

Getting the Job and Starting It: Politics, Ethics, Values

For 18 years, between 1981 and 1998, I was New York State Assembly Member Dan Feldman. I represented District 45 (of the state's 150) in the southern part of the borough of Brooklyn, in the City of New York. If one superimposed a clock face on Brooklyn, my district would be the slice between 5:30 and 6:30, including parts or all of the neighborhoods of Sheepshead Bay, Manhattan Beach, Brighton Beach, Gerritsen Beach, Plumb Beach, Marine Park, Ocean Parkway, Kings Highway, and Midwood. (See map on page 16).

Brooklyn is legendary. My piece of Brooklyn was and is best understood not for any building, or event, or sports team, but as the home of 118,000 down-to-earth, hard-working people—a big part of the heart, soul, and backbone of middle-class New York.

As I write, I think: “One paragraph and I have already—if not entirely intentionally—told you something very important about the way legislators see the world.” It was always, to me, *my* district. I took ownership when I won my first election. I kept ownership by dint of close attention and hard work for all the years I served. Other Assembly members deferred to me on matters where (just) my district was concerned, as I did to them for theirs.

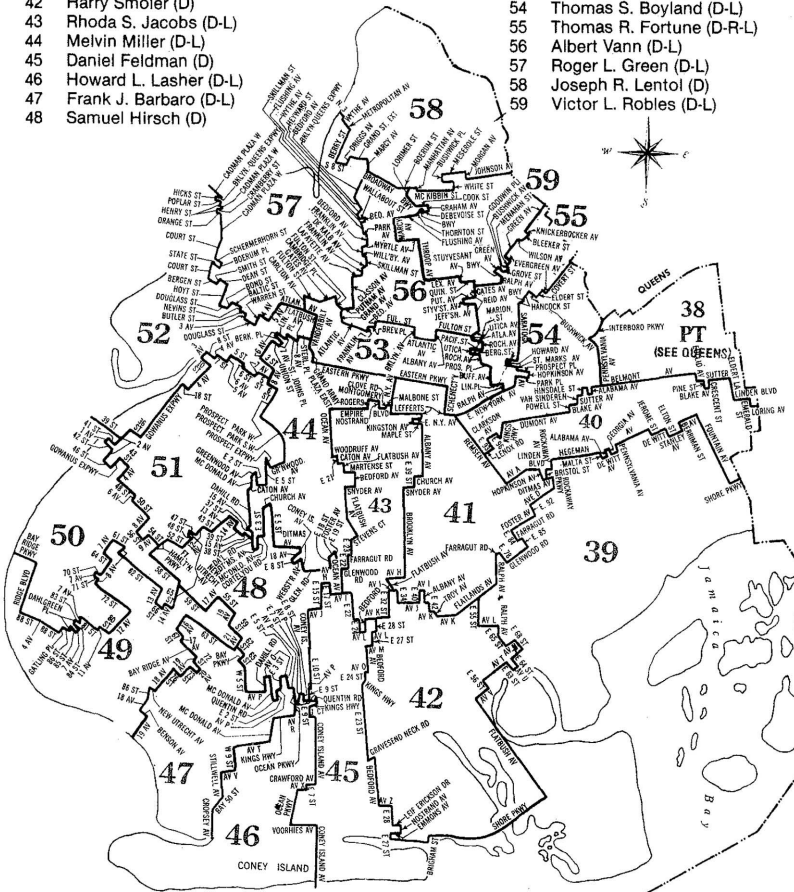
Winning in My District

My first campaign for my Assembly seat in 1980 was decided in a Democratic primary. Inter-party politics barely counted. (Later, when I got to Albany, I learned that inter-party competition pervaded all, and

