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## STATEWIDE RACES

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### • GOVERNOR •

#### Democratic Primary

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#### ★ PREFERRED CANDIDATE - ELIOT SPITZER - DEM, WFP, IND ★

*Has returned questionnaire; view responses at [www.citizensunion.org](http://www.citizensunion.org)*

*Occupation: Attorney General, NYS*

*Education: Princeton University (AB); Harvard Law School (JD)*

Eliot Spitzer was elected Attorney General in 1998 in what was an upset victory over then Attorney General Dennis Vacco that took almost two months for the winner to be declared. In his 8 years in the office, Spitzer has become what many describe as the one of the most effective Attorney Generals in the history of the State of New York, and perhaps the nation. While his accomplishments as an Attorney General are impressive, he is facing a very credible challenger for the Democratic nomination, as well as an accomplished and well known candidate from the Republican Party, should he win the Democratic nomination.

As Attorney General, Spitzer has become most well known for the aggressive and directed focus he brought to bear in his pursuit of unethical business practices on Wall Street, where there has been some criticism of his tactics in that pursuit. His prosecution of those companies has played a major part in forcing greater corporate accountability and transparency throughout the nation. His pursuits of unethical business practices has extended to the entertainment industry as well, most notably the action he brought against SONY/BMG Music Entertainment for their role in making payments and providing expensive gifts to radio stations and their employees in return for “airplay” for the company’s songs.

Spitzer’s candidacy is built largely upon this established record of action and accomplishment. He promises to bring this same fervor to the office of Governor as well. In its evaluation of the Democratic candidates for Governor, Citizens Union feels that Eliot Spitzer’s agenda for the reform of state government is both aggressive and refreshing, most particularly his pledge to veto any state legislative district lines that are not drawn by an independent redistricting commission, a move that many believe will have wide ranging impacts on the legislative process and competitiveness of elections. In addition, he pledged to use the bully pulpit and his political capital to build public support for the passage of legislation creating an independent commission so that he does not have to resort to exercising his veto power.



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Spitzer says he would first turn his reform attention to the judiciary. He finds it troubling that the last refuge of patronage is the judiciary, where by all reason, judges should be the most independent and insulated from such influence. Ideally, he supports a process of merit-based appointment, but short of that would favor the merit based screening of candidates as a precursor to the judicial conventions. Spitzer also believes that the way campaigns are financed has been detrimental to the legislative process. If elected, he would push for the adoption of a blanket ban on contributions to state candidates from those who do business with the state, a dramatic reduction in campaign contribution limits, and a system of public financing of campaigns that matches private contributions. With these measures, candidates who demonstrate a certain level of support would receive the financing they need to communicate effectively with voters.

In addition to his commitment to reform state government, Spitzer listed his other two top priorities if elected Governor as the revival of the statewide economy with a far more favorable business climate, and reform of the state's education and healthcare systems.

Spitzer would like to transform the upstate business climate to make it more attractive by lowering taxes and investing in human capital, specifically in our university centers, which he believes could be economic engines if we could produce not only research but development as well. Downstate, Spitzer would invest in major transportation infrastructure and housing, arguing that this will ensure that companies want to do business in New York, and that a talented workforce wants to reside here.

Bemoaning the state's third-worst high school graduation rate in the country, 58 percent, and the fact that only 37 percent of our high school graduates go on to finish college, Spitzer would work to guarantee access to pre-k for all students, reduce class sizes - especially in early grades, and increase the supply of skilled teachers through closer cooperation with SUNY, CUNY and private schools of education. He believes the state has waited too long to resolve the Campaign for Fiscal Equity lawsuit and pledges to divert a portion of the \$4-6 million needed to settle the lawsuit from Medicaid savings he says he can accomplish if elected. He stresses that any final settlement must not add to the state's property tax burden or reduce aid to some districts to support others.

