
REMAPPING DEBATE

Asking "Why" and "Why Not"

Poor, helpless Andrew Cuomo

Commentary | By Craig Guirann | Politics, Redistricting

Mar. 14, 2012 — He's just the Governor of New York who boasts a 69 percent approval rating [according to a recent Quinnipiac University poll](#). With an adoring press corps [singing the praises of his first year in office](#), including a record of having "largely tamed the Legislature," Cuomo hardly has the need for a public relations apparatus of his own.

So Cuomo had a choice to make. Would he allow another filthy scheme to deprive New Yorkers of fair representation for another 10 years? Would he be a collaborator or a leader?

Just as he stood tall last year against public unions who tried to resist his push to force them to give up contractual benefits they had previously negotiated, he would make certain this year that the sewer of New York's gerrymandering process was reformed in this round of redistricting. Like California, for example, New York would establish an independent body to draw the lines of legislative districts, lines that honored the principles of the Voting Rights Act and voter empowerment in general — and that got out of the incumbent-protection business.

And if the State Legislature tried to foist its corrupt incumbent-protection schemes on New Yorkers, the Governor, as he reiterated back in Nov. 2011, would be ready: ["I will veto a plan that is not independent or a plan that is partisan. That is what I've said all along."](#)

Alas, that statement, in words made famous by Ron Ziegler, Richard Nixon's press secretary, is "no longer operative." The State Legislature has gone ahead and set out a plan that, by definition, is not independent, and that, by choice, reinforces the partisan gerrymandering of each chamber (enhancing Democratic control of the Assembly and Republican control of the Senate). In other words, more of the same.

And Governor Cuomo's response? He ["now says it is too late for an independent process."](#) Rather than vetoing the legislation as promised, he is prepared to allow New York State to be mal-apportioned for another 10 years on the promise that a constitutional amendment and back-up legislation would allow for a redistricting commission after the 2020 census (the findings of which could apparently still be rejected by the State Legislature).

Cuomo has all kinds of excuses. The New York Times article just linked to, for example, describes him as "arguing that his influence is limited by the provision in the State Constitution that gives the Legislature power over the process." And he offers some reassurance to voters: the courts will ultimately decide the issue.

The excuses ring false. Presumably, Cuomo was fully aware of the relevant provisions of the State Constitution and of the Voting Rights Act when he promised a veto. He knew that courts are obliged to be deferential in their review when examining a legislative redistricting plan that has become law, and he knew, by contrast, that courts are permitted to operate with much greater leeway when they are drawing lines from a blank slate (which would have happened if Cuomo had vetoed and kept vetoing until a fair plan had been enacted or an independent commission appointed).

So Cuomo had a choice to make. Would he allow another filthy scheme to deprive New Yorkers of fair representation for another 10 years? Would he be a collaborator or a leader? Would he keep his word, or does Cuomo follow-through on the tough-guy pose only when facing off against those who are weak?

Most practically, would he isolate the State Legislature with a veto, focus the public's attention and condemnation on that body's shamelessness, and maximize court influence over the process, or would he let the State Legislature off the hook, distract the public and provide both himself and the State Legislature a fig leaf "compromise" to cover a failure of leadership, and minimize court influence?

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The powerful Governor, somehow suddenly helpless in the face of legislative intransigence, has opted for a window-dressing compromise. The choice reflects craven political self-interest. Nothing else precluded him from following through on his threat to veto a plan that reproduced the status quo. Had he done so, he perhaps may have gotten the Legislature to bend. If not, a court-mandated solution could have proceeded without constraint, a prospect that surely would have strengthened the Governor's hand in later negotiations with the Legislature.

That Cuomo chose to abandon principle and make the effort to repair the redistricting process more difficult is not a surprise to those who have been watching closely. This is a governor who is not shy about issuing threats — both public and private — to adversaries, but who recently has been curiously circumspect about repeating his veto vow or making clear that he would actually draw a line in the sand against redistricting shenanigans.

And he's a chief executive who saw in 2011 that he could successfully [spin a surrender on tenants' rights](#) into a story that he defended those rights, and could get the press to repeat his line that his tax reform package made the wealthy dig down to help reduce the burden on the middle class when, in fact, [it represented a tax cut for most of the top one percent](#).

Perhaps, if nothing else, the public and the press will begin to question the wisdom of anointing Cuomo the role of powerful contender for the 2016 Democratic presidential nomination and pay more attention to what he is and isn't doing in his current job.

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