

# EXHIBIT “43b”

**igencer**



# The Object of Their Ire

Letitia James has angered Andrew Cuomo. She's investigating Donald Trump. Can she beat the two meanest men in politics?



By Rebecca Traister, writer-at-large for New York Magazine and the Cut

Photo: Mark Peterson/Redux Pictures

*This article was featured in [One Great Story](#), New York's reading recommendation newsletter. [Sign up here](#) to get it nightly.*

**I**n August 2019, New York State attorney general Letitia James was on a boat, fishing, with Andrew Cuomo. The then-governor had asked her to take a tourism-boosting trip to Lake Ontario. It was almost a year into her first term, which she had won in part thanks to his decision to throw his political weight behind her 2018 primary bid.

It wasn't well known at the time, but Cuomo and James had recently experienced a bumpy patch. In June, James had overridden Cuomo's wishes by issuing a statement supporting the Green Light bill, which granted undocumented New York residents the ability to legally apply for driver's licenses. Cuomo publicly favored the measure but, according to James and members of her staff, privately wanted her office to rule it unconstitutional.

At Lake Ontario, six weeks after their clash over Green Light, Cuomo had insisted that they fish alone, with only a captain and first mate aboard. No staffers would join them on the boat, and photographers would capture images from a separate vessel. One of James's aides recalled how she and her colleagues had watched their boss head out onto the water, joking nervously about whether they'd ever see her again.

When they were far from shore, James said Cuomo told her that he was sorry he could not speak as frankly as he wished because the captain and first mate were there. "It was a small boat," James recalled recently. Cuomo made oblique reference to the Green Light conflict, she said, noting to her that that was not how he liked things to go down. "Then," James remembered, "he said that he expects loyalty from me." (A spokesperson for Cuomo said, "This conversation did not happen — the two mostly made small talk.") They both caught fish, and as they returned to shore, James recalled, Cuomo said his was bigger, even though that was not the case. James didn't challenge his account. "I thought, *Whatever. Just get me off this boat.*"

The day vibrated with the kind of theatrical menace that Cuomo has long been known for. Yet the expectation that James would show Cuomo fealty was not wholly out of line with what many progressives had presumed about James following her surprising choice to accept his support in a primary that pitted her against law professor Zephyr Teachout. Back in 2003, James had been the first candidate to win a New York City election running only on the ticket of the Working Families Party, a left-leaning minor party that had long fought Cuomo and that Cuomo in turn was hell-bent on destroying. That, in 2018, James had stood with the governor in her contest for AG — and refused to run on the WFP line — was understood by James's erstwhile allies as a political betrayal. It was also seen as a sign that James, one of the few in New York who had managed to balance an instinct for political ascension with a commitment to reform, had become a tool of the machine, not a corrective to its corruptions and inequities.

James had always insisted that once she got the seat, she would be free to act independently from the governor. "It wasn't just behind closed doors," she told me. "I said it publicly." But seeing her aligned with Cuomo, few had believed her.

Now Cuomo is no longer governor of New York. He resigned in August 2021 after Attorney General James's office released a 165-page investigative report that found he had sexually harassed 11 women. Those allegations emerged in the wake of another devastating report in January of that year: that the governor, who had fashioned a multimillion-dollar book and television persona from his stewardship of New York through the COVID crisis, had in fact drastically mismanaged the disease's spread in nursing homes and undercounted deaths there by as much as 50 percent. That report was also released by James's office.

As it turned out, James did not see her job as being loyal to the governor and had displayed an independence that is exceedingly rare in politics. Everyone expected that she would run for governor, primarying Cuomo or, after his resignation, his former lieutenant governor and now replacement, Kathy Hochul.

Then came a wobble.

When James finally entered the 2022 gubernatorial race in late October 2021, it was in hurried and chaotic fashion, with a stilted video and thrown-together speech on a Friday afternoon. It didn't feel as if she was swooping in with the confidence of a righteous, conquering hero, but rather like she was showing up to the race already out of breath and trying to catch up.

Six weeks later, James announced that she was withdrawing, explaining that she wanted instead to pursue a second term in the AG's office and devote her attention to the big commitments in front of her, including a civil case against former president Donald Trump and the Trump Organization, which regularly earns her blaring national headlines.

Sticking to her day job, though, was not as straightforward as it might have seemed. By February, Cuomo was giving interviews in which his fury was laser-focused on James, the woman whose submission he had expected but who had instead brought him low. He was making noises about a possible comeback, and there is speculation that he will run against James for attorney general. Meanwhile, as James's case against Trump led his accountants to cut ties with him and a state judge to rule that he and his children could be compelled by James to testify, the former president and his right-wing-media army ramped up their own campaign against her.

As James runs for reelection, two of the most merciless politicians in the country are breathing down her neck. These are battles between people who feel entitled to their positions of influence and a person who believes she can use hers to hold them accountable. It remains an open question whether James — who not only is the first Black woman to hold her office but also uses her authority in markedly different ways from the brash, overweening white men who preceded her — will win and what the fight will cost her.

With Andrew Cuomo in 2019, after fishing on Lake Ontario. Photo: Mike Groll/Office of Governor Andrew M. Cuomo

**J**ames's story is about power. How do you get it? What do you do with it once you have it? We have been trained, over centuries, to make certain good guesses about how power works in America. It's a system built to operate smoothly for those, like Cuomo, Trump, and so many others, who were born into a spot close to the top: politically, economically, and in terms of racial or gendered advantages.

