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Biden Calls On Cuomo To Resign After Harassment Report

By **Jack Queen**

Law360 (August 3, 2021, 11:35 AM EDT) -- President Joe Biden on Tuesday called on New York Gov. Andrew Cuomo to resign after the state's attorney general found that he sexually harassed multiple women, placing extraordinary pressure on the embattled Democrat as he faces a criminal probe in Albany County and an ongoing impeachment inquiry.



New York Gov. Andrew Cuomo, shown here at a speaking event on July 26, sexually harassed multiple women and retaliated against one who came forward, according to a report from the New York Attorney General's Office. (AP Photo/Richard Drew)

Biden joined scores of top Democrats in calling for Cuomo's resignation during a press briefing Tuesday, reacting to a scathing report from the state attorney general's office that found Cuomo violated state and federal laws with inappropriate touching, kissing and comments. House Speaker Nancy Pelosi, D-Calif., and Senate Majority Leader Chuck Schumer, D-N.Y., also called on Cuomo to resign.

The 168-page report, stemming from one of several investigations Cuomo faces over mounting scandals this year, led Albany County's top law enforcer to announce a criminal investigation into the claims, including allegations that Cuomo groped a staffer's breast at the Governor's Mansion.

The findings could also fuel support for impeachment in the State Assembly, where lawmakers promised Tuesday to expedite a wider-ranging probe of alleged abuses of power and a cover-up of nursing home deaths during the pandemic.

Assembly Speaker Carl Heastie, who is leading the impeachment inquiry, said in a statement Tuesday that Cuomo can "no longer remain in office" and vowed to conclude the chamber's investigation "as quickly as possible."

The attorney general's investigation, conducted by lawyers from Vladeck Raskin & Clark PC and Cleary Gottlieb Steen & Hamilton LLP, uncovered previously unreported sexual harassment claims from multiple women, including a state trooper assigned to Cuomo's security detail.

Investigators found that the executive chamber's culture was "filled with fear and intimidation" that normalized Cuomo's "frequent flirtations and gender-based comments," allowing the conduct to persist and contributing to an "improper and inadequate" response to the allegations. All told, 11

people accused Cuomo of inappropriate behavior.

"This is a sad day for New York because independent investigators have concluded that Governor Cuomo sexually harassed multiple women and, in doing so, broke the law," New York Attorney General Letitia James said in a statement. "I am grateful to all the women who came forward to tell their stories in painstaking detail, enabling investigators to get to the truth. No man — no matter how powerful — can be allowed to harass women or violate our human rights laws, period."

Marc E. Bernstein, a Paul Hastings LLP partner who is not involved in the investigations, told Law360 that the report was tantamount to a recommendation that Cuomo be removed from office.

"If this were in the context of a private employer, he would be gone," Bernstein said. "The sheer quantity of improper conduct in the report is overwhelming."

Cuomo denied the allegations in a live-streamed appearance Tuesday, by turns combative and contrite as he sought to frame the incidents as misunderstandings while photos of him kissing people on the cheek and forehead rolled in the background.

Cuomo denied the most serious allegation — that he groped an unnamed assistant at his residence — but said impending legal action by his accuser limited what he could say publicly.

"I have lived my entire life in public view," Cuomo said. "That is just not who I am, and that is not who I have ever been."

Cuomo referred to a point-by-point response to the allegations by the governor's lawyer, Rita M. Glavin of Glavin PLLC, and said an outside expert had overhauled his office's sexual harassment training and policies.

Cuomo also sought during his remarks to deflect the report as politically motivated.

"Today we are living in a superheated if not toxic political environment, and this shouldn't be lost on anyone," he said. "Politics and bias are interwoven throughout every aspect of this situation, and one would be naive to think otherwise."

The report shifts the spotlight to the Democratic-controlled State Assembly, where investigators recently issued subpoenas as they probe a litany of scandals that have left the governor, once seen as an unstoppable force in New York politics, fighting for his political life. While Cuomo showed no indication of stepping down Tuesday, the rising pressure could factor heavily as he weighs whether to run for a fourth term.

The impeachment probe, which is being conducted by Davis Polk & Wardwell LLP, is examining claims that top officials at the governor's office sought to obscure the true death toll as COVID-19 tore through New York nursing homes last year, as well as allegations that Cuomo sought priority access to coronavirus tests for close associates and misused state resources for a \$5.1 million book deal. The inquiry also includes this year's sexual harassment allegations, which sent Cuomo tumbling from grace after a star turn in the early days of the pandemic.

Unlike James' investigation, the impeachment probe could lead to Cuomo's removal.

Jack Sharman, chair of Lightfoot Franklin & White LLC's white collar practice and leader of an Alabama House of Representatives inquiry into former Gov. Robert J. Bentley, said the "salacious" allegations against Cuomo could pressure New York lawmakers to redouble their efforts.

"Impeachment is a peculiar animal," Sharman told Law360. "It's part political, part legal and part constitutional. ... [Lawmakers] are influenced by politics and the optics and by the conduct of the governor."

The harassment allegations, while significantly turning up the heat on Cuomo, may be of less interest to lawmakers for formal impeachment purposes, Sharman said. Misuse of state resources and abuse-of-power claims often fit more neatly into the impeachment box, he said.

"What I imagine will ultimately catch the attention of the New York Legislature is, did any of that inappropriate behavior lead to or cause the misuse of state property, money or assets or otherwise impede the function of the state office?" Sharman said.

A chorus of top Democrats called on Cuomo to resign Tuesday, many renewing calls from months ago when the harassment allegations emerged. A dozen Democratic members of New York's congressional delegation, including Reps. Jerry Nadler and Alexandria Ocasio-Cortez, called on Cuomo to step down in a joint statement Tuesday, saying it was clear he engaged in "inappropriate, unlawful and abusive behavior."

"The attorney general's report is deeply disturbing, clear and thorough," the lawmakers said. "For the good of New York state, Andrew Cuomo must resign. If he does not, the New York State Assembly must begin impeachment proceedings."

--Editing by Alyssa Miller.

Update: This story has been updated with reactions from Democratic leaders.

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