

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES  
AND ELECTIONS

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August 27, 2024  
Start: 10:27 a.m.  
Recess: 9:33 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Keith Powers  
Chairperson

COUNCIL MEMBERS:

Adrienne Adams  
Diana A. Ayala  
Joseph C. Borelli  
Justin L. Brannan  
Gale A. Brewer  
Selvena Brooks-Powers  
Amanda Farías  
Crystal Hudson  
Rafael Salamanca, Jr.  
Pierina Ana Sanchez

## A P P E A R A N C E S (CONTINUED)

Jumaane Williams  
Public Advocate

Randy Mastro  
Nominee for Corporation Counsel

Bertha Lewis  
Black Institute

Gabrielle Semel  
CWA

David Weprin  
New York Assemblymember

David Paterson  
Former Governor

Bridget Anne Kelly

Rudy Washington

Veronica Moya  
Attorney at King and Spalding

Darius Gordon  
Met Council on Housing

Natalie Druce  
Urban Justice Center

Donovan Taveras  
Justice Committee

## A P P E A R A N C E S (CONTINUED)

Janet Morgan

Devorah Halberstam

Muzzy Rosenblatt  
BRC

Matthew Daus

Kelly Grace Price

James Inniss  
New York Communities for Change

Mark Bini  
Attorney

George Winston  
Former Gibson Dunn Attorney

Jim Walden  
Former Gibson Dunn Attorney

Louis Coletti  
Attorney at Davidoff Hutcher and Citron

Ross Sandler

Steve Gradman  
PRIDE Democrats of NYC

Adam Offenhartz

## A P P E A R A N C E S (CONTINUED)

Annie Champion  
Gibson Dunn

Christopher Porrino  
Lowenstein Sandler Law Firm

Neil Getnick  
Getnick Law

Jessica Benvenisty  
King and Spalding Law Firm

Bob Alvatroni

Peter Carnival  
New Era Democrats

Christopher Leon Johnson

Towaki Komatsu

Willson Lee Henderson

Norman Eisen

Mark Rosenbaum

Smita Meli [sp?]

Darren Mack



2 SERGEANT AT ARMS: Keep it down, please.

3 Good morning and welcome to New York City hybrid  
4 hearing on the Committee on Rules, Privileges and  
5 Elections. Please silent all electronic devices at  
6 this time. At no time, please do not approach the  
7 dais. If you have any questions, please raise your  
8 hand and one of us, the Sergeant at Arms, will kindly  
9 assist you. Thank you very much for your kind  
10 cooperation. Chair, we are ready to begin.

11 [gavel]

12 CHAIRPERSON POWERS: Good morning and  
13 welcome to the meeting of the Committee on Rules,  
14 Privileges and Elections. I'm City Council Member  
15 Keith Powers, Chair of this committee. Before we  
16 begin, I'd like to introduce the other members of the  
17 Committee who are present here today. We're joined  
18 by Speaker Adrienne Adams, Council Member Justin  
19 Brannan, Council Member Shekar Krishnan, Council  
20 Member Gale Brewer, Council Member Amanda Fariás,  
21 Council Member Crystal Hudson, Council Member Selvena  
22 Brooks-Powers, Council Member Paladino, Council  
23 Member Ariola, Council Member Avilés, Council Member  
24 Salaam, Council Member Ossé, Council Member Joseph,  
25 Council Member De La Rosa, our Public Advocate

2 Jumaane Williams, Council Member Sandy Nurse, Council  
3 Member Chris Marte, Council Member Kamillah Hanks,  
4 and I'm sure we'll be joined by more. Oh, and-- and  
5 we love Diana Ayala who is also here, too.

6 UNIDENTIFIED: [background speaking]

7 CHAIRPERSON POWERS: Please throw him  
8 out. Throw him out. Alright, we're going to move on  
9 with the hearing. [gavel] Just a quiet day here at  
10 City Hall today. We will-- and you thought you were  
11 going to be the biggest celebrity here today.

12 They're not here you. Of course, I'm going to ask  
13 everyone to please respect this hearing. If you are  
14 disrespectful we will ask you to leave, and if you  
15 are not willing, we will ask the security to escort  
16 you. This is a long hearing that we're going to have  
17 here today, so please be respectful to each other as  
18 we would all expect. We'll move on. We're-- before  
19 we start, we're also joined by Council Member Rivera  
20 here as well. I want to acknowledge the staff here  
21 today who helped put together today's hearing. I  
22 want to acknowledge the Counsel to the Committee  
23 Jeff Campagna, the Committee Staff that worked on  
24 today's hearing, Chief Ethics Counsel, Pearl Moore,  
25 Director of Investigations, Francesca

2 Della Vecchia , Deputy Director of Investigations,  
3 Alicia Vassell. I want to also thank my staff,  
4 Hailey Brundige and Ben Jacobs who are here today,  
5 and all the other staff who helped to prepare for  
6 today's hearing. Today, the Committee will consider  
7 the nomination of Randy Mastro for appointment to the  
8 position of Corporation Counsel. Before we start, I  
9 want to recognize Speaker Adrienne Adams to make an  
10 opening statement.

11 SPEAKER ADAMS: Thank you very much,  
12 Chair Powers, and good morning everyone. Thank you  
13 so much for being here this morning. I want to thank  
14 and acknowledge all of the members of the Committee  
15 on Rules, Privileges and Elections for convening  
16 today's hearing on the nomination of Randy Mastro for  
17 the position of Corporation Counsel. The role of  
18 Corporation Counsel is a prestigious and powerful  
19 position in our city government. To serve the public  
20 at this level is a great privilege. It's based on  
21 qualifications, attributes, and many aspects of a  
22 nominee's record. Being a qualified attorney and  
23 litigator is not the full breath of qualifications  
24 required for this critical position. There are many  
25 experienced and effective lawyers in our great city,

2 but any prospective Corporation Counsel must meet a  
3 high standard of commitment to public service and  
4 justice. They also need New Yorker's trust and must  
5 be accountable to the public and the many officials  
6 represented by the Law Department. They must be able  
7 to confidently lead the more than 800 attorneys and  
8 support staff of the Law Department. They must  
9 faithfully represent all of us, the entire City, the  
10 Council, agencies, and other elected officials. The  
11 reason that our City Charter was revised to require  
12 this position receive advice and consent came from  
13 the need to ensure Corporation Counsel does not  
14 prioritize the Mayor or any single official over the  
15 City's interest and justice. This issue was a  
16 central concern with past Corporation Counsels. We  
17 consider the context of this history and the weight  
18 of our responsibility to strengthen democratic  
19 governance as we approach this hearing. Our goal  
20 today is to evaluate the nominee's record and  
21 determine whether they meet the high standards and  
22 public trust required of this critical position. The  
23 due diligence taken in this process is what New  
24 Yorkers deserve and should be required for a position  
25 of such great authority. This is good for democracy

2 and good governance. It is the Council's  
3 responsibility to uphold these standards and for the  
4 nominee to demonstrate they meet these requirements.  
5 As a council, we take this responsibility very  
6 seriously because our job is to make city government  
7 more responsive to the needs of all New Yorkers.  
8 Leadership matters, especially when city leaders are  
9 responsible for providing services that New Yorkers  
10 rely upon for their safety and well-being. These  
11 decisions are too important to take place behind  
12 closed doors outside of the public view. Ultimately,  
13 a transparent process, like the one we're undergoing  
14 today, strengthens accountability and trust in our  
15 government. As a council, it is our responsibility  
16 to be good stewards of this city. It is our duty to  
17 critically examine appointees, their character, their  
18 qualifications, and their record so that we can  
19 ensure we have the best person for the job. It is  
20 also our responsibility to ensure nominee's records  
21 are consistent with the values of our city. As the  
22 City's top attorney, the Corporation Counsel must  
23 have a strong record of championing what New Yorkers  
24 hold dear, including equity and justice. It's  
25 critical that they be someone the public can trust to

2 put the people first, which means that their record  
3 of fighting for the people, for standing up for  
4 workers' rights and pursuing racial equality and  
5 justice must be uncompromising. Their commitment to  
6 working for solutions New Yorkers desperately need  
7 like affordable housing, safeguards for climate  
8 change and disasters, and protections for workers  
9 should be crystal clear. There is too much on the  
10 line for New Yorkers and our collective future to  
11 accept anything less. This role and any top position  
12 in government is not entitled to anyone. Make no  
13 mistake about it, it is a privilege. Women and  
14 people of color know this to be true. Rarely if ever  
15 have we been considered entitled to top positions. In  
16 fact, entitlement has often kept those who look like  
17 us from accessing such valuable opportunities. Our  
18 women majority and historically diverse council  
19 inherently understands this. We were elected by New  
20 Yorkers in every neighborhood of this city. We  
21 represent their diverse interest and we prioritize  
22 the diversity that our representation reflects. It  
23 is our duty to thoroughly examine nominees. Mr.  
24 Mastro, I look forward to hearing from you today in  
25 our exchange regarding your record, qualifications,

2 and experiences in consideration of your nominee as  
3 Corporation Counsel. Thank you very much. I turn it  
4 back over to our Chair.

5 CHAIRPERSON POWERS: Thank you, Madam  
6 Speaker. Before we move forward, I want to summarize  
7 the powers and duties of Corporation Counsel before I  
8 introduce the candidate. Pursuant to Sections 31 and  
9 391 of the New York City Charter and by letter dated  
10 July 30<sup>th</sup>, 2024, Mayor Eric Adams requested the  
11 Council's advice and consent in relation to his  
12 nomination of Randy Mastro for appointment to be the  
13 Corporation Counsel. The New York City Charter  
14 designates the Corporation Counsel as the Attorney in  
15 Counsel for the City and all City agencies. The  
16 Corporation Counsel and by extension of the Law  
17 Department is granted the power to conduct all the  
18 legal business of the City of New York. Further, the  
19 Corporation Counsel has the right to bring or defend  
20 any legal action in local, state, or federal courts.  
21 The Law Department is comprised of approximately 850  
22 attorneys who specialize in all the areas of law  
23 necessary to conduct the legal business of the City.  
24 the Law Department includes specialists in a wide  
25 range of field of litigation, land use, ethics,

2 professional responsibility, contracts,  
3 administrative law, juvenile delinquency, and  
4 legislative interpretation, just to name a few. They  
5 represent the City, elected officials, and city  
6 agencies with all legal issue that they confront. If  
7 the Council grants its advice and consent, Mr. Mastro  
8 will be appointed Corporation Counsel and will serve  
9 an indefinite term at a salary of \$253,000. Mr.  
10 Mastro has joined us today. Congratulations on your  
11 nomination. He is a partner currently at the law  
12 firm of King and Spalding. Previously, he was a  
13 partner at the firm of Gibson, Dunn, and Crutcher.  
14 He's held several roles in government. First, in the  
15 United States Attorney's Office and then as Chief of  
16 Staff and later as Deputy Mayor to Mayor Giuliani and  
17 is Chair of the Charter Revision Commission and  
18 Taskforce on Bilingual Education under Mayor  
19 Giuliani. Before we begin, and Mr. Mastro, we'll  
20 offer you an opportunity to offer an opening  
21 statement. I'd ask the Counsel to administer the  
22 affirmation.

23 COMMITTEE COUNSEL: Please raise your  
24 right hand. Do you affirm to tell the truth, the  
25 whole truth and nothing but the truth in your

2 testimony before this committee and in answer to all  
3 Council Member questions?

4 RANDY MASTRO: I do.

5 CHAIRPERSON POWERS: Thank you, Mr.  
6 Mastro. I'll now recognize you to make an offer-- to  
7 offer an opening statement.

8 RANDY MASTRO: Thank you. madam speaker,  
9 Chair Powers, Rules Committee Members, other members  
10 of the Council, Public Advocate, thank you for  
11 affording me this opportunity to present my  
12 qualifications to become Corporation Counsel and my  
13 vision for the Law Department. I am a passionate  
14 advocates in the courtroom and a proud New Yorker. I  
15 am honored to have this opportunity of a lifetime to  
16 use the power of the law to do public good and  
17 improve New Yorker's lives. While I served in city  
18 government before, this is the one job I aspire to  
19 do, and I have been training for it my entire career.  
20 In public service for more than a decade as a Deputy  
21 Mayor and a federal prosecutor, in private practice  
22 devoting hundreds of hours a year, year after year,  
23 to pro bono work and community service, including as  
24 Chair of Citizens Unit, the gold standard for good  
25 government in our city, and as Vice Chair of the

2 Legal Aid Society which does more for the indigent  
3 than any other organization I know of. First, I want  
4 to thank all of those publicly supporting me, now a  
5 hundred-fold, many of whom you will hear directly  
6 from later today. I also enjoy the unanimous support  
7 of editorial boards who have weighed in. When has  
8 that ever happened before in New York City? I'm  
9 humbled to know all of them care so much that they  
10 are here today to speak out. I especially want to  
11 thank my wife, Jonine, Doctor Scientist at Memorial  
12 Sloan-Kettering who does ground-breaking cancer  
13 research, and my daughter Ariana, [sp?] an M.B.A.  
14 student at Warton who comes out of the not-for-profit  
15 world. They're both here supporting me now, and they  
16 know firsthand the sacrifices public service entails.  
17 The last time I was in government in the 90s, our  
18 family had to have round-the-clock police protection  
19 because I received mob death threats. I'm also  
20 extremely grateful to have the support of so many in  
21 the legal community, including former U.S. Attorney  
22 General Loretta Lynch, SEC Chair, and U.S. Attorney  
23 Mary Jo White, Homeland Security Secretary Jay  
24 Johnson, and top New York judges like Jonathan  
25 Lippman, Carmen Ciparick, Rolando Acosta, and David

1 Sachs, who you'll hear from later. It's a veritable  
2 who's who of the New York part. That should tell you  
3 something. It includes the Corporation Counsel from  
4 the Dinkins, Bloomberg and De Blasio Administrations,  
5 one of whom, Victor Kovner who you will hear from  
6 later today, said on behalf of all of them that I  
7 have virtually unmatched relevant experience and  
8 possess the character and dedication to serve with  
9 distinction. At the outset, let me set the record  
10 straight. I'm a lifelong Democrat who's represented  
11 mostly democrats, including Bill Thompson, Betsy  
12 Gotbaum, Bill de Blasio, and Letitia James. As  
13 Deputy Mayor in the 1990s, I took on organized crime  
14 in the Fulton Fish Market and the private carting  
15 [sic] industry and lived to tell the tale, and won  
16 for our city. I implemented the most sweeping,  
17 domestic partnership protections for same-sex couples  
18 in the country at the time, and I worked  
19 constructively with elected Democrats and labor  
20 unions, many of whom vouch for me today, including  
21 former Governor David Patterson who is here to  
22 support me and you'll hear from later, City Council  
23 Speaker Peter Vallone, and Michael Mulgrew of UFT,  
24 Randi Weingarten of the AFT, and the leaders of the  
25

2 UFA, Sanitation workers, Teamsters Local 237, and the  
3 Building and Construction Trades Council. In private  
4 practice I've successfully represented firm clients,  
5 sometimes in controversial cases, but that's what  
6 litigators do, zealously and ethically advocate for  
7 firm clients. My personal values are reflected in  
8 the extensive pro bono work I have done, including  
9 representing peaceful racial justice protestors in  
10 Lafayette Square assaulted by federal authorities in  
11 June 2020 in the wake of George Floyd's murder,  
12 supporting LGBTQ+ rights and same-sex marriage in the  
13 U.S. Supreme Court, convincing the U.S. Supreme Court  
14 to reopen houses of worship closed by Governor Cuomo  
15 during COVID, blocking the state's onerous disclosure  
16 requirements on good government groups that shield  
17 free speech, getting \$70 million generous Americans  
18 donated after 9/11 released to fallen firefighter  
19 heroes' families, and winning reinstatement for a  
20 Black teacher, Janet Morgan [sp?], who you'll hear  
21 from later, fired for giving her class an assignment  
22 on racism in a historic ruling establishing teacher's  
23 academic freedom rights. I hope to bring many more  
24 such cases and move more of the Law Department's  
25 resources into affirmative litigation as head of that

2 800-lawyer team, of course, defending our city and  
3 protecting the public fisc [sic] will be a priority.  
4 But just as importantly, a priority of mine will to  
5 be to bring cases to protect and expand New Yorker's  
6 civil rights, constitutional rights, racial justice,  
7 social justice, workers' rights, tenants' rights,  
8 consumer protection, and environmental protection, as  
9 well as to promote public safety, going after guns,  
10 drugs, gangs, organized crime, and illegal smoke  
11 shops. I'm known as a happy warrior, now ready to  
12 fight for the rights of all New Yorkers. It matters  
13 who your lawyer is. The Council has its priorities,  
14 some now in the New York Court of Appeals where I  
15 have argued many times and won. And many say our  
16 democracy is on the ballot this presidential election  
17 year. Whatever the outcome, I'll stand up for our  
18 city. I want to share with you something about my  
19 background that informs my values. Like so many of  
20 you, I'm the grandson of immigrants. They came to  
21 this country from Italy to Ellis Island. My father  
22 dreamed of becoming a teacher. He had to drop out of  
23 grad school to come home to save the family shoe  
24 store business. Supported so many of his relatives,  
25 his mother, his sister, when his dad tragically and

2 suddenly died of a heart attack, but my father  
3 continued to pursue his dream while running that shoe  
4 store and supporting his family, going to NYU at  
5 night and simultaneously teaching political science  
6 at a local college. He exemplified the best in  
7 American values. An immigrant's tale of hard work,  
8 perseverance and fulfilling one's dreams, and  
9 although he's no longer with us and I miss him every  
10 day, he inspires me every day to pursue my dreams  
11 which I'm doing here today. I have met with most of  
12 you. I've offered to meet with every Council Member,  
13 and I believe if you get to know me, you will want to  
14 work with me, because I get results, and now I'll get  
15 them for you. You won't have to fill out any forms to  
16 meet with me, because we do best for our city working  
17 together. on issues so many of you told me at our  
18 meetings you care about, I care about them too, and  
19 have a proven track record of addressing them-- on  
20 women's rights, I've worked with Legal Momentum,  
21 NARAL, Sanctuary for Families, as a Board Member and  
22 pro bono advocate for victims of domestic violence,  
23 and in the late 80s I prosecuted Randall Terry and  
24 Operation Rescue, that virulent anti-abortion group,  
25 fining them and enjoining from blocking access to

2 abortion clinics. On LGBTQ+ rights and the rights of  
3 same-sex couples, I worked with LAMBDA, the Empire  
4 State Pride Agenda, Stonewall Veterans, and Freedom  
5 to Marry to advance within government and on a pro  
6 bono basis the rights of same-sex couples and the  
7 LGBTQ+ community. On immigrants' rights, the Charter  
8 Revision Commission I chaired made the Mayor's Office  
9 of Immigrant Affairs a permanent Charter agency, and  
10 enshrined in our City's Constitution, the City's  
11 commitment to immigrants to ensure them access to  
12 city services without fear of reprisal. On homeless  
13 services-- when Bowery Residents Committee, one of  
14 our City's leading homeless services providers, faced  
15 an existential crisis that it had to win from Nimby's  
16 trying to shut down its flagship Chelsea facility,  
17 it's Executive Director Muzzy Rosenblatt who you'll  
18 hear from later today, turned to me to be BRC's Ellis  
19 [sic] advocate, and we prevailed saving that  
20 organization. On tenant's rights, as a Legal Aid  
21 Vice Chair and Board Member, I raised literally  
22 millions of dollars for that organizations to support  
23 tenant's rights, and as a federal prosecutor, when  
24 the City couldn't evict drug dealers from public  
25 housing, we used federal forfeiture laws to remove

2 them to the cheers of tenants. On education, I've  
3 served on the Boards of CUNY, Literacy Design  
4 Collaborative, YMCA Greater New York, Children's  
5 Museum Manhattan, Jewish Children's Museum, and Hail  
6 [sic] House, and I did pro bono cases with the UFT to  
7 reduce class size. On civil rights, racial justice,  
8 diversity-- in addition to my other pro bono cases, I  
9 took on Mayor Bloomberg on term limits resulting in  
10 more diverse city office holders today, including the  
11 more diverse City Council that exists today. in  
12 private practice I led my law firm's New York  
13 litigation group from zero diverse partners to more  
14 than 30 percent women and other diverse partners, and  
15 inclusion and diversity will continue to be a  
16 priority of mine. On environmental protection, as  
17 Deputy Mayor, I designed and implemented the plan to  
18 close the Fresh Kills Landfill, ensuring a more  
19 equitable, environmentally-sound system for disposing  
20 of city waste, and in private practice, I've held  
21 government accountable to do full environmental  
22 reviews and protect environmental justice  
23 communities. On workers' rights, as a federal  
24 prosecutor I brought ground-breaking cases requiring  
25 direct rank and file elections by union members of

2 their top officers, as Deputy Mayor I worked so  
3 constructively with unions that they chose in record  
4 numbers to cross over and endorse our administration  
5 for re-election, including DC37. And on public  
6 safety and gun control, over my career as a federal  
7 prosecutor and Deputy Mayor, I faced down organized  
8 crime and won. In our Administration, major crime  
9 fell by more than 50 percent and the murder rate by  
10 70 percent, and the Charter Revision Commission I  
11 chaired banned guns and increased penalties for  
12 possession near schools. to those who say they  
13 consider my nomination to be controversial, I  
14 understand them to be questioning a few of the  
15 hundreds, if not thousands of cases I've taken on in  
16 private practice, not my qualifications for this job  
17 or my abilities as a lawyer. Within the legal  
18 community I'm described by our trade press the  
19 American Lawyer as "one of the most-respected lawyers  
20 in the country." And I enjoy widespread support  
21 among elected democrats and unions with whom I worked  
22 as Deputy Mayor. Indeed I'm supported or have  
23 represented every democrat candidate for mayor from  
24 2001 to the present. That should also tell you  
25 something. In fact, when I left City Hall in mid-

2 1998, the New York Times quoted a colleague  
3 describing me as "the Administration's conscience."  
4 And the Daily News ran an editorial praising me for  
5 doing "the seemingly impossible," and saying the  
6 contributions I made to the City I served so well  
7 will last a lifetime. Now, I'll be able to make more  
8 such contributions. Let me address the real elephant  
9 in the room. To those who say I'll just be the  
10 Mayor's lawyer, they obviously don't know me. I am  
11 my own man. I've stood up to organized crime,  
12 mayors, governors, and even presidents when they got  
13 it wrong and won, and I brought lawsuits directly  
14 contrary to the positions of this administration. So  
15 you don't have to guess whether I'll stand up. I  
16 already have. I've been described as fearless,  
17 tenacious, courageous, and I'll stand up for what is  
18 right, representing the entire City including the  
19 City Council. I've read press reports relating my  
20 nomination to larger issues between the Mayor and the  
21 Council. Whatever their differences, I am here as a  
22 nominee for a legal position and to present my  
23 qualifications on the merits. I pledge to represent  
24 both the Council and the Administration with  
25 professionalism, integrity and respect, and to bring

2 both sides of the hall together to find common  
3 ground, as I did as Deputy Mayor, only this time  
4 representing both. So, I hope and pray this council  
5 will recognize the value of having me as your lawyer  
6 and representing you and our city as a whole in ways  
7 that will be truly innovative and transformative. In  
8 your own lives, you'd need a lawyer, you'd want the  
9 best qualified attorney to represent you, one with a  
10 proven track record of success. Our city deserves no  
11 less. Paraphrasing a president who inspired me in my  
12 youth, I come here today asking not what our city can  
13 do for me, but what I can do for our city. I stand  
14 ready to serve this city that I love and to give  
15 back, and I vow if afforded this opportunity, I will  
16 make all of you proud of what we accomplish together.  
17 Speaker Adams, Chair Powers, respectfully, may I make  
18 one request before we continue? I will of course  
19 remain here for the entire hearing, and I look  
20 forward to hearing what everyone has to say and it's  
21 meaningful to me, but I hope after hearing from the  
22 public, you will afford me the opportunity to respond  
23 briefly to what is said here while it is fresh and  
24 we're all here together. That will complete the  
25 circle and I think be the most helpful way to

2 conclude this public hearing. I would really  
3 appreciate that opportunity. Thank you.

4 CHAIRPERSON POWERS: Thank you, Mr.  
5 Mastro. It would be out of our normal procedure to  
6 have somebody testify at the end again, but we'll--  
7 for the time being, move forward with the first round  
8 and--

9 RANDY MASTRO: [interposing] I really  
10 appreciate it. This is unprecedented in so many  
11 ways, but I would really appreciate it and I thank  
12 you for your consideration.

13 CHAIRPERSON POWERS: Thank you. I also  
14 want to recognize we've been joined by Council Member  
15 Gennaro, Council Member Sanchez, Council Member  
16 Restler, and Council Member Feliz. Before we begin  
17 our questions, I also want to make sure everyone  
18 understands the purpose of today's hearing and the  
19 procedures that we'll be following for the rest of  
20 the hearing. The purpose of this hearing is to hear  
21 from the nominee, to examine his record, and to  
22 determine whether they've demonstrated the commitment  
23 towards justice worthy of the privilege and trust to  
24 lead the Law Department in representing this city.  
25 Corporation Counsel must have the faith and trust of

2 officials throughout our government, including of  
3 course the City Council, Public Advocate,  
4 Comptroller, Borough Presidents, Mayors and the  
5 hundreds of attorneys and staff of the Law  
6 Department, as well as the diverse people of New York  
7 City. There must be trust that the person in this  
8 position will represent the public interest of all  
9 New Yorkers and prioritize the pursuit of justice  
10 over politics, and today's hearing can help us  
11 transparently make that assessment. Now, that you've  
12 given the opportunity to make a statement, we'll  
13 also-- as we discussed, be hearing from members of  
14 the public after the Council Members have an  
15 opportunity to ask their questions. Before public  
16 testimony, Council Members will be allowed to ask and  
17 speak to and ask questions of the nominee. And I  
18 also want to do some housekeeping on the processes  
19 and expectations. As Chair, I'll be recognizing  
20 members to address the nominee, starting with members  
21 of the committee and followed by other Council  
22 Members. We'll afford flexibility to members on  
23 their first round of questioning. After that, after  
24 the first round has been completed, we'll allow the  
25 second round which each member will be limited to

2 five minutes. We also want to, of course, ensure  
3 that whenever a Council Member is recognized, the  
4 time belongs to that member. They can use that time  
5 to make statements, ask questions, or reclaim their  
6 time from the nominee or the public at any time. We  
7 ask people do not interrupt each other and we request  
8 that people are answering the questions that are  
9 asked of them. After all members have an opportunity  
10 to answer-- address and question the nominee, the  
11 nominee will be excused, and we'll welcome and  
12 encourage you to say, as I think you have already  
13 committed to do so, and then head into the public  
14 portion of the hearing. I want to thank everyone who  
15 is here today for attending the important hearing and  
16 participating in this public process. If you have  
17 not yet and you wish to testify, you can fill out an  
18 appearance form with the Sergeant at Arms and  
19 indicate whether you will be testifying in favor of  
20 or in opposition to the candidate. Members of the  
21 public may also participate in this hearing by  
22 registering on the Council's website at  
23 [council.nyc.gov/testify](http://council.nyc.gov/testify). We ask members of the  
24 public who are here with us remain silent during  
25 those proceedings. We've already had one that did

2 not. So we'll ask you to refrain from applause or  
3 other audible reactions. I'll start with my own  
4 questions before recognizing the Speaker and other  
5 members for turns to ask questions. And I should  
6 note, we won't offer-- we can't offer another  
7 opportunity to testify, but you are offered an  
8 opportunity to amend your testimony within 72 hours  
9 if you'd like to submit or amend or adjust your  
10 testimony. I want to jump into a number of  
11 questions. I will-- I will take a few minutes, but  
12 since we have such a long hearing, I want to offer  
13 the opportunity for everyone to testify. I just-- I  
14 wanted to pull one quote from your testimony here.  
15 You won't have to fill out a form to meet with me.  
16 Is that a promise?

17 RANDY MASTRO: That is an absolute  
18 promise, and I have told many of you that when we  
19 have met. I am your lawyer. You will be on speed dial  
20 to me. I will always have an open door. No matter  
21 what any of you have said about me in the past or say  
22 about me in the future. I am there to serve you.

23 CHAIRPERSON POWERS: Okay. I want to ask  
24 a few questions related to some information that you  
25 provided to us up front before the hearing. We had

2 asked you to provide-- to answer some question, pre-  
3 hearing questions. You provided some documentation  
4 and we had asked for some additional documentation.  
5 Before that, we asked you provide a list of all  
6 instances in which you have represented a client in a  
7 cause of action against the City, the name of the  
8 client, a summary of the cause of action and the  
9 final disposition of the matter. We received a list  
10 of clients and cause of action, but I don't believe  
11 we'd received the rest of the information. I wanted  
12 to ask if you were planning to update that  
13 information to us and if so, what a timeline for that  
14 would be?

15 RANDY MASTRO: Mr. Chair, I did  
16 supplement the responses. You asked me to go back in  
17 my career, any case I ever had representing a client  
18 against the City. I went back to the late 80s early  
19 90s when I represented, you know, Rolan Eines [sp?],  
20 a black newspaper delivery man who'd been falsely  
21 arrested for criminal trespass in the lobby of a  
22 building, because white tenants complained against  
23 him and I got him acquitted. And I thought I  
24 provided all of that information going back over the  
25 course of my career, but to the extent there's any

2 additional information you would like me to provide,  
3 I will definitely do that. I am an open book.

4 CHAIRPERSON POWERS: I think we had asked  
5 for some information related to a final disposition  
6 of those matters and citations to the final decision.  
7 I don't think we had received that. So, are you  
8 committing that you will provide that to us after the  
9 hearing?

10 RANDY MASTRO: I'm committing I will do  
11 that. It's all a matter of public record. I did give  
12 the names of the cases, and over the past 10 years  
13 any cases I brought against the City. I provided  
14 that detailed information, but I will go back to my  
15 days as a young pup lawyer and give you every detail.

16 CHAIRPERSON POWERS: Got it. Are there  
17 any cases to your full knowledge that you-- that  
18 should be on the list that you haven't provided to  
19 us?

20 RANDY MASTRO: Again, I left my former  
21 law firm two years ago and joined King and Spalding,  
22 so I don't have access to my old files, so I was  
23 going on memory and I made that clear.

24 CHAIRPERSON POWERS: Sure.

2 RANDY MASTRO: So, it is possible that  
3 there would have been one or more that I didn't  
4 recall over a 40-year career. I intend it to be  
5 complete, but it is possible that there are others,  
6 and I'd be happy--

7 CHAIRPERSON POWERS: [interposing] I think  
8 the question is--

9 RANDY MASTRO: [interposing] If you're  
10 aware of--

11 CHAIRPERSON POWERS: to your knowledge.

12 RANDY MASTRO: To my-- yeah, best of my  
13 recollection.

14 CHAIRPERSON POWERS: Okay.

15 RANDY MASTRO: I mean, I think I listed  
16 over 20 cases.

17 CHAIRPERSON POWERS: Got it, okay. In  
18 your private practice you represented a wide range of  
19 clients. We have, obviously many of them in the  
20 information you've provided, and many that have  
21 challenged decisions to our city or state government.  
22 We're in receipt of a letter that you authored to the  
23 Conflicts of Interest Board on April 23<sup>rd</sup>, 2024  
24 seeking guidance to them about how to deal with you  
25 current and former employers. In a response letter

2 from the Conflict of Interest Board dated a week  
3 later, April 30<sup>th</sup>, providing guidance and assistance  
4 to you regarding your current and past employment.  
5 COIB stated in their guidance letter you'd be  
6 required to recuse yourself from any matters  
7 involving Gibson, Dunn, and Crutcher, including but  
8 not limited to receiving emails and participating in  
9 conference calls, may not attend meetings regarding  
10 these matters, and may not receive copies of the  
11 documents relative to these matters. They also added  
12 you must be recused as described above at the city  
13 from any matter involving King and Spalding,  
14 including any matter which King and Spalding is  
15 representing a party. Before I ask my question, I  
16 just want to-- for clarification, can you just state  
17 your relationship with King and Spalding and your  
18 relationship with Gibson, Dunn and Crutcher?

19 RANDY MASTRO: I was a partner at Gibson,  
20 Dunn and Crutcher for 25 years, both before and after  
21 my tenure in city government in the mid to late 90s  
22 and left that partnership approximately two years  
23 ago, and I'm now partner at King and Spalding.

24 CHAIRPERSON POWERS: Okay. And if you  
25 are nominated, will your relationship with those

2 firms continue? The-- I assume you will cease to be  
3 employed there, but what would be your relationship  
4 with them if you are Corporation Counsel?

5 RANDY MASTRO: I have no current  
6 relationship with Gibson, Dunn, and I would be  
7 resigning from the King and Spalding partnership if I  
8 were fortunate enough to have this opportunity to  
9 serve.

10 CHAIRPERSON POWERS: Okay. And do you  
11 agree with the findings of the letter from the COIB  
12 Deputy General Counsel and their guidance letter  
13 about your recusals?

14 RANDY MASTRO: I-- I offered to do  
15 exactly what they said I should do before they ruled,  
16 and I will of course abide by that guidance, and of  
17 course, I respect the Conflicts Board.

18 CHAIRPERSON POWERS: Understood. And the  
19 letter that they provided is a form-- not-- they  
20 stated it is not a formal opinion of the Conflicts of  
21 Interest Board. It's providing information and  
22 guidance to-- I think it's from the Deputy Counsel.  
23 Have you sought out a formal opinion from the  
24 Conflicts of Interest Board on any of those matters?  
25 In terms of the full board?

2 RANDY MASTRO: Not beyond the guidance  
3 that was given, because I offered going in and told  
4 your counsel's office as well that I will be recusing  
5 myself from anything that has to do with Gibson, Dunn  
6 or King and Spalding.

7 CHAIRPERSON POWERS: Understand. And so  
8 is there a plan to seek out a formal opinion to  
9 provide a more comprehensive opinion evaluation? Are  
10 you going to-- I'm trying to understand your recusal  
11 process with your prior firms. You'll follow the  
12 letter that is provided to you on April 30<sup>th</sup> from the  
13 Conflicts of Interest Board?

14 RANDY MASTRO: Absolutely, and if there's  
15 a need for further guidance-- I've done this before.  
16 I will get that guidance and follow that guidance to  
17 the letter.

18 CHAIRPERSON POWERS: Okay. The guidance  
19 letter states, I think, fairly clearly you are to  
20 recuse yourself of matters with the past and current  
21 employers. Have you sought any guidance-- it  
22 noticeably is absent on your present or past clients,  
23 and was wondering if you had sought out guidance on  
24 whether recusal would be necessary for let's say your  
25

2 present clients who might be challenging the City of  
3 New York.

4 RANDY MASTRO: The ruling didn't reach  
5 present clients who I'd no longer be representing,  
6 but I did represent to the Conflicts Board that any  
7 matter for a current client that involved the City in  
8 any way, I would be recusing myself from. If the  
9 situation arises that a former client is appearing  
10 before the City, I'll seek further guidance from the  
11 Conflicts Board to the extent that seems appropriate  
12 and warranted, and of course, follow any such advice.

13 CHAIRPERSON POWERS: Okay. So for  
14 example, you currently represent a coalition of condo  
15 owners, co-op owners, challenging a law the City  
16 Council passed, we commonly refer to as Local Law 97.  
17 In that particular instance, would you recuse  
18 yourself from working on that case, meeting with the  
19 client, participating in conference calls or emails?

20 RANDY MASTRO: Of course. Any current  
21 matter that I have that involves the City in any way,  
22 even if the City isn't a direct party-- like  
23 congestion pricing, not a direct party in my case,  
24 but I would be recusing myself. This is, of course,  
25 what I would do.

2 CHAIRPERSON POWERS: Okay. And what is  
3 the statute of limitations on when you'd be recusing  
4 yourself from a client that's in the past or in  
5 present?

6 RANDY MASTRO: Well, as I understand the  
7 limitation of the recusal, it's for the duration of  
8 the matter. And then depending on the nature of a  
9 subsequent matter, it may require further guidance or  
10 recusal, but that would depend on the nature of the  
11 matter.

12 CHAIRPERSON POWERS: And can you just  
13 discuss with us the process on how that determination  
14 would be made. I mean COIB has clearly outlined in  
15 their letter that you should not be-- you should be  
16 recusing yourself when you have business with your  
17 former or past employer. It feels pretty open and  
18 shut on that one. But in the case where there's a  
19 present client maybe with a different story. What  
20 would be the process of seeking or determining, I  
21 should say, when you need to recuse yourself from a  
22 case?

23 RANDY MASTRO: This is-- these are ethics  
24 that lawyers have to deal with all the time as to  
25 when they have a conflict or should recuse

2 themselves. I hear on the side of recusal or seeking  
3 the guidance on whether I should recuse. So, if it's  
4 a matter unrelated to anything that was the subject  
5 of litigation that I was directly handling, but it's  
6 the same client on a different matter, I would in all  
7 likelihood, I would go back to the Conflicts Board  
8 and as for guidance on whether I should recuse  
9 myself.

10 CHAIRPERSON POWERS: Okay. You said in  
11 all likelihood. What would be instances where you  
12 wouldn't do that?

13 RANDY MASTRO: Something could be so  
14 unrelated to any work we ever did together, or they  
15 could be part of a large coalition where they play a  
16 minor role or something like that. But I would err  
17 on the side seeking guidance from the Conflicts  
18 Board, and if it isn't more of a comfort to this  
19 council, I would do that on any matter where they  
20 appeared.

21 CHAIRPERSON POWERS: And is there a  
22 necessary recusal related to a specific category?  
23 For instance if-- using that similar example. The  
24 condo association in Brooklyn were to bring a case  
25 related to similar to the one you have on Local Law

2 97 that mirrored or resembled a case that you've  
3 presently represent a client on. How would you  
4 handle that?

5 RANDY MASTRO: I would recuse myself on  
6 any case involving challenges to Local Law 97.

7 CHAIRPERSON POWERS: Okay, understood.  
8 Just taking another example. You're currently the  
9 counsel of record in a case G-Max managing [sic]  
10 against the State of New York which you've-- they  
11 petitioned the Supreme Court to take up. The case  
12 challenges specific provisions of the Housing  
13 Stability and Tenant Protection Act of 2019. If your  
14 case that your client brings forward were accepted or  
15 in any instance where it's working through the  
16 courts, the City of New York I believe has-- would  
17 likely file amicus brief in opposition to that case  
18 as it's on other cases as well. In the past, that  
19 brief that has been filed and the front page usually  
20 has the name of the Corporation Counsel on it. In  
21 this case, the attorney record for the has client who  
22 is currently you would then be the Corporation  
23 Counsel for the City of New York filing amicus brief  
24 in that case. Is that a direct conflict?  
25

2 RANDY MASTRO: I would be recusing myself  
3 from any matter where the City was involved in the  
4 amendments to the rent control law. Just to be  
5 clear, Chair Powers, in that case I represented small  
6 landlords who challenged a certain of the 2019  
7 amendments to the rent control law. We said in the  
8 very first paragraph of our appellate brief to the  
9 Second Circuit and to the Supreme Court that we  
10 agreed with rent control. We were not challenging  
11 rent control at large. We support rent control, but  
12 certain retroactive amendments where small landlords  
13 had made tenant improvements for which historically  
14 they were entitled to some credit over a period of  
15 years, were retroactively changed, where their rights  
16 to move to back into their own properties to live had  
17 been retroactively changed. It's a very limited  
18 constitutional challenge, but I would recuse myself  
19 anyway. The City was not-- did not end up being a  
20 party on the merits in the G-Max, but if the City  
21 wants to file an amicus brief, I would recuse myself  
22 from that, and God bless the city. I have always  
23 supported rent control. This was to address a unique  
24 problem limited to small landlords and the draconian  
25 effects of certain amendments retroactively applied

2 to them, and we told that to the court, that we  
3 support rent control, but the effects of some of  
4 these amendment was just too much for these small  
5 landlords.

6 CHAIRPERSON POWERS: Okay. And there are  
7 instances where the City has filed a brief in the  
8 Chips [sic] case against City of New York. I'm sure  
9 others as well.

10 RANDY MASTRO: Yes, which was a challenge  
11 to rent control at-large, which we did not support.  
12 We do not support.

13 CHAIRPERSON POWERS: Okay. Appreciate  
14 it.

15 RANDY MASTRO: I would never support  
16 that.

17 CHAIRPERSON POWERS: Okay. Appreciate  
18 that. A couple of-- just to go through this. We've  
19 talked about congestion pricing. It sounds like some  
20 of the cases are going to be rent stabilization,  
21 Local Law 97. Are there other areas right now where  
22 you feel you would need to make a recusal based on  
23 your current practice?

24 RANDY MASTRO: Well, we did talk about  
25 some of those cases. On congestion pricing, I would

2 recuse myself from the litigations from which the  
3 City is involved, but to be clear so the Council  
4 understands, that is a litigation on behalf of the  
5 Governor of New Jersey and the State of New Jersey.  
6 That is an environmental challenge. The City is not  
7 a party to that litigation. It's an environmental  
8 challenge to the work done by the Federal Highway  
9 Administration and the MTA. It's actually a pro-  
10 environment case. It's about the inadequacy of the  
11 environmental review that was done by that federal  
12 agency and the MTA that didn't protect, that didn't  
13 adequately consider, didn't mitigate the adverse  
14 effects of congestion pricing on environmental  
15 justice communities in New Jersey, in Bayonne in  
16 Newark, in East Orange, in all of Bergen County.  
17 There was no mitigation in that original plan for the  
18 adverse environmental impacts on those environmental  
19 justice communities, and that's what we challenged.  
20 It doesn't seek to stop congestion pricing from ever  
21 happening. It's to say-- and I've done this in a  
22 number of cases-- hold government accountable to do  
23 it right, to do full environmental reviews and  
24 protect environmental justice communities, and when  
25 you do it right it will go forward. Governor Murphy

2 has said he supports the general concept, but I would  
3 still recuse myself on any of the other cases. I know  
4 Staten Island has a case and others have cases where  
5 the City is involved. I would recuse myself in those  
6 cases anyway.

7 CHAIRPERSON POWERS: I would contest that  
8 the legal argument being made by the State of New  
9 Jersey is motivated by their intention not to be in  
10 support of congestion pricings. Whether--

11 RANDY MASTRO: [interposing] I can't--

12 CHAIRPERSON POWERS: it is about the EIS  
13 or not.

14 RANDY MASTRO: I can't speak to the  
15 Governor's motivation. I can speak to I as a lawyer,  
16 the principled positions and arguments that I've  
17 made, it's about protecting environmental justice  
18 communities and making sure they get mitigation for  
19 the obvious adverse environmental impacts that will  
20 occur form the rerouting--

21 CHAIRPERSON POWERS: [interposing]  
22 Understood.

23 RANDY MASTRO: of traffic through New  
24 Jersey.

2 CHAIRPERSON POWERS: Just to go back to  
3 the question I asked, what are other areas where as  
4 Corporation Counsel, at least in the short-term, you  
5 would need-- areas of practice where you might-- or  
6 specific areas where you might be required to recuse  
7 yourself beyond the ones that we had mentioned?

8 RANDY MASTRO: I'm not sure. I would have  
9 to review the cases and whether they're still  
10 ongoing, but I did name four cases in the last  
11 decade, and any of those I would recuse myself even  
12 if the City wasn't directly involved.

13 CHAIRPERSON POWERS: And-- no, like,  
14 those are big cases, and I might make the argument  
15 that we want a Corporation Counsel who can be fully  
16 working on and invested in those issues. You know,  
17 it's-- your lawyer does matter. And so, how do we--  
18 as we move through the nomination process address  
19 what are, I think, fairly substantial issues that the  
20 City of New York should be, I would argue, be  
21 participating in, or requiring your litigation skills  
22 and talent to help address what a challenge to New  
23 York City might be on those issues?

24 RANDY MASTRO: I'm really glad that you  
25 asked that question, because I will acknowledge to

2 you that some of these are-- we're talking in three  
3 areas in particular. They are important issues. I  
4 certainly don't have any perception from the outside  
5 that the City has not been well-represented in those  
6 areas. But I would say this, I think that's why it's  
7 so important to have a Corporation Counsel who  
8 understands when the city has an objective, a  
9 priority, a salutary purpose that even some of the  
10 litigants involved. In Local Law 97 my clients said  
11 that they support carbon emission restrictions and  
12 reducing carbon emissions. In a G-Max case, my  
13 client said they support rent control. In congestion  
14 pricing, Governor Murphy says he supports the  
15 environmental aims.

16 CHAIRPERSON POWERS: Every single one of  
17 them has a lawsuit to prevent that action from  
18 happening.

19 RANDY MASTRO: And my point is this, I  
20 understand when the City gets it right, when the  
21 State gets it right, when the federal government gets  
22 it right, and I understand when things haven't been  
23 done quite right, and I believe I can play an even  
24 more important role in working with this council,  
25 having a dedicated team from Corp Counsel help you

2 with drafting your legislation, creating the record  
3 that will ensure that litigation like the ones I have  
4 sometimes participated in to hold government  
5 accountable will not be successful, that you will  
6 achieve your objectives and they will be beyond  
7 challenge in court. It's really important that you  
8 have a Corp Counsel who comes out of that background  
9 and understand how to protect your interest and your  
10 objective from potential litigation.

11 CHAIRPERSON POWERS: But Mr. Mastro,  
12 would you agree that litigation is a strategy to  
13 prevent outcomes or delay outcomes even if you state  
14 in your mission statement that you agree with a  
15 certain issue? I'm not saying you are doing this.  
16 I'm saying but often it's a strategy utilized in  
17 order to prevent something from happening. So  
18 regardless whatever the mission statement is of any  
19 organization or group, litigation is part of a  
20 strategy to delay an outcome or prevent an outcome.

21 RANDY MASTRO: I couldn't accept such a  
22 broad proposition unless you look at the specific  
23 facts and the specific parties involved. I can only  
24 tell you this, the small landlords in the cases-- the  
25 condo/co-op associations in Local Law 97 case, the

2 small landlords in the G-Max case, they do believe in  
3 those principles. In those small condos and co-ops,  
4 they spent tens of thousands of dollars to reduce  
5 carbon emission and succeeded in the years preceding  
6 the new law, and they're concerned about the effects  
7 of the new law when they invested in complying with  
8 the old law. Same thing in the G-Max case about  
9 retroactive amendments. My point being this, one  
10 size doesn't fit all. You have to look at the facts  
11 of each case, but let's assume that there are cases  
12 like you're talking about where litigation is a  
13 strategy, all the more reason why you need a Corp  
14 Counsel who understands that and is proactive in  
15 advance, helping you as a council draft your  
16 legislation, create the administrative record that  
17 supports it so that when these cases go to court and  
18 there are some parties who do what you suggest, Chair  
19 Powers, we will be ahead of the curve and defeat them  
20 promptly and quickly and achieve your objectives.  
21 That's what I do as a lawyer. That's the value I  
22 bring to the table, understanding those issues having  
23 litigated them and understanding your priorities. I  
24 live to serve your priorities, your policy  
25 objectives, and I will make sure that we are in the

2 best position to defend you in court because I've  
3 been there and I know what it takes to challenge the  
4 City and I know what it takes to protect the City,  
5 and I will protect you.

6 CHAIRPERSON POWERS: Okay, thank you, Mr.  
7 Mastro. Just in respect of time, I want to-- I'll  
8 come back for a further round of questions. We're  
9 now going to go to the Speaker for a round of  
10 questions.

11 RANDY MASTRO: Thank you.

12 SPEAKER ADAMS: Thank you very much,  
13 Chair, and thank you once again, Mr. Mastro, for your  
14 testimony thus far. I'm going to be speaking from a  
15 couple of different perspectives. I first want to go  
16 into the role of Corporation Counsel. Under the City  
17 Charter, the Corporation Counsel is the attorney for  
18 the City, including its elected officials, agencies,  
19 and most important for us here the Corporation  
20 Counsel is charged to represent the people of the  
21 City and the best interest of the City as a whole.  
22 As the City's attorney, the Corporation Counsel is  
23 lawyer to not only the Mayor, but all of the other  
24 branches and offices of government, including the  
25 Council, Comptroller, Public Advocate, and Borough

2 Presidents, and must have the independence to  
3 determine what is in the best interest of the City as  
4 opposed to one particular official or branch of city  
5 government. Throughout your career in city  
6 government, all of which took place during the  
7 Giuliani Administration, there was immense antagonism  
8 to the Council, but also to other city elected  
9 officials, most notably the Office of the Public  
10 Advocate. Given this history and your role as one of  
11 the highest-ranking officials in that Administration,  
12 how can this Council trust that you will faithfully  
13 represent the interest of all of the City's officers,  
14 not just the Mayor's?

15 RANDY MASTRO: Madam Speaker, I  
16 respectfully disagree with the characterization, but  
17 it's not just me disagreeing with the  
18 characterization. It's former City Council Speaker  
19 Peter Vallone who says, "Randy Mastro is an excellent  
20 lawyer who knows right from wrong and he would be an  
21 excellent Corporation Counsel." Mark--

22 SPEAKER ADAMS: [interposing] That's not  
23 my question, sir.

24 RANDY MASTRO: Okay, but you said there  
25 was terrible animosity with the Council.

2 SPEAKER ADAMS: That's not my question,  
3 though.

4 RANDY MASTRO: Okay, I'm sorry.

5 SPEAKER ADAMS: I'm asking you how the  
6 Council can trust that you will faithfully represent  
7 the interest of all the city officers and not just  
8 the Mayor. That's coming from you.

9 RANDY MASTRO: Okay. Thank you. You  
10 hopefully know and will hear from some former City  
11 Councilmen today actually the respect that I had and  
12 how well I worked with the Council when I was Deputy  
13 Mayor in charge of any governmental relations. So  
14 you know there is a track record of me with Speaker  
15 Vallone, his senior staff and the Council Members,  
16 some of whom will testify here today about how  
17 constructively I worked with the Council when I was  
18 Deputy Mayor responsible for only one side of the  
19 hall. Let me be clear, I'm-- issues that you can  
20 take to the bank about why I will be an independent  
21 force for good representing this council in ways that  
22 no Corp Counsel ever has before. On affirmative  
23 litigation, how does that work? That works because I  
24 work with each of you, all 51 of you to identify  
25 cases of concern in your districts, on civil rights,

2 constitutional rights, tenants' rights, workers'  
3 rights, consumer protection, environmental  
4 protection, and then we bring those cases. Closing  
5 illegal smoke shops, going after gun violence, gang  
6 violence, drugs-- I work with each of you as Corp  
7 Counsel, and I have a dedicated larger team to bring  
8 those cases.

9 SPEAKER ADAMS: But Mr. Mastro,  
10 respectfully, you are projecting into the future.  
11 I'm trying to lay a groundwork for historical  
12 perspective here before we get into a projection of  
13 the future. And my question was very specific. It  
14 had to do with your work in your career in city  
15 government in the past that did take place under the  
16 Giuliani Administration and that had a climate of  
17 antagonism toward the Council and other elected  
18 officials and other members of government. The  
19 question once again was, given that history, how can  
20 the Council trust that you will faithfully represent  
21 the interest of all of the City's officers and not  
22 just the Mayor's from a historical perspective?

23 RANDY MASTRO: Madam Speaker,  
24 respectfully, from a historical perspective I was  
25 actually known as the person in City Hall who

2 developed constructive working relationships with the  
3 Council and with other elected officials. That's why  
4 every major democratic elected official from my  
5 generation-- Billy Thompson, Betsy Gotbaum, Mark  
6 Green, Freddy Ferrer [sp?], Peter Vallone have  
7 endorsed my candidacy because they know how  
8 constructively I personally worked with the Council  
9 to achieve a sweeping legislative agenda to go after  
10 organized crime at the Fulton Fish Market, private  
11 carting [sic] industry, to make domestic partnership  
12 rights for same-sex couple, the most sweeping  
13 protections in the country. I did that. I always  
14 had an open door, and I always reached across the  
15 aisle and across the hall. So, the historical  
16 perspective you're describing is not how elected  
17 democrats experienced me when I was the Deputy Mayor  
18 in charge of intergovernmental affairs. You will  
19 hear from some of them today. I had a track record  
20 of reaching across the aisle. I built bridges. I  
21 had an open door where we mediated disputes and we  
22 didn't end up in court, and I believe that track  
23 record is something that I can help bring the two  
24 sides of the hall together. So, Madam Speaker, I  
25 respect the question you're asking. I was only in

2 City Hall for a little over four years, not the  
3 entirety of the Giuliani Administration, but my  
4 record is clear. I reached across the aisle. I had  
5 open doors. I opened doors to everyone, even if they  
6 didn't get along with the Mayor and we got things  
7 done with the Council.

8 SPEAKER ADAMS: Speaking of a track  
9 record, once again, respectfully Mr. Mastro, the  
10 track record shows that you have called the Office of  
11 the Public Advocate a left-wing radical, and fighting  
12 to cut that position out of the line of succession.  
13 Is that true?

14 RANDY MASTRO: Actually, again, Mark  
15 Green supports me right now, and we've submitted  
16 that--

17 SPEAKER ADAMS: [interposing] That's not  
18 the question, Mr. Mastro.

19 RANDY MASTRO: But--

20 SPEAKER ADAMS: [interposing] We  
21 understand your endorsements. The people that  
22 support you have made their voices very clear to this  
23 council.

24 RANDY MASTRO: Thank you, your honor.  
25 Thank you, your honor. The issue that you're raising

2 has to do with a Charter revision where the Mayor  
3 wanted to eliminate the Public Advocate from the line  
4 of succession, and in that context I chaired that  
5 commission. But actually what I did historically,  
6 and I think it's why Mark--

7 SPEAKER ADAMS: [interposing] What was  
8 your perspective?

9 RANDY MASTRO: My perspective was, and  
10 this eventually happened in the Bloomberg  
11 Administration when Betsey Gotbaum was the Public  
12 Advocate-- also here supporting me. But when that  
13 proposal was made by the Mayor to change the line of  
14 succession during the Mayor's term, I stood up to  
15 Rudy Giuliani. My Charter Revision Commission that I  
16 chaired said no, we did not do that. We said we  
17 would not do that while he was mayor and while Mark  
18 Green was Public Advocate, that that had to wait a  
19 future generation. That's the fact, Madam Speaker,  
20 and I think that shows you can count on me to stand  
21 up to mayors and count on me to stand up for the  
22 Council and other elected officials. So we did not  
23 change the Charter in that respect and I refused to  
24 put on the ballot changing the line of succession to  
25 eliminate Mark Green from succeeding Rudy Giuliani.

2 We said that that was a future issue and to go on the  
3 ballot only to happen prospectively after everyone  
4 had left office, and eventually Mayor Bloomberg made  
5 the same proposal and did that to Betsy Gotbaum.

6 SPEAKER ADAMS: I don't think that-- I  
7 still don't think that my question which was really  
8 specific was addressed, but we're going to move on.  
9 The Corporation Counsel must carefully and  
10 transparently explain to elected officials the  
11 potential negative long-term consequences to the City  
12 or their respective governmental entity of making a  
13 particular argument or taking a particular action.  
14 To fulfill their duty, the Corporation Counsel must  
15 prioritize the long-term institutional interest of  
16 the City, advise against organizational wrong-doing,  
17 report internal wrong-doing to appropriate  
18 authorities and screen claims and legal arguments  
19 made against and for the City. They fail in their  
20 duties when they do not adequately advise city  
21 officials and agencies on how a short-term legal  
22 battle might affect the City's long-term interest.  
23 Similarly, it would be a failure to decline to report  
24 and appropriately act in response to organizational  
25 wrong-doing. Of course, this form of legal

2 representation is in stark contrast to the type  
3 practiced in the private sector where aggressively  
4 zealous representation of individual interest is  
5 expected. Once again, given your history of loyal  
6 service to Mr. Giuliani in your public service career  
7 and your career in the private sector aggressively  
8 representing individual private interests that often  
9 conflict with the City's long-term institutional  
10 interests, how can this council entrust you and trust  
11 in you the long-term institutional interest of the  
12 City?

13 RANDY MASTRO: I'm very glad you asked  
14 that, Madam Speaker, because the role of a lawyer  
15 litigating on behalf of clients in private practice  
16 is to represent them zealously and ethically and get  
17 the best results you can for them, and I'm known as a  
18 lawyer who is tenacious and successful in the  
19 courtroom. So, I'm known as a bear in the courtroom,  
20 and I'm actually teddy bear in real life, and I was  
21 honored to have the opportunity to meet with you  
22 prior to these hearings. I'm actually in government.  
23 My personal representation, maybe not my old boss's  
24 who wasn't the easiest guy to work with all the time,  
25 but my personal representation was one of reaching

2 across the aisle, building coalitions, reaching  
3 across the hall, getting things done, and working  
4 well with other members in government, you know, and  
5 the different branches of government and the  
6 different offices of government. That's why they're  
7 all supporting me now. So, we did a lot of positive  
8 things for the City. No one thought we could break  
9 organized crime strangle-hold from Fish Market,  
10 private carting industry. No one thought we could  
11 pass the most sweeping domestic partnership  
12 protections in the country at the time for same-sex  
13 couples. No one thought we could close the Fresh  
14 Kills landfill and have a more environmentally sound  
15 policy. We did a lot of constructive things. No one  
16 thought we could move the illegal vendors off of  
17 125<sup>th</sup> Street without violence and incident and now  
18 have it be a thriving commercial center, and those  
19 vendors in their own mart operating legally a few  
20 blocks away. There are so many positive things when  
21 I look back at my own time there, and so many  
22 relationships I built that you know I built because  
23 of the people who are supporting me today. So, I  
24 understand the difference in the role. I understand  
25 what it is to build coalitions to work with partners

2 in government, and I have a proven track record of  
3 doing that. That's why every major elected Democrat  
4 in my era supports me now. That's why every Democrat  
5 who's been the Mayor's-- the nominee for Mayor from  
6 2001 to the present I've either represented, or  
7 supports me, or both. I build bridges. I am a  
8 consensus builder. I am a communicator, and my  
9 goodness, Madam Speaker, right now more than ever we  
10 could use some communication in City Hall to build  
11 bridges, and I'm prepared to do that for both sides  
12 of the hall.

13 SPEAKER ADAMS: We just need you to put  
14 that microphone closer to you.

15 RANDY MASTRO: I'm sorry.

16 SPEAKER ADAMS: So that everyone can hear  
17 you.

18 RANDY MASTRO: Okay.

19 SPEAKER ADAMS: you could just pull it  
20 forward.

21 RANDY MASTRO: No problem. I hope you  
22 could hear me, though. Thank you. Thank you.

23 SPEAKER ADAMS: we can hear you. We want  
24 the public to hear you.

2 RANDY MASTRO: I really appreciate it,  
3 Madam Speaker.

4 SPEAKER ADAMS: Alright. In looking at  
5 the values of the Corporation Counsel, the  
6 Corporation Counsel is not only an attorney, but also  
7 a government official. Together, these duties  
8 require the person in this position to appropriately  
9 consider and respect the principles of democratic  
10 self-government and the rule of law. City government  
11 must serve all residents, whether or not they voted  
12 for us, or those who employ us, or whether or not  
13 they can vote a tall. Government decisions have many  
14 implications and can affect the rights of people who  
15 lack access to decision-makers. It is often a public  
16 servant and government lawyer's role to fairly  
17 articulate a decision's impact on those rights and  
18 interest. The Corporation Counsel must counsel not  
19 just to the letter of the law, but also on shared  
20 public values. While these values ultimately serve  
21 the long-term interest of the public and society,  
22 they may also conflict with existing law or the  
23 short-term interest of those in power. It is the  
24 Corporation Counsel as the chief legal officer for  
25 the City who can advise policy-makers on the interest

2 of groups not represented by majority or powerful  
3 political forces. Fritz Schwarz, former Corporation  
4 Counsel under Mayor Koch and a respected architect of  
5 the current City Charter stated that, "The interest  
6 of the City must be the touch-stone." Implicit  
7 within the interest of the city, fundamentally the  
8 public interest is the administration of justice. It  
9 is incumbent upon the Corporation Counsel to  
10 consider, advocate, and advise on the advancement on  
11 varying concepts of justice for the public interest.  
12 This council believes in an inherent and unique  
13 interest to govern impartially and see that justice  
14 shall be done. What about your professional history  
15 would give this council confidence? And you notice  
16 my line of questioning so far continues to say the  
17 same thing. It has to do with trust in you and the  
18 council, the council putting its trust in you. What  
19 about your professional history would give this  
20 council confidence that you would put the best  
21 interest of the city and the administration of  
22 justice before the interest of the Mayor?

23 RANDY MASTRO: What should you give you  
24 confidence and trust in me is that when I served in  
25 city government before, put my life on the line for

2 this city. I faced death threats from the mob-- two  
3 and a half years of police protection, but it was the  
4 right thing to do to stand up to the mafia that had a  
5 strangle-hold over the Fulton Fish Market and the  
6 private carting industry. I personally lobbied a  
7 Republican Catholic Mayor and a Democrat Catholic  
8 Speaker to pass the most sweeping domestic  
9 partnership protections for same-sex couples in the  
10 country. You think that was easy, but it was the  
11 right thing to do, and we got it done. And Madam  
12 Speaker, I can only tell you this, I have a long  
13 track record. It's not a few years. It's 30+ years  
14 of standing up for civil rights, constitutional  
15 rights, racial justice. When Donald Trump, Bill Barr  
16 and other federal authorities tear gassed and rubber  
17 bulleted peace racial justice protestors in June 2020  
18 in the wake of George Floyd's murder, that was an  
19 atrocity. I stood up for justice, pro bono, pro  
20 bono, and we pushed back the Administration and got  
21 the Biden Administration to impose protocols so that  
22 something like that never happens again. When Janet  
23 Morgan who you'll hear from later, 30+ years ago got  
24 fired by the Malverne School District for giving her  
25 class an assignment on racism-- she'd been out of

2 work for two years. She had, you know, lost all of  
3 her money after mortgaging her home, and her old  
4 lawyers were going to withdraw, I stepped in in 1990  
5 to represent her pro bono. We got her job back. We  
6 got her back pay. We got a ruling from the  
7 Commissioner of Education that teachers have a right  
8 of academic freedom on such subjects, the first such  
9 ruling ever. I've been doing this for 30 to 40 years,  
10 standing up for civil rights, constitutional rights,  
11 and racial justice. I've been standing up for public  
12 safety to the point of literally putting my life on  
13 the line, and my word is my bond. And you were very  
14 wise to say before these hearings to the press that  
15 you should look at the overall view of my entire  
16 record. My entire career is standing up for those  
17 principles, and the hundreds of hours a year that  
18 I've devoted to pro bono service, and to the  
19 community service like Citizen's Union, the gold  
20 standard of good government, a Legal Aid Society.  
21 Madam Speaker, I don't ask you to trust me. I ask  
22 you to look at my entire record and ask yourself when  
23 you look at that entire record and decades of  
24 commitment to pro bono service and community service,  
25 and when you listen to the speakers who will be here

2 today-- people you know and trust-- who vouch for me.  
3 And I know you've spoken to them. People who you  
4 wouldn't expect-- people I've represented. I've  
5 represented Billy Thompson, Betsy Gotbaum, Bill de  
6 Blasio, Letitia James. These are all people who  
7 respect and trust me so much over the course of my  
8 career that they entrusted their sensitive matters to  
9 me and I handled the pro bono, and I got them  
10 results. Madam Speaker, I will be the best lawyer  
11 you've ever worked with. Just give me that  
12 opportunity. I implore you. I pray you will. I know  
13 and respect you, and I look forward to representing  
14 you if afforded this opportunity. Thank you.

15 SPEAKER ADAMS: Thank you, Mr. Mastro. I  
16 want to delve more into how we can be assured that  
17 what happened with the Law Department during the  
18 Giuliani years will not happen under your watch. One  
19 specific example that I would like you to address was  
20 when in 1999, the Corporation Counsel stood next to  
21 then Mayor Giuliani and said that he had the right to  
22 stop duly appropriated funds from going to the  
23 Brooklyn Museum because he found an exhibit to be  
24 offensive. This was contrary to the position taken  
25 by the Brooklyn Borough President, the City Council

2 Speaker, the Public Advocate, the City's Cultural  
3 Institution Group, a former Corporation Counsel who  
4 represented the City's cultural groups, and virtually  
5 every first amendment expert in the City of New York.  
6 It also ended up being contrary to the position of  
7 the federal courts. And to quote someone who is  
8 vouching for you today, Victor Kovner, the former  
9 Corporation Counsel who gave this quote before the  
10 2019 Charter revision, "I have to say, it was not the  
11 finest moment for the Law Department." How can we  
12 have confidence that the Law Department under your  
13 leadership would not take a legal position that is in  
14 conflict with the city's legal interest and adverse  
15 to every involved city official other than the Mayor,  
16 simply because the Mayor wants the Law Department and  
17 the Corporation Counsel to take such a position?

18 SPEAKER ADAMS: I'm really glad you asked  
19 that. You can have confidence in that because that  
20 was not my time in City Hall. I was not in city  
21 government in 1999 when the Brooklyn Museum incident  
22 occurred, and I'd like to think had I been there to  
23 counsel the Mayor at that point in time, that never  
24 would have happened. Just as some other issues that  
25 arose earlier about art exhibits-- you know, he did

2 not take the kind of position that he took on the  
3 Brooklyn Museum. And I think you can have  
4 confidence, people who know me, people who have  
5 litigated with me and against me-- Victor Kovner is  
6 here to speak today. He's one of five Corporation  
7 Counsels going back over four administrations who  
8 have endorsed my candidacy, and I did not agree with  
9 the Brooklyn Museum decision, and I would have  
10 counseled the mayor against it, and as the  
11 Corporation Counsel I will stand up for what I think  
12 is right, and I will do the right thing, and if I  
13 don't think a position the Mayor is taking is one  
14 that is legally defensible, I will tell that to the  
15 Mayor and we will not defend the Mayor. You have  
16 conflicts with the Mayor and you have legislation  
17 where you have conflicts with the Mayor. I think  
18 historically, Corporation Counsels have tended to  
19 almost always agree with the Mayor. I will call the  
20 balls and strikes. I will give it straight. I will  
21 try to bring people together to see if we can find  
22 common ground. I think Corporation Counsel should be  
23 much more proactive that way so you avoid litigation.  
24 But I will call those balls and strikes, and I would  
25 not have advised the Mayor or permitted the Mayor to

2 do what he did at the Brooklyn Museum. It would have  
3 been against my counsel.

4 SPEAKER ADAMS: Thank you very much.  
5 You've spoken a lot about pro bono work in your pro  
6 bono work. During your discussions with several  
7 Council Members, you discussed plans to develop a  
8 large scale program for pro bono services from the  
9 City's legal community, contemplating in particular  
10 the participation of major law firms, often called  
11 Big Law. How do these large, private law firms share  
12 the City's policies and preference for real inclusion  
13 and diversity, especially amongst their own  
14 leadership?

15 RANDY MASTRO: I'm really glad you asked  
16 that question.

17 SPEAKER ADAMS: You're glad that I'm  
18 asking all of my questions.

19 RANDY MASTRO: Yes, I am, and that should  
20 tell you something. I'm a happy warrior. Madam  
21 Speaker, involving large law firms to supplement the  
22 great workforce at the Law Department I think is  
23 something that would be a plus, ultimately directed  
24 by the City and Corp Counsel's office as to the  
25 direction of the litigation. But it's additional

2 resources that we can bring to bear to the process.

3 I'm committed to diversity and inclusion, and the Law

4 Department should always reflect the diversity and be

5 a representation of the community we serve. I have a

6 proven track record of doing that in private practice

7 myself where I took my old law firm's New York

8 litigation group from zero diverse partners to over

9 30 percent women and other diverse partners by the

10 time I left the firm, and I'm very proud of that.

11 Private law firms making resources available for pro

12 bono work, that would be at the direction of the Law

13 Department, and I think that that's a supplementation

14 to that workforce. I also think that in our

15 recruiting and recruiting a diverse team at Corp

16 Counsel's office, extremely important, and the Law

17 Department needs that kind of emphasis on recruiting.

18 And wit affirmative litigation being a hook, I think

19 you are going to see a new energy of people at all

20 levels, the young shining stars to more senior people

21 who want to make a contribution to public service

22 coming into public service to do that. It will be

23 exciting work, but always, always the team that we

24 will have on the field, Madam Speaker, will reflect

2 this great city of ours and be a diverse team, I  
3 assure you.

4 SPEAKER ADAMS: Mr. Mastro, in the 1980s,  
5 Allen Schwartz, Mayor Koch's first Corporation  
6 Counsel, established a program to serve as a bridge  
7 while the modern Law Department was being developed.  
8 This program allowed these large law firms  
9 opportunities to send their lawyers to get trial  
10 experience and other training on the City's time.  
11 While the City benefitted from their services in the  
12 short-term, the long-term benefits of that training,  
13 experience and institutional knowledge went out the  
14 door to the benefit and windfall of private law  
15 firms. How will you ensure this benefits the Law  
16 Department rather than lead to weakening the Law  
17 Department?

18 RANDY MASTRO: Well, Madam Speaker, I  
19 think actually, I have enormous respect for the Law  
20 Department. I was a consumer of the Law Department.  
21 I stand on the shoulders of giants and I'm fortunate  
22 to have this opportunity. But I think that the  
23 experience lawyers in the Law Department who work  
24 really hard with those tens of thousands of defensive  
25 cases to have additional resources, to have exposure

2 and work with lawyers in the private sector to get at  
3 more diverse experience, and to do that on  
4 affirmative cases where they are achieving civil  
5 rights, and constitutional rights and social justice,  
6 where they are protecting public safety, I think the  
7 lawyers in the Law Department are going to love that.  
8 It's not going to take anything away from them.  
9 Right now we're not doing a lot of affirmative  
10 litigation. We're doing some. There are cases like  
11 going after our share of the opioid crisis money,  
12 like some tenants' rights cases for slum lords-- we  
13 need to do many more of those-- but they are few and  
14 far between. I want to see us do a lot of that kind  
15 of work, and if we do a lot of that kind of work, I  
16 think the people in the Law Department will not only  
17 be energized and inspired by the work, they will want  
18 to work with the broader team to achieve those  
19 objectives. It's remarkably inspiring. We did this  
20 when I was in the civil division of the US Attorney's  
21 Office and we brought cases against organized crime.  
22 We brought cases against drug dealers. We brought  
23 cases for consumer protection. You're going to hear  
24 from some of my former colleagues. We did ground-  
25 breaking work in so many of these areas, and it just

2 jazzed us. It was inspiring, and we worked with  
3 outside counsel whenever we could to expand the team  
4 because we were achieving social justice and public  
5 safety. That's what I intend to do.

6 SPEAKER ADAMS: Mr. Mastro, why would  
7 your enthusiasm, though, not be more towards building  
8 up the municipal workforce?

9 RANDY MASTRO: It is. It is, your honor.  
10 I think we have to make it a major priority, and I  
11 have said this. I said it to you. We have to  
12 replenish the ranks. We have-- COVID took a heavy  
13 toll. We have to build up the Law Department again.  
14 There have been cuts and things like that. It's  
15 extremely important, but I think with a Law  
16 Department that does both the defensive cases which  
17 is so much of its docket right now, and the  
18 opportunity to achieve social justice and to advance  
19 public safety, I think the people in the Law  
20 Department are going to love that. Of course I want  
21 to build up the municipal workforce. I want to come  
22 back to public service for all the right reasons, to  
23 do good, to improve people's lives, to use the Law  
24 Department and the power of the law to achieve social  
25 justice and public safety ends. If we do that, my

2 God, the people in the Law Department are going to  
3 love that. I am a mentor. I am a trainer. I am a  
4 leader. I'm an inspirer. I've led large law firms  
5 and I've led large organizations, and priority number  
6 one is to have the best Law Department to recruit at  
7 every level to bring in the best people. That's  
8 priority number one, and you do that because the work  
9 is so compelling.

10 SPEAKER ADAMS: Thank you. I just wanted  
11 to note that the gallery was chuckling at your  
12 reference to me as "Your Honor." I happen to like  
13 it.

14 RANDY MASTRO: Then, Your Honor, I will  
15 continue doing it for as long as I can. Thank you.

16 SPEAKER ADAMS: It's fine. It's fine.  
17 Madam Speaker will do. Thank you. This is my final  
18 line of questioning, Mr. Mastro, before I turn it  
19 over to my colleagues. In speaking of norms of  
20 democratic governance and separation of powers, this  
21 Administration has shown a unique lack of respect for  
22 the separation of powers between government branches  
23 and democratic governance, taking some extraordinary  
24 actions to disregard duly-passed laws by the Council  
25 and the Executive Branch's obligation to implement

2 the laws. Most recently, the Administration used the  
3 Declaration of a State of Emergency on the day before  
4 a law to ban solitary confinement was set to take  
5 effect, simply to block it. the Mayor called the  
6 State of Emergency "a tool in his toolbox,"  
7 insinuating that declaring a State of Emergency is an  
8 instrument of the Executive Branch to be used in the  
9 legislative process. Do you agree that the Executive  
10 Branch's role is to implement laws that are duly  
11 enacted?

12 RANDY MASTRO: Yes.

13 SPEAKER ADAMS: Do you want to explain  
14 that, explain your yes, please?

15 RANDY MASTRO: I've answered this in  
16 writing to the Council because a similar question was  
17 put to me in writing, and I said that best practice,  
18 best course-- if the Council passes a law, and I said  
19 this to a number of you when we met-- best practice,  
20 when the Council passes a law or overrides a mayoral  
21 veto, if the Administration thinks that it is  
22 illegal, it's incumbent upon the Administration to go  
23 to court to block that legislation and have it  
24 declared illegal. It's not to wait. It's not to wait  
25 to be sued. It's not the way I will conduct myself

2 as Corporation Counsel, and when there are issues  
3 like this, I want to be crystal clear, I will be  
4 proactive in advance about trying to avoid the  
5 conflict as those issues are percolating to see if  
6 there is common ground and to try and bring the two  
7 sides of the hall together. I am a communicator, and  
8 I will do that, and I will do that in a way that Corp  
9 Counsel have never done before, because I will try to  
10 participate on the front end when conflicts are  
11 percolating up. But if they are at impasse and you  
12 pass a law or override a veto, that's the law, and I  
13 will tell the Administration that. At that point,  
14 the Administration should be going to court, not  
15 ignoring the law, end of story.

16 SPEAKER ADAMS: Thank you.

17 RANDY MASTRO: Thank you.

18 SPEAKER ADAMS: Would you advise  
19 continuing with the current state of emergency, an  
20 emergency order to block this particular law?

21 RANDY MASTRO: Madam Speaker, I'm not  
22 steeped-- I'm aware that such an issue exists now.  
23 I'm not steeped in the issue and the emergency  
24 executive authority which I believe emanates from  
25 state law, but I certainly would make it a priority

2 to review that issue and give my frank and honest  
3 assessment as soon as I'm fortunate enough to have  
4 this position. But I'm not steeped in that. I would  
5 be irresponsible for me to au pine off the cuff on a  
6 complicated issue like that, but I am telling you I  
7 am committed to the rule of law. I've sued over the  
8 rule of law and enforcing the rule of law time and  
9 time again to hold government accountable to follow  
10 in the rule of law, and the rule of law is if you  
11 pass a law or override a veto, that is the law, and  
12 it's incumbent if you disagree with that and think  
13 that it's not legal, to go to court to block it.

14 SPEAKER ADAMS: Mayor Adams has also made  
15 false accusations against the City's Campaign Finance  
16 Board that apparently seeks to undermine the  
17 independent board's credibility by accusing it of  
18 leaking information that it released in response to a  
19 Freedom of Information Request. Do you find this to  
20 be appropriate or inappropriate?

21 RANDY MASTRO: I'm not personally  
22 familiar with the issue you're describing, so I would  
23 have to understand more about it, but you know, the  
24 way you have phrased it, you know, leads to certain  
25 conclusions, but I've not studied the issue, but I've

2 not studied the issue and I'm not in a position.  
3 Again, I'm a responsible, ethical lawyer. I'm going  
4 to give you my best advice after I have studied an  
5 issue, and I'm going to give it to you straight. If  
6 I agree with you, I'm going to tell you that, and I  
7 disagree with you, I'm going to tell you that, but  
8 it's not something where-- if I haven't studied the  
9 issue I should be au pining off-the-cuff.

10 SPEAKER ADAMS: Okay. What impact do you  
11 believe it has when the Executive Branch undermines  
12 independent government bodies or disregards  
13 principles of democratic governance?

14 RANDY MASTRO: Obviously, that's  
15 abhorrent to so many of us, and you can see in my own  
16 history, that entire record of mine, how often I have  
17 taken on government. I have stood up to mayors, to  
18 governors, even presidents when they have not  
19 respected the rule of law and they have over-reached,  
20 and I have won. So you don't have to guess how I  
21 feel about those issues. You know from my entire  
22 record.

23 SPEAKER ADAMS: Okay. Thank you.

24 RANDY MASTRO: Thank you.  
25

2 SPEAKER ADAMS: I am going to-- I think  
3 I'm going to turn it over to my colleagues. I-- I  
4 was going to take you back to my very first question  
5 that I still don't think we've answered, but I think  
6 I'll just leave that.

7 RANDY MASTRO: Well, Madam Speaker, I  
8 will-- when I review this record, I will try and  
9 answer it more precisely. I have enormous respect  
10 for you, and I want to make sure that all of your  
11 questions are answered, and as I said when we met, I  
12 will earn your trust, and I will be the best  
13 Corporation Counsel I can possibly be working and  
14 having the honor of representing you. Thank you.

15 SPEAKER ADAMS: Thank you for your  
16 testimony.

17 CHAIRPERSON POWERS: Thank you, Your  
18 Honor. I will now go to-- we'll now go to the Deputy  
19 Speaker Ayala followed by Majority Whip Brooks-  
20 Powers.

21 COUNCIL MEMBER AYALA: Thank you, Chair.  
22 Before we begin, I just wanted to add that we do have  
23 all of the endorsements on file, and so I would  
24 rather not go through them individually, and I think  
25 that those folks that are here to speak on your

2 behalf will have their opportunity to do that. We  
3 have a number of questions and a number of colleagues  
4 that have their own set of questions, and so we want  
5 to kind of run through this efficiently, and yet as  
6 quickly as possible without taking away from your  
7 responses. Mr. Mastro, I wanted to follow up on the  
8 Chair's questions with one more about your background  
9 information. King and Spalding informed us that in  
10 2022 you did some pro bono legal work for Mayor  
11 Adam's office. Can you tell us about the exact focus  
12 and subject of that work, its time and length, and  
13 how many hours?

14 RANDY MASTRO: It was actually in 2023,  
15 predominantly in 2023. It was relating to the  
16 migrant crisis, and without waiving privilege I'm  
17 authorized to-- it was for the city and the Mayor's  
18 Office, and without waiving privilege, I'm authorized  
19 to say that it related to ensuring that asylum-  
20 seekers got their asylum applications heard in a  
21 timely manner, which hasn't been happening, that they  
22 would get work permits as quickly as possible, which  
23 hasn't been happening, and what federal resources  
24 might be available to help the City in the crisis.  
25 Those were the general subject matters in which we

2 provided legal advice. There was no subsequent  
3 action or outcome to report, but that was the nature  
4 of the advice.

5 COUNCIL MEMBER AYALA: Okay. And how  
6 many hours and, you know, how long did you do this  
7 work?

8 RANDY MASTRO: It was over a period of  
9 months, and I don't know the hours.

10 COUNCIL MEMBER AYALA: Two months, three  
11 months, six months?

12 RANDY MASTRO: I would be guestimating  
13 [sic], but I would say it was over a four to six-  
14 month period.

15 COUNCIL MEMBER AYALA: So, that's a  
16 pretty substantial amount of time.

17 RANDY MASTRO: It-- Council Member, it  
18 was-- it's one of hundreds of cases I worked on. So,  
19 I don't think the actual hours were that significant,  
20 but I don't know the exact number of hours.

21 COUNCIL MEMBER AYALA: Understood. Thank  
22 you for the response. Given your relationship with  
23 the Mayor-- given that your relationship with the  
24 Mayor extended to doing legal work for his office  
25 which had not been disclosed until we began asking

2 questions for this hearing, how can you expect us to  
3 believe that you will not be partial to the Mayor's  
4 Office as Corporation Counsel?