Years of challenging a moneyed white male grip on political authority have meant a diversification of who can make their way up, and those who have risen more recently are often asked tough questions about *how*: Did they move from the outside in via the propulsive force of collective community action? Or did they take the hand of the system they were supposed to be challenging and in so doing risk becoming beholden to it?

Letitia James — or, as she likes to be called, Tish — is one of the few figures for whom the answer might plausibly be: Both.

Over more than two decades in public life, James has straddled spheres that are often at odds in New York politics. At one point in our conversations, she described herself as “the attorney general, but also a legislator and an activist, all combined into one.”

James looks 45 but is 63. At nearly six feet tall, she radiates a calm confidence but is prone to self-doubt. She does not like speaking about herself to the press, but when she does start talking, it is with startling candor and cutting humor.

James started out as a public defender before becoming an assistant attorney general in Brooklyn under Eliot Spitzer; she then spent ten years working as an aide to Assemblymembers Al Vann and Roger Green, politicians who had been activists in the Ocean Hill–Brownsville teachers' strike in 1968. In 2001, she ran a scrappy race for City Council, which she lost to former police officer James Davis, who was later shot to death in City Hall by a would-be political opponent. In 2003, James ran for Davis's former seat on the WFP ticket against Davis's brother, Geoffrey, and beat him, shocking a system that was unaccustomed to third-party victories.

“When I say *trailblazer*, I don't use that word lightly,” said former Bronx assemblymember Roberto Ramirez, one of James's longtime advisers. “Tish did something that was not just not regular. It didn't exist. No one had ever done it.”

As soon as she got to the City Council, she began fighting the proposed development of the Atlantic Yards, a signal that her approach to political power was of the outsider-activist sort. In the 2011 documentary *Battle for Brooklyn*, you can hear a younger James, then three years into her fight against the state's attempt to use eminent-domain laws to remove longtime tenants from the footprint of where the Barclays Center now sits, chiding “every elected official who has supported this project” — a list that



ranged from Mayor Michael Bloomberg to Senator Chuck Schumer to her former boss Roger Green — for “having their head in the sand.”

“I remember seeing her on TV for the first time and my eyes got bigger,” said Jessica Ramos, now a Working Families-backed state senator, then a teen in western Queens. “I was so overwhelmed listening to a woman of color talking about the issues that my parents and I cared about so much.”

But James wasn’t just challenging the city’s political machers; she was enmeshing herself in their networks. Kimberly Peeler-Allen, the founder of Higher Heights Leadership Fund and now a senior adviser to James, said that back in the early aughts, “if you were doing a thing in central Brooklyn, you had to talk to Tish — ‘Tish’ll take care of you.’” James did favors; she made friends. Even on the occasion of her shocking WFP win, the *New York Times* referred to her as “a longtime Democratic Party insider” and “operative.”

She was the type of pol who showed up: at every rally, party, church service, bat mitzvah, and senior center. Several people recalled how James would go to subway stations on Valentine’s Day and distribute condoms. She loved those days, remembering one senior citizen who grabbed a handful: “‘You got a hot date?’ I asked her. She looked at me and said, ‘I’m old; I’m not dead.’”

James was elected public advocate in 2013. She was by then one of the brightest stars of Brooklyn’s political firmament. For a while, recalled Peeler-Allen, “there was Brooklyn politics and then there was Black Brooklyn politics, which was something separate. She was a mover and shaker, but it was not in an Establishment way, because Black politicians were not the Establishment.” James was moving and shaking her way into power alongside Eric Adams, Jumaane Williams, and Hakeem Jeffries — politicians who have gone on, as journalists Mara Gay and Errol Louis have pointed out, to ensure that Black Brooklyn politics would become a new Establishment, synonymous with New York City and state Democratic politics.

When she started, James reminded me, even Black Brooklyn politics was dominated by men who would “huddle in backrooms.” When I asked how much that has changed, she laughed. “Well, the worst-kept secret when I was the public advocate is that I was considering running for mayor,” she began, recounting a story she is careful to say is “just a rumor.”

Here’s how the story went: In 2018, after Attorney General Eric Schneiderman was forced to resign in response to allegations that he’d abused multiple women, a group James called “the guys” — including Ruben Diaz Jr. from the Bronx, State Assembly Speaker Carl Heastie, Jeffries, and others — had behind-the-scenes conversations “with Governor Cuomo,” James said, “about how he should nominate Tish James as the attorney general, so as to clear the path for Ruben to run for mayor.” (A spokesperson for Cuomo confirmed that these conversations took place.)

At the time, the *New York Times* ran an editorial headlined “No Back Room Deal to Replace

Schneiderman.” James said publicly that she did not want the appointment, preferring to run in the upcoming primary. Barbara Underwood served as the acting attorney general, and Diaz did not run for mayor. “I tease them from time to time,” James said. “I tell them, ‘Your plan went pretty bad.’ And they laugh.” She seemed to find this story amusing. But didn’t she want to be mayor?

“I wanted to be mayor,” she acknowledged, “but the idea of being the attorney general was much more fascinating to me.” She’s “a little annoyed” when she considers how this group of men worked to “decide my fate” without her present, that “they made this decision for this woman, but it was primarily to benefit their own political future.”

Then again, she said, noting that she did eventually wind up with Cuomo’s backing, “if that was the only way to secure the support of then-Governor Cuomo, who controlled the state Democratic Party? Then so be it. Had they approached me and said, ‘Tish, we got a deal,’ I probably would’ve appreciated that more than a backroom deal.”

