



Written by [Bob Adelman](#) on December 1, 2015

Albany Assembly Speaker's Prosecution Is Just Beginning

[The prosecution](#) of Democrat politician and former Speaker of the New York State Assembly Sheldon Silver (shown) is just beginning. His ties to other Albany insiders reach all the way to the top. In other words, U.S. Attorney for the Southern District of New York Preet Bharara, the chief prosecutor in the case, is just getting warmed up.



Since 2000 more than 30 New York lawmakers have left office facing criminal charges or allegations of ethical misconduct, but Silver is, up until now, the biggest catch in Bharara's net. He was charged with four counts of honest-services fraud (defined as a scheme to deprive another of the intangible right of honest services), two counts of extortion, and one count of money-laundering. After two-and-a-half days of deliberation, the 12-person jury found Silver guilty of all of them.

He now faces a potential 130 years in jail, but is likely to get only 20 years, making him eligible for release when he's 91.

Two plots exposed during his trial spelled his downfall. While serving as speaker, Silver directed \$500,000 of taxpayer monies, through grants, to oncologist Robert Taub, who was doing cancer research. Taub, in turn, sent patients needing legal services to Silver's law firm, Weitz & Luxenberg, PC. W&L sent Silver millions in referral fees.

In the other one, Silver negotiated state tax breaks to a real estate developer (and major donor to Silver), which then used the law firm Goldberg & Iryami PC for its own legal matters. G&I paid Silver referral fees in the quid-pro-quo deal.

Together Silver received \$4 million in fees for those referrals.

Part of Silver's defense was that, since he was only a part-time politician, he had to augment his meager salary with "outside" work. The other was that since corruption was so rampant in Albany, everyone was doing the same thing, which made what he was doing somehow legitimate.

Although Silver never testified in the month-long trial, it became clear that after 40 years in Albany, 20 of them as speaker (he was reelected 11 times), he had built a fortress of corruption that was nearly impenetrable by those seeking to expose and dethrone him. For example, in 2000, Michael Bragman, the majority leader in the Assembly, orchestrated an attempt to remove Silver as speaker. When the attempted coup failed, Silver forced Bragman to resign not only his position but his seat as well. The *Buffalo News* editorialized:



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The problem — which also exists in the State Senate — can be boiled down to a single overarching issue: The Assembly speaker has too much power. He controls everything, from the legislation that can be voted on to how his normally docile members vote on it. He decides what the Assembly will accept in a state budget. He negotiates secretly with the other two leaders to hammer out important, expensive and far-reaching laws. And he ignores the wishes of less-exalted lawmakers.

One of Silver's most cherished and powerful positions was that of being one of the "three men in the room" who decided legislative agendas and state budgets and then enforced those decisions onto those "less-exalted" with threats and intimidation. The other two were Dean Skelos, the majority leader of the State Senate, and the governor, Andrew Cuomo.

Ironically, it was Cuomo who set in motion the investigation that led to Silver's conviction, and might just lead to his own. Running for office in 2010 on a platform promising exposure of corruption and reform, Cuomo set up the Moreland Commission to Investigate Public Corruption in 2013. Its aim was to investigate politicians and political organizations in New York for violations of state laws regulating elections, campaigns, and political fundraising.

When the commission began to uncover connections to Cuomo, he terminated it in 2014, claiming that his commission wasn't allowed to investigate himself or his administration. His response to critics who saw what he was doing to protect his own interests is classic:

The Moreland Commission was my commission. It's my commission. My subpoena power, my Moreland Commission. I can appoint it, I can disband it. I appoint you. I can un-appoint you tomorrow.

This abject abuse of power caught the attention of the U.S. Attorney for the Southern District of New York, Preet Bharara. A graduate of Harvard University and Columbia Law School, Bharara was appointed to the position by President Obama and unanimously confirmed by the U.S. Senate.

Assuming office in 2009, Bharara laid waste to politicians and Wall Street financiers with little regard to their importance or influence. He successfully prosecuted more than 100 Wall Street executives and reached historic settlements with Citibank (\$7 billion), JPMorgan Chase (\$1.7 billion), and Bank of America (\$1 billion).

When Bharara learned that the Moreland Commission had begun investigating Silver, he picked up the investigation where the commission left off, leading to Silver's conviction.

Also under investigation is one of the other "men in the room," Dean Skelos, for "conspiracy, extortion, and solicitation of bribes," according to the *New York Times*. Skelos and his son are charged with awarding a \$12 million contract to a company that hired his son in return. Bharara's investigators caught Skelos boasting of his power to do in the Senate what Silver had perfected in the Assembly. What about the third man "in the room," Andrew Cuomo? Hours after the Silver conviction was announced, the governor attempted to distance himself from Silver and his now-sullied image:

Today, justice was served. Corruption has been discovered, investigated and prosecuted, and the jury has spoken.

With the allegations proven, it is time for the Legislature to take seriously the need for reform. There will be zero tolerance for the violation of public trust in New York.

Not surprisingly, the politician who took Silver's position when he was arrested back in January, Carl Heastie (pronounced Hasty), found himself right at home in Albany's sea of political corruption. It was



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learned in April that Heastie, in defiance of a judge's order, failed to properly dispose of a house he inherited from his mother when she went to jail for stealing the money she used to buy it. Helene Heastie embezzled nearly \$200,000 from a non-profit, and Carl was ordered to sell it and return the funds. Instead Carl sold his mother's home and kept the money (and the profit, some \$200,000) for himself, using those funds to buy the home in which he lives now.

Silver's conviction is just the start for U.S. Attorney Preet Bharara. He is virtually surrounded by a sea of corruption, swimming with apparently unlimited targets of opportunity. As H.L. Mencken expressed it:

A professional politician is a professionally dishonorable man. In order to get anywhere near high office he has to make so many compromises and submit to so many humiliations that he becomes indistinguishable from a streetwalker.

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