5 RANDY MASTRO: well, actually, I thought  
6 I was doing a public service by responding to the  
7 request to help, and I would think that all Council  
8 Members would share in the concern that asylum-  
9 seekers get timely review of their asylum  
10 applications and that they get work permits so they  
11 can work--

12 COUNCIL MEMBER AYALA: [interposing]  
13 Understood, but that's not the question.

14 RANDY MASTRO: legally here.

15 COUNCIL MEMBER AYALA: The question is it  
16 was not reported until we started to ask questions.

17 RANDY MASTRO: Not-- with all due  
18 respect, there wasn't a question that asked me that.  
19 I was asked about cases I brought against the City.  
20 But I have for almost--

21 COUNCIL MEMBER AYALA: [interposing] You  
22 didn't think it necessary to disclose that?

23 RANDY MASTRO: For every mayor I have  
24 volunteered my time and done pro bono service for  
25 every mayor.

2 COUNCIL MEMBER AYALA: That's wonderful,  
3 but why not disclose it if you were the subject of--

4 RANDY MASTRO: [interposing] It wasn't--

5 COUNCIL MEMBER AYALA: this hearing?

6 RANDY MASTRO: I would have been pleased  
7 to disclose it had I been asked. And of course, as  
8 soon as it came up, I gave this council a disclosure,  
9 but to me, it's an honor to serve the city, and we've  
10 had a migrant crisis and I was honored to help. It's  
11 not a question of being beholden to the Mayor. I did  
12 that work for the City and in conjunction with the  
13 Law Department.

14 COUNCIL MEMBER AYALA: Okay. We also  
15 asked you to list all political campaigns in which  
16 you have been involved, the name of the candidate and  
17 the office, the nature of your involvement. You  
18 responded that you worked on a pro bono basis for  
19 Rudy Giuliani in 1993's mayoral campaign and for his  
20 2007 presidential campaign, but you did not say in  
21 what capacity. You weren't an ordinary volunteer on  
22 the 1993 campaign. You were legal counsel to the  
23 campaign as the press release announced in your  
24 appointment to Mayor Giuliani's Deputy Mayor  
25 indicated. That's a sensitive position in a

2 campaign. Privy to confidential information,  
3 correct?

4 RANDY MASTRO: I provided pro bono  
5 counsel to the Giuliani campaign on issues relating  
6 to campaign--

7 COUNCIL MEMBER AYALA: [interposing]  
8 That's not the question, Mr. Mastro.

9 RANDY MASTRO: I'm sorry, I--

10 COUNCIL MEMBER AYALA: [interposing] I can  
11 repeat it if you'd like. You were legal counsel to  
12 the campaign, as the press release announced in your  
13 appointment indicated. That's a sensitive position  
14 in a campaign that is privy to confidential  
15 information, is that correct?

16 RANDY MASTRO: It is correct that it's a  
17 sensitive position. I was explaining to you what  
18 legal counsel meant.

19 COUNCIL MEMBER AYALA: Okay.

20 RANDY MASTRO: My role was limited to  
21 representing the Giuliani/Badillo and--

22 COUNCIL MEMBER AYALA: [interposing] Okay.

23 RANDY MASTRO: alter campaigns on  
24 campaign finance issues.

2 COUNCIL MEMBER AYALA: I'm just asking on  
3 this one. Okay.

4 RANDY MASTRO: Okay.

5 COUNCIL MEMBER AYALA: As you were also  
6 head of this-- of his transition team in 1993, you  
7 were also-- I'm sorry. And you were also the head of  
8 his transition team in 1993, too, correct?

9 RANDY MASTRO: No, I was the Deputy.

10 COUNCIL MEMBER AYALA: Deputy?

11 RANDY MASTRO: and I was involved in  
12 helping select a cabinet that was a fusion government  
13 and included many democrats, including Debbie Wright,  
14 Ninfa Segarra and others.

15 COUNCIL MEMBER AYALA: Okay. And in that  
16 role, is it correct that you were also involved in  
17 the hiring decisions for the Mayor's Commissioner's  
18 political appointments and other staff?

19 RANDY MASTRO: Yes.

20 COUNCIL MEMBER AYALA: Okay. And when  
21 Rudy Giuliani ran for senate in 200, did you  
22 volunteer in that campaign in any way?

23 RANDY MASTRO: No.

24 COUNCIL MEMBER AYALA: What was your role  
25 in Giuliani's 2007 presidential campaign?

2 RANDY MASTRO: My role was being called  
3 upon by that campaign to do some press about his  
4 record as Mayor. That's what my role was.

5 COUNCIL MEMBER AYALA: So, coms?

6 RANDY MASTRO: I wasn't the coms person.  
7 I volunteered some of my time to do some press  
8 interviews relating to his record as mayor.

9 COUNCIL MEMBER AYALA: Okay. In 1996,  
10 the New York Times reported that at the announcement  
11 of Mayor Giuliani making you Deputy Mayor of  
12 Operations, you called Mr. Giuliani, and I quote "a  
13 role model and an inspiration." Is that correct?

14 RANDY MASTRO: It is correct that I used  
15 those words, and if you would like to know why I used  
16 those words, I would be happy to tell you.

17 COUNCIL MEMBER AYALA: I actually don't.

18 RANDY MASTRO: You don't want to know why  
19 I said that. You don't want to know that he was a  
20 crusading U.S. Attorney and we took on the mob and  
21 the U.S. Attorney's Office and--

22 COUNCIL MEMBER AYALA: [interposing]  
23 Opinions, those are your opinions. You're-- listen,  
24 I--

2 RANDY MASTRO: [interposing] No, no, no,  
3 but you don't want to know that he stood up to the  
4 Reagan administration on social security benefits?

5 COUNCIL MEMBER AYALA: But I want to-- I  
6 would like to move on, Mr. Mastro. You're out of  
7 turn.

8 RANDY MASTRO: No, I'm just trying to  
9 explain why I said that.

10 COUNCIL MEMBER AYALA: New Yorkers need a  
11 Corporation Counsel who will advocate in their best  
12 interest, especially New Yorkers in the most  
13 vulnerable positions of society. Instead, Mr.  
14 Mastro, during your tenure as a high-profile  
15 litigator at two prominent firms, you have repeatedly  
16 chosen to represent clients who are unmistakably  
17 against the interest of the most vulnerable  
18 populations of the City and beyond. You have agreed  
19 to represent predatory clients who time and time  
20 again are fighting against the interest of vulnerable  
21 people, engaging in egregious civil and human rights  
22 violations, and seeking to overturn protections. We  
23 must ask ourselves at this Council why these clients  
24 seek your representation. Beyond your choice of  
25 clientele and how this reflects on your professional

2 priorities, there are the arguments and tactics that  
3 you have used which we must evaluate in assessing  
4 your ability to make important decisions as  
5 Corporation Counsel for the City of New York. I'd  
6 like to talk about one of the most vulnerable groups  
7 in New York City, our unhoused population, comprised  
8 disproportionately of Black and Hispanic [inaudible]  
9 New Yorkers. According to the Coalition for the  
10 Homeless, in June 2024, 132,293 people slept each  
11 night in New York City shelters. Thousands more  
12 slept unsheltered in public spaces, and more than  
13 200,000 people slept temporarily doubled up in the  
14 homes of others. That means that an estimated  
15 350,000 were unhoused this past June. Unhoused New  
16 Yorkers, like others in our city, need a Corporation  
17 Counsel that can and will be their advocate. So, we  
18 turn to the Lucerne Hotel. In 2020, at the height of  
19 the pandemic, unhoused individuals were dying in  
20 crowded city shelters where they could not social  
21 distance. So the City, under the de Blasio  
22 Administration moved unhoused individuals into  
23 temporary single-occupancy rooms to reduce the  
24 density of congregate settings in shelters during the  
25 pandemic and slow the spread of the COVID-19

2 pandemic-- well, COVID-19. One of those shelters was  
3 the Lucerne Hotel located on Manhattan's upper west  
4 side. The City then announced plans to move those  
5 individuals in that shelter to another hotel in the  
6 Financial District. Residents of the Financial  
7 District subsequently brought litigation to stop this  
8 move. Mr. Mastro, for Gibson Dunn, as part of this  
9 litigation, you represented the West Side Community  
10 Organization Incorporated comprised of residents of  
11 the upper west side who pressured the City to move  
12 the individuals out of the Lucerne. In fact, this  
13 organizations known for its anti-homeless views and  
14 nimbyism argued that the need for the unhoused  
15 individuals weren't met at the Lucerne Hotel and that  
16 their needs would be met elsewhere-- could be met  
17 elsewhere, just not at the upper west side. In  
18 response to this litigation, the Department of  
19 Homeless Services issued a statement saying, "New  
20 Yorkers experiencing homelessness are our neighbors,  
21 and the notion that they are not welcome in some  
22 neighborhoods for any reason is an affront to basic  
23 decency." By pursuing this litigation you determined  
24 the City's efforts to create a safe environment for  
25 unhoused New Yorkers during the pandemic by

2 pressuring the City to move 235 individuals from the  
3 Lucerne Hotel. Would you do that again?

4 RANDY MASTRO: There's a lot to unpack  
5 there, Council Member. The fact of the matter is,  
6 that that's not a fair characterization of that  
7 litigation. I actually worked hand-in-glove with the  
8 progressive de Blasio Administration and Steve Banks,  
9 the Commissioner at the time, to find a better  
10 housing solution for the men at the Lucerne instead  
11 of being doubled-up in single-room occupancy hotel  
12 without the social services and medical services they  
13 needed. The group that I represented only agreed-- I  
14 only agreed to represent that group, because they  
15 committed they would work with the Administration to  
16 find a better housing solution near the medical and  
17 social services that the men at the Lucerne needed  
18 and in single-room occupancy, not doubled up in an  
19 SRO hotel. And I worked-- we didn't sue the City.  
20 We worked hand-in-glove with the City to achieve  
21 that. And in fact, I represented some of the men at  
22 the Lucerne who wanted to move, and today, we have  
23 more common understanding, we have more caring. I  
24 care about the homeless. I represented BRC to save  
25 that organizations to continue providing the services

2 and, Councilwoman, the fact of the matter is that  
3 even today, a leader of the opposition, one of the  
4 men at Lucerne, Chancellor Barron supports me for  
5 this position.

6 COUNCIL MEMBER AYALA: Okay. We  
7 understand you have a lot of support--

8 RANDY MASTRO: [interposing] Thank you.

9 COUNCIL MEMBER AYALA: and we will gladly  
10 hear from those folks, and if that information is on  
11 record, I don't think that, you know, this is a  
12 question of, you know, whether or not you support  
13 individuals that are unhoused, but rather there was a  
14 situation that occurred that was-- that cried of  
15 nimbyism, where you were the representative attorney,  
16 but--

17 RANDY MASTRO: [interposing] Again,  
18 Councilwoman, please--

19 COUNCIL MEMBER AYALA: I would like to  
20 move forward, Mr. Mastro. During this litigation you  
21 hired private investigators disguised as plumbers who  
22 gained entry to the residence of a homeless activist.  
23 Once inside, investigators took a photo of the  
24 activist undressed and without his knowledge, and you  
25 decided to include that photo in documents submitted

2 to the court. In fact, the activist attorney moved  
3 to strike this photo from the record, which you  
4 [inaudible] opposed. In response to this shocking  
5 and unacceptable litigation tactic, the Department of  
6 Homeless Services commented that it was "absolutely  
7 egregious invasion of his privacy," and the activist  
8 attorney argued that the only reason that it was  
9 included in the record was to "harass, embarrass, and  
10 humiliate him publicly." Are these sort of  
11 questionable litigation tactics that you'll be  
12 teaching Law Department attorneys?

13 RANDY MASTRO: Of course, the way you  
14 have framed the question doesn't capture what really  
15 was happening from a legal standpoint. So let me  
16 explain briefly. The--

17 COUNCIL MEMBER AYALA: [interposing] Well,  
18 the-- the question here--

19 RANDY MASTRO: [interposing] Please--

20 COUNCIL MEMBER AYALA: [interposing] will  
21 you teach-- is this a tactic that you're going to be  
22 teaching attorneys?

23 RANDY MASTRO: Please, Councilwoman, when  
24 you ask me a question like that, you have to please  
25 give me the opportunity to respond. The fact of the

2 matter was that standing was an issue in the case.

3 Standing meaning legally that we had-- when men moved  
4 out of the Lucerne, like some of the clients I  
5 represented who wanted to move downtown--

6 COUNCIL MEMBER AYALA: [interposing]

7 That's not the question, Mr. Mastro.

8 RANDY MASTRO: Please, Councilwoman.

9 When they moved out of the Lucerne, you don't have  
10 standing to maintain the suit any longer. this  
11 individual had moved out of the Lucerne, so I had to  
12 prove that that individual had moved out of the  
13 Lucerne, because it was a dispositive issue in the  
14 litigation, and at every phase in the courts,  
15 including that phase, the courts held that yes, I was  
16 right in what I did in proving there was no standing.  
17 The case ended up being dismissed challenging  
18 removing people from the Lucerne, and I don't think  
19 the Department of Homeless Services at that moment  
20 realized the context, the legal context in which that  
21 occurred.

22 COUNCIL MEMBER AYALA: I don't

23 [inaudible] context, but--

24 RANDY MASTRO: [interposing] So, all I'm  
25 saying is that there was a legal obligation--

2 COUNCIL MEMBER AYALA: [interposing] Yes.

3 RANDY MASTRO: to prove that that  
4 individual--

5 COUNCIL MEMBER AYALA: [interposing] I  
6 need to move on.

7 RANDY MASTRO: no longer lived in the  
8 Lucerne.

9 COUNCIL MEMBER AYALA: I need to move on,  
10 Mr. Mastro.

11 RANDY MASTRO: Thank you, Council.

12 COUNCIL MEMBER AYALA: You know, can the  
13 public-- I mean, having heard that, you know, I'm  
14 very disturbed by that. I'm very disturbed by that,  
15 you know. As I'm sitting here just re-reading it, and  
16 I had that information prior to today. How do you  
17 expect the public to trust that you're going to  
18 conduct litigation on behalf of the city with  
19 integrity and protect the dignity and the privacy of  
20 unhoused New Yorkers after that type of incident  
21 occurred under your watch?

22 RANDY MASTRO: I respectfully suggest  
23 that everything I did was proper and ethical, because  
24 I--

2 COUNCIL MEMBER AYALA: [interposing] I  
3 mean, proper--

4 RANDY MASTRO: [interposing] Please,  
5 Councilwoman. Because I had to prove he lacked  
6 standing.

7 COUNCIL MEMBER AYALA: Yeah.

8 RANDY MASTRO: But when the individual  
9 involved says I understand and I'm here to support  
10 you to become Corporation Counsel, I think that's a  
11 lot more meaningful than press releases that you're  
12 quoting from. So, I care about the homeless--

13 COUNCIL MEMBER AYALA: [interposing] It's  
14 not a press- it's-- I don't want to--

15 RANDY MASTRO: [interposing] I care about  
16 the homeless.

17 COUNCIL MEMBER AYALA: I don't want to go  
18 off course, because I really don't want to-- I don't  
19 want to get in a back and forth about this, but I  
20 think that, you know, your record of accomplishments--  
21 - unless-- you know, I'm sure, you know, it speaks of  
22 itself, but there's also a question of character of  
23 moral character. There's also a question about  
24 tactic. There's also a question about what is legal.  
25 But should, you know, should probably not be-- or

2 should be handled differently. And I think that  
3 taking a photograph of an unhoused individual under  
4 false-- well, firstly, entering this person's place  
5 of residence under false pretenses, photographing  
6 this person to me is an unethical practice, and  
7 whether or not it was legal and whether or not the  
8 courts-- I take that in high regard when I am making  
9 my decisions, because I don't-- that's not-- that's  
10 not the moral conduct that I uphold myself to, and I  
11 expect more from everyone else, but I'm going to move  
12 on, because again, like I said we have a lot of  
13 questions--

14 RANDY MASTRO: [interposing] I am not  
15 going to be permitted to respond to that?

16 COUNCIL MEMBER AYALA: I'm not asking a  
17 question, Mr. Mastro.

18 RANDY MASTRO: Okay.

19 COUNCIL MEMBER AYALA: So, I'm not asking  
20 you to respond to anything at this moment.

21 RANDY MASTRO: Okay.

22 COUNCIL MEMBER AYALA: And I want to talk  
23 about your record with respect to social services,  
24 and specifically for New York City's gay community  
25 and those living with HIV/AIDS. In your meetings

2 with Council Members in advance of this hearing and  
3 in interviews with the press, you stated that you  
4 were proud of the Giuliani Administration support of  
5 gay rights. It's true that in 1998 Rudy Giuliani  
6 signed a law recognizing the rights of gay and  
7 lesbian people to form domestic partnerships, what  
8 the New York Times reported, was at the time the  
9 urging of one of his best friends and biggest donors  
10 and post-divorce roommate, openly gay car dealer  
11 Howard Capell. But when you began working at City  
12 Hall in 1994 there were other more pressing issues  
13 facing the gay community, namely AIDS, and the  
14 government's response to it failed. By 1993,  
15 HIV/AIDS diagnosed in New York were-- diagnoses in  
16 New York were up to 12,833 per year. By 1994, AIDS  
17 deaths in New York were peaking at 8,334. The  
18 Department of AIDS Services which had been  
19 established in 1985 to expedite health, housing,  
20 food, healthcare assistance for people living with  
21 HIV/AIDS had a staff around 704 who served 16,000  
22 AIDS patients. At the time, gay people had no legal  
23 protections from employment or housing  
24 discrimination, and people with AIDS were too sick to  
25 work. As Rudy Giuliani prepared to enter the Mayor's

2 Office, he proposed drastically cutting the budget,  
3 if not eliminating the Department of AIDS Services  
4 entirely. Housing Works, a nonprofit service and  
5 advocacy organization, founded in 1990 to provide  
6 housing and supportive services to low-income New  
7 Yorkers living with HIV and AIDS objected. In  
8 conjunction with the AIDS activist like Act Up [sic],  
9 Housing Works used peaceful but well-publicized  
10 demonstrations and protests to call attention to the  
11 need for better HIV/AIDS policies and improvements to  
12 the Mayor's Division of AIDS services in New York  
13 City. When the group staged a protest, the  
14 Administration positioned helicopters above and  
15 stationed snipers on top of City Hall. That survived  
16 budget cuts in 1994 budget, but come 1995 the  
17 Giuliani Administration required people applying for  
18 AIDS-related services who were literally struggling  
19 to survive to go through the same month's long red  
20 tape process that able-bodied people go through to  
21 get public assistance. This callous policy was  
22 struck down by the Court of Appeals in 1999 in an  
23 opinion that found that the Giuliani Administration  
24 created illegal obstacles for individuals living with  
25 HIV or AIDS to obtain public assistance. As Deputy

2 Mayor of Operations you oversaw the Mayor's Office of  
3 Contracts which included the approval of city  
4 contracts. Subsequent to Housing Works vigorous  
5 demonstrations, protests, and criticisms of former  
6 Mayor Giuliani and his HIV/AIDS policies, the City  
7 eliminated several contracts with Housing Works which  
8 you approved. Including non-renewal of Housing Works  
9 AIDS housing contract which helped house hundreds of  
10 New Yorkers living with HIV and AIDS. I would like  
11 to submit for the record the disposition of Randy  
12 Mastro and make particular reference to page 109,  
13 paragraphs 13 to 16. You were asked if "there was a  
14 decision made, was there not, to refuse to renew  
15 Housing Works scatter site contract in 1997." You  
16 admitted, quoted, "I allowed the decision to stand."  
17 At reference page 113 paragraph 13 and at reference  
18 page 116 paragraphs 17 through 19, you further  
19 stated, "While I would have had the authority to take  
20 a contrary review, I did not take a contrary review."  
21 There were many lawsuits brought against the Giuliani  
22 Administration. In fact, Housing Works sued former  
23 Mayor Giuliani, yourself, and other high-ranking  
24 officials within the Giuliani Administration for  
25 first amendment violations and illegal retaliatory

2 actions. The City paid Housing Works almost \$5  
3 million to settle the lawsuit, which was one of the  
4 largest settlements in a series of settlements made  
5 with a variety of groups and people who all  
6 complained that high-ranking officials like yourself  
7 in the Giuliani Administration illegally retaliated  
8 against them for criticism. Why would we trust you  
9 to be a champion of civil rights and pro-gay rights  
10 in your role as Corporation Counsel when you have  
11 used your power to not uplift, but instead allow the  
12 Giuliani Administration to abuse some of the most  
13 vulnerable populations of individuals in New York  
14 City?

15 RANDY MASTRO: I did not do what you just  
16 described. I along with others in the  
17 Administration, including another Deputy Mayor, Fran  
18 Ryder [sp?], who you'll hear from later today, we  
19 actually advocated and stood up to preserve the  
20 Office of AIDS Services to preserve funding for AIDS  
21 programs. And now, let's talk about Housing Works.  
22 The Commissioner at the time, Lilliam Barrios-Paoli,  
23 came to us and told us in 1997 Housing Works--

24 CHAIRPERSON AYALA: [interposing] Mr.  
25 Mastro, that's not what the record--

2 RANDY MASTRO: [interposing] Please--  
3 Please Councilwoman--

4 COUNCIL MEMBER AYALA: [interposing] That  
5 is not what the record says.

6 RANDY MASTRO: Please, Councilwoman--

7 COUNCIL MEMBER AYALA: [interposing] You  
8 were directly quoted.

9 RANDY MASTRO: Please, Council Member,  
10 please let me answer--

11 COUNCIL MEMBER AYALA: [interposing] You  
12 were directly quoted.

13 RANDY MASTRO: the question. I'm just  
14 asking you to let me answer the question.

15 COUNCIL MEMBER AYALA: You're not  
16 answering the question I asked.

17 RANDY MASTRO: I am. Please, Council  
18 Member. Lilliam Barrios-Paoli came to us, me, Fran,  
19 explained that Housing Works couldn't account for  
20 over half a million dollars of the multi-million-  
21 dollar housing contract it had to provide housing for  
22 people with AIDS, and then refused to cooperate with  
23 the audit of where that money had gone. We gave them  
24 multiple opportunities to do that, but at the end of  
25 the day when Lilliam said they refused, and we were

2 left with no choice as people are obligated, honor-  
3 bound, to protect the public fisc-- you think in  
4 1997, a re-election year, I wanted to have a fight  
5 with Housing Works? So, Lilliam made the decision  
6 and the recommendation that the contracts should be  
7 terminated. I accepted the recommendation. I had  
8 great respect for Lilliam Barrios-Paoli, as does  
9 Fran, and we made that painfully. It was heart-  
10 breaking. I have friends, I have former partners who  
11 died from AIDS. I advocated for the rights of AIDS  
12 funding and AIDS patients in the Giuliani  
13 Administration, and--

14 COUNCIL MEMBER AYALA: [interposing] So  
15 you're saying that there wasn't retaliation.

16 RANDY MASTRO: Ma'am-- ma'am, ma'am,  
17 please, that Housing Works litigation--

18 COUNCIL MEMBER AYALA: [interposing] Miss,  
19 I rather Miss. Ma'am, I don't--

20 RANDY MASTRO: [interposing] Sorry, sorry,  
21 Miss. The--

22 COUNCIL MEMBER AYALA: [interposing] And  
23 maybe Council Member, yeah.

24 RANDY MASTRO: Council Member-- Council  
25 Member, sorry. I'd say Your Honor, but I've already--

2 COUNCIL MEMBER AYALA: No.

3 RANDY MASTRO: given that title to one  
4 other.

5 COUNCIL MEMBER AYALA: We've been there.

6 RANDY MASTRO: You know, I just want the  
7 record to reflect to us that was a heart-breaking  
8 situation. We didn't have any animus towards Housing  
9 Works. Housing Works thought and litigation over  
10 those issues. All three of us, Lilliam, myself, and  
11 Fran objected to a subsequent Law Department in a  
12 subsequent administration deciding to settle that  
13 case. I think it's a problem you Council Members have  
14 experienced, too, where the Law Department settles  
15 cases, and I vow to you, you will never have--

16 COUNCIL MEMBER AYALA: [interposing] I  
17 appreciate--

18 RANDY MASTRO: [interposing] You will  
19 always be included in decisions to settle cases.

20 COUNCIL MEMBER AYALA: Mr. Mastro, I  
21 appreciate that. I'm not here to rewrite history. I'm  
22 here to just-- you know, I'm asking questions that  
23 are part of the record.

24 RANDY MASTRO: Yes.

2 COUNCIL MEMBER AYALA: This is public  
3 information--

4 RANDY MASTRO: [interposing] I support-- I  
5 support--

6 COUNCIL MEMBER AYALA: [interposing] that  
7 has been out there, and so I have no interest--

8 RANDY MASTRO: [interposing] I--

9 COUNCIL MEMBER AYALA: [interposing] in  
10 rewriting history. I--

11 RANDY MASTRO: [interposing] I-- yes.

12 COUNCIL MEMBER AYALA: I'm asking the  
13 questions.

14 RANDY MASTRO: I understand.

15 COUNCIL MEMBER AYALA: So, additionally,  
16 you know, why should we trust that you will uphold  
17 the law for millions of New Yorkers and not act in  
18 retaliatory manner towards those who have angered the  
19 administration-- and this is a really important  
20 question-- or disagreed with you when a federal judge  
21 found that in another case involving Housing Works,  
22 the Giuliani Administration which you were a high-  
23 ranking official in broke the law and acted with  
24 "retaliatory intent." Were you not the conscience of  
25 the Administration? Yes or no question.

2 RANDY MASTRO: Yes, I was called the  
3 conscience of the Administration by Deborah Wright  
4 [sp?].

5 COUNCIL MEMBER AYALA: Thank you--

6 RANDY MASTRO: [interposing] And I def-- I  
7 never--

8 COUNCIL MEMBER AYALA: [interposing] I  
9 just needed a yes or no, sir.

10 RANDY MASTRO: [interposing] Is there a  
11 question?

12 COUNCIL MEMBER AYALA: You have invited  
13 former Deputy Mayor Fran Reiter to testify today on  
14 your behalf. At the time that you were okay  
15 determination-- that you okayed the termination of  
16 Housing Works contracts, you were aware that Fran  
17 Reiter hated Housing Works and blamed them--

18 RANDY MASTRO: [interposing] No.

19 COUNCIL MEMBER AYALA: for how other AIDS  
20 activists were portraying her.

21 RANDY MASTRO: Not true.

22 COUNCIL MEMBER AYALA: Why would you  
23 think that someone who advocated for terminating an  
24 AIDS charity contract would have received by this  
25 Council as a compelling and credible character

2 witness for you, and when were you trying to convince  
3 this council that you've always supported the gay  
4 community? Why would you ask her to come to testify  
5 on your behalf?

6 RANDY MASTRO: well, that's not true, and  
7 Fran was a tireless advocate for the gay community  
8 and people from that community. And the fact of the  
9 matter is I never retaliated against anyone about  
10 anything, and I never--

11 COUNCIL MEMBER AYALA: [interposing] You  
12 were a high-ranking official.

13 RANDY MASTRO: Please, Councilwoman,  
14 please let me finish, okay? This is important  
15 because you've questioned my moral character, and  
16 you've questioned whether I retaliated against  
17 people, and I never did that. No court has ever  
18 found that I did that. No court has ever questioned  
19 my moral character or integrity. The fact of the  
20 matter is I've stood up for homeless services--

21 COUNCIL MEMBER AYALA: [interposing] You  
22 were part of the high-ranking official--

23 RANDY MASTRO: [interposing] I have stood  
24 up--

2 COUNCIL MEMBER AYALA: in the  
3 Administration who had--

4 RANDY MASTRO: [interposing] I have stood  
5 up--

6 COUNCIL MEMBER AYALA: the authority--

7 RANDY MASTRO: [interposing] I have stood  
8 up for the homeless. I was--

9 COUNCIL MEMBER AYALA: to approve and  
10 disapprove contracts, and you were part of these  
11 conversations.

12 RANDY MASTRO: Ma'am--

13 COUNCIL MEMBER AYALA: Were you not, Mr.  
14 Mastro?

15 RANDY MASTRO: I have already testified.

16 COUNCIL MEMBER AYALA: The courts have  
17 already found in favor of Housing Works. There was a  
18 substantial-- you know, it was a lawsuit.

19 RANDY MASTRO: I have already testified  
20 that I advocated for rights in that community. I  
21 advocated for homeless rights, and I've done that in  
22 private practice. I think my-- the entirety of my  
23 record reflects that I have had an unblemished record  
24 of ethics and integrity in practice in all phases of  
25 my career, and I have stood up for the civil rights

2 of people in that community and for the civil rights  
3 of the homeless, and I've gone to court to vindicate  
4 them time and time again. So you'll have to look at  
5 one's entire--

6 COUNCIL MEMBER AYALA: [interposing] I--

7 RANDY MASTRO: and my entire record  
8 speaks of somebody who stood up for the homeless and  
9 someone who stood up for the LGBTQ+ community in the  
10 Supreme Court on multiple occasions. That's the  
11 record, Councilwoman.

12 COUNCIL MEMBER AYALA: Sir, with all due  
13 respect, we're talking about your witnesses, not your  
14 record. Why would Fran--

15 RANDY MASTRO: [interposing] Well, Fran  
16 Reiter was a tireless champion for the rights of the  
17 LGBTQ community.

18 COUNCIL MEMBER AYALA: Alright.

19 RANDY MASTRO: And those who were  
20 suffering from AIDS.

21 COUNCIL MEMBER AYALA: Perfect. That's  
22 your-- oaky. That's what you-- you know, that's  
23 fine. That's your opinion. From unhoused  
24 individuals suffering from HIV/AIDS to unhoused men  
25 living in fear of contracting COVID in city shelters,

2 you have fervently advocated against the best  
3 interest of the most vulnerable sectors of society.  
4 These New Yorkers needed support. They deserve to be  
5 treated with human decency and compassion. Instead,  
6 Mr. Mastro, they received the backlash of how  
7 litigation tactics that you deployed and they  
8 suffered as a result. We have to question how far  
9 you are willing to push the professional boundaries  
10 of Corporation Counsel. Based on your record, you  
11 fail to make vulnerable New Yorkers a priority. Why  
12 should New Yorkers expect that this will change now?

13 RANDY MASTRO: It's not a fair  
14 characterization of anything I ever did in practice,  
15 and the courts at every turn in regard to Lucerne  
16 agreed with me, and I have advocated for the rights  
17 of homeless organizations and the rights of the  
18 LGBTQ+ community repeatedly throughout my career. So  
19 that's why the Council can have confidence that I  
20 will be a passionate advocate at Corp Counsel for  
21 those rights as well.

22 COUNCIL MEMBER AYALA: Thank you.

23 RANDY MASTRO: Thank you.

24 COUNCIL MEMBER AYALA: That is all, Mr.  
25 Chair.

2 RANDY MASTRO: Thank you very much.

3 CHAIRPERSON POWERS: Thank you. We're  
4 going to hear now from Majority Whip Brooks-Powers  
5 and we'll be followed by Council Member Hudson and  
6 Farías.

7 COUNCIL MEMBER BROOKS-POWERS: Thank you,  
8 Chair, and thank you, Mr. Mastro, for your testimony,  
9 and the opportunity to have met with you prior to  
10 today. So, I want to start by talking about  
11 affirmative action roll-backs during the time-- are  
12 you with us?

13 RANDY MASTRO: Yes, please.

14 COUNCIL MEMBER BROOKS-POWERS: Okay, just  
15 wanted to make sure I have your attention.

16 RANDY MASTRO: Thank you. Thank you.

17 COUNCIL MEMBER BROOKS-POWERS: Okay.  
18 Wanted to talk about affirmative action roll-backs.  
19 So, during the mayoral campaign preceding his  
20 election in 1993, Rudy Giuliani criticized the  
21 program created under Mayor David Dinkins, the first  
22 Black mayor of the City of New York, which aimed to  
23 significantly boost the number of city contracts  
24 awarded to companies owned by minorities and women.  
25 In its first year, in 1992, the program increased the

2 percentage of contracts awarded to such minority and  
3 women-owned companies to 17.5 percent up from nine  
4 percent in 1990. Mayor Dinkins had highlighted this  
5 program as one of his major achievements. In the very  
6 first month as mayor in January 1994, Rudy Giuliani  
7 took steps to roll back Mayor Dinkins contracting  
8 equity efforts to assist women and minorities,  
9 including by eliminating this program in a move that  
10 was described as "an economic lynching" in Black  
11 Enterprise Magazine. Within the next six months,  
12 Mayor Giuliani took yet another significant step in  
13 undermining Mayor Dinkins' effort by even eliminating  
14 the city goal of awarding 20 percent of all city  
15 contracts to women-owned and minority-owned  
16 businesses. At that time, as the Mayor's Chief of  
17 Staff, you conveyed that the City would no long "set  
18 arbitrary number goals." And in relation to a  
19 different program put forth by the Mayor that  
20 purportedly could help minority and women-owned  
21 businesses, you stated, "We fully expect our program  
22 to be much more successful." However, approximately  
23 just three years later in April 1997, when you were  
24 Deputy Mayor of Operations, Mayor Giuliani admitted  
25 that the City at that point no longer even kept track

2 of how many city contracts were awarded to minority-  
3 owned businesses. Mr. Mastro, can you share exactly  
4 how you and Rudy Giuliani were working to address the  
5 disparity in business contracts received by minority  
6 and women-owned businesses during the years of 1994  
7 to 1997 when it seems that the Mayor's Administration  
8 didn't think it was even important enough to keep  
9 track of basic data related to awarding such  
10 contracts?

11 RANDY MASTRO: I appreciate you asking  
12 that question, and while I was not the person in City  
13 Hall in either capacity Chief of Staff or as Deputy  
14 Mayor for Operations, responsible for the  
15 Administration of the program, it was certainly my  
16 understanding and intent that reforms we made in the  
17 program were intended to create economic opportunity  
18 for minority and women-owned business. Former Deputy  
19 Mayor Rudy Washington will be here to testify as  
20 well, and it was a program that he was involved in,  
21 so he may be able to address more specifically your  
22 questions. But my understanding is we made reforms  
23 that, you know, were intended to help minority and  
24 women-owned businesses and certainly that would have  
25 been my intent. So, I can't speak to the quote you

2 have from the Mayor, but I can say what my personal  
3 intent and understanding was an earlier point in the  
4 administration when we made certain reforms. So, I  
5 appreciate the question, and that's my recollection.

6 COUNCIL MEMBER BROOKS-POWERS: so you're  
7 saying that as Chief of Staff and as Director of  
8 Operations that you played no role at all in the  
9 roll-backs of this program?

10 RANDY MASTRO: I did not. As Chief of  
11 Staff, my role-- and of course the Role of Chief of  
12 Staff differs from administration to administration,  
13 but as Chief of Staff my role was the administration  
14 of the Mayor's Office, the offices that were part of  
15 the Mayor's Office. And as Deputy Mayor for  
16 Operations, my role was to oversee the operational  
17 issue, the operational agencies of city government,  
18 most of them, not all of them, not economic  
19 development, not community development, not small  
20 business administration. Those were other Deputy  
21 Mayors. As Deputy Mayor for Operations I oversaw  
22 most of the operating agencies of the City, as well  
23 as, intergovernmental budget, but not administering  
24 that program.

2 COUNCIL MEMBER BROOKS-POWERS: So, let  
3 me ask you this, while-- let's continue on this path  
4 where you said that you were not responsible for it.  
5 I would imagine that based on some of the glowing  
6 comments that you made publicly about Rudy Giuliani  
7 that you agree with the direction he was taking on  
8 the program, or are you saying you did not agree with  
9 it?

10 RANDY MASTRO: I'm saying that what I  
11 remember about the reforms we made in the program, my  
12 understanding was it was intended to facilitate  
13 minority and women-owned business economic  
14 opportunities, not the way you have described it.  
15 That was my understanding. I was not responsible for  
16 administering the program. I just want to be clear.  
17 I've talked about things in the Giuliani  
18 Administration and there were a lot of achievements,  
19 and I've talked about my own record in the Giuliani  
20 administration, but that is a program that I was not  
21 responsible for reforming or administering.

22 COUNCIL MEMBER BROOKS-POWERS: I mean,  
23 and I hear what you're saying, the only thing is  
24 factually that wasn't the case, that the changes that  
25 Rudy Giuliani made during that time, in fact, took

2 away opportunities from women and minority-owned  
3 companies. Let me finish if I can. And you stayed.  
4 So, if you didn't believe in the work that was being  
5 done, or you saw a negative result of a policy, you  
6 stayed, and so that's the-- that's the concern that I  
7 have. and you know, privately we spoke and I was  
8 very clear in terms of how I feel about MWBEs and I  
9 feel the City can always do more as it pertains to  
10 the participation-- the utilization of minority and  
11 women-owned businesses, but this is an administration  
12 that one of the first actions that he took was to  
13 dismantle this very important program, and as a  
14 result of it saw far less minority and women  
15 businesses receiving opportunities for contracts. So  
16 what is your take on that?

17 RANDY MASTRO: I-- the fact that certain  
18 reforms were made to a program isn't dismantling, and  
19 the fact that the mayor several years later couldn't  
20 quote the statistics any longer, wasn't aware of the  
21 statistics anymore, doesn't mean the program wasn't  
22 still effective, and I didn't stay forever. I left  
23 shortly after the re-election. So, you know, there  
24 are matters between me and the Mayor. The reason why  
25 I'm a trusted counselor to mayors and speakers is

2 because I maintain a confidence, but there are things  
3 in the Giuliani Administration that I'm very proud of  
4 that we did, but this was not an area that I was  
5 responsible for, so I can't really speak to your  
6 questions, Councilwoman, but I appreciate the  
7 questions.

8 COUNCIL MEMBER BROOKS-POWERS: Well, I  
9 will say that while I understand you didn't stay  
10 there forever, you stayed there from 1994 to 1998 if  
11 I'm not mistaken.

12 RANDY MASTRO: June of 98, yes,  
13 Councilwoman.

14 COUNCIL MEMBER BROOKS-POWERS: Okay. And  
15 this happened at the start of his term in 1994. So,  
16 there was still several years, and that was within  
17 this frame of the administration's actions against  
18 this. But just going to the next question. If the  
19 Dinkins administration goal of 20 percent was an  
20 arbitrary number as it was framed as, what metrics  
21 did you and the Giuliani administration set?

22 RANDY MASTRO: I'm sorry?

23 COUNCIL MEMBER BROOKS-POWERS: What  
24 metrics did you and the Giuliani metrics set?  
25 Because at that time it was stated that the goal of

2 20 percent was an arbitrary number. So I'd like to  
3 know what metrics were set to ensure that minority  
4 and women-owned businesses were able to have an  
5 opportunity of utilization.

6 RANDY MASTRO: Again, I wasn't responsible  
7 for administering-- reforming or administering the  
8 program. So I'm not the one who can address those  
9 questions. perhaps Deputy Mayor Washington can when  
10 he is here, but I personally was not responsible for  
11 administering or reforming the program, so, I don't--  
12 I'm not in a position to know how to respond to your  
13 question in terms of--

14 COUNCIL MEMBER BROOKS-POWERS:

15 [interposing] Well, as Chief of Staff, I'd like to  
16 know how you personally addressed this dynamic. So  
17 in the event that you were to be appointed as  
18 Corporation Counsel and Mayor Adams decided to change  
19 some type of policy that was deemed racist or an  
20 economic lynching or something that was not in the  
21 best interest of New Yorkers, are you going to say  
22 that you just stay there and stand by his side on  
23 that matter, or--

24 RANDY MASTRO: [interposing] No.  
25

2 COUNCIL MEMBER BROOKS-POWERS: are you  
3 going to do something? And I want to know what did  
4 you do in your role as Chief of Staff?

5 RANDY MASTRO: The answer is no. I'm  
6 here to do something and stand up for our city, and  
7 as Corporation Counsel I would be representing the  
8 entire city, and my portfolio would be particularly  
9 broad, but in terms of reviewing the legality of  
10 proposed actions and actions, but as Chief of Staff  
11 in that administration, actually, the role was more  
12 limited. I was responsible for the immediate offices  
13 of City Hall. I was not responsible for any  
14 government agencies or the administration of any  
15 programs in government as Chief of Staff. I was not.  
16 And certain administration, the Chief of Staff's role  
17 has been limited like that, and other administrations  
18 it's been broader, but my role was very limited, and  
19 I don't--

20 COUNCIL MEMBER BROOKS-POWERS:  
21 [interposing] Mr. Mastro--

22 RANDY MASTRO: [interposing] know what you  
23 are saying is true.

24 COUNCIL MEMBER BROOKS-POWERS: Excuse me.  
25 Mr. Mastro, did you have daily meetings with the

2 Mayor as-- in your role as Chief of Staff and/or  
3 Deputy Mayor for Operations?

4 RANDY MASTRO: There were daily morning  
5 meetings with senior staff and I was considered  
6 senior staff.

7 COUNCIL MEMBER BROOKS-POWERS: Okay.

8 RANDY MASTRO: But I didn't meet daily  
9 one-on-one with the Mayor, no, not as Chief of Staff  
10 or even as Deputy Mayor for Operations.

11 COUNCIL MEMBER BROOKS-POWERS: Going back  
12 to the question, what metrics were set? So you were  
13 a part of those meetings. I imagine you had the  
14 opportunity to au pine on things that were being  
15 discussed. At that time, what metrics were set for  
16 this program?

17 RANDY MASTRO: Again, I appreciate the  
18 question, but I don't have a recollection 30 years  
19 later of whether I knew or participated in such a  
20 discussion. I wasn't the one who would have reformed  
21 or administered the program and set the metrics. So,  
22 I can only answer you with my best recollection  
23 today. It was not in my portfolio, and I don't have  
24 a recollection of discussions about the program.

2 COUNCIL MEMBER BROOKS-POWERS: Mr.

3 Mastro, around the time Mayor Giuliani made you  
4 Deputy Mayor of Operations in 1996, the New York  
5 Times reported you referring to Giuliani as a role  
6 model and inspiration in your life and stating, "I'm  
7 very much looking forward to this challenge, and very  
8 much looking forward to supporting the important  
9 mission and agenda that he has set for all of us."  
10 And also that you said, "So, let's go forward and  
11 keep doing the good things we're doing." As Deputy  
12 Mayor for Operations, were you responsible for the  
13 contracts for the City of New York and approving, any  
14 type of approval aspects of them?

15 RANDY MASTRO: There was a Mayor's Office  
16 of Contracts and the commissioners of the agencies  
17 responsible for administering the contracts, the ones  
18 who made recommendations to that office, there was a--  
19 - at a very high level a review function, but--

20 COUNCIL MEMBER BROOKS-POWERS:

21 [interposing] A review function by you?

22 RANDY MASTRO: By the Mayor's Office of  
23 Contracts which did report to my office, but there  
24 was very--

2 COUNCIL MEMBER BROOKS-POWERS:

3 [interposing] So, reported to you?

4 RANDY MASTRO: It was very rare. It was  
5 very rare that I got involved in an individual  
6 contract decision. And if I can just say, if you  
7 will please permit me, I wanted to say what I meant  
8 by that quote. I appreciate the opportunity to do  
9 that. Because one has to put in context, the Rudy  
10 Giuliani of today is not the Rudy Giuliani of the  
11 mid-1990s. When Rudy Giuliani came--

12 COUNCIL MEMBER BROOKS-POWERS:

13 [interposing] I don't want to center this around Rudy  
14 Giuliani in that light. I want to be able to get to  
15 the rest of the questions, because I know a lot of my  
16 colleagues still have some remaining questions.

17 RANDY MASTRO: Okay, but I just wanted to  
18 explain why--

19 COUNCIL MEMBER BROOKS-POWERS:

20 [interposing] we don't need to explain. I know who  
21 Rudy Giuliani is.

22 RANDY MASTRO: But I-- this--

23 COUNCIL MEMBER BROOKS-POWERS:

24 [interposing] I don't need anyone to explain to me  
25 who he is.

2 RANDY MASTRO: This isn't about Rudy  
3 Giuliani.

4 COUNCIL MEMBER BROOKS-POWERS: With all  
5 due respect--

6 RANDY MASTRO: [interposing] This is about  
7 Randy Mastro.

8 COUNCIL MEMBER BROOKS-POWERS: I'm  
9 reclaiming my time.

10 RANDY MASTRO: Yes, please, go ahead.

11 COUNCIL MEMBER BROOKS-POWERS: Can you  
12 explain why you apparently were so looking forward to  
13 continuing to support Giuliani's despicable actions  
14 in dismantling the contracting equity efforts of the  
15 first Black mayor of the City of New York, some of  
16 which was described as I said before, as a "economic  
17 lynching."

18 RANDY MASTRO: This is-- I was proud to  
19 continue the historic reductions in crime. I was  
20 proud to continue the extraordinary job growth that  
21 occurred in the Giuliani Administration. I was proud  
22 to continue the war on organized crime in which I put  
23 my life on the line. Those are the things that I was  
24 referring to, and I think I should point out that I  
25 have the support of many people from the Dinkins

2 administration who say that I was the  
3 administration's conscience, who say that I was the  
4 person they could talk to, and that would try to get  
5 things done, and I was a bridge. So I think that,  
6 you know, you have to put all of this in perspective.  
7 I'm here as Randy Mastro, not as Rudy Giuliani, not  
8 as the mayor I served, or as the mayor I will serve,  
9 because I'm going to be serving the whole city. I'm  
10 here to present my credentials, and that's what I  
11 meant by I was proud that we had such historic  
12 reductions in crime, such historic job growth and  
13 that we took on organized crime to the point where--

14 COUNCIL MEMBER BROOKS-POWERS:

15 [interposing] and also--

16 RANDY MASTRO: I put my life on the line.

17 COUNCIL MEMBER BROOKS-POWERS: As well as  
18 historic dismantling of a program meant to lift up  
19 Black and Brown businesses.

20 RANDY MASTRO: I don't know that to be  
21 the case. That certainly wouldn't have been my  
22 personal intent, but--

23 COUNCIL MEMBER BROOKS-POWERS:

24 [interposing] But it is the case, statistically.

2 RANDY MASTRO: it wasn't a program that I  
3 had administered and--

4 COUNCIL MEMBER BROOKS-POWERS:  
5 [interposing] But you were a part of the  
6 Administration and you stayed for three additional  
7 years despite this.

8 RANDY MASTRO: Councilwoman, I just  
9 explained to you what I meant by the quote and what  
10 my portfolio was--

11 COUNCIL MEMBER BROOKS-POWERS:  
12 [interposing] Understood.

13 RANDY MASTRO: Thank you.

14 COUNCIL MEMBER BROOKS-POWERS: Mr.  
15 Mastro, in light of what I have mentioned, how could  
16 the Council possibly believe that you're truly  
17 committed to utilizing the Office of the Corporation  
18 Counsel to further social justice as you have  
19 indicated?

20 RANDY MASTRO: Because I have a 40-year  
21 track record of bringing cases pro bono and  
22 otherwise, because I have a track record including in  
23 city government of protecting human rights, because I  
24 put my life on the line for this city, and I'm  
25 prepare-- I would do it again, and I spent two and a

1 half years of my life under police protection so that  
2 the mob wouldn't kill me because of what I did for  
3 this city. So how do you know I have the courage and  
4 the character to do this job? You know it because I  
5 put my life on the line for this city, and I will do  
6 it again. Thank you.

8 COUNCIL MEMBER BROOKS-POWERS: It-- I'm  
9 going to just move over now to affirmative action  
10 rollback as it pertains to employment in the Parks  
11 Department litigation which I'm sure you're familiar  
12 with. So, it's--

13 RANDY MASTRO: [interposing] And I am not,  
14 actually. I didn't oversee the Parks Department  
15 either. So I'm not familiar with it.

16 COUNCIL MEMBER BROOKS-POWERS: We'll get--  
17 - we'll get to that.

18 RANDY MASTRO: Okay.

19 COUNCIL MEMBER BROOKS-POWERS: It has  
20 been reported that during his first month in office  
21 in January 1994, Mayor Giuliani discard the  
22 Affirmative Action Plan in relation to city  
23 employment that had been city policy under Mayor  
24 Dinkins. Along with Giuliani's actions in  
25 dismantling the program for minority and women-owned

2 businesses, among other things in the very beginning  
3 of his term, such actions to dismantle the  
4 affirmative action initiatives sent a message to his  
5 commissioners and administrators. According to  
6 award-winning journalist Jack Newfield that "no one  
7 would be looking over their shoulder on the issue of  
8 minority hiring," and that, "they could do whatever  
9 they wanted in that regard." Furthermore, it was  
10 reported in March 1996 that since the time Rudy  
11 Giuliani became mayor in January 1994, 4,632 fewer  
12 Blacks worked in agencies under mayoral control. In  
13 contrast, white male employment has edged up by 387.  
14 The mayor has appointed 600 additional white  
15 officials and administrators. At the same time the  
16 number of senior Black had decreased by 258. In the  
17 Mayor's office, 20 employees earned more than  
18 \$100,000. One is African-American. Fast-forward to  
19 2001, the U.S. Equal Employment Opportunity  
20 Commission found in response the complaints filed by  
21 20 Black or Hispanic workers in the New York City  
22 Parks Department that there was "reasonable cause" to  
23 believe that the Parks Department under the Giuliani  
24 Administration had engaged in unlawful discrimination  
25 on the basis of racial and national origin in

2 assigning and promoting employees. Thereafter, the  
3 U.S. Department of Justice represented by then  
4 Assistant U.S. Attorney Lisa Zornberg, who now is the  
5 Mayor's lawyer, filed its own complaint in 2002  
6 against the Parks Department having determined that  
7 the EEOC complaint had merit. The Department of  
8 Justice complaints stated among other things that the  
9 Parks Department engages in a pattern of practice of  
10 discrimination against its Black and Hispanic  
11 employees on the basis of their race and/or national  
12 origin in making promotion decisions. In making this  
13 assertion, the United States Department of Justice  
14 complaint included references to various incidents  
15 that was specifically alleged to have occurred  
16 between 1995 and 1998, during the time in which you  
17 were the Chief of Staff and at another point the  
18 Deputy Mayor for Operations, in which all  
19 commissioners reported up to that role. The City  
20 eventually settled the federal case with the U.S.  
21 Department of Justice with certain changes to  
22 employment-related practices and with the Parks  
23 Department workers for more than \$21 million. Mr.  
24 Mastro, as the supposed conscience of the  
25 Administration in light of the extensive history of

2 egregious issues with creating a safe work  
3 environment for minority employees, how could the  
4 Council possibly rely on you to lead the City entity  
5 with hundreds of employees from diverse backgrounds?

6 RANDY MASTRO: Well, I have to say it's  
7 not accurate to say that the Parks Department  
8 reported to me, and did not. It reported a different  
9 Deputy Mayor. So, I was not personally involved in  
10 the day-to-day operations of the Parks Department,  
11 and I'm not familiar with that lawsuit which  
12 occurred.

13 COUNCIL MEMBER BROOKS-POWERS: You  
14 referred to yourself as the conscience--

15 RANDY MASTRO: [interposing] I didn't.

16 COUNCIL MEMBER BROOKS-POWERS: of the  
17 Administration.

18 RANDY MASTRO: I didn't actually.  
19 Deborah Wright, one of the most distinguished people  
20 that's ever served in city government-- she served in  
21 the Dinkins Administration. She served in the  
22 Giuliani Administration, and then for a decade she  
23 headed Carver Bank in Harlem. She's the person who  
24 called me the conscience of the Giuliani  
25 Administration. I was not responsible for the Parks

2 Department, and I had a diverse staff. My staff was  
3 diverse. My Chief of Staff was a women. So,--

4 COUNCIL MEMBER BROOKS-POWERS:

5 [interposing] Mr. Mastro--

6 RANDY MASTRO: [interposing] please, let's  
7 just--

8 COUNCIL MEMBER BROOKS-POWERS:

9 [interposing] I just want to get to the next  
10 question.

11 RANDY MASTRO: Facts are facts, and the  
12 fact of the matter--

13 COUNCIL MEMBER BROOKS-POWERS:

14 [interposing] thank you, Mr. Mastro.

15 RANDY MASTRO: I have a long history of  
16 emphasizing--

17 COUNCIL MEMBER BROOKS-POWERS: Mr.

18 Mastro, I'm reclaiming my time--

19 RANDY MASTRO: [interposing] diversity.

20 COUNCIL MEMBER BROOKS-POWERS: We're

21 going to go to the next question.

22 RANDY MASTRO: Okay, but I was going to  
23 emphasize my history--

24 COUNCIL MEMBER BROOKS-POWERS:

25 [interposing] In light of--

2 RANDY MASTRO: [interposing] of diversity.

3 COUNCIL MEMBER BROOKS-POWERS: In light  
4 of this extensive history of an administration for  
5 which you were so deeply involved which seemed to be  
6 comfortable with allowing systemic racism to fester  
7 in city government employment. How can the Council  
8 consider you to be credible when you say that you  
9 want to use this office of Corporation Counsel to  
10 further civil rights and employee's rights?

11 RANDY MASTRO: It's neither a fair  
12 characterization nor does that reflect my values and  
13 my own actions and my own history, because we're-- we  
14 seem to be stuck in the 1990s, and looking at my  
15 entire record including that time in the 1990s, my  
16 entire record is one of someone who's been committed  
17 to inclusion and diversity and someone who's been  
18 committed to standing up for civil rights,  
19 constitutional rights, racial justice, and social  
20 justice. So, you know, you ask me. This council can  
21 have confidence in how I will conduct myself as  
22 Corporation Counsel based on my entire history and  
23 record as Randy Mastro and as someone who has brought  
24 case after case, has served in community service at  
25 Citizens Union, Legal Aid, and otherwise fighting for

2 civil rights, constitutional rights, racial justice,  
3 and social justice. Thank you.

4 COUNCIL MEMBER BROOKS-POWERS: Again, Mr.  
5 Mastro, the concern that I feel that I have and a  
6 number of my colleague share is wanting to know that  
7 we would be having a Corporation Counsel that has the  
8 sensitivity to ensure that they stand up against  
9 racial discrimination and also creating opportunities  
10 for qualified people in the workforce to be able to  
11 upward mobility as well. The Giuliani Administration  
12 was not necessarily known for that. I shared the  
13 numbers and numbers don't lie, and you know, in terms  
14 of the questions asked, I haven't gotten a clear idea  
15 of the metrics that was set during that  
16 Administration, how you-- while you said you were not  
17 the conscience, but someone else deemed you the  
18 conscience, you know, it's interested that you don't  
19 feel that you were either, but wanting to know like  
20 what did you do, how did you stand up to that? the  
21 Corporation Counsel must not only seek justice on  
22 behalf of the City of New York, but also must operate  
23 the agency with hundreds of employees, and my concern  
24 with the nomination currently is that nothing in your  
25 background indicates that you will run an equitable

2 and diverse agency or that you understand what it  
3 means to do so this year, because I have not been  
4 clear through your responses of in those moments how  
5 you stood up in those moments as Chief of Staff or as  
6 the Deputy Mayor for Operations.

7 CHAIRPERSON POWERS: Mr. Mastro, I'll  
8 give you-- we're going to go to the next one, but  
9 I'll give you an opportunity to respond to that.

10 RANDY MASTRO: Thank you. Why don't you  
11 ask the people who were serving in government or  
12 community leaders? Why don't you ask people like  
13 David Patterson? He'll testify here later. Billy  
14 Thompson, Reverend Sharpton, why don't you ask people  
15 whether I was the person in City Hall who had an open  
16 door, and I don't describe myself as the conscience  
17 of the Giuliani Administration. That was described  
18 by one of my democrat Black colleagues who I love  
19 like a sister, and I wear that as a badge of honor,  
20 and I have a record of standing up on these issues.  
21 Ask Janet Morgan when she's up here how I won her job  
22 back when she was a victim of racial discrimination.  
23 Ask Rasheeda Buchanan [sp?], one of the peaceful  
24 racial justice protestors who was assaulted at  
25 Lafayette Square Park, and why don't you ask my

2 colleagues at Gibson Dunn where I took a litigation,  
3 a New York litigation group, that had-- partnership  
4 that had no diverse partners at all when I went back  
5 and over 30 percent women and other diverse partners  
6 by the time I left. I have that track record, Council  
7 Member.

8 COUNCIL MEMBER BROOKS-POWERS: But what I-

9 -

10 RANDY MASTRO: [interposing] I have that  
11 track record.

12 COUNCIL MEMBER BROOKS-POWERS: Thank you  
13 for that, Mr. Mastro, is in your role of Chief of  
14 Staff or Deputy Mayor for Operations, what did you do  
15 to address these matters at that time?

16 RANDY MASTRO: I did a tremendous amount,  
17 and there are many issues on which I and others in  
18 the Administration spoke candidly and confidentially  
19 to the Mayor. That's why I am a trusted advisor, but  
20 it's also the case, because you don't cite this, but  
21 if you looked at the press clips at the time, we had  
22 greater Hispanic representation at Assistant  
23 Commissioner and above levels in our Administration  
24 than any other Administration in history up to that  
25 point in time. You know, so, there's a complete

2 record to be looked at, and I just urge the Council  
3 to consider my entire record over the course of my  
4 entire career which is one of standing up for civil  
5 rights, constitutional rights, racial justice, and  
6 social justice. It's not four years, it's 40 years,  
7 Council Member. So, I appreciate the questions. I  
8 appreciate why you're asking. I'm, again, I'm my own  
9 man, and I've stood up for those issues for 40 years.

10 CHAIRPERSON POWERS: Mr. Mastro, can I--  
11 before we move on, just ask a clarifying--

12 RANDY MASTRO: [interposing] Thank you.

13 CHAIRPERSON POWERS: Just a clarifying  
14 question.

15 RANDY MASTRO: Sure.

16 CHAIRPERSON POWERS: Can you describe--  
17 just understanding your role, this where this  
18 question's coming up of what was in your portfolio as  
19 the Deputy Mayor of Operations, the Chief of Staff.  
20 Can you give us a description of your-- what was in  
21 your portfolio when you were the Deputy Mayor, what  
22 agencies, what responsibilities, and similarly for  
23 Chief of Staff?

24 RANDY MASTRO: Well, Chief of Staff,  
25 there were no operating agencies that reported to me.

2 It was-- I was responsible for the offices of the  
3 Mayor's Office. So, it was a very limited portfolio.

4 As--

5 CHAIRPERSON POWERS: [interposing] Can you  
6 speak up a little bit? Sorry.

7 RANDY MASTRO: Sorry. I'm sorry.

8 CHAIRPERSON POWERS: Or move the mic,  
9 yeah.

10 RANDY MASTRO: You know, I'm not usually  
11 so soft-spoken. The-- as Deputy Mayor for  
12 Operations, most of the City's operational agencies,  
13 but not all of them. The Economic Development and  
14 Planning agencies and some related agencies reported  
15 to a particular Deputy Mayor. The social service  
16 agencies reported to another Deputy Mayor and there  
17 was a portfolio of other agencies under community  
18 development that included Parks, Cultural Affairs,  
19 others that reported to another Deputy Mayor.

20 CHAIRPERSON POWERS: So, just to clarify,  
21 who--

22 RANDY MASTRO: [interposing] Each  
23 department--

24 CHAIRPERSON POWERS: Your agencies--

25

2 RANDY MASTRO: [interposing] Would have  
3 been the classic operational agencies like  
4 Sanitation, DEP, and other core operational agencies  
5 of brick and mortar type agencies of city government.  
6 DoITT, the other ones-- I don't think it's called  
7 DoITT anymore, but it was technology. Core  
8 operational agencies other than the Police and the  
9 Fire Department which reported directly to the Mayor.

10 CHAIRPERSON POWERS: Okay. And  
11 appointments, too?

12 RANDY MASTRO: No.

13 CHAIRPERSON POWERS: We'll go now to  
14 Council Member Hudson.

15 COUNCIL MEMBER HUDSON: Thank you so  
16 much, Chair, and good afternoon Mr. Mastro. It's good  
17 to see you again. Before I get into my formal  
18 remarks and some questions, I do want to just state  
19 for the public record, a lot of the references that  
20 you continue to refer to as being present I know  
21 they'll testify later. I do think it's important  
22 that the public knows that several of those former  
23 Council Members you refer to speaking on your behalf  
24 are current lobbyists with business before the City  
25 and business before the Mayor, so I just wanted to

2 make that point. Thank you for your participation in  
3 today's proceedings. I'd like to speak with you  
4 about your record on policing and police  
5 accountability. among other work, the Law Department  
6 and in particular its Special Federal Litigation  
7 Division is responsible for defending NYPD officers  
8 against civil rights claims, including allegations of  
9 excessive use of force, unlawful arrests, and illegal  
10 search and seizure. The Corporation Counsel plays a  
11 vital role in assessing the cases where the City  
12 needs to admit its officers were at fault and must be  
13 held accountable, and conversely the cases where the  
14 City and its officers acted justly and need to be  
15 defended with the full might of the Department's  
16 resources. This calculation is not purely a legal  
17 one. There are times when the City could make a  
18 legal argument, but when taking fairness and equity  
19 into account, it should not, because it is not what  
20 justice requires. In making these calls, the  
21 Corporation Counsel needs to prioritize what is  
22 morally right for our city and our citizens over what  
23 is politically expedient. Making the right call  
24 requires an attorney with the highest ethical  
25 standards, someone who knows right from wrong and has

2 a track record of making the morally right choice,  
3 even if it is a politically damaging one. Making the  
4 right call require an attorney who understands that  
5 police violence is often the product of structural  
6 racism and causes generational trauma. Making the  
7 right call requires an attorney who understands that  
8 when given an opportunity to play a role in ending  
9 structural racism in our police force, they will do.  
10 Making the right call requires an attorney who was  
11 demonstrated in his or her career that they have no  
12 tolerance for racial injustice or policing without  
13 accountability and that they have stood boldly  
14 against those societal ills. You, Mr. Mastro, have a  
15 long record on these issues that the Council and  
16 public can judge you on. Let's start in 1992. That  
17 year, Rudy Giuliani was in the midst of his first  
18 campaign for mayor. In the lead up to the 1993  
19 election on September 1992, Mr. Giuliani attended a  
20 protest at City Hall organized by the Police  
21 Benevolent Association. The PBA was protesting Mayor  
22 Dinkins' push for the Civilian Complaint Review Board  
23 to be comprised of all civilians as well as the  
24 Mullen Commission that was investigating allegations  
25 of widespread corruption in the NYPD at that time.

2 The protest turned into a riot when 10,000 mostly-  
3 white off-duty police officers stormed, surrounded,  
4 and occupied City Hall. The rioters then marched to  
5 the Brooklyn Bridge where they blocked traffic,  
6 jumped on cars and frightened motorists. Reporters  
7 and bystanders were violently assaulted by the  
8 rioters, many who were carrying guns and drinking  
9 alcohol. it was one of the largest riots in our city's  
10 history. The riot was also filled with overt racism.  
11 Newsday describes some of the racist conduct noting  
12 that "the cops held up several of the most crude  
13 drawing of Dinkins, black, performing perverted sex  
14 acts." Another officer shouted that, "Now you got a  
15 N-word right inside City Hall. How do you like that,  
16 a N-word mayor?" There were chants of "the Mayor's  
17 on crack." And signs calling the City's first Black  
18 mayor a "washroom attendant." In the middle of this  
19 chaos, Mr. Giuliani stood on a flatbed truck with a  
20 bullhorn and led chants. Mr. Giuliani attacked the  
21 Anti-Corruption Commission which he said was solely  
22 created "to protect David Dinkins political ass."  
23 The NYPD had to send officers to stop the riot. When  
24 arriving at the scene at some point was then Police  
25 Officer Eric Adams as a non-participant in the riot.

2 Adams told reporters that the riot was "right out of  
3 the 1950s, a drunk racist lynch mob storming City  
4 Hall and coming in here to get themselves an N-word."  
5 Mr. Giuliani's pivotal role in the racist riot was  
6 widely reported at the time, and I'll include in the  
7 record for this hearing those articles. Mr. Mastro,  
8 you served as Mr. Giuliani's counsel for that  
9 campaign. What role did you play in his  
10 participation in that riot, and did you condemn these  
11 remarks and racist rhetoric then and do you now?

12 RANDY MASTRO: None, I wasn't involved in  
13 his campaign until 1993, and that does not reflect my  
14 values or anything I ever would have done or said.

15 COUNCIL MEMBER HUDSON: Mr. Giuliani's  
16 own mayoral campaign new his participation in the  
17 riot was a major liability and feared it would feed  
18 into the narrative that Mr. Giuliani was a racist  
19 which I would certainly say now given his more recent  
20 track record has proven to be true. According to the  
21 Cato [sic] Institute, an internal vulnerability  
22 report titled the "Rudolph Giuliani Vulnerability  
23 Study" prepared for the 1993 campaign devoted more  
24 than 50 pages to the 1992 police riot under the all-  
25 caps heading "RACIST." The report recommended, "When

2 dealing with direct questions about the police rally,  
3 Giuliani should acknowledge and criticizes the  
4 underlying racial nature of the protest." However,  
5 Mr. Giuliani and the campaign never publicly  
6 denounced it and he went on to unseat the City's  
7 first Black Mayor. Do you agree with this  
8 characterization of the riot as racist?

9 RANDY MASTRO: I-- the way you have  
10 described it-- I, you know, was not personally  
11 involved in that campaign in any way at that time, so  
12 I don't recall the specifics of it. But it certainly  
13 doesn't reflect my values or how I would have  
14 conducted myself.

15 COUNCIL MEMBER HUDSON: How would you  
16 describe that riot if not as racist?

17 RANDY MASTRO: I think that particular--  
18 as I recall, historically, from over 30 years ago, I  
19 understand why it was so offensive. So I'm not here  
20 to condone or explain that action. I got involved in  
21 the campaign at a later point in time, and I think a  
22 lot of people in connection with that campaign  
23 regretted that that rally happened.

24 COUNCIL MEMBER HUDSON: Well, I would say  
25 that the gentleman who has nominated you for this

2 position called it racist himself, as his firsthand  
3 experience was that it was so.

4 RANDY MASTRO: I understand. I  
5 understand.

6 COUNCIL MEMBER HUDSON: And if the  
7 campaign admitted it to be racist in its internal  
8 vulnerability document, why didn't the campaign  
9 publicly denounce this racism?

10 RANDY MASTRO: I have no idea. I wasn't  
11 involved in the campaign at the time, as I said.

12 COUNCIL MEMBER HUDSON: So you would have  
13 never pushed for there to be a public denouncement of  
14 the riot at any point when you joined the campaign?

15 RANDY MASTRO: It's not an issue that  
16 arose, and the limited role I played as counsel for  
17 campaign finance issues.

18 COUNCIL MEMBER HUDSON: Given Mr.  
19 Giuliani's role in one of the most public and overt  
20 displays of racism in the NYPD's history, was it the  
21 morally right choice for you to serve as his counsel  
22 and later in his Administration?

23 RANDY MASTRO: I answered the call to  
24 public service because the city faced such enormous  
25 issues, such enormous crises at the time. Over 2,000

2 murders a year, hundreds of thousands of private  
3 sector jobs lost, a decline in quality of life in  
4 every neighborhood--

5 COUNCIL MEMBER HUDSON: [interposing]

6 There's one-- it's one thing to answer the call to  
7 public service in a government position. It's  
8 another thing to work for somebody's political  
9 campaign. So, I will ask again. Given Mr.  
10 Giuliani's role in one of the most public and overt  
11 displays of racism in the NYPD's history, was it the  
12 morally right choice for you to serve as his counsel  
13 and then later in his Administration?

14 RANDY MASTRO: And I will answer again. I  
15 answered the call to public service. I served as a  
16 pro bono lawyer on campaign finance law issues only  
17 and the positions that Rudy Giuliani took during that  
18 campaign in 1993, pro-choice, pro-gay rights, pro-  
19 immigrant's rights, pro-gun control, and a safer city  
20 with economic opportunity, those are things that I  
21 agreed with, and the City faced enormous problems.  
22 In 1993, given the 2,000 a year murder rate, job  
23 losses, declining quality of life, Time Magazine  
24 calling us the Rotting Apple.

25 COUNCIL MEMBER HUDSON: Okay, thank you.

2 RANDY MASTRO: I answered the call to  
3 public service to go good, to do something, and I did  
4 do something.

5 COUNCIL MEMBER HUDSON: So, I'm going to--  
6 -

7 RANDY MASTRO: I put my life on the line  
8 for this City.

9 COUNCIL MEMBER HUDSON: I'm reclaiming my  
10 time. Thank you. And I'm going to take your answer  
11 as a yes, it was the morally right choice for you to  
12 serve as his counsel and later--

13 RANDY MASTRO: [interposing] It wasn't--

14 COUNCIL MEMBER HUDSON: in his  
15 Administration

16 RANDY MASTRO: It wasn't a moral choice  
17 about that one event.

18 COUNCIL MEMBER HUDSON: Well, that's my  
19 question--

20 RANDY MASTRO: [interposing] It was--

21 COUNCIL MEMBER HUDSON: sir. My question  
22 is--

23 RANDY MASTRO: [interposing] I was--  
24  
25

2 COUNCIL MEMBER HUDSON: was it the  
3 morally right choice for you to serve as Counsel and  
4 later in his Administration?

5 RANDY MASTRO: Councilwoman, I've already  
6 said that--

7 COUNCIL MEMBER HUDSON: [interposing]  
8 You're evading my question. That's what you've said.

9 RANDY MASTRO: I'm not--

10 COUNCIL MEMBER HUDSON: [interposing] So  
11 I'm asking for a direct answer, and if you can't give  
12 it to me and you're not giving me a no, I'm going to  
13 take it as a yes.

14 RANDY MASTRO: Councilwoman, obviously, I  
15 agree to serve, and I think my record in public  
16 service speaks of sacrifice and--

17 COUNCIL MEMBER HUDSON: [interposing] If  
18 you're not going to give me a direct answer, I'm  
19 going to move on, okay?

20 RANDY MASTRO: Well--

21 COUNCIL MEMBER HUDSON: [interposing]  
22 Let's fast-forward a few years.

23 RANDY MASTRO: Council--

24 COUNCIL MEMBER HUDSON: [interposing] Mr.  
25 Giuliani is elected mayor in November 1993. You

2 become his Chief of Staff and later his Deputy Mayor  
3 of Operations. You've said publicly that you are  
4 proud of the work you did for Mayor Giuliani and that  
5 one of the reasons you should become Corporation  
6 Counsel is specifically because of that work. As  
7 Chief of Staff and then Deputy Mayor for Operations,  
8 you were responsible for all of the City's operating  
9 agencies, which may have included the NYPD, although  
10 you just stated that they reported directly to the  
11 Mayor. You helped Mayor Giuliani make crucial  
12 decisions related to the operations of the NYPD and  
13 its officers. You met with the Mayor and other top  
14 staff in the mornings to plan strategy and make  
15 decisions. No major decision involving the  
16 operations of the NYPD were made without your input.  
17 As we've already discussed at this hearing, you were  
18 so essential to Mayor Giuliani's work that some  
19 called you the "conscience" for his administration,  
20 and you can't refer to somebody else's description of  
21 you as that without claiming it yourself. While you  
22 are proud of the Giuliani era, many New Yorkers,  
23 especially people of color, do not have the same fond  
24 memories of the NYPD under Giuliani. The Executive  
25 Director of the ACLU of New York summed up the views

2 of many New Yorkers in a 2001 op-ed when she wrote  
3 the following: "As Mayor, Giuliani oversaw a policing  
4 regime repeatedly engaged in persecution and brutal  
5 assaults and killings of Black and Hispanic New  
6 Yorkers using unlawful stop-and-frisk policies to  
7 jail Black and Hispanic New Yorkers in service of his  
8 Broken Windows policing. Every time the NYPD killed  
9 a Black man, Rudy Giuliani was right there not only  
10 defending the police, but attacking the victim."

11 This rise in hyper-aggressive policing led to a  
12 number of high-profile instances of police brutality  
13 against people of color and unjust police killings of  
14 civilians during the Giuliani Administration. In  
15 1994, Anthony Baez was choked to death by a police  
16 officer after the football he was playing with  
17 unintentionally hit an NYPD vehicle. That same year,  
18 13-year-old Nicholas Hayward [sp?] was shot and  
19 killed by an NYPD officer in his public housing  
20 development in Brooklyn. In 1995, NYPD officers  
21 fatally shot cousins Anthony Rosario [sp?] and Hilton  
22 Vega [sp?] in a hail of 28 bullets in the Bronx with  
23 most shots fired into their backs. That same year,  
24 16-year-old honor student, Yung Jin Quang [sp?] was  
25 shot in the head and killed by a police officer in

2 Sheepshead Bay, Brooklyn. My question for you is,  
3 how can someone who is proud to this day of the  
4 Giuliani Administration's record and who played a  
5 pivotal role in its policing policies and practices  
6 truly understand the toll of police violence or  
7 engender confidence about police accountability, and  
8 further, admit to wrongdoing by the NYPD in similar  
9 cases of police brutality in the future?

10 RANDY MASTRO: I said that I was proud of  
11 my record in the Giuliani Administration. I was not  
12 responsible for overseeing the Police Department.  
13 They reported directly to the Mayor. But you know,  
14 one has to look at the entire record. There also  
15 were historic reductions in crime during that period  
16 of time. I don't condone--

17 COUNCIL MEMBER HUDSON: [interposing]  
18 those historic records of crime--

19 RANDY MASTRO: [interposing] I don't  
20 condone--

21 COUNCIL MEMBER HUDSON: going down started  
22 in the Dinkins administration, I will note for the  
23 record. But go ahead.

24 RANDY MASTRO: You are correct. Within  
25 the last year of the Dinkins Administration which

2 averaged over 2,000 murders a year there was some  
3 crime reduction, and there were Safe Streets, Safe  
4 Cities, where Peter Vallone working with Mayor  
5 Dinkins got, you know, more cops approved for the  
6 NYPD. And you know, I give credit to both of them  
7 for that. The over 50 percent reduction in major  
8 crime and the 70 percent reduction in--

9 COUNCIL MEMBER HUDSON: [interposing] My  
10 question wasn't about the reduction in crime, Mr.  
11 Mastro.

12 RANDY MASTRO: Please, please--

13 COUNCIL MEMBER HUDSON: [interposing]  
14 Should I repeat it?

15 RANDY MASTRO: No, please let me finish.  
16 I don't condone any of that, uh, police violence. In  
17 fact, as Corporation Counsel I would want Corporation  
18 Counsel's office to play an even more proactive role,  
19 not just having risk management to review instances  
20 of police misconduct or allegations of brutality, but  
21 to do a deep-dive at the outset to try to have a  
22 dedicated team to a deep-dive at the outset to  
23 determine the merits of those cases and look at  
24 systemic reform and what needed to be done with those  
25 individual police or otherwise. So I think Corp

2 Counsel's Office can play a very constructive role in  
3 doing more than just risk management and what it's  
4 costing the city and actually trying to get to the  
5 root causes and who's causing it, and to try to do  
6 something working with the Police Department and the  
7 rest of the Administration in addressing those  
8 causes. So, no, I don't-- I don't condone those  
9 things. I never did condone those things, and the  
10 person you quoted from the Civil Liberties Union will  
11 tell you if you speak to him that I'm an excellent  
12 lawyer and he has a great deal of respect for me.

13 COUNCIL MEMBER HUDSON: I'm not  
14 questioning your ability--

15 RANDY MASTRO: [interposing] For me.

16 COUNCIL MEMBER HUDSON: as a lawyer, nor-  
17 -

18 RANDY MASTRO: [interposing] For me.

19 COUNCIL MEMBER HUDSON: did I say you  
20 condoned those actions.

21 RANDY MASTRO: Okay, as a Civil Liberties  
22 lawyer--

23 COUNCIL MEMBER HUDSON: [interposing] What  
24 I asked was, how would you engender confidence about  
25 policy accountability and admit to wrongdoing by the

2 NYPD and similar case of police brutality in the  
3 future. Surely I'm-- you can understand that New  
4 Yorkers who were here under the Giuliani times and  
5 remember those times specifically and who were  
6 impacted directly by a lot of those policies and  
7 decisions and these particular events that I've  
8 outlined might have some skepticism. So I'm asking  
9 how do you provide confidence in your ability to  
10 those New Yorkers?

11 RANDY MASTRO: Sure. So, I was  
12 attempting to answer your question, Councilwoman. I  
13 do have, you know, the confidence and respect of  
14 Civil Liberties leaders like Norman Siegel [sp?] who  
15 I've done--

16 COUNCIL MEMBER HUDSON: [interposing] I'm  
17 asking about regular New Yorkers.

18 RANDY MASTRO: Let me--

19 COUNCIL MEMBER HUDSON: [interposing] Not  
20 the people who are here to give--

21 RANDY MASTRO: [interposing] Let me-- let  
22 me please finish.

23 COUNCIL MEMBER HUDSON: words on your  
24 behalf.

2 RANDY MASTRO: How can you have  
3 confidence in my abilities in this respect, I've  
4 already told you that I would do something  
5 transformative at Corp Counsel's Office which is to  
6 have a dedicated team to review those cases, do a  
7 deep dive, try to get to the root causes, not just  
8 evaluate them from a risk management standpoint. And  
9 you can have confidence because I've actually brought  
10 cases about police brutality including in June 2020  
11 when federal authorities, police, and local police  
12 assaulted a peaceful racial justice protestors at  
13 Lafayette Square in the wake of George Floyd's  
14 murder.

15 COUNCIL MEMBER HUDSON: Okay. I'm glad--

16 RANDY MASTRO: [interposing] I litigated  
17 those cases.

18 COUNCIL MEMBER HUDSON: I'm glad you  
19 brought that up, because I do have a question about  
20 that and other pro bono work you've done. How do you  
21 reconcile that pro bono work that you've done in  
22 furtherance of racial justice against being the  
23 conscience of a mayoral administration that used  
24 racist and bigoted tactics to malign Black New  
25 Yorkers and New Yorkers of color? On the one hand,

2 you're referring to your successes and your record of  
3 30 years. On the other hand, you're telling us that  
4 you don't remember certain things from 30 years ago.  
5 And on the one hand--

6 RANDY MASTRO: [interposing] I'm not  
7 saying that.

8 COUNCIL MEMBER HUDSON: you're referring  
9 to pro bono cases that you litigated on behalf of  
10 racial justice, social justice, but on the other  
11 hand, you worked an administration that directly had  
12 a negative impact on Black and Brown New Yorkers. So  
13 I'm asking you how do you reconcile the two things.

14 RANDY MASTRO: Not--

15 COUNCIL MEMBER HUDSON: [interposing] I  
16 don't need a whole long thing about it. I just want  
17 to know how do you reconcile those two things,  
18 because they're conflicting.

19 RANDY MASTRO: Please let me answer the--

20 COUNCIL MEMBER HUDSON: [interposing] I  
21 would love it if you would actually answer my  
22 specific question.

23 RANDY MASTRO: I am, Council Member, and  
24 the fact of the matter is that it's not reconciling  
25 something to recognize that I have these values.

2 Within my administration when I served in that  
3 administration, you know, I was recognized as someone  
4 who advocating for similar values. That's why  
5 another member of that administration, Debbie Wright-  
6 -

7 COUNCIL MEMBER HUDSON: [interposing] And  
8 you've also worked against those values.

9 RANDY MASTRO: Please, please. That's  
10 why another member of that Administration, Debbie  
11 Wright, Democrat, Black, served in the Dinkins  
12 Administration--

13 COUNCIL MEMBER HUDSON: [interposing] I  
14 don't need you to pull out--

15 RANDY MASTRO: [interposing] considered  
16 me--

17 COUNCIL MEMBER HUDSON: every Black  
18 person that can speak--

19 RANDY MASTRO: [interposing] Considered  
20 me--

21 COUNCIL MEMBER HUDSON: on your character.

22 RANDY MASTRO: [inaudible]

23 COUNCIL MEMBER HUDSON: Okay?

24 RANDY MASTRO: Please.

25

2 COUNCIL MEMBER HUDSON: I'm asking you to  
3 answer a very specific question. There will be  
4 people here who will have their opportunity to give  
5 their account of their experiences with you, Black,  
6 white and otherwise. So, I don't need you to give me  
7 a listing of every Black person who supports you,  
8 every gay person who supports you, every woman who  
9 supports you.

10 RANDY MASTRO: Council Member--

11 COUNCIL MEMBER HUDSON: [interposing]  
12 What I'm asking you is when you have a whole list of  
13 case that you've worked on to further social justice  
14 and then you worked in an Administration that has  
15 discounted that work, how do you, Mr. Mastro,  
16 reconcile the two things?

