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OPINION COMMENTARY Follow

Cornell, Letitia James and the New York Ethics Code

Prejudicial statements by New York's attorney general should disqualify her from the investigation.

By Justin Dillon

Oct. 4, 2026 11:36 am ET

Stephen Covey famously advised that one should always “begin with the end in mind.” New York's attorney general seems to have taken that a bit too literally.

On Thursday Gov. Kathy Hochul announced that she was appointing Letitia James as a special prosecutor to investigate the alleged 2024 gang rape at Cornell University. In her statement announcing the appointment, Ms. Hochul said that she had “lost faith in the Tompkins County DA's ability to fairly oversee” the case and that “the young woman at the center of this case deserves to know that every fact will be examined and justice pursued.”

The signal she is sending couldn't be clearer and goes well beyond the usual efforts of a politician to please her constituents: *There is only one acceptable outcome here, and I expect Attorney General James to find it.*

Ms. James doubtless understands the assignment, having run for office in 2018 on a platform in which she proudly proclaimed she would go after Donald Trump and then eagerly proceeded to do so. Public statements she has already made about the case raise serious questions about whether state ethics rules permit her to participate in the case at all.

On Sept. 28, three days before Ms. Hochul announced the appointment, Ms. James posted the following statement on both X and Facebook: “What this young woman has been forced to endure is horrific and unacceptable. I’m holding her in my heart and in my prayers. To her, and to all survivors: you’re not alone. We stand with you.”

As an initial matter, we don’t actually know what “this young woman has been forced to endure.” The point of the investigation would be to find that out. The New York Times obtained documents from the university’s investigation, which present a complicated picture: Jane Doe, as her lawsuit identifies her, initially texted one of the now-accused men that “non [sic] of the sexual stuff was illegal” and that she enjoyed being with him and one of his fraternity brothers. She accused them of rape only after being disinvited from the fraternity’s Halloween party.

Nor—to put it mildly—do prosecutors publicly proclaim that they hold accusers in their “heart” and “prayers.” And consider Ms. James’s declaration that she is on the side of “survivors.” Whether the accuser is a “survivor” is the very question that an investigation is meant to answer. To start by characterizing her that way is to turn the burden of proof on its head. Ms. James’s job is to determine whether there is probable cause to believe that someone may have committed a crime, and whether she can persuade a jury of his guilt beyond a reasonable doubt. It isn’t to “stand with” either side.

Rule 3.6(a) of the New York Rules of Professional Conduct prohibits a lawyer from making an “extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.” Rule 3.6(b) lists examples of such statements, including “any opinion as to the guilt or innocence of a defendant or suspect in a criminal matter that could result in incarceration.”

Almost two decades ago, violations of this ethics provision played a role in the disbarment of Mike Nifong, district attorney of Durham County, N.C.,

who proclaimed the guilt of accused students in the Duke lacrosse case before undertaking any investigation of the facts. That case was taken over by the state attorney general, who dropped the charges. Years later the accuser publicly apologized for fabricating the charges.

Ms. James is a savvy operator and knows she is playing with house money. Her public statements about Mr. Trump didn't lead to either her disqualification from his case or any consequences from the New York State Bar, and she expects this time is unlikely to be different. That may be why, when asked about her tweet at a Friday press conference, Ms. James did not take the opportunity to walk back or "clarify" her comments. Instead, she responded with regal disregard: "I will not comment on a Facebook post."

So we are left with a Javert problem: Like the blinded-by-righteousness police inspector who mercilessly pursues Jean Valjean in "Les Misérables," Ms. James will begin her own pursuit of seven young men who have already been punished by Cornell (some severely) and who have reasonably believed for almost two years that they could take the local prosecutor's declination at face value. We can only hope that somehow this case will come to a just end.

Mr. Dillon, a former federal prosecutor, is a partner at Dillon PLLC, where he represents students and professors in campus misconduct cases.



New York Attorney General Letitia James and Governor Kathy Hochul at a news conference in New York, Oct. 2. SPENCER PLATT/GETTY IMAGES

Appeared in the October 5, 2026, print edition as 'Cornell, Letitia James and the New York Ethics Code'.

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NY governor says Cornell rape accuser was ‘failed’ by people obligated to protect her

Governor Kathy Hochul says the woman who accused members of a Cornell University fraternity of gang rape was “failed” by people obligated to protect her, including police and the county prosecutor.

By **MICHAEL R. SISA** The Associated Press, Updated October 2, 2026, 6:00 p.m.

NEW YORK — The woman who accused members of a Cornell University fraternity of gang rape was “failed” by people obligated to protect her, including campus police and the county prosecutor, New York Governor Kathy Hochul said Friday.

Hochul said at a news conference that she decided to appoint Attorney General Letitia James as a special prosecutor to take over the investigation after learning “troubling details” about how authorities have handled the woman’s claims thus far, including that the district attorney closed the case without having anyone interview the accuser or anyone else involved in the alleged attack.

“In what world does the district attorney not even interview her, or anyone else involved, or even request the full transcript?” Hochul asked. “This woman, this young woman, had already endured something that is utterly unspeakable. And then at every turn, she was failed by people and institutions with an obligation to protect her.”

She also assailed the Cornell University Police Department for not fully conveying the woman's story to prosecutors.

"After this young woman came forward, she spoke to the police. She sat for hours and told them exactly what happened to her. And according to new reports, she could not have been clearer that she was 100 percent confident that she had been raped," the Democratic governor said. "Yet, shockingly, those words never made it into the account that the Cornell police sent to prosecutors."

Hochul said Thursday that she appointed James to oversee the case because she had lost faith in the local district attorney's ability to handle it.

