



# Suffolk County Voter

www.lwv-suffolkcounty.org

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November 2009

Sun. Nov. 8 : Post-Election Breakfast, Bellport Country Club, 10:30am-1:30pm

Wed. Nov.18: LWVSC Board Meeting, Riverhead Library,10:00am-12 noon

Fri. Nov. 20: LI Water Symposium, NYIT deSeversky Center, Old Westbury, 8:30am-2:00pm

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LWVSC co-president Katherine Hoak made the presentation below at the Operating Budget portion of Public Hearings on October 13. Three people from Probation followed up with presentations from different perspectives of the same issue. One spoke as a Probation Officer in the field, the importance of being able to check in on his/her laptop for information on a probationer, his/her history, possibility of firearms, etc. This affects the safety of both the probation officer and the community. We learned of the importance of the data made available, thanks to the Automation Unit, which makes up for lack of personnel. The average caseload, per probation officer, is 87 probationers.

In addition, with the advent of the Rockefeller Reform, about 700 people will be released from upstate prisons within a couple weeks and

returning to Suffolk. Providing adequate services for them will further tax an already overburdened system. The final presentation made by Probation was made by the Director of Program Evaluation who advised that the County would lose \$100,000 from the State next year if IT takes over, since its staff is not criminal justice personnel. The County, within the last ten years, has received above \$1 million (from the State). Additionally, as a grant writer for Probation who uses the statistics provided by its Automation Unit, she predicts a serious cutback in the success of her grant proposals because IT (Information Technology) will be unable to provide those statistics. Probation Departments across the State have Automation Units based on that of Suffolk County, which is the consultant for them.

## Concerns for Alternative to Incarceration Programs

The League of Women Voters of Suffolk County has consistently advocated for the strengthening of Alternatives to Incarceration programs run by the Probation Department. These programs, proven to be highly effective, provide services for those who become entangled with the criminal justice system for many reasons, including mental illness, and drug and alcohol abuse. It is perplexing to us why the County has not provided more support for them, because ATI programs improve public safety, reduce recidivism, enable many people to rebuild their lives and to become productive citizens. All of these results save the County significant amounts of money.

Therefore, we are startled to learn of the County's proposal to remove the Automation Unit, the highly sophisticated technological component of ATI programs, from the Probation Department and to transfer it to the County's Information Technology Department. This could seriously compromise the effectiveness of Alternatives to Incarceration programs.

The Automation Unit is an integral part of Probation's administration that develops innovative ATI solutions to emerging crime and delinquency. Effective responses to gangs, sex offenders, high-risk drunk drivers, violent offenders and others are the result of the Department's comprehensive planning approach, using the best technology available, combined with supervision and treatment practices—a productive marriage.

Examples of some of that technology is the use of Global Positioning Systems, Ignition Interlock, a DNA registry, a sex offender registry, forensic software for cyber sex offenders, and the new Secure Continuous Remote Alcohol Monitoring. SCRAM is a device which reads alcohol levels of probationers hourly on a 24/7 basis and sends the readings to the Probation Department. This is a pilot program being tested by the Department. There are several other systems and devices which are also being utilized, along with treatment, to provide highly effective ATI programs

The League cannot see the logic in the County's proposal to remove this integrated component of the Probation Department's ATI programs. Such a proposal, if carried out, could inflict serious damage to what now works so well. That level of success is recognized both by the state and by other counties. We ask that you not allow this proposal to take place. Thank you.

Katherine Hoak

## League Visits Brennan Center on September 21

When the Legislative Committee of the **League of Women Voters-Suffolk County** was asked to look at a draft of a Campaign Finance Reform bill presented at the SC Legislature, it was recommended by a League government specialist that the **Brennan Center for Justice** of the NYU Law School be contacted for its input on the legislation. This non-partisan public policy and law institute focuses on fundamental issues of democracy and justice, and describes itself as part think tank, part public interest law firm and part advocacy group. Seven LWV Huntington members received a special briefing by **Ciara Torres-Spelliscy**, Counsel in the Democracy Program, on the **Campaign Finance Reform** and **NY Reform** programs to which the Center is committed.