17 RANDY MASTRO: I-- in city government, I  
18 am trying to answer your question.

19 COUNCIL MEMBER HUDSON: You're trying to  
20 talk around my question.

21 RANDY MASTRO: I'm not--

22 COUNCIL MEMBER HUDSON: [interposing]  
23 You're not answering my question.

24 RANDY MASTRO: Please let me answer your  
25 question. I--

2 CHAIRPERSON POWERS: [interposing]  
3 [inaudible] give him an opportunity to answer the  
4 question.

5 RANDY MASTRO: I was also working for  
6 social justice in the Giuliani Administration.  
7 That's why I spearheaded the passage of the most  
8 sweeping domestic partnership legislation for same-  
9 sex couples at the time. I did many things to  
10 advance social justice in the Giuliani  
11 Administration, and that's why I was described the  
12 way I was by Debbie Wright. And the fact of the  
13 matter is that you have a 40-year career to know that  
14 I embody those values, and we are focusing only on a  
15 four-year period of a 40-year career, and even then  
16 you have hard evidence of how I exemplified within  
17 the confines of being in a support position those  
18 values.

19 COUNCIL MEMBER HUDSON: I think my  
20 colleagues and I have referenced the entirety of your  
21 40-year career, not just four years, to be fair. In  
22 fiscal year 2023, New York City paid out \$266.7  
23 million in claims against the NYPD, an increase of 12  
24 percent over fiscal year 2022 according to the New  
25 York City Comptroller. Do you believe that the

2 Corporation Counsel or the City's Law Department  
3 which settles these claims has a role to play in  
4 attempting to reduce the amount of tax-payer dollars  
5 spent per annum on these types of cases?

6 RANDY MASTRO: Well, of course, I already  
7 alluded to this. if I am fortunate enough to assume  
8 this position, I will expand the team and the  
9 resources devoted to reviewing these cases, not just  
10 from a risk management standpoint on dollars paid  
11 out, but to-- at inception review those cases, those  
12 allegations, try to get to the merits, try to get to  
13 the systemic pauses to prevent those kinds of things  
14 from continuing to occur. So, I see Corp Counsel  
15 playing a more proactive role in addressing police  
16 misconduct or police excessive force, and you know,  
17 dealing with the Police Department and the rest of  
18 the Administration to address those matters, not just  
19 looking at it as defending the incoming and  
20 determining the risk management and settling the  
21 cases trying to get to the root causes, get ahead of  
22 it. So, I actually intend to be a more proactive  
23 Corp Counsel in that regard than any Corp Counsel has  
24 ever been.

25 COUNCIL MEMBER HUDSON: Thank you.

2 RANDY MASTRO: Thank you.

3 COUNCIL MEMBER HUDSON: There were many  
4 instances of police brutality during the Giuliani  
5 Administration, but I want to talk to you in detail  
6 about one particular incident under your watch as  
7 Deputy Mayor for Operations. In the summer of 1997,  
8 police officers in Brooklyn detained Haitian  
9 immigrant, Abner Louima. And investigation of that  
10 arrest revealed that officers beat Mr. Louima with  
11 nightsticks in the squad car on the way to the  
12 precinct, and then when they arrived at the precinct,  
13 they continued to brutally beat him, knocked out his  
14 teeth, and sodomized him with a broom handle in the  
15 station house. This horrendous event took place in  
16 the midst of the Giuliani re-election campaign, and  
17 in response to the public outcry, Mayor Giuliani  
18 announced a new taskforce on police and community  
19 relations. The taskforce was filled with prominent  
20 civic and community leaders, experts, and elected  
21 officials including a former Police Commissioner, the  
22 President of the New York Civil Liberties Union and  
23 the Executive Directors of the Asian-American Legal  
24 Defense Fund, Anti-Defamation League, and New York  
25 Urban League to name a few. After almost seven

2 months of work, the taskforce generated 91 specific  
3 recommendations to the Mayor and the NYPD to improve  
4 police/community relations. By the time the  
5 taskforce released its recommendations, Mayor  
6 Giuliani had already been re-elected and he dismissed  
7 the taskforce and its work. Mayor Giuliani's  
8 dismissal of a prominent taskforce that he himself  
9 commissioned was so shocking that he called on you to  
10 do damage control in the press. Instead of standing  
11 up to champion deeply-needed reforms, you instead  
12 told reporters that, "The Mayor was underwhelmed by  
13 the taskforce report and rightly so." Chair Powers,  
14 I now enter into the record, the 1998 New York Times  
15 article that includes Mr. Mastro's views on the  
16 taskforce in question. You also complained that the  
17 taskforce did not follow its mandate. This complaint  
18 was astounding coming from you, because the taskforce  
19 was completely staffed by the Mayor's Office, and as  
20 the Deputy Mayor for Operations, you would have been  
21 the one to steer them in the right direction and  
22 produce recommendations that would have improved  
23 police/community relations. In the end, it was clear  
24 that Mr. Giuliani's taskforce was a political ploy to  
25 win votes instead of a good faith effort to try to

2 reform the police following the brutalization of  
3 Abner Louima. This ploy left in place systemic  
4 policies and practices and a culture that would  
5 continue to allow New Yorkers to be harmed and  
6 unjustly killed by the police. Mr. Mastro, as the  
7 so-called conscience of the Giuliani Administration,  
8 how do you reconcile that you squandered this  
9 opportunity to improve the NYPD, advance justice and  
10 keep New Yorkers safe?

11 RANDY MASTRO: First of all, that  
12 horrific incident led to the creation of a special  
13 commission at the urging of a number of us in the  
14 Administration including myself. The Mayor was not  
15 impressed with some of the ultimate recommendations,  
16 some of which included things like changing the name  
17 of a particular entity, or taking away the right of  
18 police officers-- earned through collective  
19 bargaining and legislation-- to live outside of the  
20 city which was in the Mayor's view unrealistic. It  
21 was not uncommon for me as the Deputy Mayor to  
22 express, you know, the Mayor's view publicly, I  
23 personally, wanted to see such a commission, and we  
24 supported doing more in terms of reform in the Police  
25 Department. I left the Administration shortly

2 thereafter of what you're quoting. But I could only  
3 say that I wish we had done better as an  
4 Administration to address community concerns to have  
5 better understanding with communities, to have better  
6 police/community relations, and some of the  
7 recommendations of that taskforce were, in fact, ones  
8 that the Police Department internally, you know,  
9 continued to follow. But I will just say this, of  
10 all the things that I look back on, I wish we had  
11 developed better relationships with communities of  
12 color, and it's certainly something that in my own  
13 experience, I always had an open door and tried to  
14 encourage dialogue. And I think that people from  
15 that period would tell you that. But you asked me  
16 the question, I give you the answer.

17 COUNCIL MEMBER HUDSON: Thank you. After  
18 this, other New Yorkers would unjustly be killed by  
19 NYPD officers during the Giuliani Administration. In  
20 1999, an unarmed Amadou Diallo was shot and killed by  
21 officers in the infamous Street Crimes Unit who  
22 discharged 41 shots. In 2000, undercover police  
23 officers shot killed Patrick Dorismond, a father of  
24 two children, and to smear Mr. Dorismond in the  
25 middle of his U.S. senate campaign, Mr. Giuliani

2 released Dorismond's sealed juvenile delinquency  
3 records. I've name just a few individuals here, but  
4 there were countless instances of police violence  
5 that experts have concluded were the outgrowth of  
6 hyper-aggressive policing that Mr. Giuliani had  
7 instituted. While Mr. Giuliani has justified this  
8 brutality by saying it was a necessary cost to ensure  
9 public safety, we all now know better. Crime dropped  
10 nationwide during his period and had already been  
11 dropping in the City during the Dinkins  
12 Administration, as I noted earlier. Despite all of  
13 this, you continued to remain in Mr. Giuliani's  
14 orbit, even after you left his Administration in  
15 1998. You supported his 2008 campaign for president,  
16 and for decades you used your considerable legal  
17 talents to defend and champion arguably the one New  
18 Yorker who in modern times has had the worst record  
19 on police accountability. Mr. Mastro, aren't New  
20 Yorkers right to fear that you will always side with  
21 the powerful over-marginalized communities and remain  
22 loyal to the person who puts you in power rather than  
23 to delivering justice?

24 RANDY MASTRO: No.

2 COUNCIL MEMBER HUDSON: Okay. Thank you  
3 for your testimony. Our city has many capable,  
4 brilliant and talented lawyers who would be willing  
5 and able to serve as our Corporation Counsel. The  
6 question before us today is not just about confirming  
7 a qualified attorney or a successful litigator. It  
8 is about someone who has-- it is about confirming  
9 someone who has all of the skills, including the  
10 requisite track record of a commitment to justice and  
11 to the public good to perform the job, someone who  
12 will inspire trust and confidence in New Yorkers that  
13 they will do what's right and just for the public,  
14 someone who will protect and represent New Yorkers,  
15 each and every one of us. Our city deserves someone  
16 who will represent our interests without question,  
17 and as evident in my line of questioning, my concern  
18 with your nomination is that many New Yorkers who  
19 suffered through the painful Giuliani years won't be  
20 comforted by placing the so-called conscience of that  
21 dark period at the helm of the Law Department, and  
22 prioritize the principles of justice that is required  
23 of the Corporation Counsel. Thank you, Chair.

24 CHAIRPERSON POWERS: Thank you. We'll go  
25 to Council Member Restler for questions.

2 COUNCIL MEMBER RESTLER: Thanks so much,  
3 Chair Powers and Speaker Adams, and thank you, Mr.  
4 Mastro, for being here today and patiently answering  
5 our many, many questions. I do want to just begin by  
6 commending you for your laudable pro bono work over  
7 many years, but I'm going to focus my questions today  
8 more on your paid clients. Firstly, a few questions  
9 relating to rent regulation, and this isn't intended  
10 to be a pop-quiz, so feel free to say you don't know.  
11 But do you know how many affordable homes, rent-  
12 regulated homes, were lost to vacancy decontrol?

13 RANDY MASTRO: I don't know the number.

14 COUNCIL MEMBER RESTLER: 277,000  
15 apartments. Do you know how many New Yorkers who--  
16 just to give a sense, that was a fifth of what the  
17 rent-regulated housing stock was, gone, enough to  
18 house approximately 10 percent of the New York City  
19 population today. Do you know how many New Yorkers  
20 are currently rent-burdened, or what percent of New  
21 Yorkers are currently rent-burdened?

22 RANDY MASTRO: I don't know the current  
23 percentage. I haven't been in city government for 25  
24 years.

2 COUNCIL MEMBER RESTLER: Fair, but you  
3 pay close attention to these issues. You know, about  
4 a third of the families in New York City pay over 50  
5 percent of their income in rent. And just to give a  
6 sense, do you know the approximate census in our DHS,  
7 Department of Homeless Services, shelter population  
8 today?

9 RANDY MASTRO: Again--

10 COUNCIL MEMBER RESTLER: [interposing] We  
11 have about 80,000 New Yorkers that are sleeping in  
12 shelter tonight. You stated that you've always  
13 supported rent control today in this hearing, but  
14 when you became Rudy Giuliani's Chief of Staff in  
15 1994, one of the very first bills that came across  
16 the Mayor's desk was Local Law Number Four which  
17 expanded the state's three-month vacancy de-control  
18 pilot, making it permanent in New York City. I'd  
19 like to enter into the record the legislative history  
20 of Local Law Four. This bill was championed by the  
21 landlord lobby, the Rent Stabilization Association.  
22 RSA pushed Local Law Four as an alternative to a bill  
23 that would have simply extended the rent  
24 stabilization law as Jack Lynn [sp?] explained in a  
25 memo to the Mayor in which you were copied, back in

2 1994. Mayor Giuliani, of course, signed the bill.  
3 Local Law Four allowed landlords to set market-rate  
4 rents on previously affordable rent-stabilized  
5 apartments, and as I mentioned, as a result we lost  
6 277,000 rent-stabilized homes in the ensuing 25  
7 years. This would have been enough affordable  
8 housing units to house all of the new-- all of the  
9 population that's in shelter tonight nine times over.  
10 Just think about that for a second. When you left  
11 the Giuliani Administration in 1998 you joined the  
12 firm of Gibson, Dunn and Crutcher, and you began  
13 representing the RSA, again, the landlord lobby. How  
14 soon after returning to Gibson Dunn did you sign the  
15 Rent Stabilization Association as a client?

16 RANDY MASTRO: Twenty-two years later.

17 COUNCIL MEMBER RESTLER: Twenty-two years  
18 after you left the Giuliani Administration you signed  
19 RSA as a client? So, you left--

20 RANDY MASTRO: [interposing] Yeah, RSA was  
21 not a client of mine until around 2019/2020.

22 COUNCIL MEMBER RESTLER: And so when--

23 RANDY MASTRO: [interposing] And the  
24 legislation you referred to was passed by the City  
25 Council.

2 COUNCIL MEMBER RESTLER: Indeed, after  
3 making it through the State Legislature and Giuliani  
4 signed into law. After we finally got rid of vacancy  
5 de-control thanks to the State Legislature's work in  
6 2019, protecting tenants in perpetuity to be in the  
7 rent-stabilization system, your response was not to  
8 celebrate this victory for tenants. Of course, in  
9 2021 you sued the State on behalf of a group of real  
10 estate companies asking that the court strike down  
11 the New York State Rent Stabilization Law. You lost  
12 at the District Court. You appealed at the Second  
13 Circuit and lost again. on April 18<sup>th</sup>, 2024, four  
14 months ago, after the Mayor began floating your name  
15 for Corporation Counsel, you filed a petition for  
16 cert to the United States Supreme Court asking the  
17 court not only to strike down the rent stabilization  
18 law, but also asking the court to overturn Penn  
19 Central, the landmark case that established the NYC  
20 Landmarks Law to not be a regulatory taking. I now  
21 submit for the record your petition for cert.

22 RANDY MASTRO: Do you want me to respond  
23 to that?

24 RANDY MASTRO: I'm going to-- the  
25 question I'd like to ask is you've mentioned today

2 that your clients in this case are small landlords.  
3 Who is the client paying for your services in this  
4 litigation, and are there any other entities besides  
5 the named client contributing to the payments for  
6 these legal services?

7 RANDY MASTRO: In that case, it is known  
8 that the Rent Stabilization Association was involved  
9 in the case. I represented small landlords. And to  
10 be clear, we did not attack the rent stabilization  
11 law. The issue was narrow, and you put the petition  
12 into the record, so let's look at the petition which  
13 says my plaintiffs-- the plaintiffs do not challenge  
14 rent control and rent stabilization. Simply the  
15 amendments, some of the amendments in 2019 that  
16 retroactively changed the law and affected their  
17 rights. Specifically, their rights to reoccupy their  
18 own-- these were small landlords, so had only a few  
19 units. The right to re-occupy their own property.  
20 They no longer had the right to move back into their  
21 property, number one. Number two, they had invested  
22 tenant improvements, and under the existing law in  
23 which they made those investments to improve tenants'  
24 conditions, they had a right to a certain amount of a  
25 credit over a period of years, and that was taken

2 away from them retroactively. These were small  
3 landlords who were suffering, and we brought a very  
4 limited challenge, not against rent control or rent  
5 stabilization. We did not challenge them at-large  
6 and that is not true for you to say that.

7 COUNCIL MEMBER RESTLER: But Mr. Mastro,  
8 yes or no, isn't it accurate that a potential  
9 implication of the G-Max case is that this extremely  
10 conservative, far right Supreme Court could entirely  
11 eliminate rent regulation in New York City?

12 RANDY MASTRO: No, absolutely not, and  
13 you obviously are not reading the first paragraph of  
14 our petition to the Supreme Court which is we're only  
15 seeking very narrow relief. It will not affect rent  
16 control or rent stabilization. It will--

17 COUNCIL MEMBER RESTLER: [interposing] But  
18 the Supreme Court could have determined--

19 RANDY MASTRO: [interposing] if we were  
20 successful--

21 COUNCIL MEMBER RESTLER: [interposing] a  
22 different outcome. And--

23 RANDY MASTRO: [interposing] Councilman  
24 Restler, if we were successful in that case, it would  
25 mean that limited amendments which retroactively

2 changed the law for small landlords who'd already  
3 invested in their properties, alright, they would be  
4 able to get the same credit for having improved  
5 tenant conditions that they used to get before. They  
6 would be able in a town house to move back in to a  
7 floor of the town house when they were being-- when  
8 they had that right and it was retroactively taken  
9 away. Very limited relief, and we said that  
10 repeatedly to the Supreme Court and the lower courts.

11 COUNCIL MEMBER RESTLER: But by bringing--

12 RANDY MASTRO: [interposing] This does not  
13 jeopardize rent stabilization--

14 COUNCIL MEMBER RESTLER: [interposing] the  
15 subject of rent regulation to this extreme, far  
16 right, conservative Supreme Court--

17 RANDY MASTRO: [interposing] No.

18 COUNCIL MEMBER RESTLER: we put the  
19 affordable housing of 2.2 million New Yorkers at  
20 risk.

21 RANDY MASTRO: No.

22 COUNCIL MEMBER RESTLER: One million  
23 rent-regulated affordable apartments that we depend  
24 on as the lynchpin for affordability in New York City  
25 that would upend how New Yorkers--

2 RANDY MASTRO: [interposing] Council--

3 COUNCIL MEMBER RESTLER: working class New  
4 Yorkers would no longer be able to live here without  
5 rent regulation.

6 RANDY MASTRO: Councilman--

7 COUNCIL MEMBER RESTLER: [interposing] And  
8 I am deeply concerned that you put forward a case  
9 that could have led to this far right, extremist  
10 Supreme Court making the wrong decision--

11 RANDY MASTRO: [interposing] Council--

12 COUNCIL MEMBER RESTLER: [interposing] and  
13 it may have not been the focus, the narrow focus that  
14 you were-- you're articulating today, but it was the  
15 risk that the case posed, and you know better.

16 RANDY MASTRO: Councilman, I do know  
17 better, because I know what I asked for, and I know  
18 that the Supreme Court just before we filed our  
19 petition had rejected the efforts of other litigants  
20 to get rid of rent control and rent stabilization,  
21 and the Supreme Court said no, we reject those  
22 petitions. They are too broad. And we said to the  
23 Supreme Court, we agree that's too broad. We agree  
24 with rent control and rent stabilization. We said it  
25 in the very first paragraph I read to you. We just--

2 COUNCIL MEMBER RESTLER: [interposing] But  
3 this was the risk that you were taking.

4 RANDY MASTRO: asked for limited, limited  
5 relief.

6 COUNCIL MEMBER RESTLER: This Supreme  
7 Court has made decision after decision that has not  
8 been a narrow ruling--

9 RANDY MASTRO: [interposing] Council--

10 COUNCIL MEMBER RESTLER: but that has  
11 far-reaching consequences including eliminating a  
12 woman's right to choose, right? And so--

13 RANDY MASTRO: [interposing] Council--

14 COUNCIL MEMBER RESTLER: [interposing]  
15 this Supreme Court has been making-- eliminating  
16 Chevron deference. We could go on and on and on  
17 where they have chosen to not act narrowly, and you  
18 put the affordability of New York City at risk in  
19 this case.

20 RANDY MASTRO: I did not.

21 COUNCIL MEMBER RESTLER: I'd like to ask  
22 a few more questions about your clients.

23 RANDY MASTRO: Just so the record is  
24 clear, I did not do that, and please read the first  
25 paragraph of the petition which says the plaintiffs

2 do not challenge rent control and rent stabilization,  
3 period, end of story. Thank you.

4 COUNCIL MEMBER RESTLER: Is it accurate--  
5 I'll make these a couple yes or no's. Is it accurate  
6 that a potential implication of your lawsuit against  
7 Local Law 97 is that the law could be completely  
8 undone?

9 RANDY MASTRO: It could be found to be as  
10 sweeping as it is pre-empted by state law. It could.

11 COUNCIL MEMBER RESTLER: Yes or no, is it  
12 accurate that a potential implication of your  
13 congestion pricing lawsuit, prior to Kathy Hochul's  
14 something or other, is that you could have halted the  
15 implementation of congestion pricing altogether?

16 RANDY MASTRO: No.

17 COUNCIL MEMBER RESTLER: Your congestion  
18 pricing litigation could not have led to a halting of  
19 that policy?

20 RANDY MASTRO: No. Would you like to  
21 know why?

22 COUNCIL MEMBER RESTLER: Please.

23 RANDY MASTRO: Okay, thank you. The  
24 lawsuit that we brought on behalf of the Governor of  
25 New Jersey and New Jersey simply seeks a proper

1 environmental, full environmental review of one-of-a-  
2 kind unprecedented congestion pricing scheme in this  
3 country, and that environmental justice communities  
4 be fully considered and mitigation provided for them  
5 before congestion pricing goes into effect. It will  
6 not prevent congestion pricing from going into  
7 effect. That's not my lawsuit. It's a lawsuit that  
8 some others in New York have brought. The lawsuit  
9 that I brought on behalf of the Governor of New  
10 Jersey and the State of New Jersey is about  
11 protecting our environmental laws, making sure the  
12 federal authorities and the MTA abide by their legal  
13 obligations under something called NEPA, National  
14 Environmental Protection Act, to provide for full  
15 environmental reviews and for commitment of  
16 mitigation to environmental justice communities like  
17 Newark and East Orange and Bayonne and Bergen County  
18 that will obviously be adversely affected by the  
19 diversion of traffic through those New Jersey  
20 communities. Yet, the plan approved by the FHWA, a  
21 federal agency, and the MTA provided no mitigation  
22 money whatsoever in the original proposal. It is  
23 about protecting--  
24  
25

2 COUNCIL MEMBER RESTLER: [interposing] But  
3 it did ultimately.

4 RANDY MASTRO: environmental justice  
5 communities and fully environmental review, which I  
6 would think environmentalists would applaud.

7 COUNCIL MEMBER RESTLER: It did  
8 ultimately include investments in EJ communities as  
9 part of the final solution that had been agreed to by  
10 the MTA. But I just-- I think the overarching point  
11 here is that, you know, some of the cases that you've  
12 discussed today including in our back-and-forth  
13 regarding rent regulations, Local Law 97, are about  
14 technicalities, even minor issues, and that may be  
15 true, but the implications are not minor. The  
16 implications are the end of rent regulations as we  
17 know it, or the end of the most ambitious municipal  
18 climate legislation in the country. you've argued  
19 that we shouldn't judge based on your paying clients,  
20 because everyone deserves an attorney who will  
21 represent them zealously, and I agree with that, but  
22 we're not talking about representing clients in  
23 criminal court, and you don't have to represent every  
24 client in civil proceeding, especially as an attorney  
25 of your stature. You've chosen take on these cases,

2 cases that could have such detrimental impact on life  
3 as we know it in New York City. So, I guess, why  
4 should-- I mean, I'll just ask the question. Why  
5 should we approve the nomination of a litigator who  
6 has actively worked to strike down tenant and  
7 environmental protections and other noble public  
8 policies here in New York City when we have qualified  
9 attorneys who have not been involved in paid legal  
10 work opposed to the public interest like you?

11 RANDY MASTRO: I have explained to you in  
12 two of those three cases the very narrow scope of the  
13 relief, that it goes to simply certain amendments  
14 applied retroactively, and that it goes to protecting  
15 environmental justice communities for which there was  
16 no mitigation initially, and inadequate mitigation  
17 now. These are actually principles that everyone  
18 should care about. That-- and on the third case, it  
19 involves a pre-emption question because of the way  
20 Local Law 97 was drafted and crafted, and I have  
21 explained I'm proud of the work I've done to hold  
22 government accountable all levels, local, state, and  
23 federal to do the right thing. And ultimately, these  
24 principles, protecting the environment-- having full  
25 environmental review and protection of environmental

2 justice communities, not allowing laws to be applied  
3 retroactively when people have depended upon those  
4 laws and can ill afford otherwise, and in a  
5 circumstance like Local Law 97 where I said flat out  
6 on behalf of our clients, we support climate change  
7 legislation. we support improving the standards, but  
8 you have someone offering themselves as Corporation  
9 Counsel who understands when the government doesn't  
10 get it right, when legislation needs to be improved,  
11 and who will help you craft legislation so that a  
12 pre-emption argument can't be made, help you achieve  
13 those objectives, help you develop the administrative  
14 record in the legislative body to make sure that  
15 legislation is unassailable when it gets to the  
16 courts. That's actually something that I'm uniquely  
17 well-qualified to help this council do because of  
18 those experiences. These are not things that are  
19 anti-government. These are things that are pro-  
20 government and holding government accountable to get  
21 it right, and now, helping government to ensure that  
22 when it has laudable goals, that its goals will  
23 become law that is unassailable. I can help you do  
24 that.

2 RANDY MASTRO: [interposing] Councilman, I  
3 will help you do that.

4 COUNCIL MEMBER RESTLER: As recently as  
5 July you filed paperwork relating to Local Law 97 in  
6 court that as you testified today could upend and  
7 overturn this legislation as we know it.

8 RANDY MASTRO: it could, but I could help  
9 you recraft that legislation so that it would be  
10 unassailable, and I wish you would let me.

11 COUNCIL MEMBER RESTLER: It-- to me, this  
12 isn't a laughing matter at all.

13 RANDY MASTRO: Please.

14 COUNCIL MEMBER RESTLER: The future of  
15 our planet is at stake.

16 RANDY MASTRO: I'm not laughing. Someone  
17 in the audience laughed.

18 COUNCIL MEMBER RESTLER: This is the most  
19 consequential law that we have enacted in the New  
20 York City Council in many years, and it will  
21 dramatically drive down our carbon emissions, and you  
22 have been the one working against it and fighting to  
23 overturn it. So, you know, considering you've  
24 appeared in court multiple times since you've been  
25 mentioned as a potential nominee for this position

2 against the Law Department, against the City's  
3 attorneys, do you think that you put those attorneys,  
4 the Law Department in a difficult position to have to  
5 argue against their potential future boss?

6 RANDY MASTRO: I--

7 COUNCIL MEMBER RESTLER: [interposing]

8 Furthermore, we've heard from many-- several, I'll  
9 say, several attorneys at the Law Department that are  
10 concerned about the tactics you have used against the  
11 City. They've noted that you're a win-at-all-costs  
12 attorney, or that's your mentality, and that they  
13 have found you to be highly combative. Is this the  
14 type of approach that we should expect from you  
15 should you be confirmed for this position at the helm  
16 of the Law Department?

17 RANDY MASTRO: I don't know that to be  
18 the case. I have many friends in the Law Department.  
19 I have enormous respect for them, but the fact of the  
20 matter is, when you are litigating against the  
21 government where the legal standards are  
22 overwhelmingly in the government's favor, that-- you  
23 know, those are always uphill climbs. The fact of  
24 the matter is, I have more than one speed. I  
25 recognize the difference in the roles, and you know,

2 I have great working relationships with lawyers in  
3 general. So, no, I don't see it at all as an issue  
4 of lawyers in the Law Department feeling that, you  
5 know, I had a different position. I was-- we're all  
6 professionals. I was the-- I've been a lawyer  
7 representing clients in private practice in  
8 litigation. I have great respect for the Law  
9 Department. I think most members of the Law  
10 Department have great respect for me. I wouldn't be  
11 pursuing this position if I didn't already appreciate  
12 and understand and value the lawyers of the Law  
13 Department and all the Law Department can do and what  
14 more it can do for civil rights, constitutional  
15 rights, social justice, and public safety. We can do  
16 so much more. This is a unique opportunity to  
17 transform the Law Department and to get it right.  
18 Thank you.

19 COUNCIL MEMBER RESTLER: Appreciate that.  
20 I'd like to just shift gears to another topic. Could  
21 you briefly explain your understanding of the process  
22 by which the Law Department determines whether or not  
23 to represent an employee accused of sexual  
24 harassment?  
25

2 RANDY MASTRO: I have not been involved  
3 with the Law Department. I remember what the  
4 procedures were 25+ years ago. I know there are  
5 protocols for doing that. I would want to review it  
6 when I get there. I would want to evaluate the  
7 protocols to see whether I think they're appropriate  
8 or not, and I would commit to do that, but I'm not  
9 familiar with the pro--

10 COUNCIL MEMBER RESTLER: [interposing]  
11 Well, I'll tell you the upshot. The Law Department  
12 will determine if the employee was acting within the  
13 scope of his or her public employment and in the  
14 discharge of his or her duties and was not in  
15 violation of any rule or regulation of his agency at  
16 the time of the alleged act or omission occurred.  
17 So, yes or no, is it correct that if the Corporation  
18 Counsel determines that an employee was acting  
19 outside the scope of their employment, the employee  
20 is not entitled to representation as far as you  
21 understand?

22 RANDY MASTRO: I think as a general  
23 proposition, while each case depends upon its facts,  
24 I think that is correct.

25 COUNCIL MEMBER RESTLER: Great.

2 RANDY MASTRO: The employee acted outside  
3 the scope of their employment, that would be  
4 different.

5 COUNCIL MEMBER RESTLER: And yes or no, is  
6 it correct that the Corporation Counsel determines  
7 that an employee acting in violation of any rule or  
8 regulation at the time of the alleged incident, that  
9 that employee is not entitled to representation?

10 RANDY MASTRO: Again, it depends upon the  
11 facts of each case, and we don't-- in the context of  
12 potential civil representation or in the context of a  
13 criminal case, we don't prejudge the individual based  
14 on the allegations in a criminal or a civil  
15 complaint, but--

16 COUNCIL MEMBER RESTLER: [interposing] Of  
17 course you don't prejudge.

18 RANDY MASTRO: the fact--

19 COUNCIL MEMBER RESTLER: [interposing] But  
20 if you believe--

21 RANDY MASTRO: The fact of the matter--  
22 the fact of the matter is, these issues depend upon a  
23 deep-dive factually, and I would want to review the  
24 Law Department's protocols to determine whether I  
25

1 thought they were appropriate, and I will [inaudible]  
2 accordingly, but I don't believe--

3  
4 COUNCIL MEMBER RESTLER: [interposing] So,  
5 let me just say--

6 RANDY MASTRO: that the Law Department  
7 represents people who act outside the scope of their  
8 employment.

9 COUNCIL MEMBER RESTLER: Well, they're  
10 certainly not supposed to. Do you believe that if  
11 reasonably verified repeated sexual harassment is in  
12 violation of a rule or regulation of the City?

13 RANDY MASTRO: Obviously, sexual  
14 harassment is not something that's condoned by the  
15 City.

16 COUNCIL MEMBER RESTLER: If appointed,  
17 would you agree to re-examine the current  
18 representation decisions to confirm that they meet  
19 the appropriate standard?

20 RANDY MASTRO: Yes.

21 COUNCIL MEMBER RESTLER: When you were  
22 first approached by the Adams Administration to ask  
23 if you were interested in-- when were-- excuse me.  
24 When were you first approached by the Adams

2 Administration to ask if you were interested in being  
3 considered for Corp Counsel?

4 RANDY MASTRO: Earlier this year.

5 COUNCIL MEMBER RESTLER: Can you be more  
6 specific?

7 RANDY MASTRO: It was after the first of  
8 the year, probably more like February.

9 COUNCIL MEMBER RESTLER: February.

10 RANDY MASTRO: But that's based on  
11 recollection. It's now been so long since where it  
12 leaked that I was potentially being considered.

13 COUNCIL MEMBER RESTLER: Well, you made  
14 it--

15 RANDY MASTRO: [interposing] It feels like  
16 a lifetime--

17 COUNCIL MEMBER RESTLER: [interposing] to  
18 this stage in the process.

19 RANDY MASTRO: ladies and gentleman.

20 COUNCIL MEMBER RESTLER: I know it does.  
21 Have you had any conversations with the Mayor or  
22 members of his team in the past seven, eight months  
23 about decisions regarding representation and  
24 provision of outside counsel?

25 RANDY MASTRO: None.

2 COUNCIL MEMBER RESTLER: Would you  
3 consult--

4 RANDY MASTRO: [interposing] I've never  
5 had-- I've never had a discussion with the Mayor  
6 about any particular case or any particular  
7 representation at all.

8 COUNCIL MEMBER RESTLER: Would you  
9 consult with the Mayor when making determinations of  
10 when to provide external counsel for senior  
11 government officials?

12 RANDY MASTRO: The Law Department makes  
13 those determinations according to protocol. It's not  
14 a question of consulting with any one individual.

15 COUNCIL MEMBER RESTLER: What role do you  
16 believe the Corporation Counsel has in defending the  
17 Mayor and members of the Administration for  
18 activities that fall outside of the reasonable  
19 expectation of work on behalf of the public interest?

20 RANDY MASTRO: I think we've already  
21 talked about this. If you acted outside the scope  
22 with your authority, that's not something that I  
23 understand typically Corporation Counsel would be  
24 involved in.

2 COUNCIL MEMBER RESTLER: Well, I just-- I  
3 have to say plainly, of course I'm concerned about  
4 the case of Tim Pearson [sp?] in particular. There  
5 have been allegations of repeated sexual misconduct  
6 and harassment by him by many colleagues who've  
7 worked with him in city government. There was an  
8 inadequate investigation according to the reports  
9 from-- according to statements from the City Hall  
10 Press Office, and yet, he is still in his job. He's  
11 still overseeing staff, including women. He's been  
12 provided with a white shoe attorney, outside counsel,  
13 at no expense to him. We as tax payers are paying  
14 for it. And you know, this of course, was-- has been  
15 widely reported to be the major or one of the major  
16 issues that led to the discontinuation of public  
17 service for Judge Hines-Radix. So, it is of grave  
18 concern to me how the Mayor interfered in this case,  
19 and insisted that outside counsel be provided to his  
20 friend, that an inadequate investigation occur, and  
21 that he is continuing to serve in his job without any  
22 repercussions whatsoever. And I take you at your  
23 word that you said today if confirmed that you will  
24 review that case, and that you will not consult with

2 the Mayor in determining whether outside counsel is  
3 appropriate. Did I get that right?

4 RANDY MASTRO: You do have that right,  
5 and I want to say, I appreciate what you are saying.  
6 I'm not accepting the characterizations of certain  
7 issues or people. I have to steep myself in the  
8 issues and study them, but I just say this about the  
9 judge, I have enormous respect for the judge.

10 COUNCIL MEMBER RESTLER: You and me both.

11 RANDY MASTRO: I appeared before her when  
12 she was a judge on the case to block the Bloomberg  
13 Administration from expanding the Brooklyn House of  
14 Detention. Did that on behalf of Billy Thompson and  
15 Letitia James to block that decrepit facility from  
16 being expanded and she was the judge who issued that  
17 order. So, I have great respect for her.

18 COUNCIL MEMBER RESTLER: You've-- and I  
19 do as well, and as Chair of the Governmental  
20 Operations Committee, we have oversight of the Law  
21 Department. I've worked closely with Judge Hines-  
22 Radix. She never had us fill out a form either. She  
23 was a great partner, and for this-- for our committee  
24 and for the Council as a whole.

2 RANDY MASTRO: You'll be on speed-dial to  
3 me, Council Member Restler, and--

4 COUNCIL MEMBER RESTLER: [interposing] You  
5 might regret that.

6 RANDY MASTRO: the door will always be  
7 open. And to you, Councilwoman Hudson, no matter  
8 what--

9 CHAIRPERSON POWERS: [interposing] You  
10 don't want to offer that, let me just tell you that.

11 COUNCIL MEMBER RESTLER: You stated that  
12 you were honored to work-- you know, in the questions  
13 that Council Member Hudson raised, in particular, you  
14 underscored that, you know, you were honored to work  
15 for Mayor Rudy Giuliani, an administration where you  
16 served in two of the most powerful positions in the  
17 Office of the Mayor. You were described as the voice  
18 of the administration, the key strategist, etcetera.  
19 You said that Rudy Giuliani established New York City  
20 as an international model for reform and the most  
21 restrained police department in America. We've heard  
22 a lot about your accomplishments in the Giuliani  
23 Administration and the work that you're proud of, but  
24 are there major policy decisions and work of the  
25 Giuliani Administration that you're not proud of,

2 decisions you fought against that you'd like to share  
3 with us today to demonstrate your independence that  
4 you've spoken so much-- you've spoken to so much  
5 today.

6 RANDY MASTRO: I think I have already  
7 testified that, of course, there are such issues and  
8 those are issues that a trusted counselor addresses  
9 in confidence with the principle and speaks with  
10 candor and confidence. That's what a trusted  
11 counselor and lawyer does. But I will say this and I  
12 will repeat it again, and it came up with  
13 Councilwoman Hudson-- I guess I've said it publicly  
14 before. I wish we had done more to improve  
15 relationships with communities of color, that we had  
16 communicated better, and more understanding--  
17 communication, understanding. So many of the issues  
18 that arose, I wish we had done more in that regard,  
19 and that I always had an open door, but I was just  
20 one person, and the fact remains that there are so  
21 many misunderstandings even to this day. I wish we  
22 had done a better job with sensitivity and  
23 understanding and communication--

24 COUNCIL MEMBER RESTLER: [interposing] Mr.  
25 Mastro--

2 RANDY MASTRO: with communities of color.

3 COUNCIL MEMBER RESTLER: the problematic  
4 relationships that the Giuliani had with communities  
5 of color were a direct result of the Giuliani  
6 Administration's policies, right? Did you support  
7 the Giuliani Administration's use of hyper-aggressive  
8 Broken Windows policing?

9 RANDY MASTRO: Well, I think that that's  
10 a characterization.

11 COUNCIL MEMBER RESTLER: Just yes or no?

12 RANDY MASTRO: It's not a yes or no,  
13 because in certain respects Broken Windows policing  
14 which was practiced nationally in the mid-1990s  
15 resulted not in incarceration, but people being in  
16 the system, and that sometimes led to breaking really  
17 shocking cases. Serial rapist on the Upper East Side  
18 that I can recall and other cases where the person as  
19 a toll jumper didn't go to prison, but was, you know,  
20 in the system for having been a toll jumper. You  
21 know, you can't-- one size doesn't fit all. It's a  
22 question of implementation of how one does things.  
23 I'm not saying that everything was done perfectly,  
24 but I'm also not here to say anything other than  
25 there were tremendous reductions in crime during that

2 period of time, and I think we have to understand  
3 historical context and how much good was done. And  
4 in taking on organized crime, which was my bailiwick,  
5 we had tremendous achievements against formidable  
6 odds where I'm lucky to be alive today.

7 COUNCIL MEMBER RESTLER: With all due  
8 respect, it is disappointing that you're not prepared  
9 to go further than saying not everything was handled  
10 perfectly, and I'm going to maintain my private  
11 counsel from over a quarter century ago. There were  
12 serious policy-- seriously problematic policies that  
13 were implemented by the Giuliani Administration, and  
14 I wish with a quarter century of perspective you  
15 could speak more eloquently and directly to what was  
16 gotten wrong-- the hyper-aggressive, over policing in  
17 Broken Windows mentality, the discriminatory use of  
18 stop-and-frisk, the fact that, you know, the Giuliani  
19 Administration limited the ability of people with  
20 AIDS and HIV to access city benefits, the fact that  
21 the homeless population skyrocketed during the  
22 Giuliani Administration, the cancellation of the  
23 Housing Works contracts that supported programs for  
24 the homeless and people with HIV/AIDS. I recognize  
25 that you have good work that you have done in your

2 career that you can tout and be proud of, but I'm  
3 disappointed that the deeply problematic record of  
4 many of the Giuliani Administration is not something  
5 that you're prepared to speak to in any meaningful  
6 way, and--

7 RANDY MASTRO: [interposing] I think I--  
8 councilman, with all due respect, I think I am  
9 speaking to it in a meaningful way. I don't agree  
10 with some of your characterizations, but I have  
11 acknowledged I wish there are things we could have  
12 done better, and I am at my core, I am a lawyer and a  
13 counselor, and lawyers and counselors counsel their  
14 clients, work with clients and public officials with  
15 whom they serve with relationships of trust and  
16 confidence. The fact that I might have done things  
17 differently-- 25 years later, a confidence is a  
18 confidence, just as I will keep the Speaker's  
19 confidence when we speak in confidence if I'm  
20 fortunate enough to have this position. And I should  
21 say that looking at the totality of my career over  
22 four decades, to me, the focus on trying to get me to  
23 say negative things about a mayor I served during a  
24 four-year period in those 40 years, I'm not sure why  
25 that should so dominate these proceedings. I'm here

2 to tell you I am ready to serve and I have a 40-year  
3 record of advancing civil rights, constitutional  
4 rights, social justice, and public safety, and there  
5 are things in the Giuliani Administration I'm proud  
6 of having done myself in my own record in the  
7 Giuliani Administration.

8 COUNCIL MEMBER RESTLER: But Mr. Mastro,  
9 you were not a bystander--

10 RANDY MASTRO: [interposing] So thank you  
11 for that.

12 COUNCIL MEMBER RESTLER: You were not a  
13 bystander in the Giuliani Administration. You were  
14 not a mid-level official.

15 RANDY MASTRO: I didn't claim to be.

16 COUNCIL MEMBER RESTLER: Nor have you  
17 claimed to be. You were one of the most senior  
18 handful of people in that Administration, among the  
19 most powerful people that there were in City Hall for  
20 the years that you worked here, and I would have  
21 hoped coming into the hearing today as you tried to  
22 persuade this City Council that you share our values,  
23 that you would have brought a more reflective  
24 perspective and taken more accountability for what  
25 the Giuliani Administration got wrong in failing-- in

2 causing-- in implementing such harmful policies to  
3 the most vulnerable New Yorkers. And I have to say,  
4 Mr. Mastro, you've said today-- you've said  
5 previously that you see a lot of similarities between  
6 the Giuliani and Adams Administrations, and  
7 unfortunately, I do too, and I couldn't think of a  
8 more damning indictment. So, you know, with that, I  
9 think I will give up--

10 RANDY MASTRO: [interposing] May I please--

11 -

12 CHAIRPERSON POWERS: [inaudible]

13 COUNCIL MEMBER RESTLER: Please.

14 RANDY MASTRO: I have not compared the  
15 Giuliani Administration to other administrations, but  
16 to be clear, I'm here to talk about my own record and  
17 my own record in that administration. And my own  
18 record in that administration is reflected in what  
19 editorial boards and contemporaries who served with  
20 me in government across the hall and throughout city  
21 government, elected democrats, have said about me and  
22 my values. And it was the Daily News that wrote when  
23 I left City Hall I did the virtually impossible, and  
24 the contributions I made to city government will last  
25 a lifetime. The Post, the Times, everyone praised my

2 personal work in City Hall, and I don't want us to  
3 lose focus by focusing on certain issues that weren't  
4 necessarily in my portfolio, although I did have a  
5 significant role, but imagine ladies and gentlemen,  
6 imagine how difficult it was for me, for my family to  
7 face daily death threats because I had the guts to  
8 take on organized crime for this city the prior  
9 administration said they wouldn't take on because it  
10 wasn't intractable. At the Fulton Fish Market,  
11 private carting industry and otherwise, imagine the  
12 guts it took. In the 1990s, I stood up and advocated  
13 within that administration for victims of AIDS,  
14 having lost so many close to me from that scourge,  
15 and I stood up for the rights of the LGBTQ+ community  
16 at a time when that was not a popular position, and  
17 we got historic things done. We didn't cut. We  
18 expanded the rights of same-sex couples to an  
19 unprecedented extent in this city's history, and I  
20 stood up when it was wrong that Staten Island was  
21 burying all of our solid waste. I stood up when on  
22 125<sup>th</sup> Street a crisis was occurring.

23 CHAIRPERSON POWERS: Mastro, we're going  
24 to keep going.

2 RANDY MASTRO: I'm just saying, please  
3 look at the totality of my record, and then all the  
4 pro bono I have done over the years. I appreciate  
5 you acknowledging that Councilman.

6 COUNCIL MEMBER RESTLER: And I do. I  
7 really do. I think you've done noble work--

8 RANDY MASTRO: [interposing] And I

9 COUNCIL MEMBER RESTLER: over the course  
10 of your career. Many-- you fought for many causes  
11 that are worthy of admiration, and I also think that  
12 when you defend somebody you go to extremes in doing  
13 so, and I am concerned that as Corporation Counsel  
14 you would go to extremes in defending Eric Adams  
15 rather than the City of New York, and that is  
16 something that I'm hoping to hear more from you today  
17 as we make our decision.

18 RANDY MASTRO: I'm happy to tell you more  
19 right now.

20 CHAIRPERSON POWERS: We're going to move  
21 along.

22 RANDY MASTRO: I'm sorry.

23 CHAIRPERSON POWERS: it's okay. We have  
24 a lot of-- we have a long list of Council Members  
25 here, I want to make sure we are moving the hearing

2 in the right direction. We're going to go now to  
3 Council Member Farías followed by Council-- well,  
4 we'll start there.

5 COUNCIL MEMBER FARIÁS: Great. That's  
6 Majority Leader Farías for the record. I want to  
7 start by continuing a few questions related to your  
8 answers to our pre-hearing questions, Mr. Mastro.

9 RANDY MASTRO: Sure. Thank you.

10 COUNCIL MEMBER FARIÁS: You were a  
11 partner at Gibson, Dunn and Crutcher from 1989 to  
12 1993.

13 RANDY MASTRO: Yeah.

14 COUNCIL MEMBER FARIÁS: And again from  
15 1998 to 2022.

16 RANDY MASTRO: Partner in 93. I was at  
17 Gibson Dunn from 89 to 93, partner in 93, and then a  
18 partner when I returned.

19 COUNCIL MEMBER FARIÁS: Thank you for the  
20 clarification. We asked you to provide your  
21 compensation for the last five years you were there.  
22 You refused. You can answer this yes or no. You're  
23 aware that as a public official, your salary will be  
24 a matter of public record?

2 RANDY MASTRO: Yes, I am, and I did  
3 disclose that financial information to DOI. I  
4 understand it was made available to the Council, and  
5 to be crystal clear, while I consider that to be  
6 confidential, private information, I will acknowledge  
7 that I'm going to be making a tremendous personal  
8 sacrifice--

9 COUNCIL MEMBER FARÍAS: [interposing]  
10 Sure.

11 RANDY MASTRO: by coming here to--

12 COUNCIL MEMBER FARÍAS: [interposing] All  
13 of our salaries are public record, Mr. Mastro.

14 RANDY MASTRO: do this job. And I not  
15 only am prepared to make that--

16 COUNCIL MEMBER FARÍAS: [interposing]  
17 Okay, I'm going to reclaim my time back.

18 RANDY MASTRO: sacrifice. Sorry.

19 COUNCIL MEMBER FARÍAS: we do not need to  
20 filibuster. I would like to get--

21 RANDY MASTRO: [interposing] Sure. I'm  
22 not filibustering--

23 COUNCIL MEMBER FARÍAS: [interposing] to  
24 the questions. We have several Council Members--

2 RANDY MASTRO: [interposing] I'm just  
3 trying to--

4 COUNCIL MEMBER FARIAS: that still need  
5 to ask question.

6 RANDY MASTRO: I'm just--

7 COUNCIL MEMBER FARIAS: [interposing]  
8 You're also aware that as a public officer with  
9 substantial policy discretion, you would be required  
10 to make public, annual disclosures of all income  
11 sources and financial interests for yourself and your  
12 spouse?

13 RANDY MASTRO: Of course.

14 COUNCIL MEMBER FARIAS: That means if  
15 you're a part of any deferred compensation program at  
16 Gibson, Dunn, King, and Spalding or through your city  
17 employment at the City, you will have to disclose  
18 that if you're appointed.

19 RANDY MASTRO: I will not have any such  
20 deferred compensation from my old firm or my present  
21 firm which I would be resigning as a partner.

22 COUNCIL MEMBER FARIAS: Okay, thank you.  
23 The Council values transparency in all of our  
24 partners. Are you prepared to disclose all of your  
25

2 income and assets without obfuscation or delay if you  
3 become Corporation Counsel?

4 RANDY MASTRO: I already have disclosed  
5 all of my assets.

6 COUNCIL MEMBER FARIÁS: Okay, yes.  
7 During your time as a partner at Gibson, Dunn, you  
8 served in many leadership positions including Chair  
9 of the Litigation Department, member of the Executive  
10 Committee, and even at one time head of the New York  
11 office, is that correct?

12 RANDY MASTRO: Yes, ma'am.

13 COUNCIL MEMBER FARIÁS: Typically to-- in  
14 2021 you pursued the position of Managing Partner and  
15 Chair of Gibson, Dunn, is that correct?

16 RANDY MASTRO: I was on the Management  
17 Committee [inaudible].

18 COUNCIL MEMBER FARIÁS: So, is that a no  
19 that you were running for management partner?

20 RANDY MASTRO: Oh, I'm sorry, that I ran  
21 for management partner?

22 COUNCIL MEMBER FARIÁS: You pursued the  
23 position of management partner.

24 RANDY MASTRO: Well, that's not actually  
25 accurate. But to the extent you're asking, we hadn't

2 actually commenced a process of who should become the  
3 management partner. A majority of the Executive  
4 Committee when polled thought that I should become  
5 the managing partner, but--

6 COUNCIL MEMBER FARÍAS: [interposing]

7 Okay, so did you accept--

8 RANDY MASTRO: [interposing] but I did not  
9 ever pursue the position and I withdrew from any  
10 consideration.

11 COUNCIL MEMBER FARÍAS: Typically, to  
12 become managing partner requires support of your  
13 peers and colleagues, is that correct, and is true  
14 that were not chosen?

15 RANDY MASTRO: No, I just explained. The  
16 old managing partner polled the Executive Committee.  
17 The majority of the thousand share partners on that  
18 committee and others responded to him that I should  
19 be the next managing partner, but given my age, I  
20 ultimately withdrew from consideration since  
21 typically managing partners were younger and I was at  
22 that point in my 60s.

23 COUNCIL MEMBER FARÍAS: Okay. What is  
24 the current status of the dissolution of your  
25 relationship with Gibson Dunn?

2 RANDY MASTRO: I've already answered this  
3 question. I departed Gibson Dunn. There are-- it's  
4 a confidential matter, but there are issues relating  
5 to the terms of my departure.

6 COUNCIL MEMBER FARIÁS: And is the-- are  
7 you folks in arbitration right now?

8 RANDY MASTRO: It's a confidential  
9 arbitration and as I've already informed the Council  
10 that I'm only--

11 COUNCIL MEMBER FARIÁS: [interposing]  
12 Okay, thank you for the reiteration.

13 RANDY MASTRO: I'm only permitted to say  
14 that it involves the terms of my departure.

15 COUNCIL MEMBER FARIÁS: The Law  
16 Department is the City's law firm, employing  
17 approximately 850 lawyers and hundreds of other  
18 support staff. It is one of the biggest law offices  
19 in the City. Why shouldn't we scrutinize your  
20 departure from Gibson Dunn, given that it could  
21 relate to your former colleagues a lack of support  
22 for you leading the firm? After all, in this hearing  
23 we are considering whether you should lead the City's  
24 law office.

2 RANDY MASTRO: Well, I led Gibson Dunn  
3 for 20 years and was on its Executive Committee and  
4 on its Management Committee for most of that time,  
5 and I led it's litigation group, co-chaired that  
6 group to preeminence nationally, and you're going to  
7 hear from former colleagues from Gibson Dunn and  
8 current colleagues about what kind of leader I was at  
9 Gibson Dunn, including leading a New York litigation  
10 partnership to more than-- from zero to more than 30  
11 percent women and many diverse partners.

12 COUNCIL MEMBER FARÍAS: Sure. So, why  
13 leave the law firm if that's the case?

14 RANDY MASTRO: Sorry?

15 COUNCIL MEMBER FARÍAS: Why leave?

16 RANDY MASTRO: Because I hit age 65 and I  
17 was no longer in firm management. I don't-- I've  
18 said that publicly. So, I looked forward to the  
19 unique opportunity to build something new and that's  
20 what's some of the attracting of returning to city  
21 government, to do something transformative with the  
22 Law Department, to bring affirmative litigation, more  
23 of it, for the benefit of the City, civil rights,  
24 constitutional rights, social justice, public safety.

2 COUNCIL MEMBER FARIÁS: It seems like  
3 current and former city Law Department attorneys also  
4 have had doubts about your leadership and do not  
5 support you becoming Corporation Counsel. We have  
6 received several statements from several longtime  
7 current and former attorneys at the Law Department  
8 who provided their statements anonymously for fear of  
9 retribution by you based on some of the tactics  
10 you've employed. One stated, "I have a hard time  
11 thinking of a person more ill-suited for that  
12 position than Mr. Mastro. He has argued countless  
13 cases against the City, challenging its local laws  
14 and regulations that's preempted by state or federal  
15 law or is otherwise unconstitutional. The through-  
16 line being his view that local government should not  
17 be able to address the problems facing the City and  
18 its citizens, perhaps ever, if they adversely affect  
19 the bottom line of one of those clients." Another  
20 stated, "During my Law Department career I litigated  
21 several cases against Randy Mastro. As far as I can  
22 recall, the City won most or all of them. He was  
23 always a difficult adversary full of bluster, puffed  
24 up with self-importance, and disdainful of line of  
25 attorneys and their often-winning legal arguments.

2 While Randy certainly represented his clients  
3 zealously, he could also be over-zealous, making  
4 highly questionable factual assertions and borderline  
5 frivolous legal arguments. It would be unsettling to  
6 see someone with Randy's values and his history of  
7 litigating against the City in high-profile cases  
8 become Corporation Counsel." Why should the Council  
9 place extraordinary faith in the idea that all of  
10 these people, including those who have served the  
11 City's Law Department for decades collectively are  
12 wrong?

13 RANDY MASTRO: So, it's hard to respond  
14 when you quote so-called anonymous sources, but I  
15 will say this, I've listed all the cases I've brought  
16 against the City and, you know, I won many of them,  
17 but leaving that aside, you know, in the heat of  
18 litigation sometimes people take things personally.  
19 I take nothing personally. I don't take your  
20 questions personally. I don't take anyone's  
21 questions personally on this Council, and I think  
22 that I could produce dozens of people from the Law  
23 Department who would say how much they enjoyed  
24 working with me, and they'd do it on the record. So,  
25 I have to say that it doesn't surprise me that one or

2 more people in the heat of battle came away with less  
3 of a broader perspective, but in most of my  
4 litigation work we develop relationships and bonds  
5 that go beyond just that litigation and with  
6 professionals. We respect each other. I respect the  
7 law Department. I respect you all, and that's why I  
8 would like to serve, because I think it's a great  
9 department.

10 COUNCIL MEMBER FARÍAS: Thank you. I  
11 mean, I'm sure many of us can aggregate a dossier of  
12 people that can be on either side, but I think it's  
13 important for all of us to consider as many sides as  
14 possible coming into this.

15 RANDY MASTRO: A couple of anonymous  
16 people you're quoting, but go ahead, please.

17 COUNCIL MEMBER FARÍAS: There will be  
18 lots of folks testifying today, so--

19 RANDY MASTRO: [interposing] Please.

20 COUNCIL MEMBER FARÍAS: the anonymity of  
21 the two that I've given as an example are irrelevant.

22 RANDY MASTRO: Please go ahead.

23 COUNCIL MEMBER FARÍAS: It has been  
24 widely reported that Judge Hines-Radix left her role  
25 as Corporation Counsel because she believe that the

2 Law Department and city resources should not be used  
3 to defend a top associate of the Mayor's against  
4 sexual assault and harassment allegations. Given  
5 that you are seeking this role at the Mayor's  
6 nomination to replace Judge Hines-Radix, it seems  
7 fair to believe that you think this is an appropriate  
8 role for the Corporation Counsel. How can we, as the  
9 first women-majority legislative body of this city,  
10 believe that you can run an inclusive workplace that  
11 isn't hostile to women given the controversy of a  
12 legal decision on gender-based harassment and  
13 violence that shrewds [sic] your nomination to  
14 replace someone whose principled legal position seems  
15 unappreciated?

16 RANDY MASTRO: Well, I don't know any of  
17 that background that you are referring to, but I have  
18 a proven track record of diversity, including in my  
19 own law firm where I took a litigation partnership in  
20 New York that had no diverse partners, no women  
21 partners, and we were over 30 percent women and many  
22 diverse partners by the time I left.

23 COUNCIL MEMBER FARÍAS: Okay. We--

24 RANDY MASTRO: [interposing] And--

2 COUNCIL MEMBER FARIÁS: will continue on  
3 with the questions then so we can get to the rest of  
4 it. Judge Hines-Radix wasn't the first or the last  
5 woman Commissioner-- mostly women of color who have  
6 left the Adams Administration, including several  
7 alleged who had been pushed out. Why do you feel  
8 comfortable joining an Administration as a white man  
9 to replace a woman of color in light of this track  
10 record of independent women commissioners and leaders  
11 outside of City Hall departing?

12 RANDY MASTRO: Well, I mean, I never  
13 thought of this as being about who I am. I thought  
14 of this being about my qualifications to serve, no  
15 matter what race--

16 COUNCIL MEMBER FARIÁS: [interposing] But  
17 that is directly connected to your experience, right?

18 RANDY MASTRO: But no matter-- no matter  
19 what race--

20 COUNCIL MEMBER FARIÁS: [interposing]  
21 You're lived experience and how you get to move  
22 through--

23 RANDY MASTRO: [interposing] gender  
24 [inaudible]

2 COUNCIL MEMBER FARIÁS: the world, and  
3 upon reflection of coming into this position  
4 replacing, under the circumstance, women of color  
5 being replaced--

6 RANDY MASTRO: [interposing] What reflects  
7 my world view is 40 years go representing Janet  
8 Morgan, Black school teacher who'd been improperly  
9 discharged and was the victim of racial  
10 discrimination that violated academic freedom. What  
11 shows who I am are the representation of peaceful  
12 racial justice protestors after George Floyd's murder  
13 in June 2020, most of whom were black.

14 COUNCIL MEMBER FARIÁS: I mean, I've--

15 RANDY MASTRO: [interposing] what  
16 represents my values--

17 COUNCIL MEMBER FARIÁS: [interposing]  
18 Respectfully--

19 RANDY MASTRO: [interposing] is what I  
20 have done for the--

21 COUNCIL MEMBER FARIÁS: [interposing] I've  
22 heard you here.

23 RANDY MASTRO: LGBTQ community. Please.

24 COUNCIL MEMBER FARIÁS: Do you need-- do  
25 you need a minute?

2 RANDY MASTRO: No.

3 COUNCIL MEMBER FARIÁS: Okay.

4 RANDY MASTRO: Please let me-- please let  
5 me explain--

6 COUNCIL MEMBER FARIÁS: [interposing]  
7 What I'm saying to you is--

8 RANDY MASTRO: my values.

9 COUNCIL MEMBER FARIÁS: You're sitting  
10 here, you're claiming that you've worked on expanding  
11 gender roles and all of those items, but really, like  
12 we're entering-- are you comfortable with entering a  
13 space in an administration that is known to push out  
14 women of color? That's the question.

15 RANDY MASTRO: Yeah, I don't-- I don't--

16 COUNCIL MEMBER FARIÁS: [interposing]  
17 That's the values question that I'm asking you.

18 RANDY MASTRO: I don't agree with the  
19 characterization. It's like the prior question you  
20 asked.

21 COUNCIL MEMBER FARIÁS: Okay.

22 RANDY MASTRO: I don't know that-- that  
23 that's to be the case or that to be a fair  
24 characterization.

2 COUNCIL MEMBER FARÍAS: Do you believe  
3 that Judge Hines-Radix is qualified to be Corporation  
4 Counsel as a Black woman, 34-year term?

5 RANDY MASTRO: I already told you, I have  
6 nothing but respect for Judge Radix, and I personally  
7 appeared before her. I respect her. This isn't  
8 about, you know, any-- this isn't about my views of  
9 her. I have nothing but respect for her.

10 COUNCIL MEMBER FARÍAS: And what about  
11 the Acting Corporation Counsel? Who's--

12 RANDY MASTRO: [interposing] I have  
13 nothing but respect for her. She happens to be the  
14 daughter of one of the first Mayors I voted for,  
15 Wilson Goode when I was a student at Philadelphia.

16 COUNCIL MEMBER FARÍAS: Okay. Let's move  
17 on from this.

18 RANDY MASTRO: Actually, he was the next  
19 elected--

20 COUNCIL MEMBER FARÍAS: [interposing] In  
21 the 1990s--

22 RANDY MASTRO: [interposing] He was the  
23 next elected Mayor.

24 COUNCIL MEMBER FARÍAS: Mr. Mastro?

25 RANDY MASTRO: Yes.

2 COUNCIL MEMBER FARIÁS: We're going to  
3 move on.

4 RANDY MASTRO: Sorry.

5 COUNCIL MEMBER FARIÁS: In the 1990s  
6 there was a national right-wing movement aimed at  
7 dismantling bilingual education. By 1999 the  
8 movement made its way into New York City and Mayor  
9 Giuliani formed the Mayor's Taskforce on Bilingual  
10 Education with the stated goal of making  
11 "recommendations to the Mayor and the Board of  
12 Education regarding the reform of bilingual education  
13 with an emphasis on intense English instruction for  
14 students who are not fluent in English." Mayor  
15 Giuliani named you as co-chair to this taskforce.  
16 Could you share with us what specific experience in  
17 bilingual education qualified you to serve as co-  
18 chair for the taskforce?

19 RANDY MASTRO: Well, I was co-chair of  
20 that taskforce with Harold Levy, the School's  
21 Chancellor at the time, and I was honored to serve. I  
22 think that had more to do with, you know, my  
23 administrative skills, but I was honored to serve  
24 with Harold. I also want on the Board of CUNY where I  
25 was confirmed by the State Senate. So I had done

2 work in the education space, and I cared about that  
3 issue, and Harold and I worked extremely closely  
4 together. Unfortunately, Harold passed away, or I  
5 think he would be here talking about how  
6 constructively we worked together.

7 COUNCIL MEMBER FARÍAS: Okay, so while  
8 serving as co-chair--

9 RANDY MASTRO: [interposing] Can I--

10 COUNCIL MEMBER FARÍAS: you were rather  
11 vocal about the failure of bilingual education. In  
12 fact, though the final recommendations fell short of  
13 it, you advocated for the complete elimination of  
14 bilingual--

15 RANDY MASTRO: [interposing] I did not.

16 COUNCIL MEMBER FARÍAS: education in New  
17 York City schools.

18 RANDY MASTRO: I did not. Would you like  
19 to know what I--

20 COUNCIL MEMBER FARÍAS: [interposing] I'm  
21 going to finish and then I'll give you a moment to  
22 respond.

23 RANDY MASTRO: Please. Thank you.

24 COUNCIL MEMBER FARÍAS: Supporters of  
25 bilingual classes argued that students who went

2 through the program scored higher on standardized  
3 tests than did U.S.-born speakers. You're position  
4 was quite vocally opposed by a prominent Latino civil  
5 rights organizations that saw Mayor Giuliani's  
6 antagonistic stance towards bilingual education as a  
7 xenophobic dog whistle design to score political  
8 points with a certain subset of voters who supported  
9 Giuliani's sought for his U.S. Senate run.

10 Considering the pains taken by Giuliani to suppress  
11 the Latino vote back in 93, it is difficult to fathom  
12 that he had their best interest at heart during his  
13 tenure, particularly when it came to focusing  
14 significant resources to their education. Given the  
15 lack of experience in education and education policy,  
16 it would seem that Giuliani tapped you as a chair to  
17 this commission because he trusted you most to get  
18 the job of dismantling a set of programs meant to  
19 serve the Latino community as well as other immigrant  
20 groups. Is that right?

21 RANDY MASTRO: No, and I have to explain,  
22 because you have it completely wrong. The proposal  
23 that we made as a result of that commission's work  
24 was not a condemnation of bilingual education, but  
25 too many students who were in bilingual education,

2 because there were over 160 languages spoken in the  
3 New York City public school system at the time-- too  
4 many of them were ending up in Special Education, too  
5 many, and what we proposed was not the elimination of  
6 bilingual education or any of the resources given to  
7 bilingual education. What we proposed was offering  
8 parental choice, an alternative. Those parents who  
9 wanted English emersion could choose that. Those  
10 parents who wanted to stay in bilingual education  
11 could choose that. You couldn't have had a more  
12 Solomonic, responsible position. Harold Levy favored  
13 it. The New York Times said what we proposed was  
14 historic and could be ground-breaking, giving parents  
15 the choice of whether their children had English  
16 emersion or whether they had bilingual education.  
17 And guess what, you want to ask me what one of my  
18 biggest disappointments was from the Giuliani  
19 Administration, it was not that. In fact, it was the  
20 position of the Mayor on bilingual education, it was  
21 that he didn't carry through and implement the  
22 recommendations of that commission, because it could  
23 have been historic for every community to give  
24 parental choice. What could be more empowering than  
25 giving parent choice? Funding both programs, but

2 unfortunately, the Chancellor and the Mayor couldn't  
3 agree on the funding for the alternative program, so  
4 it didn't happen.

5 COUNCIL MEMBER FARIÁS: Okay.

6 RANDY MASTRO: And to this day, I wish  
7 parents had had that choice. I was pro-students who  
8 needed bilingual education or preferred English  
9 emersion, and parents having that choice--

10 COUNCIL MEMBER FARIÁS: [interposing] So,

11 RANDY MASTRO: [interposing] It was pro  
12 those students, councilwoman. I was pro those  
13 students.

14 COUNCIL MEMBER FARIÁS: Mr. Mastro? I'm  
15 going to move to the next questions.

16 RANDY MASTRO: Thank you.

17 COUNCIL MEMBER FARIÁS: IN the appendix  
18 to the 2000 Mayor's report on bilingual education,  
19 you called for the City and the then Board of  
20 Education to move to vacate the then 26-year-old  
21 federal court Aspira consent decree. Such a vacator  
22 [sic] would have eliminated students' right to a  
23 bilingual education and the city's obligation to  
24 provide it. Why did you advocate for the vacator of  
25

2 the consent decree, and would you have the same  
3 position today?

4 RANDY MASTRO: Okay. It was a component  
5 of what we were proposing. You had to give them  
6 choice. So you had to have the ability to give  
7 parents choice. It was not that we had a problem  
8 with bilingual education, it was that we were trying  
9 to give parental choice. So, please, don't  
10 misunderstand what we were doing. What we were doing  
11 was supported across the board, and the New York  
12 Times said would have been historic.

13 COUNCIL MEMBER FARIÁS: Sure. I mean,  
14 although flexibility in the program's implementation  
15 in accelerated English language acquisitions are  
16 laudable goals, as you're saying you're going towards  
17 parental choice, vacating the consent decree would  
18 have eliminated students' rights to a bilingual  
19 education and the City's obligation to provide it. I  
20 mean, that is the key component here. You called  
21 bilingual education a "failure" and that's a quote.

22 RANDY MASTRO: It was failing too many  
23 students because too many of them ended up in Special  
24 Education. If you look at the report, you will see  
25 the percentage of students in bilingual education who

2 were being dumped into Special Ed. That was a  
3 tragedy. These kids deserved choice.

4 COUNCIL MEMBER FARÍAS: The report will  
5 be in the record, so we'll--

6 RANDY MASTRO: [interposing] Thank you.

7 COUNCIL MEMBER FARÍAS: make sure folks  
8 have access to that.

9 RANDY MASTRO: Thank you.

10 COUNCIL MEMBER FARÍAS: Why should we  
11 trust that you wouldn't imperil the right of New York  
12 City's diverse student population to a bilingual  
13 education today?

14 RANDY MASTRO: Because I championed the  
15 right of kids in bilingual education and their  
16 parents to have choice. I think that would be a good  
17 thing today. I want them to succeed. I wanted them  
18 to succeed then, and too many of our children were  
19 left behind in the old system. I hope it's improved  
20 today. I haven't been in government for the past 20+  
21 years, but back in 2000, too many of our kids were  
22 left behind. Too many of them were ending up in  
23 Special Education, and I wanted to do something to  
24 improve that, and the Chancellor of the school system  
25

2 agreed with me, and the New York Times said hooray,  
3 it's historic what you're trying to do.

4 COUNCIL MEMBER FARIÁS: So, I want to  
5 pick up on the line of questioning from Deputy  
6 Speaker Ayala started related to your support of the  
7 gay community. You've invited Ninfa Segarra to  
8 testify on your behalf later today. Mayor Giuliani's  
9 first appointment when he took office was the  
10 appointment of Ninfa Segarra as Deputy Mayor for  
11 Education. As head of the Mayor's transition team,  
12 there's no question at least for me that you were  
13 involved in that appointment as well as other  
14 appointments. Let's talk about how Ms. Segarra came  
15 to Mayor Giuliani's attention. In 1990 Bronx Borough  
16 President Fernando Ferrer appointed her to the Board  
17 of the Education to fulfill a promise to appoint a  
18 Latina with children to the New York City schools.  
19 Once on the board, she became approved to be one of  
20 the most conservative members. She voted with the  
21 conservatives on the board to mandate that New York  
22 City's AIDS education curriculum focused on  
23 abstinence. She opposed the distribution of condoms  
24 in high schools when teenagers were becoming  
25 infected, and teen pregnancy rate was skyrocketing,

2 and she opposed the Rainbow Curriculum which was a  
3 curriculum to help teach first graders to develop  
4 positive attitudes and respect towards individuals  
5 from different racial, ethnic, religious, cultural,  
6 and diverse family backgrounds, including tolerance  
7 of gay and lesbian families. She sided with  
8 conservatives to cancel School Chancellor's Joseph  
9 Fernandez's contract in 1993 leading to Fernando  
10 Ferrer to ask her to resign, and then she endorsed  
11 Rudy Giuliani for mayor. Do you really believe that  
12 someone who used their position to so actively  
13 promote homophobia and combat medically-sound AIDS  
14 education is the kind of person who's going to  
15 persuade this council to support you?

16 RANDY MASTRO: I don't think that's a  
17 fair characterization.

18 COUNCIL MEMBER FARÍAS: I'm not asking  
19 about the characterization of--

20 RANDY MASTRO: [interposing] But I have--

21 COUNCIL MEMBER FARÍAS: Ms. Segarra. I'm  
22 asking for you--

23 RANDY MASTRO: [interposing] Council--

24 COUNCIL MEMBER FARÍAS: presenting folks  
25 to testify on your behalf here. Do you think that

2 background, those facts that I stated, because all of  
3 that is factual information,--

4 RANDY MASTRO: [interposing] I--

5 COUNCIL MEMBER FARÍAS: [interposing] is  
6 sound enough to convince this council?

7 RANDY MASTRO: I don't consider that to  
8 be factual information. I don't think the personal  
9 vilification of potential witnesses is constructive.  
10 I'm about building bridges. Folks are coming forward  
11 to talk about the work that I did in the Giuliani  
12 Administration, and I just would add that I  
13 appreciate that they're willing to do that.

14 COUNCIL MEMBER FARÍAS: sure.

15 RANDY MASTRO: And I appreciate that I  
16 also, among the people you mentioned, enjoy the  
17 support of Freddy Ferrer for this position. I enjoy  
18 the support of his successor--

19 COUNCIL MEMBER FARÍAS: [interposing]  
20 Okay, we've heard a lot about your endorsements--

21 RANDY MASTRO: Ruben Diaz, Junior.

22 COUNCIL MEMBER FARÍAS: already and  
23 they're all going to be here to testify. I'm solely  
24 asking if you believe--

25 RANDY MASTRO: [interposing] It's--

2 COUNCIL MEMBER FARIÁS: that testimony  
3 specifically with the history of facts that I just  
4 laid out--

5 RANDY MASTRO: [interposing] I simply--

6 COUNCIL MEMBER FARIÁS: is going to  
7 persuade this council.

8 RANDY MASTRO: I'm simply pointing out  
9 the support that I enjoy, and I hope it will  
10 resonate.

11 COUNCIL MEMBER FARIÁS: Okay, so we can  
12 move on. We can move on, Mr. Mastro. During your  
13 career in private practice you have from time to time  
14 represented government officials and have been paid  
15 using taxpayer dollars. The work you've done in  
16 those context can tell us a great deal about how you  
17 would comport yourself as the most powerful attorney  
18 for the City. Let's talk about one of these  
19 instances, your work for the then Republican governor  
20 of New Jersey, Chris Christie on Bridge-gate scandal.  
21 Bridge-gate was a political scandal that rocked New  
22 Jersey and national politics in 2013. In the  
23 scandal, Governor Christie was accused of  
24 deliberately creating a massive traffic problem on  
25 the George Washington Bridge in Fort Lee, New Jersey

2 as a retribution against the Mayor of Fort Lee, a  
3 Democrat who had not supported Christie in his re-  
4 election campaign in 2013. When this scandal started  
5 to damage Governor Christie's political aspirations  
6 for higher office, he hired you. Since the taxpayers  
7 were footing the bill which ended up being \$8  
8 million, Governor Christie promised that your work  
9 would be independent and transparent. The  
10 investigative report that you produced was neither of  
11 those things and was criticized for two main reasons.  
12 First, your report was widely derided as a white-wash  
13 designed to protect Governor Christie rather than to  
14 get to the truth. Some dubbed your report the Randy  
15 Mastro Defense Brief, because it was so evidently  
16 one-sided, a crystal clear indication that your work  
17 failed. The most basic test of credibility and  
18 transparency was your failure to retain  
19 contemporaneous notes from the interviews that you  
20 had conducted. In other investigations, your firm  
21 has taken contemporaneous notes during interviews and  
22 preserved them, as it is standard legal practice.  
23 However, for the Bridge-gate investigation, you  
24 intentionally changed your approach and overrode  
25 those notes as you were finalizing your report. A

2 New Jersey Federal Judge Susan Wigenton sharply  
3 criticized your failure to preserve these notes  
4 calling it distasteful and out of lien with standard  
5 legal practice. Judge Wigenton added that New Jersey  
6 residents deserved better, and while the erasure of  
7 your notes may have been a clever tactic to help hide  
8 facts from the media and other investigators, when  
9 public investigations are involved, straightforward  
10 lawyering is superior to calculated strategy.  
11 Fundamentally, your report was not a serious piece of  
12 legal work, but instead political work attempting to  
13 clear your principal from wrongdoing. Mr. Mastro,  
14 why shouldn't New Yorkers be concerned that you'll do  
15 the same in our city and use taxpayer dollars as the  
16 guise of legal practice to act as a political  
17 operative for the Mayor?

18 RANDY MASTRO: Because that totally  
19 mischaracterizes the investigative work and defense  
20 of the Governor's Office, not the Governor  
21 personally, and the report that we prepared which  
22 dealt with two issues, Bridge-gate and an accusation  
23 by the Mayor of Hoboken, where here allegations were  
24 so thoroughly debunked and dropped by an  
25 investigators that no one mentions that anymore based

2 on the work that we did. And let me just say this,  
3 the results of our investigation where we attributed--  
4 - we acknowledged that there had been certain  
5 wrongdoing and who was responsible for it, but every  
6 subsequent investigation reached the same basic  
7 conclusions we did. The U.S. Attorney's Office, it  
8 charged two individuals. It didn't charge the  
9 Governor. It didn't charge other members of his  
10 staff. The New Jersey Attorney General's Office, it  
11 reached the same conclusions. The Bergen County  
12 Prosecutor's Office, it reached the same conclusions,  
13 and--

14 COUNCIL MEMBER FARIÁS: [interposing] So,  
15 what is your response to the note--

16 COUNCIL MEMBER FARIÁS: and as to--  
17 please, please let me finish, because you said some  
18 very serious things, okay? As to the method in which  
19 we conducted our investigation, it was not standard  
20 operating procedure. Actually, the FBI in conducting  
21 criminal investigations produces one document-- it's  
22 called a 302-- of witness interviews. That's  
23 actually standard federal practice, and in complex  
24 investigations today that the law firms do on behalf  
25 of clients, it is common to work off of a central

2 database to produce one final document and interview  
3 memos. There was nothing that was concealed from the  
4 public. We did over 80 interviews. We produced  
5 thousands of pages of evidence based on the work that  
6 we did, and yes, I'm familiar with what the judge had  
7 to say, who didn't come from an investigative  
8 background-- she had been a civil lawyer. The fact  
9 of the matter is that the way we conducted that  
10 investigation was not only responsible, it was in  
11 fact the conclusion reached by every other--

12 COUNCIL MEMBER FARÍAS: [interposing] So,  
13 can you--

14 RANDY MASTRO: investigation.

15 COUNCIL MEMBER FARÍAS: Can you respond  
16 to my question?

17 RANDY MASTRO: Yeah, so people should  
18 have confidence in my ability to do things the right  
19 away, and the fact of the matter is that I was in  
20 that instance representing a client which was the  
21 Governor's Office, and we said to the U.S. Attorney's  
22 Office at the time that there had been no federal  
23 crime committed by anyone, even if certain people  
24 engaged in wrongdoing, and ultimately the U.S.  
25 Attorney, someone I have great respect for-- I think

2 he has great respect for me-- decided to indict and  
3 prosecute anyway, and at the end of the day, the  
4 Supreme Court ruled nine to nothing that there was no  
5 federal crime there. So, people in New York should  
6 have confidence that I will stand up and I will speak  
7 truth to power. In this case, the truth to power was  
8 to the U.S. Attorney.

9 COUNCIL MEMBER FARIÁS: Okay. Your  
10 report also was widely criticized for its blatant  
11 sexism. The central conclusion of your report was  
12 that Bridget Anne Kelly, a former Christie aide, was  
13 responsible for the traffic jams and issues, and she  
14 took these actions because she was upset over being  
15 dumped by her former boss.

16 RANDY MASTRO: I did not-- that was not  
17 what was concluded, but I'll be happy to explain when  
18 you're done.

19 COUNCIL MEMBER FARIÁS: Your report spent  
20 unnecessary time on the details of Ms. Kelly's  
21 romantic life and speculated wildly on her emotional  
22 wellbeing. In your report you called her "emotional"  
23 and claimed that she cried frequently and relied on  
24 men for approval. You also wrote, "events in Kelly's  
25 personal life may have some bearing on her subjective

2 motivations and state of mind." You received near  
3 universal condemnation for this sexist line of  
4 reasoning. New Jersey government officials called  
5 your work disgusting, sexist, anti-female. The press  
6 called it slut-shaming of Bridget Kelly, and others  
7 mentioned that there were no purpose in including  
8 these private details other than to shred her  
9 reputation and send a not-so-veiled message that  
10 she'd receive more such treatment if she decided to  
11 break her silence and reveal whatever she knows about  
12 others in the Administration and their roles if any  
13 in the lane closure episode. Do you regret including  
14 gratuitous gossip about Ms. Kelly's romantic life in  
15 your report?

16 RANDY MASTRO: Thank you for asking that,  
17 because it's a total mischaracterization of the  
18 report and what we wrote about Ms. Kelly.

19 COUNCIL MEMBER FARÍAS: And the quotes  
20 that I stated?

21 RANDY MASTRO: Please let me finish.  
22 Please let me finish.

23 COUNCIL MEMBER FARÍAS: But the quotes  
24 that I stated, were they-- are you not regretful?  
25

2 RANDY MASTRO: Please let me finish.

3 You're quoting two or three snippets from a several  
4 hundred page report, and the evidence that we  
5 uncovered was directly relevant to who might have  
6 been involved in the bridge closure. When-- the lane  
7 closure. When the decision was made and there really  
8 was no doubt that Bridget Kelly from her emails was  
9 involved in making that decision along with David  
10 Wildstein [sp?] at the Port Authority, both of whom  
11 were terminated and prosecuted. Bridget Kelly had  
12 replaced as the Mayor's Deputy Chief of Staff someone  
13 named Bill Stepien, who went on to run his campaign.  
14 Unbeknownst to others in the governor's office, they  
15 had a personal relationship, but the allegation after  
16 the bridge closure was that Bill Stepien running the  
17 campaign must have been involved in the decision to  
18 close the bridge, but at the time--

19 COUNCIL MEMBER FARÍAS: [interposing]

20 Okay. I just-- I want to get back--

21 RANDY MASTRO: [interposing] Please let  
22 me-- please let me finish.

23 COUNCIL MEMBER FARÍAS: to what I--  
24 right. But I need you to understand--

25 RANDY MASTRO: [interposing] Please--

2 COUNCIL MEMBER FARÍAS: that I asked  
3 about your words that you stated--

4 RANDY MASTRO: [interposing] Please--

5 COUNCIL MEMBER FARÍAS: in the report  
6 and--

7 RANDY MASTRO: [interposing] Council  
8 Member--

9 COUNCIL MEMBER FARÍAS: if you are  
10 regretful of including--

11 RANDY MASTRO: [interposing] You cannot--  
12 you cannot ask a question like that and not let me  
13 please explain.

14 COUNCIL MEMBER FARÍAS: Yes, I can. I can  
15 be as direct--

16 RANDY MASTRO: [interposing] Please.  
17 Please.

18 COUNCIL MEMBER FARÍAS: and pointed to  
19 what I brought up in my--

20 RANDY MASTRO: [interposing] Let me just  
21 finish.

22 COUNCIL MEMBER FARÍAS: questioning.

23 RANDY MASTRO: Let me just finish. The--  
24  
25

2 COUNCIL MEMBER FARÍAS: [interposing] I'm  
3 going to move on if you're not going to specifically  
4 answer if you regret--

5 RANDY MASTRO: [interposing] The fact--  
6 the fact that--

7 COUNCIL MEMBER FARÍAS: [interposing]  
8 including gossip about Ms. Kelly--

9 RANDY MASTRO: [interposing] Please. The  
10 fact of the matter is, the fact that they ceased to  
11 have a relationship--

12 COUNCIL MEMBER FARÍAS: [interposing] I'm  
13 moving on beyond this.

14 RANDY MASTRO: and were no longer  
15 speaking-- the fact they were no longer speaking,  
16 meant that he wasn't involved.