Tompkins County District Attorney Matthew Van Houten, who was removed from the case, said Friday that he supports James's appointment.

"I trust that she will examine the facts and apply the law," Van Houten said in a statement. "It has become clear that we were not provided the full picture by the university. The focus has been and should continue to be on the victims."

James didn't say how long her investigation might take, but suggested it would take months.

"We will review the facts, gather evidence, interview witnesses and, if warranted, pursue prosecutions," James said. "I know that you want answers. I do too. A comprehensive investigation of this nature takes time, but my office is committed to seeing it through."

The investigation initially was closed without charges in 2024. Van Houten reopened the investigation on Monday after the woman filed a new lawsuit against seven former members of the Chi Phi fraternity, as well as Cornell and others.

Van Houten has defended his decision not to prosecute, maintaining that a sworn statement by the woman prepared by police didn't include the woman's allegations that she was drugged against her will, incapacitated beyond the ability to consent, and forced into sex.

The case has roiled the Ivy League school and raised questions about its response and the larger issue of how sexual assaults are handled on college campuses.

The woman, identified only as Jane Doe in court documents, told campus police in November 2024 that she was sexually assaulted, then discussed it with the university's internal investigators as part of Cornell's disciplinary process.

Her lawsuit alleges that she was plied with drugs and alcohol, then subjected to sexual acts by a group of men while she was partially or entirely incapacitated. One of the men sent a social media message to other fraternity members alerting them to what was happening and inviting people to take part, according to the lawsuit.

Lawyers for two of the men she is suing have denied they participated in a sexual assault. One said his client didn't touch the woman. Attempts to reach the other men or their representatives for comment have been unsuccessful.

Hochul also threw her support behind proposals to change an element of New York law that has long made it more difficult to prosecute people who have engaged in sex with someone who voluntarily became intoxicated to the point where their ability to consent was compromised.

Under the law, rape charges generally need to involve force or a clear refusal of sex, unless the victim is physically helpless due to being unconscious, or mentally incapacitated due to being drugged without their consent. New York is one of 19 states with such laws.

"If someone is too intoxicated to consent, it should not matter whether they chose to use drugs or alcohol. Voluntary intoxication is not a license for sexual assault or gang rape, period," the governor said.

New York governors have turned to attorneys general and special prosecutors to oversee important cases in the past.

In 2018, then-Governor Andrew Cuomo appointed a Long Island district attorney to investigate Attorney General Eric Schneiderman, who resigned after women accused him

of abuse. In 2021, James appointed two outside lawyers to conduct a non-criminal investigation into sexual harassment allegations against then-Governor Andrew Cuomo, leading to his resignation.

James's office also handles other criminal work and has the power to investigate every death in the state involving law enforcement. But, typically, she can't initiate a criminal investigation without a referral from a local district attorney, the governor, or a state agency.

James, a Democrat who took office in 2019, is perhaps best known for suing President Trump over allegations that he defrauded banks by overstating the value of his real estate holdings on financial statements. An appeals court overturned Trump's fine, which ballooned to more than \$500 million, but upheld a judge's fraud finding.

Trump's Justice Department, in turn, brought mortgage fraud charges against James last year as part of the president's retribution campaign against political enemies, but a judge dismissed the case and a grand jury rejected another attempt to indict her. James denies wrongdoing.

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OPINION

The Cornell rape case deserves a prosecutor with an open mind

Attorney General Letitia James's public comments about Doe raise questions about whether she can impartially assess the evidence.

By [Joan Vennochi](#) Globe Columnist, Updated October 5, 2026, 1:43 p.m.



New York Attorney General Letitia James stood with Governor Kathy Hochul at a news conference in Manhattan about the Cornell case on Oct. 2. SPENCER PLATT/GETTY

Jane Doe's allegations of being drugged and raped at a Cornell University fraternity house deserve what New York Governor Kathy Hochul said [she was calling for](#): "a special prosecutor who will provide a fresh and thorough review of all the facts, including the information that has recently come to light."

Attorney General Letitia James is not the right person for that job. Before Hochul appointed her to investigate the case, James [posted this on Facebook](#): "What this young woman has been forced to endure is horrific and unacceptable. I'm holding her in my heart and in my prayers. To her, and to all survivors: You're not alone. We stand with you." When asked about it by reporters, [she declined to comment](#).

Her words were biased — toward Doe and away from the seven men who are named in the civil suit Doe has filed against them and the university. They clearly put James on Doe's side of the outrage in the court of public opinion, which is fine, if that's her gut feeling as an observer like anyone else. But it's not fine if she's supposed to carry out the somewhat mixed mission that Hochul articulated after she appointed her. As "an independent special prosecutor," [Hochul said](#), "She'll follow the facts, she'll examine the evidence, and go wherever it leads. And if the evidence supports criminal charges, she will pursue them."

What happened at Cornell, especially when viewed through the [vulgar and disgusting Snapchat messages](#) exchanged by the men named in Doe's lawsuit, has triggered a national conversation about morality and decency in relationships between men and women; about the [extreme party culture](#) of drugs and alcohol on many college campuses; and, more specifically, about the meaning of sexual consent when drugs and alcohol are involved.

But in a court of law, evidence to support criminal charges will require more than crude Snapchat messages. [As a Wall Street Journal editorial noted](#), “The students clearly engaged in awful behavior ... [b]ut the issue for a prosecutor is whether this rises to the level of a criminal offense.” That’s what James is supposed to be investigating.

Scott Harshbarger, a former Massachusetts attorney general, said that Hochul’s framing of the mission created a problem for James. By using the words “independent special prosecutor,” he said, Hochul verbally combined what should be seen as two separate roles.