James first blazed to prominence by winning a race for City Council on the Working Families Party ticket, taking the oath of office at New York City Hall in 2003. Photo: Beбето Matthews/AP Photo



**T**he idea that a state attorney general can make an explosive impact at a national level is relatively new, pioneered by Eliot Spitzer. When Spitzer took the office in 1999, he wielded its subpoena power, under the Martin Act, to prosecute Wall Street and other New York-based corporations for corruption and fraud. Cuomo succeeded Spitzer as AG, using Spitzer's bulldog tactics to go after Spitzer himself when the latter was governor. When Cuomo ascended to the governor's mansion in 2011, he was replaced as AG by Schneiderman, who was initially hailed as part of a generation of state attorneys general holding banks accountable after the 2008 crash.

When Trump won the White House in 2016, Democrats had no federal perch from which to check his power. That job fell to the states, and Schneiderman enthusiastically dove into the role of shield against Trumpian cruelty, snarling the president's norm-breaking and abuses of executive power in the courts.

It was not as though the state AG was ever going to *take down the president*. But we live in an imperiled world in which fearful people look to powerful individuals as deus ex machina saviors — be they Schneiderman or Robert Mueller or Cuomo at his daily COVID briefings — and by the time James entered the office that Schneiderman had vacated, she inherited lofty expectations about what she would be able to manage. She herself had heightened some of those expectations, running her 2018 campaign on promises that she would pursue the Trump family's finances.

“Walking into these continued disputes with Trump was not the best use of her time and authority,” said a former aide to a previous attorney general. “She had an opportunity to come in and be an attorney general for the working class. I don't think she's avoided doing that or failed or anything. I just think her priority has continued to be the cases that appeal more to the readership of *The Nation* than folks riding the subway and reading the *News*, and that was a bit of a tactical mistake.”

James denies that Trump has taken precedence over other issues. “I don't hold out anyone to be any more important than the next,” she said. “If there's a violation of the law, based on the facts, then let the chips fall where they may. That's my week, that's my day, that's my life, and that's my *raison d'être*.”

James and her staff spoke readily about her suit against the NRA; her suits against opioid distributors and manufacturers and the resulting distribution of \$1.5 billion in settlement money to treatment and prevention programs around the state; her investigation of breaches of workplace safety by Amazon during COVID and price-gouging on COVID testing and supplies; and her securing of essential food items in poor communities, including 1.2 million eggs that have been distributed to pantries in New York. James recently hired her former rival Teachout as a special adviser on economic justice, and Ramos worked with James on workplace protections for undocumented immigrants.

In February 2019, Michael Cohen testified that Trump had misrepresented assets in a manner that had financially benefited his company; James's office began the civil investigation into those claims soon after. In response to the disclosures made public as part of James's investigation, Trump's accounting firm Mazars USA in February dropped him as a client and acknowledged that years of financial filings it had made on his behalf should no longer be considered reliable. And while Trump and his children have

resisted James's subpoenas, on February 17 her office won a ruling saying that she could compel their testimony.

The howling in response to James's efforts to extract from Trump what so far no one else has been able to has already been loud — and could get louder, with reports that Manhattan district attorney Alvin Bragg's office has doubts about their joint criminal investigation into Trump's business dealings (both James and Bragg's offices have confirmed that the investigation is ongoing). In a manic tirade, Trump accused James and Bragg in February of using "vicious intimidation tactics." Eric Trump has asked that she be "disbarred and removed from office." Soon after, Trump's team filed a legal complaint accusing James of breaking FEC rules by having campaigned in 2018 on the promise that she would come after him before she had any evidence of his alleged wrongdoing.

The Trump complaint against James reads like most of his deranged performance art. But plenty of people who'd like to see her case succeed were in fact made very anxious by her rhetoric on the trail in 2018, when she called Trump an "illegitimate" president and promised to use every available area of the law to investigate his business dealings. These were risky utterances for the person who is now the steward of a case against Trump, her critics say, a case that could indeed be jeopardized by an appearance of bias. The judge in the case has said that for James "not to have investigated" Cohen's accusations "would have been a blatant dereliction of duty," since Cohen had stated that Trump's organization was "cooking the books." Still, some of her detractors see her campaign comments as a worrisome instance of her not fully grasping the perimeters or responsibilities of the office she now holds. "She seems to approach everything like she's a city councilor yelling at an anti-development rally," said another veteran of a previous attorney general's office, "rather than the top law-enforcement figure in the state."

By the time she attended the New York Democratic convention in 2022, she was one of the most powerful figures in the state Democratic Party.  
Photo: Mark Peterson/Redux Pictures for New York Magazine

**J**ames was born in Brooklyn. Her father was a maintenance man in Harlem. “Everybody knew my father’s name, both in Brooklyn and in Harlem,” she said. “They all knew Mr. Bob.” James’s mother, who also worked in maintenance and at the telephone company, instilled a “fair-share doctrine” by splitting what little the family had as evenly as possible among Tish and her seven brothers and sisters. James’s father had a fifth-grade education; her mother had gotten through sixth. “They were probably two of the smartest individuals I’ve ever met in my life,” she said. “They sustained their family and accomplished a lot, and I miss them.”

