



Candidate Questionnaire
Local Candidates Committee
NYS Elections 2018

Citizens Union appreciates your response to the following questionnaire related to policy issues facing New York State, and our interest in reforming state government. **Please return the questionnaire to us as soon as possible, and no later than July 13th.** Responses to these questions will be one of several factors Citizens Union uses to evaluate candidates running for Attorney General of New York State, and to issue our preference for the Primary and endorsement for the General Election. Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.

If you seek our support, we will also need to schedule an interview with you as part of the evaluation process. **Please contact us if you wish to be interviewed.**

We plan to make responses to this questionnaire public on our website, printed voters directory, and other appropriate venues.

We thank you very much for your response.

Biographical Information

Candidate Name: MICHAEL H. SUSSMAN
Party Affiliation(s): Green Party (switched 5/18) Age: 67
Education: Harvard Law School '78, Amherst College '75 University of Chicago 1971-72
Office Sought/District: NY State Attorney General
Occupation/Employer: Attorney

Previous Offices, Campaigns and Community/Civic Involvement: Town Council member, Town of Chester 1990-1993
Democratic Party Candidate for Orange County Executive 2001, founder Democratic Alliance 2002
Founder & Sponsor Empowering Alleenville, Empowering Fort Jervis, Empowering Liberty, CHESTER-NEWBURGH
(Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.) Community Action Committee 2002-11

Campaign Contact Information

Campaign Manager Name: Lois Young, Communications Director Additional Staff Contact: Geri Prosser
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Website: Elect Sussman - NYAG 2018.com Email: info@sussmanforag.com
Twitter: _____ Facebook: MICHAEL SUSSMAN for AG NY General

I. AFFIRMATIONS

Have you completed required campaign finance filings? YES / NO
Are you willing to be interviewed by CU's Local Candidates Committee? YES / NO

(Please note: interviews are prerequisites for Citizens Union endorsements.)

Signature of Candidate:

Date: 7/13/18

These are the responses by Michael H. Sussman, Esq. to the Citizen Union questions. I have typed them to make them more legible!

1. **Top Priorities**

1. Public corruption, including the disgraceful failure of the legislature and Governor to pass strong campaign finance reform governing state and local elections
2. Illegal conduct by state agencies, violating civil rights and the knee-jerk defense by AG's office
3. Failure of state government to protect public health and safety and enforce environmental laws
4. Protecting immigrant rights
5. Defending abortion rights and the rights of LBTBQ plus in a time of likely challenge to the increased civil rights properly accorded such persons during the last 15 years;
5. Enforcing state laws regulating charities
6. Supporting the right of New Yorkers to propose binding initiatives and expanded referenda on important public and private sector projects
7. Simply and alter election laws to increase political competition
8. Increasing efforts to fight racial and religious segregation in our state, its schools and neighborhoods.

2. **Addressing fraud and misconduct and the need for greater responsibility for AG's office**

I view both political parties as jointly owning the profound issue of fraud and public misconduct of elected and appointed officials. I see neither party able to move on this issue because both are so deeply implicated and believe only an Independent AG, who is NOT

beholden to the power of either organized party can deal with this effectively.

Pay for play is rampant in NY. Effective extirpation of corruption begins with the recognition that public financing must replace the current supplicant status of elected officials. If people must raise money to win elections, may well resort to pay for play, rewarding their sponsors. Indeed, one could well argue that this is logical behavior in such a context. So, I have drafted legislation to promote and will fight for campaign finance reform. I would ban contributions by LLC or PLLCs unless the identity of the sponsors was publicly disclosed.

From a law enforcement perspective, I would augment the public integrity unit in the AG's office and seek clear legislative authority to criminally prosecute those who corrupt their offices. I do not believe this type of prosecution should be left to county District Attorneys who are too often beholden to the very same political pressures as I note above. I also do not believe NY State should rely on the US Attorneys' Office to monitor and superintendent our elected and appointed officials. Nearly every major prosecution of a state elected official has been done by one of the US Attorney's Offices. We need our own prosecutions of our own corrupt officials.

3. Election and Campaign Finance Laws

The AG's Office should be the principal enforcer of these laws in our State. But, the laws have to be radically strengthened and an entire new system of financing elections introduced here. My draft legislation suggests one way.

The State Board of Elections must work closely with the AG's office in extirpating voter fraud [as occurred recent in Blooming-burg, Sullivan County] and the AG's office should have its own "Election Fraud" unit to superintendent state elections. We have had too much fraud in Kiryas Joel [Orange County] and I am concerned

that voter purge laws not be directed at poor or minority communities.

The Attorney General must propose the massive simplification of our laws for qualifying political candidates. NY has more barriers to entry than most other states and we have made the process of seeking election too cumbersome, discouraging good people from seeking office.

4. **Role of money in campaigns**

My draft legislation proposes public matching campaign funds for a plethora of state and county offices and I strongly support this. We need elections to be for those with qualifications, not merely deep pockets.

I have limited contributions to my campaign to \$118/person which is much less than current limits and I take and will take no corporate monies.

5. **Conflict of interest**

Of course and I will take no such funds. Individuals can contribute limitedly to my campaign, but not corporate interests. Campaigns should be shorter and publically-regulated media should be required to provide equal time to all candidates who qualify for public funding.

6. **Financial industry-Wall Street**

The Attorney General's office should enforce all state laws equally but should focus on the abuse of power by the already powerful, both because doing so is right and because doing so boosts public confidence and belief that the law does apply to all. Any other regime leads to cynicism, well deserved, about our very unequal legal system and builds profound disrespect for the rule of law.

With that philosophy, I am particularly concerned that like in other critical areas of American life, our current national administration sides with the wealthy and powerful, including the Wall Street crowd, is attempting to minimize critical regulations on the banking and finance industry and cannot be expected to aggressively enforce federal laws intended to control predatory lending practices.

