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JOURNAL NEWS**  
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## LAW ENFORCEMENT

### Cooperation rather than lawsuits are needed to wipe out corruption

The Public Integrity Unit that state Attorney General Eliot Spitzer formed when he took office in January has reported finding more than 100 incidents of improper actions by state and local officials. Ten investigations have begun.

But Westchester District Attorney Jeanine Pirro, in her role as president of the state District Attorneys Association, claims that Spitzer is overstepping his legal authority by establishing the statewide unit. The responsibility for handling those cases, she said, rests with the local district attorneys, unless the governor asks the attorney general to step in.

Pirro told reporter Kyle Hughes of our Albany staff that Spitzer "has no statutory grant of authority to create a statewide office to prosecute state or local corruption."

She may be right, but the fact remains that official corruption is occurring in some counties, and something has to be done about it.

A compromise is in order. We suggest that Spitzer retain the unit, but that, once corruption is uncovered, his staff work cooperatively with a local district attorney, who would prosecute the case in court. If the district attorney fails to cooperate, the attorney general should pursue the case alone.

Over the years, attorneys general have sought to branch out, sometimes crossing into areas that were handled or were supposed to be handled by local prosecutors. Attorney General Robert Abrams made a name for himself as a consumer watchdog, bringing to justice many who ripped off the public. He was largely free to do so because many local prosecutors had stayed away from consumer fraud due to lack of personnel or expertise. Dennis Vacco, Spitzer's predecessor, sought to make a name for himself prosecuting criminals. On a number of occasions, courts sided with district attorneys when they sought to block Vacco's intrusion.

We agreed at times with the district attorneys, because criminal prosecution is and should continue to be under their jurisdiction. But if district attorneys are not on top of public corruption, the attorney general should fill any void.

Obviously, there are instances where such crime is not being uncovered and pursued. Spitzer is already probing improper fiscal practices of the Capital District Regional Off Track Betting Corp. that has resulted in a number of firings. His unit is looking into allegations of payroll double-dipping in the Orange County Sheriff's Department.

Spitzer claims that inquiries into misconduct by public officials often go nowhere unless the case is high-profile. Many prosecutors, especially in small counties, do lack resources to investigate because they are busy prosecuting street crimes. The attorney general says that he has no intention of opening investigations when others already are under way.

Spitzer's position has drawn the support of Barbara Bartoletti of the New York State League of Women Voters, which has been pressing for local lobbying and financial disclosure laws for public officials to prevent conflicts of interest when dealing, for instance, with developers and other business operators.

"District attorneys," she said, "are taken up with homicides and drug problems, street problems, and they are not looking at what's going on with the white-collar crime and who's giving money to whom in order to get what." Spitzer's unit would fill the gap, she said.

But Pirro said that local prosecutors have a number of options for pursuing anticorruption investigations, from calling upon state police to deputizing lawyers from the attorney general's office to come in as special assistant county prosecutors in grand jury probes. She warned that the state district attorneys' group was prepared to go to court to block Spitzer from prosecuting criminal cases. She said that if he did convene a grand jury, he would be liable for a civil-rights lawsuit based on lack of legal authority.

We would hate to see corrupt officials get away with their crimes because of legal technicalities or battles over jurisdiction. That could be avoided if Spitzer and the local district attorneys worked together, establishing joint task forces to uncover the crimes and leave the prosecution to the local district attorneys.