

# John Gardner and the Albany Nymphettes

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by Taylor Branch

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In the current era of cynicism and despair about our public morals, it is a rare event indeed when any politician can wrap himself in the cloak of civilized decency without being laughed out of the house. Some people think elected officials are the victims of large historical forces that have reduced all virtue to pretense. Others believe that the spotlight of reform has merely exposed the timeless rascality of politicians. In any case, so many statesmen have been caught playing with their navels that the path of righteousness has been obscured. In New York State the path is widely assumed not to exist. For more than a century New Yorkers have repeated the wry dictum that "neither one's life nor one's property is safe while the New York State Legislature is in session." New York leads the nation in criminal indictments against politi-

cians, and grimy scandals have become a pastime, often no more than a hindrance to a political career. The state capital, mercifully tucked away in upstate Albany, has such a reputation for thievishness that innocent citizens feel a need to explain themselves if they visit the scene.

Last February, a civic revolution appeared to take place in Albany when the State Assembly passed a resolution to "register disapproval of" a lobbyist whose unseemly activities had been recently detailed in the press. The lobbyist, Albert N. Podell, reportedly confessed his tactics in a speech that would have been surprising even if Podell were not the Albany representative of Common Cause, the citizens' lobby for clean politics. Despite a reporter's presence in the audience, Podell had told how he got a female agent to build up a romantic liaison with a staff member in the office of the Assembly Speaker, giving Podell an intelligence "pipeline" into the Speaker's affairs. Podell also said

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that he had used two 15-year-old girls to lobby for liberalized laws governing the sale of contraceptives. He described one of the girls as virginal and the other as tough. The scheme was brilliant—combining the feminine appeal of young girls with the “tough guy-nice guy” persuasive technique that has been popular since the earliest days of espionage and interrogation—but it was not becoming to the ideals of New York State, much less to those of Common Cause. Podell revealed other exploits, but these two were enough to cause shock waves. He became the first person in more than 30 years to be censured by the New York Assembly. Common Cause, in a cloud of embarrassment, fired him summarily. Spectators have been divided over whether to focus on the remarkable moral stance of the Assembly or on the humiliation of Common Cause. As in the Watergate scandal, hope competes with shame, and many lessons and adventures lie deeper in the tale.

### When the Saints Go Marching In

Common Cause was almost fore-ordained to fall into such a scrape, having staked out an identity so close to sainthood that human nature was bound to take revenge. For seven years—ever since John Gardner tried

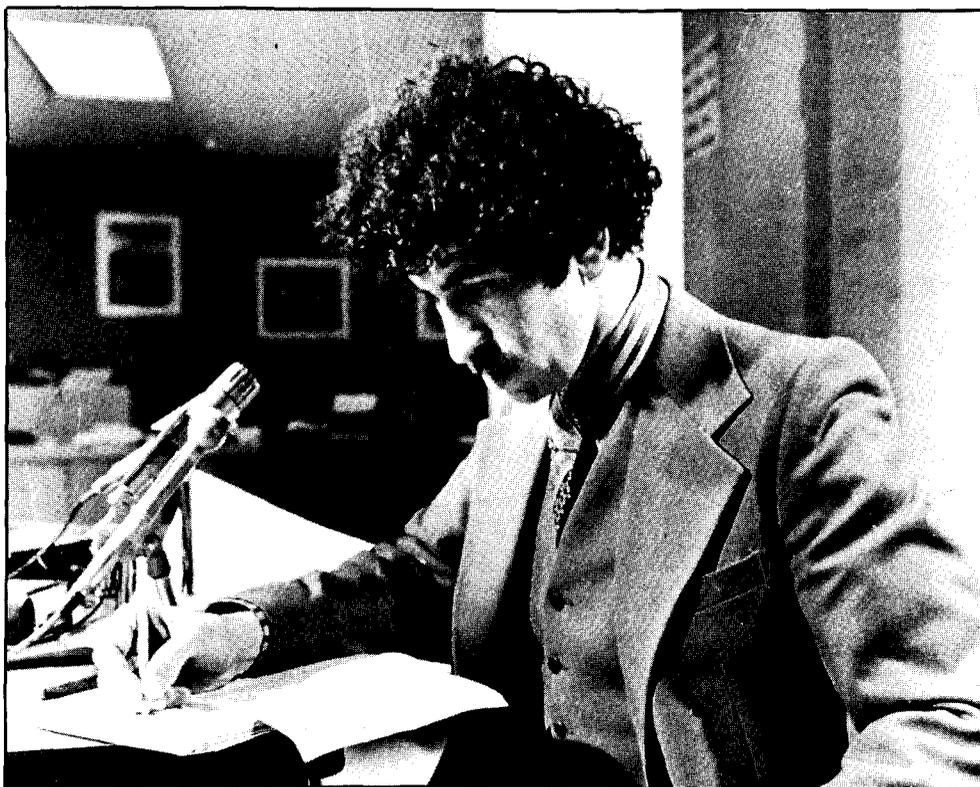
to rally America’s remaining idealism in a single organization—Gardner, the personification and leader of Common Cause, has been associated in the press with two characteristic words: “concerned” and “decent.” He is also earnest, professional, and above reproach. All these qualities drew hundreds of thousands of equally concerned people into the war against “politics as usual,” corruption, secrecy, special interests, and the overall contrariness of “the system.” (“Only an aroused and organized citizenry can revitalize The System and change the nation’s disastrous course,” reads the call to battle.)

