

# Enabling Eliot's Illusion

## Lessons of the '06 NY governor race

**JOHN FASO**

**L**IKE every New Yorker, I was amazed by the events that culminated in Eliot Spitzer's resignation as governor — saddened for his family and shocked to see a once-promising political career end this way.

Of course, since I lost (in a landslide) to Spitzer in 2006, the thought has crossed my mind as to what might have been had all this come out during the campaign. But "what if" is one of the most pointless exercises in life.

That said, this sad story holds a lesson on the state of our democracy in New York state — on how voters and the media consider candidates, their positions and their qualifications for office.

I knew my bid for governor was a long shot. But I believed Spitzer's policies for New York were wrong and unlikely to work. And I hoped that the public might see why Spitzer's persona was wrong for a governor.

I take little pleasure now in having argued back then that Spitzer wasn't what he appeared to be — in questioning whether he was temperamentally suited to be governor. Few listened when I said he seemed to have one set of rules for himself and another set for everyone else.

Spitzer could be an engaging and convincing candidate, and he'd earned a reputation as an effective and innovative pro-

secutor. But his bullying of respected people like former Wall Streeter John Whitehead and others convinced me he shouldn't be entrusted with the governorship.

And some of his cases, such as those against former stock exchange CEO Dick Grasso and tax giant H&R Block, seemed motivated more by headline-seeking than any desire to actually protect the public.

Spitzer didn't seem to care who or what he ran over, so long as it advanced his political career. Yet many New Yorkers thought that was just fine, so long as he was going after "rich guys" or "big business."

What I didn't count on was the credulousness of the media in simply buying — hook, line and sinker — the claims made by Spitzer's campaign. The spin, buttressed by millions in TV advertising, created the absurd notion of one man able to change everything on "Day One."

There was little critical analysis of his record, including the fact that Spitzer had lied about the source of the questionable millions poured into his earlier campaigns.

Apparently, lying about political money wasn't relevant, since he was standing up for truth and righteousness.

Newspapers endorsed him (even ones that knew better, like *The Post*), paying little attention to Spitzer's tactics as AG or the fiscal house of cards created by his proposals. News "analysis" was often no more than reporting the latest polls or which candidate had raised the most money.

The media treated the race as a foregone conclusion. One prominent New York journalist even addressed an open letter to the new governor the day before the election.

In the short term, New York faces real problems that aren't going away anytime soon. Finances at the state and local level are a mess. Our new governor, David Paterson, and the Legislature will have their work cut out for them as they tackle serious budget and economic issues.

Longer term? Well, after the experience of the last 14 months, perhaps all of us will pay a bit more attention to the issues, the promises and the candidates' records the in 2010, when New York next elects a governor.

*John Faso is a partner in the law firm of Manatt Phelps & Phillips LLP.*



**Spitzer: Got free pass from press before elec.**