

In the absence of an official transcription of Governor Cuomo's July 2, 2013 press conference announcing the Commission to Investigate Public Corruption, below is a transcription from the Governor's video, transcribed by Center for Judicial Accountability Director, Elena Sassower:

July 2, 2013 Press Conference
Announcing Commission to Investigate Public Corruption

Governor Andrew Cuomo: This is a very powerful step that this state government is taking. And as complicated as it is, is as simple as it is. Every relationship is about trust at the end of the day. If it's husband and wife, if it's friendship, and citizens to their government. It's about trust. The recent rash of wrongdoing by legislators in Albany has shaken the public confidence, the public trust in government. You hear about it from one end of this state to the other. It's not that corruption in government is new. In many ways, it's the oldest drama, how power corrupts. But it is inexcusable. To me, public corruption is a double crime. It's the underlying crime and then it's the crime of breaching the public trust. Because when you are an elected official, especially, you put yourself in a special position. You go the People of this state, the People of your district, and you say, trust me, I'm here to serve you. So breaching that trust, violating that trust, is a separate and inexcusable offense.

Our obligations, as elected officials, is, first and foremost, to make sure the wrongdoers are punished and that the punishment is sure and swift. And second, to make sure there is a system in place that is working to prevent the wrongdoing in the first place. The right policing procedures and the right prosecution procedures when a wrongdoer is actually caught and convicted.

I tried to pass comprehensive legislation this past session that would do just that. It was sweeping and broad legislation. Campaign finance, public finance, electoral reforms. That legislation did not pass the legislature. Your mission, therefore, is to accomplish what the legislation, I believe, would have accomplished. Your mission is to put a system in place that says, A. we're going to punish the wrongdoers and to the extent that people have violated the public trust they will be punished. Two, there is a system in place so that the public should feel confident that if there is wrongdoing going on, there's a system in place that will catch those people and make sure it doesn't happen again.

I don't believe people are naive. I believe people are sophisticated. I think they know that there is corruption in government, that there will always be corruption in government. But they want to know that a system is in place that somebody is watching. And that is what they are really questioning about state government now. Is there a system in place that is effective at preventing this? And if people do wind up breaking the law, is there a system in place that's going to catch them?

That's your mission. I believe with the credibility of this Commission, you can go a long way towards restoring that public trust. I believe there has never been a more credible group of law enforcement professionals assembled in this state on this type of commission, period.

This is truly a unique convening of the most seasoned, the most credible, the most experienced law enforcement professionals and government professionals that has been brought together. And I think the convening itself and your assemblage itself will go a long way towards telling the public they have a government that they can trust because someone is watching and people with experienced eyes are actually watching the system.

This comes at a good time. It comes at a time when the JCOPE agency is going to be filing new public disclosure forms. The law was changed last year to require more disclosure from elected officials. More financial disclosure, more personal disclosure, business relationships, etc. That law actually takes effect now – to the extent that that information is now going to be made public. So there will be unprecedented disclosure and unprecedented transparency by elected officials. Never before have elected officials put forth this much information.

So transparency and disclosure will be prong one. Prong two, your mission, enforcement. And there is no substitute for enforcement. As a former attorney general and as a former assistant district attorney in the great office of Bob Morgenthau, I know, first-hand, there is no substitute for effective enforcement. And any system, and any set of laws are only as good as the enforcement mechanism behind them.

Coming with the JCOPE disclosure, I think this is a powerful one-two punch. Disclosure, transparency, and a new enforcement mechanism which I think the combination will be powerful.

I don't want anyone to get the wrong implication by this appointment. I do not believe that the wrongdoing typifies the people who we've elected in this state. I actually believe the opposite. I believe the overwhelming majority, 99% of the elected officials in this state, are elected for the right reason. They are good people. They are here to do the right thing. They work very hard. They are away from their families. And, they're in public service to do good. I believe that. I believe we're talking about the exception, rather than the rule. I also believe that in some ways your presence, your mission, will vindicate the good elected officials. Because right now everyone gets painted with a broad brush, and this will vindicate the good elected officials to the extent that they are now being tarnished by the implication of the wrongdoing of the few.

I also want to make sure there is no implication that there is any suggestion that because we would appoint this Commission there's anything less than total belief in this state government. I believe profoundly in the function and the competence and the mission of this state government. I believe in some ways the mission is only limited by the people's trust and to the extent we restore people's trust, we'll actually increase the capacity of state government to do good things.