James and her siblings grew up in Park Slope on 10th Street between Fifth and Sixth Avenues. She went to P.S. 39, M.S. 88, and then Fort Hamilton High School in Bay Ridge. As a child, she said, she spent most of her time in the stacks on the second floor of the library on Sixth Avenue and 9th Street because there was no money for after-school care.

After attending CUNY’s Lehman College, James worked as a receptionist and office manager for a union lawyer who encouraged her to go to law school. She had read Richard Kluger’s *Simple Justice*, about *Brown v. Board of Education*, and decided she “wanted to attend the school that was the laboratory for the civil-rights movement, Howard University.” The experience, she said, helped to give her life meaning and direction and taught her about “using the law as a sword and as a shield.”

After law school, James took a job at the Legal Aid Society. Her last case there was defending a young woman who had set her boyfriend on fire because he had abused and attempted to prostitute her while she was pregnant. “I won that case,” James told me proudly. “And I saw that lady about five or ten years ago on the subway; she was married with children.”

James herself has never been married. She spoke to me warmly of three aunts, her mother’s sisters. “They were spinsters who traveled the world,” she said. “And maybe they inspired me to remain single. I loved the way that they lived, and I loved their independence.” She laughed. “Or maybe it was that I had seven siblings and grew up fighting over the remote and over meager resources.”

James plays an active caretaking role in the lives of many of her nieces and nephews. “On any given day, you’ll see kids run through my house, come by to talk to me. I don’t think I’m really missing out on children because they’re just part of my world,” she said. She is the sibling who, while building her political career, took in her ailing mother, a commitment that several people who’ve known her for years spoke to me about in hushed tones. “I don’t know how she did it,” said one. “I know she hired caretakers, but to have your sick mom in your house, that’s a huge deal.”

“In terms of being in a committed relationship,” James volunteered, “it has its pluses and it has its minuses. I give so much in terms of my work, and I love my job and what I do in public service. The last

person I dated said to me, 'You're just married to your work,' and that was that. And I guess he's right."

That James was forthcoming on this subject took me by surprise; she is famous for the scrupulous care she takes to keep private matters out of the papers and the office. When I told one of her longtime colleagues that I knew nothing about her personal life, the colleague laughed and said, "If you know zero, I may know 5 percent, and I'm not exaggerating." In early December, this colleague told me, "We know she spent time with people at Thanksgiving, but we're not quite sure who those people are. She brought a ham. We know that much."

James's penchant for privacy, though, can work against her. "She is not a self-promoter, to a degree that I imagine frustrates her staff," said Manhattan Borough President Mark Levine, who told me of a call James convened on March 19, 2020, when the mayor and governor were in locked-horn ego paralysis over whether the city should shut down in response to the pandemic. James brought together faith leaders, scientists, and City Council members, and by the end of the evening call, there was consensus in favor of a shutdown, and James promised to convey this to the governor. The next morning, Cuomo announced a full shutdown.

"I am quite confident," said Levine, "that that call from Tish was the moment he realized the political winds had shifted." (A spokesperson for Cuomo said, "Tish James did not speak to the governor about this call," adding that "it had no impact on our decision-making.") What Levine took from the experience was the memory of James working well outside the lines of her AG role and refusing to publicize her involvement. "She was not looking for credit," he said.

In Brooklyn, James remains a local fixture. A self-described "church lady," she attends services across the street from her home in Clinton Hill every Sunday. She hangs out on her stoop, chatting with her neighbors. During a January phone call, James's call-waiting alert kept ping-ponging. "I have to answer calls, even calls that I don't recognize, because you never know," she said. When she came back on, she reported to me and to her aide, Delaney Kempner, that it was her neighbor, Ms. Jenny. As our hour was winding up, James told Kempner, "I've got to go talk to Mr. Widdy at the supermarket because he has problems." Meanwhile, neighbors on the block had rodent issues, and James had to deal with that, too.

It was tempting, understanding politics as self-aggrandizing performance, to suspect that the whole Mr. Widdy–Ms. Jenny–rodent-problem thing was a bit. Like a comedy skit about a politician who's trying to bring Trump down with one hand and unclog a voter's drain with another. Staffers told me they urge her to pull up and away from these local responsibilities, but she refuses. When I told James that dealing with rats on the block ("*Rodents* — don't say rats," she chided me) sounds like the job she held as a City Council member, not the state's attorney general, she replied, "Yeah, my neighbors don't care about that. I'm just Tish, as far as they're concerned."

James has a history of disregarding the parameters of her jobs. As public advocate, she was accused of making liberal use of lawsuits, including on behalf of tenants living in dilapidated buildings. "A number of the cases we brought were dismissed because as public advocate I did not have standing," she

admitted. “Well, then I rose up to attorney general, and no one could question my ability to have standing at that point.”

In James’s view, that’s what power is for: to push every button available to you and, therefore, to gain access to as many buttons as possible. In the more traditional approach to politics, the goal of access is generally relentless accrual: of money, of allies, of loyalties and lackeys, which together lead to higher office and, with it, *more* power, *more* money, and even higher office. James certainly has the impulse to ascend, but she maintains that the ascent isn’t for its own sake.

“I’m a Libra,” she told me. “And I get crazy or motivated to do something because the scales of justice and my sign are off. Whenever I see something wrong, I’ve got to step in and do something or say something. A clergy member says that there’s a minister in me struggling to come out. It’s just trying to correct the universe and have it more balanced, to make sure the voices of the dispossessed and disenfranchised and disinherited are heard.”

