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Molding a powerful position;

With predecessors whose aggressive pursuits reinforced the office's scope, state AG hopefuls face scrutiny as they form their own agendas

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Over his four terms as New York State attorney general, Robert Abrams cast himself as a dependable consumer advocate.

A successor, Dennis Vacco, during a single term, carried out high-profile child-pornography arrests.

And in his famous crackdowns on financial businesses, Vacco's successor, Eliot Spitzer, now running for governor, pushed the office's authority for the first time into what had long been considered federal regulatory arenas.

For decades, New York attorneys general have used the office's wide legal mandate to set muckraking agendas of their choice.

Now, as the candidates to succeed Spitzer target each other's past actions, political experts say that one fundamental question remains a matter of suspense: Precisely how will either Democrat Andrew Cuomo or Republican Jeanine Pirro redirect the office's watchdog powers?

In the state's interest

"It's the greatest job in the state of New York. The attorney general is truly the citizens' representative in dealing with illegal business practices, abuses by state authority and being an advocate," said Mitchell L. Moss, a professor of urban policy at New York University's Wagner School of Public Service.

The portion of New York State Executive Law that defines the duties of the attorney general is a frequently arcane 15-section passage that sets some limits upon the officeholder, but also gives him great leeway.

It says the attorney general shall "have charge and control" of all the legal business of state government. The attorney general can further "cause all persons indicted for corrupting or attempting to corrupt any member or member-elect of the legislature, or the commissioner of general services, to be brought to trial." But in its broadest declaration, the section includes language that says the attorney general should "protect the interest of the state."

The recent campaign has generated charges and countercharges that the major-party candidates used their past offices for the wrong purposes - Cuomo as U.S. housing secretary, Pirro as Westchester district attorney.

Following Spitzer

Richard Briffault, a professor of Legislation at Columbia Law School who specializes in state and local government, says there has been a frenzy of accusations, but sparse policy statements and little originality. When the opponents speak of their plans for the office, Briffault said, they mostly refer to the Spitzer model.

"My impression is they are saying, 'If you want Eliot Spitzer, vote for me,'" Briffault said.

Both candidates spoke of their policy goals in interviews last week that may hint at how they'd shape what's proven to be a pliable office.

"What we need to do is change the culture of Albany as it relates to the treatment of Medicaid fraud," said Pirro, citing what she called her first priority if she takes office. Such abuse has been estimated to cost state taxpayers about \$18 billion a year.

Pirro said she'd also push for a civil confinement bill against those convicted of violent sex crimes, a stated theme of her tenure in Westchester. Appearing to take a cue from Spitzer's focus on picking up the slack for federal regulators, she said the Bush administration's enforcement of the Clean Air Act was spotty and that she would work to keep state industries in compliance with environmental standards.

"When the health and safety isn't safe," she said, "we're going to hold the federal government's feet to the fire."

For his part, Cuomo said he would "protect New Yorkers where the federal government has failed." He said campaign finance reform, election redistricting, gun reform and a publicly accessible system for disclosure of state government spending would be hallmarks of a broad agenda.

He cited a 19th century statute called the Tweed Law - which Spitzer invoked, though with little success - as a way to bring actions against government corruption by making convicted officials financially liable for taxpayer losses. Cuomo said gun reform could be achieved through a model he was part of in the Clinton administration.

In that case, lawsuits brought by several municipalities suffering from gun violence compelled gunmaker Smith & Wesson to agree to a settlement that placed restrictions on the manufacture, marketing and distribution of guns.

On state spending, Cuomo said the Freedom of Information Act had been "made a mockery of" over the years, and he would seek to make some state databases more accessible to the average citizen.

A strengthened office

When Spitzer won in 1998, political experts say, he was able to cast himself

as a candidate who would restore the office to its mission of public advocacy. He jabbed at incumbent Vacco over patronage hires.

"There was a sense when he was running," Briffault said, "that what had always been a very respected office was itself troubled."

This year the office's reputation is widely seen as having been restored, though Spitzer has been criticized for what some call a combative style and the use of such state laws as the Martin Act. The once-obscure law, which allows the attorney general to combat financial fraud, helped him become a kind of alternative to federal regulators, take on Wall Street and raise his public profile.

"Eliot Spitzer has demonstrated that this is one of the greatest pulpits to establish your credentials in the country," Moss said.

Briffault added: "I think it's unfortunate that events have distracted us from what might have been a debate about the agendas for this office. The background of the candidates is relevant, but the real issue is how will they use the power of the job."

GRAPHIC: Left photo by Jennifer Jecklin; ap photo, 1997; Getty images photo, 2004- From left, state attorneys general Robert Abrams, Dennis Vacco and Eliot Spitzer aggressively targeted a wide range of issues.

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