Brooklyn STATE ASSEMBLY DISTRICTS



- | | | | |
|----|----------------------------------|----|--------------------------------|
| 38 | Frederick D. Schmidt (D-R-C-RTL) | 49 | Dominick L. DiCarlo (R-C-RTL) |
| | (Also in Queens) | 50 | Florence M. Sullivan (R-C-RTL) |
| 39 | Stanley Fink (D-L) | 51 | Joseph Ferris (D-L) |
| 40 | Edward Griffith (D-L) | 52 | Eileen C. Dugan (D-L) |
| 41 | Helene E. Weinstein (D) | 53 | Woodrow Lewis (D-L) |
| 42 | Harry Smoler (D) | 54 | Thomas S. Boyland (D-L) |
| 43 | Rhoda S. Jacobs (D-L) | 55 | Thomas R. Fortune (D-R-L) |
| 44 | Melvin Miller (D-L) | 56 | Albert Vann (D-L) |
| 45 | Daniel Feldman (D) | 57 | Roger L. Green (D-L) |
| 46 | Howard L. Lasher (D-L) | 58 | Joseph R. Lentol (D) |
| 47 | Frank J. Barbaro (D-L) | 59 | Victor L. Robles (D-L) |
| 48 | Samuel Hirsch (D) | | |



was defining of everyday legislative life.) My Republican opponent in the general election that followed was Barry Kaufman, a very pleasant and articulate man roughly my own age. He knew the district's proclivities. When he campaigned alongside me, Kaufman told the voters that he was the Republican candidate and I was their next Assembly Member. He was right. Like most local Democratic candidates in the area before me and since, I won the general election with 80 percent of the vote.

In the primary, however, I had had serious competition. New York State's political party structure is county-based. (Brooklyn, a borough for city purposes, is the County of Kings for state purposes.) Each party in each county has a county committee. Within New York City, assembly district boundaries are used to define the sub units of the county party, from which county committee members are chosen. Each Assembly district contains a "regular" party club, and many also are the homes of "reform" clubs organized at some time in history around a candidate, issue or issues, in opposition to the regulars within the party. One or the other or both may send elected members to the county committee.

Although my candidacy had the support of the district's reform Democratic club as well as the main body of the regular Democratic organization, a significant disgruntled faction of the regular organization supported my principal opponent, Ruben Margules. Margules, an Orthodox Jew, was a wealthy landlord, a graduate of the Harvard Business School, and a very aggressive campaigner. He also had the support of the Midwood Development Corporation, then a powerful community organization in the district, created to maintain neighborhood housing quality and street safety. Although my primary opponent campaigned as one who understood tenant problems and was sympathetic to their needs, a legitimate computer printout of the violations in the buildings he owned—including rats, cockroaches, falling ceilings—ultimately emerged, and essentially destroyed his candidacy. I won with about 10,000 votes; he had about 5000, and Bill Rothman, a third candidate with little organized support, garnered about 2500.

I never again faced a serious political threat to my Assembly seat. Perhaps my legislative record protected me. It ultimately included the enactment of the more than 140 laws I wrote, many resulting in quality-of-life improvements for my constituents. More likely, it was my district office, personally helping thousands of constituents get their lost Social Security checks, their garbage picked up more regularly, a crossing guard at their children's school, or any of a plenitude of other services. Or it was my personal leadership of a series of battles like picketing the

opening of a new X-rated movie theatre on a busy shopping street down the block from St. Edmund's School and the Ocean Avenue Synagogue, till it closed for good; or collecting ten thousand petition signatures against the dumping of toxic dredging material in the ocean less than a mile from the shore of my district, and delivering them to the Governor, who then persuaded the Port Authority to back off; or arranging for the 8000 members of a beach club in my district to get about \$100 each in refunds from a tax illegally collected from them. Or it may have been my attendance at literally thousands of community meetings, weekday evenings and Sunday mornings, of the East 14th Street Block Association, the Brighton Neighborhood Association, the Ocean Avenue Synagogue Men's Club, the Atlantic Towers Tenant Association, the Resurrection Parish Home School Association, the P.S. 254 Parent-Teachers Association, the 61st Police Precinct Council, Community Board 14, School Board 21, etcetera, ad infinitum. Or perhaps I can attribute it to meeting and greeting voters on their way to work between 6:30 a.m. and 8:30 a.m. three times a year at each of the eleven subway stop entrances in my district. And then there were the two dozen or so presentations of Dan Feldman's John F. Kennedy Memorial Citizenship Award at June graduation ceremonies each year, \$25 or \$50 bonds supplied by neighborhood banks, each given to a student selected by one of the elementary, junior high, and high schools in my district.