**J**ames knew as well as anyone that she was making a deal with the devil when she agreed to take the state party’s endorsement in 2018. She understood the assignment, too, and appeared game to complete it, at one point defending scuzzy comments Cuomo made at a Women for Cuomo event — “One of the few men in a room full of women,” he reportedly said. “Could be worse ... Usually it is worse” — after his opponent Cynthia Nixon called them “Trumpian.” James responded, “What did he say that was offensive?” The Women for Cuomo event was cut into a television ad in which James made an appearance — a boost for the governor, free ad time for her.

*The New Yorker* quoted one Teachout supporter saying, “Is she independent from Andrew Cuomo or not? ... Is she gonna trust her conscience or is she gonna write him a blank check? He’s used her as a prop in my opinion.” Spitzer told the *New York Times*, with accidental prescience, that “perhaps no criterion is more important right now than the capacity of the next attorney general to be independent ... The occupant of that office must have the wherewithal to pursue cases against the most powerful forces without regard to political consequences.”

Roberto Ramirez reminded me that New York is a state which until 2018 had never elected a Black or female governor or attorney general. “Tish James did exactly what she needed to do to do away with more than 200 years of history,” said Ramirez. “It would’ve been political malpractice for her not to do that.”

The way she always saw it, James said, “Governor Cuomo brought me to the party. But maybe this speaks to the reason why I’m single: Once you bring me to the party, I tend to go my own way.”

This was not a possibility that seems to have occurred to Cuomo himself.

“Our relationship started to go south starting with the Green Light Law,” James recalled.

Cuomo, known on the left for publicly voicing enthusiasm for a progressive agenda that he would then work to impede behind closed doors, had previously been mealymouthed in his support for the measure, which faced resistance from conservatives. But progressives had gained control of the State Legislature in 2018, and Cuomo promised to make the bill a legislative priority. In 2019, Democrats brought the Green Light bill to the Senate floor for a vote.

On the morning of June 17, the day the Senate was set to debate the bill, the governor announced that he would only sign it if the solicitor general, Barbara Underwood, could confirm that the federal government, via ICE, would not be able to access DMV records. Staffers for both women understood Cuomo's ice concern to be a pretext for not wanting to pass a bill he felt would damage him with voters upstate. Cuomo's office turned to James, increasingly anxious that the AG release a statement calling the bill unconstitutional or arguing that it was vulnerable to federal interference. For James, it was another instance of the governor being "a DINO — a Democrat in name only — in certain instances," as she put it.

According to sources briefed on the matter, Cuomo's top aide, Melissa DeRosa — understood by all to be the governor's mouthpiece — called the AG's office aggressively demanding that it fall in line. DeRosa and Cuomo, who subsequently joined the call, reminded members of James's team that the governor had the power to defund her office.

James released her statement of support for the bill at 7 p.m. The measure passed 33-29. Cuomo "flipped out and called me, and we had a spirited conversation," James said. He was forced to sign the bill late that night.

One source close to James recalled the episode as "the first where he expected us to do his bidding and we didn't do it and he was embarrassed. And most important, the right thing was done and the public benefited."

Six weeks later, Cuomo took James on the fishing trip to Lake Ontario, reminding her of the value of loyalty.

Then came James's nursing-homes report. She had understood, going into that investigation, which was undertaken by her office's Medicaid Fraud Control unit, "that there would be blowback," she said. "But the concern was vulnerable senior citizens in nursing homes." When the investigation was ready for publication, the AG's office gave the governor's office a call as a courtesy to let them know the report was coming.

DeRosa was furious. According to sources familiar with the exchange, she yelled, threw out insults, and implicitly threatened the AG's office, demanding that the report not be released. A spokesman for Cuomo denied that DeRosa issued threats or insults.

Two months after the nursing-homes report, Cuomo's back was against the wall. Amid cascading stories from women accusing him of inappropriate workplace behavior, and after unsuccessful attempts to put

friendly judges in charge of an investigation into the allegations, Cuomo played his last card. He pleaded with questioners at a March 7 press conference, “Let the Attorney General do her job. She’s very good, she’s very competent, and that will be due process and then we’ll have the facts.”

“I know Tish did not relish the idea of doing that investigation,” said New York City comptroller Brad Lander, who has known James for years. “But what choice did she have?”

**E**veryone in New York has a theory about what happened with James’s gubernatorial misstep. Celinda Lake, a pollster for the aborted campaign, said that initial polling had shown James and Hochul “equal in name recognition and favorability and job performance, and actually a little bit more intensity on the AG side.” But the fund-raising gap “was spooky,” she told me. “The pace of the money Hochul was raising was pretty sobering and daunting and surprising.”

That Hochul had the opportunity to amass a war chest in the late summer and early fall was, in part, because James was trying to put some distance between her campaign and the harassment investigation. Announcing her run while compiling a damning report on Cuomo, she understood, would have made her vulnerable to charges of opportunism.

That delay gave Hochul the chance to open up a jaw-dropping funding lead. The speed at which donors coalesced around the new governor was striking, a testament perhaps to her unanticipated political gifts, but also to some of the twisted dynamics in play: The lieutenant governor, who had previously remained silent on the harassment charges against Cuomo, was benefiting from his fall from grace, while the attorney general who’d been tasked with holding him accountable was paying a steep political price.