As I said, it is about trust. And to the extent that trust is limited, the capacity is limited. To the extent that trust is grown, the capacity will be grown. And I believe this state needs a functioning state government. I believe we've already shown in the past two years what a difference a functioning state government can make. And I believe if we continue to increase the public's confidence in government, you're going to see that capacity increase at the same time.

I want to thank each and every one of the people who have agreed to serve on this Commission. You are all extraordinary in your own right, bring different discrete areas of expertise, but you are a powerful combination, no doubt. You all have day jobs. And you're all extraordinarily busy. So, I truly, truly appreciate that you're taking the time to take on this commitment. It's not an easy one. It won't be discharged lightly, but it is essential at the same time.

With that, I want to now turn it over to the Attorney General, and I want to thank him for joining us in this effort. The Attorney General's jurisdiction will be designating the Commission as deputy attorneys general, which will bring broader investigative powers and it is going to make this Commission a truly, truly powerful entity that can do good for the state.

So, I want to thank the Attorney General again for that. And with that let me turn it over to Attorney General Eric Schneiderman.

Attorney General Schneiderman: Thank you, Governor, and thanks to all of you who have agreed to serve as commissioners. This is an extraordinarily important endeavor. And let me start, really, where the Governor ended. Those of us who believe in government as a force for good, must be the harshest critics of corruption, waste, fraud, and abuse in government.

And I know the Governor is a true believer in what New York State's government can accomplish. And there is a certain level of reverence for what New York State can be that I think he and I share, having grown up during a particular period of our state's history and having some mentors who actually were a part of that history.

The corruption that now is perceived by the public to be rampant in state government undermines the ability of every part of the state government to function. It has to be addressed. It has to be addressed comprehensively.

This Commission which is empowered by the Governor under Section 6 of the Executive Law will have broad jurisdiction to investigate and, as he indicated, he has directed me in the Executive Order to look into the matters that the Executive Order assigns to the Commission's direction and calls to their attention and I am deputizing the commissioners as special deputy attorneys general and conveying to them the power of our office to investigate any branch of government, any local entity, essentially anything related to public health, safety and it's all set forth in the Governor's Executive Order.

In [New York State, we need to have public confidence that not just are there effective ways to root out corruption and there are proposals that are on the table to make it easier for those of us who are prosecutors to go after public corruption, it is important, and this Commission is uniquely empowered to do this, it is important to take a look at the state's existing laws and regulations to also address things that are legal, but perhaps should not be legal. This Commission is empowered and directed to make recommendations, to strengthen the laws, practices, and procedures of state agencies, this is a commission that investigates, can refer criminal and even civil violations to my office or the office of other prosecutors, and this is a commission that can hold hearings and issue

reports, making recommendations for reform.

In New York State, we have a voting system that sometimes seems to be set up to make it as hard for people to vote as possible. We have an Election Law and regulations and enforcement of Election Law and regulations that sometimes seem like a welcome wagon for pay to play schemes. And our campaign finance law and the enforcement of those laws, frankly, have become something of a national embarrassment. In short New York's democratic process has become undemocratic.

This Commission will be uniquely empowered to take a top to bottom review of all aspects of our state government, to refer findings of specific cases of misconduct, and to recommend reforms.

The People of the State of New York want real reform. And I view this Commission as being, as the Governor said, an extraordinary group of people who together bring collective wisdom in many, many different spheres and also a collective commitment to real reform and that is really essential to this. I think that the staff is going to be, we're committed in our office to providing whatever resources we can to the commissioners, and the Governor is as well. And we have some of our best staff people already assigned to work with the Commission. And the challenge the commissioners face is really only, is well met by the people we are putting in power here and the staff we are providing to them. And their jurisdiction is as broad as it can be.

I am a great believer in essential progressive American values. I believe in our electoral democracy. I believe in our institutions of government. And this Commission should be a major force for restoring public confidence in those institutions and in that form of government. I thank you all for weighing in at this critical point in state history. And I think together we can accomplish a lot.

