



## 2010 QUESTIONNAIRE FOR CANDIDATES FOR THE OFFICE OF ATTORNEY GENERAL

Citizens Union would appreciate your responses to the following questions related to policy issues facing the State of New York and our interest in reforming how state government operates. Responses to these questions will be one of several factors Citizens Union will use to evaluate candidates running for office in order to determine our "Preferred Candidates" for the primary election and "Endorsed Candidates" for the general election.

We plan to make public your responses to this questionnaire in our Voters Directory and in other appropriate venues.

We thank you very much for your response.

Candidate Name: Eric Schneiderman      Age: 55

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Education: Amherst College, Amherst, MA & Harvard Law School, Boston, MA

Occupation/Employer (or years in currently held elected office): New York State Senator since 1998

Previous Offices and Campaigns: None

Are you willing to be interviewed by CU's Local Candidates Committee?      YES   X        NO

*(Please note: Citizens Union can grant its "Preferred Candidate" and "Endorsed Candidate" rating only to candidates we have interviewed.)*

Have you completed requisite campaign finance filings?      YES   X        NO   

Signature of Candidate:       Date:   July 30, 2010

## POLICY ISSUES

### *1. What would be your top priorities if elected to the Office of Attorney General?*

I strongly believe that it is the responsibility of the next Attorney General to restore the public's confidence in our state's large public and private institutions. As such, my office will treat as top priorities; 1) restoring public integrity, 2) policing the private sector to promote consumer fairness, keep Wall Street honest, and keep New Yorkers healthy, and 3) using the real powers and the bully-pulpit of the Attorney General's office to promote a more fair, smart-on-crime criminal justice system.

**The first issue that my office will focus on is public integrity.** As a lifelong progressive Democrat, I believe that if you have faith in the public sector, you must be among the harshest critics of corruption, waste, and fraud in government. That is why, as Attorney General, I will combat the corrosiveness of corruption and instill transparency, honesty and accountability in the public sector in order to give New Yorkers the government they deserve. As a lawmaker, I led the first effort in history to expel a sitting senator and reformed little-known legislative rules that had quietly and effectively undermined democracy for decades. As Attorney General, I will use the powerful tools of the office to take on corruption across the state. I will:

- Launch a series of new initiatives. I will use long-standing AG powers to investigate businesses that corrupt or conspire with public officials; dramatically expand the use of the 2007 state false claims act, a powerful whistleblower law that supported and later strengthened as a lawmaker; put a public integrity officer in each of the Attorney General's regional offices; assign prosecutors who are public integrity specialists to assist in prosecutions by district attorneys; and expand Attorney General Cuomo's "Project Sunlight."
- Request that the Governor use *existing law* to grant the Attorney General universal authority to investigate and prosecute political corruption cases under Executive Law sections 63(3) and 63(8). I will work to have this grant of authority written permanently into law.
- Fight for broad legislative reform, including: strengthening notoriously weak ethics and campaign finance laws; providing full public financing for campaigns; mandating fair and impartial redistricting; removing sole control of pension investments from the Comptroller; and mandating automatic expulsion from the legislature upon a misdemeanor conviction for domestic violence.

**The second priority of my office will be to police the private sector to make sure all of New York's industries play by the same set of rules as its citizens.** Examples of my plan to do that include my agenda in the areas of consumer fraud, Wall Street enforcement, and health care. Specifically:

#### Consumer Protection

Protecting consumers has been a core function of the Attorney General since the days of Louis Lefkowitz. I will:

- Assure that the skills and technology of the Bureau stay ahead of those seeking to exploit consumers as the economy becomes more digitally based, and the volume of online consumer transactions continues to increase.

- Focus on frauds that spawn in hard economic times, such as those who unfairly market loans or falsely promise to solve credit problems or avoid pending mortgage defaults.
- Create a new enforcement team dedicated to enforcing rules to be promulgated by the new federal consumer agency, rules designed by Congress to give state Attorneys General more enforcement authority. I will join with other Attorneys General to urge the new federal agency to promulgate rules with real teeth.

### Wall Street

New York is the financial capital of the world, and the New York Attorney General is a lynchpin in our national system of securities regulation. Time and time again, the Attorney General's office has been in the forefront nationally, and even internationally, in uncovering illegal or unethical practices and using the power of New York State laws to reform markets.

Ensuring an honest securities industry is necessary for New York's economy. The securities industry is one of the state's largest employers. Keeping it here requires a strong and predictable regulatory regime that assures investors that the markets are fair and that the playing field is level. I will continue in the Spitzer-Cuomo tradition of hiring tough, experienced experts to fairly enforce the law. I will:

- Use the powerful Martin Act forcefully. The Martin Act is the most effective securities regulation law ever written, and it has been used intensively over the last decade during a period of federal enforcement abdication. Today, after repeated regulatory failures, the federal government is completely remaking its enforcement apparatus, promulgating new rules, new responsibilities, and even creating entirely new agencies. It is particularly important that New York be vigilant and fight for progressive reform during this uncertain, transitional time.
- Work for federal regulations that will assist state investigations. As part of the federal reform, agencies are writing regulations that will be crucial both to state and federal securities enforcement. Among the most important will be the forthcoming rules that will define who in the security industry owes a "fiduciary duty" to investors. Strong federal rules on this subject can supercharge state Martin Act investigations, and I will participate in the rulemaking process to obtain the strongest possible protections for New Yorkers.
- Advocate for allowing private institutional investors to sue under the Martin Act. Pension funds cheated by Bernie Madoff currently have no private remedy under the Martin Act. I believe that they should, and will work to amend the law to give them their day in court.
- Create a commission of industry experts, academics, and regulators to make recommendations on how to keep New York the financial capital of the world.

### Health Care

The enactment of the federal health care reforms creates an environment where New Yorkers will be particularly vulnerable to fraud and abuse during the period of transition. My Health Care Bureau will prevent unethical insurers and providers from hurting patients (and unlawfully increasing corporate profits) either by skimming on care or cheating on fees. I will:

- Fight health care industry abuses, including by: preventing insurers from cheating on the percentage of money that the law requires them to spend on patient care (under a new law that Eric fought for); investigating unscrupulous brokers who market unnecessary plans to

consumers, and especially the elderly; and investigating whether HMOs are interfering with the doctor-patient privilege.

- Prosecuting fraud and patient abuse in the Medicaid system, and fully realizing the extraordinary power of the False Claims Act in recovering monies and penalties from those who cheat. As a lawmaker, I have worked to strengthen the statute even more.
- Investigate disparities in health care treatment and outcome due to race, ethnicity, and economic status.
- Use the stature of the Attorney General's Office to advocate for patients as the details of health care reform implementation are being crafted.

**Lastly, I will implement my smart-on-crime agenda to keep our communities safe, while transforming New York's criminal justice system.** Since starting my career as a young Deputy Sheriff, when I pioneered drug and alcohol treatment for offenders, I have worked to make our streets safer and to improve the way the criminal justice system works. As a litigator and as a lawmaker, I have battled gun violence, and human trafficking of young men and women. I have worked tirelessly to make the system more fair, from drafting and obtaining passage of the Rockefeller Drug Law Reforms, to forbidding police departments to retain electronic stop-and-frisk databases on law abiding New Yorkers, to working to prevent the tragedy of wrongful convictions.

I know that the Attorney General is not the 63rd District Attorney, and I will not pretend to be a roving super-prosecutor. Instead, the Attorney General is a powerful prosecutorial specialist in carefully defined areas. So as Attorney General, I will:

- Use the Office's Organized Crime Task Force ("OCTF") to lead an "I-95 Anti-Gun Smuggling Coalition" to make multi-county and multi-state cases and share intelligence across state and county lines about gangs smuggling guns.
- Deploy OCTF not only to investigate and prosecute (with a section 70-a referral) those who force women into the commercial sex industry, but, more importantly, to serve one of its historic functions by studying the problem in depth and crafting investigative "best practices" to be exported to District Attorneys around the state. Since 2007, New York has the best human trafficking law in the country, but it has rarely been used.
- Create an Actual Innocence Unit within the Criminal Division of the Attorney General's Office made of experienced prosecutors, defense lawyers, and detectives. The unit will have a simple task: find out the truth when there are allegations of actual innocence, and let the chips fall where they may. It is not the job of a prosecutor to win at all costs, but to assure that justice is done.
- Continue the Cuomo program and prevent the sexual exploitation of children by using the Attorney General's powers to shut down Internet sites and user groups that pedophiles use as secret places to buy, sell or trade child pornography. Require social networking sites and interactive videogame networks to expel registered sex offenders.
- Use the bully pulpit of the Attorney General's Office to work for the statewide adoption of "best practices" in the criminal justice system, such as sequential line-ups and post-conviction DNA testing.

**2. *How would your approach to the position and priorities while in office differ or resemble that of your predecessor?***

When I am Attorney General, I intend to continue much of the good work that is being done by the current Attorney General, but I will also make my own mark.

