Vartan Gregorian received the Andrew Heiskell Lifetime Achievement Award, named in honor of one of Common Cause's founders. The award was presented by Thomas Kean, Former Governor of New Jersey. Andrew Rasiej received the Common Cause/NY Democracy in Action Award, which was presented by Esther Dyson, Founding Chairman of ICANN.



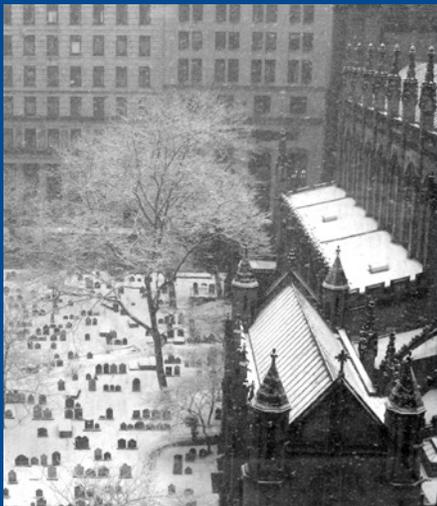
Vartan Gregorian (left) accepts his award from Thomas Kean (right).



Andrew Rasiej (right) accepts his award from Esther Dyson (left).



Andrew Rasiej and CC/NY Executive Director Susan Lerner join with members of the CC/NY Board.



The view of Trinity Church and Manhattan's financial district from a window in our new offices.

WE'VE MOVED!

In the late summer of 2009, we moved into smaller offices to make sure the limited resources available to us go to the fight for a more open, accountable, responsive New York, and not on overhead. Please be sure to update your records!

Common Cause/New York
74 Trinity Place, Ste 901
New York, NY 10006

Our phone and fax numbers are still the same (212-691-6421 and 212-807-1809), and so is our website (www.commoncause.org/ny).

Breaking News! Sensible Election Reform

As our newsletter goes to press, the Legislature appears set to pass one of our legislative priorities: simplifying the application for absentee voting. By the time you read this, we expect the Senate to pass S2868(Addabbo)/A5267(Galef), which passed the Assembly on January 20. The bill removes the burdensome and intrusive questions on the absentee ballot application that force you to provide private information about your healthcare or your travel plans before you can receive an absentee ballot. Check our website to track the progress of this bill and see whether it's been signed into law.

NON PROFIT ORG
US POSTAGE PAID
NEW YORK, NY
PERMIT NO. 2621

Common Cause/New York
74 Trinity Place, Ste 901
New York, NY 10006
www.CommonCause.org/ny