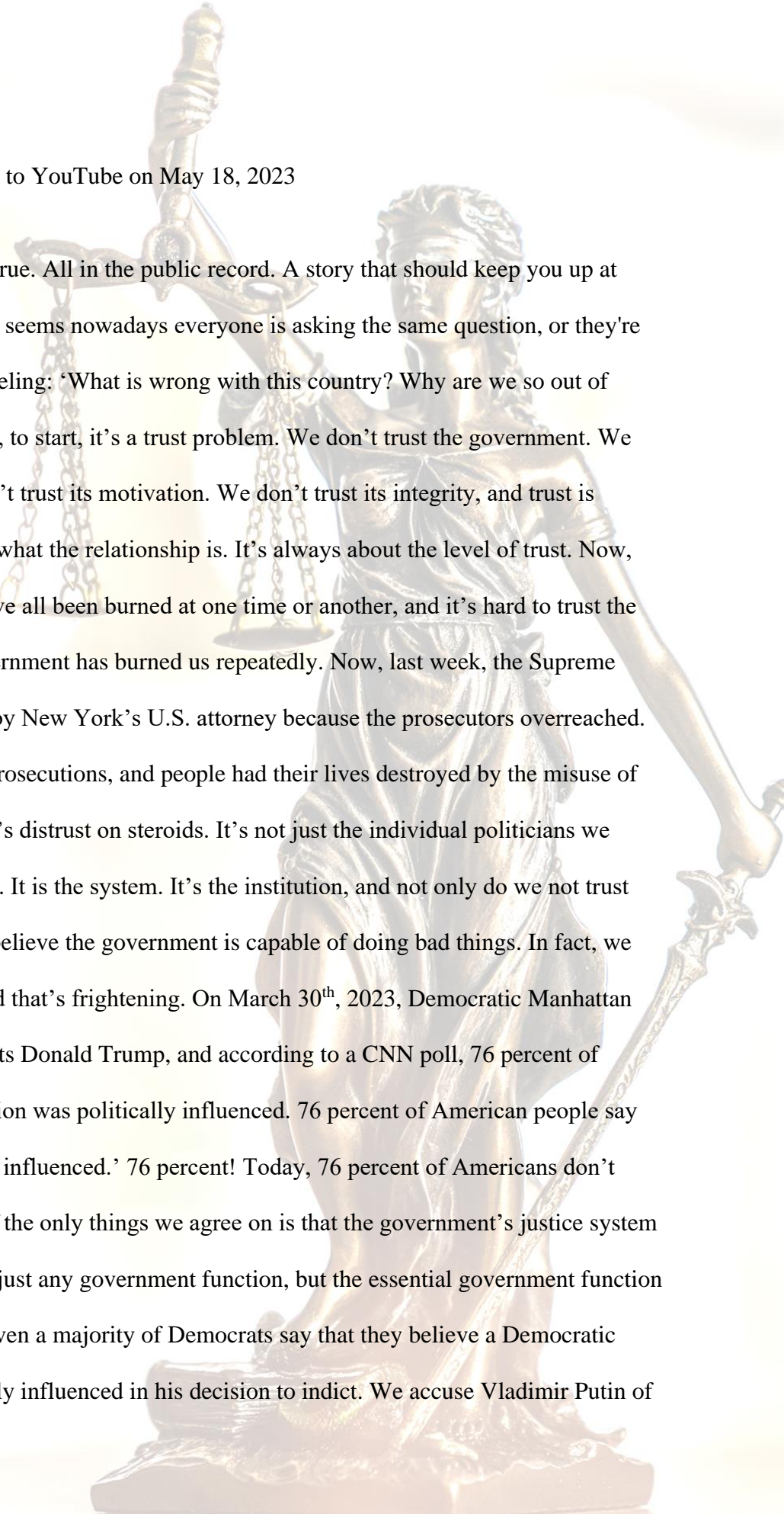
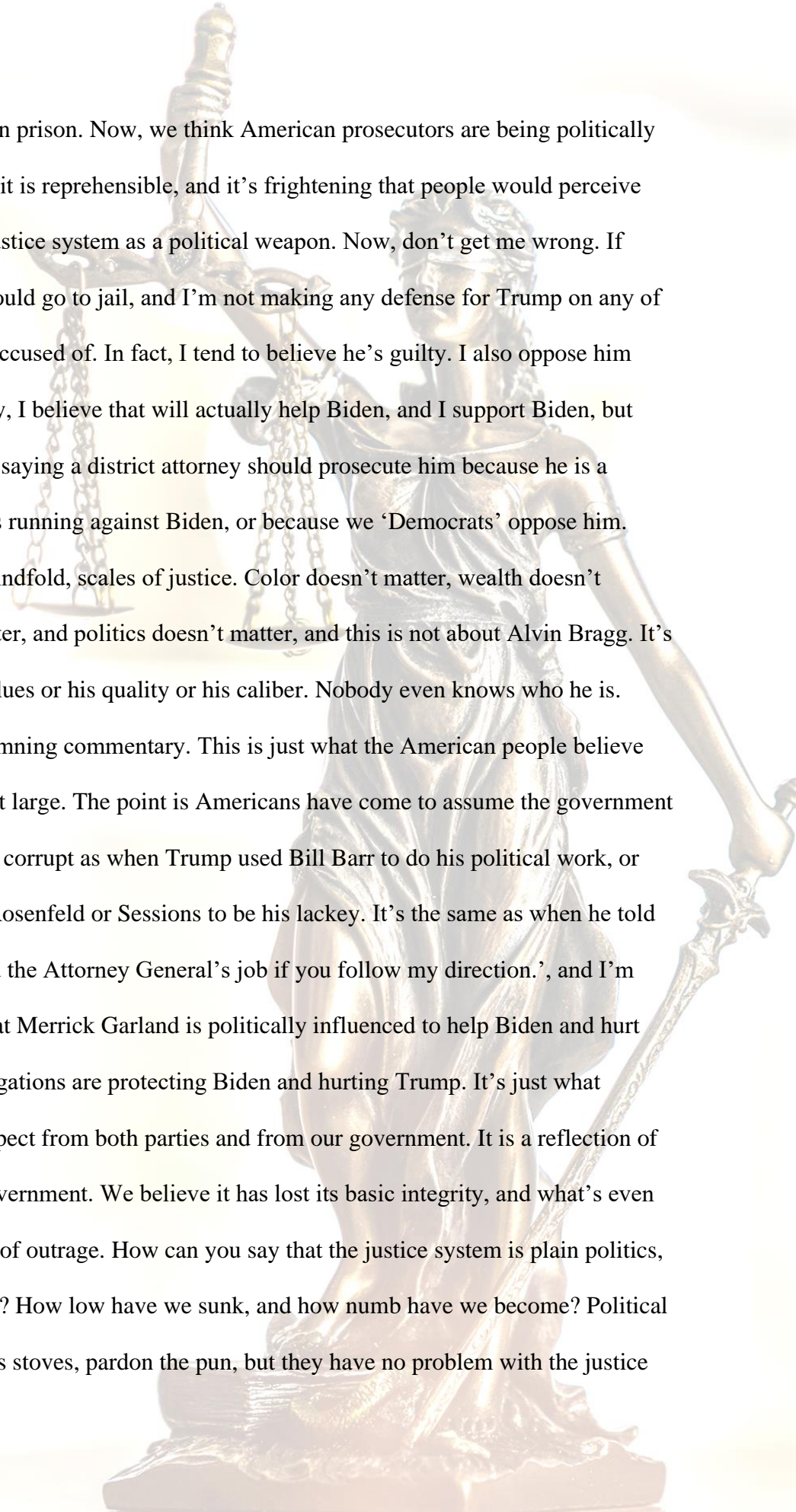


