

New York State Assembly releases Cuomo impeachment report

Sandy English

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On Monday, the New York State Assembly's Judiciary Committee released the findings of a report commissioned in March to investigate whether articles of impeachment against Democratic former Governor Andrew Cuomo would be justified.

The assembly's Speaker, Democrat Carl Heastie, decided after Cuomo's August 10 resignation to continue the impeachment investigation, particularly into allegations of sexual harassment. These had already been examined by the office of Tish James, the state's attorney general.

Cuomo was forced from office by a #MeToo campaign led by the *New York Times* and a group of Democrats in the state assembly, which eventually involved complaints from 11 women, including staffers, other state employees and constituents.

As the WSWWS indicated in August, the attorney general's 165-page report concerning sexual harassment allegations Cuomo deserved "to be treated with contempt." The report went into inordinate detail in regard to a number of unproven and minor episodes, at best a series of micro-aggressions.

We wrote that our political opposition "to Cuomo and the Democrats hardly needs mentioning. However, the process currently under way, aimed at removing the thrice-elected governor from one of the most powerful offices in the US (which has been held by four future presidents and six future vice presidents) through a manufactured sex scandal, will only further degrade and move American politics to the right. The working class has no interest in endorsing either the forces seeking to square accounts with Cuomo or the sordid means they're using."

The largest single section (15 pages) of the 46-page state assembly report examines the allegations of sexual harassment in some detail, finding them to be credible, particularly in two cases, and rejecting the former governor's defense. Much of this material had also been presented in James' investigation, but new information was brought forward, including a more detailed examination of the timeline of claims by one of the women, as well as new text messages and records of phone calls. The report concluded (to no one's surprise), "there is overwhelming evidence that the former Governor engaged in sexual harassment," according to New York state's own

definition of the term.

Since it was unlikely that sexual harassment charges would be enough to impeach the governor, the Judiciary Committee instructed the law firm that conducted the investigation to examine three other alleged episodes of misconduct by Cuomo: whether he used time and resources belonging to the state government to write and promote his book, later published as *American Crisis: Leadership Lessons from the COVID-19 Pandemic*; whether he covered up structural flaws in the Mario Cuomo (Tappan Zee) Bridge, which spans the Hudson River; and whether he distorted the number of elderly who had died in nursing homes in the first part of 2020.

To varying degrees, the report discovered that Cuomo behaved inappropriately, though not criminally, in regard to the three other issues. The report argues that Cuomo violated state ethics standards by having his staff work on *American Crisis* while on the state payroll. It made no final finding on his role in covering up the existence of structural weaknesses in the Mario Cuomo Bridge and the Judiciary Committee asked the report writers not to investigate any safety issues associated with the bridge.

The most serious aspect of the investigation was also truncated: the role that Cuomo played in covering up nursing home deaths in a July 2020 report by the state's Department of Health (DOH) that was "substantially revised by the Executive Chamber [Cuomo's inner circle] and largely intended to combat criticisms regarding former Governor Cuomo's directive that nursing homes should readmit residents that had been diagnosed with COVID-19."

The DOH initially wanted to include in the report those residents, who, up to the summer of 2020, had died from COVID "in-facility," (in the nursing homes themselves) as well as residents who died "out-of-facility" (in hospitals or in transit). The total figure was about 10,000 people.

The governor's executive chamber opted to use in the report only the figure of those who had died "in-facility," about 6,500 people. The report notes that its authors were not charged with a medical review of the causes of deaths in the nursing homes. Its conclusion with regard to this is that Cuomo and his staff helped to produce a report—on the deaths of thousands of people from the pandemic—that was "not fully transparent."

The impeachment report notes that the DOH study came about as a response to criticism of Cuomo's infamous March 25, 2020 directive allowing people into nursing homes even if they had been diagnosed with COVID-19 and stipulating that a COVID-19 test was not necessary for admission.

While the report notes that the directive was slightly amended in May and observes that the former governor was "subject to public criticism," it passes over the central issue: that Cuomo's policies produced a sharp uptick in deaths in nursing homes.

The impeachment report also ignores further incriminating evidence published by the Associated Press in February 2021 that the number of patients released into nursing homes under the murderous 2020 directive was 40 percent higher than the DOH initially claimed, a total of nearly 9,000 elderly people.

The report also ignores the testimony of a leading DOH official, identified as Dr. Elizabeth Dufort. She makes clear that Cuomo, through the executive chamber, managed the DOH so arbitrarily and so poorly that it hampered its mission in assessing and suppressing the pandemic.

In particular, the Cuomo administration blocked the state DOH from communicating vital information to the Department of Health and Mental Hygiene in New York City, then the epicenter of the pandemic in the United States.

Dufort recounts how she spoke to one of the DOH's lawyers and told him: "I just want you to tell them to stop, the labs have to get to the doctors and the local health departments immediately with this disease, it's very important."

She notes similar interference from Cuomo's office in communicating to school districts: "We would be trying to get guidance out for schools how to open safely, but it would come out after schools opened."

This obstruction and negligence were going on while Cuomo was telling the world in his much-lauded daily press briefings, for which he was awarded an Emmy, to "follow the science."

Dufort's testimony was given in May 2021, ample time for it to be obtained and considered for the impeachment report.

It is not surprising, then, that the report fails even to mention the role that Cuomo played in legislation that protected the owners of nursing homes and hospitals from liability in COVID deaths. The omission of this fact, even as a side remark, is also telling. The legislation was passed by the Democratic-dominated assembly, the very institution that commissioned the impeachment report.

The report raises no other questions, no doubt at the direction of the Judiciary Committee, about Cuomo's conduct during the pandemic, except to note that the governor's aides worked on his book when the staff was supposedly working round-the-clock to prevent the spread of the virus.

The report is a sop to the identity politics that dominates the Democratic Party. The impeachment report lavishes attention on the alleged bad behavior, potential misdemeanors toward women by the former governor.

But more fundamentally, the report shows that the sexual

harassment witch-hunt of Cuomo after December 2020 was, among other things, a diversion from much bigger issues. It leaves untouched (in a mere five pages) his criminal indifference during a crisis in which tens of thousands of New Yorkers died.

The impeachment report was bound to do this as the entire Democratic Party is implicated in the deadly mismanagement of the pandemic in its first days and the subsequent reopening of the economy after July 2020. It was the section of the corporate media most closely linked to the Democratic Party, the *New York Times* in particular, which lionized Cuomo after the outbreak of the pandemic, when most of those who got sick and died were in New York, and promoted him as an alternative to Donald Trump.

After December 2020, the *Times* began to pass on allegations of harassment by Cuomo that became a full-throated witch-hunt by March involving columnists, editorial writers and op-eds designed to take Cuomo down. The recent report is the final product of that campaign.

As the report itself notes, it is unlikely that Cuomo, who is no longer in office, can be impeached. The document has been produced by the New York State Assembly, one of the most notoriously corrupt political institutions in the US. The assembly attempts to present itself as a moral breakwater at a time when bourgeois rule is being shaken to its foundations by a pandemic that has killed over 15 million people globally, more than 57,000 of them in New York.

It only highlights the vital need for a detailed inquest run by the working class into the causes and effects of the management of the pandemic by the ruling class.



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