An independent investigation calls for someone with no prior view of the situation to review it and report back objectively on what they find — a job Harshbarger undertook in private practice in 2017 when he oversaw [an independent investigation of sexual misconduct at St. Paul’s School](#), an elite prep school in New Hampshire. The results of that investigation were turned over to the school.

When you bring in a special prosecutor, Harshbarger said in an interview, “You don’t need to claim it’s independent. ... The governor is essentially saying to the AG, ‘I’m asking you to go in there and see, if you were the DA, what you would have done.’” That kind of inquiry requires a specific legal determination of whether there is probable cause and other evidence needed for criminal charges.

In this case, however, “[t]he governor confused this,” Harshbarger said. “It should have been done more cleanly. Since it wasn’t, how can people feel confident that the AG is coming in here unbiased?”

Hochul's appointment of James also [dragged President Trump into the fray](#), with Trump calling the AG who brought [a fraud case against him](#) a "corrupt person," and saying that anyone scrutinized by her probably would not get a "fair shake."

Division along MAGA political lines is the last thing the Cornell case needs. As Thomas Giuffra, Doe's lawyer, said in an interview [with CNN's Jake Tapper](#), "There are Republicans whose daughters are getting assaulted. There are Democrats whose daughters are getting assaulted. This has nothing to do with politics."

When he was asked if he is worried about James's credibility, Giuffra said, "There will be impartiality. I think there will be fairness. I'm troubled by this attempt to politicize something that is not political."

Meanwhile, Andrew T. Miltenberg, a lawyer for one of the men who was involved in the alleged sexual assault, has [called for James to step down](#) from the role Hochul appointed her to, saying that James's Facebook post raises an "avoidable question about the appearance of impartiality."

"The simplest way to remove that question is for her personally to recuse herself and allow an uncommitted prosecutor within her office to lead the investigation," said Miltenberg in a statement to Fox News.

He's right. At the very least, that should happen — if Hochul and James really care about justice for Doe.

Joan Vennoch is a Globe columnist. She can be reached at joan.vennoch@globe.com. Follow her [@joan_vennoch](#).

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Defense attorney says Letitia James should step down as Cornell investigation special prosecutor
(01:10)

Local News

In Cornell University investigation, attorney calls for Letitia James to step down as special prosecutor

By [Jesse Zanger](#)

Updated on: October 5, 2026 / 8:43 PM EDT / CBS New York

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An attorney for one of the seven men accused in the alleged sexual assault of a former Cornell University student at a fraternity house in 2024 is calling for Attorney General Letitia James to step down as special prosecutor.

Andrew Miltenberg, the attorney for Gillio Lopes, said he thinks James should recuse herself since she previously posted about the case on social media.

Gov. Kathy Hochul tapped James as special prosecutor in the case last week.

"Our concern is not political or personal. It is about confidence in the integrity and independence of this investigation," Miltenberg said. "Before she was appointed special prosecutor, Attorney General James publicly described what Jane Doe was 'forced to endure' as 'horrific and unacceptable,' said she was holding her 'in my heart and in my prayers,' and told her and 'all survivors,' 'We stand with you.'"

Miltenberg said there's nothing wrong with being compassionate toward someone who is making an allegation of sexual assault.

"The concern is that Attorney General James' words could be reasonably understood as expressing a view about what occurred before she became responsible for independently evaluating the evidence and determining whether criminal charges are supported," Miltenberg said.

Both Hochul and James were asked about James' social media posts at a news conference to announce her appointment as special prosecutor.

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Hochul said James "will follow the facts. She'll examine the evidence and go wherever it leads, and if the evidence supports charges, she will pursue them," adding that she had full confidence in her.

James said Friday she wouldn't be commenting about her social media post.

Miltenberg said that given James' social media post and the publicity around the case, "I believe the better institutional course is for Attorney General James to voluntarily recuse herself from this particular investigation and allow it to be led by a prosecutor who has made no prior public statements concerning the merits of these allegations."

"This is not an accusation that Attorney General James is corrupt, acting in bad faith or incapable of performing her duties professionally. Nor am I suggesting that a court has determined that she is legally disqualified. The point is much narrower: an avoidable question now hangs over this investigation, and voluntary recusal would remove it," Miltenberg said.

"Jane Doe is entitled to have her allegations investigated seriously, thoroughly and respectfully. Mr. Lopes is equally entitled to have the evidence concerning him evaluated individually, fairly and with an open mind," he said. "Publicity is not evidence. Repetition is not proof. This investigation should be about the facts and the law – not politics, social media or public pressure."

CBS News New York has reached out to James' office for comment about Miltenberg's statement and has not yet heard back.

Miltenberg has previously said his client "unequivocally denies the allegations against him."

Cornell University Investigation [More >](#)

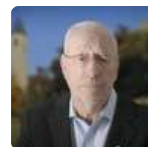
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Cornell Case Carries Far-Reaching Implications for Hochul and James

The decision to intercede by Gov. Kathy Hochul and the New York attorney general, Letitia James, has raised questions of impartiality as both face re-election.

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The Cornell case cast a shadow on a campaign appearance on Saturday in the Bronx by Gov. Kathy Hochul, left, and Letitia James, the New York attorney general. Hilary Swift for The New York Times

**By Benjamin Oreskes**

Published Oct. 4, 2026 Updated Oct. 5, 2026

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Just two months after Gov. Kathy Hochul assumed office, a well-known colleague — Letitia James, the New York attorney general — declared that she would challenge the governor in the Democratic primary.

