

March 16, 2017

## 'Transformed political climate' *Reformers laud Bharara as a difference-maker*

By MARK TOOR

Apolitical. Independent. Energetic. Effective.

That was how good-government advocates described Preet Bharara, who announced March 11 that he had been fired by the Trump Administration as U.S. Attorney for the Southern District.

Mr. Bharara was a vigorous prosecutor of violent gangs, Wall Street fraudsters, and terrorists. But it was his prosecution of political corruption, particularly in Albany, that drew the most praise from the advocates.

### **Nailed Silver, Skelos**

He was without a doubt the state's most successful fighter of public corruption. Among his victories were two separate guilty verdicts in corruption trials, won less than two weeks apart near the end of 2015, of former State Assembly Speaker Sheldon Silver and former State Senate Majority Leader Dean Skelos.

"It was unheard of — convicting the leader of the Assembly and the leader of the Senate," said Seymour P. Lachman, a scholar and college professor who served in the Senate from 1996 through 2004.

"He has been able to transform the political climate," Dick Dadey, executive director of the group Citizens Union, said of Mr. Bharara. "He's really made the public pay attention to the level of public corruption."

Mr. Dadey said his dismissal was "most unfortunate, especially coming at a time when the office was investigating the Cuomo and de Blasio administrations." He spoke prior to Acting U.S. Attorney Joon H. Kim's March 16 announcement that no criminal charges would be brought against the Mayor and his aides, partly because of "the particular difficulty in proving criminal intent in corruption schemes where there is no evidence of personal profit."

Mr. Dadey said Mr. Bharara, who managed to convict two or three politicians in a typical year, "showed a capacity to make things happen that we have not always seen in this position."

### **'Showed It Could Be Done'**

"Many New Yorkers have been frustrated because they thought nothing could be done," Mr. Dadey added. "He showed us it can be dealt with."

Mr. Lachman noted that 22 state legislators had been convicted of corruption in the past decade. "All of these were by the U.S. Attorneys," he said. "Very few came from District Attorneys."

Most of the convictions were won by the just-departed U.S. Attorney. "There's no question that Preet Bharara brought this about," Mr. Lachman said. "He has made a major difference. It's the same thing as Wall Street. He has failed in some attempts but has succeeded in many more."

Mr. Lachman, a Democrat, served more than four terms in the Senate before giving up his seat. He has written a number of books about Albany, including the just-published “Failed State: Dysfunction and Corruption in an American Statehouse.”

He described his personal experience with corruption, claiming then-Senate Majority Leader Joe Bruno “offered me over \$2 million for member items [money he could distribute at will within his district]. At that time, I was receiving only \$139,000.”

In exchange, Mr. Lachman said, Mr. Bruno wanted him to support his election as Majority Leader, caucus with the Republican majority and vote for GOP initiatives.

### **‘A Matter of Conscience’**

“I said, ‘Joe, this is a matter of conscience,’ and walked out,” Mr. Lachman recalled. Years later, the U.S. Attorney for the Northern District filed corruption charges against Mr. Bruno, but his initial conviction was overturned on appeal and he was acquitted in a second trial.

Mr. Lachman said Mr. Bharara was so important because the Legislature does not want to fight corruption. That’s because the Assembly Speaker and the Senate Majority Leader “control everything” — budget items, committee assignments, perks for lawmakers. And the legislators who benefit the most are the ones who go along with the leaders, he said.

Blair Horner of the New York Public Interest Research Group last week called Mr. Bharara “the single-most-significant player in cleaning up Albany in at least a generation.”

“The firing of Preet Bharara as U.S. Attorney for the Southern District of New York is a stark setback for the fight against corruption, particularly public corruption, in New York,” said Susan Lerner, head of the state chapter of Common Cause. “He clearly and consistently stood up for a vision of what our democracy should and can be, setting the bar high for citizens and even higher for those privileged enough to serve them in public office. He has taken on seemingly impenetrable political corruption in pursuit of justice for New Yorkers, who deserve his continued leadership.”

Mr. Bharara was dismissed after he balked at a message from U.S. Attorney General Jeff Sessions asking the 46 U.S. Attorneys appointed by President Obama who remained in office to submit letters of resignation.

