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Investigation Into '01 Race Exonerates Mark Green

By MICHAEL BRICK

Mark Green, the former public advocate who is running for state attorney general, has been cleared of any wrongdoing in an investigation into the finances of his unsuccessful 2001 mayoral campaign, the Brooklyn district attorney said yesterday.

The investigation focused on payments from the Green campaign to a powerful Brooklyn Democratic club, and on the financing of campaign literature with controversial content that changed the tenor of the shortened campaign held in the aftermath of the Sept. 11 attack.

Shortly before the Democratic primary runoff between Mr. Green and Fernando Ferrer, operatives of the Green campaign sought to rally white voters in Brooklyn by insinuating that Mr. Ferrer was beholden to the Rev. Al Sharpton, in part by distributing fliers with demeaning caricatures of Mr. Sharpton.

Mr. Green won the runoff, but the episode was divisive for the Democratic Party, even though he denounced the fliers and vowed to investigate who had been behind their distribution. The Republican candidate, Michael R. Bloomberg, went on to win the general election.

Afterward, the city's Campaign Finance Board and the Brooklyn district attorney began separately investigating the financing of the campaign literature and other expenditures on Mr. Green's behalf by the Thurgood Marshall Democratic Club.

The club was run by Clarence Norman Jr., who was a state assemblyman and the borough party leader at the time. Mr. Norman has since been convicted of corruption and resigned his posts.

The Green campaign reported a series of payments to the club totaling \$245,000. Under city and state election law, a campaign is required to report expenditures of more than \$5,000 by a subcontractor.

Typically, when a campaign reports a large expenditure, the Campaign Finance Board will ask the campaign to name any subcontractors, said Laurence D. Laufer, an expert in campaign finance law.

In February 2006, the finance board concluded its inquiry and fined the Green campaign \$2,750 for failing to adequately address its questions about expenditures by the Thurgood Marshall club.

The board has no jurisdiction over the club, Mr. Laufer said.

Last month, Mr. Green, who is seeking the Democratic nomination for attorney general, along with Andrew M. Cuomo, Charlie King and Sean Patrick Maloney, said in a televised interview that the Brooklyn district attorney's inquiry was done.

Not so, according to the Brooklyn district attorney, Charles J. Hynes. "Our investigation into how the literature was distributed and financed, and our investigation into the payment of the \$245,000, is continuing," Mr. Hynes said in a statement yesterday.

But, he said, Mr. Green is not a target of the inquiry.

"Based on a four-year investigation of the distribution and financing of controversial literature in sections of Brooklyn on the eve of the mayoral runoff in 2001," Mr. Hynes said, "my office has confirmed that Mark Green had no knowledge of these events. Additionally, my office has examined the payment of \$245,000 by the Friends of Mark Green to the Brooklyn Thurgood Marshall Democratic Club during the same mayoral runoff and has concluded that Mark Green had no knowledge of any impropriety regarding that money."

The announcement was welcome news for the candidate. A lawyer for Mr. Green, Richard D. Emery, said, "We were confident that there was no concern here, but it's very important in the context of Mark's current campaign that the public be clear that there is no reflection on his integrity."

A spokeswoman for Mr. Cuomo, Wendy Katz, declined to comment.
