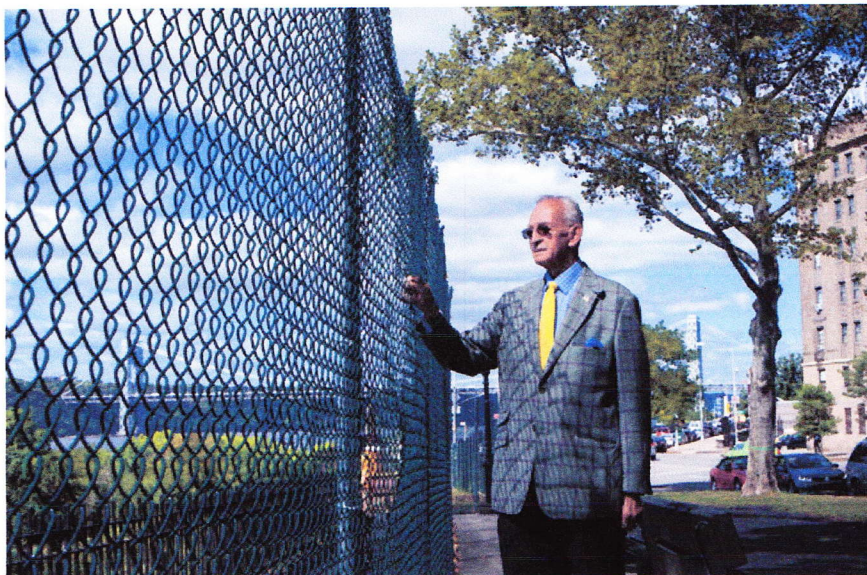


N.Y. / Region

SUBSCRIBE | LOG IN

How Party Bosses, Not Voters, Pick Candidates in New York

42



Herman D. Farrell Jr.'s decision to formally step down from his Assembly post in September meant that his successor would not be picked by voters, but by Democratic Party insiders.
BRYAN THOMAS FOR THE NEW YORK TIMES

By SHANE GOLDMACHER
SEPTEMBER 18, 2017

It was hardly a secret that Herman D. Farrell Jr. had planned to retire from the New York State Legislature. The governor feted him at a goodbye breakfast in June. Colleagues sent the 85-year-old assemblyman off to shouts of [“for he’s a jolly good fellow.”](#) They even [named a state park](#) after him.

But Mr. Farrell, known to most as Denny, did not retire when all these festivities occurred. He called it quits earlier this month, saying it marked the anniversary of his first government job.

The timing ensured that Mr. Farrell could essentially handpick his Democratic successor, sidelining voters in his Upper Manhattan district after four decades of his incumbency. Stepping down in June would have cleared the way for an open Democratic primary in September. Instead, with the deadline passed for filing election petitions, party insiders gathered this weekend to formalize the choice of Mr. Farrell’s chief of staff.

For decades, seats in the New York State Legislature have traded hands this way in what amounts to one of the last, most powerful vestiges of Tammany Hall-style politics in the state. Election laws here grant politicians and local party bosses and county committees vast sway in picking candidates when legislators leave office in the middle of their term — whether they retire early, pass away, depart for another job or are carted away in handcuffs.

The rules are a crucial part of what empowers party bosses in a state that regularly [outpaces the nation](#) in corruption. They encourage ambitious politicians, even the

most independent ones, to pledge fealty to county political leaders, lest they get passed over if and when the time comes for possible advancement.