Here's the point. Critics have said that the overwhelming majorities run up by incumbent legislators seeking reelection in New York are a sign of failed democracy. And they are surely right in saying that we should not design legislative districts to discourage competition, assure the perpetuation of particular people in office, or cement partisan majorities in place in the Assembly or Senate. But the geographic concentration of voters' partisan preferences militates against real competition between major parties in most of Brooklyn, and across much of New York State. Also, critics tend to overlook the prospect of intra-party competition that helps keep incumbents alert and accountable. And some of an incumbent's advantage, a lot of it, arises from doing exactly what he or she is supposed to do—working hard, in and for the district.

When I came to office in 1981, my constituents were overwhelmingly second-, third-, and fourth-generation Americans of Jewish, Italian, Irish, and German ancestry. My district also included a small but interesting pocket of upper middle-class African Americans, whose ancestors had come up from the South a century earlier to work at what was then the Sheepshead Bay Racetrack. There were also remnants of

what had been, prior to the ascension of Astoria, Queens, the largest Greek-American community in New York City, and a few old-stock Americans of British descent, whose ancestors here dated back to the Colonial period.

At least half of my constituents were tenants, mostly in multiple dwelling apartment houses, but some in smaller two- and three-family structures. The rest owned private homes. My immediate predecessors in the Assembly were Charles Schumer and Stephen Solarz, who were both considered liberal at the time and had gone on to the U.S. Congress. Schumer's popular predecessor in Congress was another liberal, Elizabeth Holtzman.

Many of these characteristics changed over the eighteen years I served. Orthodox Jews began to replace many of the more assimilated Reform and Conservative Jews; Russian immigrants in large numbers replaced the older residents of Brighton Beach and, to a lesser extent, Sheepshead Bay; Chinese immigrants replaced Italians and Jews both as residents and shopkeepers on Avenue U.

Many of the apartment buildings converted to cooperatives, so many tenants transformed themselves into owners of their own apartments.

The district's political coloration became far more conservative. While residents had occasionally voted for Republicans at the top of the ticket even early in my tenure, at least most had voted Democratic for Bill Clinton over the first George Bush and Bob Dole, for Mario Cuomo over all his opponents, and of course for Ed Koch. But as time went on, voting Republican became more of a habit, with the district giving majorities to Rudy Giuliani over David Dinkins in 1989 and 1993, George Pataki over Carl McCall in 2002, and the second George Bush over Al Gore in 2000 and over John Kerry in 2004. In 1993, to my intense annoyance, the leaders of the Democratic party organization in my Assembly District endorsed Rudy Giuliani for election as Mayor.

I never consciously altered my position on an issue to suit my constituents. It may be that I adjusted my beliefs to theirs without conscious awareness, but I doubt it. While the views of my constituents were generally more conservative than my own, and became increasingly so over the years, for the most part they allowed me the leeway to act as my conscience dictated. Rent control was the only issue that would have endangered my seat, had I disagreed with my constituents on it. A City Council Member, Leon Katz, who represented much of the same area, actually lost his seat on that basis. Even when conversion of rental units to cooperatives reduced the tenant percentage in my district,

the vehemence and intensity of support for rent control might have sufficed to assure the defeat of a politician who opposed it.

While particular groups of constituents vehemently objected to my support of gay rights, my efforts to ease the Rockefeller drug laws, or any number of other liberal stances I took, the same constituents generally approved of my support for the death penalty, mild and nuanced though it was, my support for other changes in the law to strengthen police and prosecutors, and certainly my consumer protection and environmental protection efforts. And all of them loved my fight to curb the parking ticket excesses of the New York City Parking Violations Bureau.