Governor Cuomo: Thank you, Attorney General, well said. The Commission will be headed by three co-chairs. Kathleen Rice, District Attorney of Nassau County, Milt Williams, and the third co-chair who I have the pleasure of introducing now, who really needs no introduction, who is a legendary district attorney in the state of New York, who has done a great job for Onondaga County and the people of central New York, and with this assignment will be bringing his talent statewide. He's doing it obviously on top of everything else that he has to do. So we thank him very much again for the fantastic contribution he has brought to the state already by his public service. And then for taking on this additional responsibility. I'll turn it over now to William Fitzpatrick.

District Attorney Fitzpatrick: Thank you, Governor. That's a tremendous challenge when your governor calls you and asks you to co-chair a commission whose job it is to essentially restore public trust to the people of the State of New York. Normally, I would say something banal like, I'm happy to be here, or something like that, but I'm not happy to be here because it's not necessary for the commissioners to be here. I read in the New York media this morning that some legislators have already come out and said they are going to challenge the commission. They are surprised that Governor Cuomo appointed a moreland commission. Why would you be surprised? We sat in this room two weeks ago, the Governor laid out his legislative agenda, which 62 elected D.A.s throughout the State of New York signed on to and helped craft and he said if you don't pass it, I'm going to appoint this commission. I mean what is the magic number that it takes people to say wow

there's a problem here. The number is at about 35 right now, people indicted, under investigation, or already sentenced to prison. 35. Is the magic number 50? I would hope not. I would hope that at some point throughout the tenure of this commission, the leaders of the legislature and other elected officials throughout the state say this is a good thing. And we're going to cooperate as best we can.

I just read a Quinnipiac poll. 75% of New York voters think that the legislative leaders are doing a poor to lousy job in cleaning out corruption in their own houses. And the other 25% are probably working for them. I don't know how that 75% can be that low. But, the one thing that I'm most encouraged about, aside from my friendship with the Governor and my knowledge of him and when I see Attorney General Schneiderman and I look at the quality of people that he has already brought into the room, the one thing I am most impressed about is the quality of this Commission. The Governor said it was a great assemblage of law enforcement talent. I said privately it's the greatest assemblage of law enforcement talent since Bob Morgenthau dined alone at Fort Levy's [?]. And, it is a tremendous responsibility.

I have no intention, whatever our tenure is down the road, to stand in front of you, Governor, and say here's some silly report, you know, put it on a desk somewhere, put it on a shelf, and let's get back to business as usual. That's not the way I do things. It's not the way I've ever done things in my 35 years of public service.

You've given me and the rest of the Commission a tremendous responsibility. I will make only one promise, today, Governor, I will not let you down. And I know I speak for all of us.

Governor Cuomo: Thank you, very much. Well said. With that, we'll turn it over to the press for any questions you might have...

Exchange with Press

24:14: Q: "... Is this a better alternative or just an alternative"

Governor: "You know, it is different. It is different. As DA Fitzpatrick said, we're in this room. 62 DAs supported our Clean-up Albany package, legislative package. That was extraordinary. That really was extraordinary. 62 D.A.s from all across the state, different regions, different political parties. I think it was emblematic of the situation, where you had that unanimity, 62 district attorneys. Now, the legislation was sweeping. I said that. I understand it was difficult for the Legislature because it was so dramatic a reform. And I also said to you, frankly, that I was unwilling to compromise the legislation because I didn't want to water-down the reforms. And this, I believe, was a better alternative to any compromise legislative package. I believe this is, you look at the composition of this Commission. Literally you have legendary law enforcement talent on this Commission. And this is a powerful, powerful signal, and I want to send the signal to two audiences. One are the elected officials in the State of New York, we're going to raise the bar on public integrity, public trust. And second, to the People of the state, I want to be able to say, look, we have the best people in the business watching. And to the extent your trust is a little shaken over the past few months and to the extent you have been reading things in the newspapers with

legislators getting into trouble and you're wondering what's going on, and you're wondering if you can trust your government, well look at the people who will be doing this task. And I believe if they have, if you just take a quick look at this Commission and the talent on this Commission, they have to feel better about the confidence level in state government.

Attorney General Schneiderman: I just also want to call your attention to the Executive Order. What this Commission is empowered to do is truly unique. They will investigate and identify cases of misconduct, but the Governor has directed them to look at the weaknesses in existing laws and to make a report for recommending reforms that can then be enacted into legislation. So the two are not inconsistent. This is not an end to the effort to pass reform legislation. In addition to restoring public confidence, all aspects of New York state government are being given close scrutiny, this is a powerful vehicle for continuing the effort to enact real reform.

