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Blogging From the Five Boroughs

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Revolt Imperils Democratic Control of Senate

By *Jeremy W. Peters AND Danny Hakim*

Rob Bennett for The New York Times; Suzanne DeChillo/The New York Times Two state senators — Pedro Espada Jr. of the Bronx and Hiram Monserrate of Queens — moved to defect to the Republican side, which would end Democratic control of the chamber.

Updated, 4:25 p.m. | ALBANY — Democrats appeared to have lost their majority in the New York State Senate on Monday, in a stunning and sudden reversal of fortunes for a party that has controlled the chamber for barely five months.

A raucous leadership fight erupted on the floor of the Senate around 3 p.m., with two Democrats, [Pedro Espada Jr.](#) of the Bronx and [Hiram Monserrate](#) of Queens, joining the 30 Senate Republicans in a motion that would displace Democrats as the party in control.

Giovanni Rufino for The New York Times Senator Dean G. Skelos, a Long Island Republican, would likely be the new majority leader if his party takes control.

It was a noisy and acrimonious scene on the floor of the Senate as Senator [Thomas W. Libous](#), a Republican from Binghamton and the party's deputy leader, shouted for a roll-call vote, while Democrats attempted to stall the vote by asking to adjourn the session.

All 30 Republicans stood with their hands raised, signaling a vote for a change in leadership. Mr. Espada and Mr. Monserrate joined them, each raising his hand. It appeared that Republicans had won the vote by a 32-to-30 margin. If the Republicans retake the chamber, [Dean G. Skelos](#), of Long Island, would likely be the new majority leader.

After the results of the vote were read aloud, the in-house television station that carries Senate proceedings live in the Capitol went dark. All that appeared on the screen was a still photo of the Senate chamber and the words "Please stand by."

Senate Republicans quickly claimed that they were on the verge of controlling the chamber. "A new bipartisan, coalition is being established that is bringing real reform to the Senate right now," Republicans said in a statement emailed to reporters at 3:20 p.m.

As the events were unfolding on the floor, Senator [Malcolm A. Smith](#) of Queens, leader of the Senate Democrats, huddled in the hall just off the Senate chamber and consulted with his staff. When asked what was occurring, he responded, “I’m trying to find out right now.”

Until January, Republicans had controlled the State Senate for more than four decades. Democrats won a majority of Senate seats in the November elections, but only after three dissident senators who were being courted by Republicans, including Mr. Espada and Mr. Monserrate, agreed to elect Mr. Smith.

Why Mr. Espada and Mr. Monserrate suddenly defected on Monday afternoon was not immediately clear.

One source of contention among Democrats recently has been Mr. Smith’s support for same-sex marriage. Senator [Rubén Díaz Sr.](#), a Democrat from the Bronx, has been outspoken in his insistence that legislation allowing gay couples to marry not be allowed to come to a vote. Some had speculated he might leave the Democratic Party if Mr. Smith were to allow a vote.

But Mr. Díaz did not join Mr. Espada and Mr. Monserrate in the leadership vote on Monday. It was not immediately clear whether the same-sex marriage legislation played any role in the leadership dispute.

One person backing the revolt to put Republicans back in charge was [Tom Golisano](#), the Rochester businessman and founder of Responsible New York, a political action committee that gave thousands of dollars to Senate Democrats last year to help them take control of the Senate, but who has become increasingly critical of the party. Mr. Golisano recently announced that he was moving his legal residence to Florida out of anger about the budget deal crafted in April by Democratic leaders in Albany, which included an increase in taxes on high earners.

Mr. Golisano played a role in negotiating original deal under which Mr. Espada and Mr. Monserrate — along with Mr. Díaz and Senator [Carl Kruger](#) of Brooklyn — gave their support to Mr. Smith. Steve Pigeon, his aide de camp, has been a frequent presence in Albany in recent weeks, and said Tuesday that Mr. Golisano felt betrayed by Mr. Smith because the Democratic leader had not delivered the overhaul of Senate rules he had promised upon taking power.

“He feels very strongly that he backed Malcolm Smith, and Smith didn’t keep his word, and didn’t make the changes he said he would,” Mr. Pigeon. “What you will see now is power-sharing, real reform.”