As I have stated above, I will focus heavily on restoring public integrity to our state's government. Again, I believe that if you have faith in the public sector, you must be among the harshest critics of corruption, waste, and fraud in government. I will also increase the use of the office of Attorney General as a bully-pulpit for progressive criminal justice policies, in New York and nationally.

In other areas, I will have new tools that the current Attorney General has not had in his toolbox, changing the way my office will be able to pursue investigations, suits and prosecutions. For example, I will aggressively use the newly expanded False Claims Act, which I passed through the legislature last month is expected to be signed by the Governor in the coming weeks, to root out fraud and recover money for the public. While the previous two Attorneys General have been extremely successful in prosecuting fraud and patient abuse in the Medicaid system, this newly expanded law would increase the ability of the Attorney General's office to recover monies and penalties from those who cheat the Medicaid system, and now from other types of government contractors who defraud taxpayers.

There are also a number of new state and federal reforms that New York's next Attorney General must play a key role in enforcing (or a minimum, play a key role in safeguarding New Yorkers as these new laws are implemented and new rules promulgated by federal agencies.) Those include the new federal health care reforms and other state-level health care laws passed this year. In particular, it will be incumbent upon the Attorney General to ensure that new laws forcing insurance companies to spend a higher percentage of revenues on patient care are followed, and to advocate for New Yorkers as the statewide health care exchange is established here in New York. In the wake of the passage of the new federal financial regulations, which I have publicly praised, it will be critical that New York's Attorney General continues to use the Martin Act forcefully while Washington, D.C. recalibrates its strategy. New federal laws will result in the slow promulgation of new federal regulations, leaving New York's Attorney General to continuing filling in the gap while things are in flux.

Times are constantly changing. And if I am New York's state's next Attorney General, my office will keep up. I will go after the types of consumer frauds that are perpetrated on New Yorkers in hard economic times like these, including mortgage fraud and other types of credit fraud. I will also ensure that enforcement keeps pace with changing technologies.

**3. *What are your thoughts on striking the appropriate balance between the attorney general's role as the lawyer representing the state's officials, and as an independently elected government official?***

I believe when you have faith in the public sector, you must also be among the harshest critics of corruption, waste, and fraud in government. That is why, as Attorney General, I believe I can be both the State's top attorney and combat the corrosiveness of corruption as an independently elected government official. As a member of the state senate, I have effectively established my independence and fought for

reform, even when it was unpopular with other members of the senate, including members of my own party.

Most recently, as the leader of the commission that investigated and recommended the expulsion of Hiram Monserrate from the Senate, I demonstrated my ability to pursue justice independently.

Further, I have stood up against the leaders of my own party in the senate and against the corrupt Republican machine that controlled the senate for decades. I challenged them on issues of abortion rights, illegal guns, economic justice, public integrity, and rules reform. And I suffered for it. The Republicans stopped delivering supplies to my office and drew me into a largely Latino senate district when it came time for redistricting. In fact, Governor Paterson recently sited my district as the worst example of politically motivated redistricting that he had ever seen.

But I learned to campaign in Spanish and didn't give up the fight. I have continued to push for ethics reform and increased accountability and transparency for public officials and the public sector. And now that I am in the majority party, and have stood to benefit from my party's control over redistricting, i continue to support independent redistricting.

The situations that have emerged with our last two governors—and the Attorney General's role in investigating them—have demonstrated the importance of having an independent Attorney General. There is no person in this race who has better proven their ability to be independent and their commitment to stand up against corruption--no matter the consequences--than I have.

***4. If elected, how would you leverage the Office of the Attorney General to protect the public from fraud and/or the misuse of taxpayer funds in the public or private sector?***

The Attorney General is in a unique position to protect New Yorkers from fraud in the both the public and private sectors. With regard to the public sector, my initiatives will include:

- Investigate and launch civil suits against businesses and special interests that illegally collude with public officials or violate election or campaign finance laws through their business activities
- Expand the use of the “False Claims Act”—the state’s powerful triple damage whistleblower law, to root out fraud in government contracts and recover monies for the state
- Investigate and bring civil prosecutions against government employees who engage in fraudulent spending
- Put a public integrity officer in the Attorney General’s regional offices to police local government corruption and work with local governments
- Expand *Project Sunlight*, Attorney General Cuomo’s successful initiative to bring government information out of the shadows and into the light of day.

I will use the strong powers of the Attorney General’s Office to defend consumers across the state, including:

- Aggressively enforce the key new consumer protections to be instituted by the new federal consumer protection bureau
- Press the new consumer protection bureau to promulgate tough rules that protect consumers
- Establish a “Protect Your Home and Neighborhood” Agenda to fight mortgage & housing fraud scams — and secure restitution for victims.
- Use the False Claims Act, to encourage whistleblowers to report fraud and abuse.

For further details on each of these proposals, please see my consumer protection agenda below and my public integrity agenda later in this document.

**CONSUMER PROTECTION AGENDA:**  
***PROTECTING CONSUMERS ONE BY ONE***

Protecting consumers has been a core function of the Attorney General's Office since the days of Louie Lefkowitz, and a passion of Eric's throughout his career.

As a litigator, Eric sued the MTA four times to protect consumers. He fought to keep token booths open, prevent fare increases, force the MTA to open its books, and prevent a give-away of public property to a corporation. As an elected representative, he has worked with the Attorney General's office to educate constituents about their rights as consumers.

Eric will bring his progressive approach to the Attorney General's Office. The new federal financial reform bill calls for new rules that can be enforced by state attorneys general. Eric will fight to make those rules strong and ensure they are enforced vigorously in New York. In addition, changing technology and difficult economic times have created new opportunities for fraud. Eric will assure that the skills and technology of the Bureau stay a step ahead of those who would use new technologies to cheat consumers. In hard economic times, con artists prey on those in financial distress. Eric will protect hard working New Yorkers from these opportunists.

Because of his victories for consumers over many years, Eric has been endorsed by: current Public Advocate Bill de Blasio, former Public Advocate Betsy Gotbaum and the Citizen Action Network of New York.

Eric will use the strong powers of the Attorney General's Office to:

- 1. Enforce New Consumer Protection Rules**
- 2. Combat Frauds that Proliferate in Tough Economic Times**
- 3. Fight High-Tech Fraud**

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**1. Enforce New Consumer Protection Rules**

- ✓ *Aggressively enforce the key new consumer protections to be instituted by the new federal Consumer Protection Bureau*

In 2008, lax rules, lax enforcement and reckless activity on Wall Street resulted in a near-collapse of the global financial system, bailouts of the banking industry, and a deep national recession from which we are only beginning to recover.

As a response, President Obama signed the most sweeping set of financial regulatory reforms since the great depression. A crucial component of the new bill was the creation of a consumer protection bureau to, among other things, promulgate new transparency rules and curb abusive practices by banks and other lenders in the areas of mortgages, credit cards, and loan fees.

Critically, the financial reform bill preserves the right of state Attorneys General to investigate and enforce state anti-fraud laws against national banks, and even ensures that state Attorneys General can enforce the new federal rules issued by the new consumer protection bureau.

Accordingly, Eric will:

- ✓ *Create an elite unit of litigators to enforce the new rules issued by the new Consumer Protection Bureau*

Of the myriad of tragedies that resulted from inadequate regulation and risky and predatory lending prior to 2008, the foreclosure crisis has had the most devastating impact on hard-working New York families. Starting with the subprime crisis in 2007, tens of thousands of New Yorkers have lost their homes and have had their credit ratings destroyed because they were sold loans and homes that they could not afford. Indeed, whole neighborhoods throughout New York State are pockmarked with foreclosed property because of abuses in the mortgage industry.

Eric will sue companies that violate the new mortgage rules issued by the federal consumer protection bureau. Lax consumer protection has caused immeasurable pain for tens of thousands of New Yorkers; Eric will ensure that the new protections for which progressives fought for so long will not just be on paper – but vigorously enforced in a court of law.

- ✓ *Press the new Consumer Protection Bureau to promulgate tough rules that protect consumers*

The history of the passage of the federal reform bill shows that state Attorneys General can have a strong impact on the substance of those rules and reforms.

During the U.S. Senate debate on the financial reform bill, Republicans attempted to eviscerate the power of state Attorneys General to enforce state anti-fraud rules against national banks. Several Attorneys General publically opposed this amendment, and teamed up with activists and Senators to defeat it.

Given this history, Eric will ensure that federal rule-makers know that New York — and New Yorkers — demand tough new protections, and tough new laws

Eric is the only candidate running for Attorney General who joined with progressive activists in New York and elsewhere in calling on President Obama to nominate Elizabeth Warren to lead the new consumer protection bureau. Her unparalleled, progressive record of fighting against abusive financial practices uniquely qualifies her for the job.

## **2. Combat Frauds that Proliferate in Tough Economic Times**

- ✓ *Establish a “Protect Your Home and Neighborhood” Agenda to fight mortgage & housing fraud scams — and secure restitution for victims.*

The financial crisis has spawned a host of con artists capitalizing on the fears of those in economic distress. Eric will focus on this new brand of schemes. He will:

- Attack the new scourge of “finance-fixers” that promise to relieve victims of mortgage fraud with new financial gimmicks that are merely new versions of the same schemes that were



involved in the original mortgage fraud.