### **Lost Job He Loved**

“I did not resign,” he said on his personal Twitter account, which he had set up March 3, rather than the office-related account he had used for years. “Moments ago I was fired. Being the U.S. Attorney in SDNY will forever be the greatest honor of my professional life.”

It is standard practice for new Presidents to replace their predecessor’s U.S. Attorneys, but Mr. Bharara’s dismissal was a shock because Mr. Trump had asked him in November to stay on, and he had agreed to do so.

Politico quoted a White House aide as saying that “the administration decided to ‘follow past administrations and ask them all to resign.’ ”

Other theories were presented. One was that Mr. Trump’s relations with Senate Democratic Leader Charles Schumer, who had encouraged the President to keep him on board, turned frosty because of the Senator’s opposition to Mr. Trump’s policy proposals and Cabinet nominations.

Another theory blamed a request by three non-profit groups for Mr. Bharara to investigate whether the Trump businesses “are receiving payments and financial benefits from

foreign governments that benefit President Donald Trump and that do not comply with Article I, Section 9, Clause 8 of the United States Constitution, the ‘Foreign Emoluments Clause.’ ”

The request questioned whether governments that directly or indirectly provided payments to the businesses “may be seeking to influence Executive Branch policies and positions.”

### **Independence a Concern?**

Mr. Bharara’s office never commented on the letter, but his independent streak may have caused concern in the White House.

“It is troubling that Bharara was dismissed one week after being asked publicly to look into violations of the Emoluments Clause by the President,” said Ms. Lerner of Common Cause.

A third possibility is an ongoing investigation by the Southern District into payments made by the Fox News Channel, Mr. Trump’s favorite media outlet, to female staffers in settlement of sexual-harassment claims. Prosecutors were looking into whether the payments were disguised as salaries, a violation of Federal securities law, to keep people from learning about the harassment.

Some commentators also pointed to an article of March 9 by Sean Hannity, a Fox host, saying, “Deep-state Obama holdovers embedded like barnacles in the Federal bureaucracy are hell-bent on destroying President Trump. It’s time for the Trump administration to purge these saboteurs.”

The commentators suggested that it would have appealed to Mr. Trump at a time when he had expressed concern about possible leaks to the press by Obama appointees remaining in government.

Mr. Trump was unlikely to be concerned about investigations into two prominent New York Democrats: Mr. de Blasio and Governor Cuomo. The Mayor had been probed over whether campaign contributors had received favors from his administration. Mr. Cuomo, after being cleared of wrongdoing involving his abrupt disbanding of an anti-corruption commission, saw a top aide and other associates indicted on bribery charges that included his Buffalo Billion renewal project.

### **Both Tongue-Tied**

Mr. de Blasio has declined to comment on the firing. Mr. Cuomo, in response to a question, said, “I didn’t follow the situation.”

Mr. Bharara had not said anything about his future as of the end of last week, but political leaders said he could have a reasonable shot at elective office should he choose to seek it. At 48, he is relatively young for a politician.

The head of the state Reform Party, Guardian Angel and radio host Curtis Sliwa, called for him to run either for Mayor or for Governor.

“In an era where political appointees too often seem to do the bidding of their political patrons, Preet Bharara’s tenure as U.S. Attorney of the Southern District has been defined by independence and a desire to go after crooked politicians on both sides of the aisle,” he said in a statement. “For too long, politicians in Albany have felt too comfortable being wined, dined and pocket-lined by special interests, donors, lobbyists and those with business before the state and the city. ...

“Never before has New York City and New York State been so in need of a colonic. Preet has shown the strength of will and the onions to get the job done.”

**James His Public Advocate**

“Run, Preet, Run,” tweeted Public Advocate Letitia James. “You walked out with your head up high, they are beneath you.”

Mr. Bharara and his wife live in Westchester County. In the past, he has denied any ambition for elected office.

“I would do this job as long as people let me do it,” he told THE CHIEF-LEADER in 2012. “I have no plans to leave. ... I’m not interested in electoral politics.”

Mr. Kim, Mr. Bharara’s top assistant since 2015, will serve in his place until Mr. Trump appoints a replacement.

“There were a lot of really good people working for him and I hope we will see the same kind of independence,” said Mr. Dadey of Citizens Union. “Hopefully whoever succeeds him will be just as independent in fighting political corruption.”