**Still Broken: NY Reform** the widely-noted 2004 report that labeled the NY State Legislature “dysfunctional” was discussed. The publication has been updated twice, most recently in a 2008 report titled “**Still Broken,**” which enjoyed renewed attention from the media. **Laura Seago**, Research Associate in the Democracy Program, co-author of the 2008 publication, gave us an overview of the major issues in the reports and of the Brennan Center’s recommendations for reform. While it is widely known that bills do not reach the floor of either the Assembly or the Senate without the express permission of Committee Chairs and the Chamber leadership, few New Yorkers are aware of the extent of the problems. Members generally do not have to attend committee meetings, and can fax in their votes (called a “Signed Agenda”). This prevents discussion of the bills and often results in flawed legislation that does not stand up to judicial scrutiny. Since the Senate “coup” attempt over the summer, some minimal reforms have been introduced, such as the right of committee members to petition to bring a bill to the floor, but the signed agenda remains viable and committees are still not required to hold hearings. The lack of transparency in both chambers continues to be a severe problem. Obscuring how their procedures prevent meaningful input from individual members or the public is a critically important result of this current governmental set-up.

Ms. Seago recommends that when the League interviews legislators, we use the session to educate them about the importance to us and the public of making the process more open. Ask Committee Chairs if they will be holding hearings on specific bills and tell bill sponsors that they can have Mark-up sessions in committee to improve proposed legislation. Encourage members to employ the Petition to Discharge in order to help bills out of committee for floor votes. This could create an “end run” around the obstructive leadership.

### **Campaign Finance Reform: Making a Federal Case**

Ciara Torres-Spelliscy, an attorney in the **Democracy Program** presented a chilling account of the current US Supreme Court’s activity in *Citizens United v. Federal Elections Commission* (better known as the “**Hillary: The Movie** case”). The FEC had ruled that the film was subject to regulation because it was a long-format political ad. Among the many lines of argument, the filmmakers stated that corporate treasury funds, not corporate PAC monies, paid for the production. PAC funding is publicly disclosed and regulated by the FEC. Corporate treasury activity is not. By June, the Court was not ready to rule and took the seldom-sought step of asking for a re-hearing of the case, focusing on Free Speech. The arguments presented in the late-

summer session centered on whether corporations could be viewed as individuals deserving of full free speech rights, including the right to make political contributions. Because of the predilections of its members, the Court’s decision, imminent as of this writing, is almost sure to rule 5-4 in favor of the plaintiffs. The most benign decision would hold that McCain-Feingold was never intended to regulate films. The most catastrophic decision would say that corporations are to be considered natural individuals that therefore have free speech rights, including the right to make political donations. This would allow corporations to increase financing for their political agendas. We already know what US HealthCare has to say about Healthcare Reform, and what the large energy companies have to say about greenhouse gas regulations. Such a decision would allow corporations unprecedented power to influence legislators. Brennan Center filed amicus briefs in both phases of the suit, arguing that the inequity among corporations would prevent smaller businesses from having a comparable impact.

Barring a constitutional amendment to negate the decision, Ms. Torres-Spelliscy’s team has hit upon a novel response: work through corporate law and use the SEC (at a time when SEC reform is high on many agendas) to require disclosure and authorization by shareholders of political expenditures.

### **Campaign Finance reform in New York State**

Ms. Torres-Spelliscy also described the Brennan Center’s support for:

- Lowering individual campaign contribution limits (currently in excess of \$55,000);
- Closing corporate loopholes that allow them to multiply their donation limits by their number of subsidiaries or by their number of LLCs;

- Eliminating the ability to use corporate house accounts for unlimited political activities such as get-out-the-vote.

Reform of the deadlocked State Board of Elections is needed (such as making them non-partisan with an odd number of members to allow tiebreakers).

Finally, the Center advocates public financing of elections. Partial public funding is triggered when candidates hit a threshold number of individual donations (the federal *Fair Elections Now Act* for US Congressional elections is a partial public-funded scheme). Full public funding was enacted by referendum in Arizona and Maine, where the state gives a lump sum to each candidate, commensurate to the type of seat.

*More detail on these issues, as well as information about the Center’s work on all of its areas of interest, can be found on The Brennan Center for Justice web site: [www.brennancenter.org](http://www.brennancenter.org).*

Ann M. Gardner.  
LWV Huntington