

Dear Constituent:

One of my favorite pastimes is working on a community garden project. I find it particularly rewarding labor, although it does come with the challenging task of continually fighting pesky weeds. No matter what you do, they always pop up somewhere among the desired trees and flowers.

I reached a point one summer when I was tempted to use some powerful vegetation killer, risking the possibility of destroying everything that grew just so I could obliterate the weeds. The reality was that this ill-conceived attempt at a quick fix was driven by frustration. My goal had never been to wipe out all the vegetation, but to target and eradicate only the weeds that harm the garden. The removal does not guarantee that the weeds won't return, but it demands that the gardener remain diligent.

I recount this story because of its relevance to what is occurring in our State's capital. As voters, you are the gardeners. And there are many "weeds" in the form of ineffective politicians throughout our entire country, not only in Albany. Many of these undesirable "weeds" use their power to be served and not to serve.

I am not one of them! I take enormous pride in what I have achieved as a police officer and as a NYS Senator. I am not a "weed" that must be plucked and discarded, a negative element in the drama being played out in the NYS Senate. Although I had no direct control over the origin or continuation of the stalemate, I want nevertheless to apologize deeply to my community for the behavior of the Senate.

There is much to be accomplished in state government, and an evaluation of my ability to contribute to political reform should not be based on the last thirty-odd days, but on the last twenty-two years of my commitment to making my city and state a safe place to raise children and nurture families.

During this time of turmoil, I find it useful to borrow from the *SYMS* philosophy of government: "An educated consumer is our best customer." Instead of allowing the daily tabloids to shape the story with their distortions, I have used modern technology to give you an insight into what has transpired, what is occurring now, and what needs to happen.

This communication is a continuation of that methodology. Based on many phone calls, emails, letters, and conversations, I have created the following list of frequently asked questions to update you on how the Senate stalemate was resolved:

1. QUESTION: WHY IS THE TERM *MINORITY CONFERENCE* OR *MAJORITY CONFERENCE* USED TO DESCRIBE A GROUP OF SENATORS?

ANSWER: The terms convey information about the number of senators in each party. The party with the greater number is called the *Majority Conference* and the party with the lesser is called the *Minority Conference*. Majority senators have a greater influence in directing the business of the Senate and they normally control committee chairmanships.

Currently, Senator Smith and my colleagues compose the *Majority Conference* and Senator Skelos and his colleagues are the *Minority Conference*.

2. QUESTION: DURING THE SENATE CRISIS, WHY DID SENATE MINORITY LEADER SKELOS REFUSE TO ENTER THE CHAMBER AT THE SAME TIME AS THE MAJORITY CONFERENCE?

ANSWER: After the leadership dispute, Majority Leader Malcolm Smith and our conference went to court to have the conflict resolved. The judge ruled that the leadership issue must be worked out by the Senate itself. Senator Skelos and his conference, however, refused to acknowledge that ruling and demanded recognition of Pedro Espada as Senate President pro tem.

3. QUESTION: WHY IS THE POSITION OF PRESIDENT PRO TEM IMPORTANT?

ANSWER: This constitutional position gives the individual with this title several critical roles in the Senate and in the State. First, the President pro tem is Acting Governor whenever the Governor is incapacitated or leaves the state. In addition, the President pro tem controls millions of dollars in resources allocated to running the NYS Senate.

This position is voted on by the full Senate body, and normally the party with the greatest number of members elects both the President pro tem and the Majority Leader. (The President pro tem usually also holds the title of Majority Leader and decides who will preside over the Senate.)

During the Senate crisis, each side had 31 votes, so the Senate was tied.

4. QUESTION: HOW WAS THE SENATE CRISIS RESOLVED?

ANSWER: The Senate Majority leadership team had several meetings with Senator Espada and was successful in persuading him to abandon his insistence on assuming the constitutional position of President pro tem. Instead, he became Majority Leader, sharing responsibilities with Senator Malcolm Smith (President pro tem), Senator John Sampson (Conference Leader), and Senator Jeff Klein (Deputy Majority Leader).

This innovative design provides for crosschecking and balancing leadership powers, ensuring that no individual will attain complete control of available resources in the Senate or State. Furthermore, it promotes greater input from rank and file Senators.

5. QUESTION: WHY DID GOVERNOR PATERSON APPOINT A LT. GOVERNOR?

ANSWER: Article IV, Section 6 of the NYS Constitution invests power in the Lt. Governor to cast the deciding vote in the event of a tie in the State Senate. Unfortunately, NYS currently has no Lt. Governor because that office became vacant when Governor Spitzer resigned and was replaced by then Lt. Governor Paterson.

As of the writing of this letter, Governor David Paterson has appointed Richard Ravitch to the position of Lt. Governor. My colleagues in the Senate Majority applaud this decision, which results in a clear line of succession were the Governor unable to perform his duties.

Senator Skelos and the Senate Minority are suing the Governor over this appointment, and there should be a court ruling within the next few days.

6. QUESTION: WHY WERE THE NYS SENATORS GETTING PAID FOR NOT WORKING?

ANSWER: A Senator has many duties. Enacting legislation is only one aspect of the job, and while of paramount importance, it takes up the least amount of time. I cannot speak for all Senators, but those of us who represent high-needs districts routinely have 10 to 12 hour days.

Our daily calendar includes spending many hours addressing the needs of our constituents, holding individual consultations, attending and addressing community meetings and ceremonies, and responding to emergency situations. Even during this Albany crisis we still are in our offices handling the very many aspects of our total duties.

The pay that everyone asks about is an allocation called a per diem. It is a \$160 daily allotment the government pays to state legislators to defray the cost of food and lodging while away from home in Albany. I have already announced that I will donate my per diem to a charitable organization.

State legislator is deemed a part time job because session runs from January to June. Trust me, my friends; this job is not part time for senators who are committed. During the summer, my district calendar is jam-packed with events my office sponsors to make our community an attractive place to raise children and nurture families.

7. QUESTION: HOW DID SENATOR ERIC ADAMS HELP TO RESOLVE THIS ISSUE?

ANSWER: It was essential to me that my colleagues and I return to the Senate Chamber. I spoke with Majority Leader Smith and my colleagues and convinced them that we must be in Chamber and lead by example. They agreed, and we have been there every day since the first court ruling.

In addition, one of the most important things I did when I first arrived in Albany three years ago was to reach out to my colleagues in the other Conference. We have developed a professional and cordial relationship. Those relationships turned out to be invaluable in moving the new rules reforms that will be adopted in the State Senate.

When I first campaigned for election two and a half years ago, I ran on a committed reform platform. It is time to transform Senate operations to greater transparency. It is time to alter the arrangement maintained for the past forty years by our colleagues across the aisle, in which one individual dictated the legislative agenda to the entire body, and progress to the empowerment of all Senators. I feel that we have initiated a program to accomplish these goals.