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'Three men' deaf to calls for change

Closed-door meetings to many symbolize an exclusionary process

By MATTHEW HAMILTON

For reporters who cover the budget process, the system known as "Three Men in a Room" involves a lot of time spent staring at a door.

It's the door to Gov. Andrew Cuomo's suite of offices, where he has already convened a handful of meetings with Assembly Speaker Carl Heastie and Senate Majority Leader Dean Skelos, plus Skelos' coalition partner Jeff Klein of the Independent Democratic Conference, as they attempt to hammer out the state spending plan before the April 1 start of the new fiscal year.

When the leaders emerge, their answers to reporters tend to be brief and vague: Progress is being made on issues, they'll say, except on those areas where disagreement remains.

The system is an annual ritual at the Capitol — and so are calls to change the closed-door process. Those calls, however, haven't had much impact on a system that has become synonymous with Albany power.

While the phrase is shorthand for the centralization of policymaking, it's not always literally accurate. Yes, leaders include the governor, the Assembly speaker and the Senate majority leader, but key staff members attend and negotiate as well. And as the clock ticks down to the budget deadline, secondary matters are often decided by top aides and then approved by their bosses.

The men involved say the process isn't an overarching consolidation of power. The governor pitches his budget proposals more than two months ahead of the start of the new fiscal year; the legislative leaders derive their considerable power from the support of their conferences, not from quasi-royal privilege.

The negotiations, they say, allow each chamber — or the majority conference of each chamber — to have a voice in discussions with the governor.

"It's natural that the governor and the two legislative leaders would need to confer," said state University at Albany political science professor emeritus Joseph Zimmerman. "They do in all states. ... New York is not unique in that respect. The exception is Nebraska, where there's only two people because they have a unicameral legislature."

Historians have a hard time deciding exactly when the three-man process began operating in New York, but it almost certainly was before the days of the legendary political machines, and its roots might go as deep as the era when America won independence.

Over time, though, the image of three men in a room has become Albany shorthand for a cloistered system of government.

"Occasionally there's a fourth man — like if there's an Independent Democratic caucus — but they don't last too long," said former state Sen. Seymour Lachman, co-author of the 2006 study "Three Men in a Room: The Inside Story of Power and Betrayal in an American Statehouse."

Lachman, who served a decade in the Senate during Gov. George Pataki's tenure, said the system "fosters and can develop a culture of less participation by all the members, and more control by these three men in a room."

The leadership doesn't seem eager to open things up, even if meetings have been altered slightly. The 2013-2014 Senate power-sharing arrangement between Skelos and Klein required adding a seat at the table. Despite the narrow majority won by the GOP last November, Skelos has allowed Klein to remain a player in the talks — though it's unclear how much power he holds.

And while Heastie has promised wholesale change in the way the chamber operates in the wake of former Speaker Sheldon Silver's downfall, he hasn't pushed to open up the budget talks. Instead, Heastie has suggested criticism of the process is "overstated."

"This conference has always given its leader the ability to go with the message that the conference has given," Heastie said in his first news conference after being elected as the chamber's first new leader in more than two decades.

Others disagree.

U.S. Attorney for the Southern District Preet Bharara, whose investigations have exposed corrupt practices throughout state government, ridiculed the process in a January appearance at New York Law School that occurred the day after Silver's arrest on corruption charges.

"Why three men? Can there be a woman? Do they always have to be white?" he asked in mock exasperation, according to reports. "How small is the room that they can only fit three men? Is it three men in a closet? Are there cigars? Can they have Cuban cigars now? After a while, doesn't it get a little gamey in that room?"

Andrea Stewart-Cousins, who leads the Senate's 24 mainline Democratic senators, recently called the "much-maligned three/four men in a room budgetary process" the perfect place to start cleaning up Albany, and asked that minority conference leaders be allowed in.

Minority conference leaders have been let into meetings in the past. Assemblyman Jim Tedisco, a Glenville Republican, served as the chamber's minority leader when Gov. Eliot Spitzer allowed him into the room in 2007.

Tedisco said the meetings showed that good ideas don't just come from the majority leadership.

"Why don't they just let the five leaders be in there?" he said. "Let all of the government be represented and all of the people of New York state be represented. If you had the minority leaders there, the majority leader, the speaker and the governor, you'd be covering 19 and a half million people. That's what representative government is all about."

At a news conference last month, Cuomo called those meetings "scripted events which, frankly, were a mockery."

The governor, who is rarely reluctant to flex executive power when he sees value in it, was asked if he had pondered amending the system, or making better use of the committee process similar to how annual budgeting works in other states.

"I haven't considered it," Cuomo said. "It's up to the Legislature who they want to invite, how they want to conduct the process."

"At one point, you need to have a conversation with fewer than 300 people," Cuomo said. "... But the Legislature would say they have a very open process that then works up to the individuals' conversation."