*A First Crusade to Change the Law:
The Battle of the Parking Violations Bureau*

When I was a college senior in 1970, a fellowship from the Alfred P. Sloan Foundation allowed me to work at a fairly high level of New York City government in the Lindsay Administration. I helped design the Parking Violations Bureau. Our goal was to get parking tickets out of the criminal courts, where they clogged a process that needed more time for more serious problems, and into an administrative agency, where they would presumably be handled more quickly and efficiently.

Eleven years later, as a first-term legislator, I encountered some unintended consequences of my labors. When I tried to register a new car, the New York State Department of Motor Vehicles, based on a computer message it received from the City Parking Violations Bureau, insisted that I owed \$200 in unpaid tickets. Since I rarely got parking tickets, and this was a lot of money for me, I remembered these several tickets (for one late registration sticker) and I also remembered that I had paid them by check. I found the cancelled check, but I had to spend another day straightening out the problem before I could return to the DMV to register my car, a very annoying experience.

As it turned out, the PVB had a computer with a record of my payment. It had a second computer, however, that *only* had the record of what I owed, and that forwarded that information to the DMV. The second computer did not have the information in the first computer and the two computers were altogether incompatible.

After I told my story to the press, over a hundred furious citizens told their stories to me. Realizing that the PVB must be doing this sort of thing a lot, I brought suit to force it to mend its ways. The judge offered

a lesson in government. He told me in these exact words, “You’re a legislator—change the law!”

So in 1982 I began a crusade to give the PVB a financial incentive to be more careful. That is, I wrote, introduced, and pressed for enactment of a bill to make the PVB pay the motorist—beyond reimbursement for paying the ticket—on proof by cancelled checks, copies of filed stolen motor vehicle forms, or the like, that the PVB continued its harassment beyond reason after receiving proof that the motorist had already paid the ticket or shouldn’t have gotten it in the first place. Note that I was trying to change a practice in New York City by altering New York state law. The Home Rule provision of the state constitution notwithstanding, one of the worst kept secrets of New York government is that this is not only possible, but a regular practice. That’s why the city maintains a substantial lobbying office in Albany. The lobbyists for the mayor of New York City quietly but effectively fought my efforts.

I figured the City opposed the bill so tenaciously because it needed the \$20 million a year it was collecting at the time from people who did not owe the money but who found it less onerous to pay than to jump through the hoops the City set up for anyone who challenged a ticket. The City lobbyists argued that penalizing government for its errors, even these extraordinarily egregious ones, would set a dangerous precedent that would hamstring efforts to govern. Little did I know that powerful political leaders in New York were profiting personally—and illegally—from the magnitude of New York City’s parking fine collections. (This became important to my later battle to win enactment of New York’s Organized Crime Control Act, as explained in Chapter Five.)

I won the PVB battle. The press loved the bill, so I was able to embarrass the Koch administration regularly with newspaper accounts of the PVB’s egregious behavior and the City’s stubborn resistance to reform. In 1987 the City gave up, and the bill became law. Years later, when I ran for Congress, Ed Koch endorsed me and graciously added, based in part on the PVB battle, that we had had “big fights” over legislation, but I had been right.

*Changing the World by Changing the Law—Values:
Origins and Perspectives*

My fellow citizens chose me to be one of the lucky people who got to change the laws to make the world more like what we thought it should

be. My colleagues in legislatures and I picked the ideas we liked, or dreamed them up ourselves, and made them into legislation. We persuaded our fellow-legislators to vote for our bills, and governors or presidents to sign them. Often, we didn't succeed, but when we did, we felt very good about it. Something real in the world had changed because we were there, and acting to make change happen. Often these were small things. But sometimes they altered the daily lives of literally millions of people.

After I left the Legislature, six years as New York State Assistant Deputy Attorney General gave me the opportunity to continue to help shape policy in a different way. Drawing upon our experience as the people's lawyers in New York State, we in the Attorney General's office proposed changes in the law, and sought to define or alter law through litigation.

The roles overlapped. As a legislator, I sometimes needed to use the courtroom to defend one of my public safety statutes, and I almost always needed to be aware of the courtroom implications of my legislative initiatives as I advanced them. As an assistant to the Attorney General, from time to time my public safety suggestions were reflected in the Attorney General's legislative program and others of the Office's responses to public safety controversies.

