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Republicans Get a Pass From Spitzer—for Now

So maybe Dennis Vacco's hires in the Attorney General's office weren't so bad after all. Democrat Eliot Spitzer, who replaced the Republican on Jan. 1 after the longest



electoral photo finish in history, has hired 30 or so top deputies and bureau chiefs, but he has yet to purge the patronage hacks that he had claimed riddled the office.

He may never swing that ax.

"Vacco got his act in gear after two years," said one friend of Mr. Spitzer, recalling his campaign attacks on Mr. Vacco. "He really got rid of the incompetent hacks who were causing grave embarrassment to the office. Of course, Eliot wasn't going to say it, but also Vacco wasn't going to say, 'Re-elect me 'cause I fired the incompetents that I hired.'"

Not that Mr. Spitzer is free of partisanship—particularly when his gaze drifts to the nationally ambitious Republican above him. On Jan. 27, the former prosecutor, 39, who makes \$151,000 in his new post, announced that he is opening a public integrity bureau aimed at government corruption. The bureau signals his independence from Gov. George Pataki, who didn't have to worry about such things when the Attorney General's office was held by a Republican.

In announcing the office, Mr. Spitzer sounded determined to create a distraction

that will keep the roving governor's focus on Albany.

At the same time, however, Mr. Spitzer is going out of his way to make nice to everyone, even Republicans. During a coming-out speech to the attorneys at the Association of the Bar of the City of New York on Jan. 27, he vowed his door will be open to any "dedicated public servants ... who are aware of impropriety in their midst. You have a place to go," he said.

"We will listen to your complaints; we will take them seriously, and we will pursue them, every single one," Mr. Spitzer said.

"That's a big thing, that'll make them nervous on both sides of the aisle," said Fred Jacobs, former counsel to Assembly Speaker Sheldon Silver. "It looks like his model is the United States Attorney's office. You know, take no prisoners."

Mr. Spitzer realizes this probably makes the Governor's office a bit uneasy. "When I met with Governor Pataki the first time, I said, you know what, Governor, we may disagree on things, we may have different ideologies occasionally, but one thing I can promise you, you'll get better counsel over the next four years than you did over the past four," Mr. Spitzer told the lawyers at the Jan. 27 event. Afterward, he shared with N.Y. Law the Governor's response: just a smile.

The duo do share some common ground.

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Two years ago, the Governor offered Mr. Spitzer the \$127,000 (now \$147,000) position of state criminal justice coordinator. That was either a reflection of their simpatico views on crime and quality of life, or a political tactic to neutralize Mr. Spitzer, who ran unsuccessfully for the Democratic Attorney General nomination in 1993. Mr. Spitzer declined the position.

There's also a bridge between two key underlings. Mr. Spitzer's main Albany hand is Richard Rifkin, once a top assistant to former Attorney General Robert Abrams and most recently head of the State Ethics Commission. (Mr. Rifkin runs the Albany office while Mr. Spitzer, who has three children and lives on the Upper East Side, works out of the larger New York office.) Mr. Rifkin and Governor Pataki's counsel, Jim McGuire, are buddies. "It's a very savvy appointment," said Paul Shechtman, Mr. Pataki's former criminal justice coordinator.

Mr. Vacco's holdovers see these developments as positive signs for their futures, said one veteran staff lawyer, a Democrat. Tensions have eased. Where the weeks after the November election—particularly as the ballot count dragged on—generated many gripes and worry sessions over the copier, "now they're sanguine. They're going back to a normal life. Shopping, planning vacations, talking about cases."

Of course, no one's making any promises. "Vacco was still firing people as late as September," the Democrat warned. Indeed, a spokesman for Mr. Spitzer said the staff is still being reviewed—though he insisted the review won't include party affiliation.

Mr. Spitzer has, meanwhile, revived an old policy, not enforced since Mr. Abrams

held his post: New hires must have two years' legal experience. No "my kid just graduated from law school" patronage.

And his first round of hires has tended towards hot-shot degrees and experience; two-thirds had Ivy League backgrounds, two had been Supreme Court clerks and several, like Mr. Spitzer, had trained at elite city firms. "I have assembled the single best



Governor George Pataki and Attorney General Eliot Spitzer talk it out.

law firm in the State of New York," he told the attorneys on Jan. 27.

Mr. Spitzer's top deputy, Michele Hirshman, came from the U.S. Attorney's office in Manhattan, where she busted corrupt Bronx Congressmen and other rotten eggs. Then again, his staff also includes a few polished Democratic operators, among them veterans Carl Andrews of Brooklyn and Martin Mack of Cortland.

Mr. Spitzer's inner circle is also heavy

with former criminal prosecutors. That's not happenstance: Mr. Spitzer, once the chief of labor racketeering in the Manhattan District Attorney's office, is toughening up the office. "Eliot is hot-wired to the world of criminal prosecutors; they trust him," said one veteran staff lawyer. "Abrams struggled to have credibility with law enforcement people."

Expect changes in the direction of bureaus like civil rights, consumer fraud, environment, antitrust and charities, where the caseload traditionally has been 90 percent civil cases, noted Lloyd Constantine, head of Mr. Spitzer's transition committee: "What you'll see is, there will be important high-level criminal prosecution coming out of those bureaus." Mr. Spitzer has also introduced new bureaus for Internet and telecommunications matters.

And the mob? The Attorney General has no general criminal jurisdiction, but he can invoke civil statutes to attack criminal acts, said Mr. Constantine. "Usually, when organized crime infects an industry, it takes the form of monopolization, bid rigging, price fixing. All of that is amenable to antitrust prosecution."

With all these new interests, isn't Mr. Spitzer sounding an awful lot like Mr. Vacco, who took a lot of heat for trying to be the state's super-D.A.?

"I don't think you'll see a reprise," Mr. Constantine said. "Vacco talked a lot about criminal prosecution, but during four years there wasn't any antitrust criminal prosecution."

Over all, many Democrats appear impressed with Mr. Spitzer's team. "I think Eliot's been doing a really great job with the appointments," said Evan Davis, the gadfly candidate he defeated in the primary. "I think they're really outstanding people."

But Mr. Spitzer would be foolish to ex-

pect his staff to act in lockstep. With such diversity of backgrounds, experience and politics, he's likely to hear some dissenting views during the four years ahead.

"The high-level people on the executive staff, if they were put on a right to left chart ... most of them would be to the left of Eliot," Mr. Constantine said. "Some were not supporters. Some didn't vote for him. I don't think he cares."

FED SENT PACKING

On Jan. 29, one U.S. attorney had to handle a different type of document on the third floor of the Federal Courthouse in White Plains: his own pink slip. The most junior attorney working the Junior Gotti case, special assistant U.S. attorney Vincent Heintz, was dismissed from the case for leaking grand jury material to the press. "I've never heard of anybody being dismissed because of a press leak investigation," said John Russell, spokesman for the Department of Justice's Office of Public Responsibility.

Mr. Heintz had been on loan from the rackets bureau of the Bronx District Attorney's Office, where he has worked since 1992 and whence he will return. Back in September, when N.Y. Law broke word about the investigation, a couple of defense lawyers in the Gotti case fingered Mr. Heintz as the likely leaker. They observed then that, up in the big leagues, he appeared to be trying hard to prove himself, and maybe cutting corners to do it. "We have had bail hearings where he made significant misrepresentations," said one. This lawyer also thought him unsuited to the U.S. Attorney's office. "He's special—special to his mother, maybe."

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