

November 15, 2018

Editorial: Expand state AG's powers



New York Governor Andrew Cuomo on November 13, 2018 in New York City. (Photo by Drew Angerer/Getty Images)

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THE ISSUE:

New York's attorney general needs the governor's referral to probe political corruption.

THE STAKES:

The Legislature must expand the attorney general's powers, to add a key resource in the effort to clean up Albany.

One of the strongest arguments for broadening the state attorney general's powers to investigate public corruption is that when Andrew Cuomo was New York's top prosecutor, he pushed for it.

Under New York state law, the attorney general cannot launch a criminal investigation into possible public corruption without a referral from an executive agency — which, in practice, usually means the probe needs the governor's permission. Back when he ran the AG's office, Cuomo had urged lawmakers to permanently expand its investigatory powers.

But then Mr. Cuomo became governor and he cooled on the idea, deflecting requests from then-Attorney General Eric Schneiderman for a so-called "blanket referral" — a standing approval to launch investigations — and maintaining that the change would have to come through legislation, which never happened.

Until now. Maybe.

Mr. Cuomo now says he's open to expanding the powers of the attorney general's office. A spokesman cites the issue among "pieces of potential ethics legislation" to be released before next year's new Legislature.

We're glad to hear it. It's a common-sense reform Mr. Cuomo could have — and should have — pushed for long ago. And if the famously scrutiny-averse governor cools off on the idea again, the Legislature must pursue it anyway, because Albany

desperately needs more watchdogs.

Some may see a link between Mr. Cuomo's renewed support for the expansion of the attorney general's powers and the fact that the office's next occupant is someone whose candidacy he endorsed. Attorney General-elect Letitia James has promised to be an "independent fighter," calling it "critically important" for the attorney general's office to have broader investigatory authority, and pledging to push the Legislature to grant it. We have no reason to think Ms. James won't stand by her statements.

Enacting this change through legislation makes it bigger than Mr. Cuomo: The enhanced authority will transcend all administrations. That's one reason we agree with Mr. Cuomo that the expansion of powers needs to come through legislation, not executive action: This is not a power a governor should be able to bestow and then withdraw again.

Of course, this must be part of a comprehensive package of anti-corruption measures. We also need Mr. Cuomo to support changes to make it harder for elected officials to go astray in the first place, like closing the LLC loophole and lowering the limits for campaign contributions. Those are reforms with potential to change New York's political culture.

Not doing more to curb government corruption is the biggest black mark on Mr. Cuomo's record. He has repeatedly failed to use his considerable clout to effect meaningful change.

Now, with control of both houses of the Legislature as well as the governorship, Democrats have nothing to stop them on ethics reform — and, if they fail to act, no one to blame but themselves.