



Wednesday, Mar. 12, 2008

The Perilous Future of Eliot Spitzer

By Alex Altman/New York

On Wednesday, Eliot Spitzer hit bottom. For a man who so often seized the moral high ground, it was an excruciating fall. Clad in his trademark starched white shirt, the governor resigned, sunk by his stunning patronage of a high-end prostitution ring. "I cannot allow my private failings to disrupt the people's work," he said. "To every New Yorker, and to all those who believed in what I tried to stand for, I sincerely apologize...I look back on my time as governor with a sense of what might have been." His wife Silda stood heartbreakingly next to him. And, as it turns out, Spitzer's lawyer was also nearby, perhaps because of what had been and what might still be to come.

Up next are several potential legal repercussions. The fallen governor's Feb. 13 dalliance with "Kristen" — the "petite, very pretty" brunette, as described by court papers, who has become the world's most famous anonymous prostitute — leaves Spitzer, 48, vulnerable to federal charges. A lengthy affidavit reveals that he arranged for his consort to travel from New York to Washington for their \$4,300 tryst — a violation of the Mann Act, an archaic statute that, though rarely invoked, has Spitzer pinned because it forbids "transportation of a person across state lines for purposes of prostitution." "It's an undeniable Mann Act violation," says Judd Burstein, an attorney whose history with Spitzer dates back to their facing off on opposite sides of the 1992 Gambino "mob tax" case.


There are also questions about whether Spitzer could be prosecuted for tax fraud if he "structured" his payments to the Emperors Club VIP through shell companies. "What it's really going to depend on is how the money was paid," Burstein told TIME, adding, "If his name was not Eliot Spitzer, it's virtually inconceivable that there would be any question of prosecution." Still, he put the odds at 50-50.

"I hope the government does not pursue him," says Ed Koch, the former New York City mayor. "Losing his position as governor based on what's happened is one of the greatest punishments that could have been inflicted on him." Some had speculated that Spitzer, who had been holed up in his Fifth Avenue apartment since his initial apology Monday, was negotiating a deal to avoid prosecution. But U.S. Attorney Michael Garcia denied that was the case. "There is no agreement between this office and Governor Eliot Spitzer, relating to his resignation or any other matter," Garcia, of New York's Southern District, said in a statement. Conviction on Mann Act and "structuring" charges could mean prison time.

Even if he avoids jail, what can he do after this humiliation? Once touted as a potential presidential candidate, Spitzer must try to repair a career in tatters. "I go forward with the belief, as others have said, that as human beings, our greatest glory consists not of never falling, but rising each time we fall," Spitzer said. He has a long, steep climb ahead of him. "I assume he'll go into the real estate industry, which his father is involved with,

banking, or the practice of law," says Koch. His degree makes a return to private law practice enticing, though disbarment is a "real issue," says Burstein. A conviction is not required for disbarment proceedings to begin. A felony conviction makes disbarment automatic.

Meanwhile, Spitzer's enemies were doing their best to disguise their glee. In Albany, his arch-rival Senate Majority Leader Joseph Bruno, told TIME that he looked forward to working with the new chief executive, Lt. Governor David Paterson who officially succeeds Spitzer on Monday. Says Bruno: "I know he is in an entirely different frame of mind" than Spitzer, who "was a prosecutor and had that mentality. That doesn't work as CEO." Bruno, who will retain his post as Senate Majority Leader while assuming the duties — but not the title — of Lieutenant Governor, had only good words to say about Paterson. "When he was minority [leader], we many times would need votes from his side of the aisle," says Bruno. "I would call David...and he would say, how many votes do you need?" Spitzer was never that accomodating.

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