House Rejects Trade Measure, Rebuffing Obama's Dramatic Appeal

JONATHAN WEISMAN JUNE 12, 2015 NY Times

WASHINGTON — Hours after President Obama made a dramatic, personal appeal for support, House Democrats on Friday thwarted his push to expand trade negotiating power — and quite likely his chance to secure a legacy-defining accord spanning the Pacific Ocean.

In a remarkable blow to a president they have backed so resolutely, House Democrats voted to end assistance to workers displaced by global trade, a program their party created and has supported for four decades. That move effectively scuttled legislation granting the president trade promotion authority — the power to negotiate trade deals that cannot be amended or filibustered by Congress.

"We want a better deal for America's workers," said Representative Nancy Pelosi of California, the House minority leader, who has guided the president's agenda for two terms and was personally lobbied by Mr. Obama until the last minute.

The vote that prevented the president from obtaining trade promotional authority now imperils the more sweeping Trans-Pacific Partnership, a proposed trade agreement with 11 other nations along the Pacific Ocean that affects 40 percent of the global economy on goods ranging from running shoes to computers.

"They have taken their own child hostage," said Representative Charlie Dent, Republican of Pennsylvania, adding, "Does it hurt the president? Of course it hurts the president, but it hurts America more."

The Democratic revolt left Republican leaders trying to summon support from their own party for trade adjustment assistance, a program they have long derided as a waste of money and a concession to organized labor. Eighty-six Republicans voted for the program, more than double the 40 Democrats who supported it. But the trade adjustment assistance bill failed when 303 voted against it.

Republican leaders then passed, in a 219-to-211 vote, a stand-alone bill that would grant the president the trade negotiating authority he sought. But that measure cannot go to the president for his signature because the Senate version of the legislative package combined both trade adjustment and trade promotion.

There is still a possibility that the House will pass the worker assistance bill early next week and send to Mr. Obama, but it would require dozens of Republicans or Democrats changing their votes, a prospect Republicans said was remote.

“We are not done with this,” said Representative Kevin McCarthy of California, the majority leader. The hope is that Democrats, faced with the prospect of trade promotion authority passing the Senate without the worker assistance provisions, will reverse course.

After the vote, the president tried to play down the defeat. “These kinds of agreements reflect the realities of a 21st-century economy,” Mr. Obama said in a statement. “These kinds of agreements make sure that the global economy’s rules aren’t written by countries like China; they’re written by the United States of America. And to stand in their way is to do nothing but preserve the long-term status quo for American workers, and make it even harder for them to succeed.”

But after a rare and resounding victory, the left wing of his party showed no sign of relenting. A large coalition of labor, environmental groups, liberal activists and faith groups promised to keep the pressure on Democrats to stay the course, relishing their win, demanding that lawmakers spurn the president or risk a primary challenge.

Democrats rejected the president’s entreaties to “play it straight,” and not kill off trade promotion by voting against a program they have so consistently supported, according to Democrats in the room.

The president has frequently been criticized for not developing personal relationships with lawmakers, and some in his party think he paid a price on Friday. Representative Henry Cuellar, Democrat of Texas, said fellow Democrats loudly applauded Mr. Obama as he went through the battles he had fought on labor organizing, health

care access and environmental protection. But he could not change minds.

One Democrat who asked not to be named because of his close ties with Mr. Obama, said that while the president's term is up in 18 months, the unions that have backed Democrats for years — and had threatened retaliation on any Democrat who backed the trade bill — will still be around.

The reverberations of Friday's vote could be broad and damaging. Trade ministers from the other countries have held off on negotiations, waiting to see if Congress would try to tamper with their final offers. Japan, the largest partner in the venture besides the United States, was particularly clear it will not be able to make the difficult political concessions Mr. Obama wants if Congress could then change the deal after its signing.

The president and Republican leaders framed the debate in terms of global influence and countering the rising power of China.

"When America leads, the world is safer, for freedom and for free enterprise, and if we don't lead, we're allowing and essentially inviting China to go right on setting the rules of the world economy," Speaker John A. Boehner of Ohio said.

But to Democrats who have watched wages stagnate and manufacturing jobs move abroad since the North American Free Trade Agreement of 1993, there was little allure to another trade bill. "Make no mistake, this is a race to the bottom," Representative Rick Nolan, Democrat of Minnesota, said of the Trans-Pacific Partnership, which he reviewed in the secret reading room where lawmakers can look at the chapters but cannot copy them or even take notes. "The time has come for Congress to say no to these agreements."

Democrats initially complained about the way the trade adjustment assistance bill was paid for — with a slight tweak to Medicare, then complained that it did not offer assistance to government workers. But in the end, they knew that to kill fast-track negotiating power all they had to do was vote against worker assistance.

“Our job today is to vote down this bill, say no to trade adjustment and say no to fast-track,” said Representative Rosa DeLauro, Democrat of Connecticut, in defiance of Mr. Obama’s appeal to vote yes on trade adjustment even if a Democrat planned to vote no on trade promotion.

For weeks, Ms. Pelosi had kept quiet as most of her caucus roared their opposition. When she went to the House chamber to proclaim that she would vote against both trade assistance and trade promotion, no doubt remained about the outcome. Representative Steve Israel, Democrat of New York, said the president’s pitch might have swayed some undecided Democrats, but Ms. Pelosi reversed whatever gains the president may have made.

Before he joined the broader House Democratic Caucus meeting, the president met with Ms. Pelosi, Representative Steny H. Hoyer of Maryland, the Democratic whip, and Representative James E. Clyburn of South Carolina, the No. 3 House Democrat, for 20 minutes in the minority leader’s office.

It was at that meeting that she told the president she was leaning toward voting against both the trade adjustment and trade promotion measures, said a Democratic aide familiar with the conversation. The aide said she has no intention of switching her vote if Republicans try again next week. She instead will press the president and Republicans to move on to a long-term highway bill, something many Democrats say they wish Mr. Obama had made a priority over a trade measure they could never support.

How the system failed in escape

Lax checkpoint security, poor supervision of officers, botched investigation into relationship cited by officials
Brendan J. Lyons, June 14, 2015, Times Union

The calculated escape of two convicted killers who cut their way out of a maximum security prison was aided by lax security at an employee checkpoint, poor supervision of correction officers and a botched internal investigation into a female employee's personal

relationship with one of the inmates, according to interviews with law enforcement sources and state correction officials.

The unmatched escape from the 2,800-inmate prison in Dannemora known as "Little Siberia" unfolded over a period of at least months, as the inmates, Richard W. Matt and David Sweat, befriended a female employee who smuggled in the tools they needed to help cut through a steel wall in the back of their adjacent cells, law enforcement officials said.

Correction officers failed to detect and disrupt the escape, which one official said may have involved dozens of hours of sawing through metal and concrete over a period of many days. But it was the inmates' connection with the employee, 51-year-old Joyce E. Mitchell, that provided the best chance to detect and foil the escape in its early stages, according to correction officials.

The officials, including some who are retired, said they cannot be identified because they're not authorized to comment publicly.

Intimate relationships between inmates and prison employees are not uncommon. The state Department of Corrections and Community Supervision, which runs the state prisons, has a sex crimes unit in its Inspector General's office that investigates unauthorized relationships between inmates and employees.

The employees who secretly establish relationships with inmates are often prosecuted for official misconduct and the internal investigations are treated as criminal cases that rely on DNA testing, fingerprint evidence, phone records and witness accounts. Inmates are treated as victims, an investigator said, unless they lie, and then they also can become a target.

In most of the cases, there is correspondence or other communication between the inmate and the employee that breaks open the case. In this case, a longtime DOCCS investigator said, officials should have thoroughly searched the two escapees' cells and belongings during the internal probe into Mitchell's relationship with the inmate. If that was done, he said, they may have discovered correspondence between Mitchell and one of the inmates, or possibly

the tools that officials say she provided them more than five weeks ago.

"I would have grabbed the handwriting samples of the targets and compared them with the letters inside the cell," said the longtime investigator, who has worked in the DOCCS sex crimes unit. "Evidently that wasn't done. There's always letters. There had to be letters. They can't resist writing. He would give her a letter and she would destroy it. But he would hang on to the letters she wrote."

Law enforcement sources said Mitchell and one of the inmates, possibly Matt, had developed an intimate relationship and that she planned to be their getaway driver when they emerged from a sewer manhole a block from the prison on the night of their escape.

A law enforcement source on Saturday said that during two interrogations that lasted hours, Mitchell confessed to her role and described their plans in detail. She told investigators she was going to drive the escapees to Vermont and hide together in an undisclosed cabin. She was planning to leave her husband, Lyle, who is a maintenance worker at the prison, the source said.