- Crack down on brokers and banks that fraudulently browbeat homebuyers into buying excessive amounts of insurance for their homes. The extra cost of this unneeded insurance adds financial stress to the homebuyer for no benefit.
- Protect homeowners from home improvement rip-offs: Homeowners throughout the state have found themselves out-of-luck and out-of-pocket when contractors and lenders team up in scams related to lending against the equity of a home for home improvement or repairs. Some scams and unscrupulous practices involve unlicensed contractors, secret kick-backs by the lender made to the contractor, “teaser” interest rates, and hidden fees.

Support civil legal services assistance, which is often underfunded and understaffed, especially because of the surge of foreclosures caused by the credit and housing crisis.

#### ✓ **Debt collection abuse**

Debt collectors are openly flouting weak laws designed to protect consumers against abuse. Unscrupulous debt collectors file lawsuits against low-income New Yorkers, never serve the defendant and falsely certify that they have done so. When the victims do not show up in court (for lawsuits they never knew existed), the debt collectors garnish their wages. This is a fraud on consumers and a fraud on the court.

### **3. Fight High-Tech Fraud**

#### ✓ **Aggressively pursue online scams**

The age of the Internet has brought with it a whole new digital marketplace: online auctions, internet shopping, and virtual classifieds, like Craigslist. Con artists have used all of these to cheat consumers. To vindicate consumer interests, the Consumer Frauds Bureau must keep a step ahead. Eric will assure that the Bureau maintains the technology and training to follow the criminals wherever they electronically go. ,

#### ✓ **Fight identity theft**

The Internet has also given thieves new tools to steal identities: “phishing,” hacking, spy-ware, malware and “wifi jacking.” Seniors are particularly vulnerable to sophisticated identity theft ruses. Losing one’s identity not only results in direct financial loss, it can also cause serious harm to one’s credit rating.

With such scams, Eric believes that the Attorney General has two distinct but critically important roles. The first is enforcement. The second is education. Under Eric, the Consumer Frauds Bureau will make sure that victims of identity theft recover their funds and have their credit ratings restored. Additionally, Eric will direct his staff to educate New Yorkers on the issue of identity theft by sponsoring “Protect Your Identity” seminars in senior centers, schools and appropriately, online.

**5. *What, if any, are the key social issues of the state that you would address should you be elected to the Office of Attorney General. How would you address them?***

As Attorney General, I would work to address the following social issues: the need to expand justice by expanding civil rights enforcement, including LGBT rights, righting a Criminal Justice system in serious need of reform, the current attacks on our air, water and soil, including hydrofracking, the poor state of our health insurance and health care systems, and wage theft.

Civil Rights

As Dr. Martin Luther King, Jr. observed, injustice anywhere is injustice everywhere. In the fight for equal justice under the law, I will:

- Deploy Attorney General resources to litigate to remedy subtle and entrenched discrimination in public and private institutions. This will include a new focus on racial and ethnic health care disparities, environmental justice violations, and attacks on any systemic discrimination in industries that is masked by clauses mandating confidential private arbitration in lieu of litigation in an open court of law.
- Use the moral authority of the Attorney General's Office to purge the criminal justice system of structural racism. My success in reforming the Rockefeller Drug Laws and in forbidding the use of computerized databases to document stops and frisks of law-abiding New Yorkers will be the starting point. The Attorney General will study and report on how attitudes about race infect the criminal justice system in investigations, prosecutions, and sentencing, and make detailed recommendations for reform.
- Protect voting rights by ending prison-based gerrymandering and fully restoring the franchise to those who have paid their price to society and are seeking to fully participate as law-abiding citizens in our democracy.
- Sue businesses and localities that invidiously discriminate against minorities and immigrants. This will include forcefully attacking in court any local ordinances enacted to harass immigrant day workers or to enforce improper "English only" regimes.

Lesbian, Gay, Bisexual and Transgender Rights

Progressive justice takes an activist approach to protecting the rights of all New Yorkers. A longtime leader in the fight to ensure equal rights for the Lesbian, Gay, Bisexual, Transgender New Yorkers, I believe that no one should be denied civil rights on the basis of their sexual orientation or identity. I will:

- Fight for marriage equality by: fighting the unconstitutional and cynically named federal "Defense of Marriage" law; leading a coalition of State Attorneys General to promote marriage equality; cracking down on private businesses and localities that fail to provide full spousal benefits to same-sex couples married out of state; and pushing Congress to pass the federal Employment Non-Discrimination Act (ENDA), and oppose removing transgender rights from the legislation.
- Protect civil rights by bringing lawsuits to fight discrimination in employment and housing and enforcing equality in the hospital room.

- Fight hate crimes by bringing lawsuits against schools that tolerate bullying, investigate the under-reported problem of rape in prison (particularly in juvenile facilities), and prosecute hate crimes as civil rights violations if necessary.
- Prevent price gouging and fraud in the sale of AIDS/HIV medications, a scandalous exploitation of the sick.

### Criminal Justice

Since starting my career as a young Deputy Sheriff, when I pioneered drug and alcohol treatment for offenders, I have worked to make our streets safer and to improve the way the criminal justice system works. As a litigator and as a lawmaker, I have battled gun violence, and human trafficking of young men and women. I have worked tirelessly to make the system more fair, from drafting and obtaining passage of the Rockefeller Drug Law Reforms, to forbidding police departments to retain electronic stop-and-frisk databases on law abiding New Yorkers, to working to prevent the tragedy of wrongful convictions.

I know that the Attorney General is not the 63rd District Attorney, and I will not pretend to be a roving super-prosecutor. Instead, the Attorney General is a powerful prosecutorial specialist in carefully defined areas. So as Attorney General, I will:

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- Prosecuting fraud and patient abuse in the Medicaid system, and fully realizing the extraordinary power of the False Claims Act in recovering monies and penalties from those who cheat. As a lawmaker, Eric has worked to strengthen the statute even more.
- Investigate disparities in health care treatment and outcome due to race, ethnicity, and economic status.
- Use the stature of the Attorney General's Office to advocate for patients as the details of health care reform implementation are being crafted.

### The Environment

Named Greenest Senator in 2009, I will implement a sophisticated litigation approach to protect the environment. Most environmental violations are driven by economics. Corporations cut corners to lower costs. My enforcement strategy will take the profit out of environmental crime through a "polluter pays" philosophy and tough civil actions and criminal prosecutions targeted to increase deterrence. I will:

- Sue to prevent the dangerous natural gas drilling technique known as hydrofracking until it is proved to be safe. Our water supply is too valuable to put at risk in order for the Haliburton's of the world to fatten their bottom lines. Where dangerous drilling is at issue, the BP oil spill demonstrates the consequences of reckless cost-cutting and federal regulators asleep at the switch.
- Work towards an energy future without Indian Point, and urge the development of alternate clean energy sources to make its replacement possible. It is simply irresponsible to permit the relicensing of a dangerous, obsolete nuclear plant with a long history of safety violations that is only 35 miles from Manhattan and has no viable escape routes in the event of an accident or terrorism.
- Prosecute serious environmental violations criminally. Because environmental crimes are economically driven, prosecutions can have a potent deterrent effect. In addition, prosecuting environmental crimes requires specialization because of the unusual nature of the statutes and the complexity of the scientific proof that is necessary. Thus it is smart and cost-effective law enforcement to retain the team of experts in the Attorney General's Office to assist anywhere in the State.
- Pursue environmental justice by challenging unfair local siting decisions and requiring abatement of existing pollution in poor and minority areas. Minority communities have too long borne unfair burdens ranging from exposure to lead paint and pesticides to suffering increased rates of asthma.

- Carry on the use of the Martin Act to require corporations to fully disclose the costs that they will bear because of global warming and regulation designed to prevent it. As shareholders recognize the effect on the price of stock, market forces will drive corporations to solve the problem instead of burying their heads in the sand.
- Crack down on companies engaging in “green fraud” by making false claims that a product is organic or produced using environmentally sound techniques.

**6. *What, if any, would be your top legislative priorities to pursue should you be elected to the Office of Attorney General. What specific solutions would you put forward?***

In the area of labor, I will:

- Continue to fight for legislation to end the misclassification of workers, which allows employers to get away with wage theft

In the area of criminal justice:

- Continue to fight for legislation to prevent and correct wrongful convictions, including expanding access to post-conviction DNA testing, reforming eye-witness ID lineups, and the electronic recording of custodial interrogations.
- Continue fighting to pass microstamping legislation, which I sponsor, to give our law enforcement officers this critical tool to solve violent gun crimes and investigate the trafficking of illegal guns.

In the area of financial services:

- Continue fighting to pass legislation, which I currently sponsor, to expand the powerful Martin Act to allow institutional investors such as public and union pension funds to take Bernie Madoff-like fraudsters to court when their pension funds are defrauded.

In the area of the environment:

- Continue pushing for a legislative moratorium on hydrofracking while I bring suit seeking to prevent it.