## The Injustice System

Uploaded by Andrew Cuomo to YouTube on May 18, 2023

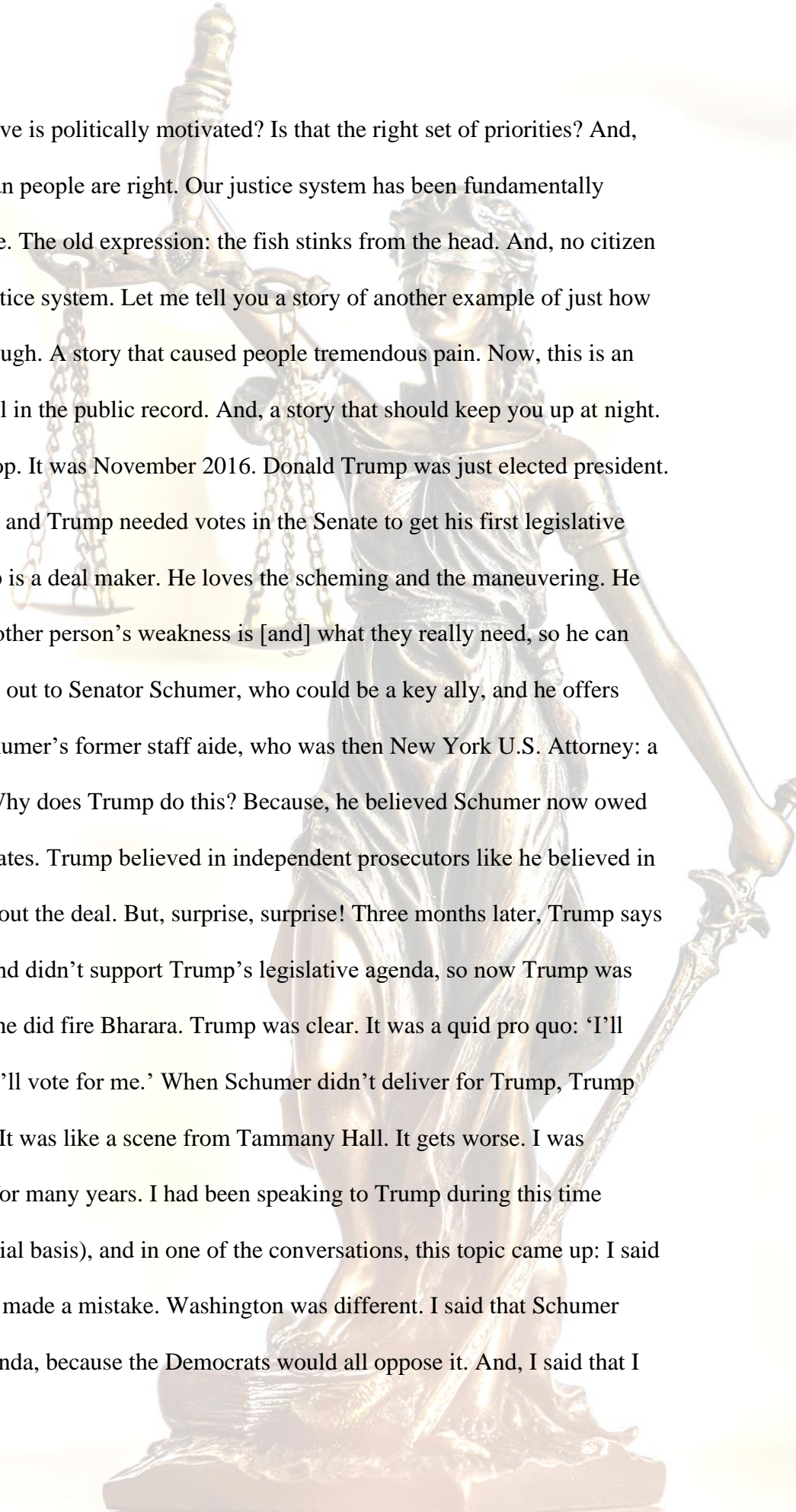


“Let me tell you a story. All true. All in the public record. A story that should keep you up at night. I’m Andrew Cuomo. It seems nowadays everyone is asking the same question, or they’re having the same unsettling feeling: ‘What is wrong with this country? Why are we so out of control?’ So, what is it? Well, to start, it’s a trust problem. We don’t trust the government. We don’t trust its ability. We don’t trust its motivation. We don’t trust its integrity, and trust is everything. It doesn’t matter what the relationship is. It’s always about the level of trust. Now, it’s hard to trust because we’ve all been burned at one time or another, and it’s hard to trust the government because the government has burned us repeatedly. Now, last week, the Supreme Court threw out convictions by New York’s U.S. attorney because the prosecutors overreached. In truth, they were political prosecutions, and people had their lives destroyed by the misuse of government power. Today, it’s distrust on steroids. It’s not just the individual politicians we don’t trust; it is the collective. It is the system. It’s the institution, and not only do we not trust them to do good things. We believe the government is capable of doing bad things. In fact, we expect it to do bad things, and that’s frightening. On March 30<sup>th</sup>, 2023, Democratic Manhattan District Attorney Bragg indicts Donald Trump, and according to a CNN poll, 76 percent of Americans say Bragg’s decision was politically influenced. 76 percent of American people say ‘yes, of course it’s politically influenced.’ 76 percent! Today, 76 percent of Americans don’t agree on anything, but one of the only things we agree on is that the government’s justice system is politically influenced. Not just any government function, but the essential government function that safeguards our liberty. Even a majority of Democrats say that they believe a Democratic district attorney was politically influenced in his decision to indict. We accuse Vladimir Putin of