The public safety battles recounted in this volume spanned both roles. It took until 1986 to enact the Organized Crime Control Act, six years after I was first elected. It only took me about three years to get Megan's Law enacted in 1995. My crusade against the Rockefeller drug laws, which I began in 1987, only achieved dramatic success in 2009 under the leadership of others, eleven years after I left the Legislature and four years after the end of my service for the Attorney General. I began my effort to impose negligence liability on handgun manufacturers in the early 1990s and continued it in the Office of the Attorney General in the first few years of the twenty-first century; success remains beyond our grasp.

LIBERALS AND CONSERVATIVES: VALUES IN BALANCE

At first blush, my role in those stories may seem puzzling. The first two would generally be regarded as conservative initiatives, while the second two would conventionally be labeled liberal. My strong efforts on behalf of both "liberal" and "conservative" changes in policy occasionally puzzled my fellow legislators. But as I worked in the field of

criminal justice I felt no inconsistency, because here it was most evident that the ferocious policy conflicts between “liberals” and “conservatives” in the United States arise from common values.

Let me draw upon my own personal history to illustrate this point. I was a small child during the McCarthy era of the early 1950's, but I remember my parents' strong civil libertarian views on criminal justice. They were sharply aware of the potential for oppression of the innocent by government prosecutors. No spy had been executed in peacetime in the United States, and no woman had been executed by the federal government since the Civil War, when Ethel and Julius Rosenberg went to the electric chair in 1953 after their conviction for spying for the Soviet Union. At the time, it was by no means clear that they were guilty. Serious doubts remain to this day about Ethel's guilt. Prosecutorial and judicial misconduct deprived the Rosenbergs of a fair trial. Irving Kaufman, the trial judge, engaged in improper *ex parte* communications with Irving Saypol, one of the prosecutors (such communications, excluding counsel for the defendant, violate the procedural laws). He had even more egregiously improper off-the-record conversations with Justice Department officials during the course of the trial. Given doubts at the time that the Rosenbergs were guilty at all, this provided a particularly clear example of how the constitutionally guaranteed rights of defendants on trial work to safeguard against abuse by government, and therefore to assure fairness

Later, during my own formative years in the 1960's and my early adult years in the 1970's, crime in New York City reached pandemic proportions. Well-publicized stories of vicious attacks on innocent citizens by criminals appeared almost daily. It became very clear to me that the criminal, at least at the moment of the crime, had more power than the victim. This experience made me relatively more sensitive to the predations of criminals, and the consequent need for increases in prosecutorial and police power necessary to curb criminal behavior. Inevitably, I came to put a high value on protecting citizens against attacks by criminals, even if it required some increase in the power of government.

So because of one fundamental value—a desire to resist oppression of the less powerful by the more powerful, whatever its source—I was sensitive to the possibility of abuse of power by government, and retained a distrust of government power, while also recognizing the need for strong, effective government to assure public safety. The ferocious clashes between liberals and conservatives about criminal justice policy in the states and nation would certainly be mediated more effectively if

the two sides acknowledged their shared dislike of oppression, which surely constitutes more than a minor point of agreement.

The balance we all must strike, more or less self-consciously, between security against criminals on the one hand, and security against government abuse on the other, constitutes just one small part of a larger value system. Relatively few people in the United States, academic studies show, act in accord with internally consistent value systems structured to reflect a particular ideology. Most Americans, and like them, most legislators, come to decisions with sets of values that arise from their backgrounds and life experiences. There are, of course, some broad commonalities. For example, people generally tend to dislike pain and tend to like happiness and security, the latter in both its senses of freedom from want and freedom from attack. Because of deeply rooted historical and cultural experience, most United States citizens tend to place particular value on individualism and personal autonomy. This contrasts, say, with the balance in societies like China and Japan, where—though things are changing—the group traditionally is given greater weight than the individual, and there is consequently far less stress on personal political autonomy.

WHAT MOTIVATES LEGISLATORS?

