



April 5, 2022

MEMORANDUM OF OPPOSITION

TO THE REPORTED ETHICS COMMISSION INCLUDED IN THE FINAL BUDGET

To all Legislators:

The Governor and the Majority Legislative Leaders will put before you an omnibus budget bill that we expect will include the new ethics commission. We believe that this new commission is fatally flawed, will not have the public's confidence and will not be able to oversee the state's most powerful elected officials without fear or favor. We ask you to oppose and publicly state that the new commission is unacceptable to you because all of its members are directly appointed by elected officials who are regulated by the Commission. And we urge you to go back and create the ethics commission that the Governor promised, and New Yorkers deserve.

Your declaration will help educate the public and emphasize that the ethics reform "box" has not been checked, and that New York remains without credible, independent, and de-politicized ethics enforcement. We [issued a statement on Monday](#) that the ethics deal in the budget is more a political obstacle to fundamental reform than a step forward. New York State has a long and recent history of corruption and abuse of power at the highest levels. An ethics commission directly controlled by elected officials will never be regarded as truly independent and above politics.

The ethics commission matters because it is supposed to stop the abuse of power, including the very personal abuse of executive and legislative staff and other state employees. When the ethics commission is weak and compromised, the government staff who are subject to sexual and other forms of discriminatory harassment have nowhere to turn.

We have suggested alternatives to direct appointment that would provide needed independence. Our [most recent proposal](#) would allow the state's top elected officials to each appoint one person meeting certain qualifications – with disqualifications to ensure lobbyists, vendors and others seeking to influence government cannot serve – to a seven member selection committee. This selection committee would then apply certain

requirements specified in law, including the need for diversity and other qualifications and disqualifications, to pick a five member commission in which each of whose members has received at least four affirmative votes from the selection committee. Any member of the public can apply to serve, unlike the reported plan before you where there are no open applications, only hand picking.

It is not an exaggeration to say that support of this fatally flawed plan is essentially a vote to continue the status quo – despite the harm that status quo causes. Of course, the agreement may well include measures that allow the new agency to perform more efficiently and perhaps more openly, but what matters most is the agency's leadership. The ethics commissioners will make the ultimate decisions about whether or not to enforce the state's ethics laws – and the plan as best as we can understand it simply relies on a failed status quo.

Please be clear that continuance of that status quo is unacceptable. New Yorkers have a right to know that your vote for the budget did not carry with it approval of the so-called ethics reform that the budget contains.

Thank you for your attention. If you have any questions or concerns please let us know using the contact information listed below.

Contact:

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