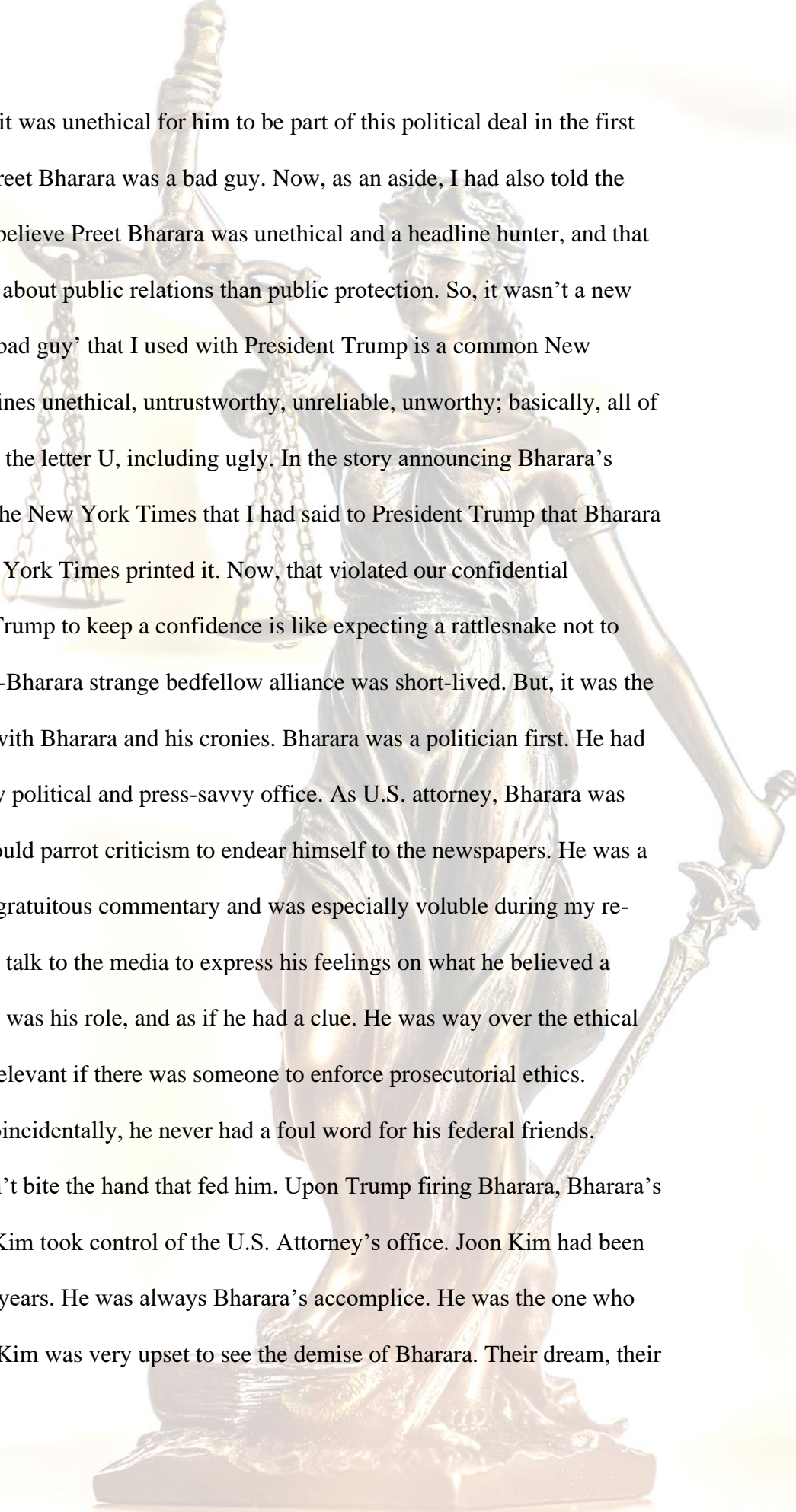


putting political opponents in prison. Now, we think American prosecutors are being politically influenced? It is disgusting, it is reprehensible, and it's frightening that people would perceive the government to use the justice system as a political weapon. Now, don't get me wrong. If Trump broke the law, he should go to jail, and I'm not making any defense for Trump on any of the things that he has been accused of. In fact, I tend to believe he's guilty. I also oppose him politically, and if he is guilty, I believe that will actually help Biden, and I support Biden, but that is totally different from saying a district attorney should prosecute him because he is a Republican, or because he is running against Biden, or because we 'Democrats' oppose him. Remember Lady Justice. Blindfold, scales of justice. Color doesn't matter, wealth doesn't matter, religion doesn't matter, and politics doesn't matter, and this is not about Alvin Bragg. It's not a statement about his values or his quality or his caliber. Nobody even knows who he is. That's why this is such a damning commentary. This is just what the American people believe about our justice system writ large. The point is Americans have come to assume the government is politically corrupt. It is as corrupt as when Trump used Bill Barr to do his political work, or when he used Whitaker or Rosenfeld or Sessions to be his lackey. It's the same as when he told James Comey, 'I'll give you the Attorney General's job if you follow my direction.', and I'm sure Republicans believe that Merrick Garland is politically influenced to help Biden and hurt Trump, and all these investigations are protecting Biden and hurting Trump. It's just what Americans have come to expect from both parties and from our government. It is a reflection of how little we respect our government. We believe it has lost its basic integrity, and what's even more frightening is the lack of outrage. How can you say that the justice system is plain politics, and then do nothing about it? How low have we sunk, and how numb have we become? Political activists are all hot about gas stoves, pardon the pun, but they have no problem with the justice