Spitzer would like to see the state cut the total number of New Yorkers without health insurance in half over the next four years. He proposes an increased use of generic drugs and the creation of a centralized prescription drug management program to leverage the state's purchasing power to reduce prescription drug costs. To address the spiraling costs of Medicaid, Spitzer would push for legislation to increase the state's ability to investigate and prosecute Medicaid fraud and would work to reduce Medicaid's prescription drug costs through a stronger preferred drug list program.



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Citizens Union believes that Eliot Spitzer is best positioned of the two Democratic candidates to effectuate critically needed changes in how Albany operates. He has also shown a willingness to attack the established order and understands that his success as Governor will largely depend on his ability to fundamentally change how Albany functions. The leadership he has displayed as Attorney General, his very strong command of complex state issues, his very specific ideas on reforming state government, and his well thought out proposals on how the state should address the problems and challenges it faces were the reasons that Citizens Union decided to prefer Eliot Spitzer in the Democratic Primary.

### **TOM SUOZZI - DEM**

*Has returned questionnaire; view responses at [www.citizensunion.org](http://www.citizensunion.org)*

*Occupation: County Executive, Nassau County*

*Education: Boston College (BA); Fordham Law School (JD)*

After serving for eight years as the Mayor of Glen Cove, Long Island, Tom Suozzi was elected to the office of Nassau County Executive in 2002. Suozzi's accomplishments as the "CEO of a \$2.4 billion dollar organization" in Nassau have earned him high regards here in New York State and around the nation. He is widely regarded as the person responsible for the dramatic turn around of what was one of the nation's worst managed counties before he took office. Nassau County's crime rate is down, its parks and schools have improved, and its financial standing has received 11 bond upgrades, up to an A rating from Moody's, Fitch and Standard and Poor's, during Suozzi's tenure. He did this largely through a one time 19% property tax increase, followed by cuts in spending and borrowing, trade union concessions, and a cut to the government workforce.

Parlaying his success in Nassau, Suozzi took the bold step of challenging those in state government to clean up the mess in the state house, by launching a "FixAlbany" campaign to promote greater transparency, accountability and efficiency in state government. As part of this effort, Suozzi created a political action committee to support candidates running for office and played a major part in the 2004 defeat of Long Island incumbent Assemblyman David Sidikman and election of Central New York Democrat David Valesky to the State Senate.

Suozzi holds a deep contempt for bureaucracy and patronage and he sees state government as a sprawling multi billion dollar organization that is in need of a major overhaul to work effectively and efficiently. He blames Democrats as well as Republicans for the government's failings and believes that members of both parties must be held accountable. To do so, Suozzi believes that, first and foremost, there needs to be more electoral competition. He cites the 98 percent reelection rate of New York State Legislators, the highest in the nation, as evidence of this. He sees reform of how state district lines are drawn as a major



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priority to make our elected officials more accountable. He supports the creation of an independent redistricting commission to do so and has pledged that if elected he would veto any lines that are not drawn in such a manner. To further encourage competition, Suozzi would push for the adoption of a public financing system similar to New York City's, which has been praised as a national model. He would cap political contributions at \$2,100 per individual for statewide races, ban corporations and unions from contributing to campaigns, and eliminate the "rolling over" of unused campaign funds into the next election cycle, a commonly used practice that gives incumbents significant financial advantages over challengers. Suozzi believes other reform measures will flow from competitive elections as legislators would no longer have the luxury of being unchallenged.

If elected, Suozzi would focus resources on improving the state's troubled schools, creating jobs, providing tax relief to New Yorkers and creating more affordable housing options across the state. To settle the Campaign for Fiscal Equity lawsuit, Suozzi has pledged to contribute \$2.5 billion towards improving New York City's public schools, because he believes that is what is currently and realistically available. He would "sell" this package to upstate and suburban legislators by proposing that an additional \$337 million goes towards failing upstate schools along with \$ 2.1 billion for property tax relief in the suburbs. This, he says would counter balance the money going to New York City, the only way to satisfy the political establishment that views legislating solely as a quid pro quo endeavor. He supports what the Mayor and Chancellor are doing with the city schools, but is concerned that it's becoming a new bureaucracy that is too standardized and lacking the flexibility and creativity to solve problems on a case-by-case basis.

