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JOYCE PURNICK

Metro Matters

Giuliani Again? (Wink, Nudge)

WILL he? Won't he? How? When? Rudolph W. Giuliani drew more attention — and generated more enthusiasm — than the candidates in yesterday's lackluster primary did. New Yorkers grateful for the mayor's strong leadership in the aftermath of the terrorist attacks of Sept. 11 want him to stick around.

But the law limits him to two consecutive terms, a complication that has sent mayoral allies in search of legal loopholes and nuance, which they have found. No path comes unencumbered, but if Mr. Giuliani decides to go for it, the electoral process and orderly transfer of power would be deliberately upset in ways the country has not seen before.

Nobody ever likes to say never, but several historians, lawyers and political scientists interviewed in the last two days said just that. Wars, Reconstruction, riots, earthquakes and floods didn't disrupt the democratic rhythm. Neither did the Civil War, the assassinations of Lincoln and John F. Kennedy, the death of Franklin D. Roosevelt.

The presidential vote-counting was messed up last year, of course, and politicians have flouted laws. Lurleen Wallace ran for governor of Alabama in 1966 (and was elected) only because the law prevented her husband, Gov. George C. Wallace, from seeking a third consecutive term.

But he mocked the law with an arrogant wink and figurative handshake with his voters. He did not do so in the aftermath of a tragedy, delivering a posthumous victory to terrorists who take satisfaction in upsetting American institutions.

Has there been a comparable situation? "I am not aware of there ever having been a basic change in the rules of the election in the middle of the game, to facilitate one candidate over another as would be the case here," said Alan Brinkley, professor of history at Columbia University.

James MacGregor Burns, biographer of Franklin Delano Roosevelt, agreed. "Tampering with elections is exceedingly dangerous," said Mr. Burns, professor emeritus of political science at Williams College. "I think it would establish a precedent. Just as you and I are looking back and not finding any, people would be using this as a precedent for much less dire situations."

Can the mayor do this? His closest allies are examining options and sharing them with the real estate developers and other influential supporters they have been telephoning to line up support — while the mayor contends that he hasn't had the time to consider his political future.

Under the most imaginative scenario, he would resign before the general election so he could argue that he hadn't served a full two terms, then run on an independent line or accept another party's designation if the official nominee could find a way to step down. Worthy of the late governor of Alabama (George, not Lurleen).

ANOTHER approach has the State Legislature or City Council repealing term limits. They can, legally, but their leaders have so far demurred. *Perhaps they will reconsider*; then Mr. Giuliani would have to maneuver his way onto the ballot.

In fact, the man admirers are calling "the mayor of the country" would have to turn into a candidate, a politician again, *who has to debate and to talk about the* problems people have forgotten, like troubled schools and bad housing. What happens *to his well-earned luster then?*

One alternative avoids that. The State Legislature could cite an emergency and extend the mayor's term, probably by several months. Close associates of Assembly Speaker Sheldon Silver said yesterday that he would consider that tactic, reluctantly.

And then the city would have two mayors competing for power, while the rest of government would not know which one butters their bread. Sounds like more confusion than remedy.

The prospect reminded *Mike Wallace of* an incident related in "Gotham: A History of New York City to 1898" (Oxford University Press, 1998), the book he wrote with Edwin G. Burrows. Because of a harsh political dispute, the city had two police departments in the mid-1800's, one state force, one mayoral force. They ultimately battled for control on the steps of City Hall, Mr. Wallace said.

A cautionary tale, he suggested, questioning the notion that the city is in crisis. "Giuliani has been magnificent, but this is unnecessary," he said. "He'll be at the helm for the next three critical months. This is a city of eight million people, 400 years old, that has phenomenal momentum. It is impossible that something even as horrible as this can knock it off course. We are doing fine."

Two mayors? Just one, with a long term? Or just the same one?

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