Still, the DOCCS investigator said he was told that even after a co-worker filed a complaint several months ago alleging Mitchell was too close to one of the inmates, Mitchell's telephone records were not subpoenaed. Law enforcement officials said Mitchell recently provided the inmates access to a cellphone that was used to call people connected to Matt. It's unclear if any of those or other suspicious calls would have been discovered earlier had her phone records been subpoenaed.

Mitchell's ability to allegedly smuggle hacksaw blades, chisels, a metal hole punch and a drill bit through the employee entrance of the prison was another breakdown.

Employees pass through a security checkpoint when they report for work at a state prison. But the employees are not required to pass through a metal detector, and any bags they carry in, including purses, are often only casually scanned for contraband.

"This goes on all over the state," the investigator said. "They don't look at all in the bags. People open up their bags, and they glance at it and they don't really search it like they're supposed to."

Mitchell told investigators she smuggled the tools into the prison more than a month ago, around the time the internal probe of her and the inmate was determined to be unfounded. Clinton County District Attorney Andrew Wylie on Friday acknowledged the internal investigation resulted in Mitchell and one of the inmates being temporarily separated at work until the investigation ended.

The internal investigation of Mitchell's relationship with the inmates took place following a turbulent period in the DOCCS' inspector general's office. In March, the unit's former director of operations was indicted on charges of forcibly touching and sexually harassing a male investigator. James A. Ferro, 55, retired two months before he was indicted. And Ferro's alleged victim said he filed a complaint with Ferro's supervisor, Vernon Fonda, who was chief of operations for the DOCCS inspector general's office, but that no action was taken.

Fonda, 59, abruptly retired 14 months ago after the state inspector general's office launched the investigation that led to Ferro's arrest.

It's unclear if the leadership shake-up had any bearing on the botched investigation at Clinton Correctional Facility. Mitchell had worked at the prison since 2008 and was an instructor in the prison's tailor shop, at which both Matt and Sweat had worked before their escape. She worked in a clothing factory before taking the prison job.

Matt, 48, who was serving 25 years to life for murdering a Buffalo-area businessman in 1997, and Sweat, 35, who shot a Broome County sheriff's deputy to death in 2002, used a small electrical saw powered by extension cords that were hot-wired to light sockets. They also had handsaws and a sledgehammer.

Chris Leo, who was a correction officer from 1982 to 2007, said the escape must have taken a long time to execute. He said complacency and shortcuts by officers may have contributed to the inmates' success, and that other inmates may have aided the escape

by serving as lookouts or passing along any knowledge they had about the prison's internal architecture.

"The staff has been cut dramatically over the years," said Leo, who was formerly legislative director of a statewide correction officers union. "There are officers doing the jobs that two or three other officers used to do, and that sometimes causes the cutting of corners."

For instance, Leo said, Matt's and Sweat's cells should have been scoured when random checks of the units were done. The random cell checks are supposed to take place on each shift, and include at least three cells per shift, he said.

"Filling out the form has become more important than the search," Leo said. "A lot of officers fill them out and put 'NCF — no contraband found,' even though they haven't done the search. ... I did it myself. There were just times when you didn't have time to do it."

Another missed opportunity to thwart the escape may have taken place five days before the escape. On May 31, a fight between two factions of inmates broke out in a recreation yard involving more than 30 inmates.

Correction officers in two towers overlooking the yard fired canisters of chemical agents into the middle of the fight, which ended in less than a minute. Part of the prison was locked down the next day, four days before the escape, but only the yard and two cellblocks were searched rather than the entire prison.

Five weapons were found during the searches, which did not include the unit that held Matt and Sweat. A person close to the case said some correction officers questioned whether a request to lock down and search the entire facility was rebuffed by Department of Corrections and Community Supervision headquarters in Albany. DOCCS officials declined to comment.

Leo, who was a member of a special Correction Emergency Response Team when he worked for the agency, said a grievance system in which inmates can lodge charges for everything from lights

being too bright to television volumes being too low, has weakened the level of security in some facilities. Leo said lights are dimmed sharply at night when the inmates sleep, and televisions are often turned up so loud during the day they could have helped mask the sound of the power tools or handsaws used by the escapees.

"It's a wearing down of the procedures over the years," Leo said.

Sweat and Matt were also assigned to an "honor block" in which they had more liberties than other inmates, including being able to wear sweatshirts and other civilian attire over their prison uniforms. Inmates on that block are also allowed to cook and they can walk into one another's cells during the day, which would have helped the pair share and hide contraband.

"It's not a quiet block," Leo said. "The block is almost like an industrial noise setting all day long."

There has been no explanation from state officials about why the inmates were not discovered missing until 5:30 a.m. June 6, more than six hours after they were last confirmed to be in their cells. Another DOCCS official said their cells should have been checked at least once an hour to make sure they were there.

"According to the employees manual, you're supposed to see a live, breathing body," the official said. "If you walk by the cell and you don't see the chest or anything moving, there's a problem. This goes back to the leadership, to the lack of supervision."

State officials previously said Matt and Sweat piled sweatshirts and other clothing under their blankets to make it appear they were in their beds.

Meanwhile, District Attorney Wylie last week described Mitchell as "cooperative." She never returned to work after the escape and was arrested Friday on charges of promoting prison contraband, a felony, and criminal facilitation, a misdemeanor. If convicted of the felony charge, Mitchell could face a maximum of seven years, Wylie said.

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Prison dilemma: Fewer but tougher inmates amid costs constraints

Rick Karlin June 13, 2015 Times Union

Albany—While correctional officers have raised issues about overtime limits after the escape of two inmates from the Clinton Correctional Facility, state officials on Friday said overtime at the maximum security prison was up in April.

Budget documents show overtime for the first two pay periods this fiscal year, starting in April, was up 4 percent.

And state officials note that guard-to-inmate ratios at Clinton have increased over time, with 2.7 inmates for every guard this year compared to 2.85 in 2010.

"The numbers speak for themselves: There are more guards to oversee fewer inmates at Clinton Correctional now than there have been in years," said Richard Azzopardi, a spokesman for Gov. Andrew Cuomo. "This is while New York's prison population has dramatically declined and 13 other prisons have been closed. Don't be fooled by those who are distorting these facts to advance a political agenda. "

Others note that state budget officials issued a directive to trim $20 million in overtime costs this year from the entire prison system.

The competing numbers come amid the certainty that lawmakers, correction officers' unions and the state Department of Corrections and Community Supervision — the agency that runs state prisons — will take a hard look at the procedures as well as conditions in the 3,000-inmate prison in the aftermath of the escape of Richard Matt and John Sweat.

"Is there adequate staffing at DOCCS?" asked state Sen. Pat Gallivan, the Republican lawmaker and former Erie County sheriff

who chairs the chamber's Committee on Crime Victims, Crime and Correction.

While stressing that the first order of business is to capture the escapees and secure the prison, Gallivan said staff numbers will likely be one of the topics discussed as people dissect how Matt and Sweat escaped.

The two convicted murderers triggered a massive search that drew national attention after they cut through a thick steel steam pipe and climbed out of a manhole cover.

As armed officers scoured the area around the prison, some wondered if Matt and Sweat's escape might have been derailed if the prison had gone into a full scale lockdown after a June 1 melee among three dozen inmates in an exercise yard.

Clinton prison officials didn't get approval for a full lockdown amid concerns about the overtime costs, according to those close to the situation.

They noted that prison superintendents have been under pressure to control overtime costs.

While budget officials have said it's less expensive to pay overtime than to hire more personnel, given the cost of benefits, DOCCS officials have also said they are trying to keep overtime in check.

During a presentation to lawmakers over the winter, acting DOCCS Commissioner Anthony Antonucci said the agency was developing an "overtime review process," which included monthly scrutiny in the various facilities.

On the other hand, Gov. Andrew Cuomo earlier in the month said DOCCS was hiring guards because, even though the prison population — now about 52,000 — is shrinking, the inmates who remain are tougher than ever.

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Cuomo created ‘total cluster f—k’ in escaped-killers hunt

By Fredric U. DickerJune 14, 2015 | 11:23pm

The massive manhunt for two escaped murderers from the Dannemora prison has been hampered by State Police secrecy, inter-agency rivalries, and the disrupting involvement of Gov. Cuomo on the first day of the breakout, law-enforcement sources have told The Post.

Cuomo’s surprise arrival at a still-unfolding escape scene a week ago Saturday generated considerable national publicity for the governor, but distracted investigators at a time when the full facts of the escape were not yet known, the sources said.

“Cuomo actually disrupted the early search efforts when he arrived at the ‘command center’ on Saturday and refused to enter the room until everyone was removed except state employees,’’ said a longtime law-enforcement figure who has regular contact with many involved in the search effort.

