

Public Hearing of the Moreland Commission
to Investigate Public Corruption in New York State
Prepared Testimony of Mark A. Sacha, Esq.
September 24, 2013

Chairpersons Fitzpatrick, Rice and Williams, members of the Moreland Commission and members of the public, I appreciate the opportunity to be here today.

My name is Mark A. Sacha, and for twenty-three years, under four District Attorneys, I was an Assistant District Attorney in Erie County, New York. For almost ten years, I was a Deputy District Attorney who was in charge of prosecuting public corruption cases. I speak today as an informed citizen.

I am here to advise the public and the voting citizens of New York of the "elephant in the room", the hypocrisy which has not yet been addressed before this Commission. Election fraud and public corruption are not prosecuted properly, not because of a lack of laws in this State, but by a lack of will. The sad reality is that District Attorneys are political. Many have horrible conflicts of interest, which affect their ability to act. In order to reach their position, they make alliances, accept money and cut political deals with other politicians. They reach their goals through these people.

The public has the right to know the truth based on my own personal experience. In 2008, I conducted an investigation that uncovered widespread criminal election law violations by a number of individuals, including Steven Pigeon, a person who has close political ties to Pedro Espada, Governor Cuomo, former Erie County District Attorney Frank Clark, and present District Attorney Frank Sedita, who is also a member of this panel. I personally handed Mr. Sedita a 53 page memo outlining the facts surrounding my 2008 investigation.

As a result of my attempt to do the right thing and hold Mr. Pigeon accountable, I was retaliated against by his friend, Frank Sedita. When I informed the public of Mr. Sedita's hypocrisy and misconduct, I was fired.

Now four years later, the same pattern of misconduct is occurring in Erie County. The September 22, 2013 edition of the Buffalo News contained a lengthy article detailing new allegations of illegal conduct by Pigeon. Current election campaigns are wrought with allegations of false filings, straw donors and donations which exceed contribution limits. This Commission has received a complaint about Mr. Pigeon. These allegations of corruption in Erie County have gone on for years.

Prosecuting the powerless is easy. The real test is when you are asked to investigate the powerful. District Attorney Sedita has failed the test.

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The truth is that election law cases are not pursued because few elected District Attorneys will prosecute their political friends and political family. District Attorneys have subpoena power but choose not to use it. They have the power and means, but lack the will. This is the sad truth.

x Mr. Sedita has made public statements making it clear that he will not investigate election crimes, yet he sits on this panel. This is wrong and an abdication of his sworn duties. I commend Preet Bharara for breaking the mold and for changing this dynamic that has plagued our state. Mr. Bharara has had the courage to expose the culture of corruption that has been allowed to exist in Albany and in New York State. His ongoing efforts have forced the creation of this panel.

I say to the voting public, free and fair elections are your right. Demand that your elected District Attorneys protect that right. Demand that your elected District Attorneys act in the public interest, not their own. Thank you.

*stop what happens in the courts
independent prosecution agency*

District Attorneys as citizens - not as prosecutors

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