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KEEPING OUR EMPERORS CLOTHED

What did we know about Eliot Spitzer and Mike Carona? Very little.

By Julius (Jay) Wachtel. When a bad boy gets his due we hardly notice. It's far more interesting when someone who pretends to be trustworthy gets caught with his hands in the cookie jar. And if it's a celebrated do-gooder, a real-life Dudley Do-Right, it's positively newsworthy.

So it is with Eliot Spitzer. Whether Governor "steamroller" is simply an extreme example of an Alpha male, and his downfall the product of a voracious appetite for risk and excitement, seems hardly the point. Pop psychology doesn't cut it for an insanity defense. And a defense he will need, as allegedly soliciting a prostitute to cross State lines and allegedly structuring cash transactions to circumvent reporting requirements are both Federal felonies, crimes that when committed by a man who was until recently a State Attorney General seem awfully hard for authorities to ignore.

Not that our Easterner friends would notice, but those of us on the opposite coast had someone to brag about only last year, when an illustrious member of very our crime-and-justice nobility, Orange County Sheriff Mike Carona, once crowned by Larry King as "America's Sheriff," brought his long-suffering wife and alleged mistress along for his perp-walk. (Carona was Federally indicted for allegedly selling special favors. His missus and mistress were also charged. Whatever we do in the Golden State, we do it together.)

Perhaps in the big picture -- what social scientists call the "aggregate" -- psychological factors *do* matter. Science will one day reveal what made Dustin Hoffman like "mature" women, and we could then market the powder to Alpha males. In the meantime, what's to be done? If as "control theories" suggest we're all incurably selfish, getting us to do the right thing requires that we strengthen the forces that prevent or inhibit the behavior we'd like to extinguish.

How would that apply here? First, let's look at the supply side. Exactly what did we know about Eliot Spitzer when he ran for New York State Attorney General? About Mike Carona when he ran for Orange County Sheriff? Other than being good Party boys -- ahem, meaning *political* party -- very little. Since both are elective positions, neither endured the detailed vetting required of prospective street cops or assistant D.A.'s. Neither had to provide references, reveal their credit history, give authorization for criminal and civil records checks, or state whether they had ever

been investigated or discharged for unethical or criminal behavior. Their background was left for reporters to check, or not, as they saw fit.

Not that there weren't some worrisome signs. In 1994, four years before winning the race for Attorney General, Spitzer [publicly denied](#) that his first, failed attempt at his Party's nomination was financed by a secret multi-million dollar loan from his father. It was, as he was later forced to admit, a lie, one that could have resulted in prosecution. Carona's [entire work experience](#) before being elected Sheriff was as a Marshal, in effect a bailiff. His political connections helped him rise to the top of an obscure agency that however grandly named was nothing more than a guard service and process server for local courts.

Had either Spitzer or Carona sought an equivalent appointive position, their applications would have had to pass the scrutiny of a board of qualified experts, not a room full of cigar-chomping political hacks. That lack of process, as New York just discovered, is a gift that keeps on giving. During his term in the State Senate, Spitzer's replacement, Lieutenant Governor David A. Paterson, [allegedly funneled](#) hundreds of thousands of dollars of State funds to a hospital that hired his wife as its lobbyist. As the *New York Times* recently bemoaned, the new Governor "is about to face something new: serious scrutiny of his legislative record, political connections and handling of government money over two decades." That comes a bit late for those who "hired" him, don't you think?

Spitzer faced little "control" while in office. Once praised for taking on Wall Street abusers, the crusading A.G.'s record is being tarnished by complaints that he not only bullied and threatened his targets but anyone else who stood in his way. Spitzer's aggressive ways clearly infected his Governorship. Only weeks after he was sworn in his staff got caught using the State Police to smear their boss's political arch-nemesis, Republican State Senator Joseph L. Bruno. Needless to say, the Guv's take-no-prisoners approach alienated his supporters and left him virtually without friends in the legislature. No going-away party there.

Carona's on-the-job record is hardly more reassuring. Moments after being sworn in he introduced a local cop with a questionable work record as his number-two man. He then started deputizing wholly unqualified contributors as sworn, gun-carrying reservists, going so far as to elevate one to Assistant Sheriff. (Oh, yes. That one also got indicted.)

As things stand elected officials usually get a "pass" from oversight. With rare exception, when allegations of misconduct surface no one other than the press investigates. But it doesn't have to be that way. One of the most promising models for monitoring the conduct of elected officials is [California's Commission on Judicial](#)

Performance, which investigates allegations of ethical lapses and makes its findings public for everyone to see.

When selecting candidates for positions like top cop or A.G. we need to know -- a *lot*. And just as soon as someone's elected active oversight must take over. Without a watchdog, being answerable to everyone is the same as being answerable to no one.