Over the years, Common Cause has not been popular with the jaded press, which is always suspicious of groups with a Platonic cast. Reporters have written articles critical of the arm-chair-liberal nature of the membership, which is considered too well-off to be oppressed and too good to be effective. Gardner, unlike Ralph Nader, has never been the target of gumshoe-persecution from corporate moguls, and therefore he has not received the underdog’s sympathy despite the heavy odds against his mission. Instead, some articles have taken Gardner to task for the plush, well-appointed environment he has created as the headquarters for the citizens’ revolution. Common Cause never really captured the public imagination, but it was decent enough to be tolerated with mild criticism and mild expectations—at least before the Podell scandal. Now Common Cause has been deflowered. It may be good for the organization, but operatives both in Washington and in the field must be haunted by the symbolic dangers of the Podell case. John Gardner’s dignified lineaments appear at testimonials and in photographs on millions of flyers and posters. The imagination has only to add a shapely leg, protruding from behind the studious pose, as a deflating reminder of the events in Albany.

The Assembly vote against Podell, 134 to 1, indicates the resounding

Answers to June puzzle:





UPI Photo

Albert Podell

nature of the legislative voice that condemned his corrupt practices, but the vote alone does not show how much the representatives enjoyed the task. Although Common Cause had not dented the State Legislature's operations very much, it had become a thorn to its self-esteem—with reams of propaganda on the venality of politicians, who are always pictured as too old, too dishonest, and too shortsighted for polite company, let alone the affairs of state. Since even the worst of politicians considers himself in the mainstream of democracy, the entire premise of Common Cause was an insult and a source of resentment. Podell offered them an opportunity to fulfill their bitterest fantasies, with the tables spectacularly turned. How quickly they jumped at the chance to denounce a do-gooder for the same vices that Common Cause had long attributed to them. And who could blame them, under these delicious circumstances? Most people feel at least a quick rush of excitement at watch-

ing the moneylenders throw a pretending saint out of the temple.

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### From *Playboy* To . . .

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Albert Podell is the key to all these strange developments, of course. Some say he was personally unsuited to the job of lobbyist for good government, and it is certainly true that he took a circuitous route to the position. After graduating from Cornell University as a government major in 1958, Podell did some graduate work and then moved into the world of magazine journalism, where he served for a time as art director of *Playboy* and *Argosy*. In the mid-1960s, he contracted job claustrophobia and set off around the world on a record-breaking jeep trip. He wrote a book about his travels and then re-entered ordinary life as an advertising executive. Soon he became restless again, and Podell began to do volunteer work for Citizens Union, one of New York's oldest reform lobbies. According to its

executive director, Gary Sperling, Citizens Union wanted to change its rather stodgy image, and Sperling did so by hiring Podell in 1973.

Podell was a whirlwind lobbyist, full of energy and savvy. Even his enemies concede that Podell was unusually articulate and hard working, especially for an advocate of clean government. His legislative friends admired his commitment, but some of them began to question Podell's manners. They winced when he sent out daily memos entitled "The Top Ten Turkeys on Today's Calendar." Some legislators objected that Podell was using threats and strong-arm tactics to push bills. Podell was undaunted and continued to subscribe to the maxim that "the end justifies the means" in battles with the entrenched powers in Albany.