Although James was widely expected to announce her candidacy, EMILY’s List endorsed Hochul before James entered the race. James’s crossover appeal has always been with Black voters and white liberals, and white women’s generally warm feelings toward Hochul threatened to eat away at that base upstate and on the Upper West Side. Even some progressives, not inclined to be Hochul people, admit a degree of fondness for the new governor, especially after the decade of Cuomo. “I know it’s a low bar, but not having a governor who’s a garbage-human sociopath is a good thing,” said Bronx state senator Gustavo Rivera.

Meanwhile, James’s successor as public advocate, Jumaane Williams, entered the race from her left in mid-November. Most expected that if James outraised him, he would drop out quickly. But she has long been known as a terrible fund-raiser, a situation that mystifies almost everyone I spoke to for this article. She’s great with people, she’s a hero to many, and over the years, she’s managed to win multiple races without a ton of money. She should not be a bad bet. It’s true that she doesn’t come from the kind of wealthy white networks that can be easily soaked for cash. Spitzer, for example, funded two consecutive AG campaigns with his father’s money at \$4 million a pop. But these days, it is also possible for Black and brown candidates from cash-poor backgrounds, especially those with national profiles, to raise staggering sums.



Some believe James has internalized the conviction that she can't raise money. Without a greater sense of entitlement, and with little enthusiasm for putting in six hours of call time a day ("I hate it," she told me flatly), her self-doubt on this matter may have become self-fulfilling prophecy.

James said she had initially entered the race because she thought herself "well suited to serve as the governor of the State of New York." But she had reservations almost immediately upon announcing. "There was no way that I could manage the office, stay on top of investigations and litigation, and at the same time run for governor," she said. "I was more interested in the work than in campaigning. And I used to come up with excuses instead of making cold calls to raise money ... I decided to withdraw and also recognize that my heart really wasn't in it."

Whatever comes of her investigation into the Trumps, she is perceived in at least some quarters as having blown any future chance at being governor. If Hochul wins, she could stay there for a long time, and James is already in her 60s.

There is another lens through which her withdrawal matches the late-pandemic Zeitgeist: In an age in which millions are questioning the expectation of ever higher advancement, she was declining to grasp the next rung on the ladder, determined instead to focus on work that she felt was more substantial. It is hard to imagine any of her immediate predecessors in the AG's office — Spitzer, Cuomo, or Schneiderman, all of whom, behaving as though their power left them immune from consequence, ultimately resigned in disgrace — doing the same.

**T**he costs to women who challenge powerful men are steep. Those who come forward with stories of abuse or discrimination are routinely depicted as fame-seeking profiteers, even when there is literally no profit to be made. They are portrayed as aggressors, even when they have been aggressed upon. Brutes assume the posture of the brutalized, while the brutalized get tarred as lying bullies. These unjust patterns are, of course, immeasurably more damaging to those who are not the attorney general of New York, who don't have the professional, economic, or political support networks that Tish James has.

But the frame is being applied to her too, as the figure charged with providing what these men say they want — due process — but who in the end declines to vindicate, defend, or submit to them. Which is, of course, what they *really* want and what they believe they deserve.

Now Cuomo and his team are determined to cast James, like the women who came forward with stories of his inappropriate behavior, as dishonest, calculating, striving, and mean. In an interview with Bloomberg News, Cuomo described a 165-page report, covering interviews with 179 people and a review of 74,000 documents, as "a brand of ugly politics I had never seen before." He claimed that James's investigation of him was in service of her gubernatorial ambitions, and that her report — as opposed to his behavior — "hurt a lot of people in a lot of different ways." He is filing complaints against James and

the seasoned investigators she chose for the harassment case, Anne Clark and Joon Kim, with the misconduct-review board.

Powerful people turn to this defensive playbook again and again because it works — again and again. The day after Cuomo’s Bloomberg News interview, Sunny Hostin of *The View* parroted Cuomo’s characterization of James: “He said that with Letitia James this was a political prosecution, and I think there is something there. Where there’s some smoke, there’s fire. She was interested in running for governor ... It does appear to be a little politically motivated.”

That Cuomo gave an interview lacing into his party’s attorney general and women he has been accused of harassing in the midst of rumors that *he* might reenter politics — that reads as normal, comprehensible. *Of course* he’d want to return to political office. James’s behavior, on the other hand, can be easily cast as ugly and self-interested. That’s because her claim on power still reads to millions as aberrant, threatening, fundamentally illegitimate. Even though she is no longer even running for governor — even though the sexual-harassment report her office commissioned likely cost her a chance at the office, rather than boosting her ability to win it — the very fact that she ever contemplated it renders her suspect.

“The bottom line is he wants redemption,” said James. “But I can’t give him redemption. Only God can give him redemption.” When I pointed out that he seems also to want revenge, she replied, “He’s a very vindictive individual. He said he’s going to file a complaint, a grievance-committee complaint against me. *File. File it.*”

Many in her camp are all too aware that he can enter the race for his old job and run against her not in the Democratic primary but as an independent, armed with a formidable war chest. At the very least, he can be a thorn in James’s side. In late February it was reported that a group called Friends of Cuomo is going to start running ads claiming he has been exonerated of the harassment charges.

“He has \$16 million, so he can make flashy ads till the cows come home,” said Rivera, who nonetheless noted that Cuomo has ceased to hold the state in his punitive grip. “My colleagues are no longer scared of him,” said Rivera. “The shook ones are no longer shook. So please, *Papi*, please, bring it.”

“We’ll see,” said James of the possibility that Cuomo might run against her. “If he wants to talk about his record, I would be more than happy to expose his record.”

