



NEW YORK STATE SENATOR

Michael Gianaris

## City & State: LaSalle's rejection was a defeat for Albany backroom politics

SENATE DEPUTY LEADER MICHAEL GIANARIS January 23, 2023

| ISSUE: **JUSTICE HECTOR LASALLE, JUDGE JANET DIFIORE, COURT OF APPEALS, CHIEF JUDGE**



State Senate Democrats showed a new way to lead that puts people before power

The controversy over the nomination of Hector LaSalle to serve as chief judge of New York's highest court – and his recent rejection by the state Senate Judiciary Committee – has led to predictable punditry casting this dispute as another battle between left and center, between progressives and moderates. But as is typical when an establishment power structure fails to see the ground shifting beneath its feet, the conventional wisdom is wrong. The sides here do

not fit into neat ideological boxes so much as they reflect the conflict between outsiders and insiders, between reformers and the establishment.

LaSalle's nomination was an establishment selection backed by the powerful judicial fraternity and the machinery of both political parties. They saw in this selection an assurance that the status quo they have constructed and enjoyed would remain in place, and that the paradigm that has already failed too many New Yorkers would not change.

Some of the arguments in defense of this nomination bordered on absurd. We were told not to judge a judge based on his actual work product, which displays an affinity for those in more powerful positions, or on which political parties he has chosen to align with and financially support. We were told not to value the opinions of those with real concerns who fight on the front lines on behalf of organized labor, reproductive rights and civil liberties. The gaslighting by LaSalle's supporters demonized those who simply wanted to scrutinize this nomination, instead advocating deference to a historical dereliction of duty that gave governors unfettered discretion to appoint anyone with virtually no imposition of checks and balances.

But this state Senate is committed to repairing the mistakes of the past, not using them as a guidebook. The Senate Democratic conference rose to prominence (and a historic supermajority) as an antidote to old-style, backroom Albany politics, and our efforts to reshape the system were – and are – vigorously opposed by Republicans and establishment Democrats alike, including so-called leaders of our own party. Under the transformative direction of state Senate Majority Leader Andrea Stewart-Cousins, we vowed to govern from our values and remain accountable to the people – not the consultant class. We got back to basics and reconnected with the Democratic Party's original mandate: to fight for average New Yorkers, heed the solutions they believe are needed to improve their lives and give them a fighting chance for success.

As a result, we've honed in on issues that empower people intentionally left out of government decision-making by those already in charge. We enacted sweeping voting reforms to expand access to our democracy like early voting, automatic voter registration and, most recently, the John R. Lewis Voting Rights Act.

Our state Senate endeavors to give outsiders the same seat at the table already enjoyed by those who have been in these halls for decades. And that's how we've conducted ourselves as a conference. Our senators put forth effective, data-backed legislation that targets the underbelly of a problem to cut it out for good. In the few short years we have held power, and we have sought to change the system itself. We advanced some of the strongest climate legislation in the nation with our Climate Leadership and Community Protection Act, and successfully passed the Environmental Bond Act ballot proposal to help implement it. We raised taxes on the wealthy and reinvested in our future by funding public education and child care. And, most recently, we stood strong on reproductive rights, establishing New York as a destination state in the wake of the dreadful Dobbs decision.

That's why it's striking that in the 2022 election postmortem, while analysts picked apart the failures of New York's Democratic Party, few mentioned the clear winners: New York's state Legislature. While those running on the dogged politics of appeasement did poorly at the ballot box, both our senators and our Assembly colleagues advanced a bold vision for change and secured unprecedented back-to-back supermajorities while other candidates faltered. Our winning strategy hinged on the very disruptive reforms that the party establishment faults. Clinging to old tactics may have put them in power decades ago, but it will ultimately lead down a path of failure.

The Senate's rejection of LaSalle's nomination is not our first break with the old way of doing business, and it won't be our last. We are forging ahead with a new style of governance that our state has never seen before. We will continue to champion the best interests of those

outside the political apparatus, remain tethered to the practical implications of our work and always legislate on behalf of people before power. As evidenced last week, those who fail to adapt to these changing realities will continue to be out of step with the people of our state and will eventually fade into history.

*Michael Gianaris represents the 12th state Senate District in Queens and is the chamber's deputy majority leader.*