17 COUNCIL MEMBER FARÍAS: Mr. Chairman, can  
18 you instruct the witness that he's out of order--

19 RANDY MASTRO: [interposing] That's why  
20 it's relevant.

21 COUNCIL MEMBER FARÍAS: and I said I was  
22 going to reclaim my time and move on.

23 CHAIRPERSON POWERS: Mr. Mastro, we'll  
24 give you an opportunity to continue to explain  
25 yourself, but let--

2 RANDY MASTRO: [interposing] I'm sorry.  
3 Go ahead, please. Alright, I just wanted to make  
4 clear that--

5 CHAIRPERSON POWERS: [interposing]  
6 Understood.

7 RANDY MASTRO: it was directly relevant  
8 to Stepian's culpability.

9 COUNCIL MEMBER FARIAS: You can also  
10 supplement any of your testimony within 72 hours of  
11 this. I totally understand you want to add more. We  
12 have several members that still want to ask  
13 questions. You didn't want to answer my last  
14 question. I would like to move on, because I have a  
15 few more.

16 RANDY MASTRO: Okay. I did answer it.

17 COUNCIL MEMBER FARIAS: Mr. Mastro--

18 RANDY MASTRO: [interposing] I had a  
19 reason for why that was important, factually.

20 COUNCIL MEMBER FARIAS: Okay, you can  
21 supplement it in your testimony. Please, Mr. Mastro.  
22 I want to go back in time and discuss your work as an  
23 attorney for the 1993 Giuliani mayoral campaign. You  
24 were the outside counsel for that campaign. The  
25 public recently learned some troubling things about

2 what took place during that campaign as a result of a  
3 YouTube show called America's Mayor Alive. America's  
4 Mayor Alive is a YouTube show hosted by your former  
5 principal Rudy Giuliani. During an episode with  
6 former Donald Trump advisor Steve Bannon and failed  
7 Arizona gubernatorial candidate Kari Lake in April of  
8 last year, he gleefully shared an anecdote about the  
9 election day operations of that campaign. These are  
10 his words, and I quote, "So, they went through East  
11 Harlem which is all Hispanic and they gave out little  
12 cards, and the card said if you come to vote, make  
13 sure you have your green card, because INS are  
14 picking up illegals." And so they went and spread  
15 these cards all over Latino communities of the City.  
16 To make matters worse, Giuliani had to hold back  
17 giggles while recounting the story. You were an  
18 attorney for that campaign as you stated previously.  
19 Were you aware of this scheme?

20 RANDY MASTRO: No.

21 COUNCIL MEMBER FARIÁS: A Department of  
22 Justice press release from that election day  
23 announced that the DOJ was aware that posters had  
24 been placed throughout New York City misinforming  
25 voters about the role of federal officials in that

2 day's election. The DOJ would go on to investigate  
3 these illegal activities along with over voter  
4 suppression tactics including voter intimidation and  
5 poll site disruption, all neighborhoods of color.

6 Mr. Mastro, should attorneys for an organization do  
7 everything they can to advise their client against  
8 discriminatory acts that violate constitutional law?

9 RANDY MASTRO: Yes, and again, my role  
10 was as the lawyer before the Campaign Finance Board.  
11 I was not involved in any other aspect of the  
12 campaign.

13 COUNCIL MEMBER FARIÁS: And as an  
14 attorney to the Giuliani campaign, though, the  
15 electoral part of it, did you advise against any of  
16 these vial discriminatory acts?

17 RANDY MASTRO: Having not been aware of  
18 what you are saying or aware that any of that  
19 actually happened, I obviously did not advise in any  
20 way, shape, or form about it, but had such a thing  
21 occurred, hypothetically, or I'd been told that such  
22 a thing were going to occur, I would have expressed  
23 in no uncertain terms that that was not-- totally  
24 unacceptable and could not possibly happen.

2 COUNCIL MEMBER FARIÁS: Did you learn of  
3 it at any time period--

4 RANDY MASTRO: [interposing] No.

5 COUNCIL MEMBER FARIÁS: while you were  
6 there?

7 RANDY MASTRO: No, I'm hearing this for  
8 the first time today. I-- you know, I haven't spoken  
9 to the former mayor in years. So what you're telling  
10 me today is not something I have personally  
11 experienced, was every personally aware of, or have  
12 any knowledge of.

13 COUNCIL MEMBER FARIÁS: Thank you for  
14 answering my questions. I look forward to the  
15 supplemental information that you're going to provide  
16 with your testimony. I really just want to reiterate  
17 what some of my colleagues have said. You know, at  
18 the end of all of this, we have to make a decision  
19 based off of your responses here, that the track  
20 record that we've seen both on who've you been a pro  
21 bono attorney to, but also the other side that you  
22 have taken on, and I think while you are stating that  
23 you have a track record of this and that  
24 historically, some of the larger issues that's raised  
25 to us is the time that you served in an

2 Administration that was discriminatory, that was  
3 racist, that was sexist, and you either are against  
4 all of those things which you haven't blatantly,  
5 admittedly like stated yes or no to some of those  
6 questions, or you were complicit in that. And I  
7 think for a lot of us, you know, Corporation Counsel  
8 isn't a position of redemption. It's a position of  
9 trust. I will wrap my time there.

10 CHAIRPERSON POWERS: Thank you.

11 RANDY MASTRO: Can I please?

12 CHAIRPERSON POWERS: I'll give you 30  
13 seconds to respond, and then we're going to go to  
14 Council Member Brannan and Council Member Brewer.

15 RANDY MASTRO: Thank you. It was  
16 factually relevant to whether Bill Stepien was  
17 involved in the decision to close the bridge, that he  
18 was no longer speaking to Bridget Kelly, who clearly  
19 was. But to be clear-- so, that was actually  
20 relevant to the investigation and the U.S. Attorney's  
21 Office considered it relevant to the investigation.  
22 But again, we advocated on behalf of the Governor's  
23 Office that no one should have been federally charged  
24 by the U.S. Attorney's Office, and that's ultimately--  
25 - including Bridget Kelly, because there was no

2 federal crime, and ultimately the Supreme Court  
3 agreed nine to nothing with us. Thank you.

4 CHAIRPERSON POWERS: Thank you. Thank  
5 you. We're going to go to Council Member Brannan and  
6 we'll be followed by Council Member Brewer.

7 COUNCIL MEMBER BRANNAN: Thank you, Chair  
8 Powers. Ms. Mastro, it's good to see you here today.  
9 Thank you for answering our questions.

10 RANDY MASTRO: Thank you.

11 COUNCIL MEMBER BRANNAN: What is your  
12 opinion of Rudy Giuliani circa 2024?

13 RANDY MASTRO: I'm not here today to  
14 testify about Rudy Giuliani. I haven't spoken to  
15 Rudy Giuliani in years. I find it heartbreaking, and  
16 my own personal views are reflected in the work I've  
17 done at Citizen's Union for the past decade as its  
18 chair where I have regularly spoken out about actions  
19 of the prior administrations and that individual's  
20 lawyers, and that information has been provided to  
21 the Council. So, I'll let, you know, my public  
22 statements speak for themselves. I don't condone it.

23 COUNCIL MEMBER BRANNAN: Similar to  
24 Congress at the federal level, do you believe that

2 the City Council is an equal branch of city  
3 government?

4 RANDY MASTRO: Absolutely, and I think  
5 you would see a level of service and responsiveness  
6 from Corp Counsel's Office unlike anything you have  
7 ever seen before if I were to become the Corporation  
8 Counsel. Fortunate enough to become.

9 COUNCIL MEMBER BRANNAN: NBC News  
10 reported back in 2007 that Giuliani's City Hall was  
11 secretive to the point of being openly hostile toward  
12 open government, the First Amendment, and the  
13 public's access to simple facts and figures. You  
14 issued a statement for that campaign that said  
15 Giuliani ran an open and transparent administration.  
16 I've submitted that report for the record, and you  
17 added, "There was probably no elected official in  
18 this country who made himself as available to the  
19 press and public as Rudy Giuliani did when he was  
20 Mayor of New York City." At the time you made that  
21 statement you were aware that when Giuliani left the  
22 Mayor's Office he took 2,000 boxes of written,  
23 photographic and electronic records, including your  
24 records, Mr. Mastro, which the City then had to spend  
25 years trying to get back. So, was the Mayor taking

2 public records from City Hall that should go into the  
3 City's archives appropriate?

4 RANDY MASTRO: I actually-- at the time  
5 that happened, I don't recall being aware that he did  
6 that. I was no longer in City Hall. I'm glad that  
7 you got the records back, because I understand you  
8 reviewed dozens of boxes here in preparation for  
9 these hearings. And the reason I said what I said  
10 that you're quoting is because every day the Mayor  
11 would have a press conference. Every morning he  
12 would have a press conference, make himself available  
13 to the press, and then every afternoon when I was  
14 Deputy Mayor, there would be a gaggle of reporters  
15 able to ask me any questions at the end of the day.  
16 So, I considered myself to be transparent. I spoke  
17 to any reporters who ever had questions for me, and I  
18 know that the Mayor made himself available in ways  
19 that other mayors have not. I just wanted to say one  
20 last thing, because I didn't really get a chance to  
21 respond to all the points that were made earlier. I  
22 unequivocally am 100 percent against any sexism,  
23 racism, discrimination of any form, and there's no  
24 evidence that I would ever condone any such thing,  
25 and there's plenty of evidence in my record of

2 fighting for civil rights, you know, constitutional  
3 rights, racial justice, and promoting diversity. So  
4 I just wanted to make that crystal clear, because we  
5 got a little off-track in the back and forth,  
6 Councilwoman, but I just want that to be crystal  
7 clear. Thank you. Sorry, Council Member.

8 COUNCIL MEMBER BRANNAN: Okay. Talking  
9 to your tenacity, and if maybe there's a time when  
10 tenacity has gone too far. You didn't list this in  
11 your responses to our pre-hearing questions about  
12 legal actions against the City, but in 2014 when you  
13 were still a partner at Gibson Dunn, you personally  
14 sued the City of New York and the FDNY over a \$375  
15 fine that you received for failing to prevent two  
16 unwarranted fire alarms at your residence. Do you  
17 remember this?

18 RANDY MASTRO: Short answer is obviously  
19 I remember it, and I didn't list it because the  
20 question was when I represented a client. I actually  
21 was represented by someone else in the-- in that  
22 matter, and the reason why--

23 COUNCIL MEMBER BRANNAN: [interposing]  
24 Okay, but let me just finish.

25 RANDY MASTRO: Sorry.

2 COUNCIL MEMBER BRANNAN: This is a \$375  
3 fine. You appealed the fine before OATH. Then when  
4 OATH ruled against you, you used firm resources at  
5 Gibson Dunn, namely a Gibson Dunn associate, to file  
6 your briefs and argue your case in the appellate  
7 division first and Supreme Court for a \$375 fine.  
8 When you lost there, you appealed to the appellate  
9 division in the first department, where a three-judge  
10 panel against you in 2017. In addition to your own  
11 firm's resources, your lawsuit required the time of  
12 four Law Department attorneys to defend the City,  
13 taking their attention away from other work. This was  
14 litigation that you brought against the City that you  
15 should have disclosed. So, why didn't you disclose  
16 this information in response to questions about your  
17 legal actions against the City?

18 RANDY MASTRO: It wasn't because you  
19 asked-- the question from the Council was litigations  
20 where I represented a client against the City, but to  
21 be clear, in that instance--

22 COUNCIL MEMBER BRANNAN: [interposing]  
23 Wouldn't that be a technicality, though, to withhold  
24 information?  
25

2 RANDY MASTRO: One, I understood the  
3 question to be where I was a lawyer representing  
4 clients, so I'm not resting on a technicality. But  
5 the fact of the matter is that there-- the reason for  
6 that litigation and the same articles you're probably  
7 quoting from, quoted me saying this, is that the fine  
8 was imposed because I was supposed to have corrected  
9 a false fire alarm. I did correct the false fire  
10 alarm. I put in the proof that I had corrected the  
11 false fire alarm, and the Fire Department didn't get  
12 around to acknowledging the correction until after  
13 the date when they imposed a new fine. And it was an  
14 example of the kind of thing that drives people in  
15 our city, New Yorkers, crazy about the bureaucracy of  
16 the City. I shouldn't have been fined. So, the  
17 issue was--

18 COUNCIL MEMBER BRANNAN: [interposing] But  
19 let's--

20 RANDY MASTRO: of addressing the city  
21 bureaucracy.

22 COUNCIL MEMBER BRANNAN: [interposing]  
23 Let's zoom out. Let's zoom out for a minute. Let's  
24 zoom out for a minute. Do you think--

2 RANDY MASTRO: [interposing] It was not a  
3 big deal.

4 COUNCIL MEMBER BRANNAN: Do you think it  
5 made-- do you think it makes sense? What does it  
6 speak to when you're going to such great lengths to  
7 fight a \$375 fine? Certainly most New Yorkers do not  
8 have the fire power and the resources that you were  
9 able to bring forth for a \$375 fine.

10 RANDY MASTRO: I think that more is being  
11 made of this now, then it was--

12 COUNCIL MEMBER BRANNAN: [interposing]  
13 Well, sure.

14 RANDY MASTRO: at the time. But the fact  
15 of the matter is that it was an example of how the  
16 city bureaucracy sometimes drives average New Yorkers  
17 nuts, and I thought it was an issue worth  
18 establishing. I'm surprised that it didn't win,  
19 because the evidence showed that I shouldn't have  
20 been fined, but you know, the fact of the matter is  
21 the-- my colleagues were pleased to do it and get the  
22 experience, and it was an example of, you know,  
23 government having gone too far. I'm sure many of who  
24 you have experienced the same thing and felt that  
25 frustration.

2 COUNCIL MEMBER BRANNAN: I'm sure people  
3 who were actually trying to fight fines, that they,  
4 you know, were trying to make ends meet who weren't  
5 able to do that, because the lawyers at the Law  
6 Department were focused on fighting your \$375 fine.

7 RANDY MASTRO: It's actually standing up  
8 for New Yorkers against bureaucracy.

9 COUNCIL MEMBER BRANNAN: You were  
10 standing up for yourself.

11 RANDY MASTRO: It's standing up for New  
12 Yorkers against bureaucracy run amuck. So, it's not  
13 about me individually. It's about, you know, having  
14 sensible procedures and bureaucrats treating average  
15 New Yorkers the right way. It was not intended to  
16 offend. It was intended to vindicate the rights of  
17 average New Yorkers.

18 COUNCIL MEMBER BRANNAN: Okay, let's move  
19 on to the minimum wage and the Fight for 15. As you  
20 know, in 2012, the Fight for 15 movement began when a  
21 group of fast-food workers walked out of their jobs,  
22 demanding a \$15 an hour wage and a union. At that  
23 time, fast-food CEOs were among the highest-paid  
24 corporate executives averaging \$23.8 million a year,  
25 while entry-level food service workers in New York

2 State earned on average \$16,920 per year. In 2015,  
3 Governor Cuomo convened a Wage Board to examine the  
4 minimum wage of the fast-food industry. You were  
5 hired to fight that and contest that. And in July  
6 21, 2015 article in the American Lawyer regarding  
7 your fight against the fast-food worker's wage hike,  
8 you were described as having developed a reputation  
9 for challenging various government actions, or as  
10 you've apparently put it, "Who's better to know when  
11 government screws up than a former Deputy Mayor who's  
12 a litigator?" So, was raising the minimum wage for  
13 fast-food workers a screw-up?

14 RANDY MASTRO: So, you understand what  
15 that case was about, my clients who were franchises  
16 of major national chains-- the \$15 dollar minimum  
17 wage was only raised for that national food chain  
18 franchises. The franchisees are actually independent  
19 small businesses. They pay the big chains--

20 COUNCIL MEMBER BRANNAN: [interposing]  
21 Understood, but do you--

22 RANDY MASTRO: [interposing] But let me  
23 finish.

24

25

2 COUNCIL MEMBER BRANNAN: [interposing] No,  
3 I understand the case. I was there. I understand the  
4 case.

5 RANDY MASTRO: I argued in favor of \$15  
6 dollar minimum wage--

7 COUNCIL MEMBER BRANNAN: [interposing] Do  
8 you believe that fast-food workers--

9 RANDY MASTRO: for everyone.

10 COUNCIL MEMBER BRANNAN: Do you believe  
11 that fast-food workers deserved the raise?

12 RANDY MASTRO: Absolutely.

13 COUNCIL MEMBER BRANNAN: Then why did you  
14 fight against it

15 RANDY MASTRO: Because a subset of them.

16 COUNCIL MEMBER BRANNAN: So, only some of  
17 them deserve the raise,--

18 RANDY MASTRO: [interposing] The national  
19 chains--

20 COUNCIL MEMBER BRANNAN: not all of them?

21 RANDY MASTRO: Absolutely right. Only  
22 the national chains [inaudible]--

23 COUNCIL MEMBER BRANNAN: [interposing] Got  
24 it. Let's move on.

2 RANDY MASTRO: But please, let me  
3 explain.

4 COUNCIL MEMBER BRANNAN: We got to keep  
5 moving.

6 RANDY MASTRO: We argued for \$15--

7 COUNCIL MEMBER BRANNAN: [interposing] We  
8 got to keep-- I'm reclaiming my time.

9 RANDY MASTRO: minimum wage for every  
10 fast-food worker.

11 COUNCIL MEMBER BRANNAN: Chair? Mr.  
12 Mastro--

13 CHAIRPERSON POWERS: [interposing] Go  
14 ahead.

15 COUNCIL MEMBER BRANNAN: you also  
16 represented the National Restaurant Association, the  
17 other NRA. The Association has spent decades  
18 fighting increases to minimum wage at the federal and  
19 state levels as well as a sub-minimum wage paid to  
20 tip workers like waiters. The NRA, the National  
21 Restaurant Association, also opposed New York State's  
22 proposed \$15 minimum wage for fast-food workers. You  
23 called it without support and data, logic, or law, an  
24 arbitrary, capricious, irrational, and unreasonable.  
25 Thankfully, you lost and the workers got a raise. The

2 wage hike has since gone through, and this January  
3 the minimum wage in New York City, Long Island and  
4 Westchester went up to \$16. Since 2018, fast-food  
5 prices have generally increased at the same rate as  
6 inflation. Average weekly earnings for fast-food  
7 workers increased in conjunction with the increases  
8 in the minimum wage and fast-food employment has  
9 continued to grow. So, clearly, fast-food workers  
10 got a raise and the sky did not fall and the world  
11 did not end. Even though you are well above an  
12 average earner, were you unable to see the benefit of  
13 an increased minimum wage for working people of New  
14 York City?

15 RANDY MASTRO: I did see the benefit. I  
16 said it was arbitrary and irrational and capricious,  
17 because the \$15 minimum wage should have applied to  
18 all fast-food workers, the pizzeria, the deli. In  
19 fact, the \$15 minimum wage should have applied to all  
20 workers. The challenge was very limited because the  
21 governor had cabined it to only national franchisees,  
22 and not given it to the other workers. So those are  
23 the facts. I favored the \$15 minimum wage. I argued  
24 in favor of across the board. That was fair. That  
25 was rational, not just fast-food--

2 COUNCIL MEMBER BRANNAN: [interposing]

3 You're contending that--

4 RANDY MASTRO: [interposing] So,  
5 fortunately, later the governor did it for everybody.

6 COUNCIL MEMBER BRANNAN: Mr. Mastro,  
7 you're contending that you were fighting to get more  
8 workers a raise and not to block the raise  
9 altogether?

10 RANDY MASTRO: We argued in court that  
11 the \$15 minimum wage was irrational unless it was  
12 applied to all fast-food workers, and you can find  
13 that in our court papers.

14 COUNCIL MEMBER BRANNAN: Okay, so giving  
15 workers a raise to you is irrational, got it. Mr.  
16 Mastro--

17 RANDY MASTRO: [interposing] No. it was  
18 rational to give it to all, to all.

19 COUNCIL MEMBER BRANNAN: Most senior--

20 RANDY MASTRO: [interposing] Please.

21 COUNCIL MEMBER BRANNAN: partners at  
22 well-regarded law firms like the ones you practice in  
23 have their pick of clients. Their docket is so full  
24 that they can afford to turn away work they don't  
25 want. You chose to engage in a fight to suppress the

2 wages of fast-food workers. So should the fast-food  
3 workers in this city be troubled that you might be  
4 the next Corporation Counsel?

5 RANDY MASTRO: I don't-- the short answer  
6 is no, because I actually advocated that all fast-  
7 food workers, not just from national franchisees,  
8 should get a \$15 minimum wage. So, I think fast-food  
9 workers appreciate that I took that position with the  
10 local pizzeria and the deli.

11 COUNCIL MEMBER BRANNAN: Okay, thank you,  
12 Chair.

13 CHAIRPERSON POWERS: Thank you. Can I  
14 just have a follow-up question on that, because I do  
15 feel like there's a characterization issue here with  
16 the case you're talking about? And the argument that  
17 you're saying that you argued for all fast-food  
18 workers to make-- to make minimum wage feels a little  
19 disingenuous to me, a little may be the wrong word  
20 I'd use. I believe the argument you were making was  
21 that the franchise owners should not be part of that  
22 \$15 wage because they're small business owners. Is  
23 that correct?

24 RANDY MASTRO: No. The argument was that  
25 Governor Cuomo in the first instance only sought to

2 impose the \$15 minimum wage on these franchisees on  
3 the misguided assumption that they were supported by  
4 the national chains, when in reality those  
5 franchisees pay for the right to be part of that  
6 national franchise, and they were going to be the  
7 only ones who had the obligation of the \$15 minimum  
8 wage. So it's not disingenuous at all, Chair Powers,  
9 and I respect you tremendously, but I actually was  
10 arguing, and I'll be happy to pull up the old court  
11 papers-- you know, I was actually arguing that all  
12 fast-food workers, not just the franchises of  
13 national chains should be getting the \$15 minimum  
14 wage, and that it wasn't right to just do it to those  
15 franchisees.

16 CHAIRPERSON POWERS: Who was client in  
17 that issue?

18 RANDY MASTRO: They were several  
19 franchises. Some of them were McDonald's, but they  
20 were multiple franchises.

21 CHAIRPERSON POWERS: Understood. I think  
22 just to characterize this correctly, I think there  
23 may be an argument-- a policy argument to discuss how  
24 franchise owners are discussed in a larger  
25 conversation on national chains. I think it would be

2 a mischaracterization to say you were defending the  
3 pizza places and delis and other places who were not  
4 your client.

5 RANDY MASTRO: I--

6 CHAIRPERSON POWERS: [interposing] And not  
7 ask-- and similarly concerned about what the  
8 franchise owners were concerned about.

9 RANDY MASTRO: I didn't say that they  
10 were my clients. What I said was in characterizing  
11 that limited \$15 relief for that limited class of  
12 establishments, national franchisees, that what made  
13 it irrational and discriminatory was that it should  
14 have been across the board. Then we wouldn't have had  
15 a case. And by the way, Councilman Brannan, when it  
16 went broader, there was no lawsuit. We didn't  
17 challenge that. That's what we'd actually advocated,  
18 that there should be a \$15 minimum wage across the  
19 board. So, when that happened, that's actually  
20 something that the franchisees that I represented in  
21 that case thought was fair.

22 CHAIRPERSON POWERS: Okay. I also want  
23 to make sure we acknowledge that Council Member  
24 Salamanca, Council Member Narcisse were joining us

2 virtually. We're now going to go to Council Member  
3 Brewer.

4 COUNCIL MEMBER BREWER: Thank you. I'm  
5 going to ask a longer question and then some short  
6 ones about 9/11. The aftermath, as you know, of the  
7 9/11 attack has affected thousands of people,  
8 workers, and students who were there at ground zero  
9 that fateful day, and many of the mistakes of that  
10 period have come home to roost, and we know why  
11 because so many more people have died. Governor  
12 Whitman then head of EPA in the Bush Administration  
13 and the Giuliani Administration claimed the air was  
14 safe to breathe when it was not as we all know. At  
15 least partially as a result, as of today, more people  
16 have died in the years since the attack than died on  
17 the day itself from all of the respiratory issues,  
18 cancer, and other fatal diseases. And I think-- I'm  
19 particularly concerned about this and was responsible  
20 with Governor Cuomo for getting the extra memorial  
21 for these individuals. To her credit, Governor  
22 Whitman has since apologized for her statement. I  
23 don't know of any similar apology from Mayor  
24 Giuliani. The remaining residents and survivors of  
25 the attacks are interested deeply in what the City

2 knew about the hazards of that period and when they  
3 knew it. Nadler, Maloney, and now Goldman, all  
4 members of Congress have pressed the issue since  
5 those early days, but they've been rebuffed. And  
6 now, more now than two decades later, as we're  
7 approaching the 23<sup>rd</sup> anniversary of the attacks, a  
8 group as you may well know, 9/11 Health Watch, has  
9 filed an Freedom of Information, FOIL, requesting  
10 among other documents a copy of a memo to then Deputy  
11 Mayor Robert Harding from his assistant in early  
12 October saying that the City faced as many as 10,000  
13 liability claims connected to 9/11, including toxic  
14 tort cases that might arise in the next few decades,  
15 which of course has come to bear. The Adams  
16 Administration has thus far refused to release the  
17 memo. The Law Department which you seek to head up  
18 says the potential liability prevents release of the  
19 memo. In response to the FOIL, the DEP and Emergency  
20 Management offices responded saying they actually  
21 have no relevant documents from that period. We don't  
22 believe them. And now there's an Article 78 lawsuit  
23 through 9/11 Health Watch against the Administration  
24 seeking to overturn that FOIL denial. I realize that  
25 you can't comment on any current litigation, and I'm

2 not asking you to, but I do want to list the reasons  
3 to deny a FOIL request, and I don't think any of them  
4 that I will list quickly fall under denial. So, you  
5 obviously have those exempt from disclosure by state  
6 or federal statute, those which if disclosed would  
7 constitute an unwarranted invasion of privacy, those  
8 which if disclosed would impair contract awards or  
9 collective bargaining negotiations, those containing  
10 trade secrets-- not the case-- those compiled for law  
11 enforcement purposes, those which if disclosed would  
12 endanger life or safety, those containing examination  
13 questions or answers, interagency or interagency  
14 materials which are neither statistical nor factual,  
15 those which if disclosed would jeopardize the  
16 security of an agency's computer technology, traffic  
17 controls, signal photographs, none of the above. So  
18 my question to you based on that list, is there any  
19 of those statutory reasons to your practiced  
20 attorneys I encompass using potential liability as a  
21 reason for denial of a FOIL request? And I think you  
22 can understand while families of those who  
23 volunteered to find victim's remains at Ground Zero,  
24 only later to die, might want to understand what  
25 those in charge, what those in government actually

2 knew about the working conditions and living  
3 conditions in around the pit of Ground Zero. And I  
4 think you know this is a very, very major issue.

5 RANDY MASTRO: I really appreciate the  
6 question, and it's true that I can't-- and it  
7 wouldn't be responsible of me to au pine on issues  
8 that are in active litigation, but if I'm fortunate  
9 to have this position, I commit to you, Councilwoman,  
10 that I will review that issue and thoroughly assess  
11 it, and do what I think is the right thing to do  
12 regardless of where the City has been right now.  
13 9/11, I was not in the Administration on 9/11, but so  
14 many friends died that day, and for me, what's  
15 happened so many New Yorkers since, what happened to  
16 my friend Rudy Washington who will be here who was  
17 down there every day for a month and suffered,  
18 suffered, near fatal consequences, that the Bloomberg  
19 Administration refused to acknowledge--

20 COUNCIL MEMBER BREWER: [interposing]  
21 Well, so it Adams.

22 RANDY MASTRO: I'm just trying to explain  
23 to you how this is personal, and we had to go public  
24 with his issues to get the Bloomberg Administration--  
25 at a point in which he was unemployed to give him the

2 healthcare for that exposure when he was Deputy  
3 Mayor. So, it's personal to me to look into this  
4 issue, and I commit to you that it will be highest  
5 priority if I'm fortunate enough to have this  
6 position.

7 COUNCIL MEMBER BREWER: Okay. How would  
8 you reduce the amount of money spent on private  
9 school tuition, the Carter Cases?

10 RANDY MASTRO: Well, I think we have to  
11 assess--

12 COUNCIL MEMBER BREWER: [interposing]  
13 People have been talking about this 40 years.

14 RANDY MASTRO: I know. I know we have.

15 COUNCIL MEMBER BREWER: And I've been  
16 listening to it for 40 years.

17 RANDY MASTRO: I know, and I appreciate  
18 the question. I think that it is a question of  
19 reviewing those cases and trying to find both legal  
20 solutions, not just from a risk management  
21 standpoint, but also policy solutions and working  
22 with the Council and Administration to find  
23 alternative courses, because we have been talking  
24 about it for 40 years, and in some ways there must be  
25 a better way to provide those services at a different

2 cost structure for the City. So, it's not just a  
3 legal issue, it's a policy issue, and I think it  
4 involves putting the best minds together from the  
5 Council and the City Administration to try and find  
6 some alternative approaches as a matter of policy.

7 COUNCIL MEMBER BREWER: Alright. Is it  
8 acting in anyone's best interest to fight the civil  
9 case against a police officer if it enables the  
10 officer to cross the line again? How do you balance  
11 minimizing liability in the short-term, versus  
12 fulfilling the City's obligation to govern in a just  
13 manner? This is an ongoing issue.

14 RANDY MASTRO: Well, I think I alluded to  
15 this earlier that the role of Corporation Counsel, I  
16 think we can do more than just take the incoming and  
17 have some dedicated resources to risk management and  
18 the financial consequences. I think that the great  
19 minds at Corp Counsel's Office we should have a  
20 larger dedicated team to reviewing those cases at  
21 inception, trying to figure out where the problems  
22 are systemically and individually.

23 COUNCIL MEMBER BREWER: Well, why do you  
24 think you can do it any differently than some of the  
25

2 great, Victor Kovner included, before you haven't  
3 been able to do that?

4 RANDY MASTRO: Well, I don't think it's a  
5 question of, you know, not being able to do it, and I  
6 stand on the shoulders of giants. I think we have  
7 seen an expansion, an expansion of liability and  
8 cases.

9 COUNCIL MEMBER BREWER: Right.

10 RANDY MASTRO: To a new level, and I  
11 think--

12 COUNCIL MEMBER BREWER: [interposing]  
13 Higher this year than ever.

14 RANDY MASTRO: Right, and that's why I  
15 think it requires a fresh perspective. Not just to  
16 wait for the cases and try and figure out how to  
17 mitigate their cost to the City, try to get to the  
18 root causes, who's causing, and systemically, and the  
19 Law Department can play more of a role in evaluating  
20 those cases on the front end and identifying to the  
21 Police Department where there need to be changes.

22 COUNCIL MEMBER BREWER: I know you  
23 answered this somewhat earlier, but should the Mayor  
24 be represented by the Law Department in a sex assault  
25 case? You had a long answer. Yes or no here?

2 RANDY MASTRO: Well, again, that depends.  
3 It's not a yes or a no. I know there is a  
4 representation in this regard and there has been  
5 outside counsel that has been brought in, but I'm not  
6 familiar with the circumstance or how the Law  
7 Department made that determination, and I've  
8 committed to review their protocols, how they made  
9 those decisions, and to review those decisions and  
10 call it as I see it after I've been fortunate enough  
11 to have the opportunity to do that.

12 COUNCIL MEMBER BREWER: Okay. When you--  
13 I was at the Lucerne Hotel most of that situation.  
14 Did you speak to Mayor de Blasio privately to  
15 persuade him to move homeless out of the Lucerne  
16 Hotel? I have a different impression than you did. I  
17 think that the City moved people in there too  
18 quickly. There were no services. Project Renewal  
19 did provider service as time went on, but I think  
20 that the way in which it was handled from A to zero  
21 was wrong. But did you talk to the Mayor about  
22 moving homeless out of Lucerne Hotel to go downtown?

23 RANDY MASTRO: I did not talk to the  
24 Mayor personally. I did reach out to the City about  
25 the Lucerne issue. I did speak to Steve Banks

2 personally, and I did speak to the Corporation  
3 Counsel personally, and I committed to work with the  
4 City to address the problem, and Mayor de Blasio--  
5 and a letter was sent to the City, including  
6 addressed to Mayor de Blasio, asking him to go to  
7 Lucerne and view the conditions himself. But I did  
8 not speak to him. The City decided to do that, and  
9 Mayor de Blasio did go there, and as you said,  
10 Council Member, the conditions in those early months  
11 were deplorable and there needed to be a solution,  
12 and we worked shoulder to shoulder with a progressive  
13 mayor and his progressive team to try to find a  
14 better solution.

15 COUNCIL MEMBER BREWER: I mean, the  
16 conditions in the hotel weren't bad, it was just  
17 there were no services. That was the problem.

18 RANDY MASTRO: Correct, and they were  
19 doubled-up--

20 COUNCIL MEMBER BREWER: [interposing] It  
21 wasn't that-- I mean, people did have their own  
22 private rooms in some cases. I just want to make it  
23 clear.

24 RANDY MASTRO: But they were mostly  
25 doubled-up, Councilwoman--

2 COUNCIL MEMBER BREWER: [interposing]

3 Yeah, but you know.

4 RANDY MASTRO: and that was a problem.

5 That was a problem.

6 COUNCIL MEMBER BREWER: Those rooms are  
7 quite nice. It's a lovely, you know, expensive hotel  
8 right now. It's not like it was a dump. So that has  
9 to be discussed differently.

10 RANDY MASTRO: I didn't say it was a  
11 dump. I said they were doubled-up in single-room  
12 occupancy.

13 COUNCIL MEMBER BREWER: It's not an SRO  
14 in the traditional sense. June 1998, I know that you  
15 had moved on soon, but there-- in terms of the  
16 budget-- the budget was-- I think that was the year  
17 when the Council passed its own budget.

18 RANDY MASTRO: Yes.

19 COUNCIL MEMBER BREWER: Okay. So do you  
20 have some reason to think why that happened? Did you  
21 have anything to do with that? Because if everything  
22 was so rosy, that would not be an example of good  
23 relationships between the Mayor and the City Council.  
24 I want to know what you would have done differently.

2 RANDY MASTRO: Okay. Well, of course, I  
3 was about to depart and departed--

4 COUNCIL MEMBER BREWER: [interposing] But  
5 you hadn't departed yet, and the scheduling of the  
6 budget starts earlier.

7 RANDY MASTRO: That's--

8 COUNCIL MEMBER BREWER: [interposing] As  
9 somebody who's been doing this for 30 years.

10 RANDY MASTRO: Yes, as somebody who did  
11 it then, yes, I was involved and I was disappointed  
12 at what happen. But you will recall the  
13 circumstances and where the meltdown occurred. The  
14 meltdown occurred over-- and I have tremendous  
15 respect for him, but the Speaker was running for  
16 Governor and the Speaker wanted to block any  
17 provision of money going into the budget relating to  
18 a west side stadium. The Mayor thought that was  
19 inappropriate and fought-- the two fought on the  
20 budget. That's really where they stalemated. And  
21 there was a litigation over whether, you'll recall,  
22 there would be a referendum on that issue, and really  
23 a line item in a budget is not something that you  
24 have a referendum over. So to me, while I was on the  
25 way out at that moment, that was a disappointment,

2 because that was the only time in my time-- and we  
3 worked together on many things, Council Member. That  
4 was the only time we had a breakdown with the Council  
5 and I was sorry to see that happen, but on so many  
6 other occasions we worked so constructively, but got  
7 so much good legislation done and so much positive  
8 done working, my office and the Council's office.

9 COUNCIL MEMBER BREWER: Why do you want  
10 this job so badly?

11 RANDY MASTRO: It seems like a fair  
12 question after the questioning today. Yes, and I'm  
13 sure this is--

14 COUNCIL MEMBER BREWER: [interposing] I  
15 know 30 years ago you did not get it, so I didn't  
16 know if that's relevant.

17 RANDY MASTRO: Well, it is. I've said  
18 this, it's the only job in city government I ever  
19 aspired to do. I'm not a politician. I'm a lawyer,  
20 and as a lawyer, I have such respect for the Law  
21 Department and the power of the Law Department to do  
22 so much good. It's out of respect for that role.  
23 It's out of wanting to do more in civil rights,  
24 constitutional rights, social justice, public safety,  
25 things that when you are a subordinate in a mayor's

2 office you can do just so much on your own, but  
3 having the power of that wonderful 800 lawyer office  
4 and more of those resources to affirmative litigation  
5 to me has the potential to do so much good. I would  
6 hope the Council would realize that the reasons I  
7 want to do this job are for the public good and to  
8 improve people's lives and to promote civil rights,  
9 constitutional rights, social justice, and public  
10 safety. That's why I want to do this job.

11 COUNCIL MEMBER BREWER: Okay.

12 RANDY MASTRO: It's a calling and I am  
13 called to that service.

14 COUNCIL MEMBER BREWER: Okay, be a little  
15 bit more humble on that issue, I would suggest. My  
16 other question is-- you mentioned to your credit that  
17 we-- that you would not accept that stupid piece of  
18 paper in order to meet with you, but would you get  
19 rid of it completely so I do not have to listen to  
20 these commissioners who want me to sign papers, which  
21 I will not sign, before meeting with them? What  
22 would you do to get rid of that as a barrier to good  
23 government? Because government is all about people  
24 sharing, meeting, having discussions, and that's how  
25 you get things done.

2 RANDY MASTRO: The-- it's not a question  
3 of humility. It's a question of passion. So please  
4 forgive me. I'm passionate about the job. And as the  
5 question you sked, I think the Mayor's Office is well  
6 aware of my views on that issue, and I have advised  
7 and told members of this council, many of you, that I  
8 will not be having anyone do anything on signing in  
9 for meetings with me.

10 COUNCIL MEMBER BREWER: I don't want them  
11 to sign-- I want to sign with anybody.

12 RANDY MASTRO: I understand.

13 COUNCIL MEMBER BREWER: Can you make sure  
14 that I don't have to sign with anybody?

15 RANDY MASTRO: I understand, Gale, and  
16 you know what my views are on this, so you know what  
17 I will be saying on this subject.

18 COUNCIL MEMBER BREWER: Thank you, Mr.  
19 Chair.

20 CHAIRPERSON POWERS: Do you still want  
21 the job? I'm just kidding.

22 RANDY MASTRO: I--

23 CHAIRPERSON POWERS: [interposing] I'm  
24 kidding.

2 RANDY MASTRO: I still want the job, and  
3 I hope this council will see the value, the passion,  
4 the commitment that I hope to bring to this, and it's  
5 not a question of humility. It's a question of public  
6 service.

7 CHAIRPERSON POWERS: Appreciate it.  
8 we're going to go to the Public Advocate, and then  
9 we're going to take just a very, very short few  
10 minutes to let people-- Mr. Mastro to use the  
11 bathroom, take a break, and then to come back. We'll  
12 be very quick and short in our break. We're going to  
13 go to Public Advocate before we do that.

14 PUBLIC ADVOCATE WILLIAMS: Thank you, Mr.  
15 Chair. Thank you, Mr. Mastro for being here and to  
16 your wife and daughter for being here. I do want to  
17 at the outset just say I would hire you personally as  
18 an attorney. I don't know if you would have me as a  
19 client, but I would hire you personally as an  
20 attorney. I don't know if you'd have me as a client,  
21 but I would hire you personally as an attorney. I  
22 think you very good at what you do.

23 RANDY MASTRO: Thank you, and I respect  
24 you, and I think you know that. No matter what has  
25 ever been said before, I respect you.

2 PUBLIC ADVOCATE WILLIAMS: I would also  
3 say, as I've said in the past, something that I  
4 personally would do or believe is not always the best  
5 for the public or for government to do, and I think  
6 there's a difference in what I would do as a private  
7 person and what this role needs for public's  
8 attorney. I have a statement I'm going to read a  
9 little and then ask some questions. Good afternoon.  
10 My name's Jumaane Williams, Public Advocate of the  
11 City of New York. Thank you, Chair Powers, Speaker,  
12 and the members of the Committee on Rules, Privileges  
13 and Elections for holding this hearing today and  
14 giving me the opportunity to testify. In 2019, the  
15 New York City Charter was amended by a public  
16 referendum to, among other things, require the advice  
17 and consent of the City Council for the appointment  
18 of the City's top lawyer, the Corporation Counsel.  
19 I'm here today to suggest that the members of this  
20 committee be concerned, and the Council as a whole,  
21 about the Mayor's nomination of Randy Mastro to be  
22 the next Corporation Counsel. New York City's  
23 Corporation Counsel has significant and unique  
24 responsibilities. They serve as both attorney and  
25 counsel for the City. As emphasized in our Charter,

2 Corporation Counsel is to be attorney and counsel for  
3 the City and every agency thereof and shall have  
4 charge and conduct of all the law business of the  
5 city and its agencies and in which the city is  
6 interested. They are the sole person authorized to  
7 represent New York City in court. As chief legal  
8 officer of the City, they are charged with  
9 interpreting municipal law and providing independent  
10 analysis to the Mayor, City agencies and independent  
11 City offices. These duties should serve all New  
12 Yorkers, our constituents, in an ethical, balanced  
13 and fair manner. I do have concerns that Mr. Mastro  
14 would impartially and ethically advance these goals  
15 without bias, but I have been looking forward to this  
16 hearing to see if there's anything that would allay  
17 these concerns. Although everyone is entitled to  
18 legal representation in our system, the cases a  
19 lawyer argues and the strategies they employ to win  
20 may speak to their character, particularly if an  
21 attorney chooses those clients, and they're not  
22 thrust on him. For much of his career, Mr. Mastro  
23 has seldom represented-- has too often represented--  
24 not represented the interests of the people of New  
25 York. He represented fast food owners' attempt to

2 block minimum wage increase for their workers. He  
3 represented a group of landlords, which led to  
4 partially blocking the eviction moratorium during a  
5 global pandemic. He has represented landlords to  
6 block a rent stabilization law. He also represented  
7 property owners to oppose enforcement of Local Law 97  
8 to create more sustainable buildings. In addition,  
9 he represented restaurants against enforcement of a  
10 polystyrene container ban. And, in an ongoing case,  
11 he is arguing that Madison Square Garden should be  
12 allowed to continue using facial recognition software  
13 to block entry to lawyers litigating against the  
14 company that owns it. Finally, it is troubling that  
15 Mr. Mastro was involved in New Jersey's litigation  
16 against New York City's congestion pricing plan,  
17 which could pose a significant conflict of interest  
18 should he become New York City's top lawyer. In  
19 addition to the cases he's chosen to represent, many  
20 against the interests of the City of New York, some  
21 of his tactics are also a cause for concern. For  
22 example, in representing plaintiffs in a case to  
23 remove 283 homeless men staying in the Lucerne hotel,  
24 as was mentioned Mr. Mastro hired private  
25 investigators to spy on activists advocating for

2 basic shelter for some of the most marginalized New  
3 Yorkers. As has been widely reported, Mr. Mastro  
4 oversaw the Bridgegate scandal of former New Jersey  
5 Governor Chris Christie. The federal judge  
6 overseeing the Bridgegate investigation harshly  
7 criticized Mastro's tactic of deliberately ensuring  
8 investigation notes were unavailable in the future,  
9 which I believe is a serious ethics concern. As the  
10 judge stated, the taxpayers of the State of New York-  
11 - New Jersey, excuse me-- The taxpayers of the State  
12 of New Jersey paid millions of dollars to conduct a  
13 transparent and thorough investigation. What they  
14 got instead was opacity and gamesmanship. They  
15 deserve better. I believe New Yorkers do as well.  
16 Similarly, there are instances in the history of Mr.  
17 Mastro that do not espouse the current-- the  
18 professionalism the current counsel [inaudible]. For  
19 instance, during his tenure with the Giuliani  
20 administration, he was instrumental in dismantling  
21 the rights and privileges of many groups, including  
22 by removing necessary funding to a social services  
23 organization in the midst of the HIV/AIDS pandemic  
24 within New York City. It has been said by others  
25 that his past career should be reviewed beyond the

2 surface. As a deputy Mayor under the Giuliani  
3 administration, he was with Giuliani as the former  
4 Mayor went overboard many times to defend the police  
5 when Black and Brown individuals were murdered by  
6 NYPD. Now sure how you would treat the former, and  
7 now disregarded, mayor as a role model. New York  
8 City's top lawyer should promote public confidence in  
9 our City and in the legal profession. The people of  
10 New York City deserve an independent attorney who  
11 will protect the City and its people, defend the  
12 interests of all New Yorkers, and ensure the primacy  
13 of the public interest. I have concerns about moving  
14 forward with his nomination as Corp Counsel. My most  
15 cynical concern is that this administration has a  
16 record of obfuscation instances of at worst and  
17 things like no-bid contracts, and at best,  
18 unpreparedness to a degree that can cause harm. As  
19 Public Advocate I have to question whether the  
20 intended appointment of someone with a history of the  
21 type of theatrics I described and questionable  
22 practice of law is simply a symptom of that same  
23 problem. Question is, are you here today as a favor  
24 from an administration and/or as the preferred choice  
25 of a mayor who would like every council hearing to be

2 an exercise in futility in order to prevent the  
3 people of New York City from getting real answers  
4 from the public agencies entrusted to provide  
5 services and keep our city running? With that I do  
6 have a few questions. I do understand that you faced  
7 death threats. That's very serious. So thank you  
8 for the service that you did in addressing organized  
9 crime. I'm not sure that alone is the qualification  
10 that should tip you over. I've heard you mention--  
11 I've heard a few cases mentioned that could have  
12 derailed things, like congestion pricing, rent  
13 stabilization, fast-food. I will say, it seems like  
14 you picked those cases and put them forward knowing  
15 what the result could be, and you have-- this is my  
16 opinion. You have the ability to tell people that--  
17 look what I did for you. I stopped rent  
18 stabilization. I stopped congestion pricing. I  
19 stopped fast food. And come before us at a hearing  
20 like this and say that's not what I was trying to do  
21 at all. I was actually trying to help congestion  
22 pricing, help rent stabilization, help fast-food.  
23 That is a very interesting space to be in. I also  
24 want to acknowledge all of the pro bono work that  
25 you've done. I do think they're important, but I also

2 want to ask if you are aware of the terms toxic  
3 charity and false generosity.

4 RANDY MASTRO: Well, they don't apply to  
5 me. They don't apply to me to the 10 years I served  
6 as Vice Chair and then as a Board Member of Legal  
7 Aid.

8 PUBLIC ADVOCATE WILLIAMS: But you are  
9 aware of the terms?

10 RANDY MASTRO: I'm aware what the terms  
11 are.

12 PUBLIC ADVOCATE WILLIAMS: Okay. And I  
13 want to say this. I don't know if I know you enough  
14 to know they apply. I bring them up because just  
15 mentioning pro bono work could be toxic charity and  
16 false generosity where people who benefit from bad  
17 structures and bad systems then go back to try to  
18 assist people who are harmed by them even though they  
19 continue to promote the bad structure and bad  
20 [inaudible].

21 RANDY MASTRO: So,--

22 PUBLIC ADVOCATE WILLIAMS: [interposing]  
23 I'll let you answer my next question. You can  
24 respond to that, my first question.

25 RANDY MASTRO: Sure.

2 PUBLIC ADVOCATE WILLIAMS: My second  
3 question. So, when I was a Council Member in  
4 December of 2014, when you testified on behalf of  
5 your client Cable Vision [sic] at a hearing of the  
6 Zoning and Franchises Subcommittee, rather than  
7 answering questions directly you accused the council  
8 of doing the bidding of the Communication Work of  
9 America and the Work in Families Party, in  
10 particular, you accused me and others of asking  
11 questions directly from [inaudible] memo that I have  
12 never seen. You're actually pretty demure today.  
13 Back then it was pretty rough, pretty belligerent and  
14 a disdain for the Council that you're now asking to  
15 approve you. So, did you think that was an  
16 appropriate way to respond to sincere questions from  
17 the legislative body of New York City?

18 RANDY MASTRO: Well, I recall that  
19 hearing a little differently. I think you gave as  
20 good as you got, Councilman.

21 PUBLIC ADVOCATE WILLIAMS: I gave back.

22 RANDY MASTRO: Now you're the Public  
23 Advocate.

24 PUBLIC ADVOCATE WILLIAMS: I didn't  
25 initiate.

2 RANDY MASTRO: I was there representing a  
3 client, Cable Vision, involved in a private labor  
4 dispute with the CWA over organizing certain of its  
5 workers in certain counties, and the Council was  
6 holding a hearing on that issue on that private labor  
7 dispute. So I was making the point on behalf of my  
8 client that, was that an appropriate subject for a  
9 council hearing. I have nothing but respect for the  
10 Council. I have nothing but respect for you, and when  
11 we left the Chamber that night, I shook your hand.  
12 And the fact of the matter is-- responding to what  
13 you said earlier. My pro bono work, my community  
14 service, 20 years at Legal Aid, raising millions of  
15 dollars for that organizations, Chair of Citizens  
16 Union for the past 10 years, the gold standard of  
17 good government--

18 PUBLIC ADVOCATE WILLIAMS: [interposing]  
19 I've heard the list.

20 RANDY MASTRO: These are-- and my pro  
21 bono work, these are my life's work over 40 years,  
22 and you know, I just want to say this. I know you  
23 have said some harsh things about me. My door's  
24 always going to be open to you. I want to represent  
25 each of you. It--

2 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
3 appreciate that.

4 RANDY MASTRO: doesn't matter-- it doesn't  
5 matter to me what you've said about me.

6 PUBLIC ADVOCATE WILLIAMS: The only thing  
7 I have to say-- one, again, I don't know you enough,  
8 I just do know when it comes to toxic charity or  
9 false generosity, people use that to try to hide the  
10 other things that they're actually doing.

11 RANDY MASTRO: I--

12 PUBLIC ADVOCATE WILLIAMS: [interposing]  
13 That's the only point I put out. I don't know you  
14 enough to say whether it falls in that category or  
15 not. I was just putting out as a possibility.

16 RANDY MASTRO: [interposing] Well--

17 PUBLIC ADVOCATE WILLIAMS: But I did--  
18 for my question which is was that an appropriate way  
19 to respond, I'm assuming that you're saying yes, that  
20 was an appropriate way to respond to the Council  
21 questions.

22 RANDY MASTRO: At that hearing I  
23 representing a client and the client had a very clear  
24 view, but I would say--  
25

2 PUBLIC ADVOCATE WILLIAMS: [interposing]

3 So wait, wait, sorry? Yes, it was an appropriate way  
4 to respond to the Council?

5 RANDY MASTRO: It was a contentious  
6 hearing, I acknowledge.

7 PUBLIC ADVOCATE WILLIAMS: So, yes, it  
8 was. That's what I'm going to put on the record.

9 RANDY MASTRO: I understand.

10 PUBLIC ADVOCATE WILLIAMS: Is there a  
11 difference between your approach as a private  
12 attorney versus being a public servant?

13 RANDY MASTRO: Yes, as I've said before,  
14 I have more than one speed. Sometimes you are in,  
15 you know, contentious circumstances and contentious  
16 litigation. Other times, you are in a different  
17 context. As I've said before, I'm a bear in the  
18 courtroom and I'm a teddy bear in real life. It's  
19 not the case that representing the City is the same  
20 as representing private clients, sometimes in their  
21 most distressful matters. Yeah, you have to have  
22 more than one speed. You have it, Public Advocate.  
23 I have it, too. And I just want to say there aren't  
24 that many lawyers in private practice who have the  
25 kind of demands on their time from private practice

2 who year after year make hundreds of hours for  
3 community service and pro bono. I always do. It's  
4 not-- there's nothing toxic about it.

5 PUBLIC ADVOCATE WILLIAMS: No, I think  
6 you're--

7 RANDY MASTRO: [interposing] It's good,  
8 and--

9 PUBLIC ADVOCATE WILLIAMS: I think your  
10 qualifications--

11 RANDY MASTRO: [interposing] it feels  
12 good.

13 PUBLIC ADVOCATE WILLIAMS: as attorney  
14 are not what is at question here. I actually happen  
15 to think the previous Corp Counsel was just fine.  
16 And so I think there are other folks like her as  
17 well. I would say, I was a [inaudible]. I-- you  
18 know, when I-- I know you worked for Mayor Giuliani,  
19 and people work for different Administrations, so I  
20 was trying not to hold that as much against you, but  
21 I will say I was disturbed to hear that you  
22 campaigned for him before he was mayor and then  
23 campaigned for him as president. That says a whole  
24 lot more than just working for him as the mayor.  
25 That again doesn't necessarily disqualify you. I just

2 want to say from my thoughts about what ideas and  
3 values that you bring to here. And to hear you talk  
4 about Broken Windows, saying because of that there  
5 were some cases that were cracked, for lack of a  
6 better word-- I just want to make clear, any  
7 oppressive policy you'll be able to find examples  
8 where it may have worked. The question is where it  
9 worked, is it worth all of the violations, and where  
10 was there another way that you could have gotten to  
11 it. Unfortunately, when it comes to Black and Brown  
12 people, we never answer that question correctly. So,  
13 I-- your defense of not only the Administration, but  
14 some of the policies that we already know and have  
15 known then by the way-- Giuliani didn't just become  
16 Giuliani. We knew that he was-- who he was back  
17 then. But it's the continual defense of that that  
18 causes a lot of concern.

19 RANDY MASTRO: I think what I said was  
20 it's a not a one-size-fits-all issue. There are  
21 certain circumstances where it's appropriate and  
22 certain circumstances where it isn't, and I--

23 PUBLIC ADVOCATE WILLIAMS: [interposing]  
24 No, no, what you described was the defense of Broken  
25

2 Windows because there were some cases that people  
3 were found to have done something.

4 RANDY MASTRO: There were some instances  
5 where that's true, but I'm not here today--

6 PUBLIC ADVOCATE WILLIAMS: [interposing]  
7 If I searched everyone in this room right now, I  
8 would probably find something--

9 RANDY MASTRO: [interposing] I'm not--

10 PUBLIC ADVOCATE WILLIAMS: that should  
11 not be here. That doesn't mean that I should do  
12 that.

13 RANDY MASTRO: I'm not--

14 PUBLIC ADVOCATE WILLIAMS: [interposing]  
15 But I got to move forward from Broken Windows,  
16 because I don't think you're going to add anything  
17 else that you haven't already said.

18 RANDY MASTRO: Can I please respond to  
19 what else--

20 PUBLIC ADVOCATE WILLIAMS: [interposing]  
21 Let me ask this question. You can answer how you  
22 want.

23 RANDY MASTRO: Of course.  
24  
25

2 PUBLIC ADVOCATE WILLIAMS: Do you think  
3 Corporation Counsel should be subject to advice and  
4 consent of the Council?

5 RANDY MASTRO: The short answer is yes.  
6 As Chair of Citizen's Union, we endorsed the Council  
7 having advice and consent.

8 PUBLIC ADVOCATE WILLIAMS: Do you think  
9 that other appointees such as what the Council's  
10 asking for should be subject to advice of Council?

11 RANDY MASTRO: I was asked this same  
12 question previously, and I explained the following  
13 that those are policy questions, and the role of  
14 Corporation Counsel is to help and defend the  
15 policies that are implemented for the City, as I  
16 explained to the Speaker when she asked me the same  
17 question. It comes from a personal perspective that  
18 I understand you would like more authority on advice  
19 and consent. I get it.

20 PUBLIC ADVOCATE WILLIAMS: I-- sorry,  
21 it's yes, no, or maybe you don't have [inaudible].

22 RANDY MASTRO: It isn't yes or no.

23 PUBLIC ADVOCATE WILLIAMS: This one  
24 actually is.

2 RANDY MASTRO: It isn't a yes or no,  
3 because my personal views on advice and consent, you  
4 know what my view was on this position because I  
5 supported Citizens Union, but my personal views on  
6 the issue are irrelevant to my ability to your  
7 advocates as the legality of what you want to do,  
8 which I would be able to do. But as I explained to  
9 the Speaker, if you would please give me just this  
10 moment, okay, was that, you know, I feel the Council  
11 wants advise and consent. The Mayor appoints a  
12 Charter Revision Commission, you know, both parties  
13 say they have this in mind long before me. I feel  
14 like my nomination is stuck in that middle. I don't  
15 understand why my nomination has become so  
16 controversial, but I'm just here as a lawyer ready  
17 to--

18 PUBLIC ADVOCATE WILLIAMS: [interposing]  
19 I'm going to get to some of that why I think as well.

20 RANDY MASTRO: Okay. I'm just--

21 PUBLIC ADVOCATE WILLIAMS: [interposing]  
22 But--

23 RANDY MASTRO: [interposing] I'm just  
24 ready to serve, and I will-- I will, if you pass  
25 advise and consent and that becomes the law, I will

2 defend it, and I will be your best advocate, but I  
3 don't--

4 PUBLIC ADVOCATE WILLIAMS: [interposing]  
5 What if anything--

6 RANDY MASTRO: [interposing] That's a  
7 policy question for you to make, not me.

8 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
9 got to move forward on that.

10 RANDY MASTRO: Not me.

11 PUBLIC ADVOCATE WILLIAMS: sorry. What  
12 if anything would you do if you thought an Executive  
13 Order was not valid or legal?

14 RANDY MASTRO: I would advise the Mayor  
15 that it was not valid or legal, and I've stood up to  
16 Mayors and Governors and Presidents. I will tell them  
17 the Mayor when I think he's done something that's  
18 illegal, and I will tell you, Council Members, if I  
19 think you've done something--

20 PUBLIC ADVOCATE WILLIAMS: [interposing]  
21 In that order, would you defend that EO in court?

22 RANDY MASTRO: Not if I thought it was  
23 indefensible, Public Advocate. I would have to tell  
24 the Mayor--

2 PUBLIC ADVOCATE WILLIAMS: [interposing]  
3 Okay.

4 RANDY MASTRO: that I thought it was  
5 illegal.

6 PUBLIC ADVOCATE WILLIAMS: Okay. The  
7 NYPD has been under fire for failing to adequately  
8 report its stops as designated level three by the  
9 Federal Monitor 2024 February and April reports. As  
10 we follow the implementation of Local Law 20 in 2024,  
11 How Many Stops Act, please explain what your legal  
12 strategy would be in the event of further lawsuits  
13 should NYPD officers fail to receive adequate  
14 training or deliberately fail to capture information  
15 now required by law?

16 RANDY MASTRO: Well, so much of that  
17 question depends upon how the fact unfold. So, you  
18 know, but obviously I favor people having the proper  
19 training and all that, so that's not really something  
20 to be debated. But it would depend upon the facts of  
21 the circumstance as they existed at that time.

22 PUBLIC ADVOCATE WILLIAMS: So, if the  
23 facts rule that they were not getting the training or  
24 not complying with the law, you would help the  
25 Council make sure that happens?

2 RANDY MASTRO: I would help the Council  
3 and the Administration. I represent both. I would  
4 represent both if I'm fortunate enough to have the  
5 opportunity.

6 PUBLIC ADVOCATE WILLIAMS: The Mayor at  
7 his press conference earlier discussed the want to  
8 get rid of some of the Sanctuary laws. I believe the  
9 example he's using for that is a very horrific  
10 example where someone raped or sexual assaulted  
11 someone, was let released, and then did it again,  
12 which is horrific. Unfortunately, for the Mayor and  
13 others reporting, the type of crime that that  
14 individual was found-- admitted guilt for was  
15 actually the type of crime that you can work with  
16 ICE, and it seems like agencies or parties didn't  
17 communicate which had nothing to do with sanctuary  
18 laws that the Mayor's been opposed to for some time.  
19 What's your opinion on getting rid of sanctuary laws?

20 RANDY MASTRO: First of all, those are  
21 policies issues to be determined by the Council and  
22 the Mayor and I will advocate for supporting the law.  
23 in my own personal background, I think you know this,  
24 Public Advocate, the Charter Revision Commission that  
25 I chaired back in 2001 made the Mayor's Office of

2 Immigrant Affairs a permanent charter agency and  
3 enshrined into us in its constitution the protection  
4 for immigrants to access all city services and not  
5 put themselves in any jeopardy because they access  
6 any services. So you know--

7 PUBLIC ADVOCATE WILLIAMS: [interposing]

8 So, if you--

9 RANDY MASTRO: my personal views on the  
10 subject, but my personal--

11 PUBLIC ADVOCATE WILLIAMS: If--

12 RANDY MASTRO: [interposing] views--

13 PUBLIC ADVOCATE WILLIAMS: [interposing]

14 No, I got it. So, if the Mayor--

15 RANDY MASTRO: [interposing] This issue  
16 you're talking about now--

17 PUBLIC ADVOCATE WILLIAMS: [interposing]

18 did try to change sanctuary laws or move forward  
19 something in opposition to what the sanctuary laws  
20 say now, you would not defend that in court, should  
21 you be?

22 RANDY MASTRO: Again, these are policy  
23 questions that--

24 PUBLIC ADVOCATE WILLIAMS: [interposing]

25 No, that's not a policy question. I'm saying if we

2 went afoul of the sanctuary laws now or tried to  
3 change it, say illegally, and he was sued say by  
4 another part of the government, would you defend that  
5 decision that he was making?

6 RANDY MASTRO: I'm not going to presume  
7 anyone is acting illegally or answer hypotheticals.  
8 I'm going to say that I will evaluate the law and  
9 what the law requires and I will follow the law and  
10 advise the Council and the Mayor accordingly.

11 PUBLIC ADVOCATE WILLIAMS: So you might  
12 defend--

13 RANDY MASTRO: [interposing] So, if the  
14 Mayor violated the law or if the Council--

15 PUBLIC ADVOCATE WILLIAMS: [interposing]  
16 No, I got it.

17 RANDY MASTRO: violated the law.

18 PUBLIC ADVOCATE WILLIAMS: I just-- from  
19 that answer, you may possibly defend the Mayor in  
20 doing--

21 RANDY MASTRO: [interposing] That's not my  
22 answer. My answer is I would have to evaluate the  
23 facts on the ground,--

24 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
25 got it.

2 RANDY MASTRO: what the law requires--

3 PUBLIC ADVOCATE WILLIAMS: [interposing]

4 You said that a few times and you didn't want to give  
5 a straight answer. I got it.

6 RANDY MASTRO: consistent with the law--

7 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
8 understand.

9 RANDY MASTRO: and best interest of the  
10 City, I would advise both the Council and the Mayor  
11 what I thought was legally required.

12 PUBLIC ADVOCATE WILLIAMS: No, I asked  
13 you a specific question, and would you defend the  
14 Mayor doing that. That's what I asked.

15 RANDY MASTRO: Yeah, it depends on the  
16 context in which the Mayor's doing it and--

17 PUBLIC ADVOCATE WILLIAMS: [interposing]  
18 What context would you like? I'm going to provide  
19 some more context for you.

20 RANDY MASTRO: I'm sorry?

21 PUBLIC ADVOCATE WILLIAMS: What more  
22 context would you like for the example so that you  
23 can answer the question?

24 RANDY MASTRO: Again, you're saying that  
25 the Mayor would be violating the law by doing

2 something. I'm not sure what it is exactly. If the  
3 Mayor--

4 PUBLIC ADVOCATE WILLIAMS: [interposing]  
5 Let's just say he did.

6 RANDY MASTRO: Public Advocate, if the  
7 Mayor violated the law, I'm going to tell the Mayor  
8 it's violating the law, but I--

9 PUBLIC ADVOCATE WILLIAMS: Would you  
10 defend him in court if we-- if myself or the Council  
11 sued to try to get a law implemented?

12 RANDY MASTRO: If the Mayor-- again,  
13 you're asking a hypothetical. If the Mayor were to  
14 do something illegal and the Council had a contrary  
15 position and the Council position was legal, unlike  
16 probably any experience you ever had before, I would  
17 tell the Mayor he was wrong and defend the Council.

18 PUBLIC ADVOCATE WILLIAMS: Okay, right  
19 now there's at least three pieces of legislation that  
20 the Mayor is not following the actual law that the  
21 Council has passed. It is-- has to do with housing  
22 vouchers, has to do with solitary confinement,--

23 RANDY MASTRO: [interposing] Yes.  
24  
25

2 PUBLIC ADVOCATE WILLIAMS: has to do with  
3 How Many Stops Act. That is not hypothetical. That  
4 is happening right now.

5 RANDY MASTRO: And--

6 PUBLIC ADVOCATE WILLIAMS: [interposing]  
7 Would you defend the Mayor in court to support that  
8 position he has?

9 RANDY MASTRO: First of all, in each  
10 case, it would be irresponsible for me to au pine on  
11 a pending case without studying the case and giving  
12 my views, but after I have studied the case and heard  
13 from both sides-- but I have said and I've said it  
14 unequivocally here, that if the Council passes a law,  
15 and or overrides a mayoral veto, that's the law of  
16 the City, and that if the mayor thinks that's  
17 illegal, if the obligation of the mayor to go to  
18 court not wait to be--

19 PUBLIC ADVOCATE WILLIAMS: [interposing]  
20 Would you be the attorney--

21 RANDY MASTRO: [interposing] Not wait  
22 [inaudible] by the council.

23 PUBLIC ADVOCATE WILLIAMS: that helps him  
24 go to court? Would you be the attorney that helps  
25 him go to court?

2 RANDY MASTRO: it would rest entirely on  
3 whether I believe the mayor's legal position was  
4 correct or not, but I would not recommend-- what I  
5 understand has happened in some of the cases you've  
6 talked about, the Administration simply not waiting  
7 to be sued by the Council.

8 PUBLIC ADVOCATE WILLIAMS: Yeah, I know.  
9 I'm just saying-- I'm not talking about what you'd  
10 recommend. I'm talking about what you would do as  
11 Corp Counsel.

12 RANDY MASTRO: Right, I just told you  
13 what I would do.

14 PUBLIC ADVOCATE WILLIAMS: No, you  
15 didn't. So, would you be the attorney that goes into  
16 court on behalf of the Mayor to not implement these  
17 laws?

18 RANDY MASTRO: Only if I thought the  
19 Mayor's legal position was the correct one. If not, I  
20 would be representing the Council.

21 PUBLIC ADVOCATE WILLIAMS: Alright,  
22 which--

23 RANDY MASTRO: [interposing] but I would  
24 be telling the mayor he needs to go to court, not  
25 wait to be sued by the Council. And when there are

1 conflicts like that, I have to say, I think that  
2 there are so many disputes that could be avoided by  
3 more communication across the hall. So, I hope to--

4 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
5 agree with that.

6 RANDY MASTRO: facilitate that. I hope  
7 to facilitate that and make sure we avoid--

8 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
9 agree.

10 RANDY MASTRO: litigation. But when there  
11 is litigation, I will evaluate the Council's  
12 position. I will evaluate the Mayor's position, and  
13 I will call the balls and strikes, and whoever I  
14 think it legally right, that's the party I will  
15 represent, and I will--

16 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
17 want to get to that. I don't know if that's--

18 RANDY MASTRO: [interposing] tell the  
19 other party that I will help them get independent--

20 PUBLIC ADVOCATE WILLIAMS: a 100 percent  
21 trues, but I will--

22 RANDY MASTRO: counsel and facilitate--

23 PUBLIC ADVOCATE WILLIAMS: get to that.

24 But I have a couple more questions. Then we'll--  
25

2 RANDY MASTRO: [interposing] them having  
3 independent counsel.

4 PUBLIC ADVOCATE WILLIAMS: I'm running up  
5 against--

6 RANDY MASTRO: [interposing] Sorry.

7 PUBLIC ADVOCATE WILLIAMS: the time I'm  
8 trying to set for myself, but-- a private property  
9 owner has a right to say I don't want to do business  
10 with people who sue me. those of the words when it--  
11 those are your words when it came to defending the  
12 interest of Madison Square Garden owner James Dolan  
13 to use facial recognition technology to keep out 60  
14 of the lawyers from his property. Now, I want to  
15 discuss public spaces. In the past, our office has  
16 asked to pause on facial recognition technology used  
17 for surveillance in public spaces. Should you be  
18 appointed to Corporation Counsel, would you give the  
19 City the green glitch to use facial recognition  
20 technology to surveil people in public spaces, and fi  
21 so would that information be shared with  
22 corporations? I just want to make sure that I got  
23 that quote right. I don't want to do business with  
24 people who sue me.

2 RANDY MASTRO: What I literally said is  
3 true. When you are a private property owner, and  
4 Madison Square Garden is a private venue. You have a  
5 right to determine not to do business with people who  
6 sue you. That's the law and that's been the law in  
7 New York for over 100 years, and that's why I've won  
8 every court decision. But you know, the fact of the  
9 matter is that-- you talk about facial recognition  
10 technology. There was a lawsuit about racial  
11 recognition technology in Madison Square Garden, and  
12 a federal court dismissed it at the outset. I was not  
13 Madison Square Garden's counsel, but it was dismissed  
14 because that technology is merely ancillary to a  
15 policy that is illegal policy. So, you ask me the  
16 question, I give you the answer. You have a right  
17 not to do business with somebody who sues you.

18 PUBLIC ADVOCATE WILLIAMS: I will say  
19 that there is a point where the private ownership  
20 kind of merges with the public in Madison Square  
21 Garden. Although it's private, there's a lot of  
22 public things that happen there and a lot-- that line  
23 gets blurred when it comes to places like Madison  
24 Square Garden, but I think legally what you're saying  
25 is correct. That doesn't mean that it's necessarily

2 correct. And again, the right thing to do again,  
3 it's about the decisions you make and the clients you  
4 decide and the fights you decide and why you decide  
5 those to try to figure out what value system you use  
6 when you're making those decisions, the more value  
7 system we applied as a Corp Counsel. I did want to  
8 ask, in some of the tactic that were used--

9 RANDY MASTRO: [interposing] Can I respond  
10 to that?

11 PUBLIC ADVOCATE WILLIAMS: you can  
12 respond to this next question. Some of the tactics  
13 that were used like was mentioned in the Lucerne  
14 Hotel where you hired the private investigations and  
15 took picture of folks, is that a type of tactics you  
16 would use as Corp Counsel?

17 RANDY MASTRO: Again, there was a legal  
18 reason involving standing why it needed to establish  
19 that Shams [sic] was living--

20 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
21 got it there was a legal reason--

22 RANDY MASTRO: [interposing] No, no, but--

23 PUBLIC ADVOCATE WILLIAMS: [interposing]  
24 Is that a tactic you would use as Corp Counsel?

2 RANDY MASTRO: It's not-- it's not one  
3 that, you know, one would necessarily have to use in  
4 city government, but at the time-- at the time, there  
5 was no confirmation he had moved. Shams knows why  
6 that was done, and I didn't tell someone to go there  
7 and use false pretenses.

8 PUBLIC ADVOCATE WILLIAMS: I'm just  
9 saying--

10 RANDY MASTRO: I asked for a photograph  
11 and Shams knows that and he respects me, I respect  
12 him, and he support--

13 PUBLIC ADVOCATE WILLIAMS: [interposing]  
14 The question is are those tactics you would use as  
15 the public attorney as the Crop Counsel.

16 RANDY MASTRO: It shouldn't be necessary  
17 because the City should know he has moved, that's  
18 he's moved.

19 PUBLIC ADVOCATE WILLIAMS: [interposing]  
20 Is that yes--

21 RANDY MASTRO: [interposing] So, it  
22 wouldn't be necessary.

23 PUBLIC ADVOCATE WILLIAMS: Yes you would  
24 or you wouldn't use those type of tactics?  
25

2 RANDY MASTRO: I wouldn't have to do that  
3 as Corporation Counsel.

4 PUBLIC ADVOCATE WILLIAMS: You wouldn't  
5 have to. I'm not sure if that's yes--

6 RANDY MASTRO: [interposing] I wouldn't--

7 PUBLIC ADVOCATE WILLIAMS: you would or  
8 would not.

9 RANDY MASTRO: No.

10 PUBLIC ADVOCATE WILLIAMS: Okay. I do  
11 have some questions just about--

12 RANDY MASTRO: [interposing] Please, can I  
13 answer the question about Madison Square Garden? I  
14 would--

15 PUBLIC ADVOCATE WILLIAMS: [interposing]  
16 In my next question if you want, but I got to move  
17 forward, because you know, I want to try to let some  
18 other folks speak.

19 RANDY MASTRO: I wouldn't--

20 PUBLIC ADVOCATE WILLIAMS: [interposing]  
21 This definition--

22 RANDY MASTRO: [interposing] I wouldn't do  
23 that if I were Corporation Counsel, because the City  
24 would already know he'd moved. But go ahead.

2 PUBLIC ADVOCATE WILLIAMS: The definition  
3 of the City, because we hear it is the Mayor, the  
4 Council, the Public Advocate, the Comptroller, and  
5 the people. So is that your understanding of this  
6 city and what the city defines-- what the definition  
7 of the city is? When it says the Corp Counsel has to  
8 defend the City? Is it-- what's your definition of  
9 that, so I-- I just wanted to understand first.

10 RANDY MASTRO: Corp Counsel's Office  
11 represents the entire City. That's the  
12 Administration. That's City Council. That's the  
13 independent offices including yours, and that's also  
14 the many entities and authorities and corporations  
15 that make up the full breadth of the City, the many  
16 subdivisions that represent the City. So it's  
17 broader than just the four of you, meaning the  
18 Administration, the Council, the Public Advocate, and  
19 the Comptroller.

20 PUBLIC ADVOCATE WILLIAMS: Do you support  
21 the right of the New York City Public Advocate to  
22 receive timely information regardless of the method  
23 of how it was requested to fulfil New York City's  
24 charter-mandated oversight, and serve as an  
25 appropriate check on the Administration?

2 RANDY MASTRO: I do, and Betsy Gotbaum  
3 who's here today will tell you that I've represented  
4 her and advising her on such issues when she was  
5 Public Advocate.

6 PUBLIC ADVOCATE WILLIAMS: So, would you  
7 engage in litigation to prevent the charter-mandated  
8 work of the Public Advocate?

9 RANDY MASTRO: Of course if the Public  
10 Advocate had a claim to bring against the City, and I  
11 believed the Public Advocate was legally right  
12 evaluating, consistent with the law, and the interest  
13 of the City, I would represent the Public Advocate.

14 PUBLIC ADVOCATE WILLIAMS: so, there are  
15 times when I as a Council Member or as a Public  
16 Advocate has tried to the sue the City, and we were  
17 thrown off cases because the definition of City in  
18 legal dispute between that office and the  
19 Administration was found that I couldn't as a  
20 Council, or I couldn't as a Public Advocate, because  
21 I am the City. So, I think that's more practice than  
22 was actually in the Charter. How would you navigate  
23 that if I am trying to sue the Mayor or the Council's  
24 trying to sue the Mayor? Would you assist in that  
25

2 happening? How would you get around that excuse  
3 that's always used when we try to do that?

4 RANDY MASTRO: I would make sure there  
5 was a team from the Law Department to evaluate your  
6 claim and your rights. I would try and facilitate  
7 dialogue with the Administration to address the  
8 problem before it needed to go to court, which is  
9 what I will intend to do on all issue, and if it  
10 nevertheless was a breakdown, I'd have-- the Corp  
11 Counsel's Office would have to make a determination  
12 which side to represent, and if the decision were  
13 made to represent one side or the other I would  
14 facilitate getting independent counsel for the other  
15 side and facilitate the transfer of information--

16 PUBLIC ADVOCATE WILLIAMS: [interposing]  
17 Who would pay for that?

18 RANDY MASTRO: and files to that party,  
19 so that they would be fully represented--

20 PUBLIC ADVOCATE WILLIAMS: [interposing]  
21 Who would pay for that.

22 RANDY MASTRO: in any event.

23 PUBLIC ADVOCATE WILLIAMS: Who would pay  
24 for that?

2 RANDY MASTRO: Well, in retaining outside  
3 counsel, which happens in a lot of cases, including  
4 some of the ones that the City Council's involved in  
5 right now, that is something that the City permits to  
6 be paid for by the City.

7 PUBLIC ADVOCATE WILLIAMS: Well, in that  
8 case--

9 RANDY MASTRO: [interposing] City law  
10 permits--

11 PUBLIC ADVOCATE WILLIAMS: it would come  
12 out of one our budgets, which we may not have that  
13 kind of money for which is why Corp Counsel would be  
14 best because we don't have to pay Corp Counsel.

15 RANDY MASTRO: I understand and I'm  
16 telling you that there--

17 PUBLIC ADVOCATE WILLIAMS: [interposing]  
18 But--

19 RANDY MASTRO: or issues you have with  
20 the City. There will be a-- there will be a  
21 dedicated team -

22 PUBLIC ADVOCATE WILLIAMS: [interposing]  
23 And who will make the decision--

24 RANDY MASTRO: [interposing] trying to  
25 help facilitate that.

2 PUBLIC ADVOCATE WILLIAMS: of which side  
3 the Corp Counsel represents?

4 RANDY MASTRO: I'm sorry?

5 PUBLIC ADVOCATE WILLIAMS: Who would make  
6 the decision upon which side Corp Counsel represents?

7 RANDY MASTRO: Well, ultimately Corp  
8 Counsel and the Law Department evaluating the issue,  
9 the facts consistent with the law and in the best  
10 interest of the City would make a determination of  
11 which party to represent.

12 PUBLIC ADVOCATE WILLIAMS: Yeah. My  
13 concern is that in pattern and practice that has  
14 meant the Mayor gets Corp Counsel's support, get Corp  
15 Counsel's advice, gets Corp Counsel's legal defense,  
16 and the rest of us don't-- are not able to benefit  
17 from that. And I will say, my concern comes from  
18 some of the decisions you've made in the past. Some  
19 of it also comes from this particular administration  
20 that has shown they're not too keen on transparency  
21 or accountability, and they are very keen on loyalty.  
22 And there's a huge concern I haven't heard that  
23 allayed now, that the decision will be made will  
24 primarily be on behalf of the Mayor, and I haven't  
25 really heard anything even though I've tried to ask

2 some questions and examples. To me that would allay,  
3 okay, if this was this case we would support the  
4 Council or we would support the Public Advocate, or  
5 Comptroller for the example, and that is where my  
6 concern is. Based on who you have been as an  
7 attorney, based on who this particular Administration  
8 is, my biggest concern is that you as Corp Counsel  
9 would be primarily defending and doing the duty of  
10 the Mayor. I will say what I'm about to say now is  
11 just pure hearsay, so it is what it is, but from  
12 folks I have spoken to that you've spoken to have  
13 also said that you'll be loyal to the Mayor, and  
14 that-- that just concerns me. So I just want to say  
15 it out loud. That is probably the biggest concern.  
16 I've added some based on some of your testimony here,  
17 but it is very concerning. I don't know that you've  
18 allayed any of it. I just want to make sure I didn't  
19 miss any questions.

20 RANDY MASTRO: Can I respond.

21 PUBLIC ADVOCATE WILLIAMS: Oh, sure. Go  
22 ahead, sure.

23 RANDY MASTRO: Thank you. I've already  
24 told you that you'll always have an open door to me,  
25 and nobody, you know, has to sign into anything for

2 me. I've already told you that when it comes to  
3 issues between the Mayor and the Council that devolve  
4 into litigation, that my position is, best practice,  
5 absolutely the Mayor's side if they think something  
6 is illegal that's the law of the City passed by the  
7 City Council, the Mayor has to initiate suit, and  
8 Corp Counsel has to represent whichever the Corp  
9 Counsel determines consistent with the law is-- and  
10 in the best interest of the City is right. And I've  
11 already told you that I will set up support groups to  
12 work with the--

13 PUBLIC ADVOCATE WILLIAMS: [interposing]

14 Yeah. Can you-- let me just ask this. Have you--  
15 can you think of any time where Corp Counsel had  
16 defended anyone except the Mayor when it came to any  
17 other branch of government?

