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I am here today in support of Alisha C. Smith who has been unfairly attacked by the N.Y. Post with a false allegation that she was paid to be a dominatrix and who, as a result of that allegation, has suffered serious consequences on her job as an Assistant Attorney General for the State of New York.

Since moving to N.Y. City in 2002, Ms. Smith has dedicated her legal career to fighting for and protecting investors, first in private practice and then beginning in 2007 as a N.Y. State Assistant Attorney General where she continued to be employed until today.

In her nearly four years with the Attorney General's Office she as part of a team helped recover 61 billion dollars for investors as part of the Auction Rate Securities matter. She was one of three attorneys working on the People of the State of New York vs. Maurice R. Greenberg and Howard I. Smith case. She was publicly acknowledged by former N.Y. Attorney General Andrew Cuomo as part of the legal team who had obtained settlements from several of the investment

banks, including a 5 billion dollar settlement from Bank of America, in the auction rate securities matter.

In addition, she worked to provide additional protection for investors after she was selected by the President of the North American Securities Administrators Association (NASAA) to be the chairperson of its corporate accountability project group, a position she held for more than two years.

Then one day the N.Y. Post contacted her employer with what Ms. Smith contends is a totally false allegation that she received payment to be a dominatrix. Very quickly, and without checking with Ms. Smith to determine if the story about to run was true or false, and without providing any hearing to Ms. Smith the N.Y. Attorney General's office suspended her without pay. This appeared to be a shoot first and ask questions afterwards type of response.

Then the A.G. began an extremely intrusive investigation of Ms. Smith. They called her in and asked her numerous questions about her private sexual activities inquiring about whether or not she only brought boyfriends into her bedroom and what she did with them. The A.G. does have a rule which "involves engaging in public or private employment, profession or business, or other outside

activity, from which more than \$1,000 will be received or is anticipated to be received.” (Administrative Memoranda No. 80.10 - 3a. i.)

While the A.G. certainly had a right to ask Ms. Smith if she had been paid for any sexual activity we believe that questions about what she does in her bedroom, and who may be involved in her intimate life, are completely irrelevant and a serious violation of her right to privacy. Employers do not have the right to go on fishing expeditions into an employee’s private sexual activities and an employee should not have to sacrifice their privacy about their sex life in order to get or keep a job. Since Ms. Smith was not paid for anything involving her sex life we believe that it was completely improper for her to be asked these intrusive questions. Several decades ago my law firm won an extremely important case in the U.S. Court of Appeals for the Ninth Circuit in which we represented Debbie Thorne who wanted to be a police officer and was wrongly asked questions in her employment application about her private sexual activities (Thorne v. City of El Segundo). This case limits public employers in their inquiries into this area.

Since Ms. Smith was suspended, she has been emotionally shocked by her employer’s actions, their failure to afford her due process and their constant intrusion into her personal life. She has sought counseling and legal advice and

has decided that she will not tolerate this kind of mistreatment and deprivation of her rights. Under the circumstances she has decided that she no longer wishes to work for a government employer who runs rough shod over the rights of hard working and loyal employees who have committed no crime and violated no rules.

It has taken a great deal of courage for Alisha to speak out today. She is doing so because she feels forced to set the record straight, and she hopes that the A.G.'s office will change their conduct in the future and decide not to ask their employees about their private sexual activities between consenting adults.

The A.G.'s office and N.Y. investors have lost a strong advocate and defender now that Alisha has decided to resign. I hope that she will continue in private practice to protect investors in the future for her commitment to them and her expertise in this area are invaluable.

Gloria Allred  
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