Ms. James eventually reconsidered, and Ms. Hochul went on in 2022 to capture her first full term as governor of New York.

Roughly five years later, the two women find themselves locked arm in arm, both running for re-election as the closest of allies on a range of issues.

The latest evidence of this partnership came on Thursday, when Ms. Hochul named Ms. James special prosecutor to investigate a woman's allegation that she had been raped inside a fraternity house at Cornell University in October 2024.

The governor's decision to intercede in the matter by enlisting Ms. James as a special prosecutor may carry implications for the investigation and beyond.

For Ms. Hochul, appearing as a take-charge governor may help her counter accusations from her Republican rival, Bruce Blakeman, that she has been weak on crime. It also allows her to tell voters that she stands up for the state's most vulnerable, whether they are immigrants or victims of sexual assault.

Ms. Hochul said on Saturday that it was important for New Yorkers to see two female leaders — Ms. Hochul and Ms. James are the first women to be governor and attorney general in New York — who “are fighters who won't put up with any crap.”

“So I’ve heard from a lot of people,” Ms. Hochul added. “The image gives them comfort to know that two women perhaps are looking at this differently than men would in the same position.”

There are fewer immediate political implications for Ms. James, who is all but assured re-election next month. But Ms. James, who has frequently challenged the Trump administration’s policies, has also been the target of a multiyear pursuit by the Justice Department to prosecute her on a range of charges.

Her involvement has added a layer of complexity to the investigation, as her stance as a legal bulwark to President Trump has already led to questions of impartiality.



Letitia James, the first female attorney general of New York, has been locked for years in a multipronged legal war with President Trump. *Hilary Swift for The New York Times*

After the office of the Tompkins County district attorney, Matthew Van Houten, said early last week that he would revisit the 2024 sexual assault accusations, Ms. James wrote on social media: “What this young woman has been forced to endure

is horrific and unacceptable.”

Asked by a reporter on Friday whether it was appropriate to affirm the victims’ allegations before she had looked into them, Ms. James said: “I will not comment on a Facebook post.”

Ms. James’s opponents were quick to attack her and to impugn her work last week, with Mr. Trump saying on Friday that the attorney general was a “corrupt person.”

“I feel badly for whoever she’s looking at because they won’t get a fair shake,” the president said in Washington.

Ms. James has been locked for years in a multipronged legal war with Mr. Trump, which has included suing both his administration and his businesses on multiple occasions. When Mr. Trump’s lawyers appealed a half-billion-dollar judgment in a civil fraud case, they pointed to Ms. James’s past comments maligning the president as reason she should not have brought that case.

The penalty was thrown out last year by a divided state appellate court. In their ruling, several of the justices denounced Ms. James for having called Mr. Trump’s presidency “illegitimate” and promising to investigate him while she was campaigning in 2018. Some of the justices said there was no merit to Mr. Trump’s assertion of political persecution, even as they criticized Ms. James.

“Her habit of basically making statements about matters and individuals she is investigating does call into question her discretion as a prosecutor to not prejudge things and to actually handle these matters fairly,” said John Faso, a former Republican congressman and lawyer who has endorsed Ms. James’s opponent in this fall’s election.

“I mean, let’s face it,” Mr. Faso said. “Tish James is a politician, not a prosecutor.”

Ms. James insisted that she would be impartial and that she would allow the facts to dictate her decisions.

“My office enforces our state’s laws to protect all New Yorkers,” she said in a statement released on Saturday. “I am committed to leading a comprehensive investigation they can trust, guided only by the facts, the evidence and the law.”

This is not the first time that Ms. James’s ability to be impartial has been questioned as she investigates a politically charged issue. In 2021, Andrew M. Cuomo, then the governor of New York, asked Ms. James to appoint an independent counsel to investigate allegations of sexual misconduct against him, which he denied.

The resulting report led in part to Mr. Cuomo’s resignation. He later filed an ethics complaint against Ms. James, arguing that the final report was misleading and that it had been used as a political cudgel by the attorney general in her brief run for governor against Ms. Hochul.

“AG James cynically manipulated a legal process for personal, political gain,” Mr. Cuomo’s lawyers wrote in their complaint.

Ms. James’s campaign for governor lasted about a month in 2021 before she dropped out to run for re-election. Ms. Hochul said in an interview on Saturday that apart from “that one month, we’ve been tight.”

Ms. Hochul and Ms. James were slated to appear together on Saturday morning at a campaign event for canvassers in the Bronx. The attorney general ended up leaving before the governor arrived, which spokeswomen for both campaigns chalked up to packed schedules and overlapping events across the city.

That Ms. James and Ms. Hochul were to appear so soon after the announcement of Ms. James’s appointment at a political event speaks directly to concerns about the politicization of this case and others handled by the attorney general.

Governor Kathy Hochul after a meet-and-greet event in the Bronx on Saturday. Hilary
Swift for The New York Times

Last month, the Cornell student, identified in court documents as Jane Doe, sued the university, her sorority, the fraternity and the seven men she claimed had been involved in the assault. None of the accused have been charged with a crime, and all have denied wrongdoing. Four said they had consensual contact with the woman at a party, and the others denied that they had been involved in the assault.

Ms. Hochul insisted on Friday, and again on Saturday, that Ms. James would follow the facts, and that she could be trusted to handle the case with integrity.

“She knows how to do her job,” Ms. Hochul said in an interview on Saturday.

The symbolism of having two women leading the state in this tense moment was woven through the remarks of Ms. Hochul, Ms. James and others.

“With the current events, the person that we needed the most right now has been appointed to oversee a very serious case,” Nathalia Fernandez, a Democratic state senator whose district includes the southeast Bronx, said on Saturday at the campaign event.