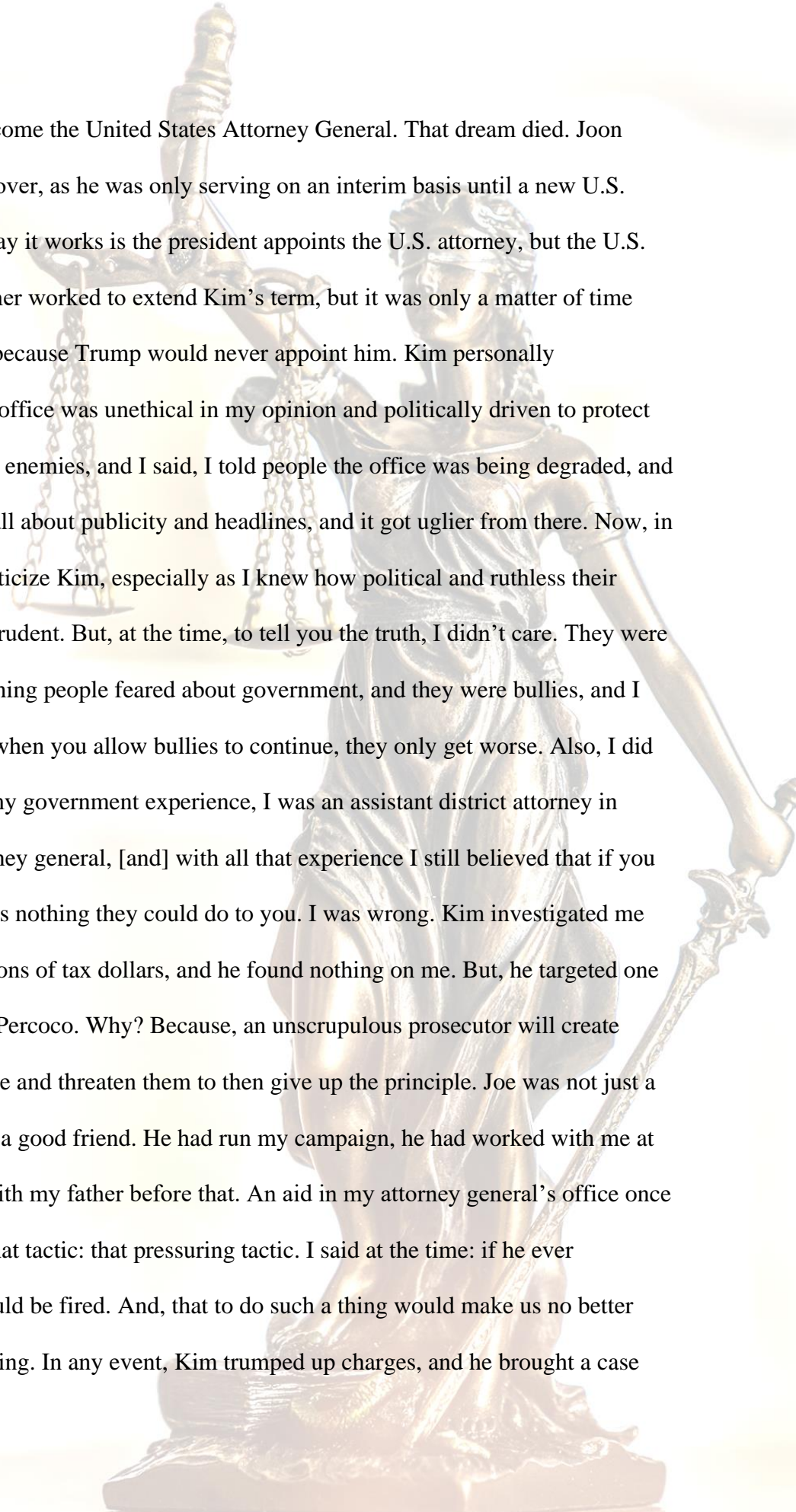


system that Americans believe is politically motivated? Is that the right set of priorities? And, what's worse is the American people are right. Our justice system has been fundamentally corrupted, and it is pervasive. The old expression: the fish stinks from the head. And, no citizen is safe from a politicized justice system. Let me tell you a story of another example of just how bad it is. A story I lived through. A story that caused people tremendous pain. Now, this is an incredible story. All true. All in the public record. And, a story that should keep you up at night. Let me give you the backdrop. It was November 2016. Donald Trump was just elected president. He was fresh out of the box, and Trump needed votes in the Senate to get his first legislative agenda passed. Now, Trump is a deal maker. He loves the scheming and the maneuvering. He loves figuring out what the other person's weakness is [and] what they really need, so he can control them. So, he reaches out to Senator Schumer, who could be a key ally, and he offers Schumer a deal: to keep Schumer's former staff aide, who was then New York U.S. Attorney: a guy named Preet Bharara. Why does Trump do this? Because, he believed Schumer now owed him, and that's how he operates. Trump believed in independent prosecutors like he believed in iron chastity belts. It was about the deal. But, surprise, surprise! Three months later, Trump says Schumer violated the deal and didn't support Trump's legislative agenda, so now Trump was going to fire Bharara. And, he did fire Bharara. Trump was clear. It was a quid pro quo: 'I'll reappoint your guy, and you'll vote for me.' When Schumer didn't deliver for Trump, Trump fired Bharara. This for that. It was like a scene from Tammany Hall. It gets worse. I was governor and knew Trump for many years. I had been speaking to Trump during this time (theoretically on a confidential basis), and in one of the conversations, this topic came up: I said to Trump essentially that he made a mistake. Washington was different. I said that Schumer could not deliver for his agenda, because the Democrats would all oppose it. And, I said that I