The apparent change of power sent shock waves in political circles across the state. At City Hall, in Lower Manhattan, stunned members of the New York City Council walked into the press room to watch the news unfold on local television. “I’m floored,” said [Vincent M. Ignizio](#), a Republican city councilman and former state assemblyman from Staten Island.

To balance its budget for the next year, the City Council needs Albany to approve two proposed sales tax increases. “This will turn the budget process on its head,” Mr. Ignizio said.

Michael Barbaro and Nicholas Confessore contributed reporting from New York City.

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June 10, 2009

Democrats Try to Reverse G.O.P. Coup in New York State Senate

By [DANNY HAKIM](#) and [JEREMY W. PETERS](#)

ALBANY — Still reeling from a sudden revolt a day earlier that shifted control of the New York State Senate to Republicans, Democrats huddled behind closed doors in the Capitol on Tuesday morning, seeking a legal path to help them block the power grab.

But it was far from clear whether they would be able to keep Republicans from assuming control of the Senate, or whether they would even be able to keep more members from defecting and cementing the new Republican majority.

“We have to maintain unity within our conference,” said Senator José M. Serrano, who represents parts of Harlem and the Bronx. “This is a real test for us, and this is the time when we show what we’re made of. I think there’s a lot of anger at what took place yesterday on the floor, but I think it’s important that we channel that to stay as unified as possible within the conference.”

“We were blindsided,” he added.

Throughout the morning Tuesday, stunned Democrats continued to insist that they were still the party in control of the Senate, and that [Malcolm A. Smith](#) — only five months into his role as head of the Senate majority — was still their leader.

“Until he’s removed, he’s still the majority leader,” said [Senator Eric T. Schneiderman](#), a Democrat who represents parts of the Upper West Side and the Bronx.

Gov. [David A. Paterson](#) was set to speak later in the morning. On Monday evening, he called the move “an outrage” and said Albany had become a “dysfunctional wreck.”

The governor also said, “I will not allow this,” but he then conceded that he could do nothing to stop it. The tumultuous coup was prompted by two dissident Democrats — [Pedro Espada Jr.](#) of the Bronx and [Hiram Monserrate](#) of Queens — who had been secretly strategizing with Republicans for weeks.

The two bucked their party's leaders and joined with 30 Republican senators to form what they said would be a bipartisan power-sharing deal. But the arrangement effectively re-establishes Republican control.

The change upends the agenda in Albany, where Democrats had assumed power in the Senate in January, with 32 seats, after more than 40 years in the minority. Democrats were pushing bills to give tenants more rights, strengthen abortion rights and legalize [same-sex marriage](#) this session. And the move underscores the continuing tumult of New York politics, where there have been three governors in less than three years and four Senate presidents since last summer.

Democratic leaders were caught off guard as the Republicans and their two new allies moved to topple them, and at one point became so flustered that they turned out the lights in the Senate chamber to try to prevent Republicans from installing new leaders.

Asked by a reporter what was occurring just moments after the announcement, Senator Smith, who was huddled in the hall with his staff, responded, "I'm trying to find out right now."

A spokesman for Mr. Smith, who lost the titles of majority leader and Senate president in the shakeup, issued a statement later saying that Democrats would challenge the vote, but it was not clear that they had grounds to do so.

The toppling of Democratic control unfolded in swift and stunning fashion shortly after 3 p.m. as senators gathered in the lofty oaken chamber for what seemed like small-bore legislative action on an uneventful afternoon.

Then, Senator Tom Libous, a Binghamton Republican, offered a resolution to reorganize the Senate leadership, a parliamentary maneuver that captured the entire Capitol's attention. Within minutes, reporters, staff members and Assembly members rushed to the Senate, crowding the chamber floor.

Democrats tried to stall the move, storming from the chamber and turning out the lights, but the Republicans continued the session as the two Democrats joined with them to elect new leaders.

Quickly and without a numerical majority, [Dean G. Skelos](#), a Long Island Republican, reclaimed the title of Senate majority leader. Mr. Espada was made Senate president.