Drawing upon economic theory, “utility maximizers” among political scientists argue that almost all legislative behavior can be explained by members’ self-interest. In fact, it is fair to say that this is the predominant view among contemporary scholars of legislative behavior. It certainly finds resonance in New York in the media, and among reform critics of state government. There are still many scholarly voices, however, that insist that legislators are motivated to a substantial degree by a strong commitment to public service, and to the public interest—as each of them understands it.

The critics have it right. Legislators certainly include self-interest, whether political, financial, or in some other form, among the values upon which they act. In New York, as in many other states, most legislators are what political scientists categorize as “professionals.” They work at the job full-time; often they aspire to advancement in public life. The kind of work I described for constituents was not only good representation; it built my job security. People whom I helped were grateful and supportive; they were also less likely to oppose me for reelection if they came to disagree with me on one or another policy matter.

The Legislature was organized along party lines. Meeting expectations for party loyalty on most matters was necessary for achieving stature and leadership in the Assembly majority conference, and therefore within the body. It also built a chance for advancement in and outside the Legislature in state government, or to higher office.

But the critics have it wrong, too: legislators not only act in accord with values other than self-interest, but may sometimes even knowingly act against their own self-interest when they prize other values more highly. To cite just one of many possible examples, George Michaels, a Democrat from Auburn, a small city in the Finger Lakes region of New York, served in the New York State Assembly starting in 1961. In 1970, he felt that his conscience required him to cast the deciding vote in favor of legalizing abortion, although he believed that it would end his political career. It did.

*Finding Balance Among Values:
Liberty, Equality, Property, Security, and Efficiency*

On most issues, most of the time, legislators make policy decisions on the basis of some kind of utilitarian calculation, otherwise characterized as cost-benefit analysis. That is, legislators weigh the costs and benefits of competing options to determine which option, on balance, produces the outcome that is “best” for most people (with their own personal or political interests, of course, figuring into the mix). Needless to say, there are exceptions. On a few issues—those that touch more directly on emotional or religious commitments, like the death penalty and abortion, for example—some legislators abandon utilitarian calculations in favor of “intuitionism”—the uncalculated adherence to what they regard as overriding ethical concerns.

Apart from personal and political considerations, when a typical American legislator does approach an issue as a utilitarian, he or she more or less consciously seeks to balance five fundamental values: liberty, equality, property, security, and efficiency, each value weighed against the others. Though Americans have in the past given less weight to security and efficiency than to liberty, equality and property, there are signs that political and economic events since the turn of the 21st century are causing this to change.

Efficiency in this context is tricky. It means the use of resources most productive of desirable values, including the legislator’s less fundamental

ones. Thus the formula really encompasses more than five values. An unusual example might help. The anthropologist Ruth Benedict in 1959 described the potlatch ceremony during which Kwakiutl Indians of what is now the northwest United States consumed and destroyed huge quantities of their own property. If the Kwakiutl find ego reinforcement a scarce and important commodity as compared with property, and if the ritual of the potlatch produces more ego reinforcement than any other marginal use of property, the ritual generates efficiency, in the Kwakiutl context. In the United States, we can generally understand “efficiency” in the ordinary sense of getting the most out of available resources. But one American may define “getting the most” very differently from another.

American prosperity has tended to reduce concerns about efficiency. Throughout much of our history, the United States has enjoyed extraordinary prosperity. The structure of our government of “checks and balances” purposely allows inefficiency as a bulwark against tyranny. There are innumerable examples of the ability of one part of government to prevent action intended by another part. One that received great publicity just as this chapter was being drafted was the federal judiciary’s action in March 2005 to thwart the intent of an emergency weekend session of Congress that Terry Schiavo’s feeding tube be reinserted. A lesser known but far more expensive example: legal requirements imposed to prevent government agencies from riding roughshod over interest groups caused the Food and Drug Administration to spend almost a decade and to produce a transcript of over seven thousand pages of testimony in the effort to determine what percentage of peanuts a producer must maintain in a foodstuff in order to be permitted to designate it as “peanut butter.”

