



... where's the fairness?

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We can understand the rush to get a new state budget passed this week. It would send a strong signal that Gov. David Paterson is in command, and that, unlike his combative and often divisive predecessor, Eliot Spitzer, he is able to work constructively with Senate Majority Leader Joseph Bruno and Assembly Speaker Sheldon Silver. But an almost-on-time budget is one thing. It's quite another to rush through a spending plan that is seriously deficient, just for the sake of meeting a deadline. Regrettably, there are signs that this is just what is happening.

Consider what isn't likely to be in the final budget. There will be no pay raise for judges, who haven't had one since 1999. There will be no increase in the basic welfare grant, which hasn't been raised in almost two decades. And there will be no economizing by closing four upstate underused prisons.

None of this makes any sense.

First, the judges. They have been waiting for a raise even as their caseloads increase and their salaries are eaten away by inflation. Yet lawmakers continue to hold judicial pay hostage to a raise for themselves, as a way of softening voter backlash when and if they do increase their own pay. That's indefensible. Unlike state lawmakers, judges work full time and are not allowed to have outside income. Had they been granted modest cost-of-living raises during the last nine years, their average pay of \$136,700 would now be comparable to the \$169,200 paid to their federal counterparts.

The state's chief judge, Judith Kaye, is so disappointed that she is now reluctantly considering a lawsuit. It should never have come to this. Judge Kaye has submitted legislation that would treat judicial salaries separately from legislators' pay. And it would establish a commission to decide on future compensation for both judges and legislators. It's way past time for that proposal to be approved.

Second, the basic welfare grant. It is now \$291 a month for a family of three. That is unconscionably low for a state with a constitution that requires the poor to be adequately cared for. It is true that eligible families receive up to \$426 a month in food stamps, and a housing allowance of about \$300 a month in addition to the basic grant, but the \$291 represents all that a family has left over after basic necessities are met.

Third, prisons. Granted, they provide jobs for upstate communities where jobs are scarce. But if the Legislature continues to keep them open -- in spite of sound evidence that they are not needed -- then there is that much less money to spend on more deserving programs, including a higher welfare grant. And it costs all taxpayers more to keep them open at a time when money is in short supply.

THE LOSERS: Judges who won't get a pay raise. Welfare recipients who won't see a higher basic grant. Taxpayers who must pay for prisons that aren't needed.