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STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL

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In Re: INVESTIGATION CONCERNING
ALLEGATIONS THAT HERBERT TEITELBAUM,
EXECUTIVE DIRECTOR OF THE COMMISSION ON
PUBLIC INTEGRITY, DISCLOSED INFORMATION
CONCERNING THE COMMISSION'S INVESTIGATIONS
-----x

October 29, 2008
8:58 a.m.

CONTINUED EXAMINATION of ELIOT
SPITZER, ESQ., taken by Inspector General,
held at the offices of BERNARD SPITZER,
P.E., 730 Fifth Avenue, New York, New
York, before Abner D. Berzon, a Registered
Professional Reporter, Certified Realtime
Reporter and Notary Public of the State of
New York.

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2 A P P E A R A N C E S :

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4 STATE OF NEW YORK

5 OFFICE OF THE INSPECTOR GENERAL

6 61 Broadway

7 New York, New York 10006

8

9 BY: JOSEPH FISCH, ESQ., Inspector General

10 ARLENE S. OSTERER, ESQ.

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14 PAUL, WEISS, RIFKIND,

15 WHARTON & GARRISON, LLP

16 1285 Avenue of the Americas

17 New York, New York 10019

18 Attorneys for the Witness

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20 BY: ANNE S. RAISH, ESQ.

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2 MR. FISCH: Today is October
3 29th. My name is Joseph Fisch. I'm the
4 State Inspector General. We are in the
5 office of Bernard Spitzer, 730 Fifth
6 Avenue, 22nd floor. Arlene Osterer is
7 accompanying me, of my staff. And
8 counsel, note your appearance.

9 MS. RAISH: Anne Raish, from
10 Paul Weiss, for Eliot Spitzer.

11 MR. FISCH: This is a continued
12 examination of Eliot Spitzer, which
13 commenced on September 19th, 2008.

14 E L I O T S P I T Z E R ,
15 having been previously duly sworn,
16 testified further as follows:

17 CONTINUED EXAMINATION

18 BY MR. FISCH:

19 Q. Governor, you are still under
20 oath.

21 A. Alright.

22 Q. I appreciate that.

23 What is the current status of
24 press, media coverage of your activities?

25 A. I don't know. You'd have to ask

1 SPITZER

2 them.

3 Q. Do they -- no, do you find them
4 outside your office, outside your home?

5 A. They -- I guess I'm a little --
6 I'm happy to answer the question. I'm not
7 sure why under oath I'm being asked what
8 the status of my press coverage is.

9 Q. Because we're doing this here,
10 because I was told by Ms. Raish that
11 they're outside your office, they're
12 outside your home and so on, and the
13 security people downstairs told me they
14 haven't seen anybody in a couple of
15 weeks. So I just wondered.

16 A. In fact, last Friday, there were
17 photographers outside my residence; they
18 followed me and my wife and my children;
19 they are constantly inquiring of where I
20 am and my whereabouts; and it is a
21 presumption of people who are interested
22 in my security that there is surveillance
23 of them, as there has been by individuals,
24 paid for by individuals, corporations, law
25 enforcement and others who have acted

1 SPITZER

2 Q. No. The reason I'm mentioning
3 that, because --

4 A. My time is precious, judge.
5 What is your question?

6 Q. -- the whole issue of that
7 you've raised we're looking at -- we're
8 disturbed too, but what we found about
9 disclosures by the Ethics Commission --

10 A. It goes beyond the Ethics
11 Commission. It relates to David Soares
12 and whether or not he acted outside the
13 scope of this legal authority in comments
14 he made about people impugning their
15 integrity and his generalized
16 incompetence, and I would like to see your
17 questions so that my time is not taken up
18 unduly, and I do not like questions about
19 whether or not I'm surveilled.

20 Q. Mr. --

21 A. If -- you might have noticed the
22 cover of the Sunday New York Daily News
23 this past week. Did you notice it?

24 Q. I know what?

25 A. Notice the cover of the Sunday

1 SPITZER

2 Investigators were investigating
3 investigators, and indeed you are now one
4 more little Pac-Man participating in this
5 fishing expedition.

6 Q. Well --

7 A. Remember the Pac-Man defense in
8 the corporate context? To acquire -- just
9 irrelevant. Anyway, just irrelevant.

10 Q. Hermann had testified -- let me
11 read, Governor, what he said, and then see
12 if this provokes your recollection.

13 A. Provokes? Or refreshes?
14 Provoking tends to be easier than
15 refreshing me.

16 Q. Refreshes your recollection. I
17 didn't mean anything insidious in that.

18 A. I didn't either. I'm just
19 observing, it's an article -- I think it's
20 a factual statement that most would agree
21 with.

22 Q. I know you're a stickler with
23 language; I try to be; so --

24 A. Okay.

25 Q. -- so "refreshes your

1 SPITZER

2 recollection."