In the area of consumer protection:

- Continue fighting to pass the Consumer Credit Fairness Act, of which I am now the prime sponsor.
- Continue fighting to pass legislation to set up a system to regulate immigration services providers.

In the area of health:

- Use the Attorney General’s bully pulpit to push for the passage of the Reproductive Health Act.

In the area of campaign finance reform, ethics reform, and election law, I will:

- Fight for the creation of a public financing system for *all* elected positions of state government. New York should adopt a voluntary public financing system based on New York City’s system that has set the standard for public financing around the country;

- Mandate End “Pay to Play”, the ultimate bribery “loophole” that allows private parties to corrupt our democracy;
- Fight for more disclosure for campaign donors;
- Simplify voting and remove unnecessary hurdles to the political process;
- Require candidates to “use or lose” campaign funds;
- Address the loopholes in independent expenditures created by the Supreme Court’s recent “Citizens United” decision;
- Create a full-time legislature;
- Mandate increased disclosure of legislators’ outside business;
- Reform the “member item” process ;
- Ban the use of government resources for private business or campaign purposes
- And fight give the Attorney General permanent power to enforce election and campaign finance law.

### Wage Theft

Tough economic times make it easier for some unscrupulous employers to take advantage of hard working New Yorkers. As attorney general, I will treat wage theft, including the failure to pay minimum wage, overtime, or prevailing wage, or the misclassification of workers, like any other crime. I will:

- Use the Attorney General’s Spota powers to go after companies with public works contracts that do not pay their workers the prevailing wage and prosecute them,
- Use the full force of the Labor Bureau to bring enforcement action against any employer who commits wage theft,
- And continue to outreach into the communities most affected by this crime to ensure that workers know that they ally in the Attorney General.

### **REFORM ISSUES**

*1. How would you address public misconduct of elected officials and what novel approaches would you use to reform state government? How would you use the enforcement mechanisms provided to the Office of Attorney General in pursuing violations of the state’s campaign finance and ethics laws? Do you believe that greater responsibility should be given to the office to investigate corruption and how would you achieve that?*

## **PUBLIC INTEGRITY AGENDA:**

### ***THERE IS A BETTER WAY***

As a lifelong progressive Democrat, Eric believes that if you have faith in the public sector, you must be among the harshest critics of corruption, waste, and fraud in government.

For his entire career, Eric has been active in the struggle to reform New York's government. Even before he was an elected official, Eric fought the insular and secret management of the MTA in historic litigation on behalf of taxpayers. He served as the legal advisor for the successful Clean Money, Clean Elections campaign.

As a lawmaker, Eric chaired the committee that investigated Hiram Monserrate, resulting in the first expulsion of a sitting Senator in modern history.

Eric has also fought for the reform of unfair Senate rules that concentrated power in the hands of a few leaders at the expense of the democratic process. He worked with the Brennan Center for Justice as they wrote their landmark report on dysfunction in Albany, and he is published on the subject of government and rules reform. In 2009, Eric's efforts bore fruit: the New York State Senate passed the first real Senate rules reform in decades, creating more transparency and shifting power to rank-and-file legislators.

Additionally, Eric successfully negotiated a compromise ethics reform bill that passed both houses of the legislature. Had this bill become law, it would have been the most sweeping government ethics reform since Watergate, and would have created a strong foundation for further ethics reforms. In addition to the compromise legislation, Eric is the sponsor of a number of more comprehensive ethics and campaign finance reform bills.

Eric's record shows that no one is more qualified and committed to creatively apply the powers and influence of the Attorney General to clean up Albany and local governments throughout the state. Indeed, Eric was a target of the former Republican Senate Majority's attempts to redistrict him out of public life. He has always supported independent redistricting – whether he was a member of the Senate minority, and a target of Republican redistricting abuse, or as a member of the majority party in power.

As an independent Attorney General, Eric will continue his long battle against the status quo. He will use long-standing AG powers to investigate businesses that illegally conspire with crooked public officials; dramatically expand the use of the 2007 state false claims act, a powerful whistleblower law that Eric is working to strengthen as a lawmaker; he will request that the Governor use existing law to grant the Attorney General universal power to investigate and prosecute public corruption cases criminally; and he will put a public integrity officer into each of the Attorney General Regional Offices to help combat local fraud.

Because of his history of fearlessly battling the political status quo, Eric has been endorsed by State Senator Liz Krueger, former Watergate prosecutor Rich Davis, and Citizen Action. His work on ethics reform has also been specifically praised by Citizens Union, NYPIRG and the League of Women Voters.

Eric will:

- 1. Launch New Initiatives**
- 2. Fight for Broad Legislative Reform**
- 3. Institute a “Platinum Standard” of Ethics for the Office of the Attorney General**
- 1. Expand the Powers of the Attorney General's Office**

\* \* \* \*

#### **1. Launch New Initiatives**

Eric will aggressively pursue a series of initiatives – including an expansion of the size and scope of the Attorney General's Public Integrity Bureau — to enhance enforcement of current New York law.

- ✓ *Eric will investigate and launch civil prosecutions against businesses and special interests that illegally corrupt public officials or violate election or campaign finance laws through their business activities.*

Eric will make it a priority to vigorously launch civil investigations and prosecutions of businesses or corporations that flout laws involving government corruption.

Although current law does not generally give the Attorney General the right to investigate public officials for violations of the Public Officers Law or the Election Law, such violations often involve illegal acts by a business or special interest. Accordingly, Eric will crack down on public corruption by using the Attorney General's broad powers to investigate and commence enforcement actions against businesses and special interests to combat public corruption and campaign finance violations.

✓ *Eric will go after public officials who engage in an act of wrongdoing that violates a business law, government fraud law, or other law over which the Attorney General has jurisdiction.*

As Attorney General, Eric will investigate, prosecute or sue public officials for violating laws governing the conduct of business, the operation of charities, the misuse of public funds, and other laws.

Accordingly, Eric will:

- Crack down on state officials who conspire with businesses or take kickbacks or bribes to manipulate the public contract bidding process with civil prosecutions under the New York False Claims Act, a law strengthened by Eric's recently passed *Fraud Enforcement and Recovery Act*;
- Prosecute state or local government pension fund officers who violate the state's securities fraud law under the criminal or civil provisions of the Martin Act;
- Investigate public officials who loot charities or non-profits to which they are connected as part of his broad powers to ensure that non-profit organizations operate honestly; and
- Enforce regulations under New York City's campaign finance laws related to candidates receiving public funds as part of the Attorney General's power to investigate the misuse of public funds and recover such funds along with civil penalties.

✓ *Protect the government pension funds from corrupt dealing or looting*

Eric will continue the current Attorney General's tough investigations into "pay to play" practices and corruption related to New York's public pension funds; and Eric will continue to investigate private sector professionals who team up with politically connected government officials to enroll in the state pension fund.

✓ *Expand the use of the "False Claims Act" — the state's powerful triple damage whistleblower law*

In the fight against the theft of government funds by corrupt contractors, there is no more important weapon in the Attorney General's arsenal than the False Claims Act — the state's triple-damage whistleblower law that Eric helped write and pass in 2007.

The False Claims Act empowers, protects and rewards whistleblowers who report fraud. Critically, the Act enables whistleblowers to team up with the Attorney General's office to take contractors who rip-off the government to court. It imposes the highest civil damages and penalties of any civil anti-fraud statute under New York law. Indeed, these penalties will soon be expanded for those who defraud local governments as well as the state because of Eric's *Fraud, Enforcement & Recovery Act*.

As a Senator, Eric has been recognized by national taxpayer advocates, whistleblower advocates, fraud-fighters, labor leaders, school boards and local governments for his work to pass and enhance this important anti-fraud and anti-corruption tool.



As Attorney General, Eric will fully deploy it in the fight against fraud against the government. His agenda for using the enhanced False Claims Act against fraudsters and corrupt businesses includes the following:

- **Broaden the use of the False Claims Act in areas other than Medicaid fraud**

The passage of the False Claims Act has resulted in the recovery of hundreds of millions of dollars in stolen funds for taxpayers. However, the vast majority of those monies have been stolen Medicaid funds. There have only been a few recoveries involving non-Medicaid fraud cases. And reported use of the False Claims Act by local governments is practically non-existent.

Eric will unleash the power of the False Claims Act against contractors who file false claims against taxpayers in *any* area. Indeed, he will establish a False Claims Unit (“FCU”) within the Public Integrity Bureau to specifically encourage and handle whistleblower cases.

Eric will also reach out to local governments and school districts and train them to use the False Claims Act to address fraud against local governments. This training is critical because Eric’s recently-passed *Fraud, Enforcement & Recovery Act* will increase the ability and incentives for local governments to use the False Claims Act to protect local taxpayers against corrupt contractors and employees. Several local government organizations and a leading association of school boards have praised Eric for his leadership in protecting local taxpayers and schools from fraud.

- **Impose triple damages and mandatory penalties against those who defraud the state or local governments whenever possible**

Many candidates running for Attorney General have focused — sometimes singularly — on using the “Tweed Act” (Executive Law § 63-c) as a tool to combat fraud against the government or improper or secret government spending.

