

# Westchester

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## CLOSE-UP: GOVERNMENT

# Spitzer's anti-corruption unit gets off to a busy start

But Pirro says attorney general exceeds his power

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**ALBANY** — Criticizing the "give to get" political culture that trades campaign cash for government contracts, Attorney General Eliot Spitzer said his office's new Public Integrity Unit has already logged more than 100 reports of improper actions by state and local officials across New York.

As a result, the unit has opened 10 investigations into complaints of wrongdoing.

"The white-collar crime that is defined by municipal corruption, government corruption ... cases like that don't get enough attention," he said recently. "We have

the jurisdiction to handle those cases, and we have the obligation, I think, to handle those cases."

But Westchester County District Attorney Jeanine Pirro, head of the state District Attorneys Association, said Spitzer was overstepping his legal authority by setting up a statewide anti-corruption unit. She said such cases should be handled by local prosecutors unless the governor asks the attorney general to get involved.

"(Spitzer) has no statutory grant of authority to create a statewide office to prosecute state or local corruption," Pirro said. The organization Pirro heads covers prosecutors across the state, including those in Rockland and Putnam counties.

"The district attorney who is responsible to the people of that particular county has the statutory authority, before you even get into the issues of resources and competence."

Spitzer's press spokesman, Marc Violette, expressed surprise at Pirro's remarks and reiterated Spitzer's position that he believes he is legally empowered to set up the anti-corruption unit.

"We have ample jurisdiction to launch our own investigations," Violette said. "We don't need an invitation to uphold New York state laws."

Blair Horner, a lobbyist for the New York Public Interest Research Group, which favors reforms in state and local government, said he was not certain of

Please see **CLOSE-UP, 2B**



Attorney General Eliot Spitzer: Handling 10 investigations.



Westchester County District Attorney Jeanine Pirro: Spitzer overstepping his bounds.

## CLOSE-UP: GOVERNMENT

# Spitzer's political anti-corruption unit off to busy start

CLOSE-UP, from 1B

the extent of Spitzer's authority to undertake anti-corruption investigations. But he did say local prosecutors should welcome the help.

Prosecutors may not like Spitzer encroaching on their turf, he explained, but district attorneys historically have not done a good job of prosecuting government corruption.

"New York is notoriously lax for not only its (anti-corruption) laws but for its enforcement of its laws," Horner said. "We really need a political cop walking the beat."

Horner compared the situation to former Attorney General Dennis Vacco's efforts to help local prosecutors with criminal cases. In many situations, such help was welcomed.

"I don't know why that's good enough for criminal prosecutions but not for civil cases," Horner said.

Spitzer said he has opened investigations into improper fiscal practices at the upstate Capital District Regional Off-Track Betting Corp. that prompted a wave of firings and into allegations of payroll "double-dipping" in the Orange County Sheriff's Department.

He said inquiries into misconduct by public officials often go nowhere unless the case is high-profile. Many prosecutors, especially in smaller counties upstate, lack the resources to pursue such investigations because they have their hands full

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**"It is the 'give to get' climate that creates the cloud that lingers around government."**

— New York State Attorney General Eliot Spitzer

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prosecuting street crimes.

"That's absolutely the case," said Barbara Bartoletti of the New York State League of Women Voters, which has been pushing for local lobbying and financial-disclosure laws for public officials to prevent conflicts of interest when dealing with developers and other business operators.

"District attorneys are taken up with homicides and drug problems, street problems, and they are not looking at what's going on with the white-collar crime and who's giving money to whom in order to get what," she added.

Bartoletti said Spitzer's new unit would help fill the gap created by a lack of strong local and state laws governing special-interest abuses.

Pirro said local prosecutors have a number of options for pursuing anti-corruption investigations, from calling upon state police to deputizing lawyers from the Attorney General's Office as special assistant county prosecutors in grand jury probes.

She said the district attorneys group was ready to go to court to try

to block Spitzer from prosecuting criminal cases, and she warned that if he convened a grand jury, he would be liable for a civil-rights lawsuit since he does not have legal authority to do so.

Spitzer said his investigations would help strengthen public confidence in government.

"It is the 'give to get' climate that creates the cloud that lingers around government," Spitzer said.

The new unit's focus will include contracting, false bills and procurement of goods and services by government agencies.

"That's where the money is," Spitzer said.

He announced the unit's formation in January, saying he was going to "take on alleged corruption cases that local prosecutors across the state are unable or unwilling to do." He said recently that that would include investigations of state and local governments, unless other agencies had already opened probes into alleged misconduct.

Spitzer said his office would not examine whether government contracts or state Parole Board deci-

sions had been tied to contributions to Gov. George Pataki's campaign fund or to GOP coffers.

"We are not going to open parallel state inquiries," Spitzer said. "There would be no purpose to it."

Federal prosecutors in Brooklyn are looking at Pataki's campaign-finance practices to determine whether the parole of state prison inmates was tied to campaign donations and whether lucrative public-works contracts were awarded to campaign contributors.

"There's no question there is a real tension there," Spitzer said. "It's not illegal for vendors to contribute. One could argue that it should be. There's a perception problem."

Spitzer's new unit marks a departure for the state Attorney General's Office. Spitzer's predecessor, Vacco, put much of his energies into prosecuting criminal activities, such as child pornography trafficking. Former Attorney General Robert Abrams, meanwhile, made a name for himself as a consumer watchdog.

Spitzer, a former prosecutor in the Manhattan District Attorney's Office, said he was particularly interested in making sure campaign donations were not tied to government favors.

He said the climate of giving campaign donations to get state contracts has been tacitly encouraged the state's lax campaign-finance laws. He said Pataki's proposal to limit donations was a start, but that he and

state Comptroller H. Carl McCall would offer their own plan by the end of the year.

"('Give to get') is institutionalized by a campaign finance structure that has led elected officials to make fund-raising a greater and greater part of their lives and has made it easier and easier to go to those who have benefited from the largesse of government in search of contributions," Spitzer said.

State legislators, in particular, have come under fire from reform groups for holding nearly nonstop fund-raising events during the regular January-July legislative session. Contributors who buy tickets to the events are mostly lobbyists employed by corporations and other special interests.

Pataki has also been criticized for a heavy fund-raising schedule. In last year's election, Spitzer was chided by opponents for using family wealth to finance his campaign.

"Addressing head-on the campaign finance rules of this state is the best thing to do," Spitzer said. "We have contributions limits in this state that are outlandish, that are porous, that need to be attacked. There's a very strong theoretical argument for public financing of campaigns because it will eliminate all of this. I'm not sure that the public is willing to foot that bill at this point."