To help spur job creation upstate, Suozzi believes the state needs to reduce the overall cost of doing business, including costs associated with insurance and disability laws. He also proposes reducing property taxes and changing arbitration laws that exist in the state. He believes the state needs to get tough with unions and lobbyists to bring costs down and make the job force more effective. Suozzi would like to see a more integrated approach to planning for transportation projects that would encourage infrastructure investments for projects that would promote economic growth, quality of life, and a clean environment. He sees this type of transportation planning as central to downstate economic development.

Suozzi is fearless in pushing for vital changes in how government works and has a demonstrated record of implementing real reform and making government more effective in how it performs its functions. Suozzi persuasively argues that he is in the best position to accomplish his ambitious agenda not only because he has achieved reform of local government, but is without any major endorsements and will have no debts to pay in office. His candidacy is a compelling one and his ideas deserve to be heard. Should he be elected to office, the citizens of New York would be in very able hands.



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### • ATTORNEY GENERAL •

#### Democratic Primary

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#### ★ PREFERRED CANDIDATE - ANDREW M. CUOMO - DEM, WFP ★

*Has returned questionnaire; view responses at [www.citizensunion.org](http://www.citizensunion.org)*

*Education: Fordham University (BA); Albany Law School (JD)*

Former Secretary of the Department of Housing and Urban Development (HUD) during President Clinton's second term, Andrew Cuomo's professional legal career began in 1984 with a brief stint as Assistant District Attorney in Manhattan under Robert Morgenthau. After 14 months at the District Attorney's office, Cuomo established his housing credentials as the founder of a national non profit organization that provided transitional housing for the homeless Housing Enterprise for the Less Privileged (HELP), and a as an appointee to New York City Commission on the Homeless under Mayor Dinkins. Cuomo's work at HUD attracted the most attention and while criticized for some failings, he is generally credited with turning around an agency that was beseeched with inefficiency and corruption. He credits his accomplishments at HUD and his experience in supervising 12,000 employees and 350 attorneys as uniquely preparing him for the office of Attorney General.

Two key measures to combat the dysfunction in Albany, according to Cuomo, are campaign finance and redistricting reform. He argues that these two measures will make elections more competitive and in turn bring about more accountability to government and better qualified elected officials. Cuomo's proposal to reform how campaigns are financed includes a limited public financing system, much like New York City's, a ban on soft money contributions, a \$10,000 limit on contributions to political parties, a \$300 limit on contributions from corporations doing business with state, a moratorium on contributions from pharmaceutical companies doing business with the state, and other measures. He also supports a ban on elected officials accepting of honoraria or fees for public speaking engagements and other events, as well as a three year "cooling off" period before an elected or appointed official of the executive or legislative branch can lobby the state government.

Cuomo would more aggressively enforce the Tweed Law which brings suit to recover any governmental funds (state or local) that have been "without right obtained" as the way in which to fight political corruption, police unethical or fraudulent behavior, and enact political reform. He believes that simply enforcing the law will bring dramatic results.



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If elected, Cuomo would also push for a comprehensive healthcare reform package including a crackdown on fraud and abuse in the pharmaceutical and insurance industries and more active policing of Medicare to protect seniors. Cuomo believes that Medicaid fraud is wide and that encouraging whistleblowers to come forward under the federal false claims act will bring greater compliance. Citizens Union was also pleased to see Cuomo stress the need to partner with local district attorneys in addressing systemic enforcement issues such as Medicaid fraud and his interest in continuing Spitzer's work with other state attorneys general in protecting the environment at a time when the federal government has adopted a more laissez-fair approach.