“We all know what’s happening at Cornell University,” she added.

Corrected on Oct. 5, 2026: An earlier version of this article misstated when the Tompkins County district attorney said he would revisit the 2024 sexual assault accusations. It also misstated when the opponents of the New York attorney general, Letitia James, were quick to attack her and impugn her work. In both cases, it was last week, not this week.

We acknowledge mistakes in our reporting with corrections. If you spot an error, please let us know at corrections@nytimes.com. [Learn more.](#)

Benjamin Oreskes is a reporter covering New York State politics and government for The Times.

A version of this article appears in print on , Section A, Page 17 of the New York edition with the headline: For Hochul and James, An Inquiry That Carries Far-Reaching Implications

Hochul Denounces D.A. and Cornell Police in Handling of Sex Assault Case

Gov. Kathy Hochul appointed Letitia James, the attorney general, to investigate the original allegations and why a police report omitted crucial information.



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By Hurubie Meko

Oct. 2, 2026

In direct and sometimes angry remarks, Gov. Kathy Hochul of New York on Friday questioned how Cornell University's police department and the local district attorney handled sexual assault allegations made by a former student, who said she had been raped at a fraternity house in 2024.

Ms. Hochul said she had been troubled to learn that the student, identified as Jane Doe, had given an interview to the campus police about the episode that included an unequivocal statement that she had been raped. That language was missing in the condensed statement that was sent to the district attorney's office in Tompkins County, N.Y., which decided not to file criminal charges.

"In what world would the police learn from the victim that she had literally been gang-raped" and not send that allegation to the district attorney, Ms. Hochul said at a news conference in Manhattan.

She stood alongside the state attorney general, Letitia James, whom the governor had just appointed to oversee a new investigation into the allegations.

The move inserted the state's top officials into a case that has shocked many Americans, renewed a long-running national conversation about sexual assault on college campuses and led to a reckoning on Cornell's.

Jane Doe, a 20-year-old sophomore at the time of the encounter on Oct. 19, 2024, said in a lawsuit last month that she had been plied with alcohol and drugs and then raped by several men at the Chi Phi fraternity house. She is suing the fraternity, seven men, the university and her sorority.

The seven accused men have denied wrongdoing. Four acknowledged sexual contact but said it was consensual; the others denied participating in sexual encounters.

Matthew Van Houten, the district attorney, initially defended his office's decision not to pursue criminal charges at the time, saying that while "everybody across the world agrees that what happened was wrong," the allegations made by the woman at the time did not rise to a crime under state law. In recent days, as a backlash grew, he said that his office would reopen the investigation. The appointment of Ms. James to oversee it effectively takes the case out of his hands.

Mr. Van Houten said in a statement after the news conference that he supported the appointment of Ms. James, and that his office would cooperate fully with hers.

"It has become clear that we were not provided the full picture by the university," he said. "The focus has been and should continue to be" on the victim, he said.

Cornell has said that the students involved received a range of disciplinary actions, including suspensions and expulsions. The university has not publicly commented on the statement that its police sent to the district attorney in 2024.

Asked about Ms. Hochul's criticism of the campus police, a spokesperson for Cornell said that the school would not comment because of the active investigation. The university had said that it supported Ms. James's appointment and efforts to examine Cornell's handling of the case.

In a statement on its website, Cornell said it “will continue to examine and strengthen our policies to ensure we are doing all we can to foster a culture where sexual misconduct is never tolerated, those who come forward are supported, and individuals found responsible through our processes are held accountable.”

A 2024 internal university inquiry into the allegations obtained by The New York Times this week showed how Jane Doe struggled for weeks with what had happened to her.

She reported the incident to the Cornell University Police Department several weeks after it occurred. On Nov. 14, she sat with an investigator for hours. She told him how what had begun as a consensual sexual encounter with a man she liked had spiraled into what she described as a prolonged, drug-fueled attack, according to the documents obtained by The Times. “I don’t remember the very end of the event where I was raped,” she told them at one point. “I can say with 100 percent confidence I was raped.”

Records show that the woman returned the following day to read over a statement prepared by the police officer written from her perspective, made edits to it and signed a final copy.

While the statement explained that she felt some of that night’s events had been a crime, it omitted some of the more forceful and definitive language she used. And it was missing her assertion that she had been raped. That statement was sent to the district attorney, who declined to prosecute.

“New reporting raises serious questions about the information his office relied upon when it made that decision,” Ms. Hochul said on Friday.

Jane Doe’s lawyer, Thomas Giuffra, said he was pleased to see Ms. James taking over the investigation. He said he had lost faith in the district attorney and the Cornell police. “The only conclusions I have is that one of them was not being honest and this crime was being swept under the rug,” he said in a statement on Friday.

For Ms. Hochul, the state's first female governor, the announcement comes at a politically pivotal moment. Her ascent into office was seen as a fresh start for a state that had seen several powerful elected men — including two of her last three predecessors, Eliot Spitzer and Andrew M. Cuomo — resign after accusations of sexual misconduct.

Now running for re-election, recent polls show Ms. Hochul, a Democrat, leading her Republican opponent, Bruce Blakeman, the Nassau County executive, by anywhere from nine to 19 percentage points. Part of her pitch to voters has been that, as “the first mom governor,” she has placed a special focus on protecting children and families throughout the state.

“This woman, this young woman, had already endured something that is utterly unspeakable, and then, at every turn, she was failed by people and institutions with an obligation to protect her,” Ms. Hochul said on Friday.

The spotlight will now turn on Ms. James, who has wide latitude to subpoena witnesses and documents and bring charges if she so chooses.

