

The following are Mayor Edward I. Koch's remarks as prepared for delivery at the NYC Global Partners Summit "Public Integrity: Anti-Corruption Strategies, Economic Development and Good Governance" at the U.S. Custom House, June 8, 2012

It is my experience that most public employees are dedicated to their work, honest and able. Of course, there are the corrupt and incompetent. Regrettably, the rules of government today tend to protect the incompetent, it being very difficult to fire a civil servant for incompetence. It is easy to fire someone who is brought in by the chief executive and his/her commissioners who are sometimes referred to as "provisionals," not protected by civil service rules, which are overprotective of the employee.

When I was asked by Department of Investigation Commissioner Rose Gill Hearn to participate in this International Summit on Public Integrity, I thought to myself, I've been out of office for 22 years, having lost my effort to gain a fourth term running for reelection in the 1989 Democratic primary, after serving 12 years and being defeated by David Dinkins, so what is it that I could contribute to the knowledge of those attending? I decided my contribution would have to be how to run a huge city with 300,000 employees, and limit corruption, knowing it is nearly impossible to prevent all corruption.

I have always believed that public service is the noblest of professions if done honestly and done well. The public, regrettably, has the idea firmly and probably forever fixed in its collective brain that public employees, including both civil servants and those brought in by the Mayor, Governor and President to their administrations, are in large numbers incompetent, corrupt, or both. And of course, that is not true. I don't believe that anyone in or out of government steals because they are hungry. The days of Jean Valjean are over. People who have defective character, born or nurtured, steal because they think they can get away with it and enjoy the stolen funds. It is their character failing abetted, I found, by the fact that at least back in the 1970s and 1980s, the courts were not tough enough on crimes committed against the government by employees of that government.

I will refer here to a situation I faced when I became Mayor. When I came into office in 1978, we knew there was corruption in city agencies. I recalled that during the Beame administration, the Buildings Department had a scandal in which all, or almost all of the inspectors had been prosecuted for engaging in corruption. There were convictions, but they did not involve, as I recall, jail time. I asked the relevant official about what had happened to the 22 inspectors that I recalled having read about before I became Mayor. I was told that the inspectors were still on the payroll and still working as inspectors. This infuriated me, as it would anyone in my position, and I directed a member of my staff to order the then-acting Buildings Commissioner to fire the 22 convicted inspectors. The response from the Acting Commissioner was that under the City Charter it was he who made the decision as to whether or not to fire employees of his Department, not the mayor. He responded further that it was his determination that these people should not be fired. I was outraged and I responded by having a member of my staff again call the Acting Commissioner and say that he was absolutely correct about his role, but that under the same Charter, I could fire him and that I would if those people were not off the payroll by two o'clock that same afternoon. He obliged that request, and they were fired. The Acting Commissioner did not get the position of Commissioner. Without question, acceptance of corruption by some in government is too often present, and inspectors in the Buildings Department and a host of agencies have a long history of corruption: being paid bribes to do their job expeditiously or to intentionally not do their job and allow incompetent or illegal work to pass inspection. Time is money, and breaking the rules can save time or

money or both. The slowness of government is well known and drives honest and dishonest people crazy. Delay feeds corruption. In many places, there are people who specialize in assisting development projects through the bureaucracy. Honest expeditors exist because of delays in getting inspections done on time. There should, in the best of all worlds, be no need for expeditors. Dishonest expeditors using bribes also exist and should be punished, along with the dishonest inspectors accepting their bribe.

