



NEW YORK STATE SENATOR

Timothy M. Kennedy

After U.S. Attorney’s Call for Revoking Corrupt Politicians’ Pensions, Senator Kennedy Urges Albany to Support Urgently Needed Pension Forfeiture Legislation

TIMOTHY M. KENNEDY September 19, 2013

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Preet Bharara, U.S. Attorney for the Southern District of New York, called it a “galling injustice” that “even the most corrupt elected official” is able to “draw a publicly-funded pension until his dying day.”

Senator Kennedy has introduced legislation that will force corrupt politicians to forfeit their pension if convicted of a crime in violation of the public trust.

Kennedy: Each year, the state doles out at least \$600,000 in pension payments just to those corrupt and convicted state officials who’ve been removed from office since 1999. This needs to stop.

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, is renewing his call for an end to the appalling practice of corrupt politicians collecting public pensions after being convicted of crimes and thrown in prison. Kennedy’s call for reform follows the [testimony of Preet Bharara, U.S. Attorney for the Southern District of New York, before the Moreland Commission](#), in which he announced his efforts to stop the “galling injustice” of corrupt and convicted public officials drawing a pension even while locked up behind bars.

In his testimony, U.S. Attorney Bharara said, “The common-sense principle is a simple one: Convicted politicians should not grow old comfortably cushioned by a pension paid for by the very people they betrayed in office.” Later adding, “If there is a way for state law to be further modified to accomplish this end with respect to politicians elected prior to 2011, the Commission should consider it because I think New Yorkers would welcome it.”

Kennedy is urging his colleagues in the State Legislature to support legislation he introduced that would finally end the state’s practice of providing public pensions to corrupt politicians, who are convicted of crimes in violation of the public trust. Kennedy’s bill (S.5327) would set in motion a constitutional amendment that would empower the state to revoke the pension of any public official, current or former, at the state or local level, who violates the duties of their office and commits acts of public corruption or violent crimes.

“These corrupt politicians shouldn’t be given a golden parachute to ease their fall from public office,” Kennedy said. “As the U.S. Attorney said, it’s a ‘galling injustice’ to allow this to go on any longer. Taxpayers should not be forced to foot the bill for the retirements of crooked and convicted public officials who violated their trust and looted public funds in office. They shouldn’t receive a dime from taxpayers, let alone the thousands and thousands of dollars that they’re receiving now. The state must approve new measures to require any state or local elected official who is convicted of a crime to forfeit their pension, so that these ‘career criminals’ no longer have an incentive to do their dirty work on the public dime.”

This year alone, the state will spend nearly \$600,000 on pensions for former state politicians who have ended up behind bars or have been pushed out of office after unethical misdeeds since 1999. In total, the state has doled out \$4.3 million in pension payments to 14 of the 20 Albany officials who've left office in disgrace since 1999.

"The \$4.3 million in public funds that have gone to disgraced Albany officials in the last few years could be far better spent on our schools, our roads or on creating jobs across New York State," Kennedy said. "We need to send a clear message that in New York State, public corruption will not be tolerated – and it will be punished. It's time the state puts a stop to pension payments to those who violate the public trust."

In 2011, the state passed comprehensive ethics reform legislation that contained language that will revoke the public pension of any corrupt politician who is convicted of a felony and was elected to office after 2011. The measure did not go into effect retroactively, since it would require constitutional amendment to revoke the pension of a former or current official elected prior to 2011. Kennedy's legislation would close this loophole and strengthen state law to require pension forfeiture for all public officials currently behind bars and for those, elected prior to 2011, who may have a run in with the law in the future. Kennedy says the constitutional amendment is strongest possible action the state could take to ensure, once and for all, that corrupt politicians are forever denied the opportunity to draw a public pension.

Since it takes years to amend the constitution, Kennedy is also pushing for two quicker fixes that will help close the gap in the law. Kennedy supports legislation (A.7570) that would require all plea agreements offered to public officials or former public officials to include pension forfeiture, and he cosponsors a bill (S.4836) that would require public officials who accept per diem reimbursements for expenses related to their duties to agree to forfeit their pension if convicted of a felony crime.

In addition to calling for reform to state law, U.S. Attorney Bharara outlined actions his office would be taking to help ensure convicted officials aren't able to collect pensions in prison. You can read his testimony in its entirety here:

<http://www.scribd.com/doc/168974214/Bharara-Moreland-Commission-Testimony-9-17-13>.

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Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.