The Tweed Act, like the False Claims Act, allows the Attorney General to launch a civil lawsuit against people who defraud the state or a local government. However, the Tweed Act does not allow the Attorney General to subpoena information, impose mandatory civil penalties on defendants, or impose mandatory triple damages against defendants.

Eric will (of course) use the Tweed Act in those rare cases where the False Claims Act would not apply or where use of the Tweed Act is otherwise advantageous. But if the facts of a given case present a choice between using the 1875 Tweed Act versus the more powerful 2007 False Claims Act — Eric will use the stronger law every time.

- ✓ ***Investigate and bring civil prosecutions against government employees who engage in hidden fraudulent spending, including those who falsify time sheets or reimbursement forms for travel, meals, lodging, or per-diem expenses***

As Attorney General, Eric will crack down on government employees who defraud the state or local governments for their own personal enrichment. To accomplish this, he will launch investigations and civil fraud actions against government employees who falsify time sheets, reimbursement requests for travel, lodging, or meals, expense reports, per diem charges, or who create “no show” jobs for politically connected bosses or other individuals.

As the Attorney General can already launch such investigations without the need of any agreement with, or permission from, the Governor or agencies or entities to be investigated, Eric will investigate this type of secret spending by public officers whenever it appears that a government employee has violated the

state's anti-fraud laws in a personal capacity, for personal gain.

Eric will never merely ask permission or seek an agreement from agencies to investigate employees for such misconduct. If a government employee with knowledge about an inflated or false lodging, travel or meal reimbursement refuses to cooperate with a subpoena, then Eric will simply exercise his power to seek a court order forcing them to comply or face contempt — which could mean jail-time.

✓ *Put a public integrity officer in the Attorney General's regional offices to police local government corruption and work with local governments*

The Attorney General has offices all across the state - from Buffalo to Plattsburgh to Mineola. Eric will place a public integrity officer these regional offices, with an eye not only to ending corruption in state government, but cleaning up local government as well. These officers will give citizens a local place to take complaints to be examined on the merits without the influence of any local politics that might influence the outcome.

We know that local governments and special districts in New York too often operate with little oversight and few ethical rules. Yet, these local entities handle billions of taxpayer dollars. Eric believes we need to take both a “top-down” and “bottom-up” approach to protecting public integrity. We cannot clean house in Albany, while leaving corruption hidden in the nooks and crannies of local governments and special districts.

✓ *Assign public integrity specialists to help District Attorneys with public corruption prosecutions*

The battle in the war on public corruption need not be weakened by battles over turf. Eric will not only work with District Attorneys and other local officials to combat corruption, but will also offer to assign Assistant Attorneys General to work in local D.A.'s offices on public corruption cases.

✓ *Expand 'Project Sunlight'*

Project Sunlight, Attorney General Cuomo's successful initiative to bring government information into the light of day, will be expanded to include more detailed information on government business.

As Attorney General, Eric will work to expand Project Sunlight so that the website includes and displays more detailed information about member items requested by organizations and sponsored by legislators, including whenever possible the following information:

- A description of the request or grant;
- The board of directors of the organization;
- Incorporation papers or registration documents of the organization;
- Executive officers of the organization;
- Financial statements of the business or group; and
- Public information on subcontracts into which such businesses or groups have entered.

Project Sunlight should also include detailed information on the state budget and government spending, including:

- The actual contracts entered into by the state where the value of such contract exceeds \$50,000;

- Detailed information on contractors who do business with the State, including incorporation papers and the identification of key board members and senior executives;
- Reports and audits issued by inspectors general, the state comptroller, and other oversight entities on government contractors or government program performance;
- Information on reimbursement receipts and expenses submitted by elected officials and other public officers.

## **1. Fight for Broad Legislative Reform**

Eric has a long record as an author of and advocate for reform legislation. This year, he introduced and fought for a bill that overwhelmingly passed both houses of the legislature and would have implemented the most sweeping overhaul of the state’s ethics rules in a generation. As Attorney General, Eric will continue to fight for the enactment of the most comprehensive set of government, ethics and campaign finance reforms ever to be endorsed by a sitting New York State Attorney General. Key aspects of his legislative agenda will include:

### ✓ *Public financing of campaigns*

The ultimate fear of the special interests is true campaign finance reform that ends the golden rule of politics — that those who have the gold make the rules.

As a lawmaker, Eric has long called for the public to have a primary role in financing campaigns in order to dilute and eventually eliminate the power of special interests in elections. Indeed, this isn’t just talk: Eric was a legal advisor to New York City’s Clean Money, Clean Elections campaign, and has long-sponsored legislation that would create a public financing system for New York State elections.

As Attorney General, Eric will fight for the creation of a public financing system for *all* elected positions of state government. New York should adopt a voluntary public financing system based on New York City’s system that has set the standard for public financing around the country. Such a program would:

- Empower individual small-donor voters in New York by awarding candidates a match for small in-state donations;
- Require that candidates abide by a spending cap, and qualify for a possible candidacy by initially raising a specified amount, in-state, from small donors; and
- Prohibit incumbents who are running unopposed, or facing token opposition, from receiving public funds.

### ✓ *Lower “fact-cat” donor contribution limits*

Currently, New York law can allow an individual donor to contribute over \$55,900 to a candidate running for statewide office — more money than should be allowed, and among the highest limits in the nation. Moreover, an individual can contribute a total of \$150,000 in aggregate political donations in any given year.

The maximum contribution for a statewide campaign should be reduced from \$55,900 per individual donor for combined primary and general elections to \$4,800. This is in accordance with legislation that Eric has sponsored as a lawmaker. In addition, the aggregate \$150,000 per year cap is too high and should be lowered considerably. Loopholes that allow corporations to escape these donation limits by creating or manipulating LLCs or subsidiaries are also unacceptable and must be closed.

Also in accordance with legislation supported by Eric — the current ability of donors to give virtually unlimited so-called “housekeeping” amounts to political parties must be curtailed. Eric’s proposed legislation as Attorney General will limit the number and type of party committees that may be established by state political parties as an end-run around donor limits, and will also seek to reduce the maximum allowable donation to party organizations.

✓ *Mandate more disclosure for campaign donors*

Eric’s mantra for political contributions is simple: the more sunlight the better. Currently, donors are only required to disclose their name and an address. More disclosure is needed. Donors should be required to disclose the name of their employer, their business address (if any), and their profession. Furthermore, corporations and independent groups must be required to disclose the source of funds when engaging in political communications. Finally, public contractors and their immediate family members, and political committees controlled by them, should report contributions within two days of making the contribution, regardless of when the donation is made.

✓ *Require candidates to “use or lose” campaign funds*

In New York, campaign funds can outlive a candidate, with political officials or relatives spending “campaign” money long after the death of a candidate or the retirement of an elected official. Similarly, elected officials convicted of a felony and thrown out of office continue to access their campaign funds. As Attorney General, Eric will propose legislation to require campaigns to use funds within four years of receipt, or disburse them to either other campaigns (as donations) or to charities. He will additionally require any officeholder convicted of a felony to immediately disburse those funds to an independent charity or to the state.

✓ *End “Pay to Play”*

Eric believes that “pay to play” is the ultimate bribery “loophole” that allows private parties to corrupt our democracy.

Eric’s public integrity plan includes both expanded disclosure rules and expanded enforcement powers to end pay to play. Ideally, donations by corporations that do business with the state should be banned. However, such strict limits will likely trigger constitutional concerns. In that event, political contributions from these corporations should be subject to lower contribution limits than those for other corporations or groups. In New York City, a company doing business with the city can only donate one-sixth of what other donors can contribute. Eric will work to adopt this rule for donations to candidates running for state offices as well.

Eric also believes that lobbyists must be required to more fully disclose information about their clients, including the amounts of money they are paid to influence legislators by their clients, and more detailed information on the subject matters on which they are lobbying.

✓ *Impose tougher criminal and civil penalties for violating campaign finance laws*

We cannot be serious about enacting new campaign finance rules and enforcement mechanisms without stronger civil and criminal penalties for breaking them. As Attorney General, Eric will support both.

This is why the comprehensive ethics reform bill sponsored by Eric and passed overwhelmingly by the Senate and Assembly would have:

- Doubled the current penalties for a candidate who fails to file critical campaign disclosure statements;

- Created tough new penalties for the repeated failure of a candidate to file these statements; and
- Established a new penalty for accepting an excess contribution.

As a lawmaker, Eric has sponsored and fought for bills imposing new and tough penalties for campaign finance violations. As Attorney General, he will continue to fight to increase the consequences for violating campaign finance law.

✓ *Address the loopholes in independent expenditures created by the Supreme Court’s recent “Citizens United” decision*

This year, the U.S. Supreme Court ignored 100 years of precedent and ruled that corporations — including foreign corporations — can spend unlimited amounts of money in election advertising. In response to this radical ruling, Eric has worked to pass legislation that would require greater disclosure and transparency of campaign finance information. This will continue to be a priority bill for him as Attorney General. Among other things, this legislation would:

- Require that corporations and special interest groups identify the source of any funds used for electioneering;
- Penalize violators by the greater of either \$1,000 or the cost of the independent expenditure;
- Impose requirements so that independent special interest and corporate expenditures opposing or supporting a candidate or ballot initiative in excess of \$1,000 be subject to the same filing and disclosure requirements in place for candidates and political committees; and
- Prohibit a person, campaign committee or political party from falsely identifying the source of a political communication.