James claims she is undaunted by these guys. “It’s just another day,” she said to me on several occasions. But enough of those days, those years, can wear on a person. “She’s a regular human being,” said someone who has known her from the start of her political career. “She doesn’t have that thing like Cuomo and de Blasio have, where they’ve convinced themselves they have superhuman powers to be right all the time. That’s the armor white men build. Tish doesn’t have that. And I worry that that’s the way you survive this rough-and-tumble job.”

To listen to how the right wing talks about Tish James these days is to catch a familiar chill. Newsmax host Greg Kelly regularly lays into her, accusing her of staging a “freaking witch hunt” against Cuomo. Over a video mash-up of James talking about his father, Eric Trump tweeted that the “entire system in New York” is “weaponized and if you’re not one of them, you don’t stand a chance,” an us-versus-them locution that positioned James not as an elected official but as an armed menace, a dog whistle for the Trump family’s base. After Mazars’ abandonment, Donald Trump used similar language, alleging that his former accountants had been “scared beyond belief” by James, as if she were an assailant posing, in his words, a “constant threat.” Weeks earlier, he had told crowds that “these radical, vicious, racist prosecutors ... they’re not after me, they’re after you.”

We know what he’s saying when he urges these crowds to “the biggest protest we have ever had” should prosecutors — James chief among them — continue to hold him accountable. It’s an old sentiment, the low and scary call to arms by those who feel they’ve been dispossessed of their rightful authority and impunity by a person they feel should never have been in a position to come for them in the first place.

Maybe because the victimization-of-the-white-patriarchs narrative gets so much play, it’s easy to lose sight of what has provoked it: the breathtakingly extensive domino effect of Letitia James’s tenure as AG.

The nursing-homes report led to the progressive uprising against Cuomo that made space for women to come forward; the harassment claims, in turn, led to his resignation, which led to the firing of his brother, Chris, from CNN, which led to the firing of CNN boss Jeff Zucker, who happens to be the television executive who helped create Donald Trump by green-lighting *The Apprentice*. James — the first Black woman to hold state office in New York — has directly or indirectly parted some of the state’s most powerful white men from their jobs, their book profits, their accountants, their perches high at the top of literal networks, systems they believed themselves born to command.

It is no small thing to use power as James has. And no one should underestimate the risks she has incurred by doing so.

In one January conversation, she brought up a memory from her mother’s later years, when her mom was living with her and James was serving on the City Council.

“She had no idea what I did,” James said. “And I didn’t want to tell her.” Her mother, she explained, “grew up in the South and was afraid of confronting people, particularly white people, particularly powerful white people. She remembered crosses and hangings.” As a result, James said, her mother stayed to herself, was wary of putting her head up, and James didn’t want to worry her by telling her she had won elected office and was becoming an increasingly public figure.

“I remember one time when we went for a walk in the neighborhood, and she asked me, ‘Why does everybody know your name, Tish?’ And I said, ‘Because I’m the president of the block.’ She said, ‘Okay, well ... just be careful.’ And that was that.”

*Want more stories like this one? **Subscribe now** to support our journalism and get unlimited access to our coverage. If you prefer to read in print, you can also find this article in the February 28, 2022, issue of New York Magazine.*

**RELATED**

 **Is Tish James Aiming Higher Than Governor? Stay Tuned.**

TAGS: POWER LETITIA JAMES ANDREW CUOMO DONALD TRUMP MORE

 23 COMMENTS



## THE **Intelligencer** FEED

**5:01 P.M.** THE MONEY GAME

### **A Few Savvy Investors Saw Silicon Valley Bank's Collapse Coming**

*By Michelle Celarier*

"I knew this was a giant bubble," says one San Francisco-based hedge-fund manager.

**3:57 P.M.** THE NATIONAL INTEREST

### **Republicans Blame Silicon Valley Bank Failure on 'Wokeness'**

*By Jonathan Chait*

Buying too many Treasury bonds is extremely woke, obviously.

**3:39 P.M.** TREMENDOUS CONTENT

### **Trump Celebrates Kimberly Guilfoyle With Dance, Stump Speech**

*By Margaret Hartmann*

Nothing says “Happy birthday, future daughter-in-law” like delivering a rambling political diatribe and performing the “Y.M.C.A.” dance.

### MOST POPULAR

#### **1. How the U.S. Is Trying to Stave Off a Banking System Crisis**

*By* CHAS DANNER

#### **2. You Are Not a Parrot**

*By* ELIZABETH WEIL

#### **3. The Republican Party May Not Be Fascist, But It’s Definitely Getting Fasci-er**

*By* JONATHAN CHAIT

#### **4. Mike Pence’s Condemnation of Trump Is Still a Sad Work in Progress**

*By* CHAS DANNER

#### **5. Anti-LGBTQ+ Republican Is Really Supportive of a Young Man’s Nudes**

*By* MATT STIEB

#### **1:08 P.M. THE DOMINION LAWSUIT**

### **All the Texts Fox News Didn’t Want You to Read**

*By* Nia Prater, Matt Stieb, And Benjamin Hart

A new court filing reveals messages from Rupert Murdoch saying the network went “too far” and Tucker Carlson saying he hates Trump “passionately.”

#### **11:58 A.M. WHAT WE KNOW**

### **How the U.S. Is Trying to Stave Off a Banking System Crisis**

*By* Chas Danner

Amid the threat of additional bank runs in the aftermath of SVB’s collapse, regulators have taken dramatic action to prevent a panic.