“Cuomo’s aides came in and threw out the US marshal, the sheriff [David Favro, like Cuomo a Democrat] and others who were there to help coordinate the search effort.

End of sesson will prove a test for new legislative leaders

KEN LOVETT NEW YORK DAILY NEWS June 15, 2015

Assembly Speaker Carl Heastie, D-Bronx, with Gov. Cuomo nearby Here is the expanded version of the second item from my "Albany Insider" column in Monday's editions:

This week’s scheduled end of the legislative session is a key test for the two rookie legislative leaders to show whether they can handle big negotiations and their own individual conferences, insiders say.

With important issues to deal with like extending the city rent regulation laws, an expiring affordable housing tax credit for developers and mayoral control of the New York City schools, Assembly Speaker Carl Heastie and Senate Majority Leader John Flanagan have a full plate but little experience closing down a session.

Lovett: Funding cuts eyed as cause of upstate prison escape, raising issues for Andrew Cuomo

NEW YORK DAILY NEWS June 15, 2015 Kenneth Lovett

ALBANY — Gov. Cuomo and his administration might have some explaining to do when and if the two escaped murderers from an upstate maximum-security prison are finally captured.

Assembly Correction Committee Chairman Daniel O'Donnell (D-Manhattan) didn't rule out a hearing into the factors that might have played into the June 6 breakout from Clinton Correctional Facility in Dannemora.

Cuomo has been front-and-center publicly since the two dangerous inmates dug their way to freedom.

But critics have already begun questioning whether prison staffing and overtime issues played a role in the first escape from a New York maximum-security prison since 2003.

The Plattsburgh Press Republican reported that two guard towers at Clinton were left unmanned because the Cuomo administration was pressing for cuts in overtime.

New Jersey unions need to face failed-pension facts

Post Editorial Board June 14, 2015

Breaking a widely touted promise to public workers isn’t illegal, New Jersey’s Supreme Court ruled last week. That’s good news for Gov. Chris Christie — and may be even better news for overburdened Garden State taxpayers.

Because it may prove a much-needed slap in the face that forces government-worker unions — who expected the court to back them — to return to the negotiating table.

The justices ruled Christie can’t be forced (absent voter action) to make his promised $2.5 billion payment this year to the badly under-funded (by $37 billion) pension system. That budget-buster would’ve forced massive layoffs and service cuts.

This was one of those promises that must be broken. Because pols can’t pat themselves on the back for making commitments that they have no idea how to pay for.

The labor loophole

Unions criticize LLC donations, use affiliates to top giving limits
Chris Bragg, June 13, 2015 Times Union

Albany—As candidates scrambled for last-minute cash in the days before last November's hard-fought legislative elections, the biggest ally of the state Senate's Democrats was maxed out.

New York State United Teachers, as usual one of the most politically active labor organizations, had already given the largest legal donations to the Senate Democrats' campaign arm, and to many other Democratic campaigns.

But that didn't stop separate political action committees with deep financial relationships to NYSUT from cutting their own six-figure checks to candidates.

It's one example of how union dollars can enhance campaign accounts far beyond donation limits in New York, through what critics view as gaps in state election law.

During the legislative session that's slated to end Wednesday, groups backed by some of the same unions have ramped up attacks against state Senate Republicans for refusing to close another quirk in campaign finance law, the so-called "LLC loophole," that allows real estate interests to use limited liability companies to vastly multiply the power of their giving.

Karen Scharff, executive director of the labor-backed advocacy group Citizen Action, argued alongside Senate Democrats at a recent news conference that "we cannot reduce corruption in Albany until we fix the corrupt campaign finance system." Another recently formed union-backed progressive coalition, dubbed Hedge Clippers, has targeted the LLC loophole by meticulously tracing the dollars that flow from wealthy interests.

Closing the LLC loophole stands on it merits, Democrats insist. But the move also makes political sense for unions and their Democratic allies: In recent years, the Senate Republican majority has benefited disproportionately from real estate donations that pour through the LLC loophole. And Democrats have gotten more of the union dollars coursing through the system.

Some claim a double standard is at work.

Zack Hutchins, a spokesman for the state Business Council, recently said it was "unfair and unreasonable that advocates have chosen to focus on this one issue that would negatively impact businesses without addressing the myriad built-in advantages afforded public employee unions."

Under the current rules, records show, Senate Democratic candidates' campaigns received far more money last year from unions than the $10,300 they could accept directly.

In 2014, NYSUT gave the maximum to a host of Senate Democratic candidates. They also gave the annual maximum of $103,300 to Senate Democrats' campaign arm; that sum could then be passed in unlimited amounts to individual candidates.

On Oct. 28, just days before voters went to the polls, a group with the unwieldy name "NEA Fund For Children & Public Education—NFI New York" gave a $100,000 donation to the Democratic Senate Campaign Committee. The NEA Fund is listed in the Senate Democrats' campaign filing as having the same Latham address as NYSUT; it was registered with the state Board of Elections just five days before the donation was made. The original source of the funds was unlisted in campaign records, but the address was listed, and is similar to that of the PAC of the National Education Association, one of NYSUT's national affiliates.

The next day, Oct. 29, AFT Solidarity 527, a Washington-based committee funded by NYSUT's other parent union, the American Federation of Teachers, also gave $100,000 to the DSCC. NYSUT had previously directed millions of dollars in campaign donations to that parent union.

Unions also appear to be able to sidestep donation limits by giving to their local affiliates.

Last summer, NYSUT gave the maximum $10,300 general election donation to Marc Panepinto, a Democrat running in a hotly contested Senate race in Western New York.

In September, the teachers union gave $25,000 to a NYSUT affiliate called the Faculty Federation of Erie Community College, a committee that for years had been largely dormant, according to campaign finance records. After receiving the $25,000 gift from NYSUT, the Faculty Federation itself quickly gave a $10,300 maximum donation to Panepinto. With the remaining funds from NYSUT, the Faculty Federation gave a maximum donation to the Buffalo Teachers Federation, another NYSUT affiliate, that in turn gave a $9,700 donation to Panepinto.

Under sparsely enforced New York election laws, it is illegal for a donor to "earmark" donations to a PAC, with the understanding that money will be passed from one committee to another. The president of the Faculty Federation didn't return requests for comment.

Korn said that, "there is no coordination (with the union's affiliates). NYSUT has always followed the letter of the law."

NYSUT's more than 1,400 local affiliates are autonomous in making their political endorsements, raising their own campaign money and negotiating their own contracts, Korn said. Campaign spending was done with funds comprised of small, voluntary contributions, not union dues.

"We don't love the rules, but we play by them in order to have a voice in Albany," Korn said.

He added that 187,500 NYSUT members voluntarily gave political donations in 2014, with an annual average of $47 per person. Asked how unions could take advantage of gaps in the law while criticizing others for exploiting LLC loophole, Korn said, "Twelve hedge fund billionaires gave more than 187,500 teachers in the 2014 elections," referring to charter school supporters that gave heavily to an outside group backing Senate Republicans.

Another big union spender last year was the Communication Workers of America District 1, a close ally of New York City Mayor Bill de Blasio, who led a fundraising effort to win Democratic control of the state Senate.

CWA was able to give Democratic Senate candidates far more than the $10,300 general election limit by routing funds through various party committees, each of which could receive six-figure donations and then give unlimited amounts to individual campaigns.

The New York City-based union last election cycle directed $127,300 to the DSCC, as well as heavy payments to a number of county committees: $102,300 to the Putnam County Democrats, $100,000 the Monroe County committee, and $60,000 to the Erie County party. In turn, these committees each gave huge gifts to Senate Democratic candidates in competitive races.

CWA also directed $55,000 to the Nassau County's Democrats, which made the unusual decision to spend heavily on a number of upstate Senate races.

As the state Business Council argues for reforms that would curtail this sort of union spending as a condition of any deal closing the LLC loophole, its Senate Republican allies don't appear to be pushing measures addressing either issue. A Senate GOP spokesman, Scott Reif, declined to say if there are any plans to do so, but said in a statement that the Democrats' efforts to close the LLC loophole were a "blatant political maneuver to tilt the playing field even further in their direction."

Though Senate Republicans are critical of the machinations of de Blasio and his labor allies, the use of these loopholes has been eminently bipartisan.

A footnote in the federal corruption complaint against former Senate Majority Leader Dean Skelos states the Republican during the 2012 election cycle directed Glenwood Management — the real estate industry's biggest user of the LLC loophole — to make $100,000 in LLC contributions to the Erie County Republicans, an organization Skelos was believed to have "substantial control" over.

The LLC loophole, which grew from a controversial 1996 state Board of Elections ruling, allows each limited liability company owned by a developer to give up to $150,000 annually to New York campaigns, the same amount an individual can give. Otherwise, corporations cannot give more than $5,000 to all New York campaigns annually. Unions, however, can give unlimited sums.