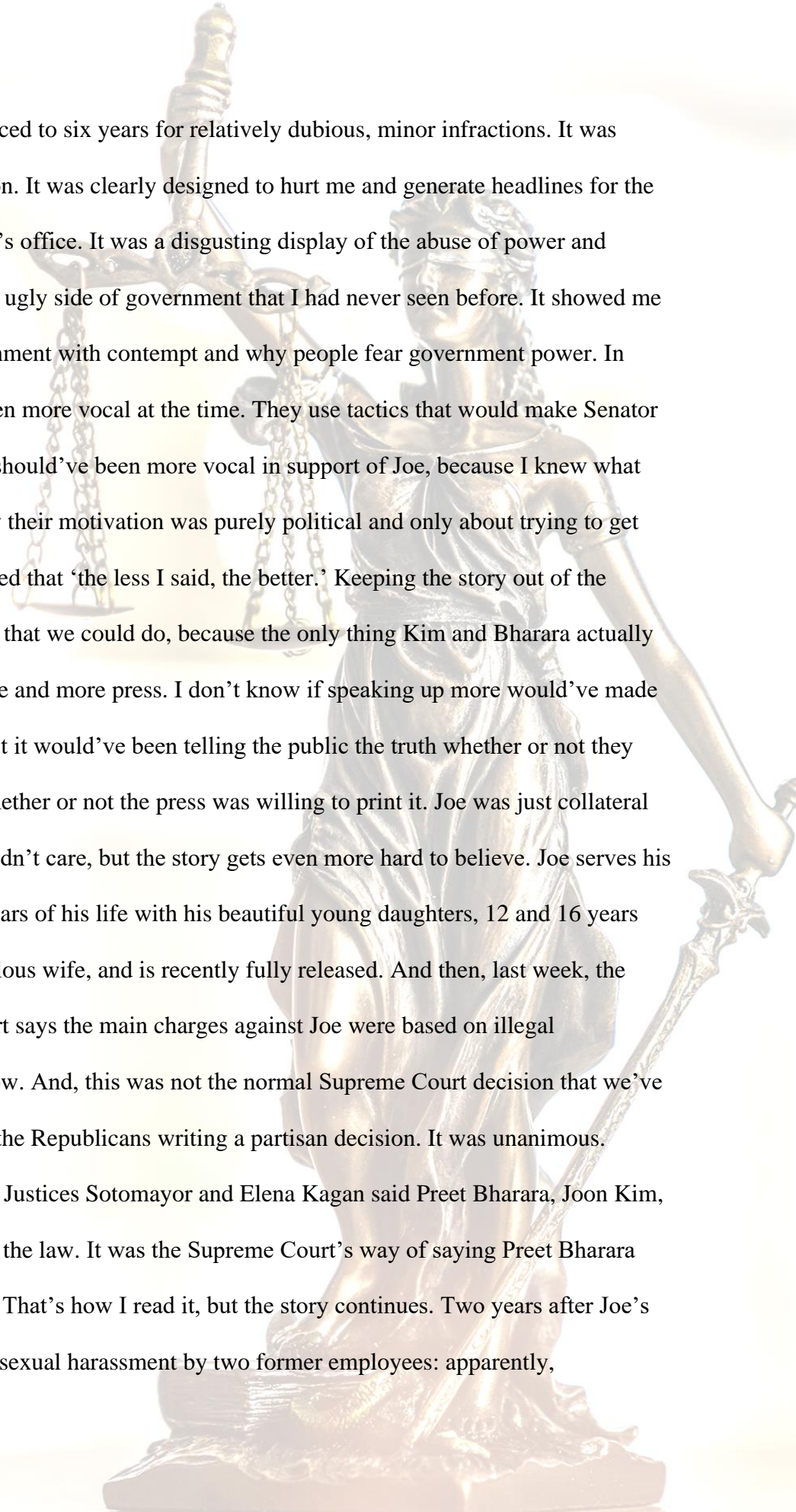


knew Bharara, and I thought it was unethical for him to be part of this political deal in the first place. And, I said I believe Preet Bharara was a bad guy. Now, as an aside, I had also told the Obama administration that I believe Preet Bharara was unethical and a headline hunter, and that many of his cases were more about public relations than public protection. So, it wasn't a new position for me. The term 'a bad guy' that I used with President Trump is a common New Yorker expression that combines unethical, untrustworthy, unreliable, unworthy; basically, all of the ugly words that start with the letter U, including ugly. In the story announcing Bharara's firing, a Trump source told The New York Times that I had said to President Trump that Bharara was a bad guy, and The New York Times printed it. Now, that violated our confidential conversation, but expecting Trump to keep a confidence is like expecting a rattlesnake not to bite. So, the Trump-Schumer-Bharara strange bedfellow alliance was short-lived. But, it was the escalation of my public war with Bharara and his cronies. Bharara was a politician first. He had worked for Schumer in a very political and press-savvy office. As U.S. attorney, Bharara was very politically active. He would parrot criticism to endear himself to the newspapers. He was a vocal critic of mine offering gratuitous commentary and was especially voluble during my re-election campaign. He would talk to the media to express his feelings on what he believed a governor should do, as if that was his role, and as if he had a clue. He was way over the ethical line, but that would only be relevant if there was someone to enforce prosecutorial ethics. Interestingly, and I'm sure coincidentally, he never had a foul word for his federal friends. Bharara was shrewd. He didn't bite the hand that fed him. Upon Trump firing Bharara, Bharara's long-time number two Joon Kim took control of the U.S. Attorney's office. Joon Kim had been Bharara's sidekick for many years. He was always Bharara's accomplice. He was the one who did the dirty work, and Joon Kim was very upset to see the demise of Bharara. Their dream, their



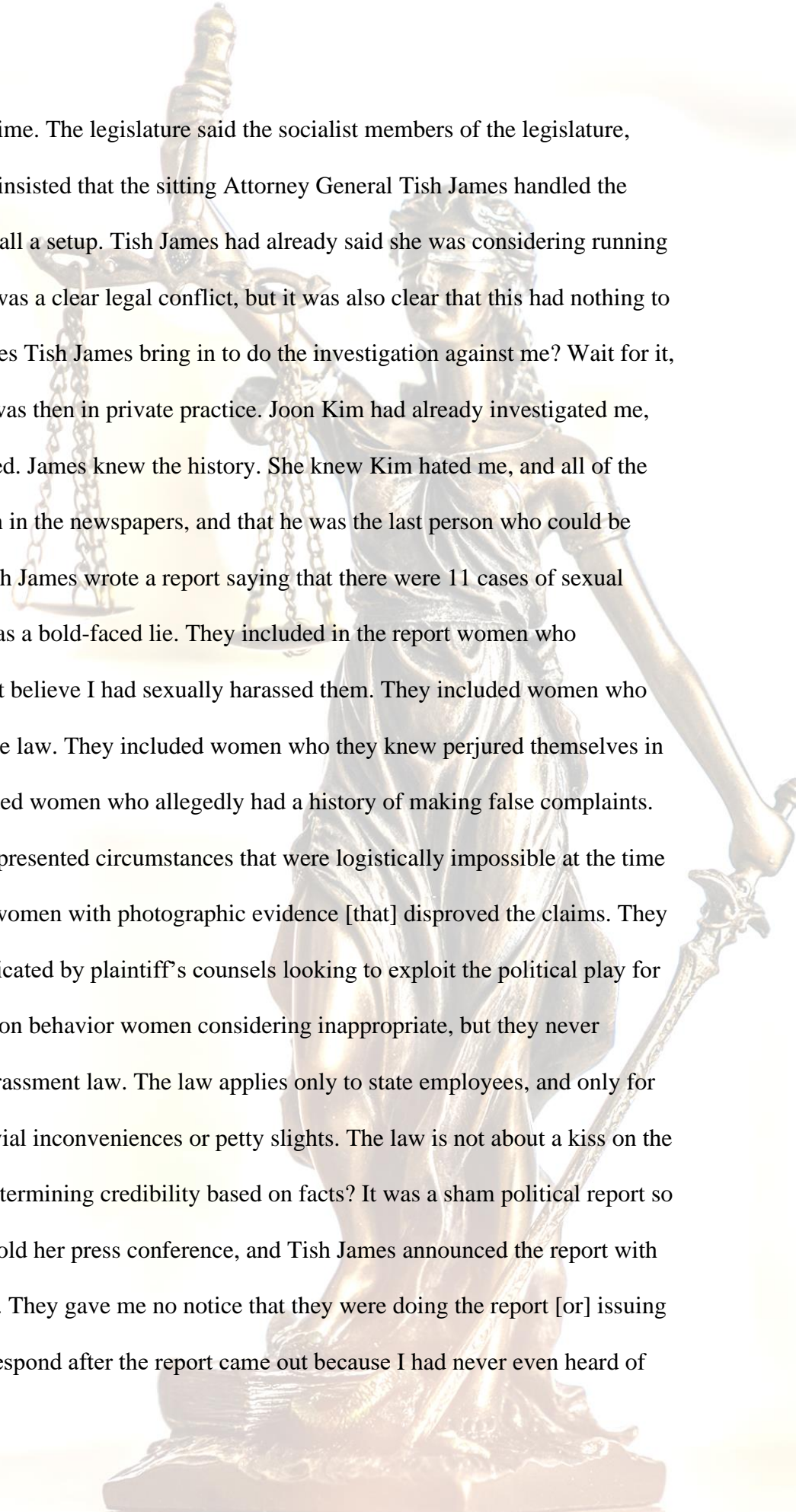


plan, was to see Bharara become the United States Attorney General. That dream died. Joon Kim's career was now also over, as he was only serving on an interim basis until a new U.S. attorney was chosen. The way it works is the president appoints the U.S. attorney, but the U.S. Senate confirms, and Schumer worked to extend Kim's term, but it was only a matter of time before Kim would be gone because Trump would never appoint him. Kim personally interviewed me. I said their office was unethical in my opinion and politically driven to protect their friends and attack their enemies, and I said, I told people the office was being degraded, and I said their motivation was all about publicity and headlines, and it got uglier from there. Now, in retrospect, was it wise to criticize Kim, especially as I knew how political and ruthless their office was? No, it was not prudent. But, at the time, to tell you the truth, I didn't care. They were bad guys. They were everything people feared about government, and they were bullies, and I would not be bullied. And, when you allow bullies to continue, they only get worse. Also, I did nothing wrong, and for all my government experience, I was an assistant district attorney in Manhattan, I had been attorney general, [and] with all that experience I still believed that if you did nothing wrong, there was nothing they could do to you. I was wrong. Kim investigated me for six years and spent millions of tax dollars, and he found nothing on me. But, he targeted one of my closest aides, Joseph Percoco. Why? Because, an unscrupulous prosecutor will create charges against a subordinate and threaten them to then give up the principle. Joe was not just a top deputy; he was a friend, a good friend. He had run my campaign, he had worked with me at HUD, and he had worked with my father before that. An aid in my attorney general's office once suggested that we employ that tactic: that pressuring tactic. I said at the time: if he ever suggested that again, he would be fired. And, that to do such a thing would make us no better than the thugs we were chasing. In any event, Kim trumped up charges, and he brought a case