11:32 A.M. THE NATIONAL INTEREST

## **The Republican Party May Not Be Fascist, But It's Definitely Getting Fasci-er**

*By Jonathan Chait*

The left-wing case for downplaying authoritarianism is not convincing.

11:24 A.M. POLITICS

## **Michael Cohen to Testify Before Grand Jury Over Trump Hush Money**

*By Nia Prater*

The grand jury is currently hearing evidence related to its probe into the payments made to Stormy Daniels.

9:00 A.M. JUST ASKING QUESTIONS

## **Can Israeli Democracy Survive Netanyahu's Power Grab?**

*By Benjamin Hart*

Law professor Yuval Shany on how the country's judicial crisis is weakening its place in the world.

8:00 A.M. THE GROUP PORTRAIT

## **The George Floyd Protesters Behind a Historic Payout**

*By Nia Prater*

"Yes, we won. But are things going to change?"

8:00 A.M. MEDIA

## **Let's Have a Real Conversation About Barbara Walters**

*By Irin Carmon*

Seventeen leading broadcasters on her legacy and making their way in the world she made.

3/12/2023 EARLY AND OFTEN

## **Mike Pence's Condemnation of Trump Is Still a Sad Work in Progress**

*By Chas Danner*

The former vice president's latest "sharpest" attack on his horrible boss was dull on arrival.

3/12/2023 LIFE AFTER ROE

## **Will Abortion Come Back to Bite Ron DeSantis?**

*By Ed Kilgore*

Activists pushed the Florida governor into accepting a near-total ban, which may not be enough for the right and may be too much for the rest.



**3/11/2023** THE MONEY GAME

## **Why Silicon Valley Bank's Failure Felt a Lot Like GameStop Mania**

*By Jen Wieczner*

The frenzied bank run was more fueled by the whims of venture-capitalist influencers than financial reality.

**3/11/2023** UNSOLVED MYSTERIES

## **Who Blew Up the Nord Stream Pipeline?**

*By Chas Danner*

New clues are surfacing, but this geopolitical true crime has yet to be solved.

**3/10/2023** POLITICS

## **Zooming With Tennessee Thirst Trap Franklyn McClure**

*By Brock Colyar*

He feels a little bad for the GOP lieutenant governor who liked his photos, because he knows what it's like to be "hated on."

**3/10/2023** SCREEN TIME

## **'It's a Big F - - - - - Mess': How SVB's Collapse Is Creating Chaos**

*By John Herrman*

What was America's 16th largest bank now no longer exists. Lots of regular people are already being hurt.

**3/10/2023** THE TALENTED MR. SANTOS

## **Here's Every Single Lie Told by George Santos**

*By Matt Stieb*

Navigating the many exaggerations and falsehoods of New York's newest representative.

**3/10/2023** EARLY AND OFTEN**Anti-LGBTQ+ Republican Is Really Supportive of a Young Man's Nudes***By Matt Stieb*

Tennessee's lieutenant governor gave a sweaty, awkward interview about his penchant for thirsty posting on Instagram.

**3/10/2023** EARLY AND OFTEN**Permanent Daylight Saving Time Bill Just Made Clock Change More Annoying***By Margaret Hartmann*

Before the Senate passed the Sunshine Protection Act last year, I was resigned to my fate. Now the biannual clock change comes with false hope.

**3/10/2023** EARLY AND OFTEN**Biden's Risky Plan to Sit Out the 2024 Culture War***By Ed Kilgore*

The president is betting that he can neutralize most hot-button cultural issues with silence. His Republican opponent may not let him.

**3/10/2023** THE SWAMP**How Biden Learned to Love the Debt-Ceiling Crisis***By Eric Levitz*

He has turned a chronic political headache into a winning issue.

**3/10/2023** THE INSIDE GAME**The One Big Question Bernie Sanders Won't Answer***By Gabriel Debenedetti*

The progressive hero has more power than ever. He has to decide whether to try and keep it 'til he's 89.

3/9/2023 FORDLANDIA 2

## Elon Musk Wants His Own Town Now

*By Matt Stieb*

The Tesla founder is reportedly considering building a company town outside Austin for his employees to live, work, and never leave.

3/9/2023 CRIME

## One Woman's Search for Her Mother's Rapist — Her Father

*By Victoria Bekiempis*

How Magdalena Cruz unearthed the dark secret of an institution's abuse.

3/9/2023 TREMENDOUS CONTENT

## Trump Charges \$99 for Book Written by Other Celebrities

*By Margaret Hartmann*

His new coffee-table book *Letters to Trump* may be even Trumpier than *Our Journey Together*.

READ MORE ON THE

**Intelligencer**

HOMEPAGE

SIGN IN TO COMMENT

## Intelligencer



[ABOUT INTELLIGENCER](#)

[ABOUT NEW YORK MAGAZINE](#)

[NEWSLETTERS](#)

[HELP](#)

[CONTACT](#)

[PRESS](#)

[MEDIA KIT](#)

[WE'RE HIRING](#)

[PRIVACY](#)

[TERMS](#)

[AD CHOICES](#)

[DO NOT SELL OR SHARE MY PERSONAL  
INFORMATION](#)

[ACCESSIBILITY](#)

INTELLIGENCER IS A VOX MEDIA NETWORK.

© 2023 VOX MEDIA, LLC. ALL RIGHTS RESERVED.