If the LLC loophole were closed, developers such as Glenwood could still engage in unlimited outside spending as allowed by U.S. Supreme Court decisions, but its current practice of giving such vast amounts directly to candidates would become more difficult.

Corporations and LLCs would be subject to a $5,000 total annual donation limit to such groups, while unions would continue to have no annual spending limit.

Good government advocates say that while closing the LLC loophole would be relatively straightforward, changing the way political action

committees and party organizations operate would be a far deeper, complex structural change in New York's politics.

"The way money can flow through different entities from a single source is a major issue that needs to be addressed," said Dick Dadey, executive director of Citizens Union. "I'm open to other reforms being enacted in addition to closing the LLC loophole. So (business groups should) put a plan on the table, so that it's something more than a smokescreen."

Senate Democrats and unions have pushed for publicly financed elections in New York, which would represent a tectonic change in the state's campaign finance system. Republicans have opposed the concept, arguing it would also tilt elections towards labor interests.

Brooklyn Sen. Daniel Squadron, a Democrat, has introduced a bill that would make state law treat LLCs like corporations. The bill has been bottled up in committee by the Republican majority.

Democrats argue if the LLC loophole were closed, businesses interests can give to the same types of PACs used by unions to take in political spending, and abide by the same rules. Businesses have far fewer employees than major unions have members, but an affluent private sector employee could donate more than a school teacher or sanitation worker.

Yet on this front, businesses appear to face a disadvantage. Employees of a business are not allowed to set up a PAC that takes voluntary automatic payroll deductions meant for political spending in New York, but unions can take such voluntary deductions out of workers' paychecks for campaign efforts.

Asked last week if uncapped union giving to candidates was an issue, Squadron said there was no equivalency between that kind of giving and the LLC loophole.

"All the issues we've seen this year have been around the LLC loophole," said Squadron, referring to federal corruption cases involving Skelos, former Assembly Speaker Sheldon Silver and the real estate interests that supported both men.

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Heroin stash in apartment leads to parolee's arrest, cops say

John M. Annese |June 15, 2015 Staten Island Advance

STATEN ISLAND, N.Y. – A Dongan Hills man who four years ago was shot in the arm by police is back behind bars after a parole officer found 38 packets of heroin in his apartment, authorities allege.

Police say Jamar Wilson, 25, had the drugs in a shoebox in the bedroom of his apartment on the 200 block of Jefferson Avenue Tuesday, when his parole officer showed up to execute a parole warrant.

The shoebox also contained a spoon and a glassine envelope with heroin residue, while a second cardboard box held 145 empty glassine envelopes, police allege.

Wilson was conditionally released to parole in November, after being sentenced to three and a half years in prison for gun possession, public records show.

The brief, anguished life of a mentally ill inmate (Inmate's mother Alicia Barraza, PEF member at DEC)

Abuse by fellow prisoners led to suicide at age 21
Paul Grondahl June 15, 2015 TIMES UNION

Albany — On Oct. 30, 2014, Benjamin Van Zandt hanged himself in his cell at Fishkill Correctional Facility in Dutchess County.

He was 21, and his suicide ended a prison ordeal marked by sexual assaults, physical beatings and relentless harassment at the hands of hardened veteran criminals twice his age and run-ins with correction officers. He also was disciplined for acting out by being placed for

long stretches in solitary confinement, where there were lapses in his anti-psychotic medication and he declined mentally in a steep spiral of severe depression and suicidal thoughts.

In 2014, he was the 11th suicide in state prisons and the youngest inmate to take his own life.

Van Zandt was serving time for setting a fire when he was 17 that nearly destroyed an unoccupied Delmar home. He had not told anyone about having auditory hallucinations that convinced him fire could soothe the turbulence in his troubled mind.

Now, as the family's attorneys prepare a wrongful death civil lawsuit against the state, Van Zandt's parents, Douglas Van Zandt and Alicia Barraza of Albany, have become the public face of the tragic confluence of severe mental illness and state prison policy that places mentally ill youthful offenders in a general prison population alongside violent adult inmates.

Barraza has become a leading advocate for Raise the Age NY, a group of formerly incarcerated youths and their family members who are lobbying to raise the age that youths in New York state can be tried and convicted as adults to 18. New York and North Carolina are the only states that prosecute 16- and 17-year-olds as adults. Gov. Andrew Cuomo has urged raising the age after his specially appointed Commission on Youth, Public Safety & Justice recommended the change. The legislation faces opposition in the Republican-controlled Senate. The District Attorneys Association of the State of New York raised concerns about the bill.

Benjamin Van Zandt was a gentle, shy and socially awkward sophomore at Bethlehem High School who played the violin, took Advanced Placement courses, excelled at mathematics and built intricate Lego models.

An only child, he had a learning disability, did not make friends easily and felt he didn't fit in.

He was a well-regarded Boy Scout close to achieving the rank of Eagle Scout.

He hid his psychological distress from his father and mother, whose family has a history of severe mental illness, while the noises in his head urged him to burn things.

His parents had no idea that he had been lighting crumpled pieces of paper on the patio behind their suburban Selkirk home. Watching the flames somehow helped quell the thunderstorm in his brain.

On Aug. 4, 2010, the voices became unbearable. The teen filled an empty water bottle with gasoline, cycled a half-mile to a home in a Delmar subdivision, broke in through a window and poured gasoline around the rooms.

He didn't know the homeowners or their children, but learned they were away on vacation from a Facebook post. "None of it made any sense," his father said. "He was psychotic and hallucinating."

The home was nearly destroyed by fire, with damage estimated at $455,000. No one was injured.

One week later, Van Zandt was arrested by Bethlehem police after he ordered an iPod using a credit card stolen from the burned house. In less than two hours at the police station, before his parents or an attorney could intervene, Van Zandt gave a detailed written confession to detectives.

There was no mental health court in Albany County to divert him to and prosecutors and the judge rejected attempts to grant Van Zandt youthful offender status and move the case to Family Court. The family's attorneys dismissed the option of an insanity plea because confinement is long and open-ended.

As part of a plea bargain, Van Zandt pleaded guilty in 2011 in Albany County Court to felony arson, and was sentenced to 4 to 12 years in prison.

Studies have shown that youths sent to adult prisons are 36 times more likely to commit suicide, five times more likely to be sexually assaulted and have a higher likelihood to recommit crimes and return

to prison as an adult. The governor's commission said its recommendations would reduce by 1,500 to 2,400 the number of crimes against people across the state every five years and save taxpayer dollars. Each year, almost 50,000 16- and 17-year-olds are arrested and face the possibility of prosecution as adults for largely minor crimes. With the legislative session scheduled to conclude Wednesday, Barraza and Raise the Age NY have redoubled their efforts to get the bill passed.

"If I wasn't doing this, I'd be terribly sad all the time," Barraza said last week. "At least I feel like I'm doing something that hopefully will help other people."

Citing departmental policy, Linda Foglia, a spokeswoman for the state Department of Corrections and Community Supervision, said she could not comment on the legislation, Van Zandt's suicide or his family's lawsuit.

Kristin Salvie, a spokeswoman for the state Office of Mental Health, declined comment on the legislation and the Van Zandt lawsuit. OMH and DOCCS are both named as defendants.

"What happened was a great tragedy that could have been prevented," said Cheryl Kates-Benman, a lawyer in Ontario County who is helping to obtain state documents on Van Zandt's treatment in prison for the Cherundolo Law Firm of Syracuse, which is handling the wrongful death case.

Kates-Benman charged OMH with "negligent supervision" of Van Zandt's mental illness and faulted DOCCS for placing him in solitary confinement after an OMH evaluation in July 2014 said he was mentally unstable and vulnerable.

State prison officials have declined to say if Van Zandt was under a suicide watch or received required psychological monitoring. An investigation and autopsy revealed no foul play, DOCCS confirmed.

The state Commission of Correction, which investigates inmate deaths, has not yet completed its investigation, spokeswoman Janine Kava said.

In his parents' Albany townhouse, Van Zandt's baby shoes rested atop a polished wooden box that contained his ashes."We were treated horribly by the prison the entire time," Douglas Van Zandt said. "I was frantic after we learned our son was dead and tried to get information, but nobody would take my call."

Their living room contains several photographs of family vacations and their son in his Boy Scout uniform, which represented his happiest times. At his funeral, several friends from Boy Scouts and Scoutmasters spoke about Van Zandt's kind, gentle nature.

"I believe he could have made the world a better place if the world had just given him a chance," said his friend Jeff Bianchi.

In the eight months since their son's death, his parents have tried to come to terms with the abuse he suffered in prison but were powerless to stop, his spiral into suicide and the private grief and public outrage for a criminal justice system they feel failed their mentally ill son.

