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**NYPIRG STATEMENT ON NEW YORK COURT OF APPEALS DECISION UPHOLDING
THE CONSTITUTIONALITY OF STATE'S ETHICS LAW**

**NEW YORK'S TOP COURT REJECTS CUOMO CHALLENGE THAT ETHICS LAW
VIOLATES SEPARATION OF POWERS AND DIMINISHES EXECUTIVE**

**DECISION OPENS DOOR FOR ETHICS VIOLATIONS CHARGES TO PROCEED AGAINST
FORMER GOVERNOR**

The New York Public Interest Research Group (NYPIRG) applauded the decision by the New York State Court of Appeals to uphold the constitutionality of the state's ethics and lobbying law and reject the separation of powers arguments advanced by former Governor Andrew Cuomo in his efforts to stymie an ethics investigation into his \$5 million pandemic book deal.

"The court wisely put the core principle of checks and balances between the branches above a rigid application of the separation of powers doctrine. While ethics oversight is always a work-in-progress, the structure of the current law has been given a clean bill of health by the state's highest court and can now go about its business without a cloud hanging over its work," said NYPIRG Senior Policy Advisor Blair Horner.

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In conclusion, we emphasize the unique constellation of factors that lead to our holding. Under our Constitution, the Governor does not have unfettered powers of appointment and removal. Trust in government is essential to democracy because its erosion leads to apathy, disaffection, and the breakdown of civic institutions. Indeed, government cannot function if the public perceives that those entrusted with public power are unaccountable when they misuse their authority for private gain. Maintaining public confidence is thus a foundational State interest and a core governmental responsibility.

Given the danger of self-regulation, the Legislature and the Governor have determined that there is an urgent need for the robust, impartial enforcement of the State's ethics and lobbying laws. That task is assigned to the Commission. Neither the Legislature nor the Executive Branch has undue influence over the Commission, a structural characteristic lawfully chosen to ensure the integrity of the Commissioners and to instill public faith in government. Finally, the Legislature has not otherwise encroached upon the exclusive constitutional purview of the Executive Branch. Plaintiff has thus failed to establish that the Act is unconstitutional on its face.