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NY POLITICS

Cuomo Defends Panel Advice

Governor Says Investigators Operated with 'Total Independence'

By ERICA ORDEN

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Gov. Andrew Cuomo responds to a question during a press conference at the University of Buffalo on Monday. *Associated Press*

New York Gov. Andrew Cuomo on Monday defended his administration's treatment of an anti-corruption commission, saying his aides offered advice to investigators but that it operated with "total independence."

The Democratic governor, who is running for re-election in November, is facing the most intense political crisis of his career after allegations that his staff, primarily top aide Larry Schwartz, instructed the Moreland Commission to Investigate Public Corruption to avoid pursuing inquiries into entities with ties to Mr. Cuomo.

The governor answered questions from reporters for nearly 40 minutes at an unrelated news conference in Buffalo, N.Y., most of them pertaining to the commission.

Mr. Cuomo called the Moreland Commission "a phenomenal success."

The governor set up the panel last July and gave it subpoena power, staffed it with law-enforcement officials and cut a television advertisement saying its corruption-fighting powers would be "independent."

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On Monday, Mr. Cuomo said his office talked with the commission because it was empaneled and staffed by the governor's office.

Moreover, he said the commission was "working with us and the Legislature to try to negotiate [an ethics] bill" and so necessarily corresponded with those arms of the government.

"Independence doesn't mean you get holed up in an ivory tower and don't talk to anyone," Mr. Cuomo said. "This is the exact opposite. They were supposed to be talking to many people."

In the end, the Legislature passed an ethics overhaul package this year, after the commission helped break down resistance.

Mr. Cuomo then disbanded the commission, drawing fire from Manhattan U.S. Attorney Preet Bharara, who said his investigators would continue the panel's work.

Mr. Cuomo's explanation left some critics dissatisfied. Organizations such as the New York Public Interest Research Group are pressing the governor to provide additional information about his communications with the commission.

"I think the concern is that the governor has many different explanations and some of them are contradictory," said Susan Lerner, the executive director of Common Cause New York.

Mr. Cuomo's Republican election opponent, Rob Astorino, has seized on the controversy, releasing a web advertisement attacking the governor.

On Monday, Mr. Cuomo repeatedly said the examples used to show his aides' alleged interference actually demonstrated the commission's independence.

Last fall, Mr. Schwartz urged the commission to withdraw a subpoena to a media-buying firm, Buying Time, that had done work for Mr. Cuomo's 2010 gubernatorial campaign.

The commission did so, but several weeks later it re-issued the subpoena. By ultimately sending the subpoena, Mr. Cuomo said, the commission proved it wasn't subject to the governor's wishes.

"That's not a sign of interference," he said. "That's demonstrable proof of independence." A Moreland chairman, Onondaga County District Attorney William Fitzpatrick, defended the governor in a statement: "Nobody 'interfered' with me or my co-chairs," he said. "I'm not a rigid person and I prefer to absorb as much advice as I can before making major decisions."

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