



Importance of the State Attorney General

By David R. Jones
September 9, 2010

On Tuesday, September 14, there will be an important Democratic primary race for state attorney general. There are five candidates: Nassau County district attorney Kathleen Rice, State Senator Eric Schneiderman, Assemblyman Richard Brodsky, former state insurance superintendent Eric Dinallo, and trial lawyer Sean Coffey. Their responses about the office of attorney general can be found online on each of their websites. The primary winner will face the Republican candidate, Staten Island district attorney Daniel M. Donovan, Jr.

New York's attorneys general have the capability to affect and influence many issues that are meaningful to the state's working families, especially in Latino communities. These include civil rights enforcement, voting rights, labor laws, and judicial decision making. Some of these areas are within the attorney general's jurisdiction; others depend on an attorney general's influence with state legislators and the governor.

Governor Paterson recently signed a bill that banned the use of a computerized database to track the names and addresses of people in New York City who were stopped by the police but not arrested. But the police continue to keep paper records of these activities.

This policy, referred to as "stop and frisk," mostly targets black and Latino youths. It is a wasted effort – nearly 90 percent of stops do not lead to arrests for anything – and it is unconstitutional, a threat to civil liberties. The potential abuse of this type of information is too great to allow a police force to accumulate it. Several of the candidates for attorney general have expressed the opinion that "stop and frisk" is unconstitutional. It is a policy that they would move to end completely if they were elected.

Another issue that has been partially dealt with recently is the tactic of "prison-based gerrymandering," whereby the state prison population – all in upstate areas – are counted as "residents" of the districts where the prisons are located for the purposes of representation. This has the effect of shortchanging New York City's communities of color in favor of upstate districts both in representation and in public funding outlays.

The governor signed a bill that ended this type of chicanery but only for state legislative and local redistricting. An attorney general could have great influence in drafting legislation that corrects inequitable state funding as well as the population count in drawing the state's districts for the U.S. House of Representatives.

The attorney general could also take the lead in proposing that the Legislature confer voting rights on parolees. Under the current law, inmates of New York's prisons – convicted of a felony – as well as those on parole are barred from voting. Considering that many parolees work – and pay taxes – they should be allowed to regain their voting rights.

The Office of Attorney General possesses the threats of subpoena and prosecution, important weapons in cases concerning labor abuses. There have been numerous instances of firms paying employees – often immigrants – less than minimum wages where the office of the attorney general has forced compliance with the law. Other areas where the attorney general has jurisdiction include tenant harassment, predatory lending practices by mortgage lenders, and consumer rights, including discrimination by health care providers. These are areas that get little coverage in the media, but they play a large part in the everyday lives of many New Yorkers.

When you go to the polls on September 14, remember that you are choosing the state's top lawyer, one who should be tough enough to fight for the rights of all New Yorkers and be flexible enough to know that the law must move with time and circumstances. Don't forget to vote on Tuesday, September 14.

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