I am also deeply concerned about federal rollbacks in regulations ensuring equality of access to credit by minority group lenders. I strongly believe NY chartered banks should engage in substantial community re-investment and should lend a high percentage of available capital, including local start-ups.

7. **Harmful federal actions**

Our state has standing to challenge deleterious rollbacks to safety, health and environmental regulations and, upon concluding that these roll backs lack empirical support and are arbitrary, capricious and influenced by cozy relationships with corporate sponsors, I would file suit to enjoin them.

Collectively, my opponents have no federal court experience; I have litigated 1000 federal cases around the state, often against the AG's office, and handled hundreds of appeals. None can come close to matching my record and I find their pledges to litigate critical cases against the national administration almost comical.

New York also has a profound interest in encouraging the protection of affirmative action, minority set-side programs and, of course, immigrants from unduly punitive and unconstitutional federal action. Our office will aggressively intervene in already filed actions and initiate our own when these interests are implicated. We will also file amicus briefs in support of progressive positions on a broad range of issues dealing with privacy, women's rights and the rights of LBTBQ plus people.

8. Organizational changes

As earlier noted, I have litigated major cases against the State, from challenging school and housing segregation abetted by state agencies in Yonkers to the discriminatory battery exam which limited promotions of racial minorities through a myriad of state agencies to numerous whistleblowing and discrimination cases. I know this office, I know its reluctance to early settle cases and to admit that state agencies have violated the law. In Yonkers, my efforts led to a \$300,000,000 settlement against the State paid between 2002-2007 and the commitment of millions of state dollars to integrating housing patterns in the state's 4th largest City. My work led directly to the elimination of the battery test and payment to 4,700 plaintiffs of \$45,000,000. No other candidate has achieved what I have achieved, but these accomplishments are only the beginning.

Organizationally, we have to stop defending the indefensible, whether punitive solitary confinement, blatant abuse of our disabled population housed in homes operated by state agencies and on and on.

My office will start a unit to evaluate every single case brought against a state agency to determine whether the challenged conduct violated the law. I will make that call and if I believe it did, I will NOT defend the State agency. I believe in restorative justice and settlement through mediation and, rather than the arrogant attitude AAGs now routinely project, AAGS I employ will embody these values and try to make real victims whole, quickly. I am not interested in wasting social and judicial resources where State agencies have erred.

I will also organize an internal unit to work to improve every state agency, to insure all understand legal dictates and follow them. This includes the Governor, who must operate within the rule of law and often has not.

Finally, I will ensure a much stronger affirmative litigation effort enforcing our state's laws against environmental degradation, whether through dumping activities, and our laws against homeowner associations which discriminate on the basis of race or creed.

9. **Balance between agency lawyer and peoples' lawyer**

I believe strongly in an Independent Attorney General committed to enforcing our state's laws, whether against state agencies or private entities or local/county governments which violate them.

Where state agencies are improvidently sued, they deserve and will receive a defense, again calculated to quickly resolve frivolous suits. However, where they have erred and violated rights, I view my role as standing up to them and telling them so, not cowering before any of them.

Only in this manner will the state set the kind of example it needs to.

And, this applies not merely to substantive legal principles; it applies to transparency in government, which is why I strongly support increased opportunities of referendum and initiative in our state and take a very skeptical view of local bodies which govern behind closed doors.

10. **How to address key social issues**

1. Increasing school segregation in state which violates our laws and consigns many children to inferior schools. I would address this by coordinating strong enforcement efforts with Commissioner of Education and Regents and challenging district lines which have been created to segregate and separate.

2. Increasing balkanization of communities into religious enclaves – I would challenge these as violative of First Amendment –

consigning state authority to theocracies is wrong and antithetical to the separate of church and state we must preserve.

3. Pay inequity and violations of wage statutes which continue to consign many too with little power to fight back. I would create legal clinics around the state staffed with Assistant Attorney Generals and have them reach out to those suffering from wage inequity so they can gain redress.

4. Opioid addiction is a profound issue throughout the state and only through aggressive public education will this be restrained. The State AG should work with local law enforcement particularly on the public education piece.

5. Increasing inter-group hostility spiked by the hateful national administration. I view this as a major social issue in our state and will have a constant outreach personally to address these issues and to insure that New Yorkers know this DOES NOT reflect the views of our elected officials.

11. Specific Legislative priorities

1. Campaign finance reform which is at the heart of much of what we need do to reclaim government and public confidence.

2. Greater oversight and reporting requirements for Industrial Development Agencies [IDAs] which raise substantial sums in public bonding, distribute the same without proper accountability and monitoring.

3. Much stronger SEQR law which ensures greater role for DEC in oversight and review of major projects like CPV or Legoland or others with regional impact. Such proposals should not local Planning Boards as lead agency and legislation should insure much more rigorous substantive review of cumulative impacts and ensure court review of the substance of approvals.

4. Legislation allowing a longer statute of limitations [to 3 years] for violations of state human rights laws and award of punitive damages and attorneys' fees in all such cases where legal standard for the same are met.
5. Legislation allowing initiative and referendum in New York
6. Legislation expediting provision of special education services for classified students and far more streamlined process for determining appropriate services, program, placement for such classified children.
7. Legislation transferring jurisdiction of all cases involving excessive police force from local DAs to Attorney General. This should occur not merely in cases of homicide, as I advocated for in DJ Henry case, but more broadly.
8. Legislation recognizing person's right to privacy in New York and allowing for compensatory damages for violations of right to privacy.
9. Legislation changing "at will" nature of employment in New York and requiring for cause terminations for employees who have kept a job for more than one year.

~~M~~ 7/13/8