

CITIZENS UNION OF THE CITY OF NEW YORK COMMON CAUSE/NY

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NEWS RELEASE

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CITIZENS UNION and COMMON CAUSE/NY ANNOUNCE SUPPORT OF LEGAL EXPERTS REGARDING POWER OF GOVERNOR PATERSON TO APPOINT LT. GOVERNOR

*An initial group of Four Prominent New York Lawyers Demonstrate Support for
Use of Current Law to Make Appointment*

Citizens Union and Common Cause/NY today announced the formation of a group of state and constitutional legal experts who support the interpretation of how, under current law, Governor Paterson can appoint a Lt. Governor. The two civic groups, along with Assemblyman Michael Gianaris, on Monday called upon the Governor to act quickly in appointing a Lt. Governor as a means to end the partisan chaos in the state senate and clarify the line of succession to the office of Governor. At the moment, the issue of succession is unclear given that no one individual is universally recognized as Senate President pro tempore.

The initial legal experts signing on are:

- Richard Briffault, Joseph P. Chamberlain Professor of Legislation, Columbia Law School and Vice Chair, Citizens Union
- Jeremy Creelan, Partner, Jenner & Block LLP, former Deputy Director of the Democracy Program at the Brennan Center for Justice at New York University School of Law.
- Evan Davis, Partner, Cleary Gottlieb Steen & Hamilton LLP, and former Counsel to then New York State Governor Mario M. Cuomo.
- Victor A. Kovner, Partner, Davis Wright Tremaine LLP and former Corporation Counsel, City of New York

The statement issued by the group is as follows:

“After reviewing the relevant provisions of the State Constitution and the Public Officers Law, we have concluded that the proposal for the governor to appoint a lieutenant governor when a vacancy in that office exists is constitutional. In fact, it is our view that the Governor is authorized under Public Officers Law Section 43 to appoint a lieutenant governor until that office is filled during the next regularly scheduled state election, which is in 2010. It is our belief that this action is not precluded by the State Constitution.”

“I am pleased more and more legal scholars agree the Governor is empowered to appoint a Lieutenant Governor to resolve the issue of gubernatorial succession and help move the Senate out of gridlock,” said

Assemblyman Michael Gianaris (D-Queens). “I am hopeful Governor Paterson will heed the call and make such an appointment soon.”

Dick Dadey, executive director of Citizens Union said, “We welcome this group of well regarded and distinguished legal experts in support of the view that the Governor under current law can appoint a Lt. Governor. Nothing we have heard since we announced our position on Monday has disproved our view.”

Susan Lerner, executive director of Common Cause/NY, said “Today’s statement confirms our view that New York law permits the Governor to fill the vacancy in the office of Lt. Governor by appointment. We are grateful that these eminent lawyers have stepped forward to help the state out of its current morass. We hope that Governor Paterson will act on the understanding of the law that we and they have brought forward.”