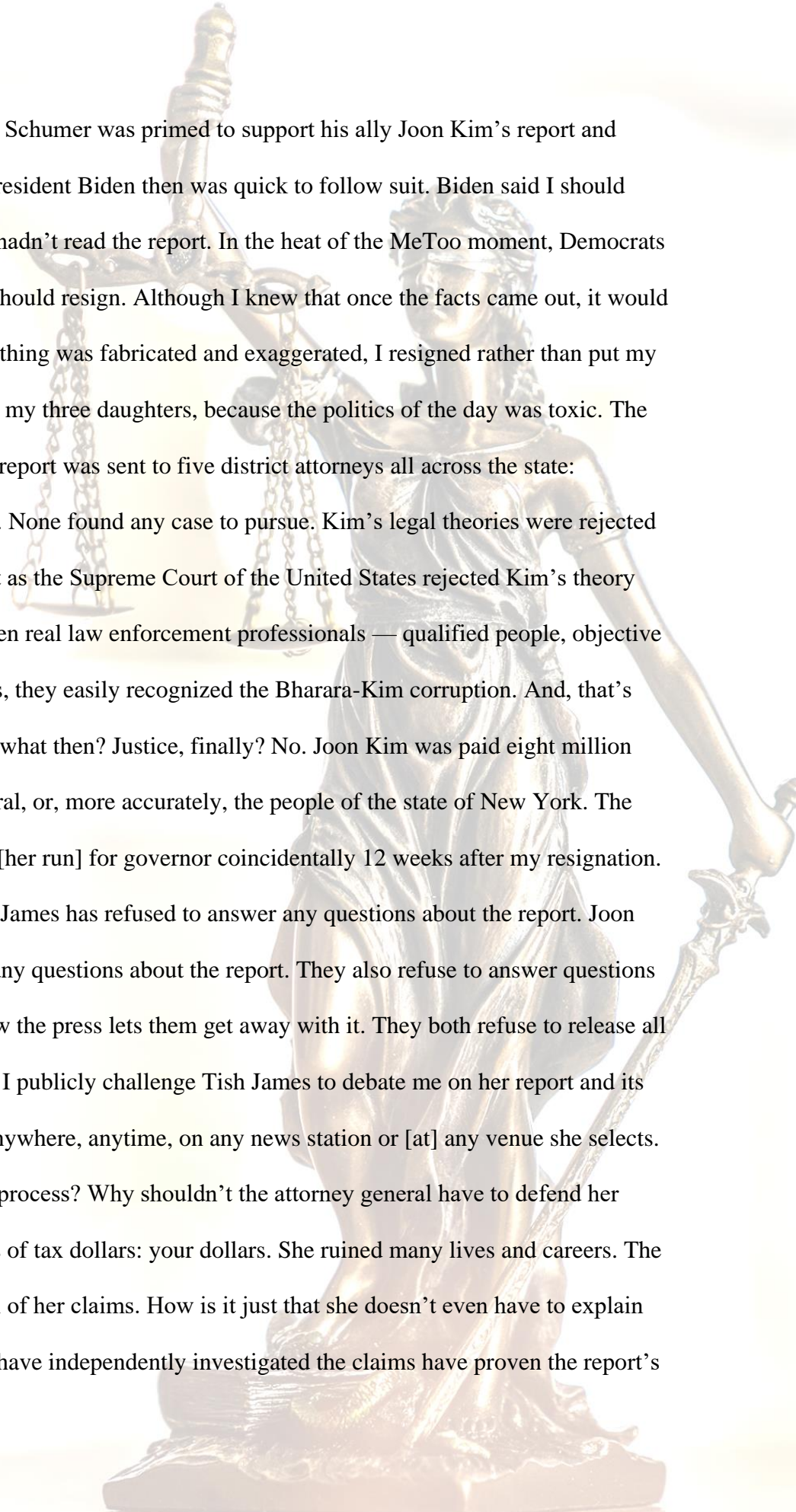


against Joe, who was sentenced to six years for relatively dubious, minor infractions. It was clearly a political prosecution. It was clearly designed to hurt me and generate headlines for the hard-charging U.S. attorney's office. It was a disgusting display of the abuse of power and corruption. It showed me an ugly side of government that I had never seen before. It showed me why people view our government with contempt and why people fear government power. In retrospect, I should have been more vocal at the time. They use tactics that would make Senator Joe McCarthy blush. I also should've been more vocal in support of Joe, because I knew what they were doing, and I knew their motivation was purely political and only about trying to get me. At the time, I was advised that 'the less I said, the better.' Keeping the story out of the headlines was the best thing that we could do, because the only thing Kim and Bharara actually wanted was to generate more and more press. I don't know if speaking up more would've made it better or worse, but at least it would've been telling the public the truth whether or not they were ready to hear it and whether or not the press was willing to print it. Joe was just collateral damage to them, and they didn't care, but the story gets even more hard to believe. Joe serves his prison sentence and loses years of his life with his beautiful young daughters, 12 and 16 years old at the time, and his fabulous wife, and is recently fully released. And then, last week, the United States Supreme Court says the main charges against Joe were based on illegal prosecutorial overreach. Wow. And, this was not the normal Supreme Court decision that we've seen recently. This was not the Republicans writing a partisan decision. It was unanimous. Outstanding Democrats like Justices Sotomayor and Elena Kagan said Preet Bharara, Joon Kim, [and] Judge Caproni abused the law. It was the Supreme Court's way of saying Preet Bharara and Joon Kim are bad guys. That's how I read it, but the story continues. Two years after Joe's conviction, I am accused of sexual harassment by two former employees: apparently,



