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More Rudy /s Legal

THE liberal love affair with Rudy Giuliani is fast coming to an end. "Rudy Giu-



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liani is being mercurial again," sighed Frank Rich in Saturday's New York Times — Rich, the best of the city's left-leaning columnists, who had described the mayor only two weeks earlier as "a towering leader."

New York's liberals are disappointed that their temporary idol is pushing for an extension of the transition between him and the new mayor — and horrified by the suggestion that the state legislature might even consider passing a law overriding the city's term limits.

But those who say that such a law would be an offense against the will of the electorate — because the New York City electorate voted for term limits — are simply illiterate.

Suspending term limits would be fully within the Legislature's authority. There would be nothing wrong or arbitrary in an exercise of a power explicitly granted to the Legislature by the state Constitution.

The key passage in the New York State Constitution is Article 3, Section 25. It reads, in part:

"The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency caused by enemy attack or by disasters (natural or otherwise), shall have the power and immediate duty to 1) provide for prompt and temporary succession to the powers and duties of public offices of whatever nature... and 2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations."

Article 3, Section 25 is a precise fit with New York City's present situation. We are in a period "of emergency caused by enemy attack." And we do face a crisis in the "continuity of [local] governmental operations."

It just so happens that the enemy attack took place a few months before a colossal changing of the political guard. It's not just the mayor who will be new come Jan. 1, either.

current conditions. Every other citywide office will be filled by someone new. And most of the City Council will be new too.

The state Legislature has every right — indeed, may have a positive obligation — to act in a way that will ensure such "continuity" in a "period of emergency."

The objection raised, in The Times and by mayoral candidate Freddy Ferrer, that the Legislature has no business in this matter because America has conducted national elections during wars is totally beside the point. The U.S. Constitution gives Congress the power only over the "time, manner and place" of federal elections. Otherwise, all authority over elections resides at the state level.

The governing law of New York state is the state Constitution. And its constitution reads: "Nothing in this article shall be construed to limit in any way the power of the state to deal with emergencies arising from any cause."

"We should follow the rule of law," Ferrer insists.

Well, Freddy, this is the rule of law. It's right there in print.

There are really two different issues relating to "continuity." The first is the ordinary transfer of power from one mayoralty to another. That transfer of power was already going to be chaotic in any case, simply because the entire institutional memory of New York City government at every level is going to disappear on the very same day.

In this unprecedented period, that loss of institutional memory might be disastrous.

The second transition has to do with a passing of the baton when it comes to the cleanup, recovery and reconstruction efforts.

Nothing like it has ever happened before in the annals of American history.

The logistics are mind-bending.

The politics are worse.

The turf battles between competing agencies need to be resolved.



Rudy: No longer a liberal love.

authority for the subway, the Port Authority for the PATH trains, the city and state transportation departments for the roads, and the various economic development departments for rebuilding — would daunt a Robert Moses.

And the relations between the city, Albany and the federal government should be a matter of paramount concern. Right now, Rudy Giuliani can get whatever he wants or needs. Mayor Green or Mayor Ferrer or Mayor Bloomberg won't have his reservoir of good will, his contacts with the Bush administration or his connections.

But if the new mayor and the current mayor can work together harmoniously for three months, the new guy can be elevated to a Giuliani level.

The mayor, as usual, said it best on Saturday: "I don't know if, unless you've been involved in this, you [can] understand the complexity of this."

We can understand, Mr. Mayor, Ordinary New Yorkers can understand. But the liberals who loved you for a couple of weeks are sadly reverting to form.

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