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Opinion Editorial on Message of Necessity for Immediate Vote

Open government continues to elude Albany

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One of Gov. Andrew Cuomo's signature first-year successes, enactment of same-sex marriage legislation, is now being challenged in court. If it is reversed, it will be owing largely to the governor's signature first-term shortcoming: His inability to follow through on the governmental transparency he promised as a candidate.

For the sake of accountability, the success of future legislation, and the respect of voters who backed the governor's calls for reform, he must shed his penchant for backroom deal-making.

A panel of Supreme Court justices heard arguments last week in Rochester that negotiations on the same-sex marriage measure violated the state's open meetings law. The argument is legalistically arcane, centering in part on the definition of a "guest" when it comes to meetings of political caucuses ? in this case the Senate's majority Republicans and the presence of Cuomo and New York City Mayor Michael Bloomberg. But the real issue is open government.

Agreement on a same-sex marriage law was announced well into a Friday evening after a series of behind-closed-doors negotiations. **Similar discussions preceded unveiling of legislative agreements on a property tax cap, pension reform, expansion of the state's DNA database, steps toward legalizing casino gambling and other legislation.**

Not every step of every bill is going to be discussed in public, of course, but during the administration of Cuomo's father, Mario, legislators at least regularly updated the press and public on the progress of out-of-sight negotiations.

It's gotten to the point that, when a pair of **bills were put forth last month to address much-needed campaign finance reform, Cuomo characterized them as counterproductive.** "I normally don't put out a bill when we can actually get an agreement and pass something," the governor told reporters. "There's two basic tracks. You could take the public relations track of appearing to do something. I could put out my bill and rant and rave about it. Or I could actually try and get something done and I'm trying to actually get something done."

That sounds uncomfortably like a politician who prefers to work out of the public eye.

To give him his due, Cuomo has achieved much by working the back channels. Passing two successive on-time, balanced state budgets would have been a pinnacle for recent governors. For Cuomo, that's just for starters. Aside from the aforementioned accomplishments he has also revised the tax code and now is tackling the state's system for caring for those with developmental disabilities. But much of this success has been achieved absent very much daylight.

Cuomo has brought a new level of competency to Albany. He has achieved much of his legislative agenda. It is time he made good on another campaign promise: A more transparent government.

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