



NEW YORK STATE SENATOR

Thomas K. Duane

Statement by New York State Senator Duane RE: Hiram Monserrate

THOMAS K. DUANE October 20, 2009

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"From the time Hiram Monserrate was arrested on domestic violence charges last December, I have been outspoken in my disgust and horror at his actions, and at the sad but true fact that he continued to serve in the New York State Senate. As I said privately and publicly in the Senate Democratic Conference, indeed to Senators on both sides of the aisle, and publicly at my District-wide Town Hall Meeting and elsewhere, I am appalled to serve with him and I believe Mr. Monserrate is guilty of a felony.

Tragically, Justice William Erlbaum disagreed. I believe with great sadness and anger that although the justice system has failed terribly in this instance, it has spoken.

It is my sincere hope and desire that Mr. Monserrate will resign as a New York State Senate Senator – and I do not expect him to do so.

Ideally, since Mr. Monserrate has indicated he will not step aside, the Senate will find it has the power to seek his ouster. Regrettably, the law governing what Senate procedures allow for regarding his removal from office is murky and complicated. The Senate Majority has established a bipartisan committee "to examine precedent, Senate Rules, and all relevant law to establish the proper procedures and identify the remedies available to the Senate." Whether I agree or not that this was an appropriate next step, this committee's charge will be used to determine what choice of actions the Senate has, and the body and will then act accordingly.

Regardless, as always, I will bring my core beliefs and values to the conference and to the Senate.

I remain as angry, sad and outraged today as I was the day Mr. Monserrate was arrested. Not a day has gone by that I haven't dwelled on the terror and pain that Ms. Giraldo must have felt on the early morning of December 19, 2008."