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**THE SENATE
STATE OF NEW YORK
ALBANY 12247**

**ROBERT G. ORTT
62ND SENATE DISTRICT
SENATE MINORITY LEADER**

March 24, 2021

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Hon. Letitia James
Attorney General of the State of New York
Office of the Attorney General
State Capitol
Albany, New York, 12224-0341

Dear Attorney General James:

We write to ask that you immediately direct the Executive Chamber to cease its widely reported effort to conduct its own alternate or parallel “review” of the multiple sexual harassment and misconduct claims being made against Governor Andrew Cuomo.

Based on news accounts published in the *Wall St. Journal*, the *Times Union* and the *New York Post*, the Executive Chamber has hired a high-powered law firm to conduct this “review,” and offered to have their lawyers “sit-in” with staff members on interviews with your duly appointed independent investigators, Anne L. Clark and Joon H. Kim.

We believe that the Governor’s highly unusual plan creates a very real and obvious potential for witness tampering and intimidation, as well as obstruction of justice. Also clear, is the threat that this questionable arrangement would pose to the work and integrity of your investigation.

Allowing the Governor’s plan to proceed will mean that, in real time, both the Governor and his top aides will know precisely what is being discussed behind closed doors with your investigators. In addition, investigators simply cannot conduct candid, truth-seeking interviews if a staff member’s own superiors are, in effect, sitting over his or her shoulders and listening to every word that is spoken.

What’s more, if a person *declines* to avail themselves of this offer of “assistance” from the Governor’s lawyers, it will create a very real potential for him or her to become an object of concern and/or suspicion within his or her own workplace. This is clearly problematic, especially given the fact that this particular work environment is widely acknowledged as being not only a “toxic” workplace, but one where “loyalty” is prized above all else.

All of these problems — coupled with a clear and consistent pattern of victim intimidation and a “climate of fear” perpetrated by the staff and/or loyalists of the Governor — make clear that this new development poses a very real threat to your efforts to conduct an independent, unfettered investigation. This is significantly compounded by the recent revelation that *the Governor himself*


was personally involved in the drafting of a letter designed to smear and undermine the credibility of a former employee who had courageously stepped forward to tell her story.

When viewed in light of these factors, the Governor's proposal to have a "review" conducted by individuals of his own choosing becomes not only unacceptable, but completely outrageous. Ultimately, each of these problems pose a very direct and imminent threat to the integrity of the ongoing investigation being conducted by your duly appointed Independent Investigators. Simply put, it would be virtually impossible for your investigators to get to the truth of this matter if this proposed arrangement is allowed to proceed.

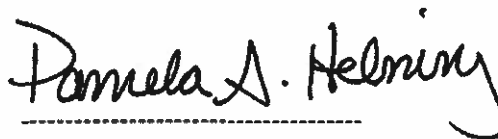
As New York State's top law enforcement officer, we respectfully urge you to take action immediately to direct the Executive Chamber to cease and desist its plan to conduct an alternate, parallel "review" of wrongdoing by the Governor and his top aides. To the extent that an Executive Chamber staff member indicates a desire to have counsel provided to them, we would strongly encourage you to facilitate that in a manner that meets the employee's needs, while not undermining and jeopardizing the multiple, ongoing investigations that are currently taking place.

We thank you for your attention to this critically important matter, and look forward to an immediate reply to this communication.

Sincerely,



Senator Robert G. Ort



Senator Pamela Helming



Senator Daphne Jordan



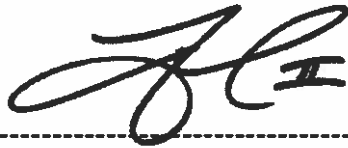
Senator Patty Ritchie



Senator Sue Serino



Senator Alexis Weik



Senator Fred Akshar



Senator George Borrello



Senator Phil Boyle



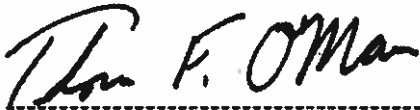
Senator Joseph Griffo



Senator Mike Martucci



Senator Mario Mattera



Senator Thomas O'Mara



Senator Peter Oberacker



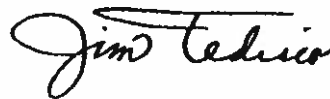
Senator Anthony Palumbo



Senator Edward Rath III



Senator Daniel G. Stec



Senator James Tedisco