

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, January 09, 2013 9:18 AM
To: scousins@senate.state.ny.us; 'susangrelick@yahoo.com'
Cc: 'lkrueger@senate.state.ny.us'; usher@nysenate.gov; 'squadron@nysenate.gov'; 'mary@danielsquadron.org'
Subject: Empowering Democrats with Strategy at Today's 10:30 am Democratic Conference Meeting

EMPOWERING DEMOCRATS WITH STRATEGY AT TODAY'S 10:30 a.m DEMOCRATIC CONFERENCE MEETING

TO: Susan Grelick, Counsel to Democratic Conference Leader Andrea Stewart-Cousins

Following up our lengthy phone conversation yesterday, this is to reiterate that Senate Democratic Conference Leader Stewart-Cousins and members of the Democratic Conference must take to the Senate floor today and reject the Republican draft of rules – not only for themselves, but, on behalf of the public – as likewise reject the election of Republican Conference Leader Skelos as Temporary Senate President, after vigorous discussion and debate, based upon the particulars set forth by CJA's December 26, 2012 and January 3, 2013 letters.

A transparent, deliberative Senate begins with its rules. Republican-sponsored rules which were withheld from Democrats until yesterday evening and, even then, not made publicly available, and which, additionally involve a "memorandum of understanding" with the Independent Democratic Conference that, incredibly, may not be released at all – as today's Times Union article by Jimmy Vielkind reports -- is completely unacceptable. Just as with other aspects of the legislative process, Senators and the public – each bearing the consequences of Senate rules – must be afforded sufficient opportunity for review and informed comment.

As discussed, there are NO Senate rules until new rules are adopted. This is identified on page 1 of our January 3, 2013 letter to ALL Senators, which further points out that adoption of rules should PRECEDE, not follow, election of a Temporary Senate President.

On their face, the former Senate rules are operative only for "2011-2012". This is 2013. Consequently, Democrats face NO TIME RESTRICTIONS in debating the Republican-sponsored rules – as, for instance, by old Rule IX, Sec.3(d) "Debate on motions or resolutions other than concurrent resolutions shall be limited to one hour with one-half hour allocated to each conference." This is important as Democrats apparently mistakenly believe that such time-limitation applies – as evident from Ken Lovett's January 6th Daily News article, reporting that Democrats viewed "one hour of debate [as] not enough, particularly if they [were] not given sufficient time to review the rules."

According to today's Times-Union article, Republican Senator Farley has commented that the drafted rules make "no great changes". If so, that is another reason why the Democrats must reject the Republican-sponsored rules as "great changes" are essential if this state is to break from the dysfunctional legislative process which excludes rank-and-file legislators and the public and governs by "three-men-in-a room".

The pretense of the Republican-IDC partnership is that it puts policy over partisanship. Democrats would do well to call their bluff by putting forward a rules resolution that expressly adopts the non-partisan, good-government reforms that were embodied in the April 21, 2009 Republican Minority Report of the Senate's Temporary Committee on Rules and Administration Reform. Apparently, those reforms were acceptable to the Republicans under Senator Skelos' leadership on June 8, 2009, partnering with renegade Democrats Espada and Monserrate, with both sides asserting that their

alliance was about Senate rules reform. Tellingly, the Republicans and IDC have never made such claim about their partnership.

For the convenience of all, the rules adopted by the Senate Republicans for the June 8, 2009 Senate “coup”— and the 2011 non-partisan, good-government rules reform resolution #357 of Senators Liz Krueger and Daniel Squadron, which the Republicans, under Senator Skelos, would not allow out of the Rules Committee – are posted on the “Senate Rules Reform Resource Page” of our website, accessible *via* the top panel “Latest News”. Here’s the link to that “Latest News” page -- <http://www.judgewatch.org/web-pages/cja/latest-news.htm> --from which they may be accessed.

Here’s to vigorous discussion and debate on the Senate floor later today,

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373
Cell: 646-220-7987