Ms. James's office has already begun a review of the way law enforcement officials handled the matter. She said that in the coming months, her office would launch a comprehensive investigation and “review the facts, gather evidence, interview witnesses and, if warranted, pursue prosecutions.” She said she had not spoken to Mr. Van Houten.

President Trump, whose administration has targeted the attorney general after she won a civil fraud judgment against Mr. Trump and his real estate company, used the case as an opportunity to criticize Ms. James. “I feel badly for whoever she is looking at because they won't get a fair shake,” he told reporters. Ms. James's office had not responded to Mr. Trump's remarks by Friday evening.

Whether to prosecute is not an easy decision, legal experts said. The university's investigation turned up messages that suggested Jane Doe did not initially view herself as a victim of a crime. While victims' accounts often change as they grapple

with the aftermath of a traumatic event, defense lawyers use those changes to try to raise reasonable doubt in the minds of jurors.

Jane Doe's case includes some additional complicating factors, including the fact that the incident unfolded nearly two years ago, and that she had knowingly taken drugs that night. State law makes it difficult to charge people with rape if the accuser chose to become intoxicated.

Ms. Hochul on Friday called on lawmakers to change this part of the law as soon as possible. The Legislature is currently not in session, but there will certainly be pressure on lawmakers to act when they return to work in January.

Benjamin Oreskes and Claire Fahy contributed reporting.

Hurubie Meko is a Times reporter covering criminal justice in New York, with a focus on the Manhattan district attorney's office and state courts.

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Hochul Delivers Scathing Rebuke On Cornell Case

Letter to the editor: No one worse for the Cornell job than Letitia James



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COMMENTARY

OPINION:

The Cornell University community has risen in wrath against the men said to be involved in an alleged 2024 fraternity house rape — and the school officials said to have not done their jobs in the matter (“What to know about the Cornell fraternity rape allegations,” Web, Oct. 6).

The photo accompanying the article shows a large group gathered on the school’s campus during an Oct. 5 protest. The speakers at the gathering, including Cornell students and professors, accepted the accuser’s account and blamed university trustees and President Michael Kolikoff for failing to support the woman. They also called the accuser a “survivor,” with all the implications that conveys.

New York Governor Kathy Hochul accused Cornell and local authorities of inadequately pursuing the matter and appointed New York Attorney General Letitia James as special prosecutor.

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Ms. Hochul could not have found a worse prosecutor in this case. Ms. James is on record in support of the “survivor’s” account, and her pursuit of President Trump shows what she will do when she has a target in sight. During her run for attorney general, she even announced she was out to get Mr. Trump.

She then prosecuted Mr. Trump for alleged fraud in a matter in which there were no damages. She obtained a judgment for hundreds of millions of dollars from a compliant judge and demanded an appeal bond for the amount of the judgment plus interest.

Ms. James sought to bankrupt our current commander in chief by opposing a reasonable appeal bond, seeking to grab all his assets as soon as judgment was entered, refusing to support a stay pending appeal and stripping Mr. Trump of his right to do business in New York.

It took an appellant court to rein her in — and even then, Mr. Trump had to post an appeal bond of \$175 million in a victimless matter.

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A good prosecutor examines the facts before deciding to pursue a matter, but here Ms. James appears to be determined to pursue the matter before examining the facts. The attorneys for the accused in the Cornell case will no doubt try to boot her as special prosecutor. They have a good case for doing so.

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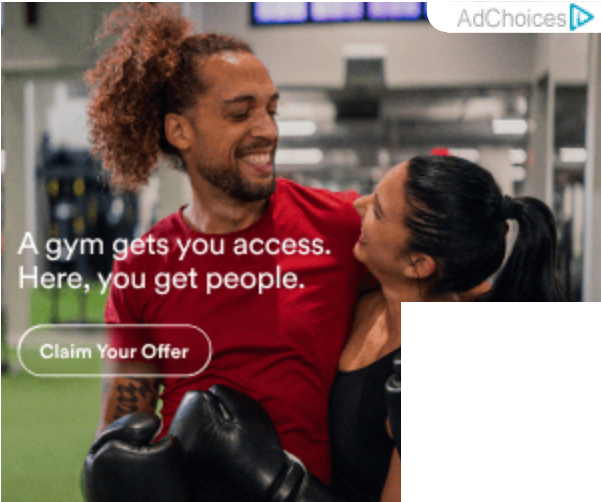
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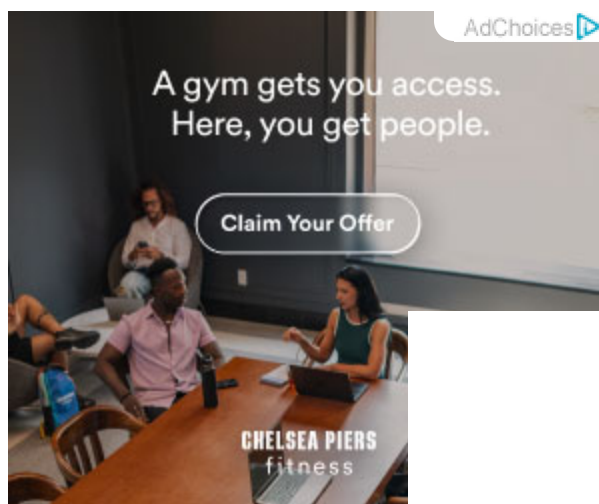
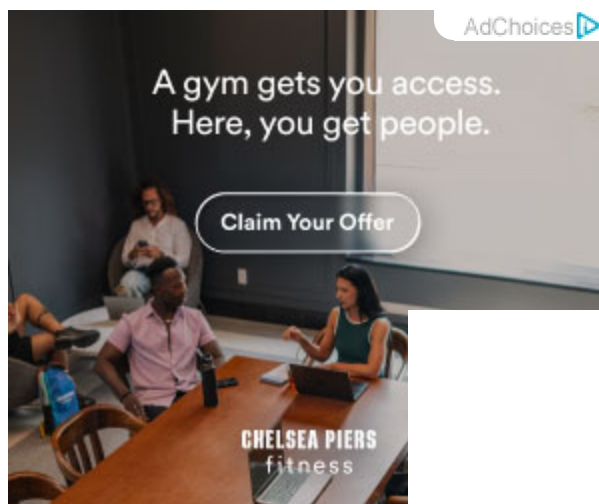
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Why Letitia James Is the Wrong Choice to Prosecute the Cornell Case