In school, he got top grades in math, wrote poetry and short fiction. He earned college credit from Rochester Institute of Technology. Both his parents are engineers and he expressed interest in the field. His father is a former Navy pilot who was downsized as a commercial pilot and commutes to a job as an aerospace engineer for Gulfstream in Savannah, Ga. His mother is an environmental engineer at the state Department of Environmental Conservation.

The summer after their son turned 16, small indications of psychological problems began to emerge. After his arrest, the parents scoured his bedroom and found notes describing his mental illness.

"He wanted desperately to feel good, but the sorrow was overwhelming, the voices scared him and he wrote about committing suicide," his father said.

"We could tell he was becoming depressed, but he wouldn't talk about it. We thought he would come through it," his mother said. He

later confided to her that he didn't say anything because he was afraid he'd end up in a psychiatric ward."He said he couldn't control the urges, the voices in his head that told him to burn the house," his mother said.

After his parents posted bail and Van Zandt was released from the mental health unit at Albany County jail, he was under psychiatric care from Four Winds in Saratoga Springs. He was diagnosed with severe depression with psychosis and prescribed Abilify and Lexipro for his mental illness and anxiety. In prison, he was an easy target. "He was naive, inexperienced and not streetwise at all," his mother said.

He was given a special S designation due to a serious mental health diagnosis when he was initially housed at Woodbourne Correctional Facility in Sullivan County, where he got a 30-minute session with a counselor every six to eight weeks.

After multiple transfers between prisons, there were lapses in his anti-depression medication.

His parents visited almost every weekend. While he was at Woodbourne, he resumed his studies and was named valedictorian among inmates who received their GED diploma. He was accepted into the Bard College Prison Initiative and took college courses. He thrived and seemed upbeat.

Not long after, he was caught taking a piece of bread from the cafeteria and bringing it to his dormitory after being harassed to do so by an older inmate. He was transferred to Midstate Correctional Facility in Oneida County, where he was unable to continue his studies. He was placed in a mental health unit, where his depression deepened. Shortly after, he was placed in the general population, where reputed gang members coerced him into carrying drugs. He was caught, disciplined and transferred to the Fishkill prison.

There, he was disciplined for allegedly fighting and placed in solitary confinement. He was found in his cell by a prison staff member making rounds at 6 p.m., hanging from strips of sheets and shoelaces.

In May, his parents were invited to a memorial service for alumni at Bard College. Professors considered their son an alum and spoke highly of his intellectual passion. "They told us he wasn't like the other prisoners, but he tried his best to fit in," his mother said.

"We're still waiting to find out what really happened to Ben in prison. We have a right to know," his father said. "He had so much ability. The world is going to miss what he could have contributed."

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D'Amatos Hooks on new Majority Leader (3rd one arranged by Alfonse)

By Wayne Barrett

In 2003, former U.S. Sen. Al D'Amato, now a leading lobbyist, vaulted into the headlines for earning $500,000 to place a single phone call on behalf of a client to the chairman of the MTA to save a deal that was said to be going sour. Four hundred thousand of that was a "success" bonus for putting the deal back on track.

Shortly after, Republican John Flanagan, then a freshman senator with just five months on the job — and a new salaried employee of a law firm founded by D'Amato's brother -sponsored a bill designed to protect D'Amato. The Senate was about to vote on a Republican-backed bill that would extend lobbying disclosure requirements to state authorities like the MTA, whose chair sprung into action after D'Amato's entreaty.

At the last minute, Flanagan introduced an alternative filled with poison pills. Not only did it exempt "vendor disputes," precisely what prompted D'Amato's half-million-dollar call, it required the lobbying commission to establish "intentionality" to penalize lobbyists who violated the statutes.

Flanagan's sham bill, so rushed he had to handwrite the memo supporting it on the floor, conflicted with the Assembly bill that had already passed and finished off any effort at reform that year.

No wonder that on NY1 shortly after Flanagan's recent elevation to Senate majority leader, D'Amato said: "I'm glad to see that John has taken the reins." Elsewhere, he expressed "tremendous relief."

In many ways, New York state politics is Al D'Amato's world; we just live in it. And Flanagan, the state's single most powerful Republican, is no exception to that rule.

Al D'Amato is nearly 78, older than Jacob Javits was in 1980, when D'Amato beat him with TV ads that attacked him for being 76 and still wanting "six more years" in the U.S. Senate.

Yet, try as we might — and New Yorkers threw D'Amato out of the Senate 17 years ago — we just can't get rid of Fixer Fonz, whose booming lobbying firm now attracts $8 million a year in seduction fees, the second most of the licensed wirepullers in the state.

In fact, D'Amato is everywhere, still highly visible, yet at the same time invisibly haunting crime scenes across New York.

He made several indirect appearances in the indictment of Dean Skelos, the third Senate majority leader he helped install. The charging documents describe a compliant Ed Mangano, the Nassau County executive — who let D'Amato speak at his inaugural, awarded the county's bus line to a D'Amato client and hired D'Amato's daughter — as a champion for the county environmental contract that Skelos is charged with fixing.

Skelos is also accused of extorting a $100,000 no-show job for his son from Anthony Bonomo, whose two medical malpractice firms have combined to pay D'Amato's lobbying firm, Park Strategies, $795,000 since 2007. Bonomo has co-hosted political fundraisers with D'Amato, and his goldmine of campaign contributions, including $75,000 to Mangano and $400,000 to Gov. Cuomo, meticulously track D'Amato alliances. Bonomo just stepped down as the Cuomo-appointed chair of the New York Racing Association, and is singing to

U.S. Attorney Preet Bharara, who now leads a veritable chorus of cooperating crooners.

Also harmonizing for Bharara in the Skelos case and the one against former Assembly Speaker Shelly Silver are top associates of developer Leonard Litwin and his Glenwood Management, both of which were once D'Amato clients and, like Bonomo, synchronized many of their political contributions with D'Amato.

Litwin's real estate company paid Skelos' son directly and through the environmental firm, where it was a major investor. Both Bonomo and Litwin are among the few large donors to Renew New York, a PAC controlled by D'Amato that gave $25,000 to Mangano and bankrolls other D'Amato allies.

D'Amato's connections to indicted senators don't end there. Tom Libous, the Senate deputy majority leader whose son has already been convicted in a parallel case with the one against the senator that is scheduled to go to trial in July, is accused of lying about a law firm job he allegedly got for his son. When Libous wanted a bigger paycheck for his boy, a $50,000 bonus was allegedly funneled to the law firm through Fred Hiffa, an Albany lobbyist. Hiffa wound up leaving his own lobbying firm and is now a managing director of D'Amato's.

But the recent D'Amato scandal connections don't all revolve around Albany. The FBI and state investigators hit the headlines in Buffalo recently when they raided the homes of three major political operatives, including Steve Pigeon and Steve Casey, both of whom work for one of D'Amato's biggest upstate clients, the Congel family, father-and-son mall developers.

Their companies paid D'Amato $2.7 million in federal and state lobbying fees. Not only did D'Amato represent the Congel company on a troubled Rochester project, he represented the Monroe County government that backed it.

In a separate 2013 investigation, Attorney General Eric Schneiderman and the feds also raided the headquarters of the

Shinnecock Nation, a Long Island-based tribe whose casino rights are controlled by Gateway Casino Resorts, another D'Amato client. But it's the selection of Flanagan to replace Skelos at the helm of the state Senate that stands out as an Alfonse special.

When picked in May by a narrow majority of the 32 Republicans in the Senate, Flanagan announced he was leaving the law firm that was paying him up to $150,000 a year. In the furor over Silver and Skelos' outside earnings, Flanagan's move was a welcome, if belated, acknowledgement of the potential conflicts.

Flanagan's firm, Forchelli Curto, was founded in 1976 by Armand D'Amato, just as his brother was taking over as presiding supervisor of Hempstead, one of the most powerful positions in Nassau County politics.

When Al D'Amato beat Javits four years later, Armand's small firm, then named D'Amato Forchelli, quickly created a Washington office. Armand left the firm when he was convicted on federal fraud charges in 1993, but returned to it in 2002, seven years after his conviction was overturned.

The other founding partner in Flanagan's firm, Jeff Forchelli, a onetime campaign treasurer for Alfonse, was barred from doing any federal business for two years as a result of his role in facilitating Armand's scheme, which involved deceptively billing a military contractor, Unisys, for lobbying his own brother.

