

[DRAFT – July 22, 2007]

STATEMENT OF GOVERNOR SPITZER

Today the Attorney General's Office and the State Inspector General's Office concluded their investigations covering two sets of allegations: (1) that Senator Bruno used State aircraft and vehicles for political purposes; and (2) that my office had targeted Senator Bruno for State Police surveillance. The Attorney General's Office investigated both issues, and the State Inspector General's Office reviewed only the second. My office received a copy of this report this morning.

Both offices concluded that there were no violations of the law. At the same time, however, today's report makes clear that our current laws relating to the use of State aircraft need to be strengthened, and that several high-level individuals in my administration exercised poor judgment and failed to follow appropriate practices. As a result, corrective action is necessary.

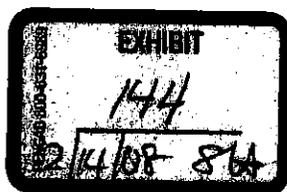
I have always stated that I want ethics and integrity to be the hallmarks of my administration. That is why I requested that the State Inspector General review the allegations with respect to my office, and that is why we have fully cooperated with both inquiries.

With respect to the use of State aircraft, today's report recommends that elected officials reimburse the State for the use of State aircraft [insert standard being proposed – i.e., unless the predominant purpose of the trip is governmental, and any political activities engaged in that day are purely incidental]. I fully support that recommendation, and will propose legislation to enact it.

The report also describes events leading to the location of records relating to Senator Bruno's alleged use of State aircraft for political purposes, and the creation of records to memorialize travel that had already taken place. As the report makes clear, this conduct was not illegal. However, because the matter involved an elected official from another party – indeed, one whom the public views as a "political opponent" – every effort should have been made to follow proper procedures, and thus reduce any perceived conflict. Moreover, although the steps taken were within the bounds of the law, they created an appearance that the State Police were being used inappropriately, and certainly above and beyond what would be required to provide information to the public.

As a result, I have decided to take several actions based upon the allegations set forth in the report issued today.

First, it is clear that the normal procedures under the Freedom of Information Law ("FOIL") were not followed in this case, and I therefore have asked my staff to conduct a



Privileged & Confidential - PD-01170

review of our FOIL procedures, and to recommend changes that will protect against similar lapses in the future, while still preserving my commitment to open government.

Second, I have decided to take two personnel actions based upon the clear lapses in judgment that occurred. In particular, Darren Dopp, the Director of Communications, is being suspended without pay for 30 days. Second, William Howard, the Assistant Secretary for Homeland Security, will be reassigned to a position outside of the Governor's Office.

I want to thank the Attorney's General's Office and the State Inspector General's Office for their efforts and for issuing an expeditious, thorough, professional and fair report.

Although the report makes clear that no violations of law occurred, it also makes clear that even those who might begin with the best of motives – such as the desire to provide the public with information about the alleged misuse of government property – should avoid even an appearance that steps are being taken for inappropriate purposes, particularly where a law enforcement entity such as the State Police is involved. The steps I am taking today are designed to assure that the standard for integrity and excellence that I have demanded will always be met.