



NEW YORK STATE SENATOR

Brian Kavanagh

Statement of Members of the New York State Senate re: Failure of the Current Federal Administration to Respect the Rule of Law

BRIAN KAVANAGH April 3, 2025



We, the undersigned members of the New York State Senate, write to decry the failure of the current federal administration to respect the rule of law, the constitutional requirements of separation of powers, and the tenets of due process. We cannot stand by silently while our nation's commitments to a system of laws, due process, justice and constitutional principles are torn asunder.

The framers of our Constitution wisely provided for three separate branches of government, the executive, the legislative, and the judiciary, with separation of powers among them, so that no one branch controls or dominates the others. Congress holds the power of the purse and drafts our nation's laws; the President is charged with ensuring that those laws are "faithfully executed"; and the Judiciary has the somber responsibility to interpret those laws and review their application, and to strike down those that violate the Constitution. For all our nation's challenges, adherence to these principles has been the guiding light of presidential administrations of both parties. Until now.

To our deepest dismay, since January 20, 2025, we have seen instance after instance of the current presidential administration running roughshod over long established constitutional principles. The administration's actions have ignored or upended Congress's authority over federal appropriations, the establishment and functions of federal agencies, and employee rights.

In addition, the administration continues to undermine and attack members of the judiciary and the bar for engaging in the thoughtful and rigorous practice of their profession. We join the New York State Bar Association, the New York City Bar Association, and many others around the country, in strongly condemning the President's threats to retaliate and seek sanctions against lawyers and law firms that file lawsuits against the U.S. government — or against those that have done legal work in the past that ran counter to the President's personal or political self-interest — and his calls for the impeachment of judges who rule against the administration.

Additionally, we have seen threats of retaliation against state and local officials who have expressed viewpoints contrary to those of the administration and who have pushed back on the wholesale and chaotic dismantling of federal government programs that many of our constituents have come to rely on — the closing of Social Security offices, the abrupt

cancellation of funding for programs addressing hunger, women's healthcare, mental health services, substance abuse, and education programs. That is equally unacceptable.

Finally, as a state proud of welcoming new Americans, where the Statue of Liberty stands in our harbor, we are particularly outraged by the actions of this administration towards immigrants in all of our communities, as well as students and other visitors to our country. We have seen our neighborhoods riven by fear, while lawful permanent residents, immigrant and student visa holders, and tourists alike have been detained or imprisoned without charges and deported, many without even a pretense of due process. We are proud to be a nation of immigrants, guided by enacted laws and due process. These are not optional, but essential parts of the promise of America.

When those of us who are attorneys were admitted to the bar, we took an oath "to support the Constitution of the United States and the Constitution of the State of New York." All of us took the same oath upon taking elected office. Members of the U.S. Congress likewise take an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic" and to "bear true faith and allegiance to the same." The President of the United States must swear or affirm to "faithfully execute the Office of President of the United States," and to "preserve, protect and defend the Constitution."

Let us take these words to heart going forward. As a nation based on principles of law, justice and our precious Constitution, we urge our leaders to have the courage to support and defend that Constitution, to preserve and defend the principles of federalism and separation of powers, to safeguard congressional and judicial prerogatives, and to stand up for our system of civil and constitutional rights.

Sincerely,

Shelley B. Mayer - 37th State Senate District -- Jamaal T. Bailey - 36th State Senate District

April N. M. Baskin - 63rd State Senate District -- Jabari Brisport - 25th State Senate District

Samra G. Brouk - 55th State Senate District -- Siela A. Bynoe - 6th State Senate District

Cordell Cleare - 30th State Senate District -- Leroy Comrie - 14th State Senate District

Jeremy Cooney - 56th State Senate District -- Patricia Fahy - 46th State Senate District

Nathalia Fernandez - 34th State Senate District -- Michael Gianaris - 12th State Senate District

Kristen Gonzalez - 59th State Senate District -- Andrew Gounardes - 26th State Senate District

Pete Harckham - 40th State Senate District -- Michelle Hinchey - 41st State Senate District

Brad Hoylman-Sigal - 47th State Senate District -- Robert Jackson - 31st State Senate District

Brian Kavanagh - 27th State Senate District -- Liz Krueger - 28th State Senate District

John C. Liu - 16th State Senate District -- Rachel May - 48th State Senate District

Zellnor Myrie - 20th State Senate District -- Senator Kevin S. Parker - 21st State Senate District

Roxanne J. Persaud - 19th State Senate District -- Jessica Ramos - 13th State Senate District

Gustavo Rivera - 33rd State Senate District -- Sean M. Ryan - 61st State Senate District

Julia Salazar - 18th State Senate District -- James Sanders, Jr. - 10th State Senate District

Luis R. Sepúlveda - 32nd State Senate District -- Jose M. Sérrano - 29th State Senate District

James Skoufis - 42nd State Senate District -- Toby Ann Stavisky - 11th State Senate District

Leah Webb - 52nd State Senate District