With specific ideas on reforming state government and practical proposals, Cuomo demonstrated that he has been thinking about these issues in concrete ways that attend specifically to the role and place of the Attorney General in the government structure. Andrew Cuomo earns the Citizens Union preference on the strength of his record in managing and reforming a large government agency like HUD, the way in which he articulated in our interview his vision for the office of Attorney General, including his specific ideas on how to pursue both Medicaid fraud and official malfeasance, and the commitments he made on a host of reforms like campaign finance and ethics. CU feels of the four worthy Democratic candidates, he is best equipped to manage the state's Department of Law and bring innovation to the Attorney General's office in its role to reform state government.

### **MARK GREEN - DEM**

*Has returned questionnaire; view responses at [www.citizensunion.org](http://www.citizensunion.org)*

*Occupation: President and Founder, The New Democracy Project*

*Education: Cornell University (BA); Harvard Law School (JD)*

Although this is his first campaign for the office of New York State Attorney General, Mark Green is no stranger to political life. From 1990 to 1993, Green served as the Consumer Affairs Commissioner leading a 340-person, \$17-million law enforcement agency that licensed businesses and prosecuted fraudulent practices. As the Commissioner, some of Green's accomplishments include leading a successful crackdown on unlicensed home improvement contractors, pursuing action against false advertisers in the tax preparation, banking and employment industry, among a host of others, and a campaign against Camel cigarettes for targeting young adults in their "Joe Camel" advertising campaign.

Green continued his work on behalf of consumers and average New Yorkers as the city's first ever Public Advocate. Elected to serve as the "ombudsman for New York City taxpayers" in 1993, Green released reports and conducted numerous investiga-



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tions during his eight years in that office. His work included action on issues ranging from kosher food pricing and the city's contracting process, to lead poisoning and hazardous toys for children.

Green's agenda if elected to the Office of Attorney General is in many ways a continuation of the work he has been doing throughout his political career. He sees the office primarily as a "public interest law firm pursuing fresh initiatives." His top priorities, if elected, include combating health care fraud and corporate abuse, and pushing for political reform. His health care and corporate fraud agenda is largely built around securing the passage of a State False Claims, modeled on Federal legislation, which would increase fines for cheats and fraudulent companies and add protections for whistleblowers as well as a financial incentive for them to step forward. Highlighting the state's enormous \$44.5 billion Medicaid price tag last year and experts estimate of a ten percent fraudulence rate, Green pledges to increase the number of prosecutors in the Attorney General's Medical Fraud Unit, a move that he says would more than pay for itself in savings to New York State taxpayers.

To further save the state money, and tackle the issue of political reform, Green would use the power of the Attorney General's office to increase transparency and accountability of the state's quasi-governmental public authorities. He would begin by investigating authorities' no bid or low bid contracts and forcing them to open their books to public scrutiny, a pursuit that Eliot Spitzer used successfully to force reforms in the financial industry. He believes a State False Claims Act could also be helpful in this arena by encouraging whistle-blowers to come forward with fraudulent activities at authorities. Green's other priorities in the areas of government reform include the creation of an independent redistricting commission to draw district lines, and support for a voluntary public campaign finance system that would provide candidates who opt in with matching funds for donations under \$250 in exchange for agreeing to abide by strict spending caps and limits on the size of donations. Green also favors restricting the practice of candidates transferring funds raised for one race to accounts set up to elect them for a completely different office, a move that would limit the "war chests" that candidates amasse that scare off potential competition.

As someone who has had a lifelong commitment to reform and worked on behalf of the public interest, Mark Green is clearly qualified to be Attorney General and would bring both experience and a worthy agenda of reform initiatives to the office.



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### **CHARLIE KING - DEM**

*Has returned questionnaire; view responses at [www.citizensunion.org](http://www.citizensunion.org)*

*Occupation: CEO, Praxis Housing Initiative*

*Education: Brown University (JD); New York University Law School (JD)*

The former Director of Housing and Urban Development for the New York/New Jersey region under HUD Secretary Andrew Cuomo and President Clinton, Charlie King is the CEO of Praxis, a not-for-profit housing organization that provides transitional housing and services to homeless individuals, especially those living with AIDS/HIV.