Both Mr. Espada and Mr. Monserrate said they would remain Democrats even as they work with Republicans to run the Senate.

Each man has legal troubles. Highlighting the often elastic nature of ethical stands and alliances in Albany, Republicans who earlier this year were calling on Mr. Monserrate to resign after his indictment on felony charges that he stabbed his companion with a broken glass are now welcoming him as part of their power-sharing coalition.

Asked about the reversal, Mr. Skelos said, “He’s an elected member, and the reforms are more important.”

Mr. Espada has been fined tens of thousands of dollars over several years for flouting state law by not disclosing political contributions.

The state attorney general’s office is also investigating the Soundview HealthCare Network, a nonprofit organization that Mr. Espada ran until recently.

The new leadership structure means that Mr. Espada would become governor if Governor Paterson were incapacitated.

Mr. Espada, who is the first Latino Senate president, called his ascension “a sobering moment.” He predicted that other Democrats would decide to join the coalition, saying there was broad frustration with Mr. Smith’s leadership.

“Frustration was obviously building,” he said in an interview later. “There was little prospect for change on a number of fronts. We experienced five months of the budget process, and the absolute lack of transparency and the hypocrisy and the rhetoric grew too much for me.”

But money also played a part. Mr. Espada said he was angered that a top aide to Mr. Smith had threatened to hold up his legislative earmarks, known as member items.

Mr. Smith, at a news conference Monday night, argued that the Senate had adjourned when the Republicans took power —both sides argued the procedural fine points of what took place — and insisted that “the Senate majority is still in Democratic hands.”

“I’m not going to have this institution, which is a very proud institution, be demeaned in a manner like this,” Mr. Smith said. But Mr. Smith’s support

appeared shaky; at least half a dozen Democrats did not attend his news conference.

After installing their leaders, Republicans enacted a series of rules changes, including six-year term limits for the president and majority leader, steps to equalize the budgets of the majority and minority parties and mandating that pork barrel projects would be distributed equally among members of both parties.

The changes were pushed by [Tom Golisano](#), the Rochester billionaire who spent heavily in the 2008 Senate election to elect members he believed were committed to a more open Albany. But he felt betrayed that Senate Democrats did not act more boldly when they took over in January.

Mr. Skelos said his legislative priorities would include resolving whether Mayor [Michael R. Bloomberg](#) could retain control over the New York City school system, reforming property taxes and reissuing property tax rebate checks that had been eliminated by Governor Paterson and lawmakers in budget negotiations earlier this year.

He said he had not discussed with Mr. Espada whether they would bring the same-sex marriage bill to a vote.

Mr. Skelos has said he opposes same-sex marriage, but Mr. Espada is one of the co-sponsors of the legislation, which has been one of the most closely watched issues this session.

Republicans almost kept control of the Senate after the November election by courting Mr. Espada and two other dissident Democrats, [Carl Kruger](#) of Brooklyn and [Rubén Díaz Sr.](#) of the Bronx. Neither man left the chamber with the other Democrats on Monday while Republicans took power.

Mr. Kruger was noncommittal when he was asked if he would consider joining Mr. Espada.

“It’s very early to talk about that right now,” he said. “Everybody has to take a deep breath.”

Mr. Golisano, who played a central role in brokering the deal, recently announced that he was moving his legal residence to Florida out of anger about the budget deal hammered out in April by Democratic leaders in Albany, which included an increase in taxes on high earners.

Appearing at a news conference with Mr. Skelos and Mr. Espada, he said talks had been under way for several weeks.

“We went to work about 60 days ago,” he said.

The shakeup most likely means that Republicans will take over the chairmanships of most of the Senate’s committees. Staff members, whose jobs often depend on which party is in power, were trying to assess the impact of the switch Monday night.

Anahad O’Connor and Nicholas Confessore contributed reporting.

June 10, 2009

Democrats Plot Strategy as G.O.P. Seeks More Defectors

By [JEREMY W. PETERS](#)

ALBANY — As Republicans prepared to convene the Senate outside the Capitol if necessary, Democratic leaders scrambled on Tuesday to plan a legal strategy that they hoped would restore their political majority.

