



NEW YORK STATE SENATOR

Malcolm Smith

## Senate Democrats Challenge Hiring Of Costly GOP 'Special Counsel'

MALCOLM A. SMITH September 19, 2007

State Senators Tom Duane (D-Manhattan) and William Stachowski (D-Buffalo) today wrote a letter to Comptroller Thomas DiNapoli requesting that he refuse payment for the legal services of Joseph E. diGenova, a high-profile attorney hired by Senate Republicans to serve the GOP-led Investigations Committee in its partisan inquiry of the Governor's office.

Republican Senator George Winner, Chairman of the Senate Investigations Committee, announced diGenova's hiring yesterday without first notifying Democratic members of the committee. The Democrats only learned about the \$500,000 six-month contract later through media reports. Under the alleged contract, diGenova could earn up to an estimated \$21,000 per week.

Duane and Stachowski, who serve on the Investigations Committee, also requested that DiNapoli forward them a copy of the Senate Republicans' contract with diGenova so they could review its terms and conditions.

"Allegedly hiring a half-a-million-dollar-a-year Republican partisan lawyer on the taxpayer's dollar is completely unacceptable," said Duane, the committee's Ranking Democrat. "Talk

about misuse of state resources -- here's a classic example. Rather than getting back to the people's business of tax relief and paid family leave, the Republican majority continues to waste taxpayer money and time pursuing their own political agenda."

Senator Eric Schneiderman (D-Manhattan), another member of the committee, said: "The Attorney General, Ethics Commission and the Albany County District Attorney either have or are investigating this matter. The Senate Republicans are proposing a ludicrous waste of taxpayer money to fund a partisan prosecutor. There is no rationale for this expenditure."

In their letter, the Democratic senators referred to Section 63 of the Legislative Law which authorizes the state's payment of a legislative committee's expenses only when "actual and necessary." With parallel investigations currently being conducted by the Ethics Commission and the Albany County District Attorney's Office -- in addition to an earlier inquiry by Attorney General Andrew Cuomo -- Senators Duane and Stachowski question whether diGenova's retainer meets this condition of "necessity." They also pointed out that they believed the Senate needed to approve the investigation by a vote of the full body.

"Not only is it insulting to ask that New Yorkers foot the outrageous bill for Mr. diGenova's contract, but we see absolutely nothing in the law that would authorize the state to pay for legal counsel in this matter," Stachowski said.

A copy of Duane and Stachowski's letter is pasted below.

---