

NYSDC Resolution Stating that the Loeb & Loeb Report  
into Allegations of Sexual Harassment Against State Senator Jeff Klein  
is Not A Credible Investigation  
And Calling For the Appointment of an Independent Outside Investigation into  
These Allegations

May 2018

Whereas sexual harassment has been condemned by the NYSDC, the Democratic leadership and elected officials, rank-and-file Democrats and progressives; and

Whereas taking sexual harassment seriously means investigating sexual harassment allegations seriously, especially sexual harassment allegations against powerful people; and

Whereas Senator Jeff Klein was recently accused of sexual harassment and has relied on a so-called investigative report from Loeb & Loeb to try to quiet concern regarding these allegations and forestall a true investigation; and

Whereas the Loeb & Loeb report that cleared Senator Jeff Klein is not a real investigation in any sense of that word and suffers from the following fatal flaws:

- The investigators failed to interview the accuser.
  - The only facts in dispute are whether Senator Klein forcibly kissed the accuser. The Report confirms that the accuser and Senator Klein were drinking together, that they left the bar together alone, and that they spent some time outside the bar outside the presence of any of the witnesses the investigators interviewed. It is therefore critical that the report take testimony from the only two people who were present where the alleged forcible kiss took place.
- The investigators appear not to have interviewed the accuser's friend to whom the accuser immediately told of the forcible kiss on the night of the incident. According to the accuser's friend, and as reported in the Huffington Post, the accuser came to her apartment at 4 am on the night of the incident and was "hysterically crying, not able to breathe, couldn't catch her breath."
- The report relies heavily on the testimony of Senator Klein's girlfriend, Senator Diane Savino.
  - Senator Savino is the only named witness other than Klein whose recollection is specifically recounted in the report.
- The report places significance on the fact that Senator Klein and the accuser were standing outside the window to the bar and states that they were "plainly visible to those inside the bar." There is no evidence to

support this claim, nor is it clear what work, if any, the investigators did to determine whether individuals would be visible from the street.

- The reliance on the window theory renders more problematic the investigation's failure to interview the accuser, who may have further information concerning where on the sidewalk Senator Klein and she were standing.
- The investigators interviewed only seven of the ten staff members present at the bar.
- The Report places undue significance on the accuser's post-incident conduct. That the accuser did not use her resignation as an opportunity to bring her allegations to light is not surprising.
  - Alleging that you were sexually assaulted by a public figure is a difficult, and risky decision to make.
  - The accuser was about to start a new job, and may not have wanted to cast negative attention upon herself
- The Report appears to have been written for press consumption. Aspects of the language used in its purported conclusion appear word for word in an exclusive report in the [Huffington Post](#); and

Whereas the Loeb & Loeb report into Senator Klein's alleged sexual harassment is nothing more than a whitewash job; and

Whereas it has now been many months since these allegation were first made and concerns about the credibility of the Loeb & Loeb report were raised; and

Whereas it is imperative that the Democratic leadership in New York takes seriously its moral and legal responsibility to protect all of its residents from sexual harassment and can only do so by ensuring a credible and genuine investigation into these sexual harassment allegations take place; and

Whereas Senator Klein is one of the most powerful Democrats in New York, and

Whereas no one, no matter how powerful, is above the law,

Therefore be it resolved that we call upon the New York Senate Democratic leadership to appoint a well-respected and impartial outside investigator who will conduct an objective investigation into these allegations and issue a credible report.