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### ... To Common Cause

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In January 1974 Podell created his first major controversy with Albany's legislative leadership, such as it is, with two sentences which grabbed public attention when they appeared as the lead for a story in the *Albany Times-Union*:

*"Some business-oriented lobbyists are not above taking steps to gratify a legislator's sexual requests in exchange for a vote," says Art [sic] Podell, who lobbies for the Citizens Union.*

*"And there are woman lobbyists who are not above using sexual wiles to accomplish their ends," Podell adds.*

When the furor erupted, Podell took the standard defense and claimed that he had been quoted out of context—he was not making specific charges against the lobbyists and lawmakers, he said, but only noting that their chicken-yard moral character made them capable of almost anything. Not surprisingly, this made things worse. Gary Sperling suspended Podell and demanded a full report. All four legislative leaders from Albany (Republicans Perry Duryea and John Kingston and Democrats Stanley

Steingut and Albert Blumenthal) demanded and obtained audiences with Podell's superiors at Citizens Union. They wanted Sperling to fire Podell. He refused.

Sperling adopted what became Podell's best defensive argument—anyone who draws blood from the Runyonesque mob in Albany must be advancing the cause. No other Citizens Union lobbyist had brought the legislative chiefs howling *en masse* to Sperling's doorstep. Sperling reinstated Podell, but he felt obliged to keep close tabs on his obstreperous employee and grew weary of the pressure. "It was like having a living time bomb around," Sperling told *The New York Times*, so at the end of the session he discharged Podell.

After being dismissed, Podell offered his services to the New York State chapter of Common Cause. Podell stayed on the offensive, challenging Common Cause to prove itself an organization that would not "be intimidated every time Perry Duryea calls up." Common Cause rose to the occasion, and Podell went back to work. "We knew in general what Al's conduct was with Citizens Union," Phoebe Bender, state chairwoman of Common Cause, said after the time bomb went off. Before Podell was hired, she said, "He assured us that he had seen the error of his ways."

As was the case with Citizens Union, Common Cause soon began to receive complaints about Podell's tactics. And as with Citizens Union, Common Cause chalked them up to the backward resistance of legislators who were balking at reforms. Then came the confession.

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### Confessions of a Lobbyist

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On February 11, 1975, the American Society for Public Administration sponsored a panel discussion on the ethical issues involved in lobbying. The panel included Assemblyman K. Daniel Haley (D-St. Lawrence, N.Y.), Gerald L. Conway, a lobbyist for finance and medical groups, and

Albert Podell. Mario Cuomo, the New York Secretary of State, served as moderator. He is responsible for enforcing the state's lobbying laws.

Carol Chady, a reporter for the Albany Knickerbocker News-Union, covered the discussion. When Podell learned that she was present, he asked her not to print his remarks. Chady refused Podell's retroactive request and the story ran that afternoon:

*Confessions of a lobbyist were on the breakfast menu for some 200 members of the Capital District Chapter, American Society for Public Administration. . . .*

*"By certain standards I might be considered one of the most unethical lobbyists in Albany," [Podell] told the gathering. . . . But he said "I think these were things which helped clean up the state."*

*He gave these illustrations:*

*Because it was crucial to know what was going on in the Assembly speaker's office, he spotted a staffer with an eye for women. He said he arranged a meeting with a young woman and a series of dates resulted. "And I had an incredibly good pipeline into the speaker's office," he said. He added that private lobbyists would never use that approach and "I leave it to you whether I went overboard. . . ."*

*In lobbying for a bill to provide contraceptives for persons under 16, he said he "found two 15-year-old young ladies and I trained them as a team to do lobbying." He described one as virginal and the other as tough-talking, and said they succeeded in switching the votes of four legislators.*

*When he learned that Patrick Cunningham of the Bronx, now Democratic State Chairman, was reported to be in Albany, he posed as an Allegheny Airlines ticket agent and called Cunningham's office to ask confirmation that he was in Albany. Next he posed as an aide in Cunningham's office and telephoned the office of former Assembly Speaker Perry Duryea to check the time of a meeting between Cunningham and Duryea.*

*He later questioned Cunningham*

*about the meeting and said the result was "big headlines and the deal was dead" as far as an arrangement on a primary election date. "I felt it was in the public interest. . . but I did tell a couple of lies."*

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### Piety As Usual

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Podell, sensing danger, laid low, as the crisis gripped the New York office of Common Cause, sending waves of anxiety down to the Washington headquarters. Phoebe Bender and her colleagues made a few phone calls to confirm the story and then fired Podell by telephone. Common Cause quickly issued a press release, branding Podell's methods as "totally unacceptable when used by any lobbyist. Common Cause finds them repugnant." Summoning up the standard Common Cause language, the release went on to declare that Podell's tactics were "the tools of those who practice 'politics as usual.' They are not the implements of advocates of open and accountable government." Bender later said that she was "appalled," adding "I wish I could apologize personally to all our 43,000 members in the state."