By Elie Honig, a former federal and state prosecutor and a contributor to CAFE

OCT. 6, 2026

| 158 |



Photo: Michael Nagle/Bloomberg/Getty Images

While an alleged sexual assault at Cornell University has ignited intense public debate, this much is beyond meaningful dispute: Tompkins County district attorney Matthew Van Houten had to go. And although New York governor Kathy Hochul was right to seek a replacement prosecutor, she has made a grievous mistake with the appointment of Attorney General Letitia James.

Van Houten thoroughly botched the initial investigation of an allegation by a Cornell student, Jane Doe, that she was raped by seven men in a fraternity house in October 2024. As Van

Houten has acknowledged, he based his initial non-prosecution decision on one document: a six-page summary of a statement Jane Doe gave to the Cornell University Police Department in November 2024.



That's it — that's everything Van Houten considered. He did not obtain the transcript of Jane Doe's statement, which differs in notable respects from the summary. The DA never sought to interview Jane Doe. He did not speak with any of the accused men or other witnesses. He made no effort to obtain texts, Snapchat messages, emails, or surveillance videos. Van Houten simply read the six-page summary document and decreed that the case was closed.

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Two years later, after Jane Doe filed a civil suit and the allegations exploded into the national consciousness, Van Houten announced last week that he would reopen the Cornell case. But he also stood by his original assessment that Jane Doe's allegations did not raise a chargeable crime.

If Van Houten had remained on the Cornell case, nobody would have been satisfied in the end. Had he decided yet again not to prosecute, critics would charge that he predetermined the outcome and never gave the case an unbiased, critical look. And if Van Houten had chosen to

pursue charges now, defenders of the accused would have claimed he overcompensated after he was pilloried by prominent politicians and in the national media.

But on Friday, Hochul somehow made it worse when she announced her decision to appoint James as special prosecutor on the Cornell case. Ordinarily, the New York AG has limited criminal jurisdiction, not including sexual-assault matters. But the law empowers the governor to specifically task the AG with investigating and, if appropriate, charging any particular case, as Hochul has done here.

James is a deeply problematic selection for the most basic of reasons: She has already publicly prejudged this case. In a September 28 social-media post — four days before her appointment — James declared, “What this young woman has been forced to endure is horrific and unacceptable. I’m holding her in my heart and in my prayers. To her, and to all survivors: you’re not alone. We stand with you.”

The single most indispensable trait in any prosecutor — especially here, in a politically and emotionally charged case under a national spotlight — is impartiality. Yet James drew her conclusion and announced it to the world before she had access to an iota of evidence.

In the AG’s own words, Jane Doe is a “survivor.” That conclusion, of course, turns on resolution of the ultimate issue in the Cornell case: whether the sexual acts were or were not consensual. James’s commentary suggests she believes Jane Doe was raped. At a minimum, James’s

statement creates the appearance she has prejudged the case. That perception alone is corrosive to public confidence in our justice system and in the Cornell investigation.

Don't bother trying to parse James's words to render them somehow nonjudgmental. Imagine, for example, flipping the AG's comments on their head: *What these young men have been forced to endure is horrific and unacceptable. I'm holding them in my heart and in my prayers. To them, and to all accused: you're not alone. We stand with you.* There's no way anybody would argue then that she would be an appropriate, unbiased selection.

Tellingly, James — an experienced lawyer and powerful politician who is perfectly capable of defending herself — was unwilling (or unable) to do so. At Friday's press conference to announce James's appointment, a reporter asked the AG the perfectly valid question "Why did you affirm her allegations as fact without doing your own fact-finding investigation?" James responded, "I will not comment on a Facebook post" — a humiliating cop-out in which the attorney general refused to discuss her own words on the precise subject of her appointment.

James has a history of allowing politics to drive her exercise of law-enforcement authority. She first won election as AG with massive support from New York Democrats in 2018, when she campaigned and fundraised largely on a promise to indict Donald Trump, or sue him, or generally "be a real pain in the ass." James made these statements before she had access to any proof.

Worse yet, during the trial of her civil lawsuit against Trump, James ignored basic principles of legal ethics. She made inflammatory extrajudicial comments to the media throughout the trial. She opined publicly that defense witnesses were liars as they testified — a move that would've gotten a criminal indictment dismissed for prosecutorial misconduct. Either James doesn't know the rules or she does and plays dirty anyway.

James's fraud lawsuit against Trump resulted in a \$500 million verdict. The AG gleefully live-posted as interest mounted, publicly rubbing a defendant's face in a judgment. But the legal premise of James's case was so obviously faulty that a liberal New York appeals court threw out the damages and reduced the verdict to zero. (James did not live-post about that outcome.)

