



NEW YORK STATE SENATOR

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## The Albany Saga: Too Much For Hollywood

LIZ KRUEGER June 26, 2009

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I am honored to be blogging here on the new Huffington Post New York site. I actually planned to start blogging earlier, but have been a little busy up in Albany these last three weeks.

The events that have taken place during the last three weeks in New York State's Capitol have been so shocking and so surreal that I doubt the best Hollywood screenwriters could have written such a story. We've seen an illegal coup engineered by a billionaire, possible corruption of office (did you know it is actually illegal to sell your votes on bills, or for the control of a legislative chamber?), intrigue (who will switch sides today?), investigations into residences of a Senator's home, court challenges of the illegal coup (some think one Senator can have 2 votes -- can he have 2 paychecks?), the demise of democracy, and a Legislature for sale (now everybody is competing to claim they bought the guys to win the coup). If someone actually wrote the screenplay, no one would believe that such events could actually take place in an advanced democracy in 2009.

Countless articles and books have been written about the "three men in a room" phenomenon that is Albany -- the Governor, Senate Majority Leader and Assembly Speaker making all the decisions behind closed doors for 19.5 million people. But on Monday June 7th,

we shifted to a one man model where an unelected billionaire named Tom Golisano (who recently announced he was moving to Florida to avoid paying New York State income taxes) makes all the decisions. But before he left, he showed up outside the Senate Chambers in the Capitol and stood with the Republican leadership when announced that they had the votes to take control of the Senate.

At first, Golisano seemed to be the "mastermind behind the coup." Although, as the days go by, others have rushed to claim equal bragging rights to have purchased the coup including: a lobbyist for the real estate industry who is also the lawyer for the lead Senator who traded sides (pro-tenant legislation might pass), the anti-choice movement (we were about to pass a reproductive rights bill), campaign finance reform (isn't that like Communism?), and those who oppose marriage equality (Oh no! New York would benefit from the economic activity and tax revenue generated by LGBT weddings). I even heard a rumor that Roger Stone -- yes, Tricky Dick's Roger Stone -- is claiming he masterminded the coup.

You'd think someone might care that buying votes is theoretically illegal, a felony even.

Did I mention that the highest-titled position and new face of the Republican Party in the State is Pedro Espada -- a person who should not be in elected office? Please, just Google him --- the story writes itself.

Anyway, I am getting ahead of myself. What I really want to do is give you all my perspective on what happened and what it all means.

The last three weeks in Albany have taught me that no matter how dysfunctional I thought this place was, it really was possible for it to get worse.

The Republicans claim that the coup was done for the good of the people and in order to enact government reform. This is absolutely and completely ridiculous. Remember, this is the same Republican party that controlled the Senate for more than 43 years and made it one of the least democratic and deliberative legislative bodies in the nation. The attempted coup was simply a blatant power grab by the Republican party and a couple of disaffected Democrats.

In a desperate attempt to retake control of the Senate, the Republicans are willing to make Pedro Espada the President of the Senate and next in line to be Governor of the State of New York. This is an outrageous act which, on the face of it, belies any claims they make about trying to reform the system.

New Yorkers have been through enough in the last few years. They do not need someone with only a passing acquaintance with honesty to be just one heartbeat away from the Governor's office. It is simply unacceptable to have such a person in any position with such direct influence over the lives of 19 million New Yorkers.

You may be wondering who set up a situation that is vulnerable to such disaster. Ironically, the Republicans did it, accidentally, during the 2002 redistricting. New York State has been bleeding Republican voters for years, so to protect their majority, they gerrymandered a bunch of districts and added a Senator on the last possible night without telling anyone. Yes, you can do this! So suddenly we had 62, not 61 Senators -- and the real possibility of tie votes. But, the Lieutenant Governor has the authority to vote during ties... so not to worry. Except, Governor Spitzer (remember him?) had to get out of town, moving Lt. Governor Paterson to Governor. Hence, no Lieutenant Governor, and no way to replace him 'til the next election and no tie-breaker. And the President Pro Temp as next in line for Governor (see above, Pedro Espada).

That said, I think all of us in the Democratic Conference have to look critically at what role we played in what went wrong. I believe that the biggest failure of my Conference was that it was not aggressive enough in advancing a reform agenda. From the day I ran for office I have advocated for reform of the Senate's rules in order to empower individual members regardless of who was in the Majority.

While the Democratic leadership did introduce new rules that improved transparency, made it easier to move bills to the floor, and offered a broader proposal for significant reforms of the committee process, other issues such as equitable distribution of resources -- staff, office space and ability to get funding for local projects -- were not addressed. The common sense and "small d" democratic changes I have been fighting for were rejected. I believe that many of my colleagues adopted a "to the victor goes the spoils" model, and while I repeatedly argued against this, in the end, the Conference was not willing to go as far down the reform road as they should have.

One potential silver lining from this situation is that the Senate may be forced to change its model of operations, given that we now face an equally divided body. The Senate Democrats have already proposed a bipartisan operating agreement to the Republicans, used in numerous other states and the U.S. Senate when they found themselves in similar circumstances, to circumvent the gridlock created by a 50-50 split.

Our proposal includes:

- A rotating Presiding Officer of the Senate, alternating daily, one each to be designated by the Democratic Conference and the Republican Conference, respectively;
- Establishing a six-member Senate Conference Committee, comprised of three members designated by the Democratic Conference and three members designated by the Republican Conference, to determine which bills and resolutions will reach the floor; and

- Rotating Floor Leaders, alternating daily, one each to be designated by the Democratic Conference and the Republican Conference, respectively.

Unfortunately, so far, this proposal was soundly rejected by the Republicans who would rather let government grind to a halt than give up their last chance of having total power. What the impact of all of this is on broader legislative issues remains to be seen. Regardless of the short-term outcome, it will no doubt be harder to move progressive legislation in a number of areas. This is a great disappointment to me, as I had high hopes for good legislation on important issues like affordable housing, public education, environmental policy, and same-sex marriage. However, there is always the possibility that as legislators we will learn some valuable lessons.

Any chance of real recovery from this disaster will require the legislature to internalize some lessons. One is the need to develop fairer and more equitable rules. Every senator, regardless of party, represents the same number of constituents and should have adequate resources. I am an optimist and believe that if I persevere we will ultimately be able to make real progress.