Armand, whose use of his brother's Senate stationary to write letters on Unisys' behalf was blasted by the Senate Ethics Committee, joined his brother's lobbying powerhouse Park Strategies in 2004 (and Unisys became a Park client). Flanagan joined the Forchelli firm in 2003, a week after he took office in the state Senate. The Nassau-centric firm even opened an office in Suffolk for Flanagan, Armand and a couple of other attorneys. The firm's web archives detail hundreds of actions on behalf of specific clients, but, like Silver and Skelos at their firms, Flanagan isn't identified with any of them. More cachet than casework, he was, apparently, just another letterhead lawyer.

The head of D'Amato's Long Island office, Robert McBride, organized fundraisers for Flanagan in 2006 and 2008, and Park officers and clients, including Litwin and Bonomo, gave tens of thousands.
But Flanagan wasn't a shoo-in to replace Skelos after his ouster in May. John DeFrancisco was a strong contender. The Syracuse senator, who came within two votes, has said that Gov. Cuomo made calls to senators on Flanagan's behalf, but DeFrancisco, Cuomo, and D'Amato spokespeople declined to answer repeated questions about D'Amato's involvement. A source close to Flanagan says he was "not aware of any calls" D'Amato may have made and "wasn't in contact" with the lobbyist during the selection process.

Other sources who closely tracked the selection say Cuomo did not want to look like he was picking a legislative leader, so ally D'Amato took over. It would hardly be a surprise — D'Amato has been a star player in the naming of the last three Republican majority leaders, Ralph Marino, Joe Bruno and Skelos.

Flanagan has certainly been on the same page as the D'Amato firm, in sharp contrast with DeFrancisco. A personal injury lawyer, DeFrancisco has for years sponsored legislation opposed by Bonomo and the malpractice insurance industry, while Flanagan has sponsored and supported bills that helped D'Amato's favorite client. DeFrancisco has been the fiercest critic of Congel mall projects, while Flanagan has never had to vote on its many state tax credit deals. Flanagan backed medical marijuana, a departure from his history of introducing bills that banned other, less controversial, drugs, and DeFrancisco voted against it. D'Amato was paid enough in 2014 ($180,000) by one marijuana company, Ideal 420 Technologies, to pen an Op-Ed reversing his position on it, and now a long-term client, North Shore LI Jewish Health Systems, which has paid him up to $180,000 a year, says it will apply to become one of the state's five selected dispensaries for grass.

DeFrancisco voted against authorizing three or four new casinos across the state and Flanagan backed it. D'Amato has six clients that directly benefitted from the bill, with the Suffolk and Nassau Off-Track Betting Corporations written directly into the law, getting 1,000 video slots apiece even if the casino referendum failed. A third client, Yonkers Raceway, was terrified that its half-billion-dollar-a-year

Westchester slot business would disintegrate if the Cuomo administration put a full casino in nearby Orange County. (D'Amato saw no conflict between representing Yonkers and Greentrack, a company that applied to build an Orange County casino.)

D'Amato also represents Madison and Oneida counties, which were written into the casino law as well, the beneficiaries of a compact that Cuomo signed with the Oneida tribe granting them exclusive gaming rights in 10 counties. The tribe will pay Madison and Oneida $36 million up front, settling past tax claims against their existing casinos, and millions more in flat and percentage charges for decades to come.

He ran up $3.5 million in total casino-related revenue from eight clients and $1.9 million from the Poker Players Alliance, the online gambling organization D'Amato now chairs, combining to make him the king of Albany's gaming insiders, a playground like no other in recent years.

The casino issue, in fact, hovered over the Senate selection process. Three upstate senators who voted for Flanagan when they could have relocated the geographic power within the senate GOP to their own region — John Bonacic, Hugh Farley and Mike Nozzolio — got Cuomo-approved casinos in their district. A fourth of the six upstate pro-Flanagan senators, Cathy Young, is so close to Nozzolio that the two are seen in Albany as a team. While the Cuomo siting board picked these three winners before the Flanagan vote, his Gaming Commission has yet to ratify the selections, adding to the leverage the governor brought to the table.

With a senate leader beholden to him, a governor allied with him, a Nassau county executive in his pocket, and extraordinary lifelong ties to the father of U.S. Sen. Kirsten Gillibrand, Al D'Amato, dubbed Senator Shakedown decades ago, rules now without the accountability of a public office, a shadow cast across an already darkened capital.

Barrett is an investigative reporter who's covered city and state politics for four decades

Building trades slam GOP allies

Senate Republicans, construction workers at odds on prevailing wage on 421-a jobs

Chris Bragg, June 15, 2015, Times Union

Albany — As labor unions in New York have lined up behind state Senate Democrats in recent elections, one group has remained an ally of Senate Republicans: private-sector building trades workers. But tension between the camps was apparent on Monday at the Capitol, as a labor-backed coalition circulated a flier slamming legislation introduced late last week by the Senate GOP that would extend a lucrative tax break for developers.

The flier called it "a bill straight off the real estate industry's wish list."

The labor-backed group, Up4NYC, has inserted itself into end-of-session bargaining with an unusually well-funded push for a "prevailing wage" for construction workers at developments taking 421-a tax abatements, which developers have traditionally taken in exchange for building affordable housing. Building trades officials, however, are pushing for a new wage mandate for construction workers at buildings with more than 50 units, which has previously existed only for lower-paid building service workers.

Its yet another sign that the debate over New York City real estate policy could have statewide implications in the current election cycle.

New York City's real estate industry spent millions helping Senate Republicans in last year's elections and is opposed to the new mandate for construction workers, arguing it would be too costly and prevent the building of affordable housing. The city's real estate industry and construction unions have often been aligned, but are strongly at odds in this high-stakes battle.

The labor -backed UP4NYC suggests in the flier that there could be consequences if a prevailing wage for construction workers is not included.

"The labor movement will not tolerate pitting middle and working class New Yorkers against each other while billionaire developers continue to line their pockets with taxpayer money," the flier states. The state AFL-CIO, New York's umbrella labor group, also backs the wage push.

In the flier, Up4NYC listed problems with a number of elements in the Republicans' proposed legislation, including the fact that it would create a "working group" to study the impact of the prevailing wage mandate and "in true Albany fashion" would "kick the can down the road yet again."

According to the flier, the plan would also allow "developers to build offsite affordable housing and choose their own affordability standards – which means the 421a program will continue to displace residents from communities."

Republican state Sen. Jack Martins had previously submitted a bill including the union-backed wage mandate as part of a 421-a extension, but it has stalled. Last passed in 2011, both the 421-a tax break program and rent regulation laws affecting many New York City tenants were set to expire at midnight on Monday.

Gary LaBarbera, the influential president of the Building and Construction Trades Council of Greater New York, was said to have met with Republican Senate Majority Leader John Flanagan on Monday evening.

The state Building & Construction Trades Council has backed Republicans in competitive districts in recent years, including Martins, who represents district a swing Nassau County district. Many building trades interests in southern Brooklyn have backed state Sen. Martin Golden, one of only two Senate Republicans in New York City.

Gov. Andrew Cuomo, who has supported the prevailing wage mandate, recently said the most likely scenario was a short-term extension of the current law. UP4NYC supports a three-month, short-term extender, according to the flier.

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CSEA: Retirees win battles over health insurance

June 12, 2015 Jeff Waggoner

The Civil Service Employees Association says it has won two fights in western New York over efforts to cut health insurance benefits of retirees at the Niagara Falls School District and at the City of Lockport in Niagara County.

“In the Niagara Falls School District, the State Supreme Court ruled the district illegally reduced retiree benefits when it moved them from their previous health plan into a more costly one,” the union said in a press release posted on its website.

Retirees will be reimbursed for “excessive out-of-pocket expenditures retroactively.”

“In the City of Lockport, the city’s Common Council recently voted to pay nearly $90,000 to retired, CSEA-represented city workers to settle a lawsuit over Medicare Part B reimbursements,” according to the union. “CSEA retirees have fought this battle since 2010, when city officials agreed to pay the premium cost of Medicare Part B for retired CSEA members covered by the City of Lockport Unit. City officials soon failed to honor the agreement, and CSEA first sued the city in 2010 for failure to pay.”

OPINION:

THE DEATH OF ORDINARY POLITICS

MICHAEL BENJAMIN | JUN 16, 2015 | City & State

The intersection of public policy, moneyed interests and politicians in Albany has been embarrassing for all New Yorkers, but it is particularly so for Gov. Andrew Cuomo and state lawmakers. In the span of 100 days, two powerful statehouse leaders have been arrested and charged with corruption.

Yet some lawmakers have been bellyaching about how the recent arrests have “chilled” the legislative process. A couple of Republican state senators have even voiced trepidation about end-of-session deal making for fear of sparking new investigations.

Members of the permanent government and political classes are accusing our crusading U.S. Attorney Preet Bharara of criminalizing “ordinary” politics.

Compromise is politics. Self-dealing is criminal.