✓ *Strengthen the State Board of Elections*

The New York State Board of Elections’ record of ensuring that election laws are enforced and that violations are referred to authorities is, at best, one of benign neglect. Candidates understand that while the laws governing elections and election campaigns are notoriously weak, the Board’s history of enforcing these laws is even weaker.

In addition to requesting that the Governor grant the Attorney General powers to enforce election laws, and fighting for legislation to give the Attorney General *permanent* enforcement powers over these laws, Eric believes that this enforcement power should be coupled with a revitalized and strengthened Board of Elections.

Indeed, as a lawmaker, Eric has long advocated giving the Board of Elections increased power and responsibility to enforce the election laws. His 2010 ethics reform required at least 35 percent of the Board of Election’s annual budget be dedicated to a special enforcement unit to crack down on election law violations.

✓ *Simplify voting and remove unnecessary hurdles to the political process*

A fundamental precept of democracy is that everyone has a right to vote — and everyone can run for elective office. Yet, New York law contains Byzantine rules for how to petition to run for office, and, worse, a myriad of hyper-technical regulations for how petition sheets must look. These rules and regulations serve no purpose other than to disregard voters’ intent and allow party bosses to control who is on a ballot. Indeed, some obscure election processes contain a vestigial requirement to own property to petition and have a voice on the matter.

One should not need a law degree or a team of legal advisors to petition to run for office. And one should not need to own property to petition or have a political voice on anything in this day and age. As Attorney General, Eric will fight to change election rules that serve to restrict the democratic process rather than open up and expand that process. This includes:

- Allowing same-day registration and voting in general elections;
- Shortening the length of the time one has to wait in order to vote in a primary election after joining a party;
- Ending the need for voters to justify a request for an absentee ballot; and
- Opening up and reforming the judicial selection process; and encouraging more qualified individuals to become judges by raising judicial compensation.

In addition, state laws setting shorter hours for polls to be open in upstate counties in primary elections should be changed to give counties the option to implement longer hours for primary elections. Such a change should be optional to avoid yet another unfunded state mandate being imposed on local governments and overburdened taxpayers.

Attorney General Cuomo demonstrated with his successful drive to simplify the petition process for consolidating local governments that the Attorney General has a powerful voice in advancing these kinds of critical pro-democratic reforms. As Attorney General, Eric will lend his voice to the calls for reform.

#### ✓ *Increased enforcement of ethics and conflict of interest rules*

Ethics rules without enforcement, or with minimal enforcement, are no longer acceptable to the people of New York. Accordingly, as Attorney General Eric will propose legislation to:

- Give the Attorney General power to investigate and enforce violations of the Election Law, the Public Officers Law, and other ethics laws;
- Create an independent ethics commission with jurisdiction over lobbyists, legislators, executive branch officials and all public officers, including former officers covered by the revolving door ban, with strong investigatory and enforcement powers that are concurrent with enhanced enforcement powers to be given to the Attorney General.

#### ✓ *Establishment of an unambiguous statutory duty for all public officers to provide “faithful public services” to the public, with enhanced civil and criminal penalties for violations*

The federal government has long had an “honest public services” law that allows federal prosecution of public officials for violating the public’s right to their honest services. Former New York State Senate Majority Leader Joe Bruno was convicted of violating this law last year. That conviction and future prosecutions under the federal statute have been called into question by a recent decision of the United States Supreme Court.

Now more than ever, New York needs its own “faithful public services” law to further the simple rule that public servants on public time serve the *public’s* interest, and not their own.

Eric introduced what would become New York’s first “faithful public services” law, and will fight for that law as Attorney General. Mindful of the constitutional problems in the federal statute, Eric’s bill creates a clear and unambiguous duty of public servants to serve the public, and imposes stiff criminal and civil penalties on public officials who do any the following:

- Engage in undisclosed self-dealing;
- Act in a way that improperly benefits themselves at the expense of the public; or
- Engage in a scheme to defraud the state.

### ✓ *Create a full-time legislature*

Too often the public has seen legislators improperly mix their private business dealings with state business. It's time that New York adopts a full-time legislature.

### ✓ *Mandate increased disclosure of legislators' outside business activity, income and gifts*

Until a full-time legislature is established, legislators who earn outside income must fully and timely disclose their outside business interests. As a lawmaker, Eric has fought to require legislators to disclose more information about their outside business interests and income, whether that income is derived from an outside business, securities, or real estate investments. As Attorney General, Eric will fight to:

- Require legislators to fully disclose their outside income — in exact amounts, and not in ranges that serve to hide rather than shed light on outside income;
- Require legislators who are lawyers to disclose information about their clients and the nature of their work, unless the public disclosure of such information would violate existing law on attorney-client privilege, or expose a client (such as a domestic violence victim) to physical danger;
- Require legislators to disclose gifts, including gifts to relatives;
- Require legislators to disclose the source and amount of contributions given for their personal legal defense; and
- Require these disclosures to be put online, in real-time.

### ✓ *Reforming the “member item” process*

The process by which legislators dole out special grants or contracts as “member items” has repeatedly been exposed as rife with self-serving conflicts of interest and outright corruption. In 2007, Attorney General Cuomo imposed new disclosure and accountability standards in an effort to reduce conflicts of interest in the member item process, but serious problems remain. Eric has long been an advocate for reforms of the member item process from within the legislature. As Attorney General, he will continue the fight. Eric will push hard to reform the process from top-to-bottom, including:

- Structural reforms of member item grants and limitations
- Ban for-profit groups from receiving member items, and ban for-profit companies from setting up non-profit “front groups” to obtain member items in violation of this ban;
- Require member items to be distributed fairly throughout the state, with the amount of money given to be based on population of the district as opposed to the party or the clout of a particular legislator;
- Require appropriate state agencies to oversee and publicly report on how recipients of member items spend funds; and
- Adopt new disclosure rules to shed much-needed light on the member item process, including full information from recipients of funds of their legal status, boards, executive officers, subcontracts and tax reports. Such disclosures should be put on “Project Sunlight.”
- Codification of the Attorney General’s disclosure and accountability rules for member items, which include:
  - Barring a legislator from sponsoring a member item when the legislator or a related party, including a staff member, has a financial interest in the recipient;

- Barring member items given to a business when such business, or its affiliates or principles, have within the past five years:
  - been barred by a government agency from entering into any government contract as a result of inappropriate activity or unlawful conduct
  - been declared in default and/or terminated for cause by the government;
  - received an overall unsatisfactory performance rating from any government agency on any contract;
  - been convicted of, or charged with, a felony or misdemeanor;
  - failed to file federal, state or city tax returns or pay taxes owed; or failed to file any and all required forms with any government agency regulating the entity; or
- Barring member items given to a business when such business, or its affiliates or principals, have within the last seven years been involved with a bankruptcy proceeding

✓ *Banning the use of government resources for private business or campaign purposes*

Eric has been a leader in legislative efforts to close the so-called “Bruno Gap” — the gap in state law that allows public officials to use public resources for private business purposes. As Attorney General, he will continue to fight for common-sense legislation to end this kind of corruption.

✓ *Mandating automatic expulsion from the legislature upon conviction of a misdemeanor involving domestic violence*

Current law requires any legislator convicted of a felony or a misdemeanor that violates the member’s oath of office, to be automatically expelled from public office. However, as we found out this year, this law needs to be changed. As the person who successfully prosecuted Hiram Monserrate before his colleagues in the Senate — which resulted in the first vote in the legislature to expel a senator in over a century — Eric knows all too well the need to clarify and expand the law.

✓ *Improving the state’s whistleblower laws*

Eric has been a leader in the legislature, for years, in sponsoring and promoting rights for whistleblowers. Notably, he was the lead force in the Senate for the 2007 passage of the False Claims Act, which protects, rewards and empowers whistleblowers who report fraud committed against the state or a local government.

In June, the legislature passed Eric’s “*Fraud Enforcement & Recovery Act*” (“FERA”) that received national and statewide recognition from whistleblowers, local governments, school boards, labor, and taxpayer advocates as the strongest anti-government fraud whistleblower legislation in the country.

The legislation will, among other things:

- Reverse a series of decisions issued by the U.S. Supreme Court that made it more difficult for whistleblowers to expose a fraud against the government;
- Increase the ability of citizens to expose the pilfering of government funds and to team up with government prosecutors to recover those funds;
- Institute a first-in-the-nation ban on employers suing people for transmitting inside information related to the theft of government funds;
- Adopt novel anti-blacklisting protections for whistleblowers, so company “y” cannot refuse to hire a qualified worker, contractor or agent because he or she reported company “x” for defrauding the government; and



- Further empower citizens to use the Freedom of Information Law (FOIL) to bring corrupt government contractors to justice.

