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CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

May 8, 2018

The Honorable Andrew M. Cuomo
Governor of the State of New York
The Capitol
Albany, New York 12224

RE: Letter to Acting Attorney General Barbara D. Underwood and Nassau
County District Attorney Madeline Singas

Dear Governor Cuomo:

I am writing in response to the announcement you made this evening that you have directed the Acting Attorney General and Nassau County District Attorney Madeline Singas to investigate the recent allegations of assault and other crimes by former New York Attorney General Eric Schneiderman. While I have absolute confidence that DA Singas can conduct a thorough and effective review (and putting aside the legality of the way you have framed this directive), I strongly object to this move, for a number of important reasons.

In your order this evening and in your public comments earlier today, you pointed to a potential conflict (or the appearance thereof) between my office and the office of the Attorney General. You state that the victims of sexual abuse and violence deserve no less than a conflict-free investigation. I agree.

However, the only potential conflict here is one of your creation: your recent directive that the AG's office review, among other things, a 2015 investigation of Harvey Weinstein by my office and the NYPD. As I made clear to your office at the time, this review is an unwarranted intrusion by an elected executive into a charging decision by an independent prosecutor. The action, occurring on the very day your primary opponent announced her campaign for Governor, was viewed by some as politically motivated. I have no idea whether or not that is true. But more important, and beyond politics, it violated the separation of powers that is intended to promote confidence in the independence of our criminal justice system.

The fact that this earlier directive has now caused you to intrude further into the criminal process by "re-assigning" the Schneiderman matter away from my office to a different elected prosecutor — however skilled — only compounds the mistake of that earlier action. First, the new allegations about Mr. Schneiderman have nothing to do with my office's investigation of Mr. Weinstein: they involve entirely separate claims of assault, involving entirely separate parties, and the alleged acts are plainly within the jurisdiction of my office. Put simply, no prosecutors are better equipped to investigate and pursue such

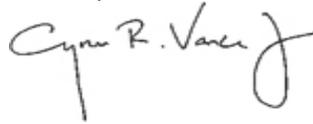
cases in Manhattan than those in my office; we do so, in partnership with the NYPD, every single day.

Second, the purported conflict no longer exists. If the concern is that our investigation of Mr. Schneiderman might be compromised by the fact that his former office is reviewing the conduct of my office in the unrelated Weinstein matter, any such conflict was eliminated as a practical matter when Mr. Schneiderman himself resigned as AG. At that point he became a private citizen like any other we investigate, and he is no longer in a position to influence the actions of his former office, including the outcome of its review. And since the acting Attorney General will also appoint a special investigative attorney outside the Attorney General's Office to conduct that review, there is no conflict regarding investigation into possibly relevant conduct of employees of that agency. I pointed this out to you on the telephone last night, and you agreed at that time that Mr. Schneiderman's resignation would obviate any conflict for our office.

Most importantly, charging and jurisdictional decision making should be left to independent prosecutors who are answerable to their local constituents. Interference with law enforcement investigations by an elected chief executive should always be viewed with great care, especially these days, given the propensity of our elected executive at the federal level in Washington to make statements and take actions that jeopardize the independence of our criminal justice system.

Please be assured that none of these issues will ever compromise this Office's commitment to pursuing justice for survivors of sexual and intimate partner violence.

Sincerely,

A handwritten signature in black ink that reads "Cyrus R. Vance, Jr." The signature is written in a cursive style with a large, stylized "J" at the end.

Cyrus R. Vance, Jr.