18 RANDY MASTRO: Well, isn't that

19 interesting? I am telling you that I will call  
20 those--

21 PUBLIC ADVOCATE WILLIAMS: [interposing]

22 Wait, wait, before you get there, just can you-- can  
23 you think of any example when that happened?

24

25

2 RANDY MASTRO: Historically, I think Corp  
3 Counsel has represented the Mayor's Office, and I am  
4 telling you as someone--

5 PUBLIC ADVOCATE WILLIAMS: [interposing]  
6 But I would just say I think part of the reason the  
7 former-- Judge Radix is no longer here is because she  
8 was keen on maybe not doing that every single time,  
9 and I believe based on the things you've said today  
10 and based on the examples that I've given you, the  
11 opportunity to say, here is where I would defend you  
12 Public Advocate, I would defend the Council, I would  
13 defend Comptroller. Here on this examples, given  
14 very specific examples and not hypotheticals to say  
15 on this particular case, I would not defend the  
16 Mayor. Is there an example that you can think of  
17 right now? I don't want a hypothetical, because you  
18 could say anything. This would be illegal. Is there  
19 anything in your-- you've described your breadth of  
20 knowledge on the law. Can you think of any specific  
21 example where the Mayor's not the person that you  
22 would defend?

23 RANDY MASTRO: I can think-- you're asking  
24 me a hypothetical, but--

2 PUBLIC ADVOCATE WILLIAMS: [interposing]

3 No, no, no, not a hypothetical. There was a litany  
4 of things that are going on right now and that have  
5 gone on.

6 RANDY MASTRO: Alright.

7 PUBLIC ADVOCATE WILLIAMS: In your  
8 breadth of knowledge of work with Giuliani to now.

9 RANDY MASTRO: I can't prejudge existing  
10 cases. I've already told you I'm not going to follow  
11 a rule about you having to sign into meetings. I've  
12 already told you that I will make it a priority when  
13 I get into office--

14 PUBLIC ADVOCATE WILLIAMS: [interposing]

15 Yeah, understand--

16 RANDY MASTRO: [interposing] to look at  
17 these cases where there's already in court--

18 PUBLIC ADVOCATE WILLIAMS: [interposing]

19 I'm just being clear.

20 RANDY MASTRO: [interposing] and give my  
21 best advice--

22 PUBLIC ADVOCATE WILLIAMS: [interposing]

23 The decades amount of work that you have said you  
24 have done from Giuliani to now, the decades that you  
25 admittedly say, and I admittedly say you have a great

2 experience, you can't think of real world example  
3 where there is something that's happening now or  
4 where there's something that happened in the past  
5 where you would say you as Corp Counsel would not  
6 have defended that Mayor. That is a problem for  
7 someone who's saying you would do something  
8 different. You should have had examples of how you  
9 would do that different so people would believe you.  
10 And the fact that you want to skirt around that means  
11 that you might be saying something that you think  
12 might help you get appointed as opposed to something  
13 that you would do.

14 RANDY MASTRO: I don't think that's right  
15 or fair. I will be as frank as I can be. We didn't  
16 have situations in the Giuliani Administration where  
17 the Mayor didn't take the advice to back off. We  
18 didn't have litigation with the City Council other  
19 than that one referendum question which I think all  
20 would agree was an appropriate question for a  
21 referendum. So that issue didn't arise in my time in  
22 City Hall.

23 PUBLIC ADVOCATE WILLIAMS: I got it.

24 RANDY MASTRO: But I am telling you that  
25 I know--

2 PUBLIC ADVOCATE WILLIAMS: [interposing] I  
3 just want to close out by reiterating-

4 RANDY MASTRO: [interposing] I know,  
5 please.

6 PUBLIC ADVOCATE WILLIAMS: No, no, no,  
7 wait. I'm going to close out and then Chair can do  
8 what he would like to. I just want to reiterate that  
9 of the breadth of knowledge that you have on  
10 government works, how the council, the Public  
11 Advocate, the Comptroller, the Borough Presidents,  
12 how the Mayor works, you do not have one example when  
13 the Mayor was in court or the Council, the Public  
14 Advocate, the Comptroller, the Borough President were  
15 litigating against the Mayor or some issue that the  
16 Mayor brought to court that you would say you would  
17 not defend that mayor, you would defend another  
18 branch. You have enough knowledge, in my opinion, to  
19 have come up with some examples of that. Because  
20 what you have said today in the answer to the  
21 question I don't think leads, at least me, to think  
22 that that will change even though you said it. And  
23 what would have been helpful is some examples. So,  
24 in the 72 hours, if you have had any examples that

2 you can think of, I would actually love to the hear  
3 them. Thank you.

4 CHAIRPERSON POWERS: Mr. Mastro, I'll let  
5 you-- we're going to-- before we go to break I'll let  
6 you answer that last point and questions, give you an  
7 opportunity to respond.

8 RANDY MASTRO: I am aware that you are in  
9 court on a number of issues where there's been a  
10 breakdown or that you have conflict with the  
11 Administration right now on a number of issues. I  
12 have said it wouldn't be responsible for me to au  
13 pine on those until I've studied them and heard from  
14 both sides. But I have told you I will make it  
15 highest priority to do that, and I will call the  
16 balls and strikes, and if I agree the Council is  
17 right, I will be representing the Council based on my  
18 assessment of what's consistent with the law and in  
19 the best interest of the City. And I have told you  
20 that I do not believe that it is appropriate and best  
21 practice should be that if the Mayor disagrees with a  
22 law of the City Council and feels it's illegal, the  
23 Mayor should be going to court to sue. I haven't  
24 been in city government for 25 years. So thank you  
25 for your confidence in me, but I haven't been

2 studying those issues. No responsible lawyer could  
3 sit here and answer your question. I'm a responsible  
4 lawyer.

5 PUBLIC ADVOCATE WILLIAMS: That's just  
6 not true.

7 RANDY MASTRO: Please, please--

8 PUBLIC ADVOCATE WILLIAMS: [interposing]  
9 You have enough experience--

10 RANDY MASTRO: Mr. Williams, please.

11 CHAIRPERSON POWERS: We're going to--

12 PUBLIC ADVOCATE WILLIAMS: [interposing]  
13 You have enough experience and the breadth of  
14 knowledge--

15 RANDY MASTRO: [interposing] Please, Mr.  
16 Williams. Please, Mr. Williams.

17 PUBLIC ADVOCATE WILLIAMS: and I know you  
18 think you're the smartest person in the room. I am  
19 sure of that.

20 RANDY MASTRO: Please, please. Please,  
21 Mr. Williams.

22 CHAIRPERSON POWERS: I going to give Mr.  
23 Mastro an opportunity to finish his thought and then  
24 we're going to take a--

25 RANDY MASTRO: [interposing] Thank you.

2 CHAIRPERSON POWERS: very short break.

3 RANDY MASTRO: Thank you. Unlike any  
4 Corp Counsel candidate in history, I've sued Mayors,  
5 multiple Mayors including taking positions in court  
6 adverse to this Mayor. I have sued Governors. I  
7 have sued Presidents. There is no doubt I will speak  
8 truth to power unlike any Corp Counsel in history. I  
9 don't mean to say these things lacking a humility,  
10 Councilwoman Brewer, I'm saying them out of passion  
11 and a track record that you can depend on. I have  
12 stood up to mayors, governors, and presidents. And I  
13 will just say this, I don't think anyone expected we  
14 were going to go this long. Now, many of the dozens  
15 of witnesses who are here are having to leave. I  
16 don't know how we address that situation. Folks,  
17 we're about to take a break. I hope some folks-- I  
18 understand there's food and drink on the other side.  
19 I'm just saying, please hang in there. This council  
20 needs to hear from you and how much I appreciate you  
21 all being here.

22 CHAIRPERSON POWERS: We're here until  
23 we're not-- until this is over.

24 RANDY MASTRO: I understand, and I want  
25 to answer all of your questions.

2 CHAIRPERSON POWERS: Okay.

3 RANDY MASTRO: But I also want you to  
4 hear from these dozens of witnesses--

5 CHAIRPERSON POWERS: [interposing]  
6 understood.

7 RANDY MASTRO: who have come here.

8 CHAIRPERSON POWERS: We have some more  
9 Council Members who have not had an opportunity to  
10 ask questions yet, and we want to hear from them and  
11 we also want to hear from the public.

12 RANDY MASTRO: Thank you.

13 CHAIRPERSON POWERS: We'll take a very  
14 short break to give-- for everybody to use the  
15 bathroom, and--

16 RANDY MASTRO: [interposing] Thank you.

17 CHAIRPERSON POWERS: [inaudible] and we'll  
18 be back. Oh yes. It is 3:43 right now. We'll come  
19 back at 3:55.

20 [break]

21 SERGEANT AT ARMS: Once again folks,  
22 please find your seats. Please ensure that all  
23 cellphones and electronic devices are placed to  
24 silent. We shall resume momentarily. Thank you for  
25 your cooperation.

2 CHAIRPERSON POWERS: Okay, we are going  
3 to have Council Members I think filtering back in,  
4 but in the name of time and in respect for the  
5 public, I want to continue to move our hearing along.  
6 We wanted to jump back into Council Member questions.  
7 Mr. Mastro, I think you were asked at the last-- at  
8 the end of the last series of questions to give an  
9 example of where you would have represented the  
10 Council, I believe, over the Mayor. I believe you  
11 wanted to provide an answer to that question. So,  
12 we'll give you a quick, brief opportunity to do that,  
13 before we jump into Council Member questions. Turn  
14 your microphone on.

15 RANDY MASTRO: I think I was asked for a  
16 situation where I wouldn't represent the Mayor. I  
17 gave an example in real life that when I chaired a  
18 Charter Revision Commission, I refused to do what the  
19 Mayor wanted which was to change the line of  
20 succession during his term, and I outright refused to  
21 do that. An example of a case, again, asking  
22 hypotheticals like that is very difficult. But if I  
23 had been Corp Counsel during the Bloomberg  
24 Administration I would not have represented the  
25 Administration in a case that involved the Fulton

2 Fish Market where the law that the City Council  
3 passed required that there be an independent unloader  
4 of fish in the market, because that was one of the  
5 organized crime pathways for shakedowns in the  
6 market. So, we RFP and hired a union shop of  
7 independent unloaders from a company called Laro  
8 [sic] and they were licensed to do that work, and the  
9 Bloomberg Administration made a decision to ignore  
10 the law that the City Council passed and to cut a  
11 deal with the wholesalers at the Fulton Fish Market  
12 to move up to Hunt's Point and get rid of the  
13 unloaders. The clean element in that market that was  
14 preventing organized crime from creeping back,  
15 because those unloaders were the shakedown, the end  
16 point for fish suppliers going to wholesalers, and  
17 the Bloomberg Administration just decided to ignore  
18 the law and get rid of that lynchpin to breaking  
19 organized crime stranglehold over the Fulton Fish  
20 Market. I had to sue on behalf of Laro. We won that  
21 lawsuit, but it really was an indefensible case for  
22 the City, and I would have told the Mayor, Corp  
23 Counsel cannot represent you because you want to do  
24 an economic development deal. That's a concrete  
25 example, but I know you have a number of issues like

2 that right now and I pledge to you will study each of  
3 them and make it a priority to determine whether I  
4 think this-- where Corp Counsel's Office is right now  
5 is where I would be, and I will give it straight.

6 CHAIRPERSON POWERS: Appreciate that.  
7 Thank you for that example. We're now going to hop  
8 back into Council Member questions. We're going to  
9 hear from Council Member Krishnan followed by Council  
10 Member Gennaro, and then we have a list of other  
11 Council Members here as well.

12 COUNCIL MEMBER KRISHNAN: Thank you,  
13 Speaker Adams, thank you Chair Powers, and thank you,  
14 Mr. Mastro for your testimony.

15 RANDY MASTRO: Thank you.

16 COUNCIL MEMBER KRISHNAN: I want to recap  
17 where we are coming back from the break. You are  
18 leading litigator. Your list of credentials is  
19 lengthy, but this position requires more. And I want  
20 to go through the principles, the basic principles  
21 that come with become the City's top lawyer. My  
22 first question is, Mr. Mastro, the Mayor and city  
23 agencies are accountable to the public for their  
24 performance, correct?

25 RANDY MASTRO: Correct.

2 COUNCIL MEMBER KRISHNAN: The public has  
3 a right to know how public money is spent, correct?

4 RANDY MASTRO: Correct.

5 COUNCIL MEMBER KRISHNAN: City Council  
6 hearings, the Mayor's Management Report, and other  
7 such public reviews are all important tools for  
8 accountability and transparency, is that right?

9 RANDY MASTRO: Correct.

10 COUNCIL MEMBER KRISHNAN: You served as  
11 Deputy Mayor under Mayor Giuliani in 1997, correct?

12 RANDY MASTRO: I did.

13 COUNCIL MEMBER KRISHNAN: And in that  
14 year, the State Comptroller conducted an audit of  
15 city agencies requesting information on city  
16 finances, agency budgets, program spending, and  
17 performance metrics, is that correct?

18 RANDY MASTRO: There was a dispute with  
19 the State Comptroller's Office over certain subpoenas  
20 that had been issued and whether the scope of those  
21 subpoenas was excessive. So, your question-- the  
22 answer to your question is there was a dispute as to  
23 whether the State Comptroller was entitled to all  
24 that information-- is a separate question that was  
25 very much in dispute.

2 COUNCIL MEMBER KRISHNAN: In your role as  
3 Deputy Mayor to Rudy Giuliani did you submit all of  
4 the requested documents and information for the  
5 State's audit?

6 RANDY MASTRO: There were issues between  
7 the State Comptroller's Office and the Mayor's Office  
8 about whether those subpoenas, the scope of them was  
9 sufficient. That's something that happens in  
10 government. So,--

11 COUNCIL MEMBER KRISHNAN: [interposing]  
12 Yeah. Mr. Mastro, just a yes or no, did you submit  
13 all the documents requested?

14 RANDY MASTRO: We submitted many, not  
15 all.

16 COUNCIL MEMBER KRISHNAN: Thank you. In  
17 your role as Deputy Mayor to Rudy Giuliani, did you  
18 direct city employees to black state inspectors'  
19 access to city offices?

20 RANDY MASTRO: There were certain  
21 contested audits were some audits were conducted and  
22 some were not. These are sensitive issues of who has  
23 privacy and legal authority to do certain things. So  
24 these are not yes or no answers.

2 COUNCIL MEMBER KRISHNAN: I'm going to  
3 read-- that wasn't the answer to my question, but I'm  
4 going to read from New York Times, March 29<sup>th</sup>, 1997.  
5 The headline was, "Mayor Orders State Auditors to be  
6 Evicted." You are quoted extensively in the article,  
7 and the article says, "Senior Administration  
8 officials instructed state auditors at the Health  
9 Department and the Human Resources Administration to  
10 leave." In your role as Deputy Mayor to Rudy  
11 Giuliani, did you receive 17 separate subpoenas from  
12 the State that you did not comply with?

13 RANDY MASTRO: I don't recall the number,  
14 but there were issues about whether the State  
15 Comptroller was exceeding the scope of his authority.  
16 We worked those issues, and they ultimately were  
17 resolved. They were resolved ultimately  
18 consensually, Councilman. So, I just want to be--

19 COUNCIL MEMBER KRISHNAN: [interposing]  
20 whether or not, Mr. Mastro--

21 RANDY MASTRO: [interposing] I want to be  
22 clear. That's not uncommon.

23 COUNCIL MEMBER KRISHNAN: Sorry, Mr.  
24 Mastro, I don't want to interrupt. I want to give  
25 you a chance to answer questions--

2 RANDY MASTRO: [interposing] Of course.

3 COUNCIL MEMBER KRISHNAN: But this is a  
4 factual question, right? Either you received the  
5 subpoenas or you didn't, and the public record is  
6 clear that you did receive them. Now, whether you  
7 thought they were legitimate or not is a different  
8 question, but I just want to let the record reflect  
9 that you did in fact receive 17 separate subpoenas  
10 and you chose not to comply with them for your own  
11 reasons. Ultimately, however--

12 RANDY MASTRO: [interposing] We contested--

13 -

14 COUNCIL MEMBER KRISHNAN: [interposing]  
15 I'm sorry, [inaudible] Mr. Mastro. Ultimately, New  
16 York's highest court ruled that your failure to  
17 comply or contest the State Comptroller's audit was  
18 unlawful. Do you still believe for the Mayor's  
19 Office to withhold information from the State  
20 Comptroller when the State Comptroller is requesting  
21 that information pursuant to the law?

22 RANDY MASTRO: I would follow the law.  
23 The authority of the State Comptroller was to do  
24 certain types of audits. We complied with others.  
25 You're cherry-picking your facts, Councilman. The

2 fact is that we thought some of them exceeded the  
3 scope of the State Comptroller's audit authority, and  
4 now that issue has since been defined by the New York  
5 Court of Appeals. So of course we would follow the  
6 law. But issues like this arise all the time between  
7 parallel or subordinate forms of government, and  
8 sometimes the courts resolve them. I know what the  
9 law is that came out of that case.

10 COUNCIL MEMBER KRISHNAN: That's correct,  
11 Mr. Mastro.

12 RANDY MASTRO: I would follow the law.

13 COUNCIL MEMBER KRISHNAN: Let me read to  
14 you what the law as, as interpreted by the Court of  
15 Appeals, in regards to this very issue.

16 RANDY MASTRO: I said I would follow the  
17 law.

18 COUNCIL MEMBER KRISHNAN: So, the law  
19 said, we found the City's argument unpersuasive. The  
20 legislature has empowered the Comptroller to conduct  
21 such audits of city agencies. It's great that after  
22 the fact, you have agreed to follow the law in the  
23 Court of Appeals, but it is also important as the  
24 City's chief lawyer to follow the law before it goes  
25 to court, as I'm sure you'd agree to. Do you still

2 believe that the Mayor's Office can refuse to follow  
3 the law on sharing information with other government  
4 bodies if required to do so?

5 RANDY MASTRO: I believe the law is clear  
6 now about the breadth of the State Comptroller's  
7 audit authority over the City. At the time, the  
8 position taken by the Giuliani Administration was  
9 based on advise and working with Corp Counsel's  
10 Office. Now, the law is defined. I understand the  
11 law, but that was a legal question that was resolved  
12 in that case.

13 COUNCIL MEMBER KRISHNAN: Right. Well,  
14 Mr. Mastro, let's be clear, the law always the law.  
15 It was clear. Your administration and you personally  
16 also had a very different interpretation--

17 RANDY MASTRO: [interposing] It--

18 COUNCIL MEMBER KRISHNAN: [interposing]  
19 that was ultimately ruled incorrect.

20 RANDY MASTRO: It was--

21 COUNCIL MEMBER KRISHNAN: [interposing]

22 Let me--

23 RANDY MASTRO: [interposing] It was--

24 COUNCIL MEMBER KRISHNAN: [interposing]

25 Let me move on.

2 RANDY MASTRO: It was not. The law is  
3 established now. Whether the State Comptroller had  
4 that sweeping scope of authority was not clearly  
5 defined at that time.

6 COUNCIL MEMBER KRISHNAN: Mr. Mastro,  
7 let's move on to the next topic. Mr.-- sorry.  
8 Council Member Brewer touched on this, and I want to  
9 go a little bit deeper. In 1998 Mayor Giuliani  
10 proposed deep cuts-- sorry, let me back up for a  
11 second. You had testified earlier today that you  
12 believe you were critical in maintaining a collegial  
13 relationship between City Hall under the Giuliani  
14 Administration and the City Council, is that correct?

15 RANDY MASTRO: I don't just believe it.  
16 It's what people like Peter Vallone and his entire  
17 senior staff and others who will testify here, Ken  
18 Fisher [sp?], and others will testify was the case.

19 COUNCIL MEMBER KRISHNAN: Sure.

20 RANDY MASTRO: And Mark Green [sp?] felt  
21 that way, too, even though we had our spats.

22 COUNCIL MEMBER KRISHNAN: Just asking  
23 you, do you believe that it is critical to have a  
24 collegial relationship between the City Council and  
25 City Hall, yes or no? It's a yes or no question?

2 RANDY MASTRO: I think we did. I did. I  
3 did.

4 COUNCIL MEMBER KRISHNAN: In 1998, Mayor  
5 Giuliani, as Council Member Brewer mentioned,  
6 proposed deep cuts to public services that the City  
7 Council opposed. The Council passed its own budget  
8 to protect these vital services. Mayor Giuliani  
9 vetoed the budget. The City Council overrode his  
10 veto, as you know well. Did you as Deputy Mayor to  
11 Rudy Giuliani then authorize a publicly funded mail  
12 piece sent to nearly one million New York City  
13 residents attacking the City Council and claiming  
14 that the City Council illegally raised taxes on New  
15 Yorkers? Did you or did you not authorize that mail  
16 piece?

17 RANDY MASTRO: I don't recall the piece  
18 that you're referring to.

19 COUNCIL MEMBER KRISHNAN: let me--

20 RANDY MASTRO: [interposing] But at the  
21 time the Administration and the Council were in  
22 pitched battle over the budget on an issue that was  
23 not [inaudible] by me.

24

25

2 COUNCIL MEMBER KRISHNAN: So you don't--  
3 you don't recall. The answer is you don't recall.  
4 Let me refresh.

5 RANDY MASTRO: I don't recall.

6 COUNCIL MEMBER KRISHNAN: Let me refresh  
7 your recollection. June 13<sup>th</sup>, 1998 there was an  
8 article titled "Mayor Ignores Council over Property  
9 Tax." A mailer was sent to 900,000 property owners  
10 saying, "Dear taxpayer," accusing the Council of  
11 setting rates in an invalid and improper manner.  
12 Peter Vallone, the Speaker of the Council at the time  
13 who you mentioned called it blatantly political, this  
14 mailer, unnecessarily alarming and full of false-  
15 hoods. Randy Mastro, the Deputy Mayor of Operations,  
16 said the bills had been printed and sent to private  
17 mail order houses and would be received by most  
18 taxpayers today or Monday. Mr. Mastro said, "The  
19 mailing is largely completed. There's nothing the  
20 City Council can do." In this role as Corporation  
21 Counsel, Mr. Mastro, where you represent not just  
22 City Hall, but the City Council, do you believe that  
23 such an action is an appropriate way for City Hall to  
24 respond to the City Council to maintain collegial  
25 relationships?

2 RANDY MASTRO: I don't recall the  
3 specific instance you're talking about.

4 COUNCIL MEMBER KRISHNAN: I've reminded  
5 you, though. So you could answer--

6 RANDY MASTRO: [interposing] But--

7 COUNCIL MEMBER KRISHNAN: if you believe  
8 presently whether it's appropriate or not act that  
9 way?

10 RANDY MASTRO: Please, please, let me  
11 finish. And at the time I was exiting City Hall and  
12 had already given notice. So I wasn't heavily  
13 involved in--

14 COUNCIL MEMBER KRISHNAN: [interposing]  
15 Right.

16 RANDY MASTRO: those issues, but the fact  
17 of the matter is that it's not the way I, left to my  
18 own devices, would have conducted myself, and not the  
19 way I typically did with the Council, and obviously,  
20 Peter Vallone and others on the Council don't  
21 attribute that to me, personally. That's why I enjoy  
22 so much support the-- him and his staff and Council  
23 Members from that generation.

24

25

2 COUNCIL MEMBER KRISHNAN: Thank you.

3 Stepping back for a second. The Corporation Counsel  
4 serves as the lawyer for New York City, correct?

5 RANDY MASTRO: Correct.

6 COUNCIL MEMBER KRISHNAN: As well as the  
7 City Council and the Mayor, correct?

8 RANDY MASTRO: Correct.

9 COUNCIL MEMBER KRISHNAN: In other words,  
10 the Corporation Counsel as the City's chief lawyer  
11 represents the public interest, not the interest of  
12 one agency or one branch of government. Is that  
13 correct?

14 RANDY MASTRO: Correct.

15 COUNCIL MEMBER KRISHNAN: Do you believe  
16 transparency and accountability are important in this  
17 position of Corporation Counsel?

18 RANDY MASTRO: I believe that  
19 transparency and accountability are important, more  
20 sensitive with the Law Department because of  
21 privilege issues, so there can't be complete  
22 transparency, because so much involves privileged  
23 communications, but as a general principle I  
24 personally believe in transparency and  
25 accountability. I chair a good government group,

2 Citizens Union, that advocates for those principles  
3 in government at all times.

4 COUNCIL MEMBER KRISHNAN: I know.

5 RANDY MASTRO: That doesn't mean that the  
6 principle I served necessarily shared those same  
7 views.

8 COUNCIL MEMBER KRISHNAN: Sure.

9 RANDY MASTRO: But I am telling you that  
10 I understand that that is part of government and part  
11 of Corp Counsel's Office consistent with obligations  
12 to protect confidentiality and privilege.

13 COUNCIL MEMBER KRISHNAN: And do you  
14 believe public officials should create and preserve a  
15 public record of their work?

16 RANDY MASTRO: I believe that when you  
17 make a public record you should preserve the public  
18 record.

19 COUNCIL MEMBER KRISHNAN: Thank you.  
20 Let's look seriously at that. You led an internal  
21 investigation on the Bridgegate matter, correct?

22 RANDY MASTRO: I led representation of  
23 the Governor's Office that included internal  
24 investigation that produced a several hundred page  
25 report, over 80 interview memos, and hundreds if not

2 thousands of pages of documents collected, and we  
3 followed the same procedure that the FB--

4 COUNCIL MEMBER KRISHNAN: [interposing] I'  
5 going to get to that, Mr. Mastro.

6 RANDY MASTRO: I'm sorry, that the FBI  
7 follows and that we--

8 COUNCIL MEMBER KRISHNAN: [interposing]  
9 It's-- Mr. Mastro, I haven't asked a single question  
10 about that yet.

11 RANDY MASTRO: Okay, I just want to--

12 COUNCIL MEMBER KRISHNAN: [interposing]  
13 All I've asked you is a yes or no, and when there's a  
14 yes or no question, you can just give a yes or no  
15 answer. Did you lead an internal investigation?  
16 Were you hired by the Office of Governor Christie to  
17 lead an internal investigation into the Bridgegate  
18 matter, yes or no?

19 RANDY MASTRO: I and my law firm were  
20 hired to do that, and I answered questions earlier.

21 COUNCIL MEMBER KRISHNAN: Correct. And  
22 we're going to go into a bit more detail about that,  
23 building on what Majority Leader Farias had said. In  
24 this matter, as you just said, you "interviewed more  
25 than 70 witnesses and reviewed more than 250,000

2 documents" through the course of your investigation,  
3 right? And I'm quoting from your own report.

4 RANDY MASTRO: Yes.

5 COUNCIL MEMBER KRISHNAN: There was a  
6 separate prosecution of Governor's Christie's staff  
7 over Bridgegate, as I'm sure you're well aware.

8 RANDY MASTRO: Federal.

9 COUNCIL MEMBER KRISHNAN: The defendants  
10 in that case requested your notes from all of your  
11 interviews during the course of your investigation.  
12 In their criminal case, they filed a subpoena for  
13 those notes, correct?

14 RANDY MASTRO: Correct.

15 COUNCIL MEMBER KRISHNAN: You opposed  
16 this subpoena, correct? And you opposed it on the  
17 grounds that, "no notes, transcripts, and recordings  
18 of the witness interviews existed," from your own  
19 report.

20 RANDY MASTRO: We produced all of the  
21 memos of the more than 70--

22 COUNCIL MEMBER KRISHNAN: [interposing]  
23 Right.

24

25

2 RANDY MASTRO: I think more than 80  
3 interviews. We produced all of those and said there  
4 were no other documents to produce.

5 COUNCIL MEMBER KRISHNAN: Right. And I'd  
6 like to remind you again, you interviewed more than  
7 70 witnesses and reviewed more than 250,000  
8 documents, and yet you represented to the court, and  
9 you can argue with your own report, but these are  
10 your own words that, "no notes, transcripts, and  
11 recordings of the witness interviews existed."

12 RANDY MASTRO: That's correct.

13 COUNCIL MEMBER KRISHNAN: You heard a bit  
14 more in the questioning earlier about how this was a  
15 substantial departure from the practices of Gibson  
16 Dunn, as someone who has worked at two large  
17 corporate law firms, and how lawyers practice law  
18 both at law firms, and generally. But I want to read  
19 to--

20 RANDY MASTRO: [interposing] That's  
21 actually not true.

22 COUNCIL MEMBER KRISHNAN: Mr. Mastro--

23 RANDY MASTRO: [interposing] That's  
24 actually not true.

2 COUNCIL MEMBER KRISHNAN: Let me read to  
3 you the decision, because the judge had some strong  
4 words for your conduct. The court said, "Although  
5 Gibson Dunn"-- First, Gibson Dunn acknowledged that  
6 it intentionally changed its approach in this  
7 investigation. Although your firm Gibson Dunn did  
8 not delete or shred documents, what you did in not  
9 preserving notes "had the same effect." You were  
10 paid-- again, although Gibson Dunn did not delete or  
11 shred documents, what you did had the same effect.

12 RANDY MASTRO: It did not.

13 COUNCIL MEMBER KRISHNAN: Were you part  
14 of the FBI at that time, Mr. Mastro, in the  
15 investigation?

16 RANDY MASTRO: No, but it's not--

17 COUNCIL MEMBER KRISHNAN: [interposing]  
18 Yes or no? Were you part of the FBI?

19 RANDY MASTRO: I was not part of the FBI.

20 COUNCIL MEMBER KRISHNAN: Were you a  
21 federal prosecutor on that case?

22 RANDY MASTRO: I was a federal  
23 prosecutor, not on that case.

24 COUNCIL MEMBER KRISHNAN: Thank you. In  
25 fact, this was an internal investigation where you

2 were producing a report and recommendation,  
3 recommendations that included best practices. Is  
4 that correct?

5 RANDY MASTRO: But you are asking me  
6 whether I worked for the FBI, because you know the  
7 FBI only does one memo of an interview and doesn't  
8 keep any other notes.

9 COUNCIL MEMBER KRISHNAN: That's correct,  
10 as you testified before.

11 RANDY MASTRO: So, that's okay for the  
12 FBI?

13 COUNCIL MEMBER KRISHNAN: And as I just  
14 recall you testifying you were not part of the FBI.  
15 This wasn't a criminal investigation. You weren't a  
16 federal prosecutor. You were leading an internal  
17 investigation where you were creating a report and  
18 recommendation of best practices, and that's shocking  
19 that in a case where you were issuing a report of  
20 best practices, one of the most fundamental practice  
21 of lawyering, preserving records and notes, didn't  
22 apply in this case. You chose not to apply it.

23 RANDY MASTRO: There were no--

24 COUNCIL MEMBER KRISHNAN: [interposing]  
25 But I want to ask you this.

2 RANDY MASTRO: There were no records to  
3 preserve. We didn't keep notes.

4 COUNCIL MEMBER KRISHNAN: I'm sorry,  
5 after 70 witnesses and 250,000 documents, the fact  
6 that there were no records to produce--

7 RANDY MASTRO: [interposing] Would you  
8 like me to answer?

9 COUNCIL MEMBER KRISHNAN: just falls  
10 hollow. No, because I'm going to move onto the next  
11 question. You were paid--

12 RANDY MASTRO: [interposing] I [inaudible]  
13 you don't want me to answer.

14 COUNCIL MEMBER KRISHNAN: There wasn't a  
15 question in there.

16 RANDY MASTRO: Okay.

17 COUNCIL MEMBER KRISHNAN: You were paid--

18 RANDY MASTRO: [interposing] There's no  
19 question, but please let me answer.

20 COUNCIL MEMBER KRISHNAN: Mr. Mastro,  
21 here's my question. You were paid \$8 million in  
22 public money for this investigation, correct?

23 RANDY MASTRO: I don't recall the exact  
24 amount, but it was-- it was several million dollars.

2 COUNCIL MEMBER KRISHNAN: let me tell  
3 you, in the court records and papers, it was listed  
4 as \$8 million. You billed for \$10 million. You  
5 collected \$8 million from the taxpayers of New  
6 Jersey. Do you think the public got their money's  
7 worth?

8 RANDY MASTRO: I believe that the work we  
9 did which was confirmed in the results reached by the  
10 U.S. Attorney, the New Jersey AG, and the Bergen  
11 County Prosecutor's Office that we did the work ahead  
12 of all those other investigations that advanced those  
13 investigations and got, you know, to the core of what  
14 happened in Bridgegate and what happened in  
15 connection with Hoboken which no one even mentions--

16 COUNCIL MEMBER KRISHNAN: [interposing]  
17 Right.

18 RANDY MASTRO: which was half our report.

19 COUNCIL MEMBER KRISHNAN: But Mr. Mastro,  
20 I'm asking you a question. Do you believe the public  
21 got their money's worth in hiring you for this  
22 matter?

23 RANDY MASTRO: I think we represented the  
24 Governor's Office and the people of New Jersey in a  
25

2 professional, responsible, and ethical manner, and if  
3 you'd like to me explain that, I will, because--

4 COUNCIL MEMBER KRISHNAN: [interposing] I  
5 don't need an explanation. I just asked you if that's  
6 what you felt, and you sound like you felt you did,  
7 the public did get their money's worth. Let me read  
8 to you what the federal judge said, "The taxpayers of  
9 the State of New Jersey paid Gibson Dunn millions of  
10 dollars to conduct a transparent and thorough  
11 investigation. What they got instead was opacity and  
12 gamesmanship. They deserve better."

13 RANDY MASTRO: And that was--

14 COUNCIL MEMBER KRISHNAN: [interposing] Is  
15 it correct to say that your internal investigation  
16 found no evidence of wrong-doing by Governor Chris  
17 Christie?

18 RANDY MASTRO: It found that there was no  
19 evidence that he had directed the lane closure in  
20 advance, and it attributed two individuals, and  
21 turned out the U.S. Attorney said, a third who were  
22 involved in making that decision and implementing  
23 that in advance, and our report reached the same  
24 conclusions as the U.S. Attorney, the New Jersey AG,  
25 and the Bergen County Prosecutor's Office as to who

2 was, you know, ultimately responsible for making the  
3 decision on the lane closure.

4 COUNCIL MEMBER KRISHNAN: Thank you.

5 RANDY MASTRO: WE didn't exonerate  
6 anyone, per say, we said that there was something  
7 wrong that had happened, and we identified the  
8 individuals--

9 COUNCIL MEMBER KRISHNAN: [interposing]  
10 Right.

11 RANDY MASTRO: who were responsible for  
12 the decision, and that's exactly what the U.S.  
13 Attorney, the New Jersey AG, and the Bergen County  
14 Prosecutor-- they reached the same conclusion.

15 COUNCIL MEMBER KRISHNAN: I just asked if  
16 you found no evidence of wrongdoing by Governor Chris  
17 Christie, and it sounds like you didn't. But Mr.  
18 Mastro, as I mentioned before, you were one of the  
19 nation's leading litigators in one of the most high-  
20 profile public investigations of that time. When you  
21 were hired to serve the public interest at  
22 extraordinary taxpayer expense, you "intentionally  
23 changed your practice and did not preserve any  
24 records or notes." And then you found no wrong-doing  
25 by Governor Christie, and the public no chance to

2 check your work, because you kept no notes. My  
3 question is, is this how you intend to conduct  
4 yourself as Corporation Counsel?

5 RANDY MASTRO: The premise of your  
6 question is completely wrong. The practice at my law  
7 firm and amongst sophisticated law firms that do  
8 internal investigations now-- in my own law firm  
9 there had been an issue about notes where they'd had  
10 to be produced in a litigation. It was not actually  
11 best practice.

12 COUNCIL MEMBER KRISHNAN: Got it.

13 RANDY MASTRO: Law firms today and  
14 sophisticated investigations like the FBI in criminal  
15 investigations, they do not maintain notes. They  
16 make one memo of an interview. Complete transparency  
17 on all our interviews and all the documents that we  
18 reviewed, and all were produced, but sophisticated  
19 investigations do not have lots of note takers.

20 COUNCIL MEMBER KRISHNAN: Mr. Mastro--

21 RANDY MASTRO: [interposing] They have  
22 memos--

23 COUNCIL MEMBER KRISHNAN: [interposing]  
24 Understood.

25 RANDY MASTRO: and individual reports.

2 COUNCIL MEMBER KRISHNAN: I'm not  
3 arguing. I have to--

4 RANDY MASTRO: [interposing] That is  
5 actually what sophisticated--

6 COUNCIL MEMBER KRISHNAN: [interposing]  
7 Thank you.

8 RANDY MASTRO: investigations do today.

9 COUNCIL MEMBER KRISHNAN: Thank you. Mr.  
10 Mastro, I'm going to keep moving, because I'm on a  
11 clock here.

12 RANDY MASTRO: Please.

13 COUNCIL MEMBER KRISHNAN: So I just  
14 wanted to add, as Corporation Counsel you are once  
15 again hired by the public to once again represent the  
16 people of New York City as well as the City Council  
17 and the Mayor. The public interest is paramount, and  
18 you must serve it with transparency, not personal  
19 interest, not political interest. So, my question  
20 rhetorically is whose interest would you serve in  
21 this role. I don't need an answer for that question,  
22 because I think your record speaks for itself. And I  
23 just conclude my questions, by asking as you  
24 testified earlier, you worked under Giuliani at the  
25 U.S. Attorney's Office, you were his Chief of Staff,

2 you were his Deputy Mayor. Your professional  
3 relationship goes back a very long time. You have  
4 called him a role model and an inspiration. You have  
5 spoken up for his presidential campaign. As I  
6 mentioned, you called him a role model and an  
7 inspiration, someone who has now been indicted,  
8 disbarred, and is bankrupt, because of his efforts to  
9 overturn the 2020 election for Donald Trump and to  
10 incite a national-- a violent insurrection against  
11 our country. Have you spoken out and denounced Rudy  
12 Giuliani for his efforts to overturn the 20 election  
13 and incite a violent insurrection against the United  
14 States?

15 RANDY MASTRO: Yes.

16 COUNCIL MEMBER KRISHNAN: When?

17 RANDY MASTRO: Citizen's Union, we've  
18 repeatedly taken positions about the actions that  
19 occurred around that election, and--

20 COUNCIL MEMBER KRISHNAN: [interposing]  
21 I'm asking you personally--

22 RANDY MASTRO: [interposing] Excuse me,  
23 please.

24 COUNCIL MEMBER KRISHNAN: not Citizen's  
25 Union.

2 RANDY MASTRO: Let me answer. Because  
3 you gave--

4 COUNCIL MEMBER KRISHNAN: [interposing] I-  
5 - but--

6 RANDY MASTRO: a speech, not a question.

7 COUNCIL MEMBER KRISHNAN: [interposing]  
8 Stick to the question.

9 RANDY MASTRO: Alright.

10 COUNCIL MEMBER KRISHNAN: My question's  
11 not Citizen's Union--

12 RANDY MASTRO: [interposing] And I have  
13 submitted--

14 COUNCIL MEMBER KRISHNAN: my question is  
15 you personally.

16 RANDY MASTRO: I have submitted to this  
17 Council the speech that I gave at Citizen's Union  
18 annual dinner where I said that I hoped the lawyers  
19 for that campaign would come forward publicly and  
20 apologize for what they did. So, please, don't-- I  
21 don't need you to misunderstand in any way. I haven't  
22 spoken to Rudy Giuliani in years, and when I said he  
23 was a role model, it was because of the courage he  
24 showed standing up to the Reagan Administration when  
25 I was a federal prosecutor, the courage he showed in

2 backing me up when I put my life on the line against  
3 organized crime, and he supported those efforts. So,  
4 there are things about Rudy Giuliani, the Rudy  
5 Giuliani of that period that yes, I respect, but I  
6 have not had any contact with him in years.

7 COUNCIL MEMBER KRISHNAN: And finally, my  
8 last question is, do you believe it was the right  
9 decision for the State of New York to disbar Rudy  
10 Giuliani for his actions?

11 RANDY MASTRO: I'm not here to pile on to  
12 someone. It's a heart-breaking situation for me. I  
13 believe in the law and the process and the Bar, and  
14 the Bar took the action that it did.

15 COUNCIL MEMBER KRISHNAN: But you're  
16 going to be the City's chief lawyer with a staff of  
17 several hundred lawyers. If a lawyer perjured himself  
18 for herself in front of the courts or in front of  
19 state agencies or legislatures, do you believe that  
20 that lawyer should be disciplined and disbarred for  
21 their conduct? Would you speak out if such actions  
22 happened under your watch?

23 RANDY MASTRO: Yes.

24 COUNCIL MEMBER KRISHNAN: Thank you.  
25

2 CHAIRPERSON POWERS: Thank you. We'll now  
3 go to Council Member Gennaro.

4 COUNCIL MEMBER GENNARO: Thank you, Mr.  
5 Chair. Good afternoon, Mr. Mastro. Thank you for  
6 your opening statement and the testimony you provided  
7 so far. I have some concerns about your nomination  
8 with regard to your record on the environment, so  
9 I'll probe that now. Let's start with your work for  
10 Chevron regarding the Lago Agrio oil field in Ecuador  
11 in the Amazon Rainforest. I apologize that this  
12 question has a long ramp up. It's quite a celebrated  
13 case, and I have to, you know, bring some people up  
14 to speed. The problems that I will lay out regarding  
15 Lago Agrio were conducted by Texaco, but Texaco was  
16 acquired by Chevron in 2001. From 1964 to 1990,  
17 Texaco deliberately and systematically dumped more  
18 than 16 billion, with a "B", gallons of hazardous  
19 waste in the form of produced water in approximately  
20 900 open waste pits dug into the floor of the Amazon  
21 Forest. As many people know, produced water is  
22 something that's part of the drilling process. You  
23 drill, you get oil. You also get a briny water from  
24 the earth that is laced with toxic chemicals and  
25 heavy metals. So produced water is, as I said,

2 hazardous waste. It also dumped-- Texaco did-- 17  
3 million gallons of crude oil for road clearing  
4 activities in the rainforest. All of this Texaco  
5 admitted, but maintained that it done so legally and  
6 according to industry standards. Texaco left behind  
7 1,500 square mile patch of environmental disaster  
8 causing an epidemic of cancer and other oil related  
9 health problems for about 30,000 residents from  
10 indigenous cultures whose health, natural resources,  
11 and way of life has been decimated. This is  
12 considered one of the world's largest oil-related  
13 catastrophes and has been dubbed the Amazon  
14 Chernobyl. This is a well-known example of oil  
15 drilling malfeasance. I am a Geologist myself with a  
16 sub-specialty in Petroleum Geology, and people in  
17 this field know this case very well. Litigation for  
18 this catastrophe started in the U.S. in 1993. After  
19 years of effort to have the case relocated,  
20 litigation commenced in Ecuador in 2003, and 2011  
21 Chevron which took over Texaco in 2001 was found  
22 guilty and ordered to pay an \$18 billion settlement,  
23 later reduced to \$9 billion. You represented Chevron  
24 to fight the \$9 billion settlement, and you  
25 prevailed, despite Texaco/Chevron admitting that it

2 created that devastation, but arguing as I said  
3 before that it did so legally. In representing  
4 Chevron, you began a series of so-called slap  
5 lawsuits on Chevron's victims, on their lawyer, and  
6 on the Ecuadorian judicial system. Slap lawsuits, as  
7 many people know in this room, are strategic lawsuits  
8 against public participation, and their purpose is  
9 not necessarily to win, but to intimidate, harass,  
10 demonize and bankrupt the weaker opponent and prevent  
11 victims from speaking out against unethical and  
12 criminal activities. Many jurisdictions now ban slap  
13 lawsuits. Anyway, Chevron needed a win-at-all-costs  
14 lawyer, and they hired you. And you are proud of  
15 your success in that case, listing it first in your  
16 resume among your most significant legal  
17 accomplishments. I have your resume here that was  
18 provided to us. The first sentence in the part of  
19 the resume that talks about your best legal  
20 achievements, the first one: "Among many high-profile  
21 matters, Randy won a two-month RICO trial, barring  
22 the enforcement of \$9 billion fraudulent Ecuadorian  
23 judgement against Chevron." And let me continue with  
24 my long lead-in to my question. Once again, my  
25 apologies. So you did your job. You won on behalf

2 of Chevron which in 2003 yielded more than \$200  
3 billion in revenues worldwide, but the 30,000  
4 indigenous people lost everything, their health,  
5 their water, their homes. There was a documentary  
6 film that was made titled "Crude" as in crude oil,  
7 and was filmed at the Sundance Film Festival and  
8 received acclaim. So on one side there is Chevron  
9 which has still not made the indigenous people whole,  
10 and while you highlight your victory in this case as  
11 you're-- I'm led to believe you're number one legal  
12 achievement, according to your resume. New York City  
13 has many environmental justice challenges, and you  
14 have mentioned environmental justice 10 times in your  
15 responses so far in today's hearing by my count, and  
16 you mentioned environmental justice in your written  
17 statement. So, finally, we get to the question. How  
18 can the environmental justice community and this  
19 council trust you to champion EJ issues and defend EJ  
20 legislation when you tout as your number one legal  
21 victory, your triumph for Chevron in this case which  
22 Chevron-- in which Chevron perpetrated one of the  
23 worst episodes of environmental injustice on the  
24 planet which is still going on today. Chevron  
25 perpetrated this environmental injustice, admitted

2 it, and you got them a walk, and the indigenous  
3 people are still suffering from Chevron's  
4 environmental destruction. This council cannot get  
5 the City's activist EJ community to abide that. That  
6 is, I believe, a deal breaker, and legal nuances of  
7 this case and your obligation towards your client  
8 Chevron are not going to create, you know, that kind  
9 of description. It's not going to create any kind of  
10 baseline of trust of you on the part of the  
11 environmental justice community. I believe that is  
12 just a stone fact, and I invite your perspective on  
13 this matter.

14 RANDY MASTRO: Thank you for raising  
15 this, Councilman.

16 COUNCIL MEMBER GENNARO: Also, try to  
17 speak up. I'm-- I don't hear so well.

18 RANDY MASTRO: Your recitation,  
19 respectfully, reads more like a press release from  
20 Steve Donziger [sp?], the New York lawyer who  
21 perpetrated a fraud on our judicial system, went to  
22 prison and got disbarred for what he did in  
23 connection with the Ecuadorian litigation. I did not-

24 -

2 COUNCIL MEMBER GENNARO: [interposing] I  
3 was confident you were going to--

4 RANDY MASTRO: [interposing] Please,  
5 please.

6 COUNCIL MEMBER GENNARO: I was confident  
7 you were going to bring up his name, but please  
8 continue.

9 RANDY MASTRO: Please, please. I did not  
10 represent Chevron in Ecuador and the litigation that  
11 occurred there. I represented Chevron not in slap  
12 suits. I won every aspect of the litigation that I  
13 brought to expose a litigation fraud, one that the  
14 Wall Street Journal called the litigation fraud of  
15 the century. And what we did there was to preserve  
16 and protect the integrity of the justice system and  
17 the judicial system, and when I go to that courthouse  
18 in the Southern District of New York, right across  
19 the street, judges still come up to me and say thank  
20 you for what you did to protect the integrity of the  
21 justice system and the judicial system, and it was  
22 protecting that system from a New York lawyer who  
23 committed bribery, extortion, fraud, and it was  
24 ultimately convicted of a crime and lost his bar  
25 license. And there is nothing about that that is a

2 slap suit. There is nothing about that that is anti-  
3 environment. What it is about is protecting the  
4 integrity of the judicial system and the justice  
5 system. It's in the highest traditions of our justice  
6 system to expose litigation frauds, to see that  
7 justice is done, to see that the right result is  
8 reached.

9 COUNCIL MEMBER GENNARO: Thank you, Mr.  
10 Mastro--

11 RANDY MASTRO: [interposing] So--

12 COUNCIL MEMBER GENNARO: [interposing]  
13 your answer is satisfactory. Let me just kind of  
14 revisit this. And I'm switching from my long-- from  
15 my distance glasses to my reading glasses. But what  
16 is really central, I think, is the need for entities  
17 like Chevron once they admit malfeasance to be held  
18 accountable for that--

19 RANDY MASTRO: [interposing] Chevron did  
20 not admit that, Councilman. I--

21 COUNCIL MEMBER GENNARO: [interposing] I  
22 mean, according to legal research done by the  
23 Council, that was-- this is the information that I  
24 have.

25 RANDY MASTRO: It did not happen.

2 COUNCIL MEMBER GENNARO: But at the end  
3 of the day--

4 RANDY MASTRO: [interposing] It did not  
5 happen.

6 COUNCIL MEMBER GENNARO: At the end of  
7 the day, let me just state that you were-- there's no  
8 way to deny that you were a big part of Chevron not  
9 having to pay this \$9 billion settlement which the  
10 legal process has deemed a fraud, and you know,  
11 Steven had his issues, and I get that, but you know,  
12 here we are all these years later and the people that  
13 live in that area are still suffering, and Chevron  
14 has not made it-- has not-- has not made those people  
15 whole or done what they needed to do, and you were on  
16 the team which involved many lawyers, my  
17 understanding that were-- many, many firms were  
18 involved, but you were, you know, part of the overall  
19 effort to get Chevron off the hook. So you were part  
20 of the team that did that at a very bare minimum, and  
21 we can talk about, you know, Donziger and like what  
22 he did and why he went to jail, but he wasn't Chevron  
23 that did all this environmental destruction. And as  
24 I indicated in my lead-up to this, I think the  
25 subtleties of the role that you played--

2 RANDY MASTRO: [interposing] Subtleties?

3 COUNCIL MEMBER GENNARO: with regard to  
4 getting Chevron off the hook are not going to pass  
5 muster with New York City's activists, environmental  
6 justice communities. This is one of the worst  
7 environmental injustices that were-- that has ever  
8 been perpetrated, and you stood with the parties that  
9 perpetrated that and worked to get them, Chevron, not  
10 to pay any judgement.

11 RANDY MASTRO: Councilman, I stood for  
12 the rule of law and our justice system. Chevron  
13 never admitted to any environmental disaster caused  
14 by Chevron, because as you said at the beginning of  
15 your recitation, they never even drilled in Ecuador  
16 itself, and every court--

17 COUNCIL MEMBER GENNARO: [interposing] But  
18 Texaco did.

19 RANDY MASTRO: Please, Councilman. Every  
20 court up to the Supreme Court ruled the same thing.  
21 Steve Donziger committed litigation fraud, bribery,  
22 extortion, and Steve Donziger is the reason why that  
23 judgement didn't stand. And I assume you respect the  
24 rule of law as much as I do. So--

2 COUNCIL MEMBER GENNARO: [interposing] I  
3 certainly respect the rule of law.

4 RANDY MASTRO: Thank you.

5 COUNCIL MEMBER GENNARO: And I'm going to  
6 jump in. I certainly respect the rule of law. What  
7 I don't respect are companies like Chevron who put  
8 aside the fundamental tenants of the free market  
9 which means you have to pay for the cost of  
10 production to bring your product to the marketplace,  
11 and whether it was--

12 RANDY MASTRO: [interposing] They didn't--

13 COUNCIL MEMBER GENNARO: Texaco or  
14 Chevron is a, you know, distinction without a  
15 difference because, you know, Chevron was the entity  
16 that hired you, even though Texaco did it. And no--

17 RANDY MASTRO: [interposing] It's not--

18 COUNCIL MEMBER GENNARO: amount of  
19 colloquy between you and I can change the fact that  
20 that area is still-- is still the, you know, is still  
21 the Chernobyl of the Rainforest.

22 RANDY MASTRO: That was Steve Donziger  
23 characterization, not anybody else's. And--

24 COUNCIL MEMBER GENNARO: [interposing] I  
25 mean, it--

2 RANDY MASTRO: [interposing] please,  
3 please understand--

4 COUNCIL MEMBER GENNARO: [interposing]  
5 That is still-- Chevron, Texaco, call it what you  
6 want, you know, they made this happen. They put  
7 together a, you know, dream team of environmental  
8 experts in order to not have to-- not have to answer  
9 or make restitution or pay a judgment for the  
10 environmental degradation that they caused, and you  
11 stood with them. And I'm-- my practical point here  
12 is that your association with this case, it's going  
13 to be very difficult for the-- you know, New York  
14 City's environmental justice community to abide, and  
15 I think--

16 RANDY MASTRO: [interposing] It is--

17 COUNCIL MEMBER GENNARO: [interposing] as  
18 I said before, that that is just a stone fact.

19 RANDY MASTRO: Okay, it is-- the stone  
20 fact is that I stood up for the integrity of the  
21 justice system. I exposed a litigation fraud that--

22 COUNCIL MEMBER GENNARO: [interposing]  
23 That doesn't help the indigenous people--

24 RANDY MASTRO: [interposing] Please,  
25 please, please--

2 COUNCIL MEMBER GENNARO: [interposing]

3 Excuse me, I'm taking a little bit--

4 RANDY MASTRO: [interposing] Please--

5 COUNCIL MEMBER GENNARO: liberty here.

6 Just like, you know, that does not help the  
7 indigenious people who are still suffering at the  
8 hands of your client.

9 RANDY MASTRO: And that's because Steve  
10 Donziger committed litigation fraud. Why don't you  
11 ask him why he committed a crime?

12 COUNCIL MEMBER GENNARO: Steve Donziger  
13 did not do the drilling--

14 RANDY MASTRO: [interposing] He committed  
15 a crime.

16 COUNCIL MEMBER GENNARO: He did not  
17 create 900 pits of produced water. He did not destroy  
18 the habitat. He did not destroy these people's  
19 lives. He did not take away, you know, their  
20 livelihood, their culture, their health.

21 RANDY MASTRO: If--

22 COUNCIL MEMBER GENNARO: [interposing] He  
23 didn't do that.

24 RANDY MASTRO: If--

25

2 COUNCIL MEMBER GENNARO: [interposing] He  
3 was a bad lawyer, okay, I get it.

4 RANDY MASTRO: Okay.

5 COUNCIL MEMBER GENNARO: But somebody did  
6 that and someone needs to be held account. I knew you  
7 were going to go that way.

8 RANDY MASTRO: Go that way?

9 COUNCIL MEMBER GENNARO: But at the end  
10 of the day--

11 RANDY MASTRO: [interposing] Go that way?  
12 It's the truth.

13 COUNCIL MEMBER GENNARO: But at the end  
14 of the day, this environmental degradation did happen  
15 at the hands of your client and you were central in  
16 getting that client off the hook--

17 RANDY MASTRO: [interposing] Did not--

18 COUNCIL MEMBER GENNARO: by standing up  
19 for justice.

20 RANDY MASTRO: I did not.

21 COUNCIL MEMBER GENNARO: I'm going to  
22 move on to my next thing. I think we--

23 RANDY MASTRO: [interposing] But it did  
24 not happen at the hands of Chevron, and the  
25 Ecuadorian oil company--

2 COUNCIL MEMBER GENNARO: [interposing]

3 Well--

4 RANDY MASTRO: has been drilling ever  
5 since.

6 COUNCIL MEMBER GENNARO: I could go on  
7 about the Ecuadorian government.

8 RANDY MASTRO: Please.

9 COUNCIL MEMBER GENNARO: You know, but  
10 I'm only-- but the purpose of this hearing is about  
11 you and your involvement with one entity which is  
12 very much involved, and you know, certainly like the--  
13 - the government has its own story. It has its own  
14 problems, you know, with regard to its people, but  
15 you did not represent them. You represented, you  
16 know, Chevron/Texaco that did the drilling, and I  
17 think that's going to be a problem for the City's  
18 environmental justice community, and the--

19 RANDY MASTRO: [interposing] Well, if  
20 standing up for the integrity of the judicial system--

21 -

22 COUNCIL MEMBER GENNARO: [interposing] In  
23 the interest of time--

24 RANDY MASTRO: is a problem, I'm sorry.

2 COUNCIL MEMBER GENNARO: I'm going to  
3 move on to my next question.

4 RANDY MASTRO: I stood up for it.

5 COUNCIL MEMBER GENNARO: I appreciate it.  
6 Anything that you want to submit for the record in  
7 the next 72 hours, but the hour's late. I'm going to  
8 move on to my next thing. I appreciate your--

9 RANDY MASTRO: [interposing] Please.

10 COUNCIL MEMBER GENNARO: comprehensive  
11 reply. This is about Styrofoam. Mr. Mastro, you  
12 have represented companies who opposed important pro-  
13 environmental local laws passed by this Council and  
14 pro-environmental rules passed by agencies. For  
15 example, in July 2015, former Mayor de Blasio  
16 announced a ban on single-use polystyrene foam  
17 articles, Styrofoam, and fill packaging such as  
18 packing peanuts. The Restaurant Alliance-- let me  
19 just go down to-- let me just try to save time. And  
20 trying to move along here. And so let me jump to  
21 where you come in, in terms of an interview. With  
22 that said, you know, about your opposition to the law  
23 and your representation of people who indicate  
24 Styrofoam can be recycled easily, and your comment  
25 was, "With that said"-- you were interviewed with New

2 York One's Inside City Hall regarding that ban in  
3 2015, and you were quoted as saying, "This is a crazy  
4 decision by the City." "As a former Deputy Mayor,  
5 I've seen some pretty crazy ones over the years."  
6 Doesn't this record of adversity and ridicule of  
7 environmental laws undercut your ability to represent  
8 this Council's environmental laws?

9 RANDY MASTRO: Well--

10 COUNCIL MEMBER GENNARO: [interposing] My  
11 question.

12 RANDY MASTRO: I'm very glad you asked  
13 that question, because the law in question that the  
14 City Council passed said that if Styrofoam could be--  
15 if it were-- this is the words of the Council, that  
16 if Styrofoam could be recycled in an economically  
17 feasible and environmentally sound way, that it  
18 should be recycled, because this Council has  
19 supported recycling over and over again. And if it  
20 couldn't, the City could ban it. And what we proved  
21 in court, I believe, was consistent with the City  
22 Council legislation that Styrofoam could be recycled  
23 in an economically feasible and environmentally  
24 sensitive way, because it was certainly capable of  
25 being collected for recycling. Clients involved in

2 the case were willing to pay for a pilot program of  
3 the City. So the City would have lost nothing and  
4 potentially profited from the recycling. And the  
5 first judicial decision in that case affirmed my  
6 position, that in fact, it could be recycled.

7 COUNCIL MEMBER GENNARO: Yeah, and I  
8 don't think that really square--

9 RANDY MASTRO: [interposing] Please--

10 COUNCIL MEMBER GENNARO: [interposing] I  
11 will just follow up on like the central focus of my  
12 question which is the ridicule. And I think the  
13 ridicule is-- of, you know, city laws and policies  
14 are a bad look for someone who needs to defend and  
15 advocate for City laws. With that, I'm getting the  
16 hook. I'm going to get one last question regarding  
17 Local Law 97 that's already been covered to some  
18 extent by Chair Powers and Council Member Restler.  
19 So, I'll forgo the ramp-up to the question. They  
20 kind of talked about that. Let me get to the-- to  
21 what I want to ask you about. You and your clients,  
22 those that are working with you on Local Law 97, you  
23 and your clients have refused to tell the press who's  
24 actually paying your bills for the lawsuit. In May,  
25 AM New York asked you and your clients who's

2 financing this effort to undermine Local Law 97.

3 Let's not say undermine. Let's say challenge, okay,

4 to challenge Local Law 97. And you both, you and

5 your clients, refused to say, and-- who finances a

6 law suit is not information that is protected by

7 attorney/client privilege. At the time you refused

8 to comment. You have now been formally nominated by

9 the Mayor for this position. You're now before the

10 Council seeking to be the top lawyer in city

11 government, and I think it is incumbent on you to be

12 transparent about issues like this one. So, can you

13 be candid with the Council and the public now, who is

14 financing your challenge to Local Law 97?

15 RANDY MASTRO: Well, it's not actually

16 the case, Councilman that--

17 COUNCIL MEMBER GENNARO: [interposing] No

18 one's paying the bills.

19 RANDY MASTRO: Information relating to

20 the financing of litigation when the individuals have

21 an attorney/client relation with you and request

22 that, that's not necessarily what-- the way you have

23 characterized privilege. But the fact of the matter

24 is that, that party has not wanted to be disclosed

25 publicly, but I will ask that party, that party or

2 parties, if they consent to me disclosing that. But  
3 I-- as a matter of client confidence and privilege,  
4 have not disclosed those issues. Other than the  
5 parties I am rep--

6 COUNCIL MEMBER GENNARO: [interposing] How  
7 about this? How about this? how about just take a  
8 side bar with counsel to see if-- see if the Counsel  
9 to this committee whether-- you know, whether there  
10 is-- whether the Counsel to this committee believes  
11 that what Mr. Mastro has just stated about if this is  
12 still claiming client confidentiality. I want to hear  
13 from our counsel whether or not that squares with his  
14 interpretation, and or her interpretation, and if  
15 that's the case, I'm going to ask the question again.  
16 Is there anyone here in-- any counsel sitting on the  
17 dais?

18 RANDY MASTRO: I am-- I'm not-- and I'm  
19 not authorized to go into that, but I will ask that  
20 party or parties, and if I can disclose it to the  
21 Council I will. I would have thought you would have  
22 asked me about the case, why we brought the case--

23 COUNCIL MEMBER GENNARO: [interposing]  
24 Yeah, I know--

2 RANDY MASTRO: [interposing] what I hoped  
3 to do to help the Council--

4 COUNCIL MEMBER GENNARO: [interposing] I'm  
5 trying to move forward because that's already been--

6 RANDY MASTRO: [interposing] pass climate  
7 change legislation that will pass muster.

8 COUNCIL MEMBER GENNARO: that's already  
9 been the subject-- what's that? What's that? Okay,  
10 you know, counsel to the committee has just indicated  
11 to me that what I'm asking you does not-- is not  
12 shielded by attorney/client privilege. So I will ask  
13 you-- I will ask you again after receiving, after  
14 being advised by counsel, who is paying the bill on  
15 the Local Law 97 litigation?

16 RANDY MASTRO: Right, and I will repeat  
17 that I honor I client confidences, and I will speak  
18 to the client or clients about whether they waive--

19 COUNCIL MEMBER GENNARO: [interposing]  
20 When you say confidences, you know, do mean that they  
21 won't like it--

22 RANDY MASTRO: [interposing] Councilman--

23 COUNCIL MEMBER GENNARO: [interposing] or  
24 this is like-- or you'd be breaking the law by  
25 telling me?

2 RANDY MASTRO: Councilman, I will inquire  
3 of that party or parties--

4 COUNCIL MEMBER GENNARO: [interposing] No,  
5 no, no, we're going round and round here.

6 RANDY MASTRO: We're not going round and  
7 round, and I'm supposed to put in written submissions  
8 later, Mr. Chairman--

9 COUNCIL MEMBER GENNARO: [interposing] So  
10 you are saying--

11 RANDY MASTRO: [interposing] So I'll be  
12 happy to address that--

13 COUNCIL MEMBER GENNARO: [interposing] So  
14 you're telling me--

15 RANDY MASTRO: [interposing] in a written  
16 submission later. I am telling you--

17 COUNCIL MEMBER GENNARO: [interposing] You  
18 are telling me that--

19 RANDY MASTRO: [interposing] that you're  
20 not asking me about--

21 COUNCIL MEMBER GENNARO: [interposing]  
22 Woah, woah, woah--

23 RANDY MASTRO: [interposing] Local Law 97.

24 COUNCIL MEMBER GENNARO: You are telling  
25 me that you cannot tell me who's paying the bill for

2 that lawsuit because that would violate  
3 attorney/client privilege. Yes or no?

4 RANDY MASTRO: I am telling you that--

5 COUNCIL MEMBER GENNARO: [interposing] Yes  
6 or no?

7 CHAIRPERSON POWERS: Council Member, why  
8 don't I recommend, Council Member Gennaro, if you  
9 will--

10 RANDY MASTRO: [interposing] I don't need  
11 to be yelled at--

12 CHAIRPERSON POWERS: [interposing] Why  
13 don't--

14 RANDY MASTRO: [interposing] I'm not  
15 being-- I'm being respectful of you, please don't  
16 yell at me.

17 CHAIRPERSON POWERS: Counsel Mastro--  
18 sorry, Council Member and Mr. Mastro, in respect of  
19 time and also in respect of trying to keep this  
20 civil, we have asked-- we offered 72 hours to amend  
21 your testimony--

22 RANDY MASTRO: [interposing] Correct.

23 CHAIRPERSON POWERS: amend your  
24 statement. Take that time--

25

2 RANDY MASTRO: [interposing] I will let  
3 you know.

4 CHAIRPERSON POWERS: Please let us know  
5 if you're able to provide that information if that--

6 RANDY MASTRO: [interposing] Thank you.

7 CHAIRPERSON POWERS: is a reasonable--

8 COUNCIL MEMBER GENNARO: [interposing]  
9 Thank you. Thank you for your--

10 RANDY MASTRO: [interposing] Thank you,  
11 and I'm sorry you raised your voice, but I'm just  
12 trying to be respectful of the Council and I--

13 COUNCIL MEMBER GENNARO: [interposing] I  
14 just want to make sure you hear me.

15 RANDY MASTRO: Inquire of the council--

16 COUNCIL MEMBER GENNARO: [interposing]  
17 Want to make sure you hear me.

18 RANDY MASTRO: I will inquire.

19 CHAIRPERSON POWERS: We're going to keep--  
20 - we're going to keep moving.

21 RANDY MASTRO: I will inquire. I will  
22 inquire.

23 CHAIRPERSON POWERS: We're going to keep  
24 moving along, because we are at five o'clock right  
25 now and we have a lot of folks in the public who want

2 to be heard and have a right to be heard. We're  
3 going to go to Council Member Sanchez next.

4 COUNCIL MEMBER SANCHEZ: Thank you.

5 Thank you, Chair, and good afternoon, Mr. Mastro. I'm  
6 going to start with some questions regarding your  
7 role in several Charter Revision Commissions and then  
8 end where our private conversation took place in the  
9 field of housing. So, to start, after your departure  
10 from the Giuliani Administration, Mayor Giuliani  
11 tapped you to serve as the Chair of two Charter  
12 Revision Commissions, in 99 and then in 2001.

13 RANDY MASTRO: Yes.

14 COUNCIL MEMBER SANCHEZ: Today, I want to  
15 focus particularly on the 1999 Revision Commission--

16 RANDY MASTRO: [interposing] Yes.

17 COUNCIL MEMBER SANCHEZ: in which Mayor  
18 Giuliani was concerned that in the event he won his  
19 campaign against Hillary Clinton for Senate, Public  
20 Advocate Mark Green would succeed him as Mayor. It  
21 was well-known that then Public Advocate Green was  
22 responsible for oversight of the Mayor and had been  
23 critical. The Chair of the most notable 1989 Charter  
24 Revision Commission and the former Corporation  
25 Counsel himself Fritz Schwarz called the 1999 CRC

2 overly politicized, profoundly undemocratic, while  
3 urging it to be disbanded because its composition was  
4 entirely political. You dismissed his criticizes at  
5 the time of a rushed process that seemed to mirror  
6 those of the current Mayor's recent Charter Revision  
7 Commission, and that effort mirrored the same type of  
8 power grab and political retribution in trying to  
9 remove the Public Advocate from Mayoral line of  
10 succession. Question here is do you think that  
11 attempting to amass executive power and take  
12 political retribution are appropriate ways to utilize  
13 a Charter Revision Commission, and do you stand by  
14 the actions that you-- that you held in that time?

15 RANDY MASTRO: I'll start with the second  
16 half of that question which is that in fact that  
17 Charter Commission didn't do what the Mayor wanted  
18 done. I stood up to the Mayor. It should give you  
19 confidence as a council that I will stand up to  
20 authority when I disagree, because the Mayor  
21 announced that he appointed that Commission to try to  
22 change the line of mayoral succession during his term  
23 to deny Mark Green the opportunity to succeed him,  
24 and I refused to do that. I did not put that on the  
25 ballot. But I learned lessons from that Charter

2 Revision Commission, and we built on that work when  
3 we reconvened in 2001. Anthony Crowell [sp?], the  
4 Dean of New York Law School worked with me on both  
5 those commissions. We put the same individual  
6 propositions, but not changing the mayoral line of  
7 succession on the ballot separately. Every one of  
8 them passed, including making the Mayor's Office of  
9 Immigrant Affairs a Charter agency, banning guns and  
10 increasing penalties where they were possessed near  
11 schools, and making ACS, Mayor's Office to Combat  
12 Domestic Violence, so many other city agencies that  
13 hadn't ben enshrined in our Charter, making them  
14 permanent city agencies. So, yes, I learned from  
15 that experience and I built on it, and we achieved  
16 some quite extraordinary and positive things for the  
17 City as a result in 2001. And you asked me about  
18 Charter Commissions, like the one that has been  
19 appointed. This is a matter of State Law, and I--  
20 you know, I know the Council has its concerns. It's  
21 something that could be worked on as a matter of  
22 State Law, but State Law currently permits mayors to  
23 do Charter Commissions under these circumstances.  
24 That's something that rely should be studied as a  
25 matter of State Law, and whether to amend State Law,

2 and if this Council wanted to look into that  
3 question--

4 COUNCIL MEMBER SANCHEZ: [interposing] Mr.  
5 Mastro, thank you.

6 RANDY MASTRO: I would help them with that  
7 type of legislation--

8 COUNCIL MEMBER SANCHEZ: [interposing]  
9 Thank you. I'm just going to jump in.

10 RANDY MASTRO: at the state level for the  
11 state legislature.

12 COUNCIL MEMBER SANCHEZ: I'm just going  
13 to jump in because I want to move us along. I hear  
14 you on being proud of what you learned and how you  
15 took the lessons from that first commission, but the  
16 question is-- right, maybe even divorce it from the  
17 experience. Do you think that attempting to amass  
18 executive power and take retribution are appropriate  
19 ways to utilize a Charter Revision Commission? Yes?  
20 No?

21 RANDY MASTRO: Well, that wasn't what  
22 happened there, because I was refused--

23 COUNCIL MEMBER SANCHEZ: [interposing]  
24 Irrespective of what happened there.

2 RANDY MASTRO: to do it. I refused to do  
3 it.

4 COUNCIL MEMBER SANCHEZ: Today, do you  
5 believe that is an appropriate use?

6 RANDY MASTRO: It's not what I would do.  
7 It's not what I did. It's not why I would call a  
8 Charter Commission, and I'm not saying that that's  
9 why any mayor called any Charter Commission, except  
10 Rudy Giuliani said publicly that he wanted to do that  
11 to Mark Green. I refused to do it, and today I have-  
12 -

13 COUNCIL MEMBER SANCHEZ: [interposing]  
14 Thank you.

15 RANDY MASTRO: Mark Green's support.

16 COUNCIL MEMBER SANCHEZ: Thank you, Mr.  
17 Mastro. I'm going to continue here on these lessons.  
18 So, the Chair of a Charter Revision Commissions  
19 serves as the principal of that body and has  
20 predominant discretion in setting its agenda. At the  
21 outset of the 99 Revision Commission, you instructed  
22 the Commission staff to make recommendations on  
23 specific Charter issues. Among the recommendations  
24 that you instructed the staff to make were not only  
25 changes to the role of the Public Advocate, but also

2 recommendations concerning the powers of the Council.

3 During the July 2022 public meeting of the 1999

4 Charter Revision Commission, the staff presented to

5 the Commission a number of preliminary proposals for

6 changes to the Charter that had been formulated

7 pursuant to your instruction, and here's a summary:

8 first, regarding the Council's budget powers, your

9 preliminary proposal sought to limit the Council's

10 Preliminary Budget powers by putting a four percent

11 cap on year-to-year increases in city-funded

12 spending. Of course, under this proposal, the Mayor

13 would have been able to waive this requirement by

14 written determination. Another proposal would have

15 raised the threshold requiring council approval for

16 budget modifications to five percent or \$100,000,

17 whichever is greater, which was up from \$50,000. In

18 the area of land use, proposed changes would have

19 eliminated the council review of special permits

20 where the City Planning Commission approves an

21 application by at least a two-thirds vote in a

22 measure that purported to assure broad-based support,

23 reasoning that cutting as much as 70-- at 70 days

24 making the process shorter and more predictable for

25 meritorious special permit applications was in the

2 public interest. Additional proposed changes to the  
3 land use processes would have given the Mayor the  
4 power to either veto council modifications to CPC-  
5 approved applications or limit council review only to  
6 portions of the applications approved by the CPC.

7 And while these preliminary proposals did not make  
8 the Commission's final cut, the proposed changes  
9 regarding council powers in the area of taxes did.

10 The proposal that passed out of the Commission  
11 required at least a two-thirds vote of the Council to  
12 pass any Local Law or resolution imposing a new tax  
13 or increasing any existing tax on real property, and  
14 required a four-fifths vote to override a mayoral  
15 veto. Thankfully, when this recommendation was put

16 to the voters of New York City by referendum in 1999  
17 it was defeated. Question, why do you think this

18 council should approve your nomination to be our  
19 attorney when historically you have been openly

20 hostile to our powers and to our standing in city  
21 government. Second, given that voters overwhelmingly

22 rejected these proposals, do you believe the effort  
23 was appropriate? Why did you believe the Mayor

24 should have more budgeting powers? Do you still

25 believe the mayor should have more budget powers, as

2 his recent-- as Mayor Adams' recent commission has  
3 proposed, to reduce budget transparency?

4 RANDY MASTRO: So--

5 COUNCIL MEMBER SANCHEZ: [interposing And  
6 last, the Good Government Group that you have touted  
7 being on the Board Chair of, Citizens Union, at the  
8 time strongly criticized your and Mayor Giuliani's  
9 inappropriate use of taxpayer dollars for the  
10 campaign to convince voters to support your proposals  
11 then. Do you believe that Citizens Union was wrong  
12 or that you inappropriately used taxpayer's dollars--  
13 taxpayer dollars then?

14 RANDY MASTRO: Well, that's a lot to  
15 unpack. So, let me start with the following which is  
16 that again, we learned from 99, and that was not put  
17 on the ballot, the proposition that you just  
18 described. It was not, you know, put back on the  
19 ballot in 2001, but every other proposal was put on  
20 the ballot and passed overwhelmingly by the voters.  
21 It's also the case that the proposals you're  
22 describing were not an attack on the council or the  
23 council's powers. The changes in budget structure  
24 and the ability to pass tax increases, that was a  
25 restraint on both sides of the hall in terms of

2 increasing taxes and in terms of increasing the  
3 spending amounts. Right now, the Mayor sets the  
4 amount of money available in the budget, and then that  
5 has to be negotiated and changed and agreed upon when  
6 the Council adopts a budget. You know, so that was  
7 not a measure that was hostile to the Council. It  
8 was one that related to both sides of City Hall and  
9 their joint powers to do a budget and to pass a tax  
10 increase, and they didn't pass. And as I said, I  
11 learned from those things. And by the way, we went  
12 through a process to determine what proposals to put  
13 on the ballot. We modified that by 2001, and we put  
14 proposals, all of which passed overwhelmingly with  
15 the voters, but my personal views on these issues are  
16 not necessarily the ones that came out of a Charter  
17 Revision Commission process, and at the end of the  
18 day I represent the City, including the City Council.  
19 You set the policy. I defend the policy, and if it's  
20 defensible, I argue professionally, responsibly, on a  
21 principled basis, zealously for the policy that you  
22 set. And that's what Corp Council does. Corp  
23 Council doesn't set the policy. Corp Council takes  
24 its guidance from both sides of City Hall on what  
25 policies both sides or each side of City Hall wants

2 to implement, and then defends those policies in  
3 court.

4 COUNCIL MEMBER SANCHEZ: Respectfully,  
5 Mr. Mastro, on the proposal to-- under proposal  
6 regarding the Council's budget powers, the Mayor  
7 would have been able to waive the requirement. So  
8 that is not something that was equally both sides--

9 RANDY MASTRO: [interposing] Just like  
10 the-- but Councilwoman--

11 COUNCIL MEMBER SANCHEZ: the hall at City  
12 Hall.

13 RANDY MASTRO: Councilwoman, the Mayor  
14 sets the amount of revenue available to allocate and  
15 has to agree to change that. That was changing the  
16 fundamental powers of either side of the hall and  
17 that was not the intent of the proposals. But in any  
18 event, as I said, learn from that experience. But it  
19 was not something that was intended to be a restraint  
20 on one side of the hall and not the other. It was  
21 intended to address some fundamental issues, and the  
22 voters rejected that, and I learned from that. Thank  
23 you.

24 COUNCIL MEMBER SANCHEZ: Thank you. Mr.  
25 Mastro. So, one more contour here. I've yet to

2 mention the preliminary recommendations made on  
3 fiscal impact statements. It was recommended that  
4 the Charter require fiscal impact statements to  
5 identify specific sources of funding in order to  
6 promote better-informed and more-accountable policy  
7 making. The Charter provides that mandates arising  
8 from Local Laws be binding only to the extent that  
9 funds are appropriated to it to implement that  
10 particular Local Law, and if no funds are allocated,  
11 then the execution of the Local Law would not be  
12 mandatory. This was billed as a truth in government  
13 measure, forcing the Council to confront and resolve  
14 the hard choices represented by important or costly  
15 popular programs. The proposals even required that  
16 FISs-- an FIS for a home rule message. Of course,  
17 this council is no stranger to recommendations to  
18 change FIS requirements in the Charter. Just this  
19 summer Mayor Adams impaneled the Charter Revision  
20 Commission, and one of the most problematic  
21 recommendations to come out of that commission  
22 involved fiscal impact statements. In fact, the  
23 preliminary recommendations from 2024 Commission  
24 staff were uncannily similar to those made by your  
25 staff in 1999. Questions: have you at any time

2 advised or even discussed with the Adams  
3 Administration your experience as Chair to the  
4 Charter Revision Commission in the past, or is it  
5 just coincidence that your recommendations  
6 reappeared?

7 RANDY MASTRO: I have not. I've had no  
8 involvement in the constitution of or effectuation of  
9 any proposals there, but each Charter Commission  
10 builds on the work of past Charter Commissions.  
11 You're talking about a one of dozens and dozens of  
12 proposals on which we sought public comment. Very few  
13 of them reached the ballot. So, a lot of good work  
14 was done, lot of proposals you probably agree with--

15 COUNCIL MEMBER SANCHEZ: [interposing]  
16 Thank you, Mr. Mastro.

17 RANDY MASTRO: but you're only-- are  
18 cherry picking a couple.

19 COUNCIL MEMBER SANCHEZ: The answer was  
20 no. I'm going to-- your answer was no. it's very  
21 clear. I'm just going to--

22 RANDY MASTRO: Okay, alright. I just want  
23 to be clear.

24 COUNCIL MEMBER SANCHEZ: finish up here.

25 RANDY MASTRO: that you probably would--

2 COUNCIL MEMBER SANCHEZ: [interposing]

3 Understood. This year-- this year--

4 RANDY MASTRO: [interposing] agree with a  
5 lot of the proposals that were on there.

6 COUNCIL MEMBER SANCHEZ: Thank you, Mr.  
7 Mastro. This year, the Council passed a bill that  
8 would require mayoral appointees for agency heads to  
9 go before the Council or advice and consent, as we  
10 discussed a bit earlier. This measure is required to  
11 go before the voters in a referendum. Back in 1998  
12 when you were still serving as the right hand to  
13 Mayor Giuliani, the Council passed a Local Law that  
14 would have prevented the City from spending money on  
15 the development of a Yankee Stadium in Manhattan.  
16 Similarly, this measure was required to go before  
17 voters in a referendum, and in order to bump this  
18 referendum question from the ballot, the Giuliani  
19 Administration under your leadership, empaneled the  
20 1998 Charter Revision Commission. Similarly, around  
21 the time that you were in discussion with the Mayor  
22 for this nomination, the Mayor taking a play out of  
23 your playbook also empaneled the Charter Revision  
24 Commission in order to bump your referendum question  
25 on advise and consent, our-- excuse me, our

2 referendum question on advise and consent. Have you  
3 at any time discussed with the mayor or members of  
4 his staff the Giuliani Administration use of Charter  
5 Revision Council Members to bump referendum questions  
6 from the ballot?