It would have taken a bit of procedural maneuvering — perhaps a temporary appointment as special counsel under the AG or a local DA — but Hochul could have used her political power to call for appointment of any number of qualified and impartial New York lawyers. How about Mary Jo White, the former U.S. Attorney? Or Bronx district attorney Darcel Clark? Or former U.S. attorney general Loretta Lynch? Or Barbara Jones, the retired federal judge? It is a

daunting assignment, but somebody would have accepted it. And virtually anybody would be better than James.

The Cornell case has roiled the American public. Van Houten's slapdash bumbling undermined faith in basic prosecutorial competency and fairness. Now James, who has already passed judgment in public and then refused to defend her own actions, takes over. We're about to learn that the only thing more dangerous than a prosecutor without a clue is a prosecutor with an agenda.

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Cornell case: Defendant's lawyer calls Letitia James involvement 'an avoidable error'

[Rob Taub](#)

Updated: OCT 7, 2026 / 02:05 AM CDT

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...ointed James as special prosecutor to investigate the case amid mounting scrutiny since it was reopened last month. James “will follow the facts” Hochul said. “She’ll examine the evidence and go wherever it leads, and if the evidence supports charges, she will pursue them.”

Hochul’s decision has drawn criticism after James posted on Facebook in support of the woman at the center of the investigation.

Students turn on Cornell’s president over the school’s handling of gang rape allegations

Andrew Miltenberg, litigating for Gillio Lopes, told [“Katie Pavlich Tonight”](#) that James’s presence in the case is, in his words, “an avoidable error.”

“There’s nothing wrong with expressing compassion toward someone who reports violent crime or sexual assault, or any assault for that matter,” he said. “The problem is that the language used by James can reasonably be understood as accepting the central factual premise of a highly disputed allegation.”

Miltenberg added that the allegations against Lopes and six other Chi Phi fraternity members had already come to light before James joined the investigation.

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“She has a right to say,” he stated. “She can say people to jail. This is an avoidable mistake. It’s X

The university [announced](#) Tuesday it has hired former U.S. Deputy Attorney General Sally Q. Yates to lead an independent review of how the university prevents and responds to sexual harassment, sexual assault and related misconduct on campus.



The review will include a detailed examination of Cornell's response to allegations made by the plaintiff in the case.

Miltenberg said he and the other attorney representing the defendants welcomed the move.

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"I want to say this, our firm, I, as a lawyer, have had several dozen Title IX matters at Cornell over the years, representing students and faculty," he acknowledged. "It's my experience that Cornell's investigations have been thorough."

"That does not mean that I've always thought the process was fair. And at least on two occasions, we've had serious due process concerns and we ended up in federal court with Cornell. In this particular case, we disagree with their determination. Nonetheless, we welcome the outside scrutiny. It's very healthy."

Lumping the seven frat members together is troubling: Attorney

Miltenberg argued that Lopes and the other accused fraternity members were being unfairly lumped together, even though each case involved different evidence, factual circumstances and outcomes.

"To put them under one single label, the Cornell seven, and lump them together like that is very troubling to us," he expressed.

TMZ's Harvey Levin questions Cornell handling of fraternity allegations

According to Miltenberg, Lopes said his sexual contact with the woman was consensual. Miltenberg said Lopes told him he never saw the woman consume alcohol or drugs and did not hear her tell him to stop.

The university later suspended Lopes after determining he had violated its sexual misconduct policy.





“The school found that he did not know that Jane Doe was incapacitated at the time,” Miltenberg said. “They found him responsible because Cornell concluded that a reasonable person in his circumstances should have known that she was incapacitated.”

Regarding a phone call between the woman and one of the accused fraternity members after the alleged incident, Miltenberg argued that the recording did not provide evidence that a sexual assault had occurred.

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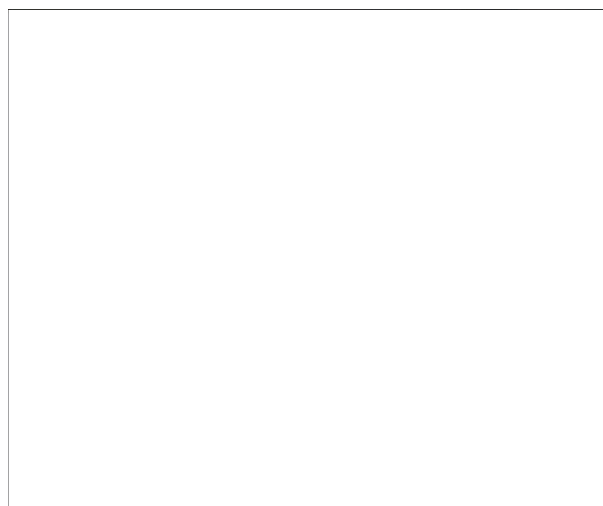
The alleged Snapchat messages in which some accused fraternity members referred to “free sex” have become a major focus since the investigation was reopened. However, Miltenberg said Lopes was not involved in those messages and played no role in them.

‘Cornell 7’ case: Embattled DA questions reports of additional witnesses

“Gillio was not part of preparing or sending that text,” he stated. “If the timeline that I recall is correct, he had left the room prior to that text being sent out. “The first time we, meaning Gillio, I and my partner, saw that text was when we were confronted with it at the investigation.”

Miltenberg acknowledged that Lopes had no involvement in the alleged post-incident meetings.

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“I do not know whether meetings took place and I do not know what was said in those meetings,” he said. “And Gillio did not take part in those meetings if they did occur.”

NewsNation’s Brook Shafer, Taylor Delandro, Elizabeth Vargas and Rich McHugh contributed to this report.

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