Additionally, Eric sponsored and supported a host of *other* proposed whistleblower reforms as a lawmaker — reforms for which he will continue to fight as Attorney General. Such reforms include:

- Introducing the “*Whistleblower Empowerment And Notification Act*” that in June of 2010 passed the Senate overwhelmingly. The Act would require that government contractors notify their employees of whistleblower rights at workplaces, and prominently display the number of the Attorney General’s long-standing public integrity hotline, and the hotline of the relevant Inspector General with oversight of the project; and
- Eliminating the special protection afforded to legislators and senior government officials and judges that helps to shield them from accountability in corruption-exposing whistleblower lawsuits involving the theft of public funds.

### ✓ *Institute independent and non-partisan redistricting*

Eric sponsored groundbreaking legislation to reform the redistricting process when he was a member of the Senate minority — and continues to push for reforms in the majority. That is because Eric has a fundamental belief that voters should choose their elected officials — and not the other way around.

Eric knows this from experience: in the last round of redistricting the Senate Republicans targeted him specifically for standing up to their attempts to hold onto their long-term monopoly on power. They gerrymandered his district entirely, forcing him to run in a then-unfamiliar area, which Eric has now represented for nearly eight years.

As Attorney General, Eric will vigorously advocate for these and other critical redistricting reforms, many of which have been proposed by “New York Uprising” headed by former New York City Mayor Ed Koch, including:

- Establishing a diverse non-political non-partisan redistricting commission on which no elected official, their relatives, lobbyists or party officials may serve;
- Making all districts as equal in population as reasonably possible;
- Ensuring districts are as competitive as possible;
- Ensuring districts support the voting rights of minorities; and
- Making districts compact and contiguous

### ✓ *Create a board of trustees to run the common retirement fund, with more transparency, and accountability*

The power of the New York State Comptroller is staggering. In addition to being the state’s auditor and fiscal watchdog, the Comptroller is the sole trustee and manager of the state’s public pension fund. He or she can unilaterally invest funds without any oversight or second-guessing.

Currently, the assets of the New York State pension fund exceed \$130 billion. As only two smaller states allow an elected official to be the sole trustee of their pension fund, this makes the New York State Comptroller the most powerful elected government investment official in the country.

Eric believes that we need a board of experts to run the retirement system as trustees along with the comptroller. *Simply put, being the sole trustee over our state’s retirement funds entails having more power than a good state comptroller should want — and more power than a corrupt one should have.*

Electing a sole trustee to manage the pension fund means tolerating the inherent appearances of a conflict of interest. Attorney General Cuomo recently uncovered a series of shocking “pay to play” abuses involving political cronies who skimmed tens of millions of dollars from investments that were supposed to be made for the sole benefit of New York State’s retired workers.

Common sense dictates a single person shouldn’t have sole discretion over billions of state dollars. New York needs to modernize its pension fund structure. Our pension funds need to have an accountable and transparent structure in line with the demand by voters for integrity and openness.

✓ *Require executive agencies to report and take corrective action against improper payments*

New York has not adopted protocols and reporting requirements concerning improper payments by state agencies to the same extent as the federal government has for federal agencies.

That is why as a lawmaker, Eric voted for the *Improper Payments Reduction & Reform Act* (“IPRRA”), which would require state agencies to: (1) annually estimate and publicly report on the amount of taxpayer dollars lost to improper payments — such as overpayments to contractors, double payments, and the failure of state agencies to collect debts — and (2) annually report on their activities and strategies to reduce improper payments. IPRRA would bring to New York the same effective protocols and protections against improper payments that have been adopted by the Federal government.

Eric also supports adopting for New York State the federal requirement that companies that do a significant amount of business with the government adopt internal policies and programs designed to reduce the likelihood of fraud against the government.

**2. Institute a “Platinum Standard” of Ethics for the Office of the Attorney General**

Eric pledges to continue and expand good government directives applicable to all employees of the Office of the Attorney General.

✓ *Institute a “platinum standard” set of good government principles for all employees of the Attorney General’s office.*

As head of the Office of Attorney General, on January 1, 2011, Eric will issue directives that:

- Institute strong anti-nepotism policies;
- Require all employees to avoid any conflict of interest or the appearance of a conflict of interest;
- Continue to require non-partisan operations throughout the office; including adopting a code based on the code that applies to New York State District Attorneys. Such a code will, among other things:
- Prohibit the Attorney General and state prosecutors from publicly endorsing political candidates while they are working for the office;
- Prohibit any improper influence or pressure on an individual to make a financial contribution to a political party or campaign committee or to engage in political activities;
- Prohibit the Attorney General or assistant attorneys general from engaging in any political activity during the course of the performance of their official duties; and
- Prohibit assistant attorneys general from using their public positions for the purpose of obstructing or furthering the political activities of any political party or candidate.

### 3. Expand the Powers of the Attorney General's Office

Though there is much that can be done now, it is clear that existing state law does not give the Attorney General sufficient jurisdiction to fully investigate or prosecute public officials who violate the Election Law, including campaign finance laws, or the Public Officers Law. The powers of the Attorney General to root out public corruption must be expanded. Eric will actively work to expand those powers and as Attorney General will fully exercise them to tackle Albany's culture of corruption.

- ✓ *As Attorney General, Eric will, on January 1, 2011, request special enhanced powers from the Governor to prosecute public officials who violate provisions of the Public Officers Law, the Election Law, campaign finance laws, and other government ethics laws*

Governors have long had the unquestioned power to unilaterally, and without additional legislation, grant the Attorney General power to investigate and launch investigations or prosecutions against virtually any offense. The failure of governors to grant attorneys general these powers has been a primary reason that public integrity laws currently on the books have been under-enforced for decades.

The Office of Attorney General has a dedicated public integrity bureau and a criminal prosecutions bureau that are ready and able to meet the challenge of launching statewide investigations into corrupt state and local officials. The Governor should empower the Attorney General to use the resources that already exist to fight public corruption in both the state and local government. Eric will also establish a dedicated unit in the public integrity bureau to commence those investigations and prosecutions.

- ✓ *Eric will write and advocate for legislation to empower the Attorney General to investigate and enforce the Public Officers Law, the Election Law, campaign finance laws, and other government ethics laws*

In addition to immediately requesting that the Governor grant the Attorney General power to investigate and prosecute violations of the Public Officers Law, the Election Law, campaign finance laws, and other government ethics laws, Eric's *first* program bill, to be introduced on Jan. 1, 2011, will call for such investigatory and enforcement powers to be codified into law.

Eric's record shows that he is a dedicated and effective advocate for legislation to increase the power of the Attorney General's office. Indeed, he just authored and obtained passage of the *Fraud, Enforcement & Recovery Act* — a major expansion of the Attorney General's power and ability to uncover fraud against the state or a local government, recover the stolen funds, and impose penalties on the guilty parties.

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2. *Do you support measures to limit the role of money in elections and politics, such as substantially reducing contribution limits and/or instituting a matching public campaign financing system at the state level? Absent a change in the law, what would you do as a candidate, or attorney general, to set an example in diminishing the influence of money in campaigns?*

Yes, I do support substantially reducing campaign contribution limits, if such reductions are accompanied by a state-level campaign finance system.

I have long-sponsored legislation that would create a public financing system for New York State elections and have also served as a legal advisor to New York City's Clean Money, Clean Elections

campaign. In fact, this year I co-sponsored the “2010 Campaign Finance Reform Act” which would have created a public financing system for *all* elected positions of state government.

New York must also reduce the \$55,900 individual campaign contribution limit for statewide campaigns as well as the aggregate \$150,000 per year contribution cap. We must require greater disclosure and transparency of all campaign contributors including the identity of individual contributor’s employer. However, most importantly, New York must close loopholes that allow corporations to escape donation limits by creating or manipulating LLCs or subsidiaries.

As Attorney General I will introduce legislation that will achieve the above reforms and use my office’s bully pulpit to fight for them.

I will also call on the Governor to give the Attorney General the authority to enforce election law.

If I am not granted that authority, and campaign finance laws are not reformed, I will find creative way to go after public corruption tied to violations of the election law. Although current law does not generally give the Attorney General the right to investigate public officials for violations of the Election Law, such violations often involve illegal acts by a business or special interest. Accordingly, I will crack down on public corruption by using the Attorney General’s broad powers to investigate and commence enforcement actions against businesses and special interests to combat public corruption and campaign finance violations.

***3. What role do you see the Office of Attorney General playing in monitoring non-profits receiving items funds?***

The current process by which legislators dole out special grants or contracts as “member items” has repeatedly been exposed as rife with self-serving conflicts of interest and outright corruption. In 2007, Attorney General Cuomo imposed new disclosure and accountability standards in an effort to reduce conflicts of interest in the member item process, but serious problems remain. I have long been an advocate for reforms of the member item process from within the legislature. As Attorney General, I will continue the fight. I will push hard to reform the process from top-to-bottom, including pushing legislation to do the following:

- Make structural reforms of member item grants and limitations
- Ban for-profit groups from receiving member items, and ban for-profit companies from setting up non-profit “front groups” to obtain member items in violation of this ban;
- Require member items to be distributed fairly throughout the state, with the amount of money given to be based on population of the district as opposed to the party or the clout of a particular legislator;
- Require appropriate state agencies to oversee and publicly report on how recipients of member items spend funds; and
- Adopt new disclosure rules to shed much-needed light on the member item process, including full information from recipients of funds of their legal status, boards, executive officers, subcontracts and tax reports. Such disclosures should be put on “Project Sunlight.”

