

## East Side Incumbent Faces Challenge from Unions and the GOP

by Ethan Taylor

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Photo by [Yusuf C.](#) Education has dominated much of the discussion in the 73rd Assembly District where a longtime teacher is challenging incumbent Jonathan Bing. For his part, Bing says he helped get funding for a new home for P.S. 59 (above).

While many of his colleagues have at most token opposition this year, [Jonathan Bing](#) has to clear two major hurdles to return to the State Assembly and represent the 73rd district in Midtown East for another term.

First he faces a stiff primary challenge from [Gregg Lundahl](#), who has strong backing from the teachers union. Lundahl's candidacy springs largely from Bing's sponsorship of a measure that would have ended the requirement that teacher layoffs be based solely on seniority -- the last in, first out system, some call it.



If he survives that, Bing will then confront Republican [Paul Niehaus](#), a corporate attorney, in November. While all the East Side's current representatives -- in Washington, Albany and City

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Council -- are Democrats, until recently the area quite often turned up in the GOP column. Even now, about half the district's residents are Republican.

The two challengers, Lundahl and Niehaus, charge that elected officials in Albany, including Bing, simply are not doing their jobs. Both have expressed concern about the New York economy as well as the predicted state budget deficit in upcoming fiscal years. Lundahl has emphasized the need to encourage businesses in the city, while Niehaus outlined his plan to fix the New York State budget while decreasing taxes.

In response, Bing points to a number of accomplishments including his successful effort to pass comprehensive divorce reform legislation that allows for [no-fault divorces](#) and his backing for a new [building for P.S. 59](#) on East 57th Street.

While all the candidates have some key support and have managed to raise thousands of dollars, Bing has the most money -- with \$452,681 on hand as of his filing last month.

### Bing vs. the Teachers

In the primary, the key issue has been the teacher layoff legislation introduced by Bing [in the Assembly](#) and State Sen. Ruben Diaz [in the Senate](#). The bill did not pass, but the seniority issue captured attention earlier this year when the city feared it would have to [lay off thousands](#) of teachers and when Schools Chancellor Joel Klein took every opportunity to say that seniority-based layoffs [would tie his hands](#) and damage the school system.

Since then, the department managed to [avoid layoffs](#) by freezing teacher' salaries and not filling some vacant positions. But the fight over the seniority issue -- and the bitterness it provided -- remains.

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The "Keep Effective and Excellent Professionals in the Classroom Act" would have given committees comprised of principals and parents a role in deciding which teachers would be laid off. The legislation, supported by the Bloomberg administration, seeks to consider job performance during the layoff process.

Union leaders portrayed the Bing-Diaz bill as an attack on teachers. AFL-CIO President Denis Hughes [told](#) the East Side publication Our Town, "Jonathan Bing has attempted to strip away the seniority rights of workers who have dedicated the majority of their lives to a chosen line of work." Some charged that, if the bill passed, the city would almost certainly fire more senior teachers since they make more than their colleague with less experience.

In reaction to the controversy, the unions decided to back Lundahl, who has worked for 20 years as a teacher and a local [United Federation of Teachers](#) representative at Washington Irving High School.

Bing denies his measure is an attack on the idea of seniority. "Seniority is specifically mentioned as a factor in the process," he said. He also said local chapters of the [American Federation of Teachers](#), of which the city's United Federation of Teachers is a part, [supported similar legislation](#) in other states such as Colorado.



Jonathan Bing

"As a matter of substance," said Republican candidate Niehaus, "I believe the bill was going down the right path. I supported the legislation as far as it went, but I think the problem lay in Bing's failure to stand by it." After introducing the bill and encountering stiff union-based resistance, Niehaus charged, Bing "promptly ran away from it."

Lundahl chose not to comment specifically on the bill, instead addressing the broader issues. "We don't believe at this point in time, particularly with the lower test scores in the state, that pointing the finger at professionals [in education] and targeting them for budget cuts is really the way to go," he said.

### Derailed by the Subway

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Transportation also has become an important issue in the district

With construction of the Second Avenue Subway, businesses along the East Side have seen their revenues drop. To address this, Bing has supported a number of bills. One would have [provided economic grants](#) to business owners who are losing money because of the project. The bill passed both houses of the legislature in 2008, but the governor vetoed it.

Bing also sponsored a [bill](#) that would give business owners property tax abatements to compensate them for decreased property values. This measure has not passed.

Despite these efforts, Niehaus said that Bing "hasn't done nearly enough" to help his constituents deal with the effects of the subway construction. "The state and the city give millions of dollars in tax breaks to big companies who threaten to leave, but they have not given enough tax breaks to those smaller businesses being affected by the construction," Niehaus said.



Gregg Lundahl with Michael Mulgrew of the teachers union.

Niehaus said that, if elected, he would introduce legislation to reduce the business owners' income and corporate taxes. "The answer is not handouts," said the candidate, "the answer is to reduce the taxes."

On another transportation issue, Bing sponsored [legislation](#) allowing the city to install cameras on buses to help enforce traffic violations in bus. The bill, which passed, "will allow buses to move faster and will be a benefit for the environment," Bing said.

Lundahl, however, fears the cameras will foster "a big brother mentality."

### Jobs and Taxes

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With projected state budget deficits looming and a slow state economic recovery, the candidates have staked out different position on what Albany should do.

Lundahl has suggested investing in clean energy to employ people and ensure that businesses "are engaged in sustainable economics." He said he would focus on creating business opportunities in the state and will go on a "listening tour with businesses to figure out ways to get businesses to move into the city."

Niehaus, who has worked as a litigator in business-related matters, believes the state will force people and businesses to move away if it raises taxes. "We have to get the economy back on its feet, but we have faced continuing governmental growth, continuing high taxes, and continuing disruption of the economy," he said.

Niehaus advocates increasing tax revenue by helping the economy to grow. "The way to do it," he said, "is not to increase the taxes on those who can leave. Take smaller bites out of a larger pie."



Paul Niehaus

To reduce state spending, the Republican candidate hopes to prevent additional employees from entering the state's pension system, in which, he said, employees receive far more in benefits than their counterparts in the private sector. He wants to change the contract to lower the benefits. With less money going into the state pension fund, Niehaus believes, the state will not have to tax as much.

Bing offers a sharply different prescription, calling for increased taxes on the wealthiest New Yorkers. "We should continue doing targeted tax breaks," he said. "We need to move toward a more progressive tax structure without having high-income individuals flee the state."

As to their own finances, Bing has a healthy lead in the money race. As of his [32-day pre primary report](#)

he had some \$452,000 on hand. Lundahl has already filed his

[11-day pre primary report](#)

, which showed he had \$34,374. Niehaus'

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### July report

-- his most recent -- showed him with \$38,124 in his campaign coffers. Although Lundahl lags in fundraising, he has received support from the United Federation of Teachers, the AFL-CIO and the Working Families Party. Bing has received backing from the SEIU 32BJ building workers union and several women's and gay groups, Mayor Michael Bloomberg has also

### announced

his support for the candidate.