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## Introduction

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# HOFSTRA LAW REVIEW

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## A SYMPOSIUM ON ETHICS IN GOVERNMENT

### INTRODUCTION

*Governor Mario M. Cuomo\**

The Hofstra Law Review's issue on ethics in government comes at a time when the citizens of New York State and, indeed, the nation, are highly concerned about the ethics of their public officials. They are advocating the enactment of laws and guidelines to change the way in which the public's business is done. Soul-searching is occurring outside the governmental arena as well. The business world is still reacting to the revelations of stock-trading scandals and other questionable business practices and the medical world is examining the excruciating ethical dilemmas posed by new medical breakthroughs that blur the line between life and death.

New York, at the forefront of governmental ethics reform, is pursuing a multi-pronged agenda. The public hue and cry over governmental ethics scandals is only one reason, albeit a strong one, for reforming our ethics laws. The most important reason, however, is that the citizens of our State deserve a government of the highest integrity, a government in which they can place their trust and confidence. Another significant factor is that the majority of our public officials are honest, hard-working people who need to have clear rules that define and enforce their ethical standards. They also need and deserve an independent investigatory and advisory body to which they can report wrongdoing without fear of reprisal and from which

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\* Governor of the State of New York.

they can elicit advisory opinions for those situations in the gray areas of the law.

Last year, I signed two bills into law that strengthen and clarify the ethical standards for New York's public officers and employees and provide strong sanctions for violations of those standards.<sup>1</sup> The Ethics in Government Act<sup>2</sup> reinforces and adds new conflict-of-interest prohibitions, requires comprehensive financial disclosure and creates ethics commissions for statewide elected officials, legislators, and certain state and legislative employees. The Accountability, Audit, and Internal Control Act of 1987<sup>3</sup> provides for internal administrative and accounting control systems and mandatory internal compliance review for all state governmental entities as well as external audits of the Office of the Governor, the Division of the Budget, the Department of Law, the Department of Audit and Control, and ultimately, the legislature.

These measures are an excellent, forceful beginning, but there is more that we can do. Another area that cries out for ethics reform is the election process. The escalating financial stakes in election campaigns not only close off the election process to able candidates who do not have enormous campaign war chests, but can also create conflicts of interest and spur corruption.

The Assembly approved a public campaign financing bill that I submitted this year that would curb these abuses.<sup>4</sup> My court merger/merit selection proposal is also aimed, in part, at eliminating the potential for, or appearance of, ethical violations by our state judges by phasing out the current judicial election system and substituting an appointment process that considers only those candidates who are found well qualified for judicial office by independent nominating committees and requires Senate confirmation of all nominees.<sup>5</sup>

We also have to examine last year's Ethics<sup>6</sup> and Audit Acts<sup>7</sup> to

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1. See Ethics in Government Act, ch. 813, 1987 N.Y. LAWS 1404; New York Governmental Accountability, Audit and Internal Control Act of 1987, ch. 814, 1987 N.Y. LAWS 1456.

2. Ch. 813, 1987 N.Y. LAWS 1404.

3. Ch. 814, 1987 N.Y. LAWS 1456.

4. N.Y.A. 6809B, 211th Sess. (1988).

5. Governor's Program Bill No. 186, N.Y.S. 8246, N.Y.A. 9939, 112th Sess. (1988) (on file at Hofstra Law Review). As of the date of publication, this bill has not been passed by the legislature.

6. Ch. 813, 1987 N.Y. LAWS 1404.

7. Ch. 814, 1987 N.Y. LAWS 1456.

determine if there are further reforms to enact or new loopholes to close. The recommendations of the State Commission on Government Integrity<sup>8</sup> on several issues, including the extension of the ethics laws to local governments, the propriety of holding both a public and political party office at the same time and the effectiveness of conditioning criminal prosecutions of ethical violations on a vote of the ethics commission, will be carefully considered.

It's an exciting time in New York for those of us committed to an open, honest and, therefore, highly democratic system of governance. Nevertheless, legislation and commissions alone and only in New York are not enough to restore and maintain public confidence in our officials or rid ourselves of government corruption. We must have national and local leaders across the country who do not tolerate questionable behavior by their advisors and employees and who strive to remove not only actual corruption but the appearance of impropriety from their administrations. I am confident that the American public will continue to increase the pressure on their elected and appointed officials to adhere to high standards of ethical conduct in all of their activities. I applaud the Hofstra Law Review for focusing on these important issues and for collecting the writings of such thoughtful activists in this area.

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8. NEW YORK STATE COMMISSION ON GOVERNMENT INTEGRITY, ETHICS IN GOVERNMENT ACT: REPORT AND RECOMMENDATIONS (Apr. 6, 1988).