Security means the human tendency to preserve a people’s society as they know it. It also means freedom from physical attack or illegal deprivation of property, whether perpetrated by a foreign enemy or a domestic criminal.

Until recently, and especially until 9/11, our relative geographical isolation in the United States tended to reduce concerns about security, at least on the international level. We Americans thought that with oceans separating us from Europe and Asia, and with no threats to our national security on our northern or southern borders, we need concern ourselves relatively little with the possibility of attack. While we did worry about nuclear war with the Soviet Union from the 1950s through the 1970s, we had not experienced a foreign enemy on the mainland since the British troops burned Washington in 1814.

Anyone who has seen heavily armed National Guard units patrolling Wall Street or Pennsylvania Station in recent years can appreciate the difference the attack on the World Trade Center of September 11, 2001 has made in the willingness of the American public to accept what looks like a police state, at least on the surface and at least compared to the past, in return for the illusion of security. Given my own values, I believe and hope that Americans still, nevertheless, value Benjamin Franklin's advice that those who would sacrifice essential liberty for temporary security will end up with neither.

Liberty, equality and property are intertwined, core constitutional values in the United States. History unique to our national experience leads us to give heavier weight to these values. In the first modern nation to win its independence through revolution, the importance of the legitimacy of dissent (liberty) can scarcely be overlooked, notwithstanding whatever embarrassing episodes may stain our nation's history in this regard. That each individual holds a part of the power of government, and that no one may deprive another of life, liberty, or property other than by due process of law, were the lessons built upon the concept of equality. Due process of law also, of course, is the essence of fairness, which includes the right to be heard (liberty). From the twentieth-century point of view, the original U.S. Constitution incorporated hideous elements of inequality, at least with respect to slavery and limited suffrage. But those elements were, as Frederick Douglass said of slavery, "only as scaffolding to the magnificent structure, to be removed as soon as the building was completed."

Finally, a people inspired to revolution in substantial part under the slogan "no taxation without representation" clearly had embraced the right to property as a basic value; the revolutionary generation, and later Americans, closely linked liberty and equality to the protection of individual property rights.

Representativeness, Fairness, Dissent . . . and Finding Balance Among Values

Most Americans, and their legislators, regard these three values—liberty, equality, and property—as basic. To understand the difficulty in reconciling them with the more universal values of security and efficiency, we might examine very briefly how liberty, equality, and property are bound up with one another in three key aspects of our

underlying expectations of government: representativeness, fairness, and the right to dissent.

Representativeness. If liberty entails self-government, and each individual equally asserts part of the power of government but can do so practically only through representativeness, then liberty and equality translate in this context into representativeness.

Fairness. If equality requires each person to be subject to the rule of law, and the law must operate with respect to the liberty and property of persons only within certain standard formal rules of procedure, then the three values in this context translate into fairness.

Right to dissent. If representativeness is to be meaningful, individuals must have access to information relevant to policy issues, and government's ability to suppress dissent must be very limited. Liberty limits government's power to suppress expression, and equality limits government's power to suppress expression for reasons of bias against particular content. In this context, liberty and equality translate into the right to dissent, in which we must include the right of access to information relevant to public-policy issues.

Representativeness and fairness can conflict with efficiency. Dissent can conflict with security. Legislators must find some reasonable balance among them. While, as noted above, legislators do not devise, much less follow, strict mathematical formulae balancing these values, virtually all American legislators have in their minds some sense that they should attempt some such balance. Differences among legislators can be explained by the different choices they make in how they weight each value. But by "plugging in" some constants to weight the variables of liberty, equality, property, security, and efficiency, each provides his or her own usable, fairly consistent utilitarian theory, a value matrix on which to base policy decisions.

All this may seem far too abstract and theoretical, reconstructed retrospectively with the benefit of analytic distance from the hurly-burly of daily events and pressures. But I am quite certain that it correctly describes my considerations as I did my job as a New York State Assemblyman, and fairly confident as well that it captures something like the calculus used by a majority of my legislative colleagues over the years. For greater clarity, some illustrative examples are provided in the next chapter.