7 RANDY MASTRO: I've not discussed the  
8 Giuliani Administration's use of Charter Revision  
9 Commissions, and the decision to create a Charter  
10 Revision Commission was not a decision of the Deputy  
11 Mayor for Operations. I had no involvement in that  
12 Charter Revision Commission in 1998.

13 COUNCIL MEMBER SANCHEZ: Thank you. Thank  
14 you. This council has deep concerns about the Adams'  
15 Charter Commission proposals which aim to consolidate  
16 legislative and fiscal powers within the Office of  
17 the Mayor. Separation of powers is a key component  
18 of a healthy democracy, and your history with similar  
19 Charter proposals doesn't inspire confidence that you  
20 will protect that separations at the Law Department--  
21 is the line of questioning. And I would close--

22 RANDY MASTRO: [interposing] Can I please  
23 respond to that? Can I please respond to that?

2 COUNCIL MEMBER SANCHEZ: Can you let me  
3 finish and then you can respond to whatever the Chair  
4 allows you to.

5 RANDY MASTRO: Of course, Councilwoman.

6 COUNCIL MEMBER SANCHEZ: Thank you, Mr.  
7 Mastro. So, just in closing here and to touch on,  
8 because my colleagues have asked and you had  
9 excellent exchanges with them regarding some of your  
10 history on housing cases-- in response to Chair  
11 Powers' early line of questioning this morning, very,  
12 very first line of questioning, I believe, regarding  
13 client motivations in congestion pricing and other  
14 lawsuits, your response that you couldn't speak to  
15 the motivations of the Governor in the New Jersey  
16 case. But you're too smart for that. You're too  
17 smart for that. Throughout your career you have  
18 represented a roster of clients in litigation where  
19 the end goal was to void critical laws and policies  
20 and initiatives, and that protect the public interest  
21 and the vulnerable. Said differently, you've been  
22 willing to allow the legal-- your legal power as an  
23 attorney to be used to stymie the very causes that  
24 you are in some of the very sentences claiming that  
25 you are a believer in championing them. Even if you

2 were private practice, a professional of your caliber  
3 has choice in the cases that you litigate, and  
4 especially so in more recent times. And the weapon  
5 that is the skill-- that is your skill and your  
6 talent, how that is wielded, to me, has been  
7 problematic saying that out loud here, and I'm sure  
8 many of my colleagues share. And so to me, the  
9 distinction that you tried to draw between your  
10 actions in private practice and others is not truly a  
11 real one. Your actions against policies meant to  
12 protect the vulnerable speak to your boundaries and  
13 your character, and that applies to your exchange  
14 with Deputy Speaker Ayala on the Lucerne, your work  
15 on the eviction moratorium, something that hasn't  
16 been discussed day, your defending Lift Rack [sic]  
17 Realty against source of income victims, source of  
18 income discrimination victims of persons living with  
19 HIV and AIDS. And despite what you have claimed  
20 about defending the small landlord in the G-Max case  
21 regarding the HSTPA, in the very first paragraph of  
22 the SCOTUS-- in the very first paragraph of your  
23 petition to SCOTUS in the G-Max case, you  
24 characterized the Housing Stability and Tenant  
25 Protection Act of 2019 as a permanent ex-

2 appropriation of vast swaths of private real estate.

3 So, this is my closing, and then you can have

4 whatever time the Chair allocates to you. Do you

5 believe that rent regulation is essential to

6 preserving housing affordability and preventing

7 homelessness for low-income families? Are you

8 committed to defending rent laws if we have to as a

9 city against future challenges? And do you believe

10 that the City and State can and should take emergency

11 measures to prevent mass evictions during health and

12 economic crises? Thank you, Chair, for the time.

13 RANDY MASTRO: I am committed to--

14 CHAIRPERSON POWERS: [interposing] You are

15 permitted to answer the question.

16 RANDY MASTRO: thank you very much, I

17 appreciate it, because I wasn't sure there was a

18 question. I am committed to those laws and

19 supporting them. in the very paragraph that you cite

20 and purport to quote, says this case is based on a

21 substantially different record targeting only a

22 specific set of amendments that I explained earlier

23 are retroactive amendments applied to small landlords

24 who couldn't even reoccupy a floor of their apartment

25 building, who could even-- when they did the right

2 thing and invested in tenant improvements, could no  
3 longer get any credit for that even though they used  
4 to be able to get, over several years, a small amount  
5 of credit. So, please understand when you ask this  
6 question, no one has ever questioned my character.  
7 In fact, I am a person who cares very much about my  
8 personal reputation. I am an effective advocate. I  
9 want to be your effective advocate and help you  
10 achieve your goals and your priorities. The fact  
11 that I have been successful in private practice, the  
12 fact that I've been successful in pro bono litigation  
13 for so many folks in civil rights cases,  
14 constitutional cases, social justice cases-- these  
15 are skills that I can bring to bear for the City as a  
16 whole and this Council. I want to be your champion.  
17 So the fact that I have had success, I want to have  
18 that success for you. That should be a positive. I  
19 appreciate your views. I hope you will understand  
20 when you look at the entirety of my record that there  
21 is so much good that we can do together to use the  
22 power of the law affirmatively to help the people of  
23 this city, and that's what I'm-- why I'm offering my  
24 services now, and I thank you, Councilwoman.

2 CHAIRPERSON POWERS: Thank you, Mr.  
3 Mastro. We're going to-- we're going to-- Speaker  
4 had a follow-up question, and then after that we'll  
5 go to Council Member De La Rosa.

6 SPEAKER ADAMS: Thank you, Mr. Chair.  
7 Mr. Mastro, are you aware of the amendments put forth  
8 by the recent Charter Revision Council Member?

9 RANDY MASTRO: Personally, I'm not. I  
10 haven't followed it closely.

11 SPEAKER ADAMS: You don't know any of the  
12 proposals that they have recommended be on the ballot  
13 in November?

14 RANDY MASTRO: I haven't followed it at  
15 all other than, as an issue I know between the  
16 Council and the Administration about the Charter  
17 Revision Commission affecting the legislative  
18 proposal to increase advice and consent that would  
19 have to go on the ballot. But I've not studied the  
20 proposals at all. I'm sorry.

21 SPEAKER ADAMS: As a commissioner of  
22 former Charter Revision Commissions some years ago,  
23 did you ever recommend any proposals that would  
24 actually expand the power of the Council?

2 RANDY MASTRO: I don't recall whether any  
3 of the proposals expanded as opposed to modified, but  
4 they were not proposals as I viewed them intended to  
5 reduce the powers of one branch over another. They  
6 were intended to address mutual concerns about how to  
7 pass a budget and under what circumstances, and how  
8 to pass a tax increase and under what circumstances.  
9 So, I didn't view them as affecting one side of the  
10 hall or the other. But I certainly didn't intend  
11 them to affect one side.

12 SPEAKER ADAMS: that was my other  
13 question. So then there would be no intention on  
14 your part then, back then, to make any such  
15 recommendation that the power of the council be  
16 expanded?

17 RANDY MASTRO: I do not understand myself  
18 to ever be doing that.

19 SPEAKER ADAMS: Thank you for your  
20 response. One more question. We disclosed today  
21 that you were-- or had advised the Administration,  
22 the Mayor regarding the migrant crisis in 2023--

23 RANDY MASTRO: [interposing] Yes.

24 SPEAKER ADAMS: pro bono.

25 RANDY MASTRO: Yes.

2 SPEAKER ADAMS: When did that cease?

3 RANDY MASTRO: I haven't--

4 SPEAKER ADAMS: [interposing] It is still  
5 ongoing today? You are still advising the  
6 Administration--

7 RANDY MASTRO: [interposing] No.

8 SPEAKER ADAMS: regarding the migrant  
9 crisis, pro bono?

10 RANDY MASTRO: No. No, I don't think  
11 we've provided any advice sometime in 2023, and  
12 again, the advice was limited, again, without waiving  
13 privilege. The advice was limited to questions of  
14 trying to see that asylum-seekers got their asylum  
15 applications done in a timely fashion-- under federal  
16 law, it's supposed to happen in 180 days, but it  
17 doesn't-- to see that they would get work permits so  
18 they could start--

19 SPEAKER ADAMS: [interposing] I  
20 understand. I understand the capacity. This was  
21 before you were ever considered or thought to be a--

22 RANDY MASTRO: [interposing] Completely.

23 SPEAKER ADAMS: nomine for this  
24 particular--

2 RANDY MASTRO: [interposing] Completely  
3 and detached in time.

4 SPEAKER ADAMS: If you were asked post  
5 that, would you take up tomorrow being advisement for  
6 the Administration on any issue at this point?

7 RANDY MASTRO: I haven't been asked.

8 SPEAKER ADAMS: If.

9 RANDY MASTRO: Well, if you asked me to  
10 advise you, I'd--

11 SPEAKER ADAMS: [interposing] I'm not  
12 going to ask you.

13 RANDY MASTRO: be happy to.

14 SPEAKER ADAMS: I'm asking --

15 RANDY MASTRO: [interposing] Your Honor,  
16 I'd be happy to advise you.

17 SPEAKER ADAMS: if you were pro bono for  
18 the Mayor, I'm asking if that were to happen again  
19 tomorrow, if that-- if that ask were to happen again  
20 tomorrow would your response be the same in the  
21 affirmative?

22 RANDY MASTRO: My response to try to help  
23 asylum-seekers get work permits? Yes, I would want  
24 to help them get work permits.

25 SPEAKER ADAMS: Okay.

2 RANDY MASTRO: I want to help them get  
3 legal status here. I think everybody in this room  
4 should want to see that.

5 SPEAKER ADAMS: I understand your  
6 response.

7 RANDY MASTRO: Thank you.

8 SPEAKER ADAMS: so the answer would be  
9 yes, then. Okay.

10 RANDY MASTRO: Thank you.

11 SPEAKER ADAMS: Thank you very much.

12 CHAIRPERSON POWERS: Thank you. We're  
13 now going to go to Council Member De La Rosa and will  
14 be followed by Council Member Feliz.

15 COUNCIL MEMBER DE LA ROSA: Thank you.  
16 Good afternoon, Mr. Mastro.

17 RANDY MASTRO: thank you.

18 COUNCIL MEMBER DE LA ROSA: I'm going to  
19 draw us into more recent history. In 2014 you  
20 appeared before the Council to testify on behalf of  
21 Cable Vision. This is a follow-up to Public Advocate  
22 Williams' questions, digging in a little deeper. At  
23 the hearing on Cable Vision's franchise agreement  
24 with the city and whether the company was respecting  
25 its workers right to organize and collectively

2 bargain, two regions of the National Labor Relations  
3 board issued complaints against Cable Vision for  
4 unfair practices. At time you asserted that the  
5 Council had no role in oversight, the hearing-- and  
6 that the hearing was inappropriate use of council  
7 resources, and there had been no investigation into  
8 the charges. In fact, you specifically said you did  
9 your job already when you passed the authorizing  
10 resolution. You have no right in the Administration  
11 of the franchise. However, you still appeared at the  
12 hearing on behalf of Cable Vision. My first question  
13 to you is, why did you assert that there had been no  
14 investigation about Cable Vision's unfair labor  
15 practice charges that the NLRB issued?

16 RANDY MASTRO: I don't think-- again,  
17 you're asking me to go back 10 years ago. I don't  
18 think that accurately describes the state of play. I  
19 was not Cable Vision's lawyer in connection with  
20 anything at the NLRB. There were subsequent issues  
21 resolved by the NLRB, and I knew that there were, you  
22 know, issues percolating, but that was not what I was  
23 handling, and the point I was making was a simple  
24 narrow one which was that that was a private labor  
25 dispute between a private company and a labor union.

2 There had been-- was surrounded by allegations that  
3 the labor union had, according to Department of  
4 Investigations report, improper communications with  
5 certain city officials. I was simply asserting for  
6 Cable Vision that why were we having a hearing like  
7 that when it was a private labor dispute, but I was  
8 not involved at all in the NLRB proceedings or what  
9 happened after that. That's the place for that to be  
10 resolved. And I--

11 COUNCIL MEMBER DE LA ROSA: [interposing]

12 I understand.

13 RANDY MASTRO: I certainly intended--

14 COUNCIL MEMBER DE LA ROSA: I under--

15 RANDY MASTRO: no disrespect to the  
16 Council. I was representing a client in private  
17 practice who had a principled position that it was a  
18 private labor dispute, so why were we having a  
19 hearing. That was all I was doing--

20 COUNCIL MEMBER DE LA ROSA: [interposing]

21 I understand.

22 RANDY MASTRO: there, and as--

23 COUNCIL MEMBER DE LA ROSA: [interposing]

24 I understand your role, and I had the--

2 RANDY MASTRO: [interposing] the Public  
3 Advocate and I know.

4 COUNCIL MEMBER DE LA ROSA: fortune or  
5 misfortune of watching that hearing twice this week  
6 in preparation for this hearing.

7 RANDY MASTRO: Okay.

8 COUNCIL MEMBER DE LA ROSA: And you did  
9 indeed assert that there were indeed no complaints  
10 issued against Cable Vision. When we both know that  
11 in order for the NLRB to issue a complaint, there has  
12 to be an investigation that leads to that complaint.

13 RANDY MASTRO: I--

14 COUNCIL MEMBER DE LA ROSA: [interposing]  
15 and you did indeed say that. But my next question--

16 RANDY MASTRO: [interposing] I don't think  
17 I misspoke, but go ahead. I was simply there to  
18 assert that this was a private labor dispute, and it  
19 would be worked out at the NLRB.

20 COUNCIL MEMBER DE LA ROSA: Did you  
21 believe that there were no labor violations  
22 happening?

23 RANDY MASTRO: I did not assert one way  
24 or the other. The ultimate outcome of whatever was  
25

2 going on with the NLRB. I asserted that the Council  
3 holding a hearing on it, having--

4 COUNCIL MEMBER DE LA ROSA: [interposing]  
5 I understand what you asserted.

6 RANDY MASTRO: hundreds of protestors  
7 from the CWA seemed like something certainly Cable  
8 Vision was concerned about why a private labor  
9 dispute would have generated that. But this is--

10 COUNCIL MEMBER DE LA ROSA: [interposing]  
11 Yeah, Mr. Mastro, I--

12 RANDY MASTRO: [interposing] This was 10  
13 years ago and I was appearing on behalf of a client,-  
14 -

15 COUNCIL MEMBER DE LA ROSA: [interposing]  
16 I understand.

17 RANDY MASTRO: and I stated the client's  
18 position and that was the end of it.

19 COUNCIL MEMBER DE LA ROSA: I understand  
20 what you asserted, Mr. Mastro.

21 RANDY MASTRO: That was the end of it.

22 COUNCIL MEMBER DE LA ROSA: I'm asking  
23 you if you believed, if you believed, not if you  
24 asserted at the time, because trust me, I saw the  
25 hearing and I read the transcript. I know what you

2 asserted. I'm asking did you believe that there were  
3 no labor violations happening at the time?

4 RANDY MASTRO: I can only speak to, you  
5 know, what I--

6 COUNCIL MEMBER DE LA ROSA: [interposing]  
7 Yes or no would suffice.

8 RANDY MASTRO: knew personally, and I had  
9 no actual involvement in the underlying  
10 representation on the labor dispute.

11 COUNCIL MEMBER DE LA ROSA: Yes or no?

12 RANDY MASTRO: So, I did not come to that  
13 hearing with a position on that issue.

14 COUNCIL MEMBER DE LA ROSA: Why do you  
15 believe that holding a decertification vote with a  
16 pending NLRB complaint of unfair labor practices is  
17 not union busting?

18 RANDY MASTRO: I didn't.

19 COUNCIL MEMBER DE LA ROSA: Do you  
20 believe that it's union busting?

21 RANDY MASTRO: I don't. There hadn't been  
22 a certification, and the NLRB was going to sort out  
23 what the legal rights of the parties were. That's  
24 why I was appearing for the very limited purpose of  
25 saying that why's the council holding a hearing on

2 this when this is before the NLRB, and the NLRB will  
3 decide who's right and sort it out, and then it will  
4 get resolved. That's the only thing I did. That's  
5 the only thing I said.

6 COUNCIL MEMBER DE LA ROSA: Could you  
7 explain the position you asserted when you argued  
8 that the Council does not have a role when it comes  
9 to franchise agreements after it passed an  
10 authorizing resolution? Do you believe that to be  
11 true regardless of whether or not the franchisee is  
12 in compliance with the agreement?

13 RANDY MASTRO: I don't believe that it is  
14 typical. In my experience it wasn't typical for the  
15 council to hold hearings on a labor dispute between a  
16 private employer and a labor union. It was before  
17 the NLRB and we sorted out there. Obviously, the  
18 Council has some role in oversight of franchises and  
19 franchise policy, but it was unusual in my  
20 experience, and maybe the world has changed in more  
21 recent years, but it was unusual in my experience  
22 that the Council would hold a hearing about a private  
23 labor dispute between a private employer and a labor  
24 union that was being handled at the NLRB.

2 COUNCIL MEMBER DE LA ROSA: As  
3 Corporation Counsel, would you maintain the same  
4 anti-labor views or a position that the City Council  
5 has no oversight role--

6 RANDY MASTRO: [interposing] I don't--

7 COUNCIL MEMBER DE LA ROSA: should a  
8 similar labor issue arise?

9 RANDY MASTRO: I don't have anti-labor  
10 views. I'm endorsed by the UFT, the AFT, the UFA--

11 COUNCIL MEMBER DE LA ROSA: [interposing]  
12 We know the endorsement list. We have it.

13 RANDY MASTRO: Many unions have endorsed  
14 me, and I had great working relationships with the  
15 unions, including DC37 when I was Deputy Mayor. So I  
16 am pro-union. I've always been pro-union, and in  
17 fact, I did groundbreaking litigation to make sure  
18 that members had direct rank and file voting over top  
19 union offices, setting precedence at federal law.

20 COUNCIL MEMBER DE LA ROSA: As  
21 Corporation Counsel, would you maintain that the  
22 Council has no oversight role in similar labor issues  
23 today?

24 RANDY MASTRO: I-- there's not one-size-  
25 fits-all, and I'm there simply to advise and

2 represent the Council. So, if you decide to have a  
3 hearing and I think you have a principled position  
4 for doing it, I'm going to defend your position. In  
5 that instance, I'm representing a private client in a  
6 private labor dispute that's before the NLRB, so I  
7 question on behalf of a private client whether there  
8 should have been hearing. But there's no one-size-  
9 fits-all, and when I'm Corp Counsel, I'm representing  
10 you. You're my client. Cable Vision was my client  
11 there. You're my client, and if you have a  
12 principles position, of course, I'm going to defend  
13 you to the hilt.

14 COUNCIL MEMBER DE LA ROSA: While I  
15 understand that and while I appreciate your passion  
16 for defending your clients, you are one person. You  
17 are not two people. you have choice in the matter of  
18 who you choose to defend and how you come before a  
19 body to defend that client, and at that time, you  
20 came before this body and frankly you dismissed the  
21 Council's role as an independent checks and balance,  
22 as someone-- as a body who did have a role in that  
23 process, you completely dismissed the Council's role  
24 in oversight.

25 RANDY MASTRO: Council Member--

2 COUNCIL MEMBER DE LA ROSA: [interposing]  
3 I'm going to move on.

4 RANDY MASTRO: Okay, but Council Member,  
5 there seems to be some disconnect about the role of  
6 the lawyer in private practice, and maybe when we  
7 finally get to the dozens of people who came here to  
8 share their testimony with you, many of who have left  
9 because of the late hour--

10 COUNCIL MEMBER DE LA ROSA: [interposing]  
11 So, then let's not hold them up.

12 RANDY MASTRO: they will explain to you  
13 that you take your clients problems as you find them,  
14 and you zealously and ethically advocate for them as  
15 long as you have a principled basis for what you're  
16 advocating. That doesn't mean that they're your core  
17 values or you can't represent another client, or that  
18 as Corporation Counsel where your client is this  
19 body, you wouldn't-- just as zealously and ethically  
20 represent the principle positions of this body. I  
21 will do that, and I have a proven track record of  
22 doing it.

23 COUNCIL MEMBER DE LA ROSA: Well, thank  
24 you for describing that. We're going to move on.  
25 I'm going to talk to you about the use technology.

2 Recently, it seems Mayor Adams has relied on  
3 technology like drones in high-stakes situations,  
4 including sending drones equipped with loudspeakers  
5 to nearly a dozen flood-prone neighborhoods to warn  
6 residents of possible flooding earlier this month.  
7 The talking drones that city officers deployed was  
8 supposed to warn residents about the night's storms  
9 in two languages, but a video of the drone on Staten  
10 Island showed the tech speaking in indecipherable  
11 language, and that was apparently intended to be  
12 Spanish. The Emergency Management Commissioner  
13 acknowledged the error, but he was very proud of the  
14 work their team had done preparing for the storm. Do  
15 you believe that the use of drones with unvetted  
16 messaging in the place of in-language culturally-  
17 competent outreach led by city workers is an  
18 appropriate approach in an emergency?

19 RANDY MASTRO: I'm not familiar with the  
20 issue or the use you're talking about, and whether  
21 the factual premises of the question are in fact  
22 what's happening. I'm just not familiar with the  
23 issue, but I would study it. And the way you have  
24 described it, there would be questions that would  
25 need to be reviewed, but the fact of the matter is

2 that I can't responsibly answer your question unless  
3 I know the actual facts and study the legal issues  
4 involved, and then I will call as I see it. and if I  
5 think something wrong is going on, I'm going to tell  
6 the Administration that, but you can't ask me as I  
7 sit here now when I don't know the facts. I haven't  
8 studied the issue to have a firm position on the  
9 issue. I will responsibly and immediately review  
10 issues like this if I'm fortunate enough to have this  
11 job.

12 COUNCIL MEMBER DE LA ROSA: So, let's  
13 move onto an issue that you do have some knowledge  
14 about. That's-- the drones are one recent example of  
15 surveillance technology in New York City. You  
16 represented Madison Square Garden in a lawsuit filed  
17 against the company over barring over 60 lawyers from  
18 Davidoff Hutcher and Citron LLP from entering the  
19 Jane Dolan [sp?] Entertainment venue. Facial  
20 recognition technology was used to single out and ban  
21 the firm's attorneys who represented clients with  
22 pending litigation against MSG. During your last  
23 tenure in city government there was an immense  
24 expansion of law enforcement power and a  
25 corresponding lack of accountability that severely

2 harmed many New Yorkers with a disproportionate  
3 impact on Black and Latino New Yorkers as many of my  
4 colleagues have already outlined. Given that past  
5 record in city government and your pivotal legal work  
6 defending the controversial use of facial recognition  
7 technology, why should we believe that you will  
8 safeguard New Yorkers rights against the abuse of  
9 this and similar technologies like facial  
10 recognition?

11 RANDY MASTRO: Because the people of New  
12 York and city government as a whole would be my  
13 clients and I would be advocating for their rights  
14 and their protections. And by the way in the Madison  
15 Square Garden case, again, the issue there was not in  
16 that case about facial recognition. It was about  
17 whether a private property owner had the right to  
18 make decisions about who could use the premises or  
19 not. And Larry Hutcher is a fierce adversary who I  
20 respect. The Davidoff Hutcher firm, I respect. Larry  
21 Hutcher would tell you he respects me, because that's  
22 what good lawyers in private practice do. They do  
23 their cases zealously and the outcome falls where it  
24 does, and in that case I won the case, and Larry

2 Hutcher ultimately acknowledged that our legal  
3 position was right.

4 COUNCIL MEMBER DE LA ROSA: So, with the  
5 change of technology, we're learning that the use of  
6 facial recognition by law enforcement has found that  
7 it contributed to racial disparities in law  
8 enforcement outcomes and lacks the ability to equally  
9 distinguish darker faces. Given this and other  
10 concerns about protecting children from certain  
11 harmful technology, what place do you believe there  
12 is for the use of facial recognition in school  
13 facilities, if any?

14 RANDY MASTRO: I don't know how it's  
15 being used, or-- I'm not steeped in the issue. I  
16 haven't been in government for 25 years, but it's  
17 certainly an issue that I think warrants some  
18 examination. Again, in the MSG case, that was not  
19 the issue in the case. It wasn't the facial  
20 recognition case. There was a separate case about  
21 the facial recognition technology used there, and  
22 that case was thrown out of court and Madison Square  
23 Garden won.

24 COUNCIL MEMBER DE LA ROSA: So, thank you  
25 for answering the questions. I will express concerns

2 as well as my colleagues have today, not only with  
3 our most recent history before the Council and your  
4 ability to actually defend the Council should it come  
5 to that, but also the fact that you seem to have  
6 distance between who your clients are and what is  
7 morally correct, and what is your moral values. In  
8 this hearing, it has not been clear to me where you  
9 stand on certain issues.

10 RANDY MASTRO: My moral values have--

11 COUNCIL MEMBER DE LA ROSA: [interposing]

12 That wasn't a question. That was a statement.

13 RANDY MASTRO: Do I get to respond.

14 CHAIRPERSON POWERS: Mr. Mastro, I'll

15 give you 30--

16 COUNCIL MEMBER DE LA ROSA: [interposing]

17 When I finish.

18 CHAIRPERSON POWERS: Council Member,

19 okay. I'm going to give him 30 seconds to responds  
20 and we're going to go to Council Member Feliz.

21 COUNCIL MEMBER DE LA ROSA: That was not  
22 the question. I was giving my closing statement.

23 CHAIRPERSON POWERS: Okay.

24 RANDY MASTRO: Okay, I appreciate your  
25 closing statement, and my moral values have never

2 been questions. My moral values are reflected in 40  
3 years of pro bono and community service and in causes  
4 that I've championed for civil rights, racial  
5 justice, social justice, public safety, human rights.  
6 That's why so many people came here to support me,  
7 but unfortunately the crowd has thinned and--

8 CHAIRPERSON POWERS: [interposing] Mr.  
9 Mastro, we're going to move on. We know there's a  
10 lot of public crowd. We're going to forgo the second  
11 round of questions so we can give the people an  
12 opportunity--

13 RANDY MASTRO: [interposing] Second round  
14 of questions.

15 CHAIRPERSON POWERS: The first-- the  
16 second round of questions are on-- it's a long  
17 hearing. I think we all anticipated that. We  
18 appreciate everyone's patience for being here.  
19 There's folks from both sides who are sitting here  
20 waiting. So we're going to move on. We'll now go to  
21 Council Member Feliz and followed by Council Member  
22 Joseph who I think is returning.

23 COUNCIL MEMBER FELIZ: Thank you so much,  
24 Chair Powers, Speaker Adams, and all my colleagues  
25 who have joined today. Mr. Mastro, good to see you

2 today. Thank you for being here. As the public has  
3 learned during the course of today's hearing, you  
4 have a long and well-documented history and record  
5 representing large corporations with unsavory  
6 business practices, corporations with questionable  
7 reputations. You have a history--

8 RANDY MASTRO: [interposing] I wouldn't  
9 agree with that, but please go ahead.

10 COUNCIL MEMBER FELIZ: If I could just  
11 finish my statement and then we'll get into the  
12 facts.

13 RANDY MASTRO: Sure.

14 COUNCIL MEMBER FELIZ: You have history  
15 of choosing to represent the powerful against the  
16 powerless. For instance, defending the real estate  
17 interests who sought to weaken our rent laws. I want  
18 to talk about another big corporation that you  
19 defended. You represented the Portfolio Recovery  
20 Associates, the PRA Company, one of the largest debt  
21 collection agencies in the nation. You defended this  
22 corporation in a class action lawsuit with serious  
23 allegations, allegations which were then proven. A  
24 lawsuit which alleged that in connection with the  
25 debt collections efforts are the company and its debt

2 collector law firm, Mallon [sic] Associates,  
3 submitted false or defective affidavits to state and  
4 local courts in order to fraudulent obtain default  
5 judgements against consumers for phantom debts, debts  
6 that couldn't be legally recovered for many reasons.  
7 Just last year, the Consumer Financial Protection  
8 Bureau ordered that the PRA, your repeat offender  
9 client, to pay more than \$24 million for having  
10 violated a 2015 consent order. This was after the  
11 company had already been ordered to pay more than \$27  
12 million in consumer refunds and penalties for its  
13 debt collection tactics. In a 2015 case, the CFPB,  
14 the Consumer Financial Protection Bureau, found that  
15 the company, the client that you defended, collected  
16 on unproven and inaccurate debts. They filed  
17 misleading affidavits in debt collection actions.  
18 They misrepresented that they intended to prove debts  
19 if customers contested them. They even  
20 misrepresented that the company had legally  
21 enforceable actions to debts that were clearly  
22 outside of the applicable statutes of limitations,  
23 basically telling consumers you had claims to debts  
24 you knew you couldn't collect. I want to reiterate,  
25 these weren't just allegations. These were findings

2 proven by a federal independent agency. After  
3 getting caught red-handed, the company you defended  
4 continued violating the law through intimidation,  
5 deception and illegal debt collection tactics and  
6 lawsuits. Debt collection particularly affects  
7 vulnerable disadvantaged communities. It affects low-  
8 income families that are struggling, draining  
9 resources from families who need them the most. So a  
10 few questions about this. You as a lawyer had  
11 countless options in terms of clients that you could  
12 have represented. You're obviously talented, there's  
13 no question about that. Why use your talent and your  
14 skills to defend powerful interests like the ones in  
15 this case going after vulnerable people?

16 RANDY MASTRO: Council Member, everything  
17 you have described about PRA happened after I  
18 represented PRA. Clients come to you in private  
19 practice with their worst problems. That doesn't  
20 mean that everything they did is what you would do,  
21 but you help them try to resolve their problems, but  
22 in that case I'm sure you must realize after that  
23 recitation that we settled the cases that I  
24 represented. PRA paid money for what it did. We  
25 responsibly and ethically represented PRA, and I

2 haven't represented PRA in years, and the fact of the  
3 matter is, if we're going to scrutinize private  
4 practice lawyers at major law firms applying those  
5 standards, that any client they've ever touched,  
6 you're going to attribute that former client's  
7 conduct forever to them, and that their clients have  
8 to have always been on the right side and you can't  
9 represent them-- even if you were to represent them  
10 ethically and responsibly to settle matters and get,  
11 you know, results that are fair to both sides because  
12 they result in a settlement, you know, you're going  
13 to eliminate lawyers in private practice at major law  
14 firms ever being able to qualify for Corp Counsel.  
15 And I stand on the shoulders of giants if I'm  
16 fortunate enough to have it as a job of individuals  
17 who have been--

18 COUNCIL MEMBER FELIZ: [interposing] Mr.

19 Mastro--

20 RANDY MASTRO: some of the greatest  
21 lawyers in private practice in city history.

22 COUNCIL MEMBER FELIZ: I think--

23 RANDY MASTRO: [interposing] And I'm glad  
24 they served, and I'm willing to serve.  
25

2 COUNCIL MEMBER FELIZ: I think the facts  
3 of that case show that this is not a case about  
4 lawyers hoping to resolve issues their clients are--

5 RANDY MASTRO: [interposing] I didn't  
6 represent them in the cases you cited.

7 COUNCIL MEMBER FELIZ: [interposing] This  
8 is the fact-- the facts of that case show that this  
9 is a case about big corporations using high-powered  
10 lawyers to not only evade the truth, but also evade  
11 accountability. I think those are the facts of that  
12 case.

13 RANDY MASTRO: They didn't evade  
14 accountability. They paid lots of money.

15 COUNCIL MEMBER FELIZ: Yeah, they--

16 RANDY MASTRO: [interposing] And they  
17 agreed to structural reforms, structural reforms--

18 COUNCIL MEMBER FELIZ: [interposing] They  
19 entered into [inaudible]

20 RANDY MASTRO: on my watch.

21 COUNCIL MEMBER FELIZ: They violated it  
22 and then they were faced to pay an additional \$20  
23 million, \$27 million. So, just--

24 RANDY MASTRO: [interposing] I didn't  
25 represent them, then. Go ahead.

2 COUNCIL MEMBER FELIZ: Yeah, but you  
3 represented them after they took those actions.

4 RANDY MASTRO: Please.

5 COUNCIL MEMBER FELIZ: You defended them,  
6 right?

7 RANDY MASTRO: I represented them in  
8 connection with one set of lawsuits that were  
9 resolved with financial and remedial action, and I  
10 think it was a responsible resolution that all  
11 parties agreed to. I didn't represent them before. I  
12 didn't represent them after.

13 COUNCIL MEMBER FELIZ: Okay, so just  
14 curious, what are factors that you consider when  
15 deciding who to represent? Obviously, you have many  
16 clients that want to use you as their lawyer. You're  
17 again very talented. What are factors that you  
18 consider when determining who you're going to  
19 represent? Any general principles that you follow?

20 RANDY MASTRO: First of all, when you are  
21 a partner in a law firm, you have fiduciary  
22 obligations to your law firm and your partners and  
23 your firm's clients. So when your firm's clients  
24 have issues, when you are introduced by other  
25 partners-- in that case, I was introduced by another

2 partner. You work with your partners and have  
3 fiduciary obligations to work for firm clients in a  
4 responsible and ethical way. in private practice, I  
5 think that it is fair to say that if I thought a  
6 client did something wrong and their position was  
7 indefensible I would not represent them, even if  
8 presented by another partner, and I have turned down  
9 clients who I thought had an indefensible position,  
10 but it is also the case that sometimes--

11 COUNCIL MEMBER FELIZ: [interposing] So,  
12 what are general rules that you follow--

13 RANDY MASTRO: [interposing] Please let me  
14 finish, because you asked me the question. I want to  
15 give you a complete answer.

16 COUNCIL MEMBER FELIZ: Right, but I'm  
17 just repeating the question--

18 RANDY MASTRO: [interposing] But  
19 sometimes--

20 COUNCIL MEMBER FELIZ: [interposing]  
21 because I think you're going [inaudible] different  
22 answer.

23 RANDY MASTRO: Sometimes individuals do  
24 something wrong, and the representation is to try and  
25 help them find a path fairly, honestly, ethically,

2 acknowledging that they've done something wrong and  
3 you find a path. So that's how you see many cases  
4 settled. That's how you see in the area of criminal  
5 defense many cases resolved. The client's positions,  
6 the client's values are not your values. So to make  
7 moral judgments of me because I'm in a business to  
8 serve based on private clients of a private law firm  
9 where I have ethical obligations to the law--  
10 fiduciary obligations to the law firm to serve the  
11 firm and its clients and my partners, is to ignore  
12 that my values are reflected in what's my time, my  
13 pro bono, my community service, my public service for  
14 over a decade. So, that's really fair ground, but  
15 what I--

16 COUNCIL MEMBER FELIZ: [interposing] What  
17 do you mean, though--

18 RANDY MASTRO: [interposing] did in  
19 private practice for clients and was-- got successful  
20 results, I think that actually-- and resolved issues  
21 with settlements like PRA case, I think that shows  
22 I'm a responsible lawyer, and I think it shows that I  
23 can be a responsible lawyer for you as your counsel.

24 COUNCIL MEMBER FELIZ: What do you mean,  
25 though, by legally indefensible? Are you talking

2 about a topic that you don't want to be associated  
3 with? Are you talking about a case where, you know,  
4 the facts and the law are not your side? What do you  
5 mean by legally indefensible?

6 RANDY MASTRO: I think if the client  
7 doesn't have a legally position-- we have ethical  
8 obligations to only go to court and take positions in  
9 good faith, and if I don't believe I can take a  
10 position in good faith, I wouldn't represent the  
11 client. I wouldn't make that argument, and to be  
12 clear, if I thought the Mayor took a position that  
13 wasn't defensible in good faith, if I thought the  
14 council took such a position, I would tell you, and I  
15 would not go to court for anyone. I never have. I've  
16 never-- my integrity has never been questioned. I've  
17 never had a bar issue or a court issue, sanction,  
18 whatever, because I don't go to court on issues that  
19 aren't legally defensible, and I won't let you be in  
20 that position. I won't let anyone in city government  
21 be in that position.

22 COUNCIL MEMBER FELIZ: Okay.

23 RANDY MASTRO: I give it straight.

24 COUNCIL MEMBER FELIZ: Alright, yeah, I  
25 think that--

2 RANDY MASTRO: [interposing] Straight.

3 COUNCIL MEMBER FELIZ: So, why if you are  
4 so committed to public service, did you not leave the  
5 Mayor's Office to become a civil rights lawyer?

6 RANDY MASTRO: Thank you for asking that,  
7 because I think back on my career-- I loved public  
8 service. I was a new father. I had gotten married.  
9 I had a kid, okay. So don't question my commitment  
10 to public service or the public interest. I had to  
11 support my wife and my kid, and I was broke, because  
12 I had been almost my entire career in public service  
13 up 'til that point in time. So please understand, if  
14 I could have done it--

15 COUNCIL MEMBER FELIZ: [interposing] I  
16 respect that--

17 RANDY MASTRO: [interposing] I would have  
18 stayed, and I want--

19 COUNCIL MEMBER FELIZ: [interposing] 100  
20 percent, but I think--

21 RANDY MASTRO: [interposing] to come back  
22 now to do my first love.

23 COUNCIL MEMBER FELIZ: that you're  
24 representing clients-- if you're representing big  
25 corporations that are going after vulnerable people

2 in communities, I think we have a lot of questions--  
3 legitimate questions--

4 RANDY MASTRO: [interposing] Did not. Did  
5 not go after--

6 COUNCIL MEMBER FELIZ: about issues  
7 related to--

8 RANDY MASTRO: [interposing] vulnerable--

9 CHAIRPERSON POWERS: [interposing] Let the  
10 Council Member finish his question, and you'll have  
11 an opportunity to respond.

12 RANDY MASTRO: Sorry.

13 COUNCIL MEMBER FELIZ: So, another  
14 question. Given your track record of representing  
15 predatory companies, including the PRA, a classic  
16 example of a predatory company, why should we believe  
17 that you're now motivated to serve the public?

18 RANDY MASTRO: Again, you are-- there  
19 seems to be a fundamental disconnect that--

20 COUNCIL MEMBER FELIZ: [interposing]  
21 There's a lot questions about your commitment--

22 RANDY MASTRO: [interposing] Please.

23 COUNCIL MEMBER FELIZ: to public service.

24 RANDY MASTRO: Please, please.

2 COUNCIL MEMBER FELIZ: And they're  
3 legitimate.

4 RANDY MASTRO: So many of the lawyers in  
5 this room who have been waiting eight hours--

6 COUNCIL MEMBER FELIZ: [interposing] Yeah,  
7 I'm one of them by the way.

8 RANDY MASTRO: to testify, okay?

9 COUNCIL MEMBER FELIZ: I'm one of the  
10 lawyers that has been waiting to ask these questions.

11 RANDY MASTRO: What lawyers do in private  
12 practice, we're in a service business where we serve  
13 our firm's clients. They come to us with their  
14 problems, and we try to responsibly, ethically  
15 represent them to address those problems. With PRA,  
16 I could not have acted more responsibly, reaching a  
17 settlement that worked for all sides, including AGs,  
18 financial settlement and remedial reforms, that's  
19 actually in the public interest. But the fact of the  
20 matter is, in private practice you take your client's  
21 problems as you find them and you serve ethically and  
22 responsibly, and if there is no defense, you do not--  
23 and you can't make a good faith defense, don't--

24 COUNCIL MEMBER FELIZ: [interposing] So, I  
25 just want to--

2 RANDY MASTRO: represent them.

3 COUNCIL MEMBER FELIZ: Yeah, so I just  
4 want to speak to the issues in the PRA case, because  
5 I think those allegations were serious. If a client--

6 RANDY MASTRO: [interposing] I didn't say  
7 they weren't serious.

8 CHAIRPERSON POWERS: Let him finish the  
9 question.

10 COUNCIL MEMBER FELIZ: If a client--

11 RANDY MASTRO: [interposing] I'm sorry,  
12 Mr. Chair, but I didn't say they weren't serious.

13 COUNCIL MEMBER FELIZ: If a client with  
14 similar problems as the PRA asked you to represent  
15 them today, would you represent them?

16 RANDY MASTRO: In private practice, we  
17 take our client's problems as we find them, and if we  
18 think there's a path forward, a principled path  
19 forward-- being a partner at a law firm, you  
20 represent the firm's clients. I have turned down  
21 many clients over the years. In that particular  
22 situation, I think we did something responsible that  
23 provided relief, financial and remedial relief. So  
24 we reached a settlement that all parties agreed to.  
25 That's not a bad thing. That's a good thing, and

2 good lawyers in private practice help do that, to get  
3 to good results even if their clients has done  
4 something that ultimately requires them to make  
5 financial restitution.

6 COUNCIL MEMBER FELIZ: so, I just want to  
7 go over some of the facts that were eventually proven  
8 in court on the PRA case. I just want to reiterate--

9 RANDY MASTRO: [interposing] It didn't go--  
10 - my case didn't go to court, so I'm not sure what  
11 case--

12 COUNCIL MEMBER FELIZ: [interposing] So,  
13 if I could just finish.

14 RANDY MASTRO: you're referring to.

15 COUNCIL MEMBER FELIZ: Reclaiming my  
16 time.

17 RANDY MASTRO: Okay, but I didn't do that  
18 case.

19 CHAIRPERSON POWERS: Mr. Mastro, let him  
20 answer the question. You can respond and state the  
21 facts of the case--

22 RANDY MASTRO: [interposing] I understand.  
23 I'm just saying I didn't do that case.

24 CHAIRPERSON POWERS: as you see it.

2 RANDY MASTRO: I didn't do that case, but  
3 go ahead.

4 COUNCIL MEMBER FELIZ: In 2015, the CFPB,  
5 an independent federal agency found that the company  
6 collected on unproven, inaccurate debts. They filed  
7 misleading affidavits in that collections actions.  
8 They misrepresented that they intended to prove debts  
9 if consumers contested them. They misrepresented  
10 that the company had legally enforceable claims to  
11 debts outside of applicable statutes of limitations.  
12 Again, telling consumers that you had claims to debts  
13 that you knew you couldn't recover. That, to me,  
14 personally, that sounds like a scam. So but  
15 basically you're saying that you have no regrets  
16 taking on that PRA case?

17 RANDY MASTRO: I didn't do that case, so  
18 I don't know why you're raising it. That was not my  
19 case with the CFPB.

20 COUNCIL MEMBER FELIZ: So, you never  
21 defended the PRA?

22 RANDY MASTRO: I did defend PRA.

23 COUNCIL MEMBER FELIZ: So what exactly  
24 did you defend them on?

2 RANDY MASTRO: They claims and issues  
3 with certain AGs and private plaintiff class--

4 COUNCIL MEMBER FELIZ: [interposing] The  
5 ones that I just mentioned, right?

6 RANDY MASTRO: You mentioned some of them,  
7 and the cases that I was responsible for which is a  
8 finite-- my firm was responsible for was a finite  
9 subset of what you described, finite. And we  
10 resolved them. They were settled. They were  
11 settled. We didn't represent them on all litigation  
12 issues across the board, we did not.

13 COUNCIL MEMBER FELIZ: Okay.

14 RANDY MASTRO: I appreciate your  
15 questions and I am trying to give you the best answer  
16 I can which is that we settled those cases.

17 COUNCIL MEMBER FELIZ: But can we agree  
18 that after we did everything we did, everything that  
19 I just described, you defended them in their lawsuit,  
20 right?

21 RANDY MASTRO: We didn't actually end up,  
22 you know, litigating a case.

23 COUNCIL MEMBER FELIZ: Cases are  
24 generally settled. Generally, there's a stipulation  
25 where the two parties agree on something, but after

2 they engaged in those abusive practices, you defended  
3 them in that case, right?

4 RANDY MASTRO: No, that's not what I was  
5 saying.

6 COUNCIL MEMBER FELIZ: So, what exactly  
7 did you do with it?

8 RANDY MASTRO: That's not what I was  
9 saying.

10 COUNCIL MEMBER FELIZ: What exactly did  
11 you--

12 RANDY MASTRO: [interposing] There were  
13 certain allegations made, certain class action  
14 allegations, and AG involvement and we settled those  
15 cases. They never went to trial.

16 COUNCIL MEMBER FELIZ: But you defended  
17 them in the court. They didn't go to trial.  
18 Eventually, the case was--

19 CHAIRPERSON POWERS: [interposing] His  
20 question is did you represent them.

21 COUNCIL MEMBER FELIZ: I think--

22 RANDY MASTRO: [interposing] I already  
23 said that I represented them on some small subset of  
24 what you're talking about and we resolved the cases,  
25

2 and they resolved in a settlement. They never went  
3 to trial.

4 COUNCIL MEMBER FELIZ: alright, I think  
5 we're playing word games. At the end of the day--

6 RANDY MASTRO: [interposing] I'm not  
7 playing word games.

8 COUNCIL MEMBER FELIZ: You were the  
9 lawyer on the case defending them when they--

10 CHAIRPERSON POWERS: [interposing] Mr.  
11 Mastro, I think the question's straightforward-- I  
12 think his question is whether you represented that  
13 client in those matters, whether it went to-- whether  
14 you settled or went to court. I think it's-- I think  
15 it's a little bit of semantics.

16 RANDY MASTRO: I--

17 CHAIRPERSON POWERS: [interposing] I think  
18 you understand the--

19 RANDY MASTRO: [interposing] It's not  
20 semantics. I represented-- Gibson Dunn represented  
21 that client on some matters, not all the ones you're  
22 talking about. You're talking about every case they  
23 had before and after me. I was involved in a-- in  
24 particular matters that got settled. So, that's the  
25 answer.

2 COUNCIL MEMBER FELIZ: And I'm actually  
3 describing the terms of that settlement, the case  
4 that you represented them on.

5 RANDY MASTRO: Okay.

6 COUNCIL MEMBER FELIZ: So, for those that  
7 are watching, that case is easily obtainable. You  
8 just got to Google it.

9 RANDY MASTRO: It absolutely is. It's a  
10 matter of public record, and--

11 COUNCIL MEMBER FELIZ: [interposing]  
12 Easily obtainable on Google.

13 RANDY MASTRO: we settled. We settled.

14 COUNCIL MEMBER FELIZ: you could learn  
15 the details of the consent order--

16 RANDY MASTRO: [interposing] We definitely  
17 settled. It wasn't--

18 COUNCIL MEMBER FELIZ: that the PRA  
19 violated. So, let's change the topic a little bit.  
20 The Giuliani Administration including during your  
21 tenure was well-known for using government as an  
22 instrument for political revenge against those who  
23 spoke out against it, as some of my colleagues  
24 mentioned earlier today. According to a New York  
25 Times article 2008. A former longtime attorney in

2 the Corporation Counsel's Office, Joelle Berger  
3 [sp?], who left the Giuliani Administration to  
4 privately represent victims of police brutality also  
5 taught to NYU Law. He led a legal apprenticeship for  
6 his students with the Office of Corporation Counsel.  
7 After he publicly criticized the Giuliani  
8 Administration's record on police brutality, a city  
9 official called the NYU Law School to threaten ending  
10 the legal apprenticeship until that professor was  
11 removed. Were you aware of that incident?

12 RANDY MASTRO: I have no recollection of  
13 that at. I have no recollection of that.

14 COUNCIL MEMBER FELIZ: So you-- you  
15 played no role in that incident as Deputy Mayor of  
16 Operations?

17 RANDY MASTRO: I have no recollection of  
18 that.

19 COUNCIL MEMBER FELIZ: No recollection,  
20 okay, cool. So, that concludes my questions. to  
21 close, the question everyone in this room is thinking  
22 about is who is the best person to serve as the top  
23 lawyer of the City of New York and what are factors  
24 that we should think about when determining who is  
25 the best lawyer who should serve as the next

2 Corporation Counsel. Mr. Mastro, I don't think  
3 anybody could correctly dispute that you're a  
4 talented lawyer. I don't think anybody in this room  
5 disputes that, but there's a lot of questions related  
6 to your values, legitimate questions due to the types  
7 of clients that you've represented and defended.  
8 There's a lot of talented lawyers in our city and  
9 talent is something that should carry a lot of weight  
10 in terms of who becomes the next Corporation Counsel,  
11 but that is not the only factor. It's also important  
12 that the next Corporation Counsel share similar  
13 values, someone who has a history, someone who's used  
14 their talent and their power to fight for the best  
15 interest of everyday New Yorkers. So I'll leave it  
16 at that. Thank you so much.

17 CHAIRPERSON POWERS: Thank you, Council  
18 Member Feliz. We're going to go to Council Member  
19 Joseph, followed by Ariola and Paladino.

20 COUNCIL MEMBER JOSEPH: Thank you. I  
21 have a couple of questions on education. Earlier you  
22 spoke about the policies you made around education.  
23 Have you ever taught? Were you ever an educator in  
24 any capacity?

2 RANDY MASTRO: I am-- I have taught law  
3 school at Fordham Law School and at Penn Law School,  
4 and I'm on the--

5 COUNCIL MEMBER JOSEPH: [interposing]  
6 Specifically on bilingual--

7 RANDY MASTRO: [interposing] Board of--

8 COUNCIL MEMBER JOSEPH: [interposing]  
9 Bilingual education?

10 RANDY MASTRO: and I'm on the Board of  
11 Advisors of the Penn Law School, and as Deputy Mayor  
12 I oversaw the budget and interacted with the Board of  
13 Education and the Chancellor on a regular basis, and  
14 if they ever get a chance to testify, you will hear  
15 from people-- and you've already heard from Billy  
16 Thompson who was President of the Board of Education.  
17 You would have heard from the former General Counsel  
18 of the Board of Education that served under multiple  
19 chancellors how constructive I was in working with  
20 the Board of Education and the Chancellor in support  
21 of the school system. So, yes, I spent a lot of time  
22 as Deputy Mayor on issues relating to the public  
23 school system.

24 COUNCIL MEMBER JOSEPH: You were under  
25 Harold Levy [sp?], none with educators. Remember, he

2 had to get a waiver from the State to become the  
3 Chancellor, because he had no education--

4 RANDY MASTRO: [interposing] Well,  
5 actually--

6 COUNCIL MEMBER JOSEPH: background.

7 RANDY MASTRO: Actually, that's not true.

8 COUNCIL MEMBER JOSEPH: Yeah, he did.

9 And we can reference it in the article.

10 RANDY MASTRO: I'm not-- no, no, no. I'm  
11 not--

12 COUNCIL MEMBER JOSEPH: [interposing] I  
13 was a teacher at the time in 2000 when he became the  
14 Chancellor. I was a brand new teacher in New York  
15 City Public Schools.

16 RANDY MASTRO: Council Member, I respect  
17 that. I worked with Rudy Crew. I worked with Harold  
18 Levy. I worked with--

19 COUNCIL MEMBER JOSEPH: [interposing]  
20 Harold Levy was not an educator.

21 RANDY MASTRO: I didn't say he was an  
22 educator. I said it wasn't--

23 COUNCIL MEMBER JOSEPH: [interposing]  
24 Well, that's what I was referencing. He was not--

25 RANDY MASTRO: [interposing] I--

2 COUNCIL MEMBER JOSEPH: an educator.

3 RANDY MASTRO: I said it wasn't true that  
4 only worked with Harold Levy. I worked with Rudy  
5 Crew.

6 COUNCIL MEMBER JOSEPH: So, let's move on.  
7 So, during your time you served on the taskforce on  
8 bilingual education, correct?

9 RANDY MASTRO: Yes.

10 COUNCIL MEMBER JOSEPH: You were  
11 emphasizing on intense English instruction for  
12 students who are not fluent in English, right? How  
13 do you think your work on the taskforce shaped the  
14 perspective on education today?

15 RANDY MASTRO: Well, unfortunately it  
16 didn't shape the perspective on education today,  
17 because a proposal the New York Times called historic  
18 and lauded--

19 COUNCIL MEMBER JOSEPH: [interposing] And  
20 what was that proposal?

21 RANDY MASTRO: did not happen.

22 COUNCIL MEMBER JOSEPH: Can you please  
23 share that proposal with us?

24 RANDY MASTRO: Yes, I think I did earlier  
25 and I'm happy to share it again, which was that--

2 COUNCIL MEMBER JOSEPH: [interposing] We  
3 would love to hear it again.

4 RANDY MASTRO: with the support of the  
5 Chancellor we were going to create parental choice  
6 where parents would choose whether they wanted their  
7 children to have English emersion or continue in  
8 traditional bilingual education. So, there would be-

9 -  
10 COUNCIL MEMBER JOSEPH: [interposing] But  
11 that exists already. When you do the home language  
12 survey when you enter the school system, that option  
13 is given to you as your register your child.

14 RANDY MASTRO: It didn't exist then.

15 COUNCIL MEMBER JOSEPH: So,-- the home  
16 language? You sure? The home language survey--

17 RANDY MASTRO: [interposing] I--

18 COUNCIL MEMBER JOSEPH: The Hills form.

19 RANDY MASTRO: There was-- I-- Council  
20 Member--

21 COUNCIL MEMBER JOSEPH: [interposing]  
22 Remember this was a class action lawsuit. That's  
23 exactly how we wind up having bilingual education.

24 RANDY MASTRO: Council Member?

25 COUNCIL MEMBER JOSEPH: Yes, sir?

2 RANDY MASTRO: We did not have widespread  
3 availability and parental choice back in 2000, and  
4 that was the proposal.

5 COUNCIL MEMBER JOSEPH: Really? PS189  
6 who's a bilingual education school has been around  
7 for 50 years doing exactly the work that you wanted  
8 to do, exactly--

9 RANDY MASTRO: [interposing] I wanted to  
10 do--

11 COUNCIL MEMBER JOSEPH: for 50 years.

12 RANDY MASTRO: I wanted to do it for the  
13 entire city and give all parents that choice, that's  
14 all.

15 COUNCIL MEMBER JOSEPH: PS189 has been  
16 doing that work for 50 years.

17 RANDY MASTRO: That's one PS.

18 COUNCIL MEMBER JOSEPH: One PS, then the  
19 model is across the City. And at the time  
20 historically--

21 RANDY MASTRO: [interposing] I--

22 COUNCIL MEMBER JOSEPH: you also had a  
23 shortage.

24 RANDY MASTRO: Do you like that model?  
25 Do you like that model?

2 COUNCIL MEMBER JOSEPH: The model is an  
3 excellent model. Still stands today--

4 RANDY MASTRO: [interposing] Good. Good.

5 COUNCIL MEMBER JOSEPH: Matter fact, our  
6 influx of migrants, they went to that school to copy  
7 that exact model--

8 RANDY MASTRO: [interposing] That's--

9 COUNCIL MEMBER JOSEPH: [interposing]  
10 across the City.

11 RANDY MASTRO: That's fantastic, because  
12 that's what I urged the Mayor and the Chancellor to  
13 do--

14 COUNCIL MEMBER JOSEPH: [interposing] So  
15 it's being done.

16 RANDY MASTRO: back in 2000 citywide, and  
17 unfortunately they couldn't get it together to  
18 provide the--

19 COUNCIL MEMBER JOSEPH: [interposing] We  
20 had a shortage of 8,000 teachers at the time, if you  
21 remember.

22 RANDY MASTRO: We couldn't--

23 COUNCIL MEMBER JOSEPH: [interposing] A  
24 salary for an educator at the time was \$31,000, and  
25 you couldn't recruit education,--

2 RANDY MASTRO: [interposing] Council--

3 COUNCIL MEMBER JOSEPH: [interposing]

4 remember, and they had to change the licensing  
5 formula.

6 RANDY MASTRO: Council Member, I respect  
7 you, I don't know why if you're saying you think that  
8 proposal was a good one and there are examples of it  
9 in the system, why--

10 COUNCIL MEMBER JOSEPH: [interposing] It  
11 already existed.

12 RANDY MASTRO: why we're having a debate?  
13 It was--

14 COUNCIL MEMBER JOSEPH: [interposing] No,  
15 we're not having a debate, I just wanted to clarify  
16 some of the stuff that it already existed. We were  
17 trying here to reinvent the wheel.

18 RANDY MASTRO: It didn't exist citywide.  
19 It did not exist citywide, and it would have taken  
20 hiring more teachers, and it would have empowered  
21 parents.

22 COUNCIL MEMBER JOSEPH: But you had a  
23 shortage. We had a shortage in 2000 of 8,000  
24 teachers, and if you recall, they had to change the  
25 licensing which allowed more teachers to come and

2 teach because there was a shortage, and historically  
3 we still have a shortage in bilingual education, ESL  
4 teachers. Prior to becoming Council Member, that's  
5 what I was, an ESL teacher, and I taught up until the  
6 very last day because there was no one to take my  
7 position. So--

8 RANDY MASTRO: [interposing] I appreciate  
9 you. I appreciate your service. I respect you. I  
10 wanted to bring that program citywide. It's what  
11 came out of that--

12 COUNCIL MEMBER JOSEPH: [interposing] I'm  
13 just a little curious as to why--

14 RANDY MASTRO: [interposing] We weren't  
15 able to do it.

16 COUNCIL MEMBER JOSEPH: non-educators was  
17 leading that fight into bringing bilingual education.  
18 So my question to again today is how do you think  
19 your work on the taskforce would shape the  
20 perspective on education policy in New York today now  
21 back then, but today. Because you are going to be  
22 the Corporation Counsel and these things will come  
23 before you.

24 RANDY MASTRO: I don't think anyone has a  
25 monopoly on good ideas, and I think that was a good

2 idea that was lauded at the time by the New York  
3 Times and others, and universally hailed, and I am  
4 saddened that the Mayor and the Chancellor didn't get  
5 their act together to do that. And I have since  
6 served on the CUNY Board. I've served on Literacy  
7 Design Collaborative, YMCA Board of Greater New York,  
8 Children's Museum of Manhattan, Jewish Children's  
9 Museum, Hail [sic] House. I have devoted a lot of  
10 time and energy pro bono, community service, to  
11 education and educational institutions. I-- how do I  
12 think that shaped where we are today? Unfortunately  
13 it didn't get adopted. So I wish it had. I think  
14 you're saying it's a good idea, and where it exists  
15 it's had some profoundly positive effects. I wish--

16 COUNCIL MEMBER JOSEPH: [interposing]

17 Actually, Mayor Bloomberg referenced 189 front page  
18 of the New York Times as the greatest model in the  
19 City, and that's where he would go to look at  
20 bilingual program. So, again--

21 RANDY MASTRO: [interposing] we're  
22 agreeing, except I would have brought it citywide.

23 COUNCIL MEMBER JOSEPH: City-- but you  
24 didn't. But I-- again, like I said--

2 RANDY MASTRO: [interposing] I didn't have  
3 a check to--

4 COUNCIL MEMBER JOSEPH: [interposing] it's  
5 always non-educators--

6 RANDY MASTRO: [interposing] write the \$20  
7 million

8 COUNCIL MEMBER JOSEPH: that are leading  
9 education fights. So, giving your involvement in  
10 this taskforce, we're going to focus back on the  
11 bilingual education. You wanted to do bilingual  
12 education reform. How do you think the principles of  
13 fairness, equity should apply in current education  
14 policies, especially in a diverse city like New York  
15 City where we speak over more than 160 languages with  
16 a new influx of new New Yorkers in our schools?

17 RANDY MASTRO: They absolutely have to  
18 apply, and that's why it's more important than ever  
19 that we have a commitment to bilingual education and  
20 creative approaches to make sure that our kids get  
21 educated and have the best opportunity to succeed in  
22 life. That's what that commission was about, because  
23 too many kids were ending up in Special Ed and giving  
24 parental choice.

2 COUNCIL MEMBER JOSEPH: And how were they  
3 ending-- how were they ending up there? Because they  
4 don't just get there. You have to write a letter,  
5 SBSC team. They have to be screened.

6 RANDY MASTRO: I know.

7 COUNCIL MEMBER JOSEPH: How do we get  
8 there?

9 RANDY MASTRO: I know.

10 COUNCIL MEMBER JOSEPH: How did we get  
11 them into Special Education?

12 RANDY MASTRO: The outcomes in bilingual  
13 education programs were resulting too many children  
14 being diverted into Special Education.

15 COUNCIL MEMBER JOSEPH: Because it was a  
16 cultural thing and there was no one there to be  
17 cultural--

18 RANDY MASTRO: [interposing] And--

19 COUNCIL MEMBER JOSEPH: [interposing] and  
20 we students that were also SIFE, right?

21 RANDY MASTRO: Right.

22 COUNCIL MEMBER JOSEPH: WE have a lot of  
23 students that enter the system that are-- with  
24 interrupted formal education.

25 RANDY MASTRO: I agree with you.

2 COUNCIL MEMBER JOSEPH: And we were  
3 screening them as Special Education, but you said  
4 they ended--

5 RANDY MASTRO: [interposing] I wasn't  
6 screening anybody.

7 COUNCIL MEMBER JOSEPH: up there? How did  
8 they end up there?

9 RANDY MASTRO: I wasn't screening anybody,  
10 but--

11 COUNCIL MEMBER JOSEPH: [interposing]  
12 Well, that's how they get screened. It's not a  
13 overnight process to get into Special Education,  
14 correct?

15 RANDY MASTRO: No, but we're-- we're in  
16 violent agreement that that was happening too often,  
17 and I was simply suggesting that more choice for  
18 parents might actually improve outcomes, that's all.

19 COUNCIL MEMBER JOSEPH: But we have  
20 choices. We have stand-alone. We have push-in. We  
21 have emersion. We have bilingual programs, so  
22 there's different variety, because when--

23 RANDY MASTRO: [interposing] There are.

24 COUNCIL MEMBER JOSEPH: you take the  
25 Hills, you have to sit-- the family has to sit and

2 watch a video and decide which type of setting they  
3 want for their children, whether it's a push-in,  
4 pull-out, emersion, bilingual, or stand alone.

5 RANDY MASTRO: Okay, I hear you. I  
6 haven't been involved in this for 25 years.

7 COUNCIL MEMBER JOSEPH: I've been involved  
8 for 22 years--

9 RANDY MASTRO: [interposing] But--

10 COUNCIL MEMBER JOSEPH: before I became a  
11 Council Member.

12 RANDY MASTRO: I think that's fantastic.  
13 I applaud your service. And it's the highest  
14 calling. My father was a teacher, too.

15 COUNCIL MEMBER JOSEPH: Well, thank you.  
16 So, how would your-- looking back, do you know how  
17 language is acquired, language acquisition for  
18 English language learners?

19 RANDY MASTRO: I-- again, you've already  
20 pointed out--

21 COUNCIL MEMBER JOSEPH: [interposing] So  
22 that's why I'm calling out the method that you guys  
23 were using back in the taskforce was not the right  
24 method.

25 RANDY MASTRO: Okay.

2 COUNCIL MEMBER JOSEPH: Okay, thank you.

3 RANDY MASTRO: Well, I will-- as Corp  
4 Counsel, I'll not be responsible for establishing the  
5 policy--

6 COUNCIL MEMBER JOSEPH: [interposing]  
7 Well, you were on--

8 RANDY MASTRO: [interposing] I'll be  
9 responsible for defending the policy.

10 COUNCIL MEMBER JOSEPH: You were on it,  
11 and you said you had resolutions. You had solutions  
12 as to how our children can get.

13 RANDY MASTRO: I--

14 COUNCIL MEMBER JOSEPH: [interposing] How  
15 we should be looking at bilingual education. It has  
16 to come with a holistic approach, not just--

17 RANDY MASTRO: [interposing] I--

18 COUNCIL MEMBER JOSEPH: [interposing]  
19 let's move our children. There's a process, right?

20 RANDY MASTRO: I appreciate what you're  
21 saying and the work of that taskforce was more  
22 complex than the bottom line of parental choice and  
23 it was working with the Board on Education on  
24 sophisticated models like you're talking about. I  
25 just gave the overall bottom line, and it was in

2 fact, applauded at the time and called historic on a  
3 lead story in the New York Times. So--

4 COUNCIL MEMBER JOSEPH: [interposing] And  
5 it was also a lawsuit. Okay. The taskforce on  
6 bilingual education aimed--

7 RANDY MASTRO: [interposing] My proposals  
8 were not a lawsuit.

9 COUNCIL MEMBER JOSEPH: Yeah, it was a  
10 lawsuit as to why the bilingual education was  
11 created.

12 RANDY MASTRO: Not me.

13 COUNCIL MEMBER JOSEPH: The taskforce on  
14 bilingual education aimed to ensure students  
15 transitioned to English fluency. Looking back, do  
16 you believe that the approach taken was the best for  
17 students for long-term success? And how would you  
18 apply those lessons learned to your role as  
19 Corporation Counsel?

20 RANDY MASTRO: Well, I-- obviously--

21 COUNCIL MEMBER JOSEPH: [interposing] Let  
22 I always tell everyone who comes before me, you have  
23 homework to do.

24 RANDY MASTRO: I don't doubt, Council  
25 Member, that I have lots of homework to do. I'm a

2 very good student and I'm a fast learner, and I could  
3 learn a lot of from you. So if had the opportunity  
4 to work with you, I'm sure I would learn from you.  
5 And you know something else? I'd learn what your  
6 priorities are and how we could achieve them using  
7 affirmative litigation. That would be so exciting,  
8 and it's not being done now. The Law Department  
9 isn't doing that. So, I could learn a lot from you  
10 and I could do a lot with the law and the resources  
11 of the law to help improve students' outcomes,  
12 learning from you and each Council Member in their  
13 districts. That's what I want to do in this job if  
14 afforded this opportunity.

15 COUNCIL MEMBER JOSEPH: And how would you  
16 address, as the Corporation Counsel, address legal  
17 challenges that might arise from policies intended to  
18 support English language learners in public schools?

19 RANDY MASTRO: Well, we have to support  
20 them and improve outcomes. They're our future. So,  
21 to the extent that involves legal issues, I'd look  
22 forward to working together with you and others  
23 steeped in these issues on ways we could use the law  
24 to help achieve more positive outcomes for our  
25 children.

2 COUNCIL MEMBER JOSEPH: Earlier, Council  
3 Member Brewer talked about Carter Cases. How are  
4 you-- how are we going to resolve Carter and Conner  
5 [sp?] Cases?

6 RANDY MASTRO: Yeah, again, there's got  
7 to be a better way. Council Member raised what has  
8 been an issue for 40 years. There's got to be a  
9 better way of approaching these issues more  
10 systemically as a matter of policy. I think the Law  
11 Department can support on what is legal and what is  
12 legal within existing law and consent decrees and all  
13 like, but ultimately it's a policy question about how  
14 we provide better systems and outcomes, and I think  
15 there's just been a tendency to let it roll over year  
16 after year.

17 COUNCIL MEMBER JOSEPH: Do you currently  
18 know our bill for Carter cases right now? It's at  
19 \$2.2 billion.

20 RANDY MASTRO: It's not right. It's not  
21 right. So, I commit that that would be a priority to  
22 try to work with the Council and the Administration  
23 to find better ways to address the needs and the  
24 issues that, you know, also should achieve  
25 efficiencies.

2 COUNCIL MEMBER JOSEPH: Thank you, Chair.

3 RANDY MASTRO: Thank you very much,  
4 Council Member.

5 CHAIRPERSON POWERS: Thank you, Council  
6 Member. We have two more-- three more Council  
7 Members. We have Council Member Ariola and followed  
8 by Paladino and followed by Avilés.

9 COUNCIL MEMBER ARIOLA: Thank you, Chair.  
10 I first want to thank you for your patience in  
11 answering all the questions.

12 RANDY MASTRO: Thank you.

13 COUNCIL MEMBER ARIOLA: It's been a long  
14 time.

15 RANDY MASTRO: Thank you.

16 COUNCIL MEMBER ARIOLA: And you've taken  
17 it with grace. Thank you.

18 RANDY MASTRO: Appreciate it.

19 COUNCIL MEMBER ARIOLA: So you're known  
20 as a tenacious litigator, a fearless advocate for the  
21 City in your capacity as Deputy Mayor and Chief of  
22 Staff, and a staunch advocate for the disadvantaged.  
23 You've been a civil rights activist. You combatted  
24 for people to get their constitutional rights, and  
25

2 you fought for racial justice. For that I want to  
3 thank you.

4 RANDY MASTRO: Thank you.

5 COUNCIL MEMBER ARIOLA: So I'm interested  
6 in what you would do with the current Law Department  
7 and how they have been deciding on cases to litigate,  
8 appeal, and deny. In October of 2021, the de Blasio  
9 Administration instituted a vaccine mandate for all  
10 New York City municipal workers, a mandate that has  
11 now been deemed arbitrary and capricious by judges  
12 across the City, State and Country. The workers  
13 affected had worked selflessly and tirelessly all  
14 through 2020 in the height of the pandemic,  
15 firefighters, EMS workers, nurses, doctors with  
16 little to no PPE saved lives of thousands of New  
17 Yorkers, police officers who worked triple shifts,  
18 teachers who had to figure out a way to educate  
19 through a computer screen. At no point did our  
20 sanitation workers fear coming to work and our  
21 garbage was picked up. But in October of 2021, all  
22 of the applause became silent, and that silence was  
23 deafening. The same city workers who faced the  
24 dangers of the COVID ahead of them with no protection  
25 had been tossed to the side if they would not agree

2 to take a vaccine for valid reasons. Religious  
3 beliefs were not being valued, and the opinion of  
4 medical doctors who knew their patients and their  
5 bodies were being questioned. Thousands of city  
6 workers were terminated for not complying with the COVID-19  
7 vaccine, and a slew of lawsuits were rightfully  
8 brought against the City because of it. Almost three  
9 years later, many of those lawsuits have been won,  
10 and the City has appealed and kept city workers, that  
11 judges have ordered back to work and given back-pay,  
12 away from the jobs that they love. Eventually, this  
13 city is losing those appeals and spending hundreds of  
14 thousands of taxpayer dollars on what they know is  
15 going to lose. And you spoke about you would take  
16 cases that you knew were prosecutorial and that could  
17 be won. These cases are guaranteed losses, but yet  
18 they're all still appealed. We now have homeless  
19 firefighters, teachers who cannot get a job even  
20 outside of the City because of problem codes that  
21 have been placed on their records for not complying  
22 with the mandate. There were also the workers who  
23 didn't have enough money to have representation in  
24 court or go on an Article 78. In October 24<sup>th</sup>, 2022,  
25 Judge Ralph Porzo [sp?] ruled on Garvey v. City of

2 New York that the COVID-19 vaccine mandates for  
3 public employees and private employees is arbitrary  
4 and capricious. The City then appealed that ruling  
5 and 16 sanitation workers have still not been allowed  
6 to return to work because of the stay. In the  
7 meantime, the Article 78 were being won by other city  
8 employees, and they were being reinstated. So, you  
9 see, there is a discrepancy in how it's being held.  
10 In the Article 78 cases, for instance, Rivicci [sp?]  
11 versus the City of New York and Benome [sp?] versus  
12 the City of New York, municipal workers were ordered  
13 back to work with back-pay. Other city workers who  
14 were similarly situated and won their cases and that  
15 were waiting for a ruling are not allowed back to  
16 work. Some municipal workers are requesting  
17 reinstatement were being asked to sign a waiver that  
18 other employees have just been reinstated, and they  
19 are similarly situated and they do not have to sign a  
20 waiver. So, I'll begin my questioning with, will you  
21 drop these appeals in all of these mandated cases  
22 that have been won and allow these workers to return  
23 to their jobs with the back-pay that the judge  
24 ordered? Will you end the arbitrary, unlawful, and  
25 unfair practice that has been going on? And will you

2 drop the waiver for all city employees so that they  
3 may return to work?

4 RANDY MASTRO: I have to give the same  
5 answer to start that I've given to others who've  
6 asked about pending legal matters. Responsibly,  
7 ethically, I should study them myself. You've laid  
8 out cases and precedence, judges, opinions, Judges I  
9 know and respect who've made rulings against the  
10 City, and this is a class of cases, a class of cases  
11 like Council Member Brewer referred to earlier about  
12 9/11 health consequences where representing Rudy  
13 Washington, the former Deputy Mayor, who suffered  
14 life-threatening health consequences from 9/11--  
15 opened up for the first time health benefits to those  
16 who were down at 9/11 and we're very proud of that  
17 and he's very proud of that, although his life has  
18 been hell since 9/11. You're talking about a life of  
19 hell form people who asserted rights, and now we're  
20 seeing some courts vindicate their rights, but I  
21 would have to study those cases, study the body of  
22 cases and see if they overlap and whether the City's  
23 policy now, those court cases, whether they are  
24 defensible or not. I pledge to you that I will do  
25 that, but I can't responsibly and ethically tell you

2 what to-- what I will conclude because I have to  
3 study the issues. I have to study the body of cases.  
4 I have to hear from people in the Law Department on  
5 these issues, and then make decisions, but when I do  
6 do that-- and I will make it a priority, because it  
7 sounds like the City is paying out a lot of money. I  
8 will call it as I see it, and tell that to the  
9 Administration and to the Council.

10 COUNCIL MEMBER ARIOLA: So, you'll be  
11 leaving, if you are approved, you'll be leaving a  
12 tremendous job and it will be a great financial  
13 sacrifice, and you'll be giving up your law practice  
14 to take this job. I know what that feels like to go  
15 from City and public-- go from a government job, to  
16 private job, and then come back, because it is a  
17 calling, and I believe that you have that calling.  
18 But you've been put through the ringer today, and  
19 you've asked-- you've been asked questions and you've  
20 answered them from my colleagues in the process. So  
21 the big question I have is, from what you've heard  
22 today, why would you want this job?

23 RANDY MASTRO: well, I must really want  
24 this job given how obviously there have been so many  
25 questions raised one Council Member after another in

2 quite an organized fashion. The fact of the matter  
3 is I respect this Council. I respect each and every  
4 one of you despite some of the things that have been  
5 said here or before, that are hurtful, that are not  
6 true, that do not reflect my character and my values  
7 and my lifetime's work, but I want to do this job. I  
8 want to return to public service, because I have deep  
9 commitment to this city and to using the power of the  
10 law to do a public good and improve people's lives.  
11 I believe we can do so much. We can do so much when  
12 it comes to the issues that we were just talking  
13 about with the Council Member, using the power of the  
14 law for good. I am at times mystified how this  
15 opportunity to do something innovative and  
16 transformative with the Law Department that will  
17 serve the City Council and the Administration and the  
18 people of the City of New York, devoting more  
19 resources to cases to protect and promote public  
20 safety, to protect and promote civil rights,  
21 constitutional rights, social justice, workers'  
22 rights, tenants' rights, consumer protection,  
23 environmental protection-- this would be  
24 transformative for our city, and it's never happened  
25 before. It takes a lot to move the city government.

2 It takes a lot to change for the better. I know.  
3 I've been there. It ain't my first rodeo, but you  
4 know something, we have to do it for the good of all  
5 New Yorkers, and if you give me this opportunity-- I  
6 say this humbly-- if you give me this opportunity I  
7 will do everything I can to make this a better city  
8 through the power of the law, and we can do so much  
9 more on public safety, so much more on civil rights  
10 and constitutional rights and social justice. The  
11 potential is there with that great 800-person Law  
12 Department. It's never happened before, because it is  
13 so hard. When somebody has been there, knows how  
14 city government works, knows how to press the levers,  
15 knows how hard it is to change, but has a track  
16 record of motivating people to change and inspiring  
17 that, to devote more resources to those things, that  
18 should be as exciting for this Council as it is for  
19 me. Whatever happens in this process, I will still  
20 love this city. I will still love the experience I  
21 had in the public sector, and I will always answer  
22 the call to serve. I hope you will see on reflection  
23 just as the Speaker said the other day, to look at my  
24 entire record and see that it is a record and values  
25 committed, the kinds of values that so many of you

2 told me you share, that you want to see more of in  
3 city government. I will deliver. I have delivered  
4 in every phase of my career. I don't say that other  
5 than humbly. The opportunity to serve here, I'm  
6 honored. I'm obviously putting myself through quite  
7 an ordeal. I doubt you have ever in the history of  
8 this city had a confirmation hearing that looked  
9 anything like this and kept these dozens of people--

10 CHAIRPERSON POWERS: [interposing] Mr.  
11 Mastro, we're going to--

12 RANDY MASTRO: [interposing] Please let me  
13 finish.

14 CHAIRPERSON POWERS: keep moving.

15 RANDY MASTRO: A former governor, other  
16 elected officials, former Corp Counsels, judges,  
17 sitting in an audience for eight hours. I pray that  
18 you hear them. I respect you. I want to answer every  
19 one of your questions. I'll stay here to the wee  
20 hours--

21 CHAIRPERSON POWERS: [interposing] We  
22 appreciate that.

23 RANDY MASTRO: but I want to serve you.  
24 Please understand that.

25 CHAIRPERSON POWERS: Thank you.

2 COUNCIL MEMBER ARIOLA: and I do

3 appreciate that, and I'm glad that you did say what  
4 you did, because I think we all needed to hear that.

5 We're a body that respects due process, legal  
6 representation, and second chances. We also need the

7 Law Department to understand that they have been

8 going against what the judge and the courts have

9 decided upon and appealed and lost. There are no set

10 policies. Everybody is taken as an individual. They

11 are decided upon arbitrarily. What I'm saying to

12 you, Mr. Mastro, is if you are approved, you are

13 walking into a labyrinth of a mess, and you need to

14 really use your intelligence, your knowledge, your

15 experience to really unravel that. Because these

16 people deserve better than what they're getting. And

17 you know, there has been an issue in this body today

18 with trust in you. So, you know, and that has been

19 voiced almost unanimously, but again, I will say to

20 you, that I believe in you. I know your history. I

21 know what you did for this city during 9/11 and

22 before. I know what you did in the private sector

23 and what you've always done was fight for what was

24 right, whether it was your private client or this

25 city of New York. And I believe that you can be fair

2 and you can make the separation, and I'm hoping you  
3 do, because the people I spoke about really need  
4 that. Thank you for the time.

5 RANDY MASTRO: Okay, I appreciate you  
6 saying that, Council Member, and you know, the  
7 problems when I served in city government before were  
8 also immense. It's a 24/7 job. I'm committed to  
9 doing it, and I'm committing to serving this council  
10 with distinction, because I respect this body and I  
11 respect the role.

12 CHAIRPERSON POWERS: Thank you. We'll  
13 now go to Council Member Paladino followed by Council  
14 Member-- I think the last one, Council Member Avilés.  
15 And then we'll move on to the public.

16 COUNCIL MEMBER PALADINO: Good evening.  
17 I can't say good afternoon anymore, can we? Can't  
18 say good morning. Can't say good afternoon, but  
19 we'll say good evening. I will-- let me start off by  
20 saying this. Never be afraid or embarrassed that you  
21 were Chief of Staff to one of the best mayors this  
22 city has ever seen in Rudolph Giuliani. This body  
23 here today has done everything they possibly could to  
24 tear him to shreds, because that's what they do. see,  
25 half of the people who are now gone, because they

2 can't sit here weren't even born in 1993 or 1994, so  
3 they have no real remembrance of what that was like  
4 to live back in those days. We are now in 2024 where  
5 we exist in a city of no laws, no rules. Welcome to  
6 the City Council. You have been put through the  
7 ringer, Mr. Mastro, and I'm very sorry for that. you  
8 have got a reputation that precedes itself, and yet  
9 you sat through absolute and sometimes very ignorant,  
10 ignorant questions from people who were seven years  
11 old, 10 years old, 12 years old. You lived through  
12 when the World Trade Centers were bombed. We talked  
13 about people dying. My brother was one of those  
14 people who died during a related illness to 9/11. He  
15 lived down there. We're talking about kids in  
16 school. Well, kids in school in 1994 and 1993, which  
17 they keep wanting to talk to you about-- things were  
18 very different. How much was the City budget? Was  
19 it \$102 billion or \$106 billion that it is today? No.  
20 It was somewhere around \$20 or \$13 billion.

21 RANDY MASTRO: Maybe \$25.

22 COUNCIL MEMBER PALADINO: Maybe \$25  
23 billion, give or take, what's a billion here or  
24 there. Now, we have several things here that I want  
25 to go over with you, but first I do want to reiterate

1 once again-- thank you to every single person here  
2 that sat here on Randy's behalf, because this was not  
3 a hearing. Once again, this was not hearing. He's  
4 not going out for Supreme Court Judge. This was an  
5 inquisition and assassination of a good man's  
6 character. I despise that. We talk about building  
7 bridges, that's what I do. So when you said it, I  
8 understood it. because in order to reach a common  
9 ground, differences of opinion, we must build a  
10 bridge so that we can come together and discuss those  
11 differences, and in the middle we will find our  
12 answers. And yet, if you say this to this body, they  
13 get crazy, because there's only one way to see  
14 things. It's their way or it's the highway. I pray  
15 to God that Randy Mastro brings what we need to this  
16 City Council, and that is common sense. His opening  
17 statement was mind-blowing. I loved every word he  
18 said. I hung on every word that he said, because he  
19 was able to show us, the people of the City Council,  
20 an the people of the City of New York, which I really  
21 which this was being televised so that the people of  
22 the City could actually see the City Council at work  
23 and how they actually operate this city. It's a

2 disgrace. Now, I want to get to my questions. Okay,  
3 here we go.