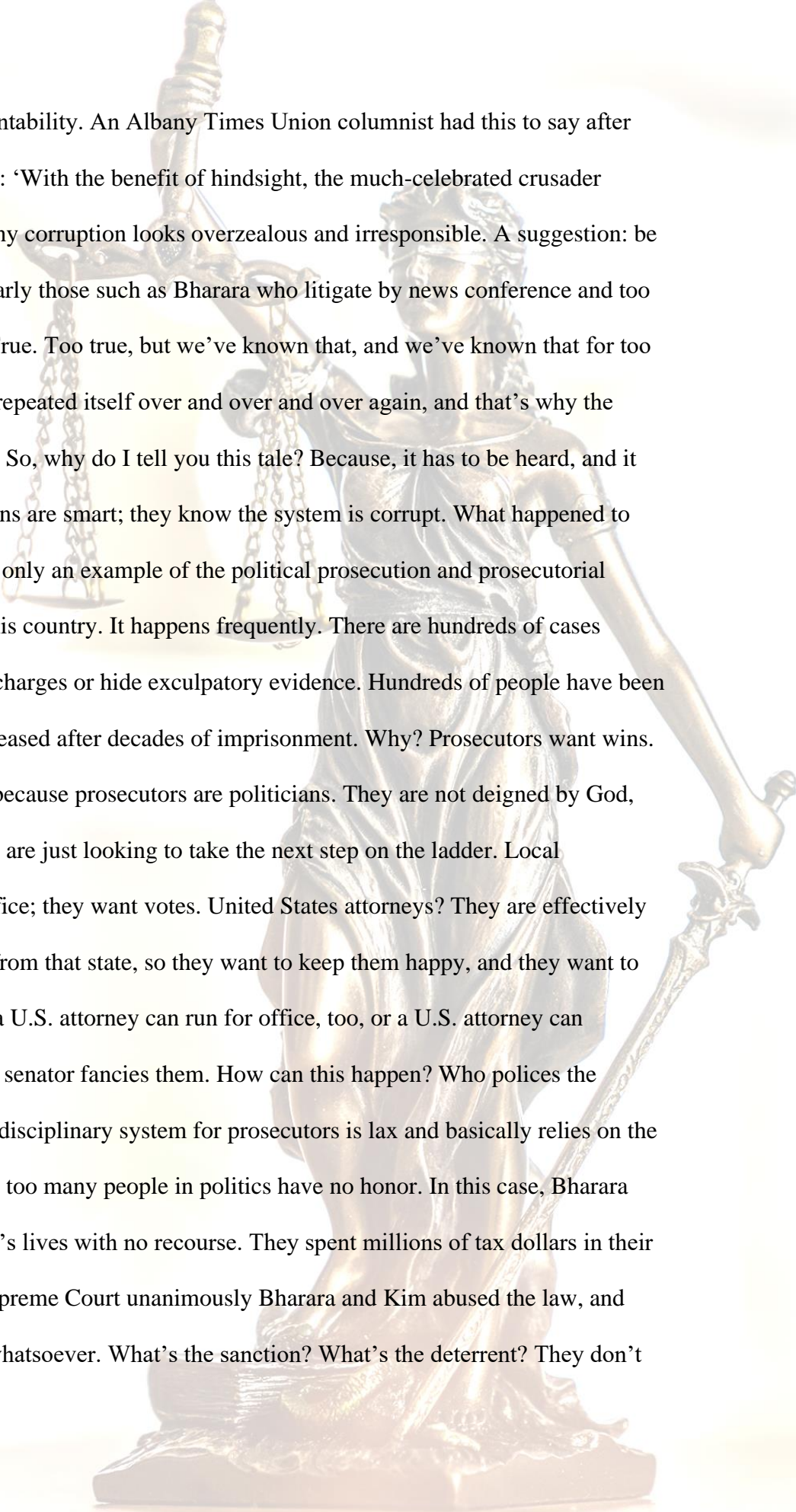


coincidentally, at the same time. The legislature said the socialist members of the legislature, who were no friends to me, insisted that the sitting Attorney General Tish James handled the investigation. I knew it was all a setup. Tish James had already said she was considering running against me for governor. It was a clear legal conflict, but it was also clear that this had nothing to do with the law. So, who does Tish James bring in to do the investigation against me? Wait for it, wait for it: Joon Kim, who was then in private practice. Joon Kim had already investigated me, and he himself was conflicted. James knew the history. She knew Kim hated me, and all of the history that had been written in the newspapers, and that he was the last person who could be objective. Joon Kim and Tish James wrote a report saying that there were 11 cases of sexual harassment against me; it was a bold-faced lie. They included in the report women who specifically said they did not believe I had sexually harassed them. They included women who were not even covered by the law. They included women who they knew perjured themselves in their testimony. They included women who allegedly had a history of making false complaints. They included women who presented circumstances that were logistically impossible at the time in question. They included women with photographic evidence [that] disproved the claims. They included claims clearly fabricated by plaintiff's counsels looking to exploit the political play for a payday. They did a report on behavior women considering inappropriate, but they never applied the actual sexual harassment law. The law applies only to state employees, and only for acts that were more than trivial inconveniences or petty slights. The law is not about a kiss on the cheek. What happened to determining credibility based on facts? It was a sham political report so the attorney general could hold her press conference, and Tish James announced the report with Joon Kim and much fanfare. They gave me no notice that they were doing the report [or] issuing the report; I couldn't even respond after the report came out because I had never even heard of

