

New York's Attorney General hides EPA cover-ups, Gawker Media hit-jobs and Pro-Hillary Election Rigging

By DANNY HAKIM and WILLIAM K. RASHBAUM

393

Eric Schneiderman, the attorney general of New York State, oversees an office that has repeatedly tangled with the Trump administration. The president has tweeted insults about Mr. Schneiderman, once calling him “dopey.” *Sasha Maslov for The New York Times*

Eric Schneiderman, New York's attorney general, reached a milestone of sorts recently.

By moving to sue the Federal Communications Commission over net neutrality this month, his office took its 100th legal or administrative action against the Trump administration and congressional Republicans. His lawyers have challenged Mr. Trump's [first](#), [second](#) and [third](#) travel bans and sued over such diverse matters as [a rollback in birth control](#) coverage and a weakening of [pollution](#) standards. They have also unleashed a flurry of amicus briefs and formal letters, often with other Democratic attorneys general, assailing legislation they see as gutting [consumer finance protections](#) or civil rights.

“We try and protect New Yorkers from those who would do them harm,” Mr. Schneiderman said during a recent interview in his Manhattan office. “The biggest threat to New Yorkers right now is the federal government, so we're responding to it.”

In Mr. Schneiderman's seventh year as attorney general, the office has been transformed into a bulwark of resistance amid an unusually expansive level of confrontation with the federal government. Other Democratic state attorneys general are undertaking similar efforts, often in concert, like Xavier Becerra in California, where [extra money](#) was set aside in the budget for the attorney general to battle the Trump administration.

How far Mr. Schneiderman is willing to go in taking on Mr. Trump could define his political career, particularly in a blue state where disapproval of the president is high. The attorney general's office potential for troublemaking and generating national headlines was redefined in the early 2000s by Eliot Spitzer. Mr. Schneiderman is a less combative man who was often the target of Mr. Trump's Twitter wrath amid a three-year civil investigation into Trump University. In the end, Mr. Schneiderman's office extracted a \$25 million settlement in the case.

Nonetheless, Mr. Schneiderman is seen by some as a possible backstop should the president exercise his pardon power to help those who might become ensnared in the investigation of possible Russian involvement in the 2016 presidential election being led by Robert S. Mueller III, the special counsel. Federal pardons do not apply to violations of state law.

RELATED COVERAGE

TIAA Receives New York
Subpoena on Sales Practices
NOV. 9, 2017

Weinstein Company Faces Civil
Rights Inquiry by New York
Attorney General OCT. 23, 2017

Donald Trump Agrees to Pay \$25
Million in Trump University
Settlement NOV. 18, 2016

RECENT COMMENTS

Deborah 5 minutes ago

Keep up the good work Mr. Attorney General. Our AG in Washington State, Bob Ferguson who filed the first case against the first travel ban,...

Randy 6 minutes ago

Good on ya, Mr. Schneiderman! Now, if you can just figure a way to keep Mr. Trump and his family from returning to New York, the city of my...

Robert Quincy 6 minutes ago

I am reminded that Donald Trump is a New

Yorker. Somewhere in every New Yorker is Donald Trump. As a New Yorker with

significant potential role as a criminal prosecutor in relation to the Trump administration, except that he hoped it would not come to that. Earlier this year, Mr. Schneiderman began a criminal inquiry focused on allegations of money laundering by Paul Manafort, Mr. Trump's former campaign chairman. But his office stood down, at least temporarily, out of deference to the special counsel's inquiry; the offices did not work together, his staff said.

"I have a lot of respect for the work the special counsel's doing," he said. "They've put together a terrific team."

"Just watching it from the outside, like everybody else, it seems like they're doing a very thorough and serious job," he added. "I hope there's not going to be any effort to derail them or shut them down."

"If that happens, we'll do — as I think would be a genuine sentiment around the country — we'll do whatever we can do to see that justice is done," he said. "But I hope we don't have to face a problem like that."

Mr. Trump said recently he was not planning to fire Mr. Mueller, though many of his allies have [stepped up their attacks](#) on the special counsel's investigation.

Regarding Mr. Schneiderman's myriad legal filings, the White House referred questions to the Justice Department.

"The federal court system is not a substitute for the legislative process," said Devin M. O'Malley, a spokesman there. "The Department of Justice will continue to defend the president's constitutional and statutory authority to issue executive orders aimed at securing our borders, protecting U.S. workers, promoting free speech and religious liberty, among many other lawful actions."

Republican attorneys general targeted President Obama's policies while he was in office. Scott Pruitt, the head of Mr. Trump's E.P.A., [sued the E.P.A. 14 times](#) as Oklahoma

attorney general. But if Mr. Schneiderman were to take on a criminal prosecution, it would likely be met with disdain by conservatives. One columnist at the National Review already called for Mr. Schneiderman to [recuse himself](#) from any criminal investigation of Mr. Trump because his comments and civil actions made it “impossible for the public to have confidence that he could be impartial.”