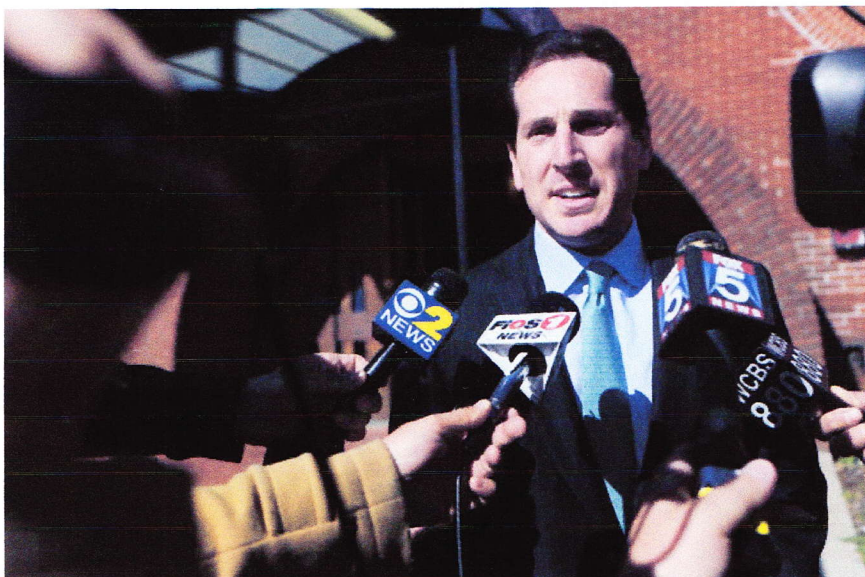
"It's New York Politics 101," said William F. B. O'Reilly, a longtime Republican operative. "It's not pretty — it's just the way it's done. People are in the wings for years building up chits."

Vacancies are filled differently across the country. In 25 states, replacement legislators are simply chosen by appointment, either by the governor (11 states) or some combination of party and local officials (14 states), according to the National Conference of State Legislatures. Varying rules govern the 25 states that hold special elections, but few bestow more influence on local power brokers than New York does.

Nearly 30 percent of the current roster of New York State lawmakers were first gifted their party nominations, according to a study by Citizens Union, a watchdog group. With so many lopsidedly Democratic and Republican districts — Democrats outnumber Republicans almost 20-to-1 in Mr. Farrell's seat, for instance — being handed the nomination is often tantamount to being put in office. The power of incumbency means many of these legislators stick around for decades.

"We're being played for fools," said Dick Dadey, executive director of Citizens Union. "They treat their seats as if these are monarchies with coronations as opposed to democracies with elections."

Voters may be relegated to the sidelines but those with lobbying interests can be intimately involved. Lawmakers convicted as felons sometimes [play power brokers in picking their successors](#). And party leaders are free to cut clandestine deals with one another in gentlemen's agreements that disempower the public.



Senator Todd D. Kaminsky, a Long Island Democrat, first won his seat after [party insiders nominated him](#) in a 2016 special election. He says the rules should be changed.
KIRSTEN LUCE FOR THE NEW YORK TIMES

"It's too bad, so sad: This is who the nominee is, and that's how it's going to be," state Senator Todd D. Kaminsky, a Long Island Democrat who first won his seat after [party insiders nominated him](#) in a 2016 special election. "Clearly, it was a great help to me," he admitted.

Mr. Kaminsky, a former federal prosecutor, says the rules should be changed: "Electoral reforms are long overdue."

A who's who of New York politicos have climbed the ladder in this way at some

point in their careers, including Lt. Gov. Kathy Hochul (it's how she [got to Congress](#)) and Scott M. Stringer, the New York City comptroller (it's how he [got to the Assembly](#)). Representative Joe Crowley, the No. 4 Democrat in the House, first got his congressional seat when his predecessor, Representative Thomas J. Manton, handed him the Democratic nomination [before even publicly announcing his resignation](#). Mr. Manton was the powerful Queens County Democratic boss at the time; Mr. Crowley now holds that post.

"It's in the weeds, hard to explain and doesn't capture the imagination, but it is about the bedrock of democracy: Who can choose who will represent you?" said Assemblywoman Linda B. Rosenthal, a Manhattan Democrat.

She, too, was first selected by party insiders to fill a 2006 vacancy. The process left such a bad taste that she introduced a bill to guarantee voters a say in special elections every legislative session for the last decade.

The bill has never gotten so much as a hearing in the Assembly.

The Republican leader of the State Senate, John J. Flanagan, first ascended to the Legislature as a 25-year-old after his father, then an assemblyman, died in 1986. Local political leaders gave the younger Mr. Flanagan his father's line on the ballot.

"I was chosen by a committee so I'd like to think that they exercised good judgment," said Mr. Flanagan, who has served for more than 30 years.

In a normal primary, while the party might endorse its preferred candidate, someone else could still challenge that person for the nomination. The voters would then decide at the ballot box. That doesn't happen in special elections. Every county and political party has different rules for who exactly is involved, but the common thread is that the broader public is shut out.