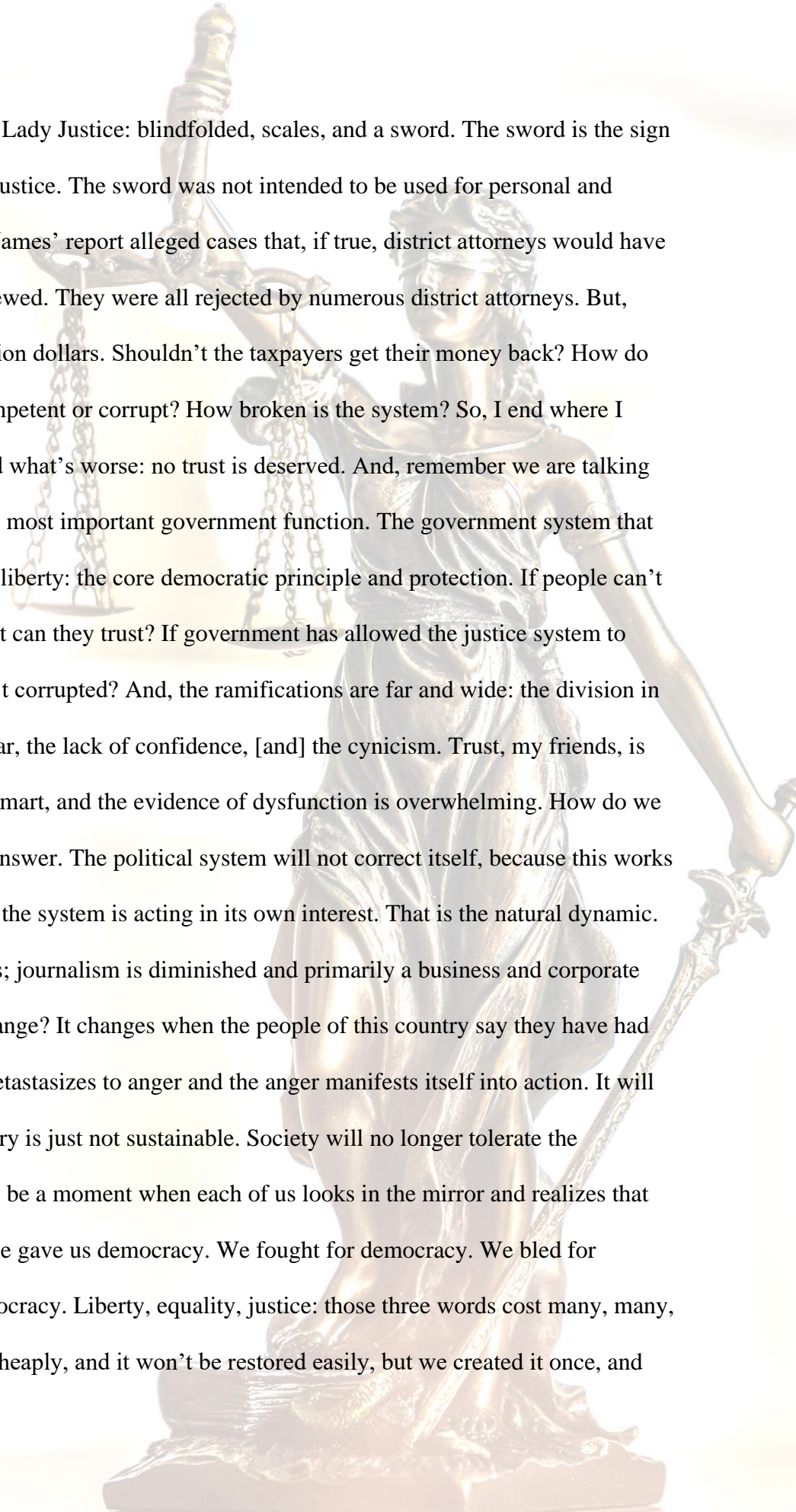


most of the women. Senator Schumer was primed to support his ally Joon Kim's report and called for my resignation. President Biden then was quick to follow suit. Biden said I should resign, but also said that he hadn't read the report. In the heat of the MeToo moment, Democrats fell like dominoes saying I should resign. Although I knew that once the facts came out, it would become clear that the entire thing was fabricated and exaggerated, I resigned rather than put my family through it, especially my three daughters, because the politics of the day was toxic. The Tish James [and] Joon Kim report was sent to five district attorneys all across the state: Democratic and Republican. None found any case to pursue. Kim's legal theories were rejected by the district attorneys, just as the Supreme Court of the United States rejected Kim's theory against Joe Percoco. So, when real law enforcement professionals — qualified people, objective people — reviewed the facts, they easily recognized the Bharara-Kim corruption. And, that's what it was: corruption. So, what then? Justice, finally? No. Joon Kim was paid eight million dollars by the attorney general, or, more accurately, the people of the state of New York. The attorney general announces [her run] for governor coincidentally 12 weeks after my resignation. Her campaign fell flat. Tish James has refused to answer any questions about the report. Joon Kim has refused to answer any questions about the report. They also refuse to answer questions from the press, and somehow the press lets them get away with it. They both refuse to release all the testimony and evidence. I publicly challenge Tish James to debate me on her report and its findings. I will debate her anywhere, anytime, on any news station or [at] any venue she selects. What ever happened to due process? Why shouldn't the attorney general have to defend her findings? She spent millions of tax dollars: your dollars. She ruined many lives and careers. The district attorneys rejected all of her claims. How is it just that she doesn't even have to explain her actions? Reporters who have independently investigated the claims have proven the report's





failings, but there's no accountability. An Albany Times Union columnist had this to say after the Supreme Court's reversal: 'With the benefit of hindsight, the much-celebrated crusader against Wall Street and Albany corruption looks overzealous and irresponsible. A suggestion: be wary of prosecutors, particularly those such as Bharara who litigate by news conference and too eagerly seek the limelight.' True. Too true, but we've known that, and we've known that for too long. This is a story that has repeated itself over and over and over again, and that's why the American people are cynical. So, why do I tell you this tale? Because, it has to be heard, and it has to be addressed. Americans are smart; they know the system is corrupt. What happened to me is manageable, but this is only an example of the political prosecution and prosecutorial misconduct that goes on in this country. It happens frequently. There are hundreds of cases where prosecutors trump up charges or hide exculpatory evidence. Hundreds of people have been wrongfully convicted and released after decades of imprisonment. Why? Prosecutors want wins. Prosecutors want headlines, because prosecutors are politicians. They are not deigned by God, and many of these politicians are just looking to take the next step on the ladder. Local prosecutors? They run for office; they want votes. United States attorneys? They are effectively selected by the U.S. senator from that state, so they want to keep them happy, and they want to curry favor. Why? Because, a U.S. attorney can run for office, too, or a U.S. attorney can become a federal judge if the senator fancies them. How can this happen? Who polices the system? Good question. The disciplinary system for prosecutors is lax and basically relies on the honor system. Unfortunately, too many people in politics have no honor. In this case, Bharara and Kim ruined many people's lives with no recourse. They spent millions of tax dollars in their own political pursuit. The Supreme Court unanimously Bharara and Kim abused the law, and there's no penalty for them whatsoever. What's the sanction? What's the deterrent? They don't



even get a slap on the wrist. Lady Justice: blindfolded, scales, and a sword. The sword is the sign of authority in the fight for justice. The sword was not intended to be used for personal and political agendas. Kim and James' report alleged cases that, if true, district attorneys would have pursued. They were all reviewed. They were all rejected by numerous district attorneys. But, Kim still got paid eight million dollars. Shouldn't the taxpayers get their money back? How do you get paid for being incompetent or corrupt? How broken is the system? So, I end where I started. There's no trust, and what's worse: no trust is deserved. And, remember we are talking about the justice system: the most important government function. The government system that determines and protects our liberty: the core democratic principle and protection. If people can't trust the justice system, what can they trust? If government has allowed the justice system to become corrupted, what isn't corrupted? And, the ramifications are far and wide: the division in this nation, the anger, the fear, the lack of confidence, [and] the cynicism. Trust, my friends, is earned, and Americans are smart, and the evidence of dysfunction is overwhelming. How do we solve it? There is no quick answer. The political system will not correct itself, because this works for the political system, and the system is acting in its own interest. That is the natural dynamic. Nor can we look to the press; journalism is diminished and primarily a business and corporate concern. So, how does it change? It changes when the people of this country say they have had enough: when the apathy metastasizes to anger and the anger manifests itself into action. It will happen. The current trajectory is just not sustainable. Society will no longer tolerate the obnoxious abuse. There will be a moment when each of us looks in the mirror and realizes that change starts with us. No one gave us democracy. We fought for democracy. We bled for democracy. We earned democracy. Liberty, equality, justice: those three words cost many, many, many lives. It didn't come cheaply, and it won't be restored easily, but we created it once, and



we can recreate it again. We threw out the oppressors and the scoundrels, and we can do it once again; we just have to decide to do it, and we will. Think about it.”

“Change starts with us...” — Andrew M. Cuomo

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