



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol'~ for the week of August 23, 2021 ~ "The whole truth and nothing but the truth"

THOMAS F. O'MARA August 23, 2021

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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "The whole truth and nothing but the truth"

The Democrat leadership of the New York State Assembly set off a firestorm recently when they announced that because Governor Andrew Cuomo will be leaving office this week, the Assembly would suspend its impeachment proceedings and, worse, not even issue a public report on the findings of their investigation up to now – even though, according to the Assembly Speaker, they have uncovered wrongdoing that could have led to impeachment.

Needless to say, the reaction from across the political spectrum was furious. It forced the Assembly Democrats to quickly backtrack and they now plan to release some sort of a report.

They better. And it better not turn out to be a Cuomo-book-deal of a report. In other words, they better play straight with the facts, unlike Cuomo did in the now-infamous pandemic memoir he found time to write (with a little help from his friends on the state payroll) during the height of the pandemic. He became an instant multi-millionaire for a book – which is still the subject of other ongoing state and federal investigations, by the way – that put forth a dishonest account and a false portrayal of how his administration responded to the worst crisis in modern history. That's right, with the state in complete lockdown under Cuomo executive order, with businesses shuttered, millions unemployed and, most egregious of all, a disaster unfolding in our nursing homes, he still found time to enrich himself with a book that, we now know, painted a deceptive picture of his competence, as well as of the effectiveness and integrity of the state's response.

There can't be a whiff of any attempt whatsoever on the part of the Assembly Democrats in their report that leaves them open to charges of trying to cover up for and protect this soon-to-be-former governor. There's been enough protecting Cuomo already over the past 18 months from the Democrat majorities in both houses of the New York State Legislature.

The findings, and all the evidence those findings are based upon, of the Assembly impeachment investigation need to be fully released to the public. State taxpayers are already on the hook for millions of dollars for it.

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We know, for example, that the governor and his inner circle purposely withheld information and accurate data on the number of COVID-19 deaths in state nursing homes in order to, in part, portray the administration's response efforts in a more favorable light in his book. The number of COVID-19 deaths in nursing homes was certainly exacerbated by Cuomo's fateful March 25, 2020 order directing nursing homes to accept COVID-positive hospital patients.

We need to know what the Assembly investigation uncovered about this sad chapter of the Cuomo administration. That includes any violations of the conditions put forth by the Joint Commission on Public Ethics (JCOPE) that state property, resources, or personnel could not be used to produce or market the book they wrote. Subsequent news reports seem to make it clear that Cuomo and top aides likely ignored these ethics requirements and violated the state's Public Officers Law.

In short, the governor and his aides penned a dishonest book and made millions. For personal and political gain, Cuomo and his inner circle willingly created and pushed a false narrative about his handling of the COVID-19 crisis in nursing homes and other areas. It was

a false account built on cover-ups, deceptions, stonewalling, whitewashing, and possible criminal conduct.

The governor and at least some of his top aides may be fleeing the Capitol, but they can never outrun these facts. The Assembly Judiciary Committee's investigation has apparently uncovered damning evidence. There are ongoing investigations by the state Attorney General and the United States Attorney's Office in Brooklyn.

In the meantime, a new report from the Empire Center's Bill Hammond deserves a read. Hammond's own investigative work since last year has laid bare the most transparent public account yet of what went on and why. In the new report, he writes, "The exact impact of the (Cuomo administration's) original policy on nursing home residents remains uncertain, in large part because the Cuomo administration succeeded in clouding the picture. The ensuing cover-up, however, is clearly documented by a close review of the public record – in the form of briefing transcripts, official documents, hearing testimony, media reports and belatedly released government data." You can find the full report on empirecenter.org.

I have been a strong and frequent Cuomo critic over the past 18 months of this pandemic. In my position as the Ranking Member of the Senate Investigations and Government Operations Committee, I have repeatedly called for the committee (and others) to fully investigate the governor and his top aides, particularly concerning the handling of the COVID-19 crisis in New York's nursing homes and long-term care facilities. While the Democratic leadership of the Senate ignored its responsibility to fully investigate and, for far too long, remained in lockstep protecting the Cuomo administration, the efforts of the Senate Republican Conference helped to keep a spotlight on the wrongdoing.

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