There is some dispute about whether Common Cause got to Podell before or after the New York Assembly denounced him. Podell claims that Common Cause fired him after the vote, in a pitiful genuflection to the wishes of the corrupt legislators. The true story is unclear, because the race was so close. Within hours after the newspapers hit the stands, Perry Duryea called up his resolution of denunciation on the floor of the Assembly. Feelings were running high.

Duryea had been the longtime Speaker of the Assembly before being reduced to Minority Leader after the Democrats won control in the 1974 elections. Although he was still a man of immense influence in the Assembly, Duryea's qualifications to lead the attack on Podell were open to question, since Duryea had only recently escaped a brush with the law.

He and several cohorts were indicted in December 1973, charged with participation in an old-style vote-siphoning scheme. Duryea never went through the ignominy of trial, because his case was dismissed on grounds that the state election law is unduly vague. *The New York Times* sensed that such vagueness was intentional and self-protective on the part of the Albany legislators, who spent years riddling the law with “obscurities, loopholes, and constitutional flaws. . . .” Nevertheless, Duryea received a hero’s welcome when he returned to the Assembly in triumph over the do-gooders in the prosecutor’s office.

On the day of the Podell resolution, Duryea again rode the crest of legislative sentiment. After distributing copies of the Chady article, he delivered a passionate attack on Podell’s hypocrisy, pausing only to note that no legislator had ever fallen for a Podell trick or become implicated in his intrigues. Duryea concluded his call for censure with a flourish: “We stand for public office, and we take the slings and arrows, whatever they are, and we go before the people and we face the issues. We don’t need this kind of nonsense ever. Two hundred million people in this nation are going to know that Common Cause hired a pimp to represent them in New York State!” He received a standing ovation.

Speaker Stanley Steingut quickly recognized Majority Leader Albert Blumenthal for an equally strong statement. (Both these men have been deeply implicated in press reports regarding New York’s latest big scandal—the nursing home racket, in which a coalition of politicians, gangsters, and entrepreneurs have allegedly robbed old people of health, comfort, and a great deal of cash. They have not been indicted.) By the time Blumenthal finished his speech, several liberal Assembly members were worried that Podell’s civil liberties were about to be trampled, since the Assembly, like Common Cause, was about to take precipitous action

without so much as a hearing or any other opportunity for Podell to defend himself. Democrat Frank Barbaro rose to declare that he felt a “lynch mob atmosphere” on the Assembly floor, and he likened the legislative mood to that in the final chapter of *The Ox-Bow Incident*. Several other members echoed this theme, causing the liberals to caucus among themselves. They managed to gain some satisfaction from a compromise: Duryea’s wording was changed so that the Assembly would “register disapproval of” Podell, and not “censure” him. This measure assured the nearly unanimous vote against Podell.

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### It’s All A Plot

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The following Monday, Podell called a press conference and availed himself of some of the standard defensive techniques for politicians in trouble. (He left a few in reserve for the unlikely event of his indictment and trial.) First, he pictured himself as the victim of a cruel and cynical purge. Duryea, he said, “has had a vendetta against me since the second week I was up here because I have campaigned very strongly against the dictatorial way he ran the Assembly.” Second, he described his controversial activities as part of his campaign for the public interest. The leaders of the Assembly, he said, “don’t like the idea that there’s somebody running around trying to rock the boat.” Third, he threatened to file a slander suit against Duryea, challenging the Minority Leader to call him a “pimp” off the Assembly floor, “where he is not hiding behind the cowardly cloak of legislative immunity. That bastard will not do that.” Fourth, he explained that he had not meant what he said in the speech—the girls, the lies, and so forth—but had made up the stories for heuristic purposes to further the discussion of lobbying ethics. He was trying to teach the citizens, he said, in the tradition of John Gardner. Finally, Podell pulled out his strongest

argument—that his behavior was no worse than most lobbyists'. Noting his unique position in Assembly infamy, he declared, "I am not the worst person who has ever been up here in 30 years."