King lists as his top-priority in this race for Attorney General improving New York's public education system. If elected, he would work to eradicate waste, fraud and abuse in the public school system through the creation of an "Education Protection Unit" that would focus on increasing transparency and accountability of local school boards and districts. His plan includes assigning a lawyer from his office to every public school in the state to lead investigations and institute reform measures. He would create an education hotline similar to the city's 311 system to which parents could call in to receive information, file complaints and inquire about matters pertaining to the school system.

To tackle the spiraling costs of the Medicaid program, King supports passage of a "Martin Act" for healthcare, which would give the Attorney General increased powers for investigating fraud independently of the Governor's office. King also would focus on reigning in HMOs' influence over the medical care system. Noting that the U.S. Supreme Court ruled that the Patient's Bill of Rights cannot always be challenged directly, King advocates utilizing the Deceptive Trade Practices Act to bring suit against HMO's for false advertising. He also pledges to take on prescription benefit managers for their role in ripping off the public by collaborating with pharmaceutical companies to illegally steer consumers to favored products.

In order to bring more accountability and transparency to the state's public authorities, King believes that the recently passed Public Authorities Accountability Act of 2005 is a good start, but that more must be done to limit public authorities' ability to accumulate debts and act without adequate oversight. He proposes the creation of an Inspector General's office that would focus exclusively on public authorities. King supports a system of primary elections for Supreme Court justices, and believes that independent screening panels could play an important role in the process. He is opposed to the current system where candidates are chosen by county leaders, but also opposes an appointment system, concerned with who would be given power over appointments.

Charlie King has put forward thoughtful ideas on how to deal with problems involving education and health care in his campaign for Attorney General.



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### **SEAN PATRICK MALONEY - DEM**

*Has returned questionnaire; view responses at [www.citizensunion.org](http://www.citizensunion.org)*

*Occupation: Attorney, Willkie Farr & Gallagher*

*Education: University of Virginia (BA); University of Virginia Law School (JD)*

A corporate attorney specializing in criminal and institutional investigations, Sean Patrick Maloney worked as Staff Secretary for three years in the Clinton White House. Maloney also served as chief operating officer of Kiodex, Inc., a risk management company for commodities derivatives markets. He is making his first run for public office. Maloney lists as one of his top priorities cleaning up the waste, fraud and inefficiency that plague the operation of state government. He believes that the state needs to urgently reform the “pay-to-play” culture that pervades Albany, whereby contractors and lobbyists win favorable decisions based on the contributions they give to candidate campaigns for office. Maloney proposes a thorough investigation into the quid-pro-quo that is at the heart of “pay-to-play,” and aggressive oversight and enforcement of existing campaign finance and ethics laws to help rein it in.

He advocates for greater transparency for our state’s public authorities and more oversight of their spending and borrowing. He would work with government to investigate the misuse of public funds by our public authorities and where necessary prosecute cases using the Tweed Law to combat abuse and fraud in the contracting process. According to Maloney, the current New York State Comptroller has done much of the groundwork. Now a prosecutor needs to pick it up and build prosecutable cases.

If elected, Maloney also pledges to more actively investigate and prosecute Medicaid fraud cases. However, he wouldn’t start with broadening liabilities; he would focus more resources on enforcement of current laws. Maloney believes that the saving is in “back end” fraud, such as pricing schemes and the over promotion of brand name drugs over generic drugs. By encouraging whistle blowers to step forward, Maloney believes the ability of the Attorney General’s office to enforce the rules on the books would be greatly enhanced.

Maloney stresses a need, and desire, to work closely not only with the Comptroller and Governor to achieve desired ends, but also with District Attorneys across the state and Attorneys General from other states. He feels that he can successfully work in coordination with other Attorneys General offices to tackle issues related to crime, gun control and Homeland Security.

Sean Maloney brings an admirable passion and strong commitment to reform of state government to his campaign for Attorney General.