Using public office to line one’s own pockets or that of family and cronies was once called “graft.” Yet today’s insiders would have us believe it amounts to run-of-the-mill, ordinary politics. Or that negotiating away a potentially fruitful corruption inquiry in order to achieve modest anti-graft reforms and an on-time budget is ordinary politics that the public should embrace.

Voters aren't angry over loopholes, tax breaks or outside pay. They're angry at outright thievery, self-dealing and cronyism.

New York state poised to approve reform in college sex attack bill "Enough Is Enough" reform bill on college sex attacks wins agreement

Casey Seiler, June 16, 2015 Times Union

Albany—Finally: Something the state Legislature and Gov. Andrew Cuomo can agree on.

Amid a continued impasse over rent control in New York City, a deal was announced Tuesday that clears the way for reforms to the way colleges and universities deal with charges of sexual assault and rape. Cuomo has been pushing for the changes — under the banner "Enough Is Enough" — since last fall, when he coaxed the SUNY Board of Trustees to rapidly adopt and implement them.

In addition to providing $10 million to law enforcement and schools to improve prevention and investigation, the agreement creates a uniform "affirmative consent" policy to guide disciplinary actions resulting from alleged violations of campus rules.

The policy, a tweaked version of the language adopted by SUNY, defines affirmative consent as "a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent."

Cuomo, who has three college-age daughters, called the agreement "a victory for students across New York State. ... Once again, New York is setting the standard for other states to follow, and I look forward to signing this legislation into law as soon as possible."

There were less encouraging signs for New York State government.

Two meetings in Cuomo's office failed to produce resolution on a deal to renew New York City's rent-control laws, which lapsed at midnight Monday after the Democrat-dominated Assembly and Republican-controlled Senate passed incongruent extenders.

Emerging from a morning meeting with Cuomo and Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie said his current priorities were "rent, rent, rent and more rent."

Flanagan said his members were "sticking by" an eight-year extension of rent laws, plus reform measures including income verification for tenants. Heastie on Monday said such measures weren't even worth considering.

Flanagan noted that the STAR rebate program requires homeowners to attest to their income. "Why should it be different for rent-stabilized apartments?," he said.

Neither lawmaker's attitude had shifted after an early-evening return to the governor's office. Cuomo never emerged to take questions.

Filling the vacuum, both house engaged in a furious round of bill-passing and, in the Senate, confirmation of several new commissioners, including Matthew Driscoll to run the Department of Transportation and Jerry Boone -— a Troy resident — for the Department of Taxation and Finance.

The Senate began the day with the emotional return of Sen. Tom Libous, R-Binghamton, who has been missing from the chamber as he continues to battle cancer and recover from back surgery. Libous, who is currently under federal indictment for allegedly lying to investigators, was joined on the floor of the chamber by his wife.

Among the scores of measures that received votes Tuesday in one house or the other:

The Senate approved a bill that restricts the State Liquor Authority from sanctioning a licensee for charges related to actions committed out of state until regulators or law enforcement in that state has completed its administrative or investigative process. The measure was prompted by the SLA's decision to cite the Colonie retailer Empire Wine for shipping to consumers in states when such sales are illegal. Passed by the Assembly on Monday, the legislation now heads to Cuomo's desk.

Also headed to the governor is a measure that would allow restaurants to let patrons dine with their dogs in outside areas as long as the canines don't have to pass through the interior of the restaurant. The bill, which passed the Senate earlier, was amended to make it clear that dogs can't jump up on tables or chairs. "We'll have to review this legislation," said Cuomo's spokesman Rich Azzopardi. "However, the governor has a strong record of increasing rights and protections for all New Yorkers, four-legged or otherwise."

The Assembly engaged in an often bitter debate over a handful of bills prompted by the deaths of unarmed civilians at the hands of the police. One would create an investigative unit within the attorney general's office to probe such cases. Another would require the release of a judge's instructions to a grand jury examining such incidents. Neither measure will see a vote in the Senate.

The Assembly also passed the Child Access Prevention/Safe Storage bill, dubbed "Nicholas's Bill" after 12-year-old Nicholas Naumkin of Saratoga Springs, who was fatally shot in December 2010 by a friend who was playing with his father's unlocked gun. The measure, which requires the safe storage of firearms not in the owner's possession, also is unlikely to receive a Senate vote.

The Senate passed an amended measure that would legalize professional mixed martial arts bouts — something that has passed the Senate chamber several times but never come up for a vote in the Assembly, which could consider the bill as early as Wednesday. The latest legalization bill increases the insurance requirements promoters would have to provide to fighters.

Few believe the Legislature will be able to wrap up its business by Wednesday, even if both houses stay into the wee hours Thursday. Cuomo, who has discussed the general outlines of amendments to rent control he'd like to see, has insisted he'll force lawmakers to remain in Albany until the regulations are renewed in some fashion.

In addition to the eclipsing matter of rent control, other cliffhangers include the simultaneous expiration of the 421-a tax abatement program beloved of New York City's real estate developers, a program that's derided as a giveaway to the wealthy and held up as a necessary goad to the creation of affordable housing.

Senate Republicans and Cuomo, meanwhile, are allied on two issues that the Assembly majority continues to stand against: the Education Investment Tax Credit, which would incentivize donations to private and public education, an making the state's 2 percent tax cap permanent.

After his first trip to the governor's office, Heastie was asked about the prospect for resolution before the scheduled end of session.

"Albany sometimes performs miracles," he said.

Matthew Hamilton and Rick Karlin contributed. •
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Minnesota Agency Employees Warned Of Layoffs Get New Notice

June 16, 2015 cbslocal.com

ST. PAUL, Minn. (AP) — Minnesota state government employees warned this month of potential layoffs have gotten new notices canceling the threat.

The Department of Minnesota Management and Budget has sent some 9,400 workers notices to remind them to “report to work as usual” on July 1. That’s because state lawmakers have approved a new budget for all agencies, removing the threat of a government shutdown after June 30.

In early June, thousands were told their jobs were at risk in a budget standoff. The new notice thanks the employees for their patience and dedication to their duties.

Washington layoffs expected if no budget reached

Unless lawmakers reach agreement soon, thousands of Washington state employees could be laid off
The Associated Press June 16, 2015

OLYMPIA, Wash. (AP) – With a budget deal still elusive, thousands of state employees will start receiving notice next week that they may be temporarily laid off on July 1 unless Washington lawmakers reach agreement soon.

Budget negotiators and leaders have been meeting with Gov. Jay Inslee, sometimes daily, since the second special session started at the end of last month. But all parties have remained silent recently about progress, or the lack thereof, on their efforts to reach a deal on a new two-year operating budget.

Even as officials plan for a potential partial shutdown, Gov. Jay Inslee does not believe that will happen, spokesman David Postman said Tuesday.

“The consequences are too great,” Postman said Tuesday. “History is on our side. It’s never happened. We think there will be some agreement before then.”

Washington state has never had a government shutdown. But the Legislature has taken its budget talks to the brink before, including two years ago, when Gov. Jay Inslee signed a budget June 30.

State officials say more than 26,000 state employees would be affected by a government shutdown. Many notices will start going out Tuesday, Postman said.

State emphasizes higher DOCCS budget

June 16, 2015 JOE LoTEMPLIO Press-Republican

PLATTSBURGH — The state budget office is rebutting assertions that State Department of Corrections and Community Supervision budget cutbacks are contributing factors in the escape of two murderers from Clinton Correctional Facility.

"Their budget is growing, not shrinking," Morris Peters, public information officer for the State Division of the Budget, told the Press-Republican on Tuesday.

Peters was responding to claims from people who work at or recently retired from the prison that cost cuts have affected staffing levels to the point where security may have been compromised.

Inmates Richard Matt, 48, and David Sweat, 35, escaped June 6 when they went through holes cut in their cell walls, made their way down a catwalk, climbed down into the underground levels of the maximum-security prison and went through a steam pipe and out a manhole cover on Bouck Street.

New parolee is indicted again

June 16, 2015 - Buffalo News

LOCKPORT – Jacob Briones, who was paroled from state prison last Thursday after serving time on an attempted robbery charge, pleaded not guilty Tuesday in Niagara County Court to an indictment accusing him of three cocaine deals that allegedly occurred before he went to prison.

Briones, 23, of 15th Street, Niagara Falls, is charged with three counts each of third-degree criminal sale and possession of a controlled substance. He is accused of selling cocaine to a police informant in the Falls Nov. 27, Dec. 9 and Dec. 13, 2013.

On April 3, 2014, County Judge Matthew J. Murphy III sentenced Briones to 1 1/3 to four years in prison for trying to rob the Indian General Store on Pine Avenue in the Falls Dec. 22, 2012, while he was armed with a toy gun. Tuesday, Murphy released Briones without bail, since he is under the supervision of a parole officer, but ordered him to obey a personal curfew of 11 p.m. nightly.