Senator [Malcolm A. Smith](#), who was supplanted as majority leader on Monday, has asked Attorney General [Andrew M. Cuomo](#) to investigate whether there was anything illegal about the deal that brought Senate Republicans together with two dissident Democrats to form a new majority coalition, a Senate official said.

Among the aspects of the deal that Mr. Smith has asked the attorney general to look into are whether there was any improper quid pro quo between Republicans and the two Democrats, Senators [Pedro Espada Jr.](#) of the Bronx and [Hiram Monserrate](#) of Queens, said the official, who spoke on the condition of anonymity to avoid further inflaming tensions among Senate Democrats.

Even as Democrats pursued a range of options — both legal and political — to remain in power, members of the new leadership coalition were claiming that more Democratic senators would soon defect. They characterized Democrats as being in a state of denial.

“The fork is in them,” said Steven Pigeon, the top political adviser to [Tom Golisano](#), the billionaire from Rochester who helped broker the deal. “I just think they haven’t admitted it yet.”

Mr. Pigeon said that more Democrats would soon join the new political alliance, but he would not say which ones or how many.

One of the senators who is believed to be considering breaking ranks with the Senate Democratic conference, [Thomas K. Duane](#) of Manhattan, would not say where he planned to cast his political allegiance.

“I am not considering anything but trying to get passed all the legislation I’ve spent my whole life fighting for,” he said. Mr. Duane, who did not attend meetings with his Democratic colleagues on Tuesday, said he had spent all day in discussions with senators from both parties.

Mr. Duane is the sponsor of legislation that would legalize [same-sex marriage](#) in New York. He has been working to garner the 32 votes necessary to pass the bill, and said he would continue to do so.

The chances that the legislation could be acted on soon appeared to grow on Tuesday after Mr. Espada, who would share power with [Dean G. Skelos](#), a Republican from Long Island, said he would like to see the bill come to a vote.

“I am for same-sex marriage,” Mr. Espada said, adding that he had not yet discussed the matter with Mr. Skelos, who opposes allowing gay couples to marry, but has said that he would let Republican lawmakers vote as they chose. “I think there will be a vote of conscience of the senators.”

Like all other legislation currently before the Senate, the same-sex marriage bill is on hold until the leadership confusion is resolved.

Senate business was at a standstill on Tuesday. The 15-foot-high iron gates just off the entryway to the chamber remained bolted shut upon Democratic orders, prompting Republicans to say they would convene elsewhere if they could not gain access to the chamber at 3 p.m. Wednesday, when the day's session is scheduled to begin.

"There's no requirement that the session has to be in the chamber," Mr. Skelos said.

Though Republicans claim they now hold the majority, it will be very difficult for them to assume administrative control over the chamber unless Democrats concede. The day-to-day operations of the chamber are managed by the secretary of the Senate, who is appointed by the majority leader. The current secretary, Angelo Aponte, has so far refused to resign despite calls from Mr. Espada and Mr. Skelos for him to do so.

As Democrats strategized on Tuesday, some privately wondered whether Mr. Smith would survive as their leader. "I think the first goal has been to try and work this out with Malcolm staying," said one senator. "If it looks like that can't happen, something else might."

The corridors outside the Senate chamber on the third floor of the Capitol were unusually quiet for one of the final days scheduled in the legislative session. Offices that are typically open and filled with employees were empty, the doors locked. The Senate chamber, with its soaring granite pillars and 23-carat gold leaf walls, sat dark. Tour groups that were passing through the Capitol had to peer through small windows in the doors to see inside.

June 10, 2009

About New York

Albany Drama Is Tragedy and Farce

By **JIM DWYER**

His cronies stole food meant for poor, sick people and gave it out at his political rallies. He owes the city \$61,750 in fines for fraudulent campaign fund-raising going back to 2001. He has failed to file 41 reports with the State Board of Elections, and has racked up \$13,553 in penalties since 2002. He does not have an office in the district he was elected to represent in the Bronx. In fact, it looks as if he doesn't even live there.

Ladies and Gentlemen:

The newly anointed president pro tempore of the New York State Senate.

The governor-in-waiting should something happen to David Paterson.

A man who could not be bought, cheaply.

State Senator Pedro Espada