○ Codification of the Attorney General’s disclosure and accountability rules for member items, which include:

- Barring a legislator from sponsoring a member item when the legislator or a related party, including a staff member, has a financial interest in the recipient;
- Barring member items given to a business when such business, or its affiliates or principles, have within the past five years:
  - been barred by a government agency from entering into any government contract as a result of inappropriate activity or unlawful conduct
  - been declared in default and/or terminated for cause by the government;
  - received an overall unsatisfactory performance rating from any government agency on any contract;
  - been convicted of, or charged with, a felony or misdemeanor;
  - failed to file federal, state or city tax returns or pay taxes owed; or failed to file any and all required forms with any government agency regulating the entity; or
- Barring member items given to a business when such business, or its affiliates or principals, have within the last seven years been involved with a bankruptcy proceeding

I will also expand “Project Sunlight,” so that the website includes and displays more detailed information about member items requested by organizations and sponsored by legislators, including whenever possible the following information:

- A description of the request or grant;
- The board of directors of the organization;
- Incorporation papers or registration documents of the organization;
- Executive officers of the organization;
- Financial statements of the business or group; and
- Public information on subcontracts into which such businesses or groups have entered.

Project Sunlight should also include detailed information on the state budget and government spending, including:

- The actual contracts entered into by the state where the value of such contract exceeds \$50,000;

- Detailed information on contractors who do business with the State, including incorporation papers and the identification of key board members and senior executives;
- Reports and audits issued by inspectors general, the state comptroller, and other oversight entities on government contractors or government program performance;
- Information on reimbursement receipts and expenses submitted by elected officials and other public officers.

Further, as a top priority of my office would be public integrity, I would ensure that the Charities Bureau had sufficient resources and a mandate to investigate public officials who loot charities or non-profits to which they are connected as part of his broad powers to ensure that non-profit organizations operate honestly.

***4. Do you support stricter limits on gifts and other benefits, such as honoraria, public officials may receive from lobbyists, contractors and others attempting to influence the political process?***

My public integrity plan includes both expanded disclosure rules and expanded enforcement powers to end pay to play. Ideally, donations by corporations that do business with the state should be banned. However, such strict limits will likely trigger constitutional concerns. In that event, political contributions from these corporations should be subject to lower contribution limits than those for other corporations or groups. In New York City, a company doing business with the city can only donate one-sixth of what other donors can contribute. I will work to adopt this rule for donations to candidates running for state offices as well. Lobbyists must be required to more fully disclose information about their clients, including the amounts of money they are paid to influence legislators by their clients, and more detailed information on the subject matters on which they are lobbying.

The maximum contribution for a statewide campaign should be reduced from \$55,900 per individual donor for combined primary and general elections to \$4,800. This is in accordance with legislation that I have sponsored as a lawmaker. Loopholes that allow corporations to escape these donation limits by creating or manipulating LLCs or subsidiaries are also unacceptable and must be closed. Also in accordance with legislation supported by Eric — the current ability of donors to give virtually unlimited so-called “housekeeping” amounts to political parties must be curtailed. I propose legislation to limit the number and type of party committees that may be established by state political parties as an end-run around donor limits, and will also seek to reduce the maximum allowable donation to party organizations.

Of course, these reforms would mean nothing without imposing tougher criminal and civil penalties for violating campaign finance laws. We cannot be serious about enacting new campaign finance rules and enforcement mechanisms without stronger civil and criminal penalties for breaking them. As a lawmaker, I have sponsored and fought for bills imposing new and tough penalties for campaign finance violations. As Attorney General, I will continue to fight to increase the consequences for violating campaign finance laws.

***5. Do you believe there is a conflict of interest in raising funds from companies you may regulate and have to take action against? Are there parameters you set or you believe should be established in statute to limit potential conflicts of interest?***

Though accepting a campaign contribution from a corporation or entity that could potentially at some point become the subject of an investigation by my office may not constitute a direct conflict of interest, because the integrity of the Attorney General's office must be beyond reproach, even the appearance of a conflict requires strict vigilance. The best and most effective way to eliminate both real and perceived conflicts is to enact legislation for public financing of campaigns: particularly for the offices of Attorney General and Comptroller. Until New York takes this much needed and important step, I will pledge to immediately return any contribution from any corporation, organization, or entity that comes under investigation my office and refuse future contributions from those entities. To more easily identify relationships between companies and organizations, and the individuals they employ, we must mandate more comprehensive disclosure requirements. Currently, individual donors are only required to disclose their name and an address; donors should be required to disclose the name of their employer, their business address (if any), and their profession. Additionally, as Attorney General, the expansion of "Project Sunlight," Attorney General Cuomo's successful initiative to bring government information into the light of day, will be a top priority of my office.

**6. Do you support a system of selecting Supreme Court judges through an appointment process where candidates are recommended by citizens' committees on the basis of merit and qualifications? If not, what judicial selection mechanisms do you support?**

Yes, I would support an appointment process where candidates are recommended by citizens' committees on the basis of merit and qualifications.

**7. What do you believe is the proper role of the Office of Attorney General in overseeing public authorities?**

Under my leadership, the Attorney General will play a pivotal role in overseeing public authorities. Public Authorities have operated as "shadow" agencies without much government oversight or public accountability. With the reforms enacted last year, there will be a greater opportunity for the AG to closely scrutinize public authorities and enforce any instances of wrongdoing by public authority officials. The increased protections for whistleblowers who report wrongdoing coupled with the public authorities budget office referral of any criminal activities to the AG will allow the AG many more opportunities to prosecute possible wrongdoing.

I will use whatever powers are available to me to ensure that any and all wrongdoing by officials within public authorities will be prosecuted to their fullest extent.

*Please provide any additional information about your positions as well as actions that you have taken or plan to take to advance your positions on the above issues either below or on a separate sheet of paper.*

**\*\*\*This week, I will be releasing my first policy book, which I will send to Citizens Union.**

**Please return to: Citizens Union, Local Candidates Committee  
299 Broadway, Suite 700 New York, NY 10007  
Or via fax at 212.227.0345**

## **CAMPAIGN PROMISES MADE TO VOTERS (PAST and CURRENT)**

In addition to evaluating their stances on the issues above, Citizens Union will assess incumbents on how well they kept the promises they made to voters during the previous election.

As an elected official who currently holds an office other than the one for which you are running,

- a. what were the top five promises or goals you made to your constituents when you ran for your current seat and what progress has been made in keeping those promises, and
- b. what are the top five promises or goals you are making to the voters during this campaign?

We thank you very much for your response. Please feel free to use additional paper if the space provided is not sufficient.

## **TOP FIVE CAMPAIGN PROMISES OR GOALS FROM 2008 or BEFORE AND ACTION ON THEM**

1. Reform of the Rockefeller Drug Laws-I sponsored this legislation and it was passed last year.
2. Make New York's tax system more progressive-last year, I was the sponsor of the Fair Share Tax Reform Act of 2010, which passed as part of last year's budget.
3. I have always promised to fight for reform in Albany, and I always have. Last year, I chaired the committee that investigated and recommended the expulsion of Hiram Monserrate from the senate, sponsored Ethics reform legislation that made it further than such legislation has ever made it before. I have fought for rules reform since I was elected, and last year those efforts also bore fruit.
4. I have always pledged to not only engage in transactional politics, but also to engage in transformational politics, which are necessary to change the public's perception of an issue so that the victory we can win on that issue a year or two years from now is greater than the victory that we would be able to achieve today. Whether it's been about criminal justice reform, including the issue of wrongful convictions, taxes, or gun control, I feel that I have one hundred percent fulfilled my pledge to my constituents to keep fighting to push progressive agendas that might not always be popular at the time to pave the way for victories on these issues in the future.



5. Since the beginning of my career in the senate, I have pledged that we would take back the state senate from the entrenched Republicans who controlled it for decades, and we did.

**TOP FIVE 2010 CAMPAIGN PROMISES OR GOALS**

1. \_Go after public corruption in Albany and in New York's local governments.\_\_\_\_\_
2. \_Establish an Actual Innocence unit in the Attorney General's office to ensure that if the innocence have been convicted, they do not continue to languish behind bars while the guilty go unpunished, free to commit more crimes
3. \_Put a public integrity office in every regional AG office. \_\_\_\_\_
4. \_Sue to stop hydrofracking.\_\_\_\_\_
5. \_Crack on wage theft.\_\_\_\_\_

**Please return to: Citizens Union, Local Candidates Committee  
299 Broadway, Suite 700 New York, NY 10007  
via fax to 212.227.0345 or via email to [acamarda@citizensunion.org](mailto:acamarda@citizensunion.org)**