A second situation occurring years later in my administration involving corruption that for me was particularly outrageous because it showed the contempt courts – or particular judges – have for government and how they can use their power unfairly to prevent government from doing its job. I refer to a situation where the Department of Investigation learned that employees of an outside private agency hired by the City to collect the coins from parking meters were cheating and taking the quarters for themselves. An investigation was initiated and went on for nearly a year. It ended in the arrest of the private parking meter employees. In one case on the day of arrest, an employee had over \$400 in quarters in a suitcase, which became the main evidence in the case. Over the next year of the investigation, the estimate was that close to a million dollars in quarters had been stolen. The thieves were prosecuted at the request of the Department of Investigation. A few days before sentencing, I was told by Kevin Frawley, who was then the Commissioner of Investigation, that the Judge was going to impose a sentence which would involve no jail time, but probation. I was furious. I was told by the Commissioner that a relatively new law existed in the City of New York giving the victim of any crime the right in advance of sentencing to address the court. I said, “Well, here the City is the victim; I am its spokesperson,” so I told Kevin Frawley that I would like to address the court on this issue. I did address the court and implored the court to impose jail time for the thieves. Even though the amount we were alleging had been stolen was relatively modest – 400 dollars – it was only the amount of one day’s theft and the totality of the crime over a year was estimated to have exceeded a million dollars of City funds. I also noted that the investigation itself had cost us a million dollars. It was outrageous that these people should only be punished with probation. The Judge berated me for having allowed the corruption to exist, as though we had been responsible for inducing these people to steal from us. It was an insulting comment on her part and I made it clear how I felt. However, my comments did not dissuade the Judge from doing what she had told us she would do. In addition, in order to punish me for speaking out, she directed me to sit in the courtroom till she released me an hour later. I believe in obeying the orders of a judge, so I sat in that courtroom for an hour before she released me. After I was released, I held a press conference denouncing her for her actions. When she was later asked why she kept me in her courtroom, she said, “I did not have the power to keep him, I was shocked that he stayed.” To me that is another outrage. If a judge in her court room directs someone in that courtroom to stay there and, at the same time, thinks that the person can simply walk out, whether it be any citizen or the Mayor, the judge is acting abusively and stupidly, as I view the law.

We made changes in the structure of the D.O.I. We have tried over the years, and I think successfully, to upgrade the powers of the D.O.I. Initially, its jurisdiction was limited to dealing only with corruption. We added the issue of incompetence and made changes to increase the efficiency of the Department in discovering waste and ineffectiveness. A crucial issue, at that point, was to whom the Department’s investigators would report. Before I took office, the person responsible for rooting out corruption and incompetence in a particular agency reported to the commissioner of that same agency. We changed that so that inspectors were selected by the Commissioner of the Investigation and reported directly to the Commissioner of Investigation. At the same time this change was made, the same Mayoral

executive order required investigators to also report to the head of the agency to which they were assigned, keeping him or her informed, except, of course, if the agency Commissioner was under investigation. The intent was to give the Department of Investigation overriding authority over the investigators in any agency who were responsible for rooting out corruption and incompetence.

It is important to provide the Commissioners whom the Chief Executive appoints with authority and provide them with confidence that you will be by their side, if they are unfairly attacked. Most public servants are dedicated, honest people. Public officials and civil servants are constantly being audited by the press, the public, and in the case of people who run for office, our opponents, so overall our standards are often higher than the constituency from which the public servant may come. I believe that people in government should be held to the very highest standard and that when they violate that standard they must be appropriately punished. And if there is no criminal sanction in the law available to pursue them, they should be punished by public scorn. But if there is a criminal sanction, then go after them, hammer and tong!

I said to my agency commissioners, if you are under attack and you did not do anything wrong, you will be protected by me. It is not corrupt to make a mistake because what you thought would work did not work. I wanted my commissioners to act responsibly yet boldly. I wanted them to attempt things that might occasionally fail because they were new and untried. In this regard I told them, "I will stand with you when you are unfairly under attack" – and I did. I stood next to them at press conferences and took responsibility when the press went after them for what I considered their doing their job in a responsible way. But the other side of the coin is that when someone was neglecting their responsibilities, or was just incompetent, I had to publicly admit that I had made a mistake in picking them to begin with. Those who were not corrupt, but simply incompetent were gotten rid of. You cannot guarantee that every decision you will make as an executive or Commissioner is going to work out, but if the decision is reasonable and rational and you are honest, you will be able to convince the public that if mistakes are made it is okay, we are all human. But the most important thing is to convince the public that if incompetence or corruption is uncovered, the Chief Executive is going to, where appropriate, remove or pursue people criminally. My message concerning corruption was clear, "I will pursue you criminally if you are engaged in criminality. Incompetents who engaged in no crime will be fired." The difference between the public and private sectors in this regard is very clear. The public sector must make public corruption that is uncovered, while the private sector prefers to sweep it under the rug and simply separate the culprit from the business, sending him or her on their way, sometimes with a bonus and a positive reference.

There is no substitute for vigilance. The Department of Investigation has existed in one form or another since 1873. New York City's was the first in the country and has played a great role in uncovering corruption. No mayor, who is honest, wants corruption. But it exists. When you are dealing with 300,000 City employees, there are going to be some crooks and very smart crooks (they're New Yorkers) and others who are incompetent.

New York City currently has a superb Commissioner of the DOI in the person of Rose Gill Hearn. She has a spine of steel and the instincts of Sherlock Holmes. In a recent case where outside contractors had done the stealing from the city, she recovered enough to balance next year's budget. We in New York City are truly fortunate to have her.