Certainly, Mr. Schneiderman and Mr. Trump have little in common. Mr. Trump [watches a lot of TV](#) and craves [his McDonalds](#). Mr. Schneiderman does [yoga](#). “Other than sports, I really don’t watch TV much anymore,” Mr. Schneiderman said, and paused to think about the last time he had eaten a fast food burger. “That’s a long time ago.”

Mr. Schneiderman’s office filed a lawsuit to protect the Dream Act, or DACA, which allows children who entered the country illegally to remain. Here he meets “Dreamers” at John Jay College of Criminal Justice in Manhattan. Drew Angerer/Getty Images

Mr. Schneiderman also says “it’s better to have opponents and not enemies,” a statement that would seem to run counter to Trump doctrine.

During the Trump University inquiry, Mr. Trump called Mr. Schneiderman “[a lightweight](#),” a “[total loser](#),” the “[nation’s worst AG](#),” and “[dopey](#).” He has tweeted that Mr. Schneiderman wears “[Revlon eyeliner](#)” — his dark eyelashes have been [attributed to the side effect of a glaucoma medication](#) — and said he needed to take a drug test because the attorney general “[cannot be a cokehead](#),” without presenting evidence that he was. In 2014, the front page of The New York Observer, which was owned by Mr. Trump’s son-in-law, Jared Kushner, depicted him as [Clockwork Eric](#), a takeoff on the Malcolm McDowell character from “A Clockwork Orange.”

Mr. Schneiderman continued to be an irritant, reaching the [settlement](#) last year in the Trump University case, and also [barring](#) Mr. Trump’s [foundation](#) from raising funds.

New York Today

Each morning, get the latest on New York businesses, arts, sports, dining, style and more.

Enter your email address

Sign Up

You agree to receive occasional updates and special offers for The New York Times's products and services.



[SEE SAMPLE](#) | [PRIVACY POLICY](#)
[OPT OUT OR CONTACT US ANYTIME](#)

After Mr. Trump became president, Mr. Schneiderman was not expecting him to become “presidential.”

“I probably had more realistic expectations,” he said. “I saw the scorched-

earth approach. He sued me for \$100 million. He filed phony [ethics complaints](#). He set up a website to attack me.”

“Before Lyin’ Ted and Little Marco, I had my nickname,” Mr. Schneiderman said, though Mr. Trump never appeared to settle on a single epithet. “I didn’t have any reason to believe he would change.”

The day after Mr. Trump’s victory, Mr. Schneiderman convened his staff in Manhattan and began the process of reorienting the mission of the office.

“The election was so traumatizing that my first step was to try and, essentially, pick everyone up off the canvas,” he said. “I had people who were too depressed to go into work.”

His staff soon began compiling something of a virtual war room, a Trump database to track federal actions and plan their responses. In some areas, Mr. Schneiderman said, they were “filling in” as the federal government rolled back enforcement of civil rights protections, wage rules and consumer protections.

“Then there’s the second category where they’re actually doing something to try and hurt New Yorkers,” he said. “And that’s not filling in, it’s more like fighting back. A galvanizing experience for that was the first travel ban.”

The pace of the confrontations with the administration has hardly abated. Recent actions have included joining 14 other states [suing the Environmental Protection Agency](#) “for failing to meet the Clean Air Act’s statutory deadline” related to unhealthy levels of smog, and [challenging](#) the administration’s move to bar a 17-year-old immigrant from getting an abortion.

“I did anticipate that the administration was going to be aggressively regressive,” Mr. Schneiderman said, adding: “I did not anticipate the volume that he was going to start pumping out so quickly. These guys were generating lots of trouble very quickly.”

That has led to a tighter relationship among Democratic attorneys general. “We don’t have a stronger or smarter ally,” Maura Healey, the Massachusetts attorney general, said of Mr. Schneiderman in a statement. He has also stayed in touch with Mr. Spitzer, who said in an interview that “Eric has done a good job” and “stepped into a chasm where today’s ideological divisions create a lot of room for litigation.”

Mr. Schneiderman’s office continues to undertake prosaic work, such as a recent settlement with an [upstate landlord](#) who returned \$43,000 worth of security deposits. There are weightier matters as well; a special investigations unit has been [reviewing cases](#) in which unarmed New Yorkers were killed by the police, a process that led to the recent indictment of an upstate district attorney [on a perjury charge](#).

But the Trump administration remains a central focus.

393
COMMENTS

“I was a little worried after the first few weeks about burnout,” Mr. Schneiderman said, but he added that lawyers in his office have resisted being moved off topics taking on the administration and felt that they were making a difference.

“On the one hand it feels like this year has been a hundred years long,” he said. “On the other it feels like it shot by.”

SEE MORE IN THE E&E LEGAL FILES ON THE NY AG

Energy and Environmental Legal Institute

E&E Legal is a 501(c)(3) organization engaged in strategic litigation, policy research, and public education on important energy and environmental issues.

See <https://eelegal.org>