THE SCAFFOLD LAW AFTER SILVER'S FALL

JUSTIN SONDEL | JUN 16, 2015 |City & State

While the battle over the state's controversial Scaffold Law has been in a stalemate for years, a new landscape is emerging in the Legislature.

Both chambers have new leadership, and the fall of Assemblyman Sheldon Silver, who resigned as speaker this year after being indicted on corruption charges, makes for a particularly interesting twist.

It was no secret in Albany that Silver was one of the biggest advocates for the trial lawyers, who have been some of the fiercest opponents to reforming the Scaffold Law. In addition, Silver had long

worked at a law firm that represented injured construction workers, and the firm reaped huge profits from those cases. He repeatedly killed Scaffold Law reform bills during his tenure as speaker. But with Silver effectively out of the picture, advocates on both sides wonder what that could mean for the contentious law.

When Will It End? Much Work Is Left as Albany Session Winds Down

SUSANNE CRAIG/JESSE McKINLEY/THOMAS KAPLAN JUNE 17, 2015

ALBANY — It was to be the last day of the legislative session, so tensions on Wednesday were understandably high on the Senate floor. With so much to be done, things had come to a standstill over an unexpectedly provocative bill: naming the wood frog as the official state amphibian.

“This is an asinine bill,” said Senator Michael N. Gianaris, a Queens Democrat. “We’re sitting here discussing what should be the official amphibian when two million people in New York City are not sure if they have a home.”

Senator John A. DeFrancisco, a Syracuse Republican who sponsored the bill, took umbrage at that line of criticism, saying that to compare the wood frog bill to rent legislation was “complete nonsense.”

As the debate raged, Senator Liz Krueger, a Manhattan Democrat, took to Twitter to continue her argument: “Though I honor the wood frog, millions of desperately worried people who risk losing their homes are wondering why we’re discussing it now.”

So it went in Albany, as the legislative session that everyone wants to end simply will not.

Although the session was scheduled to end on Wednesday, lawmakers were taking bets on how long it would be extended, and hedges were being made: Hotels were quickly being booked.

The leaders of the Assembly and the Senate met separately behind closed doors with Gov. Andrew M. Cuomo; they make up Albany's so-called three men in a room. The two legislative leaders also met, behind closed doors, with the members of their respective conferences. One thing was consistent: The meetings ended with little to report.

Throughout the day, lawmakers spent hours passing bills and asking aloud when it would all end. By dusk, politicians here had still not resolved numerous matters affecting millions of New Yorkers, including tenants, schoolchildren and mass transit riders. (Fear not, wood frog fans — that bill passed.)

There is always a carnival aspect to the end of session, but this year was different. The longtime leaders of the Assembly and the Senate, Sheldon Silver, a Democrat, and Dean G. Skelos, a Republican, were arrested on federal corruption charges and stepped down from their leadership positions. Mr. Skelos's putative successor, Senator Thomas W. Libous, could not move up: He is facing his own federal indictment and has cancer.

There were other matters that distracted from the order of business. On New Year's Day, Mr. Cuomo learned after delivering a speech in Buffalo that his father, Mario M. Cuomo, had died. The governor's partner, Sandra Lee, the food personality, was found to have breast cancer and underwent a double mastectomy last month. And a recent prison break has drawn Mr. Cuomo twice to the North Country.

David Langdon, a lobbyist who has been a fixture in Albany since the early 1970s, warned about trying to draw comparisons between this session and previous ones. "There is just no parallel for this year, there really isn't," he said, standing in the Senate lobby.

With the arrests of Mr. Silver and Mr. Skelos, the governor had to navigate negotiations with two new players, Carl E. Heastie, the new Assembly speaker, and John J. Flanagan, who took over from Mr. Skelos.

Those arrests also had a chilling effect in Albany, as lawmakers and lobbyists were concerned about whether they were being recorded by investigators from the office of the United States attorney for the Southern District, Preet Bharara.

For some, the day began just after 8 a.m., as Mr. Cuomo's senior staff members began pulling into their parking spots outside the governor's office in the Capitol. A truck with a giant sandwich board on it slowly circled the building, imploring the governor to "End Cash Bail Now!" The truck's sponsor, the Pretrial Justice Institute, says cash bail puts poor defendants at a disadvantage.

On the second floor, outside the governor's office, teachers' unions — consistently one of Mr. Cuomo's biggest political targets this session — were asking lawmakers not to increase the number of charter schools allowed. They did so in a photo-ready fashion, unrolling a 160-foot-long petition on the Capitol floor.

Many lawmakers seemed resigned to a long day, using jokes and asides as a way to break the grueling monotony of passing many largely administrative bills. Early in the day, for example, the Assembly dealt with a variety of aquatic-themed legislation, including bills to extend the regulatory authority of the Department of Environmental Conservation over conch, whelk, scup and flounder.

"We have a whole school of these bills," joked Assemblyman Brian Kavanagh, a Democrat whose district includes the East Village.

Daniel J. O'Donnell, a Manhattan Democrat and the chairman of the Assembly's Correction Committee, hopped over the teachers' union petition before discussing the prison break in Dannemora, N.Y., and the continuing search for two escaped inmates.

Mr. O'Donnell, who had visited the Clinton Correctional Facility, where the inmates had been held, was not pleased with the governor's approach to the breakout, which involved news conferences at the prison and multiple television interviews.

“We need a governor who behaves like a governor,” Mr. O’Donnell said, before attending a hallway rally for new action on rent regulations. “Not like the Warden of the North.”

Richard Azzopardi, a spokesman for the governor, called the assemblyman’s criticism “willfully disingenuous and silly” and defended Mr. Cuomo’s actions after the prison break. “He’s a hands-on governor in everything he does,” Mr. Azzopardi said.

In the more sedate environs of the Senate, which is separated from the Assembly by a long hallway, Senator Rubén Díaz Sr., a Bronx Democrat, said he was fed up with the way Albany was run, and had seen no change since the arrests of Mr. Skelos and Mr. Silver.

“I am disappointed because we are here to work and we end up waiting for these three guys in a room to tell us what to do,” Mr. Díaz said, wearing a brown cowboy hat. “It is just wrong. Blah blah blah, that is all we seem to do around here.”

Taxpayers, he noted, end up footing the bill for it all, paying him and other lawmakers a per diem of $172 for each day they are in Albany.

Senator George A. Amedore Jr., a freshman Republican from the Albany area, said he felt the session had gone “pretty smooth.” Still, he said, he felt it was “in the best interest of New Yorkers for the Legislature to be out of session as fast as possible,” if only so as to not pass “more laws, more regulations or potentially more taxation.”

Other senators said they actually wanted the session to continue past Wednesday. Senator David Carlucci, a Democrat whose district includes parts of Rockland County, said he hoped to pass a bill he sponsored establishing a monitor to oversee the East Ramapo School District, which has been the subject of controversy. The bill, however, needs to age three days, per the State Constitution, and so cannot be voted on until Friday, when lawmakers, in theory, should have left Albany for the year.

“It’s one of the few times,” he said, “that I’m happy session hasn’t ended.”

During an Assembly vote, Mr. Silver, who seems to have settled into his role as a rank-and-file member of the caucus, moved around the Assembly floor. “At some point,” he said, with a note of been there, done that, “the logjam will break.”

CBC: Pension sweeteners are moving forward

June 17, 2015 Rick Karlin, Capitol Confidential

It’s the end of the legislative session so it’s time for the usual raft of public employee benefits and pension sweeteners being offered by lawmakers.

Many of these bills won’t make it through the entire process and past years have shown that governors are liable to veto them. But they persist — it’s a good way for lawmakers to accrue good will and get-out-the-vote support from unions.

Here is a update on some of the sweeteners highlighted earlier by the Citizens Budget Commission:

CSEA: No thanks on bill to raise retiree earnings limit

June 17, 2015 Jeff Waggoner Capitol Confidential

A bill that just cleared the state Senate would allow a retiree to earn more at a public job, but CSEA says it would make recruitment and retention problems at the state and local level worse.

The bill, S2447/A6786, would increase to $35,000 the amount that a public retiree under 65 can earn in public employment without a cut in retirement benefits. The bill passed 62-0.

Retirees may now “earn up to $30,000 from public employment without diminution of retirement earnings,” the bill memo states. “From 1996 through 2004 this earnings limit was raised each year.

The last time it was increased was in 2007 when it was raised from $27,500 to $30,000."

The memo continues: "it would extend a program which has seen significant cost savings to states and localities by giving them the ability to hire experienced employees at a significantly reduced cost without paying for employee benefits."

CSEA is against the bill, saying in an opposition memo: