

## Senate Turmoil Puts Everything in Doubt

by {ga=dking}

Monday, June 15, 2009 12:00 AM

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On May 22 -- slightly more than two weeks before [Sen. Pedro Espada Jr.](#) became temporary president of the Senate, plunging the Capitol into chaos, I

[shared](#)

an awkward laugh with Espada in the office of his Soundview health clinic in the Bronx.

I had asked the senator about his ability to work with the Democratic majority because they might not trust him. "Because I switched teams before?" he asked cackling. I laughed too, unaware that Espada was likely deep in negotiations to help Republicans stage an end-of-session coup that has left Democrats reeling.

During the conversation, Espada repeatedly indicated he would eventually one up his critics and accusers, including then-Majority-Leader Malcolm Smith. He chastised Smith for not encouraging more discussion in the Democratic caucus of contentious issues and rather ominously commented that there would be more "discussion and bipartisanship," regardless of whether Sen. Dean Skelos, Gov. David Paterson and Smith liked it. Finally, he said that to help the Bronx he needed to increase his power and to demand significantly more from the powers that be than they might be comfortable with.

But critics say that on Monday when Espada [raised](#) his hand in favor of electing Skelos as majority leader and himself president pro tempore of the Senate, he effectively turned his back on the issues that matter to his mostly Democratic constituents, such as rent control, drug laws, operation of the city schools and more.

Certainly the actions of Espada and his fellow renegade, [Hiram Monserrate](#) of Queens, brought action on those issues and many more to a grinding halt.

Now the question is, how will New York move forward? After 40 years of Republican control, activists imagined that the Democratic majority would address their issues. Will their hopes for overhaul of ethics and rent laws be dashed? Will gay marriage advocates see their aspirations

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tossed aside? Or will the new coalition move on those hot-button issues, using the legislation to attract support from more Democrats?

On Tuesday the Capitol was still in [shock](#) from Monday's coup. Most Senate Democrats were tucked away in meetings, while Republicans gloated about their victory. While they did not spend much time talking about what was on their legislative agenda, they did try to put up a bipartisan front.

"One thing I think you are going see right away is a lot of bills coming to the floor and not passing," said one Republican senator. If that happens, it could mark a real change in Albany where bills rarely come to a vote -- unless the leader of the chamber knows it will pass.

Could one of those bills legalize same sex marriage?

### Gay Marriage in the New Majority

If Espada has his way it could be. Initially observers thought the Senate coup might have been triggered by Democrats opposed to same sex marriage. But it quickly became clear that is not the case. And Espada has made same sex marriage a pet issue of sorts. On Thursday, he issued a statement saying he looks forward to "convening session on Monday, as planned, to begin the process of addressing the business of important legislation: same-sex marriage, school governance in New York City, rental-housing regulations and a host of other issues."

Espada has been fairly open about his intent to use gay marriage to attract other Democrats to the new coalition. His staffers have said a vote on the matter could come on Monday.

Republican leader Skelos opposes gay marriage but has said he would [gauge](#) interest among his caucus. While the majority of Republicans do not favor gay marriage there has been chatter that [some](#) ,

while not supporting it publicly, might vote for the bill if it came to a vote. Some have said that is simply a Republican strategy to have Democrats vote on an issue that may hurt them in rural districts. Meanwhile a number of Democrats do not support legalizing gay marriage, including

[Sens. Darrel Aubertine](#)

and

[Ruben Diaz Sr.](#)

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Following the coup, the [Empire State Pride Agenda](#) issued a [statement](#) calling for a vote on gay marriage. "Our issues are not partisan issues," the group said. "They are about equal rights for hundreds of thousands of New Yorkers who are treated like second-class citizens."

[Word](#) floated around this week that the sponsor of the same sex marriage bill, [Sen. Tom Duane](#), was negotiating to have the bill voted on in exchange for supporting Skelos and Espada. Duane's representatives deny that. After being mysteriously absent from a Democratic press conference in support of Smith on Monday, Duane [reemerged](#) toward the end of the week and claimed that he was a Democrat and loyal to Smith.

There is no guarantee same sex marriage would pass even if it came to a vote, but Duane has claimed he has enough support to pass it.

Same sex marriage activists have been [conflicted](#) about Duane's negotiations. Some say Duane has been working to pass for years, and 32 votes are 32 votes. Others insist dealing with the new coalition equals selling out to Republicans.

Whatever happens, the gay marriage issue further exposes the Smith's failures as majority leader. Despite Duane's repeated claims that there were enough votes to pass same sex marriage, Smith resisted, saying he would not bring the bill to a vote until he was sure it would pass. Smith's refusals stoked speculation that he had promised Diaz, who [strongly opposes](#) same sex marriage, that he would not introduce the bill.

### Vacancy Decontrol

"So many important issues facing New York City are now in jeopardy," said [Assemblymember Jose Peralta](#).

"Issues like vacancy decontrol. For so many years we have been losing houses to this and now we have a chance to change this. We reached a milestone where the Senate flipped and we had a chance to change that but because of two guys that is in jeopardy and that doesn't seem to matter to them."

Montserrat, the other Democratic renegade, has [said](#) he wants action on repealing vacancy

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decontrol.

But there is not a lot of confidence a bipartisan coalition would support it. Not only do Republicans traditionally receive the largest amount of contributions from landlords and developers, but Espada has a [history](#) of blocking any repeal of vacancy decontrol. As chair of the Senate housing committee this year he kept the legislation bottled up in the Senate.

[Pressure](#)

from Democratic leadership to bring the bill out of committee actually lead to Espada's desire to overthrow Smith. Housing advocates admit they didn't have enough votes to pass the legislation in the Senate. Advocates feel that at least two Democrats -- Sens.

[Carl Kruger](#)

and

[Jeffrey Klein](#)

-- do not support the measure.

Peralta said that Monserrate and his new found Republican colleagues should put their money where their mouths are. "Look, they talk the talk now they have to walk the walk. If that is really part of their agenda then they should act on it."

Michael McKee of [Tenant's PAC](#) sees Espada as an opponent of tenants issues but hopes to exert pressure on Monserrate. After protesting outside Espada's Albany office Tuesday, McKee returned to New York and organized phone banking in Monserrate's district.

"Hiram says he's going to repeal vacancy decontrol," said McKee. "He said it twice on NY1 and after he came out of the meeting with Espada. So, OK, Hiram, go to it!" he said. McKee said he has "no idea" whether passage of decontrol might be possible under the new regime.

On Friday Tamara Czyzyk of Community Action for Safe Apartments and other housing advocates held a demonstration in front of the 400 Fordham Road district office that Espada has [yet](#) to open for business, even though he has had since November to start preparing to interact with his constituents.

Czyzyk said she and other housing advocates from the Bronx have repeatedly tried to meet with Espada, to no avail.

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"Espada in Spanish means sword," Czyzyk explained. "Instead of giving us his hand he has gives us the sword. He has taken a sword to us."

### Gun Talk

It may seem that legislation favored by [New Yorker's Against Gun Violence](#) would be in particular jeopardy with Republicans taking control of the Senate. But executive director Jackie Hilly says not so. She said that

[legislation](#) to require microstamping on semi-automatic pistols sold in New York would be a "perfect bipartisan issue." Microstamping creates unique marks on bullet shells to help police identify the weapon that fired them.

Hilly notes that the bill enjoys strong support from law enforcement, and Espada and Monserrate are signed on to the bill. "If they are serious about being bipartisan, this is the perfect bill to prove it," she said.

She said that most Democrats support the bill and expects Republican legislators from Long Island and New York City will feel compelled to vote for legislation that gives law enforcement another tool to solve crimes. She noted that areas in Skelos' district suffer from gun violence.

She admits, though, that the push back against a bill that would require handgun owners to renew their license every five years is likely to leave the bill to be discussed "another day."

Two pieces of legislation put into place by the Democratic majority may likely face revision if Republicans get a chance to actually legislate. Skelos has railed against the [Metropolitan Transit Authority](#)

[storming mad](#) bailout and the payroll tax that affects all counties that receive MTA service. And in weeks leading up to the coup Republicans were

[Rockefeller drug laws](#) about a provision in the changes made to the

that would it easier for judges to seal the criminal records of some drug offenders. Sen. Frank Padavan introduced

[legislation](#)

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to repeal the provision. A number of Republicans would not comment on plans regarding future action.

### Ethics Reform

The two renegade Democrats and the Republicans have tried their best to convince the public that the sudden shift in leadership will lead to enacting "real reforms" that Smith had failed to deliver. Generally, a message about rules and ethics reform coming from Espada and Monserrate would be totally written off by most reform advocates.

Monserrate has been [indicted](#) for slashing his girlfriend across the face. Espada has racked up around [\\$60,000](#) in fines for not properly filing campaign documents and still has not filed his reports for last fall's campaign. Also, the Soundview Health Clinic he runs is under [investigation](#) by Attorney General Andrew Cuomo-staff at the clinic were previously [plead guilty](#) of funneling money from the clinic to Espada's campaigns -- and the Bronx district attorney is [investigating](#) whether Espada actually lives in his district.

As [Citizen Action](#)'s Bob Cohen put it, "He isn't known as a reformer. In fact he is known as the opposite of a reformer." Then, too, the timing of the coup adds to suspicions that the group is not exactly reform-minded. Senate Democrats were set to consider a slew of bills regarding election and campaign finance reform as well as ethics legislation. In the weeks before the coup ethics reform had [become](#) Smith's major issue.

One bill would increase fines for campaign violations; others would further restrict personal use of campaign funds and require legislators to disclose the names and addresses of their employers. The Democratic bills weren't everything reform advocates wanted but as [New York Public Interest Research Group](#)'s Blair Horner put it, "They were a step in the right direction."

And yet, reform groups have not written off the new coalition and its intentions toward reform, perhaps because the new coalition's first order of business after taking control of the Senate was to adopt a set of rules that changes some aspects of how the Senate operates.

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Four days before their successful coup, Republicans [announced](#) a set of rules reforms they wanted to see. Negotiations to take over the Senate had been going on for weeks by that point. Unknowing reporters demanded to know why the Republicans had suddenly had a change of heart having had decades in the majority to act on the reforms.

Sen. John Bonncic said that, in previous sessions, they were paralyzed by fear of reprisals by then Majority Leader Joe Bruno. "Maybe they would lose a chairmanship. Maybe they would have a closet for an office," he said.

Skelos even admitted his actions toward Democrats during his six months as majority leader last year was wrong. "It was," he said. "That is why I am looking to change it." It seems they were priming their new bipartisan image.

Some of the rules changes enacted would allow members to move legislation to a vote rather than waiting for it to be placed on an active list by the majority leader, create a C-Span-like network to cover the legislature's business and put term limits on the senate president and majority leader. However, NYPIRG issued a [checksheet](#) that shows that a number of the rules changes promised were not actually written into law.

A highly touted provision in the original GOP proposal that would distribute member items equally among members was not made part of the rules and neither was the establishment of an independent budget office. Yet state government expert and SUNY professor Gerald Benjamin seems [thinks](#) the rules could set a precedent that future Senate majorities might feel compelled to follow. "The rules changes are being played as a cynical joke," he wrote, "Maybe. But in fact the lasting outcome of this comic opera could be substantial long-term rules changes that are real reform."

Good government groups want the new ruling coalition to further [strengthen](#) their rules changes. The advocates hope that the new coalition will want to continue to prove its reform credentials.

However, others see the coup as the Republicans' last chance to save their own skin. With the state becoming increasingly Democratic, Republicans might figure that implementing some of these rules changes make things easier on an eventual Republican minority. Doubters also

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speculate that Republicans will act to legislate measures like a spending cap that they don't think they will be able to get through if Democrats regain the majority in 2010.

And yet all of it is so fragile at this point as Democrats and Republicans play tug of war with Monserrate's loyalty.

Democratic Senator [Liz Krueger](#) said simply, "This is a Republican power grab. They lost at the voting booth so they are trying Plan B. The people of New York and the country wanted a shift in leadership, party and agenda."

Krueger does not expect that much good will come of the new coalition for her two former Democratic colleagues or for rules and ethics reform. "When Democrats join Republicans they don't make it past the next election just about each and every time. Do I have a crystal ball? No. Do I know that this isn't about reform and ethics? Yes. Do I know this is about backroom deals with billionaires who have a different agenda for the state than the Democrats do? Yes, I know that."