Here Podell was unquestionably on solid ground. In one recent newspaper series alone—the one in which Podell had been quoted—reporters detailed the scurrilous activities of many lobbyists, some in and out of jail, others who should be in jail. One operative for the banking industry was reported to have said, "I don't buy legislators dinners. I buy legislators." A man from the liquor industry offered a similar comment. None of these lobbyists was subjected to the wrath of the Assembly; they run in the pack. On the other hand, none of these lobbyists makes public speeches about his devilry or leads a crusade against the rottenness of the system.

Podell's reasons for committing political suicide on a soapbox are still a mystery. His ego is considered fulsome, and several observers say he needed to show that he really knew where the bodies were buried and how to operate in the back room. His friends have compared him to the frontier preacher who reluctantly put on a six-gun to drive out the reprobates and sinners. Others say he is a man grown sick of bland virtue, needing a charge from the nether-world of power—something like the academic economist who feels weak until he can use his theories to mine gold in the stock market.

No one really knows about Podell. But there is a slim possibility that he may have outfoxed the creatures in the legislature—using himself as bait to make them pontificate so virtuously against corrupt lobbying that they will have to pass Common Cause's model lobbying law. In that case, Common Cause would have the best of both worlds—ruthlessness and idealism—and might become as legendary as the CIA. And Albert Podell might smile over these things on his next jeep trip around the world. ■

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# Tidbits

## Nice Work, Ben!

We are sure readers will join us in sending congratulations to Ben Bradlee, the executive editor of *The Washington Post*, on the brisk sales of his new book, *Conversations with Kennedy*. Things got off on the right foot early this year, when *Newsweek*, which is, coincidentally, owned by the *Post*, devoted a full page of its National section to an enthusiastic preview of the book. In April, all of Bradlee's subordinates at the *Post* were invited to a reception and given a chance to buy the boss' book (at a \$3.05 discount, as reported by the *Washington Star*). Then, in May, excerpts from the book were published every day for a week on the front page of the paper's Style section, an unusual gesture from a newspaper that virtually never serializes books. It was the kind of promotional break every author dreams of getting, and it has paid off; when Bradlee sold the paperback rights to the book, they went for half a million dollars.

Now reporters on the paper, who have for the last few years been pushed to the far extremes of investigative reporting by the Woodward-Bernstein model of the way to get ahead, must ponder the example of their boss, who, by releasing his memoirs of being too close to a politician, has made as much money as his reporters will in 20 years.

## The Assembly Line

While ordinarily sympathetic to the conservative viewpoint that the victims of crime deserve more protection than the criminals, we were dismayed by a recent report from the D.C. Superior Court. During a one-year period, a total of 11 attorneys were appointed by the court to handle 657 felony cases and 636 misdemeanors for indigent clients. The judges of the Superior Court, many of whom are Nixon appointees with a prosecutorial bias, know that by swamping the attorneys with a grotesque overload of cases, they will encourage guilty pleas and prevent difficult briefs from being filed.

## The Founder Would Be Proud

Amid tough competition, *Time* magazine has emerged as an easy winner of the "Remember the Maine" award for its coverage of the Mayaguez affair. First of all was Hugh Sidey's now-legendary column, which set the proper tone of masculinity-proved-through-victory with comments like "House Speaker Carl Albert, five feet five inches tall, seemed at least five feet eight inches tall as he pondered American prestige on the White House steps," and "The *Mayaguez* and the crew were ours again. So was a dollop of pride. The message was ringing around the world. The admirals and generals lifted their heads a little higher."

Enlarging on its thesis that the world was awed by American determination, *Time* quoted a newspaper called the *Bangkok World* as a barometer of Thai opinion, without bothering to mention that the paper is the English-speaking journal in Thailand and represents official Thai viewpoints about as well as the *International Herald Tribune* speaks for France. In a special footnote, *Time* reminded its readers that the crew members of another captured American ship, the *Pueblo*, had been "savagely tortured" and "forced to sign false confessions that they had been spying for the CIA," without making clear that the *Pueblo* actually was a floating espionage system and had come close to the North Korean shore.

Finally, in a touch that suggested that Henry Luce was writing from on high, *Time* said that a group of Marines was "disappointed" when, rifles at the ready, they climbed aboard the *Mayaguez* and found that the sneaky Cambodians had disappeared only moments before. The only sort of "disappointment" this calls to mind is that of John Wayne in the movie *The Green Berets*, reassuring his squad that although the gooks slipped away from them today, they'll have a chance to blow them apart tomorrow.