...

What exactly does it mean that they are going to be deputized?

Attorney General Schneiderman: The Executive Law has two sections that we're invoking today. The first, under Section 6, which is referred to as the Moreland Act, and second, Subsection 8 of Section 63: the Governor, in his executive power, has, and the Governor has this power to direct me to investigate and inquire into any matter relating to public peace, public safety, and public justice of the state. That covers everything. And I am carrying out that direction by deputizing these commissioners as deputy attorneys general and giving them the full authority that I possess under that section of law. They are empowered to investigate everything, any aspect of New York State and local governments, to issue a report. And as I said, they are uniquely positioned to look at weakness in existing laws and regulations and procedures for enforcement of those laws and in addition to identifying specific cases of misconduct, to come up with recommendations, and I truly believe this is a powerful vehicle for continuing the effort towards true reform.

Governor Cuomo: This is not a debatable presumption. The jurisdiction here is broad and sweeping. That's why initially I said broad or sweeping legislative changes, through the Clean-Up Albany Act, or broad and sweeping jurisdiction through the Moreland Commission.

...

District Attorney Fitzpatrick: As you telling me that Mylan Dinerstein is one of the...
...I've actually contributed to the Governor's campaign, even though I'm of a different faith than he is. The Governor is not looking to, he and I have spoken about this, he's not looking for rubber stamps. He's looking for an independent commission. We'll do what deep throat told Bob Woodward to do: "follow the money".

Governor: You have also. When you look at this Commission, you have, not only have top law enforcement personnel, but you have regional diversity, you have political party diversity. District attorneys have a political affiliation. So you have bipartisan, you have people from regions, you have local prosecutors, you have former federal prosecutors. I don't know how you could have a more diverse, encompassing group of professionals than we've put together here.

Governor Cuomo: Moreland Commissions have been used, over the years, different configurations. Some Governors have appointed themselves as a Moreland Commission, believe it or not. Some are bigger, some are smaller. The Feerick Commission was empanelled to make recommendations on campaign finance reform. They did that. This is different. I don't want to get into better or worse. I think that you come up with an application for the time.

This Commission is primarily – when you look at the talent. And as I said you have a dual mission. One, investigative enforcement. Right? We talked about the Board of Elections. In my opinion you don't have an adequate enforcement mechanism. So, first, investigative enforcement. That is what District Attorneys do. It's what U.S. Attorneys do. That's what Attorneys Generals do. That's the first order of business.

Second, to make suggestions for legislative reforms going forward. How do we fix the system. But it's a dual mission. This is not an academic exercise. Yes, we want a report on changes to the system, if they believe changes to the system need to be made. But the first order of business is the enforcement function and that's the predominance of expertise on this Commission.

...and what happens if they don't cooperate.

Governor: Ken, a little reality, just for a change. It is inarguable.... Go to any person on the street and say, do you think there is a problem with corruption in the Legislature? The answer is yes. We just went through several months where almost on a daily basis there was another story in the newspaper about another legislator accused of wrongdoing. Ask them, well has that shaken your confidence in government. And the answer is yes. It's not about a witch hunt. It's clear there are cases that need to be policed. I mean, that's inarguable at this point. So I understand people say what people say. But why we are doing this and the need to do this is totally clear to anyone who's been living in this state.

Q: And if they don't cooperate?

Governor: It's called a subpoena. There's, there's very few options not to cooperate.

Attorney General Schneiderman: The jurisdictional issue is not an open question. We've been talking together since the end session. We have a belt and suspenders here. There's jurisdiction to look at any aspect of the state government. It is not specifically directed at the Legislature by any means. The Commission is empowered to investigate any and every aspect of the state government that relates to the issues the Governor has pointed to in his Executive Order. But this is going to be a commission uniquely empowered to take a full top to bottom review and identify wrongdoing and make recommendations for reform.

Governor Cuomo: I also think, gratuitously, that it's a mistake for an elected official to get defensive about this. I think, as I said, the overwhelming number of elected officials are here to do the right

thing. And they are honorable people who have performed admirably. They have unfortunately been tarnished with a broad brush because of the bad apples. Fine. Now we'll have the system in place that if the public had confidence in the system then you could distinguish between the good and the bad. Right now they are not distinguishing between the good and bad. Everybody's bad, because they don't have confidence in the system.