In Queens, midterm replacements are picked by a handful of political insiders assigned to the particular district. Only four people are slated to decide who the Democrat will be on the ballot to replace Assemblyman Michael Simanowitz, 45, [who died](#) this month — and two of them are Morton Povman, a former city councilman, and his wife, Sandra.

Mr. Farrell's seat isn't the only one to be delivered in the coming days by party insiders. A replacement for former Senator Daniel L. Squadron, whose district includes Manhattan and Brooklyn and who recently resigned, was getting picked, as well.

"The process is horrible, and the state law must be fixed to empower voters," said Mr. Squadron, who stepped down for a nonprofit job even though as a lawmaker he had carried legislation to change the system. "Like a lot of critical reforms in Albany, this is bottled up in a back room."



The Senate majority leader, John J. Flanagan, first joined the Legislature as an assemblyman in 1986, chosen by local political leaders to succeed his father, who died unexpectedly.
NATHANIEL BROOKS FOR THE NEW YORK TIMES

In a twist, the Manhattan party boss overseeing filling both current vacancies, Keith L. T. Wright, is [a top official at a leading lobbying firm](#) with business before the very legislators whose seats he is helping give away.

“It’s simply the law of the State of New York. Many people think I can snap my fingers — which makes me this all-powerful person — but there’s a process,” said Mr. Wright, who is the chairman of New York County Democrats and a former assemblyman. In Manhattan, that process includes party insiders from the districts of departing lawmakers voting. “I’m not picking them,” Mr. Wright said. “I mean let’s be clear: I administer.”

Among his lobbying firm’s clients are real estate developers, auto dealers, the financial industry and corporate giants, including Oracle and Abbott Laboratories. Mr. Wright himself has not registered as a lobbyist.

“I think it sucks,” said Elizabeth Lorris Ritter, a committee member of the New York County Democrats and among those insiders with a say in Mr. Farrell’s replacement. “You can quote me on that. I think it sucks. It shouldn’t be my choice alone, or the committee’s choice alone.”

The handing-off of seats can be a multigenerational family affair. Assemblyman David I. Weprin of Queens took his seat when party officials gave him the Democratic nomination in a 2010 special election to replace his brother, Mark, who in turn had won David’s seat on the New York City Council. Mark Weprin first arrived in the Assembly after his father, former Assembly Speaker Saul Weprin, [passed away](#) in 1994 and party leaders gave him the Democratic nomination.

The elder Mr. Weprin won the seat in 1971 in a [special election](#), where presumably party insiders again got their way — meaning that some voters in Queens have gone through about a half-century and three different Weprin assemblymen since there has been an open primary contest.

The merry-go-round of politicians trading jobs is in especially full swing this time of year, as three state legislators won primaries last week to move to the New York City Council. Others are running for local offices elsewhere. Depending on when they step down, special elections will automatically occur or could be called by Gov. Andrew M. Cuomo, who has broad discretion about when and whether to call for special elections.

Richard Azzopardi, a spokesman for Mr. Cuomo, said party bosses picking nominees “is counter to the spirit of the democratic process, and reforms should be put into place to open it up.” Watchdog groups have questioned Mr. Cuomo’s commitment to ethics reforms in Albany, but Mr. Azzopardi said, “This is something we’re examining very closely.”

Special election openings have long been part of what greases political machines in New York.

For instance, after the former Assembly speaker Sheldon Silver [was convicted](#) of corruption, his political apparatus helped pick his replacement on the ballot. The Silver-backed candidate was later defeated in an open Democratic primary.

City officials can game the system, too. David G. Greenfield, a New York City councilman, announced he would not seek re-election this July, functionally [giving the Democratic line](#) to an allied consultant.

For Mr. Farrell, who declined to comment for this article, his early resignation meant a small set of Manhattan insiders, overseen by Mr. Wright, gathered over the weekend to pick his successor.

Mr. Farrell’s chief of staff, Al Taylor, was the only person nominated; Mr. Farrell seconded the pick. He knew well the arcane rules governing the meeting: He was formerly a Manhattan party boss for more than a quarter-century.

42 COMMENTS »

Most Popular on NYTimes.com

What Hurricanes Can Dredge Up: Coffins, Canoes and Creatures



OP-ED COLUMNIST

Is Trump a White Supremacist?



The Best Health Care System in the World: Which One Would You Pick?



Hurricane Maria Does ‘Mind Boggling’ Damage to Dominica, Leader Says