4 CHAIRPERSON POWERS: Go for it.

5 COUNCIL MEMBER PALADINO: Let's start  
6 with Local Law 97. I come from District 19 and you  
7 were on the PCCC. So, I want to talk about Local 97  
8 because in my district it impacted probably more than  
9 any other. I hear from my constituents every single  
10 day who are concerned and worried about not being  
11 able to afford their condo or co-op anymore due to  
12 this law. These are often elderly, retired, working-  
13 class people who don't live in expensive homes by any  
14 standard. In fact, I introduced legislation to delay  
15 the crippling fines of Local Law 97 which would have  
16 bankrupted several middle-class buildings in my  
17 district. Unfortunately, this council didn't care  
18 enough about the elderly, working-class constituents  
19 in Queens. They passed on my bill to save these  
20 people from bankruptcy. Some here seem to think  
21 they're saving the planet by bankrupting the elderly  
22 poor who cannot afford their electric bills anymore.  
23 I heard you mention your work on behalf of improving  
24 Local Law 97. Could you-- would you please explain  
25 what it would look like and that the protections you

2 can include for my constituents who simply cannot  
3 bear any further increase to their cost of living?

4 RANDY MASTRO: Wow, after all that, she  
5 asked me a really tough question. Let me just say  
6 this, I appreciate that someone has better silver  
7 hair in the chamber than I do, and I just want to say  
8 how much I respect the entire council and I will stay  
9 here all night to answer any of your questions. I  
10 just feel for the folks who came here and have been  
11 here all day. On your question, Council Member, the  
12 issue in the lawsuit, and we said it in the first  
13 paragraph of our complaint is not that we don't favor  
14 reducing carbon emission, and we don't support global  
15 warming initiatives, it's that there was a  
16 comprehensive package, state law, that had certain  
17 parameters that left some flexibility for localities,  
18 but that Governor Cuomo himself described as  
19 comprehensive, and it was a system of goals and  
20 aspirations and targets, and the City used to have  
21 laws like that, and some of them pushed the City to  
22 achieve targets sooner. In fact, by 2030 it was  
23 supposed to under Local Law, aspirationally, hitting  
24 30 percent. well, in just a few years without  
25 artificial caps and mandates and really one-size-

2 fits-all, no matter what the use of the property, how  
3 much density, whatever is done there, it's still in  
4 just a few years-- well short of 2030, carbon  
5 emissions have been reduced by 19 percent in the  
6 City. So, the initiative that the State started and  
7 the additional layers that the City included, which  
8 my clients, small co-ops-- small condos in Queens and  
9 other boroughs, they were complying with spending  
10 money and reducing carbon emissions. The plan was  
11 working. Now, the problem with what was well-  
12 intentioned legislation, don't get me wrong, but  
13 there's a comprehensive state law, and there are  
14 things that the City can do to try to accelerate the  
15 process to make the aspirations kick in sooner or the  
16 targets sooner, but by imposing-- no, you got one-  
17 size-fits-all even if you're a dense condo or you are  
18 a luxury building on Fifth Avenue, you have the same  
19 carbon emissions even if you have many more people  
20 living in that same square footage than you do luxury  
21 co-ops on Park Avenue. That is inconsistent with  
22 state law and took the City too far. I would work  
23 with this council-- and perhaps at the end of the day  
24 the courts will agree that that legislation should  
25 survive, although the appellate division agreed with

2 our position that we had stated a viable pre-emption  
3 claim. That decision-- that issue will go to the New  
4 York Court of Appeals, but if the New York Court of  
5 Appeals agrees with our legal position and that the  
6 state law covers and the landscape and that the city  
7 has to act within that landscape, I will help you  
8 here on the Council figure out how to push the  
9 envelope to encourage and incentivize New York  
10 property owners, businesses and residential, to  
11 accelerate a reduction of carbon emissions consistent  
12 with state law. But it's the artificial caps, the  
13 one-size-fits-all, as well-intended as it is, that  
14 creates the conflict. This is not a criticism of  
15 anyone. This is a principled legal position on  
16 behalf of small condo owners who are suffering and  
17 who have complied with the law, reduced carbon  
18 emissions, spend money to do so consistent with City  
19 law, and now they find themselves going bankrupt and  
20 facing Draconian penalties for not hitting the  
21 arbitrary caps.

22 COUNCIL MEMBER PALADINO: Thank you very  
23 much. I'm just going to shift it a little bit also to  
24 a public safety issue. What do you believe to be the  
25 greatest threat to public safety today, and how would

2 you use the position of Corporation Counsel to  
3 address it? What specific legal strategies would you  
4 employ to address this issue?

5 RANDY MASTRO: We're talking legal  
6 strategies now.

7 COUNCIL MEMBER PALADINO: yeah, I shifted  
8 gears [inaudible]

9 RANDY MASTRO: And I take-- again, as  
10 Corp Counsel, you take your direction on policy from  
11 the Council. You take your direction on policy from  
12 the Administration and hopefully on policies that the  
13 two agree to, and Corp Counsel can help facilitate  
14 communication. In terms of potential legal remedies  
15 for public safety issues? You have guns. You have  
16 drugs. You have gang violence. You have organized  
17 crime still a problem in certain industries in our  
18 city. You have the potential to forfeit the ill-  
19 gotten gains of crimes, which actually adds to the  
20 city's coffers. The feds do it all the time with the  
21 federal forfeiture laws, and the state has analogs,  
22 racketeering statute and similar statutes. I think  
23 when it comes to drugs, I know there's already  
24 affirmative litigation the city has joined on the  
25 opioid crisis. How about fentanyl? How about going

2 after, you know, the countries and the parties  
3 responsible for the influx of fentanyl in our city  
4 and trying to sanction them, trying to fine them  
5 billions of dollars. We have to get creative. We  
6 have to get illegal guns off the street. We have to  
7 get illegal guns off the street. And my God, we have  
8 to do something about the illegal smoke shops. And  
9 state law has been removed recently to do that. It  
10 gives us the tools. I want to have a taskforce at  
11 Corp Counsel's Office to do that instead of the  
12 problems that folks have had so far, and I've read  
13 about Council Member Brewer's problems trying to  
14 close an illegal smoke shop in her neighborhood. It  
15 shouldn't be that hard. And now the state law has  
16 changed. Corp Counsel should play a role in doing  
17 that. That's what I mean about working with  
18 individual Council Members. The problems you have  
19 with drugs, violent gangs, gun violence, illegal  
20 smoke shops-- I want to work with each one of you to  
21 identify what are the problems in your district and  
22 to help through affirmative litigation like we did  
23 when I was at the U.S. Attorney's Office and we used  
24 the racketeering law to go after organized crime and  
25 illegal business enterprises, like we used the

2 forfeiture laws to forfeit illegal drug proceeds and  
3 tenancy's in public housing of drug dealers when the  
4 City couldn't even get them evicted under Local Law.  
5 So, these are all things-- imagine how much good we  
6 could do if we did this together. That's what I'm  
7 asking this council for the opportunity to do.

8 COUNCIL MEMBER PALADINO: Randy, I just  
9 want to say-- Mr. Mastro, I just want to say thank  
10 you very, very much for your patience, your time, and  
11 I look at you and I see a plus-plus, because I really  
12 see level ground with you and sense and sensibility  
13 through you, with you, and I really think that that's  
14 what this needs, this board of governing needs. We  
15 just need a level head, and I think you-- and you're  
16 going to be in charge of what, how many lawyers, 800?

17 RANDY MASTRO: It has a potential to be  
18 up to 800. There have been some--

19 COUNCIL MEMBER PALADINO: [interposing]  
20 Well, there's plenty of work--

21 RANDY MASTRO: [interposing] depletion in  
22 the ranks.

23 COUNCIL MEMBER PALADINO: There's plenty  
24 of work for 800 of them. So, all I'm saying I think  
25 what this city needs is balance. I think it's been

2 off-balance for quite some time, and I think you  
3 would bring the balance to this council through your  
4 understanding, through your open door policy, through  
5 your past experience, and your present experience. I  
6 think you are the complete package, and I, sir, for  
7 one speak on behalf of myself, my colleagues in the  
8 Common Sense Caucus, we truly to believe that you are  
9 the man for the job, and I really hope that this  
10 council and this committee seriously takes all your  
11 assets and everything that you've given of yourself  
12 both privately and publicly into a great deal of  
13 consideration, and does not, you know, see you go  
14 down in a ball of flames and this was a waste of  
15 time. Thank you very much, everybody. Have a  
16 wonderful evening. I've got to get back to Queens.  
17 Thank you.

18 CHAIRPERSON POWERS: Thank you, Council  
19 Member. We'll now go to Council Member Avilés, and  
20 then we'll be headed into the public testimony.

21 COUNCIL MEMBER AVILÉS: Saving the best  
22 for last. Thank you, Mr. Mastro.

23 RANDY MASTRO: It's a pleasure to see  
24 you.  
25

2 COUNCIL MEMBER AVILÉS: The true heroes  
3 in the room are your wife and your daughter.

4 RANDY MASTRO: Yes, they are.

5 COUNCIL MEMBER AVILÉS: Who were  
6 dutifully here the entire time.

7 RANDY MASTRO: They haven't even begun to  
8 cry.

9 COUNCIL MEMBER AVILÉS: I'm going to have  
10 to talk with them so they can talk with my husband.  
11 Onto the business at hand. I just have a couple of  
12 quick questions just for clarification. In terms of  
13 your work on the taskforce for bilingual education,  
14 you advocated for the complete elimination of  
15 bilingual education is that correct?

16 RANDY MASTRO: I didn't.

17 COUNCIL MEMBER AVILÉS: You did not.

18 RANDY MASTRO: No, to be clear, so the  
19 Council--

20 COUNCIL MEMBER AVILÉS: [interposing]  
21 Let's keep it just super short. You didn't--

22 RANDY MASTRO: [interposing] I will keep  
23 it super short. I--

24 COUNCIL MEMBER AVILÉS: [interposing]  
25 That's why I'm asking just to clarify.

2 RANDY MASTRO: I advocated for improving  
3 existing bilingual education and giving parents a  
4 choice of traditional bilingual education which we  
5 were going to improve and put more resources into  
6 that, but also to give them a choice of English  
7 emersion which would have to be funded and staffed,  
8 and let parents make that choice. To me--

9 COUNCIL MEMBER AVILÉS: [interposing]  
10 Right.

11 RANDY MASTRO: that's ultimately what we  
12 should be doing, giving parents more choice.

13 COUNCIL MEMBER AVILÉS: But calling to  
14 vacate a 26-year-old federal court Aspira [sic]  
15 consent decree would have eliminated bilingual  
16 education.

17 RANDY MASTRO: It would not.

18 COUNCIL MEMBER AVILÉS: And that was what  
19 you were advocating for. That seems in direct  
20 contraction to choice. I--

21 RANDY MASTRO: [interposing] But it  
22 wasn't.

23 COUNCIL MEMBER AVILÉS: I'm a product of  
24 that bilingual education.

2 RANDY MASTRO: I know. I understand that  
3 and I, of course, as you know, have great respect for  
4 you. But I was not advocating-- we were not  
5 advocating for elimination of bilingual education.  
6 You needed relief from the consent decree to be able  
7 to impose the reforms that-- and the parental choice  
8 we were talking about. We were not talking about  
9 eliminating the legal obligation to provide bilingual  
10 education. We were talking about improving it. So,  
11 please, Council Members, don't misunderstand. We  
12 were talking about a better system of parental choice  
13 where bilingual education would be available and  
14 hopefully improved, and parents would have a choice  
15 as well of English emersion which would have to be  
16 funded and staffed, and the New York Times didn't  
17 often say of the Giuliani Administration that it did  
18 anything historic, and it praised its efforts. This  
19 was something that still for me is sad that it didn't  
20 get done, because I wanted--

21 COUNCIL MEMBER AVILÉS: [interposing]

22 Well, and the New York--

23 RANDY MASTRO: to give parents that  
24 choice.

2 COUNCIL MEMBER AVILÉS: The New York  
3 Times has often been wrong, actually, for the record.

4 RANDY MASTRO: I--

5 COUNCIL MEMBER AVILÉS: [interposing]  
6 Let's move on to the-- I just wanted to clarify that.

7 RANDY MASTRO: Thank you.

8 COUNCIL MEMBER AVILÉS: As you know, I'm  
9 the Chair of the Council's Committee on Immigration,  
10 so--

11 RANDY MASTRO: [interposing] Yes.

12 COUNCIL MEMBER AVILÉS: Bear with me. I  
13 am going to make a statement here. And as you are  
14 aware there's not only the questions that we are  
15 asking and your response, but also an opportunity to  
16 correct the record when there have been-- when there  
17 has been misinformation. So, as you are aware,  
18 immigrant New Yorkers comprise nearly 40 percent of  
19 New Yorkers according to the 2020 census. And as the  
20 Chair of Immigration it's my responsibly to oversee  
21 the City's relations with important segment of our  
22 community. New York City's Sanctuary policies began  
23 in 1989 as you are well aware when Mayor Ed Koch  
24 issued and Executive Order that barred city officials  
25 from sharing information about immigrants with

2 federal agencies in most circumstances so that  
3 immigrants could access city services without fear.  
4 This policy was actively reissued and respected by  
5 every subsequent mayor including Republicans,  
6 Independents, and Democrats, and despite their  
7 varying ideologies, each recognized that in order for  
8 the city to thrive there needed to be trust between  
9 immigrant communities and city agencies, in  
10 particularly law enforcement. For decades this city  
11 has upheld the belief that everyone regardless of  
12 immigration status should be treated equally under  
13 the law. Studies such as one done by the Center for  
14 American Progress from 2017 has shown us that  
15 counties with these policies have stronger economies  
16 and are safer than those that do not have these  
17 policies. Public safety experts, including hundreds  
18 of police officers across the country have found that  
19 sanctuary policies improve law enforcement's ability  
20 to investigate and respond to crime. These policies  
21 ensure that immigrants who have witnessed or have  
22 been subjected to criminal acts are willing to  
23 cooperate with law enforcement, and thus that persons  
24 who have committed crimes are successfully  
25 prosecuted. This ensures that all New Yorkers are

2 safer. Absent such laws, persons fearful of  
3 deportation will be unwilling to cooperate with the  
4 law enforcement or with other city agencies charged  
5 with enforcing the city's laws. They may also be  
6 unwilling to take such necessary actions as seeking  
7 medical attention for fear of deportation. In  
8 essence, sanctuary policies help prevent the  
9 emergence of a completely unprotected, marginalized  
10 and exploited class of persons in New York City.  
11 Recently, some have depicted sanctuary laws as a  
12 loophole for accountability. Nothing is further from  
13 the truth. If a court finds a person guilty of a  
14 crime, those individuals are still held accountable  
15 because of sanctuary policies are not a get-out-of-  
16 jail-free card or policy. After hearing some of my  
17 colleagues speak mistruths about so-called sanctuary  
18 laws that perpetrate significant misinformation about  
19 the issue, I just would like to ask you a few  
20 questions to help provide clarity on the fact.  
21 History shows that Rudy Giuliani, like every other  
22 mayor, defended the right for the City to prohibit  
23 municipal workers from being involved in immigration  
24 enforcement on the basis that it ran counter to  
25 public safety if the City's immigrant communities

2 believe accessing services and reporting to local  
3 authorities risk their immigration status. Mr.  
4 Giuliani reissued an Executive Order that had started  
5 under Mayor Koch and continued and became vocal about  
6 this importance to the city. So, is the rationale  
7 that Mr. Giuliani gave for involving city workers and  
8 federal immigration enforcement activities consistent  
9 with how you remember the reason for such a position?  
10 And I understand this is a long time ago.

11 RANDY MASTRO: I recall that the  
12 Administration I served supported the policy that you  
13 just described and as I explained earlier in my  
14 testimony, I chair a mayoral Charter Commission that  
15 enshrined that into the City Charter, and the voters  
16 approved it overwhelmingly.

17 COUNCIL MEMBER AVILÉS: Which we are  
18 happy for. I want to help clarify also some  
19 misinformation, because there seems to be an over-  
20 generalization occurring today about the laws that  
21 may have also been the case when Giuliani's policies  
22 were being attacked. Is it true that the Giuliani  
23 Executive Order that prohibited undocumented  
24 immigrants from being reported to ICE while using  
25 city services did not completely cut off all

2 cooperation by the City in cooperation with ICE  
3 officials?

4 RANDY MASTRO: I don't recall what the  
5 limitations of that were, but I think there were some  
6 narrow provisions.

7 COUNCIL MEMBER AVILÉS: But it did not  
8 cut off cooperation with ICE officials--

9 RANDY MASTRO: [interposing] I--

10 COUNCIL MEMBER AVILÉS: 100 percent?

11 RANDY MASTRO: I don't believe that the  
12 policy that existed in our administration was any  
13 different than the policy that existed in the Dinkins  
14 Administration or the Koch Administration.

15 COUNCIL MEMBER AVILÉS: Right. So, it's  
16 fair to say that it crated guardrails that sought to  
17 prevent our city's workforce from being placed in a  
18 position of doing Federal Government's work with  
19 public safety exceptions.

20 RANDY MASTRO: I think that would be  
21 correct, but you're asking me to go back 25-30 years.  
22 I don't remember the specific provisions, but it was  
23 the same policy, and then it was enshrined in the  
24 city constitution as a result of the City Charter  
25 Amendment that the Charter Commission I chaired

2 proposed we put on the ballot and was passed  
3 overwhelmingly by the voters.

4 COUNCIL MEMBER AVILÉS: So, it is in fact  
5 the case, that the law allows for cooperation with  
6 ICE officials and provides guardrails for safety.  
7 So, today, there's similar conversation happening  
8 with, again, inaccurate claims being made that the  
9 City cannot cooperate, but rather establish a  
10 process-- excuse me, that the City cannot cooperate  
11 with the Federal Government. In reality, the current  
12 laws, as I just said, do not prohibit cooperation but  
13 rather establish a process and guardrails for public  
14 safety exceptions. As I'm sure you are well-aware  
15 about what an immigrant's detainer request is in this  
16 context?

17 RANDY MASTRO: I am aware of what that  
18 is.

19 COUNCIL MEMBER AVILÉS: Yes, okay. And  
20 the reason-- the reason why we go down this path is  
21 because we have an administration who has been  
22 talking about rolling back a steadfast, proven policy  
23 that has been replicated across the country, and you  
24 have talked on a variety of issues of how you will  
25 work to bring two elements together to discussion.

2 RANDY MASTRO: Yes.

3 COUNCIL MEMBER AVILÉS: Can you walk me  
4 through-- in the case that these two sides cannot be  
5 brought to a compromise, how will you pick which side  
6 to represent? And then, what is the processes that  
7 will be put in place in the Law Department in order  
8 to ensure that there is sufficient resources and  
9 independence in order to represent one of those  
10 sides?

11 RANDY MASTRO: I know that there issues  
12 of policy and interpretation right now between the  
13 Council and the Administration, but there are legal  
14 requirements, laws that exist that define scope of  
15 the legal obligation. I would facilitate  
16 communication between the two sides of the hall and  
17 see-- study the issue, understand the law, make  
18 recommendations consistent with the law in the best  
19 interest of the City, but following the law, and what  
20 I conclude is the state of the law. You set the  
21 policy. The law that exists is the policy and it's a  
22 question of whether there is compliance with the law,  
23 and I would bring and encourage dialogue between the  
24 two sides of the hall. You're describing guardrails.  
25 I understand that there are issues about what that

2 entails and what, you know, can be done. I would  
3 have to again responsibly steep myself in the issue,  
4 but the law is the law. Whatever the law is, is the  
5 advice I'm going to give to both of you, and when I  
6 responsibly and professionally sit down to do that  
7 analysis, I will hear from all sides. I will try and  
8 bring all sides together to find a way to make sure  
9 that everyone is complying with the law, but you will  
10 get my straight answer on what the law is. And if  
11 there is an aspect where there isn't compliance with  
12 the law, I'm going to say that, and I'm going to give  
13 that advice, but I can't prejudge that issue. You  
14 all set the policy in the laws that you pass, or that  
15 the voters pass in a Charter referendum. Our job at  
16 Corporation Counsel's Office is to figure out what  
17 the law is and requires, and tell both sides of the  
18 hall what the law requires and to try to bring the  
19 two sides of the hall-- I will be proactive in this  
20 way, in a way that past Corp Counsel haven't  
21 necessarily been to bring the two sides of the hall  
22 together, to go through our conclusions of what the  
23 law requires and to see if there is common ground,  
24 because I don't want to see-- if I'm fortunate to  
25 have this role, I don't want to see litigation

2 between the two sides of the hall. I want to find  
3 common ground, and this is an area where constructive  
4 dialogue would help a lot. But I need to study the  
5 law and then give you responsible, professional  
6 advice.

7 COUNCIL MEMBER AVILÉS: Thank you for  
8 that response. So, the current law allows federal  
9 immigration officials to request the detainment of  
10 someone and permit city officials to honor that  
11 request in cases where someone is convicted of a  
12 serious crime. Is that also your understanding of  
13 our detainer laws?

14 RANDY MASTRO: I haven't been involved in  
15 these issues in 20+ years.

16 COUNCIL MEMBER AVILÉS: It hasn't  
17 changed, so--

18 RANDY MASTRO: [interposing] I understand.

19 COUNCIL MEMBER AVILÉS: I'm sure you're  
20 aware.

21 RANDY MASTRO: I'm-- don't be sure I'm  
22 aware of 25 years ago. I've got to-- I've got, you  
23 know, I've got quite a memory, but I do know that  
24 there are aspects of the law that talk about, you  
25 know, detainers and alike. I just would have to

2 steep myself in that again and study, you know, what  
3 the law requires at this point.

4 COUNCIL MEMBER AVILÉS: So, in terms of--  
5 I mean, the City just can't take the role of federal  
6 authorities in all cases by broadly denying freedom  
7 to someone who would otherwise-- should not be  
8 detained unless they are convicted of a serious crime  
9 and federal authorities take the steps to request  
10 their detainment. Is this also your understanding?

11 RANDY MASTRO: The law, as-- in a more  
12 general sense, as I recalled, and what became  
13 enshrined in the City's Constitution, was on that  
14 protected immigrants' status and right to access city  
15 services without fear of reprisal or reporting, and  
16 there were some-- again, I don't recall the  
17 specifics, but there were some guardrails there about  
18 circumstances that would be exceptions. I would have  
19 to steep myself in it. I want to be professional in  
20 response, but I am telling you, you know where I'm  
21 coming from, from the Charter Council Member that I  
22 ad that adopted by the voters, but I would have to  
23 professionally and responsibly study the law again,  
24 talk to other lawyers at Corp Counsel, talk to your  
25 lawyers and on both sides of the hall, and I will

2 give you my best assessment, and whatever I conclude  
3 is what I'm going to tell both of you and try and  
4 bring them together--

5 COUNCIL MEMBER AVILÉS: [interposing]  
6 Right.

7 RANDY MASTRO: to make sure that the law  
8 that exists, laws you've passed and laws that are  
9 enshrined in the Charter are followed.

10 COUNCIL MEMBER AVILÉS: Correct, and  
11 that-- the Administration actually read the law  
12 before they make claims that are incorrect. So, I  
13 have heard you say many times today, respecting the  
14 rule of law, which we hold very dear here. Do you  
15 believe in due process?

16 RANDY MASTRO: Of course I believe in due  
17 process. Of course.

18 COUNCIL MEMBER AVILÉS: It's a simple  
19 question. It's a simple question, and I think you do,  
20 and that is what we have in the laws currently. And  
21 so I guess what I'm asking in short is in an  
22 Administration that is ready to roll back or at least  
23 put forward some incredibly misinformed and  
24 xenophobic rhetoric against sanctuary policy, would  
25

2 you vigorously commit to upholding sanctuary policy,  
3 and in particular, upholding due process?

4 RANDY MASTRO: I'm-- Council Member--

5 COUNCIL MEMBER AVILÉS: [interposing] You  
6 can say yes.

7 RANDY MASTRO: Council Member,  
8 respectfully--

9 COUNCIL MEMBER AVILÉS: [interposing] And  
10 we could get the folks, or you could talk for a long  
11 time.

12 RANDY MASTRO: Council, I'm not-- I'm  
13 not-- oh, I most definitely don't want to talk for a  
14 long time. Respectfully, I can't accept the  
15 characterization as the premise of the question, but  
16 I can say--

17 COUNCIL MEMBER AVILÉS: [interposing] It  
18 is--

19 RANDY MASTRO: yes, I--

20 COUNCIL MEMBER AVILÉS: [interposing] It  
21 is the facts. The law--

22 RANDY MASTRO: [interposing] Yes.

23 COUNCIL MEMBER AVILÉS: as it currently  
24 stands affords due process and affords cooperation  
25 with ICE.

2 RANDY MASTRO: I--

3 COUNCIL MEMBER AVILÉS: [interposing] It  
4 is very clear.

5 RANDY MASTRO: I can-- I can--

6 COUNCIL MEMBER AVILÉS: [interposing]  
7 There is no politics here. So, either you can  
8 vigorously protect the law as noted, or you can go  
9 against it.

10 RANDY MASTRO: I will vigorously protect  
11 the law and determine what the law requires and  
12 respect due process. Of course, I will do that, and  
13 I've already said that repeatedly. I'll just say I  
14 can't characterize the current positions or the facts  
15 because I'm not familiar with them.

16 COUNCIL MEMBER AVILÉS: Sure. And unlike  
17 many of the other policy issues which have changed  
18 significantly with the 30, the 25 years you have been  
19 in private practice, this policy has only been  
20 strengthened and reiterated. So this one should not  
21 be so distinct or unique. This one you know  
22 intimately and has not changed.

23 RANDY MASTRO: I--

24 COUNCIL MEMBER AVILÉS: [interposing] Has  
25 only gotten better. So, one more last question.

2 RANDY MASTRO: Please, please.

3 COUNCIL MEMBER AVILÉS: One more last  
4 question.

5 RANDY MASTRO: Thank you.

6 COUNCIL MEMBER AVILÉS: So, this is in  
7 terms of emergency authority in shelters. So the  
8 City uses its emergency authority to site shelters  
9 when capacity is-- when capacity is needed to comply  
10 with the law. Sometimes this must happen in the face  
11 of neighborhood opposition. Are you committed to the  
12 idea that every neighborhood must contribute to  
13 providing shelter for homeless individuals?

14 RANDY MASTRO: I believe that is the  
15 policy of the City, but I think that isn't fair  
16 policy, but my role as Corp Counsel isn't to set the  
17 policy. My role at Corp Counsel is to legally defend  
18 the policy. You and the Administration working  
19 together set the policy. So, you know, I certainly  
20 would understand that policy and would be honored to  
21 defend whatever the policy is that the City Council  
22 and the Administration determine is the City's policy  
23 or whatever the law requires.

24 COUNCIL MEMBER AVILÉS: That has been the  
25 policy, and your actions have suggested that you

2 don't think certain neighborhoods have that  
3 obligation.

4 RANDY MASTRO: I'm sorry?

5 COUNCIL MEMBER AVILÉS: Despite the fact  
6 that the City hasn't had enough beds, and it was a  
7 violation of the law not to offer beds to  
8 individuals.

9 RANDY MASTRO: Are you referring to  
10 something in my background?

11 COUNCIL MEMBER AVILÉS: No.

12 RANDY MASTRO: Oh.

13 COUNCIL MEMBER AVILÉS: Other cases  
14 fighting against siting of shelters.

15 RANDY MASTRO: Oh, well--

16 COUNCIL MEMBER AVILÉS: In the City.

17 RANDY MASTRO: Okay, I--

18 COUNCIL MEMBER AVILÉS: [interposing]  
19 Which current-- which continues to be a major issue.

20 RANDY MASTRO: I understand what you're--  
21 what you're saying. You know, as Corporation Counsel  
22 I would be defending the City's policies zealously,  
23 and about, you know, the location of shelters as a  
24 matter of policy that would be determined by the  
25 Administration and this Council.

2 COUNCIL MEMBER AVILÉS: So, you believe  
3 personally that Fair-- the Fair Share proposal is an  
4 appropriate and just proposal?

5 RANDY MASTRO: Short answer is yes, and  
6 I've litigated that issue many times. But that's the  
7 law, and that's the law that should be enforced and  
8 followed and would be if I were Corporation Counsel  
9 with Fair Share.

10 COUNCIL MEMBER AVILÉS: That's a tall  
11 order. You have an Administration who is currently  
12 violating and on a daily basis. So, I will, in  
13 closing, Mr. Mastro, I thank you for your time, for  
14 your patience. Obviously, we all take this very,  
15 very seriously, as do you, as does everyone in the  
16 public who has been waiting for many, many hours.  
17 This is not-- it's an important moment for our city  
18 and this is a critically important role, particularly  
19 when we have an Administration who has abutted,  
20 refuses, does not acknowledge, is uncooperative, and  
21 really has a pension for a lack of transparency and  
22 accountability. And so, as you find yourself here  
23 looking for this job, I will say, we all take this  
24 seriously and we respect what you have done in your  
25 life, and clearly you are a very skilled litigator,

2 and you are rigorous and you have more energy than  
3 most 20-year-olds. I do question-- I do question  
4 your choices of Administration in representing  
5 Giuliani one, and Giuliani 2.0. It is a grave  
6 concern because of the negative impacts, both then  
7 and now, administrations have had on people of color  
8 and marginalized people in this city. And I will  
9 just say, I am concerned, because history has a way  
10 of repeating itself if in fact we have not learned  
11 the full load of lessons that we should have learned  
12 from then. SO, I thank you for my time, and thank  
13 you, I yield.

14 CHAIRPERSON POWERS: Thank you, Council  
15 Member.

16 RANDY MASTRO: Can I--

17 CHAIRPERSON POWERS: [interposing] It's  
18 seven o'clock. We've been here for hours, I think--  
19 I think we have the information we need. We  
20 appreciate it.

21 RANDY MASTRO: I want to thank the  
22 Council. I'm here to answer any question. I'm here  
23 to serve. You know, you're called to serve, and  
24 while I don't engage in the kind of rhetoric some  
25 have used in this hearing, I' honored to serve and

2 I'm honored to serve this council, and I hope to make  
3 a public contribution. Will leave the stage to--  
4 there were 40-50 people here to testify, and now so  
5 many of them have left. So I'm going to leave the  
6 stage.

7 CHAIRPERSON POWERS: We know, yeah.

8 RANDY MASTRO: I'm just going to say  
9 this. Please, please look at my entire record.  
10 please understand what hopefully I could do working  
11 with you to innovative, to transform, to bring a  
12 whole new direction to how the Law Department works,  
13 and when you think about that and you look at my  
14 entire career and how I've used the power of the law  
15 to innovate and transform, we could do so much good  
16 together. Open your hearts and your minds. Give me  
17 a chance, and if you do, what we do together--

18 CHAIRPERSON POWERS: [interposing] Mr.  
19 Mastro--

20 RANDY MASTRO: we will succeed.

21 CHAIRPERSON POWERS: I'm going to open up.

22 RANDY MASTRO: Thank you.

23 CHAIRPERSON POWERS: I'm going to mostly  
24 open up the public hearing now.

25 RANDY MASTRO: Thank you.

2 CHAIRPERSON POWERS: Thank you. Thank  
3 you for your patience, and I know it's been a long  
4 day. So thank you for answering all the questions  
5 and sitting with us, and certainly I'm sure there'll  
6 be follow-ups as well. The way the process is going  
7 to work now, we have received appearance slips.  
8 We're going to put panels up based on how you have  
9 marked your support or opposition. We're going to do  
10 that in alternate panels. So we will call-- we'll  
11 both call the first panel up with the second panel be  
12 waiting to be able to get up quickly. There'll be an  
13 opportunity for members to ask questions after you  
14 testify. I think you'll have a few minutes to  
15 testify each, and then we'll have an opportunity to  
16 ask questions. I just want to just deeply thank  
17 everyone for being here. I know it's been a very long  
18 day, and we thank you guys who have stayed, for being  
19 here, and being part of this process. We're going to  
20 do, like I said, alternate panels. So we'll get one  
21 up of reach-- as you marked yourself and indicated in  
22 alternating order, and try to move this quickly. I  
23 will have the counsel call them as they've been  
24 organized.

2 COMMITTEE COUNSEL: The first panel is  
3 Bertha Lewis of the Black Institute and Gabriel Semel  
4 of CWA, and then that will be followed by Ken Fisher,  
5 Governor Patterson, Assembly Member David Weprin, and  
6 Betsy Gotbaum.

7 CHAIRPERSON POWERS: Hi there. You can--  
8 we'll start here on my left, your right. We'll give  
9 you-- we're going to have a clock going. Give you an  
10 opportunity to read your testimony. We'll do the  
11 whole panel, and then we'll offer an opportunity if  
12 people have questions to ask questions. Please  
13 introduce yourself before you testify.

14 BERTHA LEWIS: Is this thing on? Yeah,  
15 okay.

16 CHAIRPERSON POWERS: It is on.

17 BERTHA LEWIS: Thank you, Chairperson of  
18 this committee and to all the City Council Members  
19 present and absent. My name is Bertha Lewis and I am  
20 the President of the Black Institute, a black  
21 leadership action coalition, and Black Institute  
22 Group, and I am vehemently opposed to the appointment  
23 of Randy Mastro to the position of Corp Counsel to  
24 this body. We need to remember some history. Yes in  
25 1993 there was a riot on steps of City Hall led by

2 the NYPD and then candidate Rudolph Giuliani. It was  
3 racist. It was vicious and violent. Well, Council  
4 Member Paladino isn't here, but I was not 12 years  
5 old. I was there. I witnessed it, and I was  
6 assaulted in it. Upon the election of Mr. Giuliani  
7 to be mayor of New York City, despite this despicable  
8 display, Mr. Mastro made a decision to join that  
9 administration as First Deputy and Deputy Mayor of  
10 Operations. In his position with the Giuliani  
11 Administration, he was one of the architects and  
12 consultants under stop-and-frisk and Broken Windows  
13 policy. He and then Mayor Giuliani systematically  
14 dismantled affirmative action from the Dinkins  
15 Administration. He tried to eliminate all MWBE  
16 programs, and yes, he was part of vacancy decontrol,  
17 and it's that one of the people who would have been  
18 testifying here today, he worked with Democrats and  
19 Speaker Vallone. Listen, he went on, I'm going on,  
20 and I was here. In 1998 after the vicious attack by  
21 the NYPD on Abner Louima he was assigned to the  
22 Policing Taskforce set up by Giuliani, and he  
23 defended the Mayor when dismissed-- when he dismissed  
24 all of the recommendations of the taskforce. In 1999  
25 he headed the Mayor's Charter Revision Commission to

2 limit the powers of the City Council, just the same  
3 as the current mayor is doing now. He represented  
4 the Republican Party of Staten Island to challenge  
5 the election of Debbie Rose to this council and  
6 destroyed the Working Families Party in the process,  
7 but he lost that battle. He likes to toot his  
8 chairmanship of Citizen's Union as proof that he is a  
9 progressive and that he is for good government, but  
10 he has used Citizen Union to promote himself and to  
11 defend one of his private commercial clients. Even  
12 today his law firm has a case representing big  
13 landlords and the Rent Stabilization Association to  
14 gut provision of the Rent Stabilization Law. Members  
15 of the Council, reject this revisionist lawyer. The  
16 job of Corp Counsel is to represent the people of New  
17 York City. He is not and has never been for the  
18 people of this great city. When considering this  
19 appointment, ask yourselves one important question.  
20 Why of all the thousands of competent and  
21 accomplished lawyers in this city would he be the  
22 only one that the Mayor has put forth? I urge you to  
23 reject him and to use your power of advice and  
24 consent to just say no. Thank you.

2 GABRIELLE SEMEL: Good afternoon, Speaker  
3 Adams, Chair Powers and members of the Council who  
4 are here, not here. My Name is Gabrielle Semel.  
5 I've testified before and the papers say Gabe [sic]  
6 Semel, that's also my name, just want to be clear  
7 about that. I am a retired union side labor lawyer  
8 who previously worked as District Counsel for the  
9 Community Workers of America for more than 30 years.  
10 Before that, I worked for the-- as a field attorney  
11 for the National Labor Relations Board in Manhattan.  
12 I was the main attorney for CWA in the five+ year  
13 battle by workers to hold onto a union and a contract  
14 at Cable Vision in Brooklyn, and that case has come  
15 up a couple of times in some of the questions by the  
16 Council. That labor fight was quite infamous in the  
17 City and the Council's Subcommittee on Zoning and  
18 Franchises held a hearing in December 2014 where  
19 Randy Mastro testified on behalf of the counsel. I  
20 am here today on behalf of the Community Workers of  
21 America to state its opposition to the appointment of  
22 Mr. Mastro as Corporation Counsel and to explain why.  
23 During the council hearing in 2014, Mr. Mastro  
24 exhibited contempt for unions, contempt for workers,  
25 contempt for CWA, contempt for the National Labor

2 Relations Board, and also contempt for the Council.

3 He also misrepresented the facts regarding Cable

4 Vision's many unfair labor practices and NLRB

5 procedures. He actually misrepresented what he said

6 again here. Two New York City regions of the NLRB

7 issued sweeping complaints against Cable Vision

8 regarding its unlawful behavior in both the Bronx and

9 Brooklyn. Mr. Mastro falsely claimed that Cable

10 Vision's CEO James Dolan-- this was at the hearing--

11 did not threaten the workers before conducting an

12 illegal vote on September 10<sup>th</sup>, 2014. That was

13 untrue. Mr. Dolan threatened workers that if they

14 voted for the union a second time-- contrary to what

15 Mr. Mastro said, the union was certified. If they

16 voted for the union this second time he would never

17 give them wage parity with the non-union workers in

18 the company. All workers elsewhere in the company

19 were making 14 percent more on average than the

20 Brooklyn workers. That is a threat, and that is the

21 truth. I have a transcript.

22 CHAIRPERSON POWERS: Thank you. We're

23 going to--

24 GABRIELLE SEMEL: [interposing] I-- just

25 one, two sentences.

2 CHAIRPERSON POWERS: We'll let you finish  
3 now, and then we're going to ask questions.

4 GABRIELLE SEMEL: Two more sentences.  
5 Mr. Mastro represented the facts sought to justify  
6 anti-union behavior and attacked recognized  
7 protections of organized labor. I'd be happy to  
8 expand on any of this in response to questions.  
9 Thank you.

10 CHAIRPERSON POWERS: Thank you. I'm  
11 going to forgo my questions, if any colleagues want  
12 to ask questions.

13 COUNCIL MEMBER FARIÁS: In your testimony  
14 you referenced-- sorry. Ms. Semel, in your testimony  
15 you referenced Mr. Mastro representing--  
16 misrepresenting the facts and process related to  
17 Cable Vision's unfair labor practices and NLRB's  
18 procedures. Can you just elaborate a little bit more  
19 on that misrepresentation?

20 GABRIELLE SEMEL: Yeah, yeah. At the  
21 hearing he claimed or he implied that the trial--  
22 that the trial at the NLRB was part of the  
23 investigatory process, as would be the-- as would be  
24 the appeal to the NLRB, and it was really the courts  
25 that would decide it. At the NLRB, before a

2 complaint is issued, it is the NLRB that issues the  
3 complaint, not the charging party. They do a  
4 thorough investigation, which means that they have  
5 sufficient evidence to believe that a trial is  
6 warranted. That-- the next step is the trial level  
7 with an ALJ. Most cases settle before they get to  
8 the ALJ stage, and very few cases are appealed beyond  
9 the ALJ stage. So, usually, the ALJ is the decision-  
10 maker. The agency-- in 2012, the agency won about 90  
11 percent of its cases before the ALJ. So at the time  
12 of the hearing with Mr. Mastro, the agency had  
13 already held one trial for 20 days. that means they  
14 had investigated it and believed that these  
15 violations that occurred and had issued a second  
16 comprehensive complaint that would then also be tried  
17 for another 20 days. At the hearing, Mr. Mastro,  
18 contrary to what he said here, said that the union's  
19 charges were frivolous, and he believed that  
20 ultimately Cable Vision would be completely  
21 vindicated. It was not. The union won most of the  
22 issues that were tried.

23 BERTHA LEWIS: I was a community person  
24 organizing in Brooklyn. I lived in Brooklyn. I knew  
25 these workers. I saw firsthand the tactics that were

2 used in these closed meetings with threats, firings,  
3 which we had to get workers reinstated. Mr. Dolan  
4 who at the time owned Cable Vision, just coincidentally  
5 same client for Madison Square Garden, Mr. James  
6 Dolan. I was there. I witnessed it, and again, it  
7 is a decision of any lawyer to take on a client or  
8 not to take on a client and to do his homework on  
9 that client prior to taking that client.

10 COUNCIL MEMBER FARIÁS: Thank you for  
11 both of your responses.

12 CHAIRPERSON POWERS: Thank you. Any other  
13 colleagues? Okay. Thank you for your testimony.  
14 Thanks for your patience as well. Call the next  
15 panel.

16 COMMITTEE COUNSEL: We'll next hear from  
17 Betsy Gotbaum, Assembly Member David Weprin, Governor  
18 Patterson, Ken Fisher.

19 CHAIRPERSON POWERS: I think the former  
20 Public Advocate has left. I saw Ken Fisher here. I'm  
21 not sure if he's still here. He left, I believe.  
22 We'll hear form Assemblymember Weprin and our former  
23 Governor David Patterson. And we'll give you an  
24 opportunity to testify and then we'll obviously have-  
25 - potentially have member questions as well.

2 ASSEMBLYMEMBER WEPRIN: Is this on.

3 Okay? We have the same problem in Albany, by the  
4 way.

5 CHAIRPERSON POWERS: Remember being on  
6 this side of the table?

7 ASSEMBLYMEMBER WEPRIN: we can never  
8 figure out whether the lights on or not. I've been on  
9 that side many times. as a matter of fact, this has  
10 been nostalgia for me, because I was Chair of the  
11 Finance Committee, as you may know, for eight years,  
12 and I actually sat through all the budget hearings  
13 and we often went, you know, 'til midnight or one or  
14 two. But usually, the testimony was very quick at  
15 that point, and the audience was less and less as we  
16 went through. So we actually have more people than I  
17 expected right now. I hope this isn't coming off my  
18 time.

19 CHAIRPERSON POWERS: Keep Going.

20 ASSEMBLYMEMBER WEPRIN: Speaker Adams,  
21 Chair Powers, I want to thank you for the opportunity  
22 to speak in support of Randy Mastro's confirmation to  
23 be the next Corporation Counsel of the City of New  
24 York. I'm Assemblyman David Weprin. I represent the  
25 24<sup>th</sup> District in Queens. I currently chair the

2 Assembly Insurance Committee and have previously  
3 served as Chair of the Correction Committee. I  
4 proudly represent my neighbors from 2002 to 2009 in  
5 the New York City Council, where as I mentioned I was  
6 Chair of the Finance Committee. Randy Mastro has  
7 been a friend and someone who I've worked with in  
8 different capacities, but more in an advisory role.  
9 He is a real outstanding individual. When I first  
10 got elected to the City Council and became Chair of  
11 the Finance Committee, Randy was someone I sought  
12 advice from, and somebody that I respected. He's a  
13 real bridge builder. He is the type of person that  
14 can work with anyone and everyone and really tries to  
15 work for the benefit of the mission as opposed to the  
16 individual. I worked with Randy when I was on Wall  
17 Street which I was on for 25 years in different  
18 positions. I chaired the Securities Industry  
19 Association, New York District, for a number of  
20 years, and I've worked with Randy. I want to say  
21 since this-- I've been in this hearing almost all day  
22 and I'm not a Rudy Giuliani by any means, and you'd  
23 think at one point that as we're sitting here that  
24 Rudy Giuliani was up for confirmation. He's not, and  
25 Randy Mastro is. And I just want to say that the

2 experience I've had with Randy in different  
3 capacities has been-- I've found him to be not only a  
4 brilliant lawyer and advocate, but also a great  
5 individual, someone that I feel I can trust, and you  
6 should be able to trust. And if I had to define him  
7 I would say, he's a real mensch.

8 CHAIRPERSON POWERS: Thank you. Thanks,  
9 Assemblymember. Nice to see-- Governor Paterson?

10 DAVID PATERSON: Madam Speaker, Mr.  
11 Chairman, members of the Council--

12 CHAIRPERSON POWERS: [interposing] I think  
13 your microphone is off. There you go.

14 DAVID PATERSON: How about now? They  
15 won't mind hearing their names again. Madam Speaker,  
16 Chairman Powers, members of the City Council and all  
17 of you who've come here today. I'm David Paterson.  
18 I'm the recovering Governor and I am very happy to be  
19 here in support of Randy Mastro's appointment to  
20 become Corporation Counsel. I've listened to a lot  
21 of conversation today, but there was just one part of  
22 the conversation that stuck in my head and it came  
23 from the dynamic and articulate Speaker of the New  
24 York City Council, Adrienne Adams. She delineated  
25 the difference between appointing a counsel in-house

2 and appointing a Corporation Counsel. For years, the  
3 Corporation Counsel was really the Mayor's lawyer and  
4 responded only to the mayor. Some very good  
5 government action in the past few years has changed  
6 that. now the Corporation Counsel's duty is to  
7 represent not just the Mayor but the City Council,  
8 the independent elected officials like the Public  
9 Advocate, and the agencies or subsidiaries of the New  
10 York City government, and so that's a much greater  
11 demand on a lawyer, but I don't think it is beyond  
12 the reach of any Randy Mastro. Anybody who could sit  
13 here for eight and a half hours and every time  
14 someone asked him a question, he said he's glad to  
15 the hear the question, probably needs to rethink  
16 whether or not he really wants to have this job, but  
17 I think it was an exhibition of his concerns and his  
18 true love, the actual city. He happens to be a  
19 Democrat. He has always registered and voted as a  
20 Democrat and he stood for the democratic principles  
21 trying to eradicate the ills of our society, poor  
22 housing, drug abuse, crime, unemployment and  
23 underemployment, poor inadequate healthcare  
24 facilities, and often-- and too often a failed  
25 educational system. So, having someone that has that

2 breadth of interest representing us in the  
3 Corporation Counsel's Office I think would be a  
4 tremendous idea. Now, many of you have elicited  
5 concerns about him and gone into his previous life as  
6 a very well-paid lawyer, and that is interesting  
7 enough as it is, but we would not want to actually  
8 state that we don't like people who represent large  
9 businesses, large corporations. A lot of that is  
10 what generates the revenues of our society. At the  
11 same time, some of you have raised some issues about  
12 things that went on when he was really not in  
13 position to change them, but the one time he did, I  
14 didn't think he got any credit for, and it was in  
15 1999 when the Mayor knew that he'd be leaving in  
16 2001, that Mark Green was the odds-on favorite to  
17 become the new Mayor, and so he thought at that point  
18 that he would have a commission to set up to  
19 basically eliminate the position of Public Advocate,  
20 and Randy Mastro stopped it. Now, when you're  
21 working for the type of personality that Rudolph  
22 Giuliani is and it's no surprise that he went to hang  
23 out with Donald Trump, because he was trying to  
24 effect and actually eliminate an election in New York  
25 City, and Donald Trump was trying to steal an

2 election in the United States of America. So I see  
3 why they hang out together. But the point is that  
4 Randy Mastro used that opportunity to stop what would  
5 have been a tremendous downgrade of legislative and  
6 executive power in allowing that to go through.

7 CHAIRPERSON POWERS: Thank you, Governor.

8 DAVID PATERSON: You're welcome.

9 CHAIRPERSON POWERS: Thank you. Do we  
10 have questions from Council Members? No?

11 SPEAKER ADAMS: I'll just say that I  
12 tremendously respect the both of you very much, as I  
13 did the first panel, and I appreciate you hanging out  
14 with us today. Assemblymember Weprin, who shares a  
15 district with me, thank you for being here, and our  
16 beloved former Governor David Paterson, you already  
17 know. Thank you both for hanging out with us all  
18 day.

19 DAVID PATERSON: Thank you, Madam  
20 Speaker.

21 CHAIRPERSON POWERS: Thank you both for  
22 your--

23 DAVID PATERSON: And by the way--

24 ASSEMBLYMEMBER WEPRIN: Thank you Madam  
25 Speaker.

2 CHAIRPERSON POWERS: patience and your  
3 testimony.

4 DAVID PATERSON: There's no charge for  
5 this testimony.

6 ASSEMBLYMEMBER WEPRIN: And by the way,  
7 we were in the same law school class at Hofstra Law.

8 CHAIRPERSON POWERS: Alright. A little  
9 history lesson. Alright, we're going to call the  
10 next panel, and we'll prep the panel after that.

11 COMMITTEE COUNSEL: The next person  
12 testifying is Bridget Kelly [sp?] followed by Fran  
13 Reiter, Ninfa Segarra, and Rudy Washington.

14 CHAIRPERSON POWERS: Thank you. Can just  
15 state your name and title affiliation and we'll be on  
16 the clock and then we'll have an opportunity to ask  
17 questions, as well.

18 BRIDGET ANNE KELLY: I appreciate that.  
19 My name is Bridget Anne Kelly and I am a victim of  
20 Randy Mastro's sexism attacks in New Jersey.  
21 Distinguished members of the Rules Committee, good  
22 evening. Thank you for hearing my testimony today  
23 regarding Randy Mastro's nomination. I am not a  
24 resident of your city, but I am your neighbor and I  
25 visit often. I am proud of my 20 years working hand-

2 in-hand with New York City during my time in New  
3 Jersey state government. I'm also someone that lost  
4 that career in government in larger part due to the  
5 underhanded and unethical actions of Randy Mastro.  
6 As you heard today, Randy Mastro was hired by  
7 Governor Chris Christie to the tune of more than \$9  
8 million to manufacture what has become known as the  
9 Master Report that lied about me, slut shamed me,  
10 scapegoated me, and I eventually took the fall for  
11 what is known as Bridgegate. In listening to Mr.  
12 Mastro's opening statement and hours of chatter of  
13 self-serving adjectives, I wanted to make sure I  
14 added one of my own to describe him, sexist. Council  
15 Member Fariás, thank you for raising the issue of the  
16 irresponsible work products of this witness in the  
17 Bridgegate matter. To correct his testimony, I was  
18 the Deputy Chief of Staff to the Governor of New  
19 Jersey, not the Mayor. And yes, Mr. Mastro, and his  
20 whitewashed report was chastised by a federal judge  
21 in New Jersey. And Mr. Mastro's response was that  
22 [inaudible] an investigator. She was just a civil  
23 attorney before sitting on the bench. I think that  
24 was downplaying Judge Wigenton's role prior to being  
25 nominated to the bench, and that's another Randy

2 Mastro tactic. Sexism at its best. Mr. Mastro stated  
3 that he conducted his Bridgegate investigation just  
4 like the FBI. You, Mr. Mastro, are not the FBI, and  
5 with the FBI I got to see their 302s. You are  
6 accountable to the taxpayers of New Jersey to retain  
7 your notes, and as you say, perform standard or best  
8 practices. You did not. Your investigation led to  
9 the destruction of not only my career, but my  
10 reputation. And today, you were given the  
11 opportunity to express regret-- and he's not even in  
12 the room-- for the depiction of my character and my  
13 reputation. You chose to be silent and that silence  
14 is deafening to me, my four children, and to the City  
15 of New York. What a shame. Randy Mastro was a  
16 conniving and ruthless politician and political  
17 operative who happens to be an attorney. When would  
18 somebody hire Randy Mastro? Perhaps you hire him  
19 when you need to threaten or scare someone or when  
20 you need to take someone down for your own political  
21 security or when you need a scapegoat to get you out  
22 of trouble. He's really good at what he does. He'll  
23 do whatever he needs to and goes after anyone that  
24 stands in the way of his principal at whatever cost.  
25 In my case, it was Governor Chris Christie. Someone

2 need to have him take the fall-- take the fall for  
3 him. Randy Mastro embodied something that both  
4 Democrats and Republicans need to rid from our  
5 system. He will try to embarrass us all, including  
6 the members of this committee and the City Council,  
7 and that is guaranteed if any of you stand in his  
8 way. confirming Randy Mastro to serve as Corporation  
9 Counsel to the City of New York will send a very  
10 strong and direct message to every woman who has ever  
11 been scapegoated or slut-shamed to protect a man in  
12 power, and unfortunately, there are far too many of  
13 us to whom that resonates. And while many citizens  
14 of the City of New York will not follow this  
15 appointment process or understand the work of the  
16 Corporation Counsel, it will wreak of the same old,  
17 same old, and I know you are all smart enough to know  
18 that things like that are why people lose faith in  
19 our government. At some point, this division that we  
20 have in politics, this sort of win at all costs  
21 mentality must end. We interact as enemies at the  
22 expense of others and the common goal of a better and  
23 honest system is lost. Good people don't want to run  
24 for office, much less work in government anymore.  
25 This distrust is destroying the core of our

2 democracy. Members of this committee, I am  
3 respectfully asking and strongly suggesting that you  
4 take a step to end that distrust and send the right  
5 message to the City of New York and to your neighbors  
6 in New Jersey by opposing the nomination of Randy  
7 Mastro as Corporation Counsel. And to be clear, and  
8 to use Mr. Mastro's words before he does, my  
9 testimony is not an unfair characterization. Thank  
10 you.

11 CHAIRPERSON POWERS: Thank you.

12 SPEAKER ADAMS: Thank you so much, Ms.  
13 Kelly, for being here.

14 BRIDGET ANNE KELLY: Thank you.

15 SPEAKER ADAMS: We certainly feel your  
16 pain. We watched your ordeal, as I'm sure a lot of  
17 the nation watched your ordeal through Bridgegate,  
18 and your courage is admirable.

19 BRIDGET ANNE KELLY: Thank you.

20 SPEAKER ADAMS: I'd just like for this  
21 panel and those who are still here in the Chamber to  
22 know and hear from you specifically the impact of  
23 Bridgegate on your life then and where you are now in  
24 2024.

2 BRIDGET ANNE KELLY: Well, for the record  
3 I'm in severe PTSD therapy. I thought that at the  
4 time the worst thing, when this all unfolded in 2014,  
5 that the worst thing that was going to happen was a  
6 committee investigation, and I truly believed and was  
7 told to believe and assigned an attorney by the  
8 former governor that was going to protect me, that  
9 the worst was going to be a committee hearing. And  
10 as you all know, you have committee hearings to  
11 investigate and whatnot, and then you know, what  
12 happened was, my attorney, once I downloaded to him,  
13 he dropped me, because I told him what I knew, and I  
14 wound up having to get one of the best criminal  
15 defense attorneys in the state, if not the country.  
16 But funny thing was, the committee hearing wasn't  
17 really going to be the worst thing. There was the  
18 hiring of Randy Mastro and his team of former U.S.  
19 Attorneys, some of which worked with Chris Christie,  
20 some of which who had fund raisers for Mr. Christie  
21 when he was running for president, some of which  
22 whose children worked for me in the Governor's  
23 Office. He, Mr. Mastro, I mean, it was amazing. He  
24 has a full investigation of all the things in Chris  
25 Christie's Office done in like six weeks to the tune

2 of \$9 million, and he solved the whole thing, solved  
3 the whole thing. Gave the U.S. Attorney his little  
4 script, and then they went about it. Prior to, Madam  
5 Speaker, MeToo hadn't come to-- hadn't come to a  
6 head, if we're going to talk about things. MeToo was  
7 not something that people were talking about in 2014  
8 yet. It hadn't come to the forefront and hadn't come  
9 to be an issue whereby women were comfortable  
10 speaking out. The Mastro report came out. I was at  
11 my attorney's office watching it. Mr. Mastro had, I  
12 think, a press conference that lasted about an hour  
13 and a half, holding up his documentation, his--  
14 however many page word report with all these  
15 interviews of people that were my friends. And very  
16 interesting, my romantic life and my personal life  
17 became the subject of the Mastro Report, and that I  
18 was an unstable-- I looked for approval for men for  
19 things. I worked in government for 20 years for some  
20 pretty powerful men and women. I had respect from  
21 both sides of the aisle and I was damn good at what I  
22 did. And so I didn't need any-- any approval from  
23 any man. I joke with people that he gave Bill Stepien  
24 who, you know, apparently I was so broken-hearted I  
25 closed the George Washington Bridge when he broke my

2 heart. Crazy. He gave Bill Stepien much too much  
3 credit. I didn't close the lanes of the bridge. The  
4 bridge was never closed, but we're not debating  
5 Bridgegate. His personal attacks on my state of  
6 mind, on my work product, was all reliant on almost  
7 like office gossip or what do they call that, coffee-  
8 - around the water cooler chatter. And he sat and  
9 his team of attorneys interviewed people, but with no  
10 notes, and they went back to their offices and wrote  
11 up their own little harlequin novel, but it's almost  
12 like they had a script, and this came out, and Madam  
13 Speaker, I was so floored and I was so hurt. I have  
14 two daughters, one is with me today, Mary Kate. At  
15 the time, they were much younger. They were 17 and  
16 seven. And the first person that came out to fi--  
17 was the Chair of the Joint Committee on Bridgegate,  
18 and it was Senator Loretta Weinberg who no longer is  
19 in the Senate, but let me tell you something, she  
20 told Randy Mastro where to go with that report, and  
21 she said it was sexist. She said it was slut-  
22 shaming, and she was right. But I have to tell you,  
23 at the time things were just getting worse legally,  
24 and it was almost like I had to put that behind me to  
25 deal with the fact that I was now going to be-- I was

2 under federal investigation. I was then indicted. I  
3 was then-- went to trial. I was then convicted on  
4 nine counts, two of which were thrown out. Sentenced  
5 to prison twice, once for 18 months, once for 13  
6 months, and then the United Supreme Court took my  
7 case, and they get 10,000 requests a year and they  
8 take 75 cases. I was nine days away from leaving for  
9 prison, nine. Leaving my kids. My ex-husband was  
10 moving in. My girlfriends had packed me all up, and  
11 I was going to West Virginia. So, talking to your  
12 kids about going to prison for something you didn't  
13 do, that someone-- it was really hard, and so  
14 fighting that battle for a good seven years, I knew  
15 my reputation was such-- was so tarnished, but then I  
16 win at the highest level, the highest level. I went  
17 to the United States Supreme Court and my case was--  
18 and he touted it today-- unanimously overturned like  
19 he played a part in it. Do you know I can't get a  
20 job in government? Nobody will talk to me. I worked  
21 in government for 20 years. It's the only job I ever  
22 had and I loved it, and I miss it every day. I walk  
23 into the chambers and I'm like a nerd. I'm so excited  
24 to be here, but for the worst reasons. So, I lost my  
25 career. My kids lost a part of their mom. It taught

2 my kids something that I, you know-- they always say  
3 what doesn't kill you makes you stronger. I joked  
4 with the kids it was a good college essay subject.  
5 But it's not funny. It's my life and it's their  
6 life. So, he had an opportunity today when  
7 Councilwoman Farías asked if he regretted his  
8 depiction of me. He has a daughter and a wife  
9 sitting here and he was silent. And I would tell  
10 you right no, I am so impressed that you have a  
11 majority of women on your council. That speaks  
12 volumes. I don't care if you're democrat or  
13 republican. The issue is women. The issue is being  
14 treated differently, and the issue is decency. And I  
15 [inaudible] I have so many trust issues. I have so  
16 many-- and I'm airing my dirty laundry, but it's  
17 really true. The trauma from this has almost killed  
18 me, and he kicked it off, and he supported it, and he  
19 could have said something today, not that it would  
20 have made it better, but to show maybe somebody that  
21 he has a soul, but I'm not sure he does.

22 SPEAKER ADAMS: Thank you very much, Ms.  
23 Kelly. Thank you for your testimony. Thank you for  
24 your strength.

25 BRIDGET ANNE KELLY: Thank you.

2 Thank you for testifying today, Ms.  
3 Kelly. Just a couple thoughts run through my head.  
4 One, I do want to double-down on what the Speaker  
5 said. Thank you for being here. We applaud you for  
6 being here. That's brave. This-- if this incident  
7 occurred a few years-- this incident occurred a few  
8 years before the MeToo movement. Do you think your  
9 experience would have been viewed differently if it  
10 happened today?

11 BRIDGET ANNE KELLY: I do. And I'd only  
12 say that because unfortunately I think situations  
13 where there is sexism or slut-shaming happens  
14 probably every day in the office, and it's not just  
15 women. It's now happening in women and men. It's  
16 discrimination. It's everything. But I think  
17 because famous people started doing it, people felt  
18 more comfortable to talk about it. And so for mem,  
19 when it happened, it was kind of like-- and again,  
20 there are a lot of people afraid of Chris Christie.  
21 So a lot of people that I know who claim to be all  
22 these women's rights and all my Republican friends  
23 all forgot to say something when the report came out,  
24 and they still have forgotten to say things. That  
25 report was blatantly sexist, and the silence was

2 deafening then, too, and I think it was under-- I  
3 think people are still threatened. So I give any  
4 woman that comes forward so much credit because it's  
5 not easy. And I never felt-- what's so funny, and I  
6 think back-- I never felt that intimidated in the  
7 office, because I was so confident at my job. I  
8 really was very good at my job, and I'm not a  
9 confident person. I'm not an egomaniac. I loved what  
10 I did and I worked with both sides of the aisle. I  
11 never felt-- you know, I mean, there's legislators,  
12 there's this-- there's always something, but I never  
13 was-- I never needed anybody's approval because I was  
14 good at what I did. And so, I think that because  
15 really big stars started to come out and it came out  
16 that really big names were being abusive to women, I  
17 think it gave women the confidence. So I'm not  
18 saying that I wished this would have happened a year  
19 or two later. I wish it never happened, because--

20 COUNCIL MEMBER FARIÁS: [interposing]

21 Sure.

22 BRIDGET ANNE KELLY: it really did ruin  
23 my life, and I hope he can sleep at night, but--  
24 because I can't. But at the end of the day, I think  
25 it would have been handled differently, but I also--

2 I would hope no attorney or everybody would ever go  
3 there again. It's none of anybody's business, and my  
4 personal relationship had zero to do-- and he said it  
5 again today, oh, it was her state of mind. Who is he  
6 to talk about my state of mind? Right now? Yeah,  
7 sure you can talk about my state of mind. I am in  
8 PTSD therapy. I should be billing him for it.

9 COUNCIL MEMBER FARIÁS: And so thank you  
10 for that response. You answered a couple of the  
11 questions--

12 BRIDGET ANNE KELLY: [interposing] sorry.

13 COUNCIL MEMBER FARIÁS: No, no, no. You  
14 know, I appreciate you just being open. The last  
15 question I have-- Mr. Mastro claimed no one had been  
16 found to do any wrongdoing, and this his report and  
17 the Supreme Court's decision came to the same  
18 concussion. Would you like to respond to that?

19 BRIDGET ANNE KELLY: I mean, I'm sure  
20 that the taxpayers of the State of New Jersey would  
21 have liked Mr. Mastro to be the, you know, the  
22 arbiter of all the truths in the world, but you know,  
23 and for seven years I had to fight this battle. I  
24 don't know that Mr. Mastro knows exactly what  
25 happened, because I think he talked to the wrong

2 people. Mr. Mastro did ask to interview me, and that  
3 would be like, you know, probably one of the stupider  
4 things I would ever do, because he was hired by the  
5 exact man by whom I worked for, and it came to light  
6 during the trial many times, who knew what and when.  
7 So, I find it unfortunate, and somebody I think-- the  
8 woman who was sitting here before talked about  
9 revisionist history. We have a lot of people  
10 unfortunately in government that do that. And it's  
11 unfortunate. It's sad, and I'm just disappointed.  
12 My dad always says to me it's worse to be  
13 disappointed than mad, and I-- to be disappointed by  
14 the government for whom I worked and then the people  
15 with whom I worked, and then furthermore by somebody  
16 who doesn't even know, and then to cast me in that  
17 light, it hurts.

18 COUNCIL MEMBER FARIÁS: Thank you for  
19 your response.

20 BRIDGET ANNE KELLY: Thank you.

21 CHAIRPERSON POWERS: Thank you. Do we  
22 have any other questions or comments? Okay, thank  
23 you for your testimony--

24 BRIDGET ANNE KELLY: [interposing] Thank  
25 you all very, very much.

2 CHAIRPERSON POWERS: and for being here.

3 COMMITTEE COUNSEL: Next panel is Fran  
4 Reiter, Ninfa Segarra, and Rudy Washington. That  
5 panel will be followed by Seth Pollock, Housing  
6 Works, and Darius Gordon [sp?] from Met [sic]  
7 Council.

8 CHAIRPERSON POWERS: Thank you. I think  
9 you're all alone. State your name and title  
10 affiliation and we'll put you on the two minutes and  
11 ask questions--

12 RUDY WASHINGTON: [interposing] Yeah, oh  
13 well. Good evening, Mr. Chairman, Madam Speaker.  
14 I'd first like to start out by simply saying, Madam  
15 Speaker, I grew up in your district and my family  
16 migrated from the south fleeing the Klan and as a  
17 result of that, I grew up with the suspicion of white  
18 folks. I give that backdrop because I first met  
19 Randy in 1993, and at that time there was-- I had  
20 nobody in my circle that was white. I had no white  
21 friends. I didn't know anybody from the white  
22 community, and I met Randy, and I consider myself a  
23 fairly good judge of character. We instantly bonded  
24 in '93, and little did I know, a year and a half  
25 later, he would be somebody I'm counting on to cover

2 my back when organized crime was coming after us. I  
3 too lived under, my kids lived under, my wife lived  
4 under, for two years, two and a half years, of police  
5 protection, you know, from the Fulton Fish Market,  
6 and it got messy, and I won't bother you with the  
7 details. But after that fight, Randy dragged me into  
8 another fight, and that was with the carting industry  
9 which was the Genovese crime family, and once again,  
10 we lived through that. I want to correct the record  
11 on something that I think was deliberately distorted  
12 back in the day, back in the day, by the New York  
13 Times. The minority program, I've heard it from the  
14 Council. I've heard people speak about it. That  
15 program was built upon the antidote of my company. I  
16 was 60 percent of what made Mayor Dinkins program. I  
17 testified. I submitted written testimony, and  
18 unfortunately at the end of Mayor Dinkins  
19 Administration, when he was prepared to roll it out,  
20 the lawsuits flew, and it was from the General  
21 Contractors Association. They stopped the program,  
22 and it was Randy Mastro who I went to and devised  
23 another way of tackling that issue, and that was to  
24 put me on the Policy Procurement Board where I  
25 changed the rules that Commissioners could now do

2 sole-source purchasing. I planted, Madam Speaker, on  
3 168<sup>th</sup> Street in Jamaica, a business development  
4 center. I also put one in Harlem on 116<sup>th</sup> Street at  
5 the Malcolm Shabazz Mosque, a business development  
6 center. And it escapes me now-- we put one in  
7 Brooklyn, and then we worked with minority firms and  
8 we had our commissioners do sole-source procurement  
9 and got numbers larger than anybody had gotten  
10 before, but the Times wouldn't print that. They  
11 wouldn't put it out there, alright? When I wanted to  
12 transform and do work in Harlem, I wanted to compete  
13 against seven cities. I need \$100 million to submit  
14 my proposal to reform 125<sup>th</sup> Street. Those bean  
15 counters at OMB, which you guys are familiar with,  
16 wasn't going to give me \$100 million up front to show  
17 the Federal Government that it's in place and nobody  
18 could pull it back. It was Randy who went to bat  
19 with me to fight OMB and convince the Mayor that \$300  
20 million would be a good investment in Harlem starting  
21 with Home Depot on the east, and all the way to the  
22 west, from river to river reforming Harlem. I mean,  
23 we did some good work together. And I'd just like to  
24 say, I watched and was at his wedding. I was with  
25 him when his child was born. My daughter calls him

2 her godfather. We have dinner probably twice a  
3 month, once every two months, and we're not having  
4 dinner, we touching base and he's checking on me.  
5 Lastly, I'll leave you with this, very few people  
6 know this, but I was the person that did the first  
7 rescue and search operation 9/11, and yes, I remember  
8 because I had major concerns when Christie Whitman  
9 [sp?] said, oh, the air was fine. All that  
10 equipment, that was me, up front. Three days later I  
11 was in intensive care at Beth-Israel.

12 CHAIRPERSON POWERS: I just want to stop  
13 you there, because we have a few people who have to  
14 leave very soon who want to also have an opportunity  
15 to testify.

16 RUDY WASHINGTON: Okay, well--

17 CHAIRPERSON POWERS: [interposing] We're  
18 going to call.

19 RUDY WASHINGTON: Alright, let me just say  
20 this, Chairman--

21 CHAIRPERSON POWERS: [interposing] You can  
22 go ahead, sorry.

23 RUDY WASHINGTON: and I'll wrap it. when  
24 leaving government in 02, I wind up being sick a  
25 number of times, and when I applied to have my

2 medical-- I was just looking for medical coverage,  
3 the City denied me, and I found the City was denying  
4 every first responder, firemen, policemen,  
5 construction workers, and I went to Randy and he  
6 vetted my legal team, went after the City, and we won  
7 for every first responder that's receiving healthcare  
8 today. And as Randy said, he's been through this  
9 with me. I lost track of the operations. My last  
10 one was in February of this year, and I'm still  
11 recovering, and he's been there for me. His family's  
12 been there for me. So, thank you, for giving me this  
13 time.

14 CHAIRPERSON POWERS: Thank you. You can  
15 stay, we might have questions, as well. You can stay.  
16 I think we might call one other-- do we have anybody?  
17 Any Council Members have questions? Okay, thank you  
18 for your testimony. Thank you for your patience as  
19 well.

20 COMMITTEE COUNSEL: We'll hear from  
21 Veronica Moye next.

22 VERONICA MOYE: Thank you those of you  
23 who are willing to stay this long. I know it's been  
24 a long, exhausting day, and I have sat here patiently  
25 because I was so anxious to speak to you. My name is

2 Veronica Moyer. I'm a partner at King and Spalding. I  
3 was previously partner at Gibson Dunn, and at both  
4 law firms have worked closely with Randy Mastro. We  
5 started out as colleagues and became dear friends  
6 over the years, and I have listened to the  
7 proceedings today, and I think the most I can offer  
8 to you now is an answer to the question that was  
9 raised earlier. Randy was asked how can we be sure  
10 that you will run a diverse and equitable  
11 organization if you're Corporation Counsel. And I  
12 want to share that you-- from my personal experience,  
13 you can absolutely be sure. Randy mentioned multiple  
14 times he record from Gibson Dunn, how he grew from  
15 zero to 30 percent of women partners in the New York  
16 office alone. That same commitment to diversity and  
17 inclusion was repeated around the law firm, not just  
18 in the New York office. And the one thing I wanted  
19 to point out is, Randy was not a person-- he's not a  
20 person who just makes statements about the importance  
21 of diversity. He does the hard work, the daily  
22 sustaining work of promoting diverse lawyers. I'll  
23 just give you one small example of the personal  
24 sacrifices that he has made to support me. Randy  
25 once flew to Dallas to help me secure retention in a

2 high-profile case with billions of dollars in  
3 exposure, a case that was very important to my career  
4 for me to lead. We ended up getting the case, and it  
5 ultimately led to novel, precedent-setting case law.  
6 What I found out probably a year after Randy did  
7 that, was that he had actually flown to Dallas on his  
8 birthday and was late for his own birthday party,  
9 because he wanted to support me. He wanted us to get  
10 this case. He was invested in my success. I have now  
11 repeatedly been recognized by benchmark litigation as  
12 one of the top 100 trial lawyers in America along  
13 with Randy. Randy was instrumental to my success, and  
14 I say that despite the fact that I have strong,  
15 academic credentials. I have an undergraduate degree  
16 from the Massachusetts Institute of Technology, and  
17 Speaker Adams, I have to say where I pledged my  
18 cherish sorority Alpha Kappa Alpha. I have been  
19 admiring your cup all day. I have a law degree from  
20 Harvard Law School, but I did not come from a place  
21 where there was exposure to the practice of law.  
22 Neither of my parents went to college. My  
23 grandparents did not have the opportunity to graduate  
24 from high school. So what I needed was what I called  
25 a door-opener, someone who could help me open the

2 doors to help me succeed in what remains a  
3 predominantly white, predominantly male law firm  
4 world, people who can get you in the room to even be  
5 considered for the important opportunities. Randy was  
6 a door-opener for me, and he was for many others, and  
7 that's how we got to that 30 percent, that sustained  
8 commitment. This is a man of the highest integrity  
9 that I have trusted on so many matters, and I just  
10 want you to know that you can be absolutely certain  
11 that his commitment to diversity and inclusion is  
12 absolutely real.

13 CHAIRPERSON POWERS: Thank you for your  
14 testimony. Thank you for your patience here as well.  
15 A long day. Do we have questions from Council  
16 Members? Okay, thank you for being with us, and  
17 thank you for your patience.

18 COMMITTEE COUNSEL: the next panel will  
19 be Darius Gordon, Seth Pollock [sp?], Victor Pate,  
20 Natalie Druce, Donovan Taveras, and Darren Mack.

21 DARIUS GORDON: Good evening Council  
22 Members.

23 CHAIRPERSON POWERS: Just give us one  
24 second. We'll have folks come up [inaudible] and  
25 then we'll go. Alright, you can go ahead. Thanks.

2 DARIUS GORDON: Thank you. Good evening  
3 and thank you all for your patience. My name is  
4 Darius Kahlil Gordon. I'm the Executive Director for  
5 Met Council on Housing, and I'm here to tell you  
6 exactly why we're vehemently opposed Randy Mastro  
7 being appointed Corporation Counsel. Let's not mince  
8 words. Randy Mastro has spent the last 30 years as a  
9 relentless enemy of tenants. His legacy is  
10 destruction. Starting with his crucial role in 1994  
11 under the Giuliani Administration where he was  
12 instrumental in pushing vacancy decontrol. His  
13 disastrous policies gutted rent stabilized housing  
14 across New York City, allowing landlords to jack up  
15 rents and displace countless working-class New  
16 Yorkers. And what did Mastro do? He stood by while  
17 the City lost the power to protect its tenants,  
18 ensuring that the damage was irreversible. After his  
19 stint at the Mayor's Office, Mastro didn't stop  
20 there. He returned to private practice, becoming the  
21 go-to guy for landlords and the Rent Stabilization  
22 Association. Time and time again he's taken up arms  
23 against tenants, fighting tooth and nail to destroy  
24 rent regulations and strip away tenant protections.  
25 During COVID-19 pandemic, when tenants struggled to

2 survive, Mastro led a heartless crusade to overturn  
3 eviction protections, taking it all the way to the  
4 U.S. Supreme Court. And now, as if is past  
5 portrayals weren't enough, he's at it again, this  
6 time trying to dismantle New York's Housing Stability  
7 and Tenant Protection Act of 2019. This man has a  
8 long history of siding with landlords, pushing for  
9 policies that make it easier to evict, displace, and  
10 exploit tenants. He's not a champion for renters.  
11 He's a hired gun for the highest bidder. Make no  
12 mistake, Randy Mastro isn't about creating a better  
13 New York for all of us. He is about lining the  
14 pockets of landlords and developers at the expense of  
15 those who live here. Mayor Adams suggestion for  
16 Mastro's involvement is a red flag, a sign that his  
17 housing plan, including the City of Yes, is designed  
18 to trample over tenant's rights and dismantle the  
19 progress that we have fought to achieve. Met Council  
20 will not stand for this. I repeat, Met Council will  
21 not stand for this. We're here to say not to Randy  
22 Mastro becoming the Corporation Counsel and to any  
23 initiative or person that puts property over people.  
24 We will fight tooth and nail to protect tenants,  
25 preserve affordable housing, and ensure that the City

2 remains a place we all, not just for the wealthy, can  
3 call home. Thank you.

4 NATALIE DRUCE: Thank you Chair Powers  
5 and members of the Rules Committee for the  
6 opportunity to testify before you today. My name is  
7 a Natalie Druce and I'm a Staff Attorney at the  
8 Safety Net Project at the Urban Justice Center. For  
9 over 40 years the Safety Net Project, or SNP, has  
10 provided free legal services to thousands of low and  
11 no-income New Yorkers citywide. Our services include  
12 helping tenants avoid eviction, address repairs and  
13 landlord harassment, securing crucial public benefits  
14 and enforcing the rights of homeless New Yorkers. SNP  
15 encompasses an organized member base with lived  
16 experience in poverty and homelessness, the Safety  
17 Net activist who organize campaigns to address  
18 homelessness and welfare issues. We work extensively  
19 on homelessness issues including advocacy around the  
20 rights of homeless New Yorkers in the shelter system  
21 and in the streets. We were one of the organizations  
22 that led the Homeless Can't Stay Home campaign during  
23 the pandemic, advocating for safe shelter for  
24 homeless New Yorkers when COVID was at its peak. I'm  
25 here today to voice our organization's concerns

2 regarding the nomination of Randy Mastro as  
3 Corporation Counsel. Mr. Mastro has a history of  
4 anti-homeless and anti-tenant activity, including  
5 engaging in litigation to oppose homeless shelters in  
6 wealthy neighborhoods. He has previously represented  
7 groups trying to prevent the opening of shelters on  
8 the Upper East Side and Billionaire's Row. As we  
9 have heard today, Mr. Mastro represented a group of  
10 upper west side residents who after publicly  
11 expressing virulent, anti-homeless views sought to  
12 shut down a de-densification shelter at the Lucerne  
13 hotel where over 200 homeless men were residing.  
14 These men had been transferred from unsafe congregate  
15 shelters where the risk of infection from COVID-19  
16 was unacceptably high, in part due to advocacy from  
17 groups like ours. Mr. Mastro deployed unscrupulous  
18 tactics during this case, including hiring former  
19 police officers to masquerade as plumbers, gain  
20 access to a former Lucerne resident's new home and  
21 take photographs of him shirtless. Regardless of his  
22 legal objectives, the unethical matter in which he  
23 pursued them is what concerns us. Mr. Mastro has also  
24 repeatedly represented landlords seeking to undo  
25 legal protections for tenants. This includes the

2 Supreme Court challenge to the HSTPA and a 2021  
3 lawsuit in which he represented landlords opposed to  
4 the pandemic-era eviction moratorium. New York City  
5 is experiencing an acute housing affordability and  
6 homelessness crisis. The City claims that the  
7 shelter system does not have the capacity to  
8 accommodate everyone, and as a result has set up a  
9 separate and unequal shelter system for recent  
10 immigrants, and is evicting those residents into  
11 street homelessness after their stays expire. There  
12 is clearly a need for expanded shelter capacity, and  
13 yet in some neighborhoods aided by attorneys like Mr.  
14 Mastro, residents oppose shelters and seek to keep  
15 homeless New Yorkers away entirely. Against this  
16 backdrop it is deeply concerning that the  
17 Administration would seek to appoint an individuals  
18 with a track record of attacking the rights and  
19 interests of tenants and unhoused people to be the  
20 City's top lawyer. Given Corporation Counsel's role  
21 in defending lawsuits involving allegations of  
22 government misconduct, Mr. Mastro's history of  
23 engaging in unscrupulous conduct during litigation is  
24 also a cause for great concern. For these reasons,  
25 our organizations has serious doubts that Mr.

2 Mastro's appointment as Corporation Counsel is in the  
3 best interest of New Yorkers at-large and in  
4 particular the interest of low-income homeless New  
5 Yorkers. Thank you for your time today.

6 CHAIRPERSON POWERS: Thanks.

7 DONOVAN TAVERAS: Good evening and thank  
8 you, Speaker Adams, Chairman Powers, and members of  
9 the City Council who are still here. My name is  
10 Donovan Taveras. I was born and raised in Bushwick,  
11 Brooklyn and I am the Community Safety Coordinator  
12 for the Justice Committee, a 40-year-old grassroots  
13 organization that is dedicated to building a movement  
14 against police violence and systemic racism in New  
15 York City. It is through this lens and this  
16 expertise that the Justice Committee strongly opposes  
17 the appointment of Randy Mastro for Corp Counsel.  
18 Given Mr. Mastro's long history of supporting racist  
19 policing and other racist policies as part of the  
20 Giuliani Administration, his return to New York City  
21 government as Corp Counsel will only serve to further  
22 Mayor Adams' agenda to erode police accountability  
23 and build New York City as a police state. Mastro  
24 played an essential role in the Giuliani  
25 Administration under which the NYPD murdered Anthony

2 Baez [sp?], Antonio Rosario [sp?], Hilton Vega, Yung  
3 Sin Wan [sp?], Amadou Diallo, [inaudible], Frankie  
4 Aswaga [sp?], and Nicholas Heyward Junior [sp?].