I think this can actually vindicate the good elected officials who are the overwhelming number. Great, great. I welcome restoring the public trust because I believe in government. And I'm happy that there's going to be real enforcement on campaign finance laws, ethics laws, etc. because really that's going to vindicate the people who have been doing the right thing all along.

Q: Board of elections, donations, you've also mentioned in the past member items.

Governor Cuomo: They can do that, if they so choose. Up to them. They have very broad jurisdiction. They can look at the not for profits who lobby, the c3, 4, 5, 6 the whole bizarre framework of quote-unquote not for profit organizations that get tax benefits but then are lobbyists, but because of some, what I consider a nuance, are allowed to get away with it legally. So, there is a lot for them to look at. As the D.A. said, they'll "follow the money" and they'll go where the Commission chooses to go.

Q: will they have a dedicated staff...

Governor Cuomo: They will have whatever funding they deem necessary to do their job. Regina Calcaterra is going to be the executive director, she just finished as moreland which did an extraordinarily good job and powerful job and as a result valuable information is being turned over to the prosecutors. Kelly Donovan will be the chief counsel. Who else do we have? We have Danya Perry, former Southern District U.S. Attorney will be the chief of investigations, John Amodeo, will be chief of the legislative operations.

We'll find the money in the budget.

JCOPE – set up and does operate in secrecy and so the public ... Is the Moreland Commission going to be in anyway different from that. Is this all going to proceed in secrecy and eventually we're going to get a report.

Attorney General Schneiderman: I am shocked that you would suggest leaking in Albany. This is a very different entity than JCOPE. And as a body empowered under Section 63.8 of the Executive Law, there are, in fact, obligations to conduct investigation and conduct certain levels of confidentiality, because witnesses... So, there's a clear set of rules for confidentiality, but the commissioners have full discretion to hold open meetings from time to time and I would commend to you the Executive Order. The Governor has succinctly laid out the areas that the Commission is directed to inquire into, but this is an investigative body and there is a clear set of rules relating to confidentiality. The law on this is established and clear.

It's up to the Commission. I don't have an opinion on what the Commission should do. They will do what they think they should do.

Attorney General Schneiderman: The Commission is directed to look at certain matters. It is tremendously important that the Commission be given full reign. They will determine what is the most effective use of their time and resources.

Our commitment, my commitment, the Governor's commitment is to empower them and provide them with whatever resources they seek.

Governor Cuomo: My colleagues in NYC office. I don't want you to feel left out of it. You look a little bored there. Not you, Larry, you look very animated and engaged. Does anyone there have anything that they would like to add?

Attorney General Schneiderman: Any leaks?

OK, well I just wanted to make sure you were paying attention.

Let's do off topic.

You've been reluctant .. how

Governor Cuomo: Well, look, we have been, the situation has evolved over time, right. We've been saying, first, that I was proposing comprehensive legislation that could make a significant difference. That was not successful. If they don't, the Moreland Commission could be a powerful vehicle

I think we arrived at where we are today by a function of those circumstances. I think this is... What would have been better this Moreland or the legislation? I think they are different ways to get to the same place, but the goal is the same. The people of this state should sleep better knowing there is a mechanism in place to know their government is not only competent, but is also meeting the highest legal and ethical standards.

Why only now? It's worse now. Jimmy, read the newspapers. It's been worse over the past few months and I think we needed to take dramatic action.

How will the legislators know..

Governor: The concept of witch-hunt, when you use that word, you're suggesting that you're looking for something that is not there, see that's the concept of the witches because there really is no witches. I'm trying to say, no, no, no this is different. This is not about looking for something that is not there. We know it's there because we've just looked in the newspaper about all these cases of corruption. We know this is not an idle mission because...

We want the people of this state to know that you have a mechanism in place, be it to clean up Albany via a legislative package via a Moreland Commission, you have a mechanism in place that is going to assure that this is a government that you can trust.

Look at the talent. Look at the experience. Look at the credibility. You couldn't design a better more professional mechanism with more power and more capacity than this mechanism to police this government. It has never been done before. You couldn't get more talent around the table, if you wanted to. And that should allow people to sleep better. I hope they do. I hope they trust the government more than the government can actually do more good things for them. And that's what it's about. Everyone around this table believes in the capacity of government. Not because they disbelieve. We need the public's trust. And we believe it should be restored when they look around the table.