3 He was asked by me about the
4 information he had received and
5 communicated to Constantine, and this was
6 his answer:

7 "ANSWER: I felt that, as part
8 of the Governor's administration, that I
9 got this information and that it affected
10 not at all any of the pending
11 proceedings."

12 A. "This information," meaning --
13 what's the antecedent? I'm sorry.

14 Q. Let me read the whole thing.

15 A. Sure.

16 Q. This is the information that he
17 had communicated to Constantine.

18 A. Okay.

19 Q. "All it would affect was the
20 issue of whether the governor and the
21 executive chamber were represented by
22 lawyers who did or didn't have a conflict
23 of interest."

24 A. Uh-hum.

25 Q. "And it was pretty clear to me

1 SPITZER

2 Q. The point is whether any of this
3 refreshes, not provokes, refreshes your
4 recollection? Because he said he spoke to
5 you about -- it goes on, but it basically
6 is saying -- what Hermann is basically
7 saying, and Ms. Raish has read this -- if
8 it's mischaracterizing this -- and please
9 correct me --

10 MS. RAISH: I want to give the
11 witness the proper context for this. You
12 didn't ask the question preceding this,
13 which was --

14 Q. Fine.

15 MS. RAISH: Hermann was asked,
16 did --

17 Q. The questioning proceeding
18 this -- go on. There is several
19 questions before that. I asked him about
20 whether...

21 "Did you think it might
22 prejudice an investigation by revealing
23 this to the chamber?" Meaning revealing
24 it...

25 "ANSWER: No.

1 SPITZER

2 "QUESTION: Did you feel that by
3 telling Constantine that that you were
4 betraying your friend Teitelbaum?

5 "ANSWER: No.

6 "QUESTION: Even though you got
7 the information in his apartment?"

8 Okay. Then what I've read --
9 okay. So does this refresh your
10 recollection about --

11 A. No.

12 Q. -- a conversation with Hermann?

13 A. No, not at all. As I've said,
14 there's no question at a certain point in
15 time I became aware of the fact that Peter
16 and David had been dragged into this,
17 because of this what I viewed as
18 absolutely absurd allegation that Darren's
19 statement was the product of their
20 improper pressure. And that, as testimony
21 later proved, was in fact a crazy,
22 ludicrous allegation against two of the
23 most honorable lawyers you will ever deal
24 with, David Nocenti having been in a long,
25 long career in government service, Peter

1 SPITZER

2 have it -- about the D.A.

3 A. Right.

4 Q. They meet with the D.A., say we
5 didn't ask for this, we didn't want -- and
6 so on. Constantine tells you about the
7 Hermann conversation --

8 A. We're talking about November
9 time-frame.

10 Q. November 2007.

11 A. Can I make a very simple
12 statement? November of 2007, this was the
13 last thing I cared about.

14 Q. Was the last thing what?

15 A. That I cared about.

16 Q. Okay.

17 A. Alright. We had -- we were
18 trying to run the state. This was, and
19 continues to be, an issue of idiocy that
20 only the folks in Albany would worry
21 about.

22 Q. Alright. Alright.

23 Anything -- you know the area
24 that I'm probing. Anything you wish to
25 add?

1 SPITZER

2 A. Nothing.

3 Q. Okay.

4 MR. FISCH: Arlene, anything
5 that I've --

6 MS. OSTERER: No.

7 A. This continues to be Pac Men
8 eating themselves, wasting taxpayer money
9 on an issue that mystifies me in terms of
10 why this continues.

11 MR. FISCH: Off the record.

12 (Discussion held off the
13 record.)

14 (Time noted: 9:23 a.m.)

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19 _____
ELIOT SPITZER, ESQ.

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21 Subscribed and sworn to before me

22 this ____ day of _____, 2008

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24 _____.

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C E R T I F I C A T I O N

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I, ABNER D. BERZON, a Registered

7

Professional Reporter, Certified Realtime

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Reporter and Notary Public, do hereby

9

certify that the foregoing witness, ELIOT

10

SPITZER, ESQ., was duly sworn on the date

11

indicated, and that the foregoing is a

12

true and accurate transcription of my

13

stenographic notes.

14

I further certify that I am not

15

employed by nor related to any party to

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this action.

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ABNER D. BERZON, RPR, CRR

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LITIGATION SUPPORT INDEX

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DIRECTION TO WITNESS NOT TO ANSWER

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Page	Line	Page	Line
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7

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REQUEST FOR PRODUCTION OF DOCUMENTS

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Page	Line	Page	Line
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13

(None)

14

15

16

17

INFORMATION TO BE FURNISHED

18

Page	Line	Page	Line
------	------	------	------

19

(None)

20

21

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23

QUESTIONS MARKED FOR A RULING

24

Page	Line	Page	Line
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25

(None)