5 Along with joining Giuliani in ridiculing police  
6 accountability recommendations, Mastro defended  
7 Giuliani's violent Broken Windows policing that  
8 plagued Black and Latin communities and set the stage  
9 for further ballooning of unconstitutional stop-and-  
10 frisk under Mayor Bloomberg which is resurging under  
11 Eric Adams. Since he took office as Mayor, Eric  
12 Adams has been working to expand the NYPD's power and  
13 role in New Yorkers' lives and shield abusive  
14 officers from accountability. Mayor Adams' Charter  
15 Revision proposal to complicate the process for  
16 passing public safety legislation is case in point,  
17 as is the systemic burying of police misconduct  
18 complaints during his tenure as mayor and his refusal  
19 to ensure accountability for the officers who killed  
20 Kawaski Trawick. With the families of Win Rosario,  
21 Alan Feliz, Delrawn Small, and Antonio Williams in  
22 the mist of fighting for the officers who killed  
23 their loved ones to be fired, we're deeply concerned  
24 about what a Mastro Corporation Counsel appointment  
25 would mean, especially given that this position

2 represents the CCRB when police union attorneys use  
3 bogus legal maneuvers to delay administrative trials.  
4 If his appointment is confirmed, Mastro would be at  
5 the legal helm as the Adams Administration continues  
6 to erode police accountability while working to  
7 expand the NYPD's power to use force against,  
8 involuntary removal from public spaces, and  
9 hospitalize New Yorkers without suspicion of  
10 criminality. As an organization dedicated to true  
11 safety for all New Yorkers, the Justice Committee  
12 urges the City Council to reject Mastro's nomination.  
13 Thank you.

14 CHAIRPERSON POWERS: Thank you. No  
15 questions. Thank you guys. Thanks for your patience.  
16 Thanks for being here.

17 COMMITTEE COUNSEL: Our next panel will  
18 be from Zoom. We will have Iris Baez [sp?] and Kelly  
19 Grace Price.

20 SERGEANT AT ARMS: Your time has begun.  
21 You may begin.

22 COMMITTEE COUNSEL: While we're figuring  
23 out the Zoom, we're going to move to an in-person  
24 panel.

25 IRIS BAEZ: Hello?

2 COMMITTEE COUNSEL: Are you there on  
3 Zoom?

4 CHAIRPERSON POWERS: yes, hello.

5 IRIS BAEZ: Yes.

6 CHAIRPERSON POWERS: You can go ahead.

7 IRIS BAEZ: Oh, okay. As someone who  
8 lived through Giuliani, I'm here today to tell the  
9 City Council you must reject Mayor Adams appointee to  
10 Randy Mastro. Back then Mastro was rightfully called  
11 Giuliani's Pit Bull. He spent years defending  
12 blatant abusive policing by Giuliani NYPD. Mastro,  
13 Giuliani's Chief of Staff, when my son was-- and  
14 Nicholas Heyward, and Anthony Rosaria, and Hilton  
15 Vega was murdered by NYPD. He defended Giuliani's  
16 Broken Window policing and target Black and Latino  
17 communities like mine, the South Bronx. The Deputy  
18 Mayor, he joined Giuliani in marking [sic] and  
19 dismissing nearly all of the 1998 commissioners of  
20 the Taskforce for Police Community Relations.  
21 Already, Randy Mastro to become Corp Counsel in  
22 change 800 lawyers could be disaster for New York  
23 City. It would mean changing the legal regime and  
24 support and NYPD excessive force, racial profiling,  
25 and citizenship of poor and low-income community of

2 color. I urge the City Council to reject Mayor Adams  
3 appointing of Randy Mastro to Corp Counsel. Thank  
4 you.

5 SERGEANT AT ARMS: Your time is expired.

6 CHAIRPERSON POWERS: Thank you. We have  
7 one question for you, I think Speaker is going to ask  
8 a question if you can hear.

9 SPEAKER ADAMS: Ms. Baez, can you hear  
10 me?

11 IRIS BAEZ: Yes, I can.

12 SPEAKER ADAMS: Okay. Thank you so much  
13 for your testimony. This is Speaker Adams. I just  
14 have one question for you. What is your main concern  
15 about Mr. Mastro possibly being the City's top  
16 lawyer, your main concern?

17 IRIS BAEZ: My main concern would be he  
18 would go with the Mayor. Whatever the Mayor says he  
19 will do. That's my main concern. Because don't  
20 forget he was Giuliani's Pit Bull back then.  
21 Whatever Giuliani said he would [inaudible]. And now  
22 he's older, so now he's going to do the same thing  
23 with the Mayor.

24 SPEAKER ADAMS: So you--

25 IRIS BAEZ: Adams.

2 SPEAKER ADAMS: You believe that Mr.  
3 Mastro would side with the Mayor and not be--

4 IRIS BAEZ: [interposing] Yes.

5 SPEAKER ADAMS: Not be equally balanced  
6 as a representative for the City?

7 IRIS BAEZ: No he won't be--

8 SPEAKER ADAMS: [interposing] And the  
9 Council.

10 IRIS BAEZ: a representative for this  
11 city. He'll be for the Mayor and we can't keep on  
12 going back.

13 SPEAKER ADAMS: Thank you, Ms. Baez.

14 IRIS BAEZ: Thank you.

15 COMMITTEE COUNSEL: The next panel will  
16 be Janet Morgan, Beth Hatten [sp?], Muzzy Rosenblatt,  
17 and Devorah Halberstam. And while we're at it, we'll  
18 call Victor Kovner, [inaudible] David Sachs, and  
19 Judge Rolando Acosta [sp?].

20 JANET MORGAN: Good evening, Honorable  
21 Speaker Adams, Chairperson of the proceedings, the  
22 members of the City Council who are still here. My  
23 name is Janet Morgan, and I'm here to testify to my  
24 support for Randy Mastro. I have to say, though, I  
25 feel kind of like Barack Obama who didn't want to

2 come after, you know, speaking after Michelle, and  
3 I'm speaking after a host of people today. I have to  
4 say also that sadly, Rudy Giuliani has loomed over  
5 these proceedings like a Shakespearean apparition, a  
6 specter, Banquo's Ghost, to which I would say in the  
7 words of Lady Macbeth, "Out damned spot." We're here  
8 to talk about someone who isn't one iota like Rudy  
9 Giuliani. Randy Mastro was my attorney in the  
10 greatest crisis I ever faced in my life. On a  
11 morning in the spring of 1990, my phone rang. On the  
12 other end of the line was the voice of someone I did  
13 not know, Randy Mastro. Having followed my case, my  
14 suspension for now two years from my Social Studies  
15 teaching position in the Malverne School District on  
16 Long Island, suspended because of an essay I had  
17 assigned my students on racism. Randy was calling to  
18 offer to represent me pro bono. Randy Mastro's call  
19 came the morning after a brutal examination before  
20 trial regarding the civil rights law suit I had by  
21 then-- I was suspended in 1988. I had filed against  
22 Malverne. I was so nauseous. I was praying I would  
23 not throw up while Mr. Mastro was on the phone.  
24 Divine providence intervened, I believe, and I do  
25 believe that. Because of that I was able to continue

2 with the call. The reason the school superintendent  
3 involved himself in the matter of an assignment the  
4 teacher makes, which is unusual, was that a parent, a  
5 white parent had called the superintendent and  
6 complained about my essay assignment. A week or so  
7 after the essays had been graded and returned to  
8 students, my chairperson informed me that the  
9 superintendent wanted me to rescind the assignment.  
10 Unable, of course, to rescind and assignment, my  
11 chairperson returned with the order now, "Just count  
12 the student's grades," the grades that they had made  
13 on the essay. Absurd an order, unthinkable to even  
14 consider such, I refused. On the Friday of the  
15 beginning of the Memorial Day weekend, the  
16 superintendent's secretary came to me at the end of  
17 the day with a letter informing me of my suspension.  
18 My students, five classes, would return to class on  
19 Monday, their teacher gone. 1990, two years into the  
20 suspension, the State Commissioner of Education made  
21 his ruling that Malverne had made an impermissible  
22 intrusion into my classroom and ordered my  
23 reinstatement to my teaching position. That would  
24 not be the end for Malverne. Appealed the  
25 Commissioner's ruling to the Supreme Court of the

2 State of New York. This was when Randy Mastro  
3 assumed all matters related to my cases with a  
4 passion for right and a consummate zeal for social  
5 justice and the skill of one of the nation's best.  
6 Randy Mastro traveled to Albany to argue my case  
7 before the Supreme Court there. Consider that three  
8 and a half decades before what is branded and  
9 besmirched as DEI hiring of Blacks, me, and CRT,  
10 Critical Race Teaching, a time when across this  
11 nation my essay may likewise be banned. It is déjà  
12 vu. My case, a precursor three and a half decades  
13 ago before. There's no doubting certainly in my mind  
14 that Randy Mastro, had he not come into my life, I  
15 would have had no more career. I was financially  
16 destitute. When I mortgaged my home-- I'm-- I was  
17 single at that point. I had a mortgage. I mortgaged  
18 my home again. Had he not come into my life and  
19 taken my cases over, I would not have had a career at  
20 age 48-- of still a few years at that point, before  
21 retirement. I would have remained financially  
22 destitute. In addition to the fact that he-- the  
23 fight for me, he won the case before the Supreme  
24 Court, and he also represented me on my civil rights  
25 case, and managed-- won a settlement for me that

2 restored me to, you know, financial health. I hope  
3 in spite of some of the things that have been said  
4 here today, you will seriously consider people like  
5 me, you know, people of color. I mean, this is a man  
6 who fights for people of color. I believe you can  
7 entrust into him the position. I believe he will  
8 fight for all people, certainly fighting for people  
9 of color, racial justice, social justice. And thank  
10 you very much for your consideration.

11 CHAIRPERSON POWERS: Thank you. Thanks  
12 for sharing your story, as well.

13 [applause]

14 CHAIRPERSON POWERS: Thank you. We're  
15 going to move on. Hold your applause, please. You  
16 can go ahead.

17 JANET MORGAN: am I done?

18 CHAIRPERSON POWERS: You can stay there.  
19 We might have questions.

20 DEVORAH HALBERSTAM: Good evening,  
21 Speaker Adams, and Council Members that are here  
22 today. Thanks for hearing from me. First, I have to  
23 say for me it's déjà vu sitting in these chambers.  
24 I've sat here many a day, and I don't want to begin  
25 to cry, but I will. But I have to stand up for the

2 Speaker, because she is very special. My name is  
3 Devorah Halberstam. It was a Tuesday morning March  
4 1<sup>st</sup>, 1994, 10:21 to be exact. My teenage son Ari who  
5 was traveling in van with his school mates were  
6 attacked by a terrorist with a barrage of bullets and  
7 an arsenal of weapons. My son Ari was shot in the  
8 head with a Uzi machine gun and died in the worst  
9 anti-Semitic attack, fueled by hate, this city has  
10 ever seen to-date. Please, just look out the window  
11 and be with me in the moment. He was murdered on the  
12 Brooklyn Bridge. On that day, at that moment, my  
13 life was changed forever. We became victims of hate  
14 and terrorism. Being a victim is not a state of  
15 mind. It takes courage survive the death of your  
16 child, and I speak for all moms whose children were  
17 taken from them. There is no freedom for us. Our  
18 loss informs our decisions in life going forward,  
19 and there were many, beginning the burial, the long  
20 road ahead through the criminal justice system, the  
21 emotional toll this takes on a family, the domino  
22 effect in our home life while keeping the memory of  
23 our Ari remembered. This is why I am here today, you  
24 know. They say it takes a village. We're here today  
25 to talk about the appointment of Randy Mastro for the

2 position of Corporation Counsel. It's not just a  
3 position to be filled. It is crucial that the person  
4 who fills this spot is a man of integrity, a man of  
5 wisdom, a man of compassion, and a man who knows how  
6 to get things done. I am here to talk about Randy,  
7 that person. I am witness to who Randy Mastro is and  
8 was. You cannot rewrite history. Randy was with us  
9 right from the day Ari was shot. He stood by us with  
10 strength and helped us through some of the most  
11 grueling days and agony, which none of you should  
12 ever know. He walked me through the criminal justice  
13 system. He was there with strength, advise, and  
14 knowledge, and guidance. He supported my vision for  
15 the Jewish Children's Museum that this Council  
16 carries on, memorializing Ari forever as a living and  
17 breathing space for children. He was there from the  
18 groundbreaking and contributed constantly until this  
19 very day. That has served three million children and  
20 families teaching them to respect and understand, to  
21 love and not to hate, to accept each other no matter  
22 who we are and where we come from. In over 30 years  
23 Randy has never asked me for anything, but he has  
24 always stood by me and my family until this very day.  
25 30 years has shown me who he is. Now is the time to

2 speak the truth and give credit. I have learned the  
3 workings of our city and government. I recommend to  
4 you a man with such vast knowledge and wisdom for the  
5 position of Corporation Counsel at this time in  
6 history. For this position you have to be wise, not  
7 just have wisdom, sometimes even Solomonic wisdom.  
8 You have to have integrity and leadership. Randy has  
9 those qualities. He is consistent and trustworthy.  
10 He will be an asset to this city. I know that this  
11 council is looking out for the people of the City. I  
12 am the people of the City. Randy will never fail you  
13 or the people of the City, I am sure of it. Thank  
14 you so much.

15 CHAIRPERSON POWERS: Thank you.

16 MUZZY ROSENBLATT: My name is Muzzy  
17 Rosenblatt. For 24 years I have led BRC, one of New  
18 York City's largest, most-effective, nonprofit  
19 organization serving people experiencing  
20 homelessness. For over a decade prior to that I  
21 served in city government under Mayors Koch, Dinkins,  
22 and Giuliani. I speak today in support of the  
23 nomination of Randy Mastro to be the City's next  
24 Corporation Counsel. I've known Randy professionally  
25 for over 30 years, and cannot imagine a better person

2 to serve in this role. I say this based on years of  
3 experience working directly with Randy in his  
4 capacity as BRC's attorney and years of working with  
5 him in city government. Randy defended BRC against a  
6 wealthy, well-organized, not-in-my-backyard coalition  
7 suing to stop us from siting, developing, and  
8 operating a shelter and treatment program in  
9 Manhattan's Chelsea neighborhood. Using their deep  
10 pockets, our opponents left no stone unturned in  
11 their efforts to destroy a project that would and now  
12 does deliver critical services for New Yorkers in  
13 need. His passion for justice would not let them  
14 stop us, and his brilliance as a lawyer stop them.  
15 He provided wise counsel and comprehensive strategy,  
16 vast knowledge of every aspect of state and local law  
17 and heartfelt conviction to ensure that the right to  
18 quality care of our city's most vulnerable would not  
19 be denied. Not only did Randy protect BRC's  
20 interest, he set new legal precedence that continued  
21 to protect the entirety of New York City's homeless  
22 shelter system. As this litigation went on for  
23 years, not once did Randy hesitate, tire, or back  
24 down. Simply put, BRC and people experiencing  
25 homelessness in New York City could not have had a

2 more dedicated or capable advocate. I also worked  
3 with Randy when we served together in city  
4 government. He championed the effort to implement  
5 the recommendations of the New York City Commission  
6 on Homelessness, a commission empowered by the  
7 previous mayor, leading to a transformation of how  
8 homeless services are provided. Together, we turned  
9 a failing shelter system into one that was robust and  
10 service-rich operated by a diverse array of New York  
11 City's best community-based nonprofits, delivering  
12 results for the people it served. Randy worked  
13 tirelessly to ensure more resources were spent on  
14 supportive and low-income housing, helped achieve new  
15 level of commitment between the city and state in the  
16 New York, New York Housing Program, and worked with  
17 the Clinton Administration to secure the largest  
18 federal commitment of resources to addressing  
19 homelessness in New York City at the time.

20 Throughout his career, Randy has been a fighter for  
21 the most vulnerable, willing to take on the most  
22 powerful, even if it meant risking his life. There  
23 could be no greater advocate for the City of New York  
24 or its residents than Randy Mastro. And I do just  
25 want to add-- it's not in my written testimony,

2 really how incredible it was to sit and listen to  
3 testimony from representatives of Met Council and  
4 Urban Justice, not that they were present that time,  
5 but at the time that the legislation that undid rent  
6 regulated house or minimized rent protections in the  
7 90s, Met council was led by somebody who went to  
8 prison for corruption, and its greatest benefactor,  
9 Speaker Silver, also went to prison for corruption,  
10 and he's the one that undid that law.

11 CHAIRPERSON POWERS: Thanks.

12 MUZZY ROSENBLATT: Similarly, the Urban  
13 Justice Center who we worked with closely or their  
14 clients regularly undermined our efforts to work with  
15 unhoused New Yorkers who had been placed in hotels  
16 during the COVID epidemic-- pandemic to find  
17 permanent housing.

18 CHAIRPERSON POWERS: Thank you.

19 MUZZY ROSENBLATT: Thank you.

20 CHAIRPERSON POWERS: Thank you guys.  
21 Thanks for being here.

22 COMMITTEE COUNSEL: We're next going to  
23 have our Zoom people. We have Matt Daus. Matt Daus  
24 on Zoom.

25 MATT DAUS: Hi.

2 COMMITTEE COUNSEL: And we're also going  
3 to have James Inniss from New York Communities for  
4 Change in-person.

5 CHAIRPERSON POWERS: Okay, Matt, you can  
6 go ahead-- two minutes.

7 MATT DAUS: Thank-- thank you. Can you  
8 hear me?

9 CHAIRPERSON POWERS: Yes.

10 MATT DAUS: Okay, great. Well, first of  
11 all, good evening, Speaker Adams, Chair Powers,  
12 members of the Rules and Privileges Committee. For  
13 those who are left, I've been watching this testimony  
14 from the very beginning. It's over 10 hours now. I  
15 don't-- I'm try to be a brief as I can. I'm here to  
16 testify on behalf of Randy Mastro to become the next  
17 Corporation Counsel in my individual capacity. I  
18 know some of the members-- or actually, a lot of the  
19 members of the committee-- I don't know who's left,  
20 but you know, I've already been in touch with some of  
21 them, you know, to voice my support, and I'm here to  
22 answer any questions after the testimony as well. I  
23 serve as-- for those of you who don't know me-- from  
24 the entry level on up to the top of New York City  
25 government for over 20 years. Left about 14 years

2 ago. I was a government lawyer when I started, and my  
3 tenure included service, you know, as first of all,  
4 as a human rights prosecutor with the Commission on  
5 Human Rights. I was Special Counsel to the New York  
6 City Trade Waste Commission where Randy was at the  
7 helm and I worked for him, he and Rudy Washington. He  
8 is now known as Vic [sic], as you know. I was also  
9 General Counsel for the Taxi and Limousine Commission  
10 as well as the New York City Community Development  
11 Agency, which is now known as DYCD. I'm the longest-  
12 serving former Taxi Commissioner. That's how many  
13 people know me, and I'm also a former Commissioner  
14 for the Civil Service Commission in New York City.  
15 I'm now back to practicing law and I'm an active  
16 member of the New York City Bar Association where I  
17 chair and co-chair committees and taskforces. I've  
18 known Randy for over 30 years as a friend, mentor,  
19 and colleague who I greatly respect and admire. Not  
20 only is he one of the best litigators in the United  
21 States, but he's a person of impeccable moral  
22 character and a former public servant who has  
23 improved the lives of millions of New Yorkers.

24 SERGEANT AT ARMS: Your time has expired.

2 MATTHEW DAUS: I would respectfully  
3 request that I continue with my testimony.

4 CHAIRPERSON POWERS: You can continue,  
5 but we--

6 MATTHEW DAUS: [inaudible]

7 CHAIRPERSON POWERS: You did use a lot of  
8 time on your resume.

9 MATTHEW DAUS: Please, I really--

10 CHAIRPERSON POWERS: Mr. Daus, Mr. Daus,  
11 I'm hearing you. You can make your statement, but we  
12 also are on a clock, so I need you to go ahead.

13 MATTHEW DAUS: You know, I have to-- can  
14 I just say something? I mean, I really think it's  
15 kind of unfair to let the public go last on a meeting  
16 like this where all--

17 CHAIRPERSON POWERS: [interposing] Mr.  
18 Daus, you can litigate this if you want to litigate  
19 this with me--

20 MATTHEW DAUS: [interposing] I'm not  
21 litigating anything. I mean, come on--

22 CHAIRPERSON POWERS: [interposing] Or you  
23 can make your statement. You can choose.

2 MATTHEW DAUS: Could I have-- as someone  
3 who served the City for 20 years, a minute to sum  
4 this up, please?

5 CHAIRPERSON POWERS: You can go ahead and  
6 sum up.

7 MATTHEW DAUS: Yeah, I know, it sounds  
8 like it may not matter anyways, but honestly, you  
9 know, he put his life on the line. I'm there because  
10 he's a friend, but he is-- honestly, I think after  
11 you listen to all the testimony that you heard here  
12 today, and I urge you to read my written testimony  
13 and all people who testified here today, you know, he  
14 represents the people like the District Attorney  
15 does. He's going to be independent. I know this. I  
16 know his character. I've known him for so many years.  
17 And you know, you can't have-- do good things in life  
18 without having people criticize you, you know, every  
19 once in a while. This is what happened today. I  
20 still think he's going to do an amazing job. I think  
21 you should give him a chance, and I refer to my  
22 testimony that's previous, and I really think the  
23 Council, you know, really should-- you know, I don't  
24 think the members of the Council here truly reflect  
25 the opinions of everybody in this city, and there's a

2 lot of people I know who are here to testify that had  
3 to leave, and that's just not fair. I respectfully  
4 request that you have a separate public hearing  
5 tomorrow or some other time where you hear from  
6 people from the public, because we're taxpayers, and  
7 I want Randy in there. And you could see he  
8 withstood hours and hours--

9 CHAIRPERSON POWERS: [interposing] Mr.  
10 Daus, thank you, we'll take that into consideration--

11 MATTHEW DAUS: [inaudible] And honestly, I  
12 think--

13 CHAIRPERSON POWERS: on the  
14 recommendation for a second hearing and we'll call up  
15 our next panel. Thank you.

16 COMMITTEE COUNSEL: The next person we'll  
17 hear from, if you don't mind-- we have one person on  
18 Zoom and it's Kelly Grace Price.

19 SERGEANT AT ARMS: Your time has begun.

20 KELLY GRACE PRICE: Hi, good evening.  
21 It's Kelly Grace Price from Close Rosie's. I've  
22 already turned in my written testimony and I'm not  
23 going to repeat what I've said verbatim. It's been a  
24 long day and no one listens to Zoom testimony. But  
25 sitting here today listening to this hearing, it's

2 clear that the City Council cannot approve the  
3 appointment of Randy Mastro to Corporation Counsel.  
4 Doing so would be an act of deliberate indifference  
5 that could open the City up to large-scale civil  
6 rights liability. There are tens of thousands of  
7 cases pending against the City, and we have heard Mr.  
8 Mastro already say that he will recuse himself of any  
9 case involving prior clients, but instead of  
10 providing a complete list of who those previous  
11 clients he has represented, he claims to have so  
12 little pull with his former law firm that they won't  
13 even provide him a list of people and entities that  
14 he has represented on behalf of that firm. This is  
15 at the same time that a recovering Governor appeared  
16 to testify on his behalf today. These statements  
17 strain credulity. I cannot believe that Mr. Mastro  
18 could not get a list of his previous clients from his  
19 previous law firm. But [inaudible] and Mastro's  
20 clients, because Mastro will have to recuse himself  
21 from any case involving a former client. The  
22 majority of his time will be tied up in debates about  
23 what case he can or can't participate in or manage,  
24 and we're not talking about insignificant clients. I  
25 already mentioned in my written testimony that I've

2 already field that the Child Victim Act cases that  
3 the Law Department is having to wrangle right now are  
4 a major boondoggle that the Law Department is failing  
5 to properly address. Many of those cases name the  
6 Roman Catholic Archdiocese of Brooklyn along with the  
7 City and the ACS or the previous child welfare  
8 agencies under the human services association as  
9 defendants. There are thousands of them. So, for  
10 Mastro to have to recuse him from this huge pack of  
11 cases along with others just creates so many problems  
12 and in fact opens the City up for liability because--

13 SERGEANT AT ARMS: [interposing] Your time  
14 is expired.

15 KELLY GRACE PRICE: Okay, thank you very  
16 much. I don't--

17 CHAIRPERSON POWERS: [interposing] Thank  
18 you.

19 KELLY GRACE PRICE: want to go on, but I  
20 just filed my written testimony.

21 CHAIRPERSON POWERS: thanks so much.  
22 Nice to hear from you. Go ahead.

23 JAMES INNESS: Hello, my name is James  
24 Inness. I run the public safety work at New York  
25 Communities for Change. We're an organization that

2 represents and organizes people of low-income in  
3 colored communities from the Bronx to Brooklyn to  
4 home owners in Queens. I just want to say we reject  
5 the nomination of this gentleman today. We see his  
6 nomination or if he was confirmed as the same as  
7 being a blood-thirsty fox guarding the hen house. A  
8 lot's been said about the gentleman today. I'm not  
9 going to go get into all of it, but I do have to--  
10 for my members-- speak to a couple of the low lights  
11 of his career, right? The gentleman abused the legal  
12 system on behalf of Chevron to persecute Steven  
13 Donziger who successfully represented the indigenous  
14 communities of Ecuador and got billions of dollars  
15 settlement. Steven had to spend 995 days on house  
16 arrest because of the legal abuses this gentleman did  
17 against him the courts. This gentleman also is suing  
18 the City to overthrow our landmark climate and jobs  
19 law, Local Law 97, and he's alleged-- he's assumed  
20 he's saying that the law is superseded by State law.  
21 So his argument is state law supersedes all  
22 municipality law on climate which is an absurd  
23 statement in itself. And these are things that  
24 affect us, my members. I just want to point out. Mr.  
25 Mastro was behind the long-running abusive

2 investigation into the New York State Working  
3 Families Party that made it harder for them to keep  
4 their ballot [sic] line [sic]. The gentleman is also  
5 Chris Christie and Phil Murphy's top lawyer to stop  
6 congestion pricing here in New York City. He is also  
7 James Dolan's lawyer, as we all heard, keeping other  
8 lawyers out of Madison Square Garden. And these are  
9 all the people, all the clients he had while he was  
10 broke and newly married leaving public service. I  
11 just want to point that out. We've heard a lot about  
12 the gentleman's housing and his representation of the  
13 Rent Stabilization Association. I'm just going to  
14 add, as recently as May of this year, he filed a writ  
15 with the Supreme Court to overthrow New York's  
16 Housing Stability and Tenant Protections Act. We're  
17 in the middle of a housing crisis. Our members find  
18 this totally unacceptable, and with that, I'll yield  
19 the rest of time. Have a good one.

20 CHAIRPERSON POWERS: God bless you for  
21 taking your time. Thank you.

22 COMMITTEE COUNSEL: I'm going to call  
23 these names again just to make sure they're not here.  
24 Victor Kovner, Justice David Sachs, Justice Rolando  
25

2 Acosta, Beth Hatten [sp?], Rodger B. Adler, Esquire,  
3 Georgia Winston, Mara Benny [sp?].

4 CHAIRPERSON POWERS: Mr. Mastro, please  
5 sit down. We'll do-- we'll take care of the hearing.  
6 Thanks. Okay. Okay, you come up. But please, for  
7 now on, please sit down and we will conduct the  
8 hearing. Thank you.

9 COMMITTEE COUNSEL: Louis Coletti.

10 CHAIRPERSON POWERS: You can go ahead.  
11 Please introduce yourself, name and title  
12 affiliation.

13 MARK BINI: Good evening. My name is  
14 Mark Bini, and Randy Mastro inspired me to work in  
15 the public service. As a young lawyer I spent four  
16 years working with Randy very closely, and frankly  
17 his words, but his deeds and actions, his commitments  
18 to public service inspired me. And so after working  
19 with Gibson, Dunn and Crutcher with these folks and  
20 with Randy, I spent the next 15 years of my career as  
21 a prosecutor, first in the Manhattan DA's office down  
22 the street and then across the bridge in the U.S.  
23 Attorney's Office of the Eastern District of New  
24 York. And now I work at a law firm in Midtown, but I  
25 have to tell you that Randy shaped so many young

2 lawyers like me to be committed to the public  
3 interest. Randy is a fantastic lawyer who is  
4 committed to the public good and has done it  
5 throughout his career. You know many of his famous  
6 acts in public good such as taking on President Trump  
7 with respect to what he did in 2020 with clearing--  
8 violent clearing of peaceful racial justice  
9 demonstrators for a photo op. But I want to tell you  
10 about some of the acts of good that Randy has done  
11 that you may not be aware of. My younger brother is  
12 developmentally disabled, and when I was at Gibson  
13 Dunn I wanted to do something on behalf of  
14 developmentally disabled New Yorkers. Randy Mastro  
15 did that with me. He helped me do that, and we got  
16 50 attorneys, 50 attorneys, to provide legal services  
17 on behalf of loved ones of developmentally disabled  
18 people who needed pro bono services, and so he is  
19 literally a legal Robin Hood for the developmentally  
20 disabled. He's a fantastic attorney. He's committed  
21 to the public good, and he would be a fantastic  
22 Corporation Counsel, so I please urge you to confirm  
23 me.

24 CHAIRPERSON POWERS: Thank you. Thanks  
25 for your patience in being here. Microphone on.

2 GEORGIA WINSTON: Thank you. My name is  
3 Georgia Winston, and I'm here to voice my support for  
4 Randy Mastro to serve as Corporation Counsel. I  
5 worked with Randy for nearly 20 years. He was my  
6 mentor and then my partner at Gibson Dunn, and I  
7 think that there's no doubt that he's an  
8 extraordinary lawyer and a fierce advocate. He goes  
9 all-in for his clients and would do the same for the  
10 City. But I just wanted to focus on a couple of  
11 Randy's specific qualities. Throughout the time that  
12 I've known him, he's been dedicated to pro bono work  
13 and committed to public service, and dedicated to  
14 mentoring junior lawyers and to fostering diversity.  
15 With respect to pro bono work, Randy's been a  
16 passionate advocate for all types of cause and has  
17 been devoted to helping people in need. He did a lot  
18 of that work despite how busy he was, because he  
19 cares about those causes and issues and about doing  
20 good, and this matters. The fact is that private  
21 practice, we have lots of different types of clients.  
22 They don't always align with our own personal values.  
23 It's a business. That's the bottom line and that's  
24 the nature of it, but Randy has put in countless,  
25 countless hours outside of that paid work, hours that

2 could have been spent with his family or friends or  
3 sitting on the couch watching Grey's Anatomy, but  
4 instead he spent it helping people and causes that  
5 could use his help, and I think if you're looking at  
6 how to determine his values, that's something that  
7 you should look at. Madam Speaker, you spoke in your  
8 opening remarks about entitlement and specifically of  
9 women and people of color, understanding that there's  
10 no entitlement to any particular position, and that--  
11 those words resonated with me. And I think in that  
12 regard it's especially important that people who are  
13 in a position to do so act as allies, and where  
14 they're able, go out of their way to help make  
15 opportunities for women and people of color, and that  
16 is what Randy does and has done. Veronica who  
17 testified earlier spoke to this and to the need for  
18 people to open doors. I'll just be another minute.  
19 Randy did that. He went out of his way to give me  
20 opportunities that I wouldn't otherwise have had,  
21 guided me throughout my career to help me become the  
22 first female litigation partner of color in Gibson  
23 Dunn's New York office. And I saw him take the time  
24 to give that same kind of guidance and mentorship to  
25 other junior lawyers, especially women and people of

2 color and the litigation department became  
3 significantly more diverse as a result of those  
4 efforts. And I'll just add one more thing on a  
5 slightly more personal note because there was some  
6 discussion about whether Randy is respected by his  
7 colleagues, how he'd be to work with. He was a  
8 terrific colleague. I've worked with lots of  
9 different lawyers in my career, and Randy was one of  
10 the best to work with. He was always committed and  
11 passionate, always respectful of my ideas and input  
12 even when I was a very junior associate. He's a  
13 person with strong opinions, but he value and  
14 respects those of others. So, at bottom, Randy is  
15 devoted to serving the public interest--

16 CHAIRPERSON POWERS: [interposing] Thank  
17 you.

18 GEORGIA WINSTON: and would do a terrific  
19 job. Thank you.

20 CHAIRPERSON POWERS: Thank you.

21 JIM WALDEN: Madam Speaker and Mr. Chair,  
22 members of the Council, my name is Jim Walden. I  
23 count myself as a lot of things, but primarily these  
24 days I'm an opponent of Mayor Adams. I've sued him  
25 twice. I've spoken out against him, and I have that

2 voice because of Randy Mastro. When I became  
3 litigation partner at Gibson, Dunn and Crutcher, I  
4 was lost. I'm a survivor of horrible, physical abuse  
5 from an alcoholic father, and I went to a law firm  
6 and I had no idea what to do, and Randy took me under  
7 his wing, and Randy showed me what a legal career  
8 could be where you're a private lawyer being able to  
9 afford New York, which I could not with three small  
10 children, and yet do good in the world. And what  
11 good did I do under Randy's tutelage? I didn't serve  
12 big corporations. I didn't bring lawsuits on behalf  
13 of oil companies. I protected transgender rights with  
14 the first lawsuit ever on behalf of a transgender man  
15 who'd experienced discrimination in New Jersey. I  
16 brought the lawsuit with Randy's help to keep open a  
17 hospital for a marginalized community in Brooklyn  
18 that was being shut by Mayor Bloomberg. I brought a  
19 lawsuit with Randy's help against President Obama's  
20 Administration for denying hearings to tens of  
21 thousands mentally-ill New Yorkers, and I sit here  
22 during a 10-hour hearing and think to myself, there  
23 is one question and only one question that this  
24 council should be asking himself, do you want Derek  
25 Jeter to be the captain of your team? And instead

2 we're hearing misinformation, disrespectful  
3 questions, and old stories about things that Randy  
4 had nothing to do with. If you had heard from the  
5 people that filled these rooms-- there were dozens of  
6 people like me whose careers were changed forever by  
7 Randy Mastro, and yet, you will not hear from them.  
8 That is a shame.

9 CHAIRPERSON POWERS: Thank you. And the  
10 public testimony is an opportunity to certainly hear  
11 from those folks. We have-- people are here. I know  
12 it's been a long day and certainly a long hearing,  
13 and we appreciate everyone's patience, but there is a  
14 public part of that testimony. You're participating  
15 in it right now, which is that opportunity. We'll go  
16 to Lou. Thanks.

17 JIM WALDEN: May I just say one more  
18 thing?

19 CHAIRPERSON POWERS: Sir, we're going to  
20 move-- we moved on.

21 JIM WALDEN: One more and I'll be done.

22 CHAIRPERSON POWERS: Sir, your time is  
23 up. We're going to keep-- I understand you want to  
24 keep talking--

25 JIM WALDEN: [inaudible]

2 CHAIRPERSON POWERS: Sir, we are going to  
3 move on to the panel. Thank you.

4 LOUIS COLETTI: Mr. Chairman, Madam  
5 Speaker, members of the Council, thank you for  
6 enduring your responsibilities through this. Thank  
7 you for the opportunity to provide some testimony on  
8 today's confirmation hearings. My name is Louis  
9 Coletti. I work for the law firm and government  
10 relations firm of Davidoff, Hutcher, and Citron. I  
11 want to clarify something if you'll allow me. Since  
12 earlier today it was mentioned that many of Randy  
13 Mastro's supporters were just lobbyists. Number one,  
14 I don't know if you've ever seen the-- what do you  
15 call it-- the Netflix show Suits? Well, if you have,  
16 I'm Harvey's Mike Ross. I'm not an attorney, and  
17 until September-- I'm not a registered lobbyist until  
18 September 1<sup>st</sup>, because one of our clients National  
19 Minority Contractors Association insisted that I get  
20 involved, so I'll be involved with them. I'm here to  
21 discuss and recommend that you adopt and confirm  
22 Randy Mastro as the Corporation Counsel for the City  
23 of New York. At the beginning of the hearings today,  
24 I was very impressed, Madam Speaker, as you outlined  
25 characteristics that this council would be looking

2 for, character, integrity, and competence. But as I  
3 sat here during the day, I began to think about what  
4 my grandmother had once told me. Don't hold the  
5 children responsible for the sins of the parents, and  
6 I hope in your deliberations you do not hold Randy  
7 Mastro guilty for the sins of Rudy Giuliani. He  
8 doesn't deserve that. Over the years in his roles as  
9 Deputy Mayor I had numerous opportunities to work  
10 with Randy, and I'll be the first to admit that we  
11 didn't always start out on the same page, but we kept  
12 at. We worked. You heard him mention communication  
13 several times today, and it's pretty obvious that  
14 that's something that has to be done. I'll close by  
15 saying this. Here are the characteristics of the man  
16 Randy Mastro that I know and I worked with. We all  
17 know he's an outstanding lawyer with an incredible  
18 knowledge of the law. He's a man of impeccable  
19 character. He's trustworthy. He's a man of his  
20 word. He's someone who will forcefully advocate, yet  
21 understand and have good listening and to try to find  
22 common ground. That's the man that I know, and I  
23 hope that that's the man that you will confirm as the  
24 Corporation Counsel for the City of New York. Thank  
25 you.

2 CHAIRPERSON POWERS: Thank you. Thank  
3 you.

4 SPEAKER ADAMS: I just want to correct  
5 the record. Thank you so much. Thank you all for  
6 your testimony. I know it's frustrating. It's late,  
7 and we understand very much that Mr. Mastro has huge  
8 support. That is not an issue at all. I do want to  
9 correct the record. It was not stated-- and I'm  
10 paraphrasing. It was not stated that everyone that  
11 was speaking on behalf of Mr. Mastro were lobbyists.  
12 I'm going to paraphrase. What was said was that  
13 there are some who are supporting Mr. Mastro, perhaps  
14 speaking today, who are lobbyists and are doing  
15 business with the City. That is what was said today.

16 LOUIS COLETTI: I just wanted to make it  
17 clear in defining who I was--

18 SPEAKER ADAMS: [interposing] Understood.

19 LOUIS COLETTI: that I was not one of  
20 those people.

21 SPEAKER ADAMS: Understood.

22 CHAIRPERSON POWERS: Understood.

23 SPEAKER ADAMS: And I thank you very  
24 much.

25 LOUIS COLETTI: Thank you.

2 CHAIRPERSON POWERS: Thanks so much.  
3 Thanks for being here.

4 COMMITTEE COUNSEL: The next panel is  
5 Jennifer Raab [sp?]. Is she gone? Abby Whitesman  
6 [sp?]? Not here. Ross Sandler, Jim Walden-- thank  
7 you. Adam Offenhartz, Mark Kirsch, Steve Gradman.

8 CHAIRPERSON POWERS: Thank you. We'll  
9 start over here and we'll work our way down. Thanks.

10 ROSS SANDLER: Thank you very much, Madam  
11 Chair, Council Members. Thank you for being here. My  
12 name is Ross Sandler. I am a former commissioner and  
13 law professor, and I come to speak in favor of voting  
14 for Randy Mastro. I've been in government many  
15 times, and I-- thinking back that the first  
16 Corporation Counsel that I knew well was Norman  
17 Getnick who was Corporation Counsel for John Lindsay.  
18 I've known everyone since then and I can say about  
19 Randy Mastro that not a single one of them had the  
20 experience, knowledge of government or the-- or the  
21 ability that he has shown now at-- would hit the  
22 ground running as the Corporation Counsel. He would  
23 be the best I've ever-- I would have ever seen. And  
24 I would-- I've been listening to the testimony which  
25 I found pretty interesting all day long, and I

2 thought the council questions were very interesting.  
3 I'm also-- I also teach professional responsibility,  
4 and one of the rules of the cannon's [sic], one of  
5 the ABA is that a lawyer's representation of a client  
6 does not constitute an endorsement of the client's  
7 political, economic, social, or moral views, and  
8 that's a very important rule, because that protects  
9 the people who are representing the very unpopular  
10 groups that the certain places, civil rights groups,  
11 racial groups, gender. That says that we have to  
12 have those lawyers doing that work. But the rule  
13 isn't as narrow as that. It really is about lawyers  
14 generally. And we want lawyers to be independent, to  
15 exercise judgement, and to take on clients so that  
16 the entire justice system works. And when I heard a  
17 lot of the discussion about Randy's clients, I  
18 thought that about, and I thought about this rule,  
19 and how important it is as part of the professional  
20 cannons and the rules of professional conduct, and I  
21 just suggest that it applies in this situation in  
22 many, many ways, that you should think about what it  
23 would be like if there were say a lawyer for a civil  
24 rights group and people said about that person we  
25 don't like him because of that representation. I

2 think it would be useful to put yourself in that  
3 place and to think over how to think about his  
4 representations, and not-- and can you associate-- do  
5 you have to associate his views, his social views  
6 with that--

7 CHAIRPERSON POWERS: [interposing] Okay,  
8 thank you.

9 ROSS SANDLER: And the answer to that has  
10 come from all the testimony you heard, and I suggest  
11 you just work that way.

12 CHAIRPERSON POWERS: Thank you. You can  
13 go next.

14 STEVE GRADMAN: Yes, good evening. My  
15 name is Steve Gradman. I am president of PRIDE  
16 Democrats of New York City which in the year of  
17 Stonewall 25 in 1998 we have the largest candidates  
18 forum in the history of New York, and that was also  
19 the year that Randy Mastro created the domestic  
20 partnership bill which was signed into law by Mayor  
21 Giuliani. Randy greatly legitimized support and  
22 protected all gay people. I myself have a domestic  
23 partner, and I also want to bring out that his firm,  
24 Gibson Dunn, successfully convinced the U.S. Supreme  
25 Court to recognize same-sex marriage in the

2 Proposition 8 case. Mr. Mastro has deep breadth of  
3 legal experience, and I think he'd be an excellent  
4 person for this position. Thank you.

5 CHAIRPERSON POWERS: Succinct, we like  
6 that. Thank you.

7 UNIDENTIFIED: Thank you. It's a  
8 privilege to appear before the City Council and to  
9 speak for my dear friend Randy Mastro. We've known  
10 each other and worked together as partners for 15  
11 years. You've heard enough about this legal skills.  
12 I'll only note that Randy's been described today as a  
13 happy warrior. That's the incomplete picture. He's a  
14 warrior diplomat. A warrior gives the headlines, a  
15 diplomat gives the results. Randy knows how to keep  
16 temperatures down in very fraught situations, helping  
17 both parties get to something they can both live  
18 with. That combination of skills, warrior diplomat,  
19 is rarer than you think, and I think it can be useful  
20 to you. All lawyers are agents, not principals. As  
21 your lawyer, Randy will never forget you're the  
22 principals. He's the agent, and he will fight for  
23 your agenda to the fullest extent the law permits.  
24 I'll briefly address Randy's character. He's revered  
25 for his uncompromising integrity. I've been in tight

1 spots in cases with him many times. I've never seen  
2 him suggest doing anything that even got close to the  
3 line in ethics, much less over it. At two leading  
4 law firms, he's been a destination for advice. He  
5 puts ethics and integrity as his foremost concerns.  
6 I've never seen him depart from those principles. A  
7 couple of quick examples. At Gibson Dunn during  
8 COVID, he created and led an effort to raise money  
9 from partners for all employees who needed support  
10 that might have had COVID or had a spouse who lost a  
11 job or a child who was in the hospital. He got a 100  
12 percent participation from the partner, raising  
13 hundreds of thousands of dollars. And trust me, the  
14 large law firm getting 100 percent agreement on  
15 anything, difficult. Strong voice-- I think in New  
16 York the largest office of Gibson Dunn, the strongest  
17 voice for doing pro bono work and making sure all the  
18 associates and all the partners were committed to it.  
19 Again, not an easy thing to do. It's also a strong  
20 voice for diversity, as you've heard. One thing  
21 you'll just say, you know, it's one thing to-- it's  
22 great to hire women and people of color, you know,  
23 make they've got work to do. It's a different thing  
24 to get them in front of clients so that they can  
25

2 build relationships where they become relationship  
3 partners. Randy was a master of doing that--  
4 committed. Thank you.

5 ADAM OFFENHARTZ: Good evening. I'm Adam  
6 Offenhartz. I've had the privilege of knowing Randy  
7 Mastro for over 25 years, and I've seen him in a  
8 variety of points of time in my life that I think go  
9 to some of the issues that have been raised today. I  
10 believe it was Speaker Adams who asked how will you  
11 handle the Corporation Counsel Department. How will  
12 you lead, how will you deal with the vast number of  
13 lawyers you'll be in charge of? What kind of leader  
14 are you? I can tell you that as a brand new baby  
15 lawyer, Randy Mastro was the person everyone wanted  
16 to work with, and for me, that was a long, long time  
17 ago in the early 1990s. Randy was the person that  
18 gave young lawyers the opportunity to go to court, to  
19 take depositions, to get in front of clients. When  
20 you had questions about what was appropriate, how to  
21 deal with a gnarly issue, had to deal with a  
22 difficult adversary or even client, you went to  
23 Randy. But more importantly, as one's career grew--  
24 and this is true for me as well as for so many other  
25 people you've heard from, Randy always stressed the

2 importance of public service. There are so many  
3 lawyers, some of whom you've heard from today,  
4 probably many more you would have heard from had  
5 things-- schedules worked differently, became--  
6 turned to public service because of Randy. Randy  
7 also pushed many of us to become involved in the  
8 community. He stressed the importance of being on  
9 boards. He, despite being the busiest lawyer I know,  
10 always found time to teach. Many of us, myself among  
11 them have also brought teaching into our lives  
12 because of Randy Mastro. The number of lawyers that  
13 Randy has a positive impact on who he has affected,  
14 who he has made better citizens is countless. And  
15 I'll very quickly end with the thought that it's very  
16 important we remember the most important thing today  
17 is what is best for our city. I've lived in the City  
18 for close to 30 years. I've lived in the Village,  
19 the West Village. I ride the subway. I work now  
20 near nine of the-- ground zero. The City has a  
21 labyrinth of problems, it does. It's a tough place.  
22 You all, the Mayor, all of us need the best people  
23 who can help the City. Randy Mastro is the best  
24 person I know to serve as Corporate Counsel. I urge  
25 the Council to support Randy Mastro.

2 CHAIRPERSON POWERS: Thank you. Thank  
3 you. Thank you guys. Thanks for being here so late  
4 and for patience. Thanks.

5 COMMITTEE COUNSEL: Next panel is Mala  
6 Alhedef [sp?], Joseph Rose, Frederico Virella, Anne  
7 Champion [sp?], David Lewis [sp?], Chad Beniola  
8 [sp?], Christopher Porrino, Frederick Jacobs,  
9 Christopher Leon Johnson-- nope. That's-- misspoke.  
10 Not Christopher Leon Johnson. We'll call you later.  
11 Neil Getnick, and Jessica Benvenisty.

12 CHAIRPERSON POWERS: Thank you. We'll  
13 start over here and you can-- you'll have two minutes  
14 and if we have questions, we'll--

15 ANNE CHAMPION: [interposing] Am I on?  
16 Yeah.

17 CHAIRPERSON POWERS: You're on.

18 ANNE CHAMPION: Hi, my name is Anne  
19 Champion. Randy was my partner at Gibson Dunn where I  
20 was also an associate under him. I've known him for  
21 almost 20 years. I'm here to speak on behalf of  
22 myself, not my law firm. But I want to say that  
23 Randy is one of the most ethical, best lawyers in the  
24 country. He's got a long and distinguished record of  
25 public service as an AUSA, Former Deputy Mayor, and

2 in private practice representing clients in some of  
3 the most ground-breaking litigations literally of the  
4 past few decades, and he wants to go back to public  
5 service and run the Law Department. He's highly-  
6 qualified to do so, and I hope that you confirm him.  
7 He's a great manager. He's able to listen to all  
8 views. He does listen. He's a great listener, and he  
9 takes everything into account. He's able to drive  
10 consensus and synthesize diverse viewpoints. He has  
11 tremendous respect for diversity, and as you've heard  
12 from so many others, he is a great champion of  
13 diversity. He will-- he's a great manager, as I  
14 said, and he will be a great manager for the Law  
15 Department. As others have said, I have also  
16 personally witnessed Randy's high ethical standards,  
17 his high moral character over the entire time that  
18 I've known him. I understand the criticisms of the  
19 Giuliani Administration, but I think that Randy's  
20 record shows that he was a force for good in the  
21 roles he played in that Administration. As lawyers  
22 we're required to zealously represent our clients.  
23 It is not about our personal views as the law  
24 professor has so aptly testified today. Randy is the  
25 epitome of a zealous advocate. Whether he's

2 representing a pro bono client trying to get a  
3 homeless shelter opened, or exposing litigation fraud  
4 on behalf of a major corporation. As Corporation  
5 Counsel he will use those skills to represent the  
6 City. I have no doubt that if he is confirmed, it  
7 will be transformative for the better, and every  
8 single one of you will be happy that you voted to  
9 confirm him, and I hope that you do so. Perfect  
10 timing.

11 CHRISTOPHER PORRINO: Good evening. My  
12 name is Chris Porrino. I was the 60<sup>th</sup> Attorney  
13 General of New Jersey. Today, I'm the Chair of the  
14 Litigation Department at Lowenstein Sandler, and I  
15 live here in New York City with my family. I'm  
16 apolitical. I'm not a Republican. I'm not a  
17 Democrat. I'm unaffiliated. I've represented the  
18 Democratic Administration of New Jersey Governor Phil  
19 Murphy. I served in the Republican Administration of  
20 New Jersey Governor Chris Christie and that's where I  
21 first met Randy Mastro. It was 2014. I had only jus  
22 started as Chief Counsel to the Governor when the  
23 Bridgegate scandal broke in the media. We hired  
24 Randy and his firm less than a week later on behalf  
25 of the Office of the Governor, and as Chief Counsel

2 to the Governor, I was Randy's client. I asked Randy  
3 and his team to do a top to bottom investigation  
4 regarding Bridgegate, follow the facts and the law  
5 wherever they led and to report on who was  
6 responsible, and that's exactly what he did. Randy  
7 and his team reached the conclusions that now 10  
8 years later have stood the test of time. Bridget  
9 Kelly who was here earlier, her story is a tragic  
10 one, but she was prosecuted by the Department of  
11 Justice, not by Randy Mastro. Look at the report  
12 itself. I think it's pages 114 or 115, around there.  
13 Take a look at it. It recites the facts, and the one  
14 thing I didn't hear Ms. Kelly say tonight was that  
15 the report misstated the facts. The Department of  
16 Justice reached the same key factual conclusions as  
17 the Mastro team did and in 2020, the United States  
18 Supreme Court reached the same legal conclusions that  
19 Randy had reached six years earlier. Now, Ms. Kelly  
20 didn't know the key fact when she presented to you  
21 this evening. Randy Mastro made--

22 COUNCIL MEMBER AYALA: [interposing]

23 you're out of time.  
24  
25

2 CHRISTOPHER PORRINO: I'm sorry. I've  
3 been here for 10 hours, and I'm going to finish my  
4 comments.

5 COUNCIL MEMBER AYALA: No you're not.

6 CHRISTOPHER PORRINO: Listen, I have  
7 watched--

8 COUNCIL MEMBER AYALA: I'm sorry, I have  
9 to-- we've also been sitting here for 10 hours, sir.  
10 Thank you. Next.

11 NEIL GETNICK: Speaker Adams, thank you  
12 so much for staying throughout this hearing. Council  
13 Members who are here we appreciate that, and I'm  
14 particularly pleased that Council Member Brewer,  
15 you're back. I think we've known each other for 30  
16 years. I'm Neil Getnick. I'm the Managing Partner of  
17 Getnick Law, a Manhattan-based boutique law firm  
18 focusing on business integrity counseling and anti-  
19 fraud and corruption investigation and litigation.  
20 That's as much as I plan to say about myself when I  
21 came here today, but I do want to say some more  
22 things, which is that I think that you should  
23 probably should love me as an attorney. I'm not a AM  
24 Law 100 lawyer. I'm not a corporate defense lawyer.  
25 I'm not a lobbyist. I've spent my life in social and

2 economic justice. When I was the Manhattan DA's  
3 Office I led an investigation that resulted in  
4 proving the wrongful conviction of African-American  
5 defendant who was three years in to a six to 12 year  
6 sentence. I've used the False Claims Act to recover  
7 \$750 million against the GSK, \$23 million of which  
8 came back to New York. I've use the False Claims Act  
9 of the New York State and New York City to recover  
10 \$70 million in taxes from a hedge fund guy based in  
11 Midtown Manhattan who was sending all his taxes to  
12 Alabama. And earlier this year, I received the  
13 Southern Christian Leadership Conference [inaudible]  
14 the Community Award in resolving a labor dispute by  
15 bringing management and labor in the SELC into an  
16 alliance where economic and social justice in  
17 addition to achieving collective bargaining  
18 agreement. So why am I saying all that? Because I  
19 think I'm your type of guy, and I'm telling you that  
20 Randy Mastro is your type of guy. He is the real  
21 thing, and how do I know that? In the early and mid-  
22 1990s--

23 COUNCIL MEMBER AYALA: [interposing] Time  
24 sir.

2 NEIL GETNICK: I worked with Public  
3 Advocate Mark Green.

4 COUNCIL MEMBER AYALA: I'm sorry you're  
5 out of time. I'm so sorry.

6 NEIL GETNICK: No, no, I'm sorry. I don't  
7 think it's fair, but I will abide by your decision.

8 COUNCIL MEMBER AYALA: I appreciate that,  
9 thank you.

10 JESSICA BENVENISTY: Good evening. My  
11 name is Jessica Benvenisty and I'm a brand new  
12 partner at Randy's law firm, King and Spalding. I  
13 think I'm the youngest lawyer to testify tonight, so  
14 perhaps I offer a little bit different perspective.  
15 I've worked under and with Randy for the 12 years  
16 that I've been a lawyer. I'd like to share a bit  
17 about what it's like to train with him, and what he  
18 is like as a person at work. I hope the City Council  
19 appreciates what an amazing opportunity Randy's  
20 nomination is not just for him, but also for the 850  
21 lawyers at the Law Department who would benefit from  
22 his unparalleled leadership. First, Randy is an  
23 unbelievably given mentor. He has an open door  
24 policy, any time of day or night. Randy does not  
25 tell anyone that he is too busy for them, and his

2 door is open not just for the hard questions. When  
3 Randy gives advice, he gives it to you straight. He  
4 actively listens to junior attorneys and believes  
5 that everyone on a team from paralegals to junior  
6 attorneys to the most senior lawyers can and do make  
7 critical contributions, and he gives credit where it  
8 is due. He works as hard as anyone, encouraging  
9 everyone to give it their all, too. Second, Randy is  
10 very open and reflective. Given his reputation and  
11 years of experience you may assume that he thinks  
12 he's always right or even that he's stubborn, but the  
13 opposite is true. Randy thrives when there's a  
14 diversity of opinion and when he is challenged by  
15 others even and sometimes especially by the most  
16 junior lawyers on his teams. I remember helping to  
17 prepare Randy for an argument in front of a judge  
18 when I was first year out of law school, probably 23  
19 or 24 years old, and he pushed everyone, including  
20 me, to challenge what he planned to say, and then  
21 once it was over he asked the team what we thought of  
22 his response to every single question. Randy is  
23 never satisfied. He always wants to do better which  
24 makes everyone around him want the same for their own  
25 work. Third, Randy's supportive of all attorneys no

2 matter their gender or identity-- and I realize I'm  
3 running out of time so I'm going to skip to the end.  
4 Randy might not have the same background or lived  
5 experiences as the Council or certainly not all New  
6 Yorkers, and certainly not me, but I have seen time  
7 and again that he is remarkable empathic and that is  
8 the Corporation Counsel he would be. Thank you.

9 COUNCIL MEMBER AYALA: Thank you. Next  
10 panel?

11 COMMITTEE COUNSEL: The next panel will  
12 be Mark Kirsch--

13 COUNCIL MEMBER AYALA: [interposing]  
14 What-- give me a second. Are there any questions for  
15 this panel? No.

16 COUNCIL MEMBER BREWER: Just-- I'll do  
17 you the favor, but really make it quick. One or two  
18 sentences. What was your last final word that you  
19 wanted? You got to put your mic on, sir, but quick.

20 CHRISTOPHER PORRINO: it will be very  
21 quick. What I was going to tell you was that Bridget  
22 Kelly didn't know a key fact, and that is that Randy  
23 Mastro presented the legal arguments to the  
24 Department of Justice in 2014, that the Supreme Court  
25 adopted in 2020 when the case was dismissed against

2 her. Randy has got some really unique qualities.  
3 He's a great lawyer, we know that. He's a leader.  
4 Don't let him go. Don't miss this opportunity.

5 COUNCIL MEMBER BREWER: Thank you very  
6 much.

7 CHRISTOPHER PORRINO: Thanks a lot.

8 JESSICA BENVENISTY: Thank you.

9 COMMITTEE COUNSEL: Mark Kirsch, Elaine  
10 Wood [sp?]- we heard from Matthew Daus. Bob  
11 Alvatroni. Peter Carnival.

12 COUNCIL MEMBER AYALA: You may begin.

13 BOB ALVATRONI: Yes, good evening, and  
14 thank you, Madam Speaker, for staying so late. I  
15 appreciate what you do. I was going to say hi to  
16 Chairman Powers, but he's not here. Known him for a  
17 long time. This is my first time testifying as a  
18 private citizen. I testified many times through the  
19 years before the City Council. As first a member of  
20 the Koch Administration when I was part of the team  
21 that cleaned up the Parking Violation Bureau Scandal  
22 which seems like a hundred years ago. It was the  
23 largest municipal scandal in history. Then I went on  
24 to serve Mayor Dinkins and Mayor Giuliani and two  
25 terms with Mayor Bloomberg. Let me talk about Randy

2 maestro. I'm a little bit feeling pressure only  
3 because of the way I feel about this guy. I've heard  
4 a lot of people speak about him today. This is a man  
5 with character, integrity, compassion for people, and  
6 plain out guts. I was with him as part of the team  
7 that set up the Trade Waste Commission when his life  
8 was threatened and his family paid a big price for  
9 that, and we weren't the most popular guys in town to  
10 say the least, because we took away hundreds of  
11 millions of dollars from the mob tax that was being  
12 used by La Cosa Nostra [sp?]. And it was a shame  
13 what was happening then. Randy never blinked. We  
14 stayed the course, and it's all about the City of New  
15 York, all about the people of this city. that's what  
16 I've spent my entire career on, and there's no one I  
17 admire that has more moral conviction, compassion and  
18 straight out character than Randy Mastro, more than  
19 anybody I ever worked with in my entire life, and I  
20 had a private sector career. I went on to be Shobro  
21 [sic] -- it was South Bronx Old Row Economic  
22 Development Corporation. I served pro bono for six  
23 years with them to make a difference.

24 COUNCIL MEMBER AYALA: [interposing] Can  
25 you wrap-- sir--

2 BOB ALVATRONI: in that community.

3 COUNCIL MEMBER AYALA: you're out of  
4 time. Sorry.

5 BOB ALVATRONI: I thank you for allowing  
6 me to testify, and I'm sorry I'm a little emotional  
7 about this. It's late.

8 COUNCIL MEMBER AYALA: It's fine. Thank  
9 you. Do you want to stay in case there's any  
10 question? Do you want to stay until we're done with  
11 the next panelist so that-- if there's a question.  
12 You don't have to. It's okay. Go ahead.

13 PETER CARNIVAL: Okay. Good evening. My  
14 name is Peter Carnival. I'm a Board Member of the New  
15 Era Democrats, which is also known as NED, a  
16 nonprofit, independent political association that  
17 supports good government. NED was established over  
18 40 years ago, and its motto is "Justice, equality and  
19 opportunity for the whole human family." Our  
20 advocacy organizations supports not just registered  
21 democratic candidates for office, but often reaches  
22 across the aisle to support the person who is running  
23 or being appointed based on the criteria of honesty,  
24 accomplishment, independence, and character. NED is  
25 not only in favor of simply always towing the

2 political party line and believes that democracy is  
3 best served by allowing people to have differences of  
4 opinion and to affiliate with whoever they wish. I  
5 am here today on behalf of NED to voice our support  
6 for the appointment of Randy Mastro as Corporation  
7 Counsel for the City of New York. NED has known and  
8 worked with Randy for over 30 years, and not only was  
9 he honored by our group for his commitment to public  
10 service, but he has been a true friend and ally known  
11 for supporting causes that we care about such as  
12 ethics in government. As you know, his life was  
13 threatened by organized crime leaders when he served  
14 as Deputy Mayor for his role in cleaning up several  
15 industries in the City that policed New Yorkers and  
16 the city government alike. We've had the utmost  
17 confidence he would represent the City well and do an  
18 incredible job for all New Yorkers. Randy Mastro is  
19 a man of unimpeachable character and we are speaking  
20 out today as our members, who by the way, vote and  
21 organize others to vote, are concerned by the nature  
22 of the statements made about him in advance of the  
23 nomination by Mayor Adams. These criticism were not  
24 directed towards his impeccable qualifications and  
25 extensive experience as one of the nation's leading

2 litigators and lawyers, but instead focuses on  
3 political disagreements with clients he has  
4 represented over his long career or the people he has  
5 worked for in his prior role as Deputy Mayor. Trying  
6 to limit or harm a lawyer's reputation for these  
7 reasons is not fair for the measure of his abilities  
8 as the Corporation Counsel.

9 COUNCIL MEMBER AYALA: Your time, sir.

10 PETER CARNIVAL: We consider these  
11 issues--

12 COUNCIL MEMBER AYALA: Sir, sir--

13 PETER CARNIVAL: Thank you for your time  
14 and consideration.

15 COUNCIL MEMBER AYALA: Thank you. Do you  
16 want to-- if you want to submit your testimony for  
17 the record, you may do so within the next 72 hours.

18 PETER CARNIVAL: Thank you.

19 COUNCIL MEMBER AYALA: Thank you.

20 BOB ALVATRONI: I wasn't sure if you  
21 wanted me to come back--

22 COUNCIL MEMBER AYALA: [interposing] I  
23 wasn't sure if anybody had any questions for you, so  
24 I--

2 BOB ALVATRONI: [interposing] I'm sorry I  
3 departed quickly.

4 COUNCIL MEMBER AYALA: It's okay. It's  
5 okay. No worries.

6 BOB ALVATRONI: Everybody satisfied?

7 COUNCIL MEMBER AYALA: No worries. Are  
8 there any questions for this panel?

9 PETER CARNIVAL: thank you.

10 COUNCIL MEMBER AYALA: Okay, thank you  
11 gentleman, so much.

12 COMMITTEE COUNSEL: Our last panel is  
13 Christopher Leon Johnson, William Lee Henderson  
14 [sp?], and Towaki Komatsu.

15 CHRISTOPHER LEON JOHNSON: Can I go?

16 COUNCIL MEMBER AYALA: Okay, I'm sorry,  
17 so we do have one more panel after this. You may go.

18 CHRISTOPHER LEON JOHNSON: Alright.  
19 Hello, good evening, Speaker Adams, for having this  
20 hearing. I want to speak on behalf of Mr. Randy  
21 Mastro. I support his appointment by the Mayor of the  
22 New York City Mayor Adams. What's going on here is  
23 that these nonprofits like Vocal New York, Housing  
24 just-- Housing Works, the Urban Justice Center,  
25 Freedom Agenda like Darren Mack, and New York

2 Community For Change which is led by Mr. James  
3 Inniss, you're getting paid off and threatened by the  
4 Speaker of the City Council, you Speaker Adrienne  
5 Adams with taking up discretionary funding and  
6 removal of projects if they don't support your agenda  
7 of making sure that this man behind me doesn't get  
8 appointed as the Mayor's Committee Counsel. All you  
9 guys want in the City Council is nothing but WP-owned  
10 [sic], DSA-owned [sic], Marxist lawyers to defend  
11 Eric Adams, because if you have a Marxist lawyer, you  
12 can control them. And we all know, Ms. Speaker,  
13 you're trying to run for State Senate or State  
14 Assembly against Cook or Sanders, so you're doing  
15 whatever you got to do to get support-- get support  
16 from the WP, and that's the reason why you don't want  
17 this guy to become the committee counsel because the  
18 WP and the DSA don't want this guy here. So, you got  
19 to give this guy a chance. I believe in giving this  
20 guy a chance. It doesn't matter what Giuliani does.  
21 Giuliani and Randy Mastro are two different men.  
22 Okay, Giuliani made a bad-- a lot of mistakes. Does  
23 that mean Mastro should pay? No. Don't make people  
24 pay because what another man does. So, I want to  
25 support this man for being appointed by the City

2 Council. You should give this guy a second chance, a  
3 chance-- you gave Yousef Salaam a chance, and much as  
4 he got convicted for beating a woman with a pipe, you  
5 can easy-- not put this guy in City Council. So, if  
6 you can give Yousef Salaam a second chance and-- give  
7 this guy a second chance. Okay? Thank you. I got  
8 to go. Thank you.

9 TOWAKI KOMATSU: Hi, I'm Towaki Komatsu.  
10 Ms. Ayala, I've testified to you many times. I think  
11 the last time I was here was on March 11<sup>th</sup>. I had a  
12 laptop in front of me then. I don't have it now  
13 because it was illegally stolen from me just a couple  
14 days ago in a facility that I've apprised you about  
15 previously. While I was in this room, I was  
16 exchanging text messages with someone who also got  
17 criminally assaulted recently. If you look behind m  
18 y left ear, you'll see the results of a punch that I  
19 took because people like you don't do squat when  
20 people come to a public hearing. Also, with regards  
21 to today's testimony, you illegally discriminated  
22 against the public by letting people testify without  
23 time limits. So I'm going to filing a motion in  
24 Komatsu versus City of New York tomorrow in 24-1309

2 with the Second Circuit to void today's hearing.

3 Bye.

4 COUNCIL MEMBER AYALA: Can you make sure--  
5 - the mic is off. The mic is off. Thank you.

6 WILLSON LEE HENDERSON: Now it's on.

7 Greetings, the magnificent seven of the City Council  
8 still here at nine o'clock and with no supper

9 delivered to you. It's not right. Anyway, I'm not

10 here for myself. I'm here for the Stonewall

11 Rebellion Veterans Association, the only gay,

12 lesbian, bisexual, and transgender organization that

13 bothered to come here. Even after 10 hours, it's

14 worth it. So, I'm representing the organization and

15 some of our honorary members-- I don't mean members,

16 but honorary public official people include Bella

17 Abzug [sp?], Shirley Chisolm, Geraldine Ferraro,

18 Mayor John V. Lindsay, Gayor [sic] Ed Koch-- that's

19 right, Gayor, I named him that. he said don't tell

20 anyone til after he dies-- and the current honorary

21 male Chairperson-- well, Chairperson, Hakeem

22 Jeffries. Here's the proof. This is us this past

23 June during Gay Pride Month. And the relationship

24 with Randy Mastro who I met through Mayor Rudy, he

25 had a-- what did they call that gala, the type of

1 government, you know, different parties? Huh?  
2 Fusion, exactly. It was the tip of my tongue. So we  
3 were honored there every year and by Mayor Dinkins,  
4 also, and Mayor Dinkins, by the way, said that the  
5 SRVA is one of his all-time favorite organizations of  
6 any of them. So, that's when I met Randy. It's 30  
7 years ago. It doesn't seem like that. And he has  
8 been very supportive, very respectful. Like the  
9 Aretha song in the Stonewall jukebox, the original  
10 Stonewall jukebox R-E-S-P-E-C-T, and that's what we  
11 should have.  
12

13 COUNCIL MEMBER AYALA: I'm so sorry to do  
14 it, but your--

15 WILLSON LEE HENDERSON: And--

16 COUNCIL MEMBER AYALA: [interposing] out  
17 of time.

18 WILLSON LEE HENDERSON: Oh, but everyone  
19 else talked longer, Diana--

20 COUNCIL MEMBER AYALA: [interposing]  
21 You're out of time, I'm sorry.

22 WILLSON LEE HENDERSON: yeah, so anyway,  
23 but let me just say--

24 COUNCIL MEMBER AYALA: [interposing] You  
25 can--

2 WILLSON LEE HENDERSON: like the Stonewall  
3 song, ain't nothing like the real thing. Randy  
4 Mastro is the real thing. Trust me, I know.

5 COUNCIL MEMBER AYALA: Thank you.

6 WILLSON LEE HENDERSON: And thank you.

7 COMMITTEE COUNSEL: We have three people--  
8 -

9 WILLSON LEE HENDERSON: [interposing]  
10 Here's the movie, Stonewall.

11 COUNCIL MEMBER AYALA: Thank you.

12 WILLSON LEE HENDERSON: Can one of the--

13 COMMITTEE COUNSEL: [interposing] We have  
14 three people on Zoom. Norm Eisen, Smita Millet  
15 [sp?], and Darren Mack. And we'll hear from Mark  
16 Ador [sp?] in person.

17 SERGEANT AT ARMS: You may begin.

18 UNIDENTIFIED: No problem.

19 SERGEANT AT ARMS: Your time has started.  
20 Your time has started.

21 COUNCIL MEMBER AYALA: Mr. Eisen, can you  
22 hear us? Can you check your mute button? Mr. Eisen?  
23 Alright, we're moving on to the next panelist.

24 NORMAN EISEN: Thank you. It was not  
25 allowing me to unmute myself. My name is Norman

2 Eisen. I served as the Whitehouse Ethics Czar under  
3 President Barack Obama and then as his Ambassador the  
4 Czech Republic. I've known Randy Mastro for many  
5 years as a fellow champion for progressive values.  
6 I've had the privilege of hearing today's testimony  
7 on and off, and both some of the strong support for  
8 Randy and some of the questions that have been  
9 raised. And asking questions of nominee's-- I went  
10 through Senate confirmation myself, U.S. Senate,-- is  
11 in the finest tradition of American discourse. But  
12 there was one thing that I found myself wanting to  
13 say over and over again all day long. If you'd look  
14 at Randy's long record, if you look at the causes  
15 that he has championed, if you know him as I do, as  
16 an attorney, but also as a person, you could not have  
17 a finer nominee to serve in this position. And  
18 speaking as a progressive to my fellow progressives,  
19 as I did in my editorial in the New York Daily News  
20 yesterday which I hope you will accept for the  
21 record-- Randy Mastro will do a superb job of  
22 defending progressive causes if he is confirmed to  
23 this position, as I very strongly believe--

24 SERGEANT AT ARMS: [interposing] Your time  
25 is expired. Thank you.

2 NORMAN EISEN: he should be. Thank you.

3 COUNCIL MEMBER AYALA: Thank you.

4 SERGEANT AT ARMS: Your time has begun.

5 COMMITTEE COUNSEL: Is there anybody else  
6 on Zoom? We'll also hear from Mark Rosenbaum and  
7 Dora [sic] in person.

8 SERGEANT AT ARMS: Your time has begun.

9 MARK ROSENBAUM: Is the microphone on?  
10 Yes, it is. My name is Mark Rosenbaum. I'm a  
11 Managing Director at the Berkley Research Group which  
12 is an economic consulting firm here in New York City.  
13 I was the President and CEO of the Brooklyn Navy Yard  
14 Development Corporation in the late 1990s and early  
15 2000s. I'm also a lawyer and a former Assistant U.S.  
16 Attorney in the Southern District of New York. I've  
17 known Randy Mastro for more than 40 years, both as a  
18 close friend, perhaps my closest friend, and as a  
19 colleague. It's an honor and a privilege to speak in  
20 favor of Randy's appointment as the next Corporation  
21 Counsel for the City of New York. I couldn't  
22 possibly think of a better, more qualified, more  
23 dedicated, and more worthy person to hold that  
24 position, nor do I believe could this council. When  
25 the Speaker first described the role of a Corporation

2 Counsel, I thought she was actually describing Randy  
3 directly. I'm not going to repeat what you heard and  
4 read about the astounding credits and achievements  
5 that Randy's accumulated over his government service  
6 and his private practice career, including his  
7 nonprofit and long pro bono work all in the interest  
8 of this great city, the city that I know he so dearly  
9 loves. I was actually with Randy during the time  
10 when he put his life in danger, as you've heard, to  
11 clean up organized crime in this city, and as a  
12 reward for that selfless work, he had to have 24-hour  
13 police protection for himself and his family. When  
14 you think about it, there's no other explanation than  
15 true dedication to the people of New York City that  
16 can explain someone of Randy's private economic  
17 success giving all that up to become New York City's  
18 Corporation Counsel. I've been around-- I'm 76 years  
19 old. I have been around this city for a long time.  
20 I've seen some very bad decisions made. I was born  
21 and raised in Brooklyn, and I went through--

22 COUNCIL MEMBER AYALA: [interposing] Thank  
23 you.  
24  
25

2 MARK ROSENBAUM: losing the Brooklyn  
3 Dodgers. I'm looking around at all of you. I think  
4 you're going to blow this.

5 COUNCIL MEMBER AYALA: Thank you.

6 MARK DOOR: Thank you for allowing me to  
7 speak. My name is Mark Door [sp?]. I speak here  
8 about my own experience and on behalf of myself only.  
9 I'm here today having worked with Randy only for four  
10 years, but his mentorship, friendship and  
11 professionalism have all stayed with me for the 15  
12 years I've practiced law in New York. He took me  
13 under his wing and taught me how to be a lawyer in  
14 New York. He didn't have to, but he did, and he's  
15 done that for many others. Randy will create that  
16 same loyalty and enthusiasm for the job and for the  
17 practice of law in the Law Department which I think  
18 is so crucial to that job, if given the opportunity,  
19 which I encourage you to give him. But it's not just  
20 his colleagues who are so loyal and in awe of him,  
21 it's the many people he's helped throughout his  
22 storied career, and I'll finish with a quick story on  
23 that. We were on the subway headed down to the  
24 courthouse a few blocks from here. At a subway stop,  
25 a gentleman in very conspicuous public sector union

2 jacket called out "Deputy Mayor Mastro, Deputy Mayor  
3 Mastro" enthusiastically. Such enthusiasm did this  
4 man have to see Randy and to shake his hand that he  
5 lunged forward getting stuck in the subway doors.  
6 Still lunged, begging for Randy Mastro's hand.  
7 Randy, the kind gentleman that he is got up and  
8 walked over and shook the gentleman's hand, thanked  
9 him for his kind words, and then helped him free  
10 himself from the door. To this day, I've never seen  
11 a New Yorker so enthusiastic and excited to see  
12 another person on the subway. That's the kind of guy  
13 who Randy Mastro is, and I know of no lawyer more  
14 suited for the job of Corporation Counsel. His  
15 mentorship of all of us speaks to his ability to lead  
16 the Law Department, and I urge you to approve Randy's  
17 nomination. Thank you.

18 COUNCIL MEMBER AYALA: Thank you. Thank  
19 you very much. We'll-- we're going to transition  
20 back over-- are there any questions for these two  
21 panelists? None. Thank you very much. We're going  
22 to transition back to virtual. Smita Meli [sp?]?  
23

24 SERGEANT AT ARMS: You may begin.

25 SMITA MELI: Hello, good evening, and I  
don't know if you're looking at the chat, but Darren

2 Mack was supposed to go after me, so just want to put  
3 that out there in case you're not looking at the  
4 chat. So I'm going to skip through my testimony.  
5 Just want to speak particularly to Mr. Mastro's  
6 actions on Giuliani's taskforce on the bilingual  
7 education which he co-chaired and he called bilingual  
8 education a failure that should be scrapped. Today,  
9 he said it was because the program was sending a lot  
10 of bilingual kids to Special Education and that he  
11 instead advocating for citywide parent choice to  
12 determine how their kids would be supported. Despite  
13 Chair Joseph clarifying that the City already  
14 provided that choice to families, I think Mr. Mastro  
15 stressed parent choice in this issue-- it put the  
16 responsibility of receiving quality education on  
17 individual parents instead of the City who is in  
18 charge of creating, running, and funding the  
19 programs. Ultimately, the Mayor Mr. Mastro worked  
20 for, was a racist xenophobe who didn't even pursue  
21 the recommendations to the taskforce which Mr. Mastro  
22 acknowledged today was one of his greatest regrets  
23 under Giuliani. We don't believe Mr. Mastro who as a  
24 corporate lawyer represented Chevron when the oil  
25 giant successfully appealed an Ecuadorian Court's \$19

2 billion judgement for polluting the Ecuadorian  
3 Rainforest, we don't think he should be spearheading  
4 New York City's Law Department. In his own words,  
5 Mr. Mastro called the company a victim of a travesty  
6 of justice. An oil giant was the victim, not the  
7 countless Ecuadorians subjected to the consequences  
8 of millions of gallons of toxic wastewater spilled  
9 into the waters of the Ecuadorian Amazon. People  
10 might say Mr. Mastro should not be judged by his  
11 clients. We believe that his judgement in taking on  
12 clients matters. Accolades are being sung on his  
13 many charities regarding his pro bono work, but the  
14 good work cancels out if the same person doing pro  
15 bono work is also the same person on the side that is  
16 causing the harm. Thank you.

17 COUNCIL MEMBER AYALA: Thank you. Darren  
18 Mack?

19 SERGEANT AT ARMS: You may begin.

20 DARREN MACK: Thank you, Chair Powers,  
21 Madam Speaker, and Committee Members. Thank you for  
22 the opportunity to testify today. Freedom Agenda is  
23 submitting this testimony to urge the City Council to  
24 reject the appointment of Randy Mastro as Corporation  
25 Counsel. Freedom Agenda is dedicated organizing

2 people and community directly impacted by  
3 incarceration to achieve de-carceration and system  
4 transformation. Our members and staff are people who  
5 have been directly impacted by the criminal legal  
6 system even through their own incarceration or that  
7 of immediate family member. Our membership includes  
8 people who loved ones are currently incarcerated in  
9 New York City jails and people who loved ones have  
10 tragically died. as a survivor of Rikers and a  
11 native New Yorker, I know the abuses of power that so  
12 many New Yorkers are subjected to at the hands of law  
13 enforcement behind the walls and in the streets, and  
14 it's sickening that these abuses have continued for  
15 so long, from the heinous assault of Abner Louima by  
16 the NYPD and to the tragic death of Karisma Jones  
17 [sp?] at the hands of DOC last month. The City  
18 should be working diligently to end these abuses.  
19 Instead, the Adams Administration is trying to take  
20 us back, including through a return to Broken Windows  
21 policing, increasing efforts to block transparency  
22 and accountability to the NYPD, for DOC, and the  
23 largest jail population increase since Giuliani was  
24 mayor. We cannot afford this Administration to turn  
25 the City even more than it already has to the racist

2 and abusive practices of the Giuliani era, but those  
3 are exactly the policies that Mr. Mastro helped  
4 develop and defend. Mr. Mastro track record as  
5 counsel and member of the Giuliani Administration is  
6 alarming. He would be joining an administration that  
7 has shown a disregard for the law, even contempt for  
8 the laws passed to limit the arm of the criminal  
9 legal system. This administration has issued  
10 illegal, so-called emergency orders to circumvent the  
11 role of a super majority of the Council in order to  
12 keep people in solitary confinement. If you--

13 SERGEANT AT ARMS: [interposing] Your time  
14 has expired. Thank you for your testimony.

15 DARREN MACK: [inaudible] that lack law  
16 enforcement transparency.

17 COUNCIL MEMBER AYALA: Thank you.

18 DARREN MACK: And thank you for allowing  
19 me to testify.

20 COUNCIL MEMBER AYALA: Thank you. With  
21 that, we-- if we've missed anyone, or if anyone is  
22 interested in still submitting public testimony, you  
23 still have a very quick minute to come to the dais.  
24 No? Okay. Seeing as there are no other members of  
25 the public who wish to testify on the Randy Mastro

2 public hearing on this nominee, this meeting is  
3 hereby adjourned. I would like to -- oh before we  
4 adjourn, I'm sorry [inaudible]. I would like to  
5 thank the Speaker, the public members, my colleagues  
6 in the committee, committee counsel, and staff, and  
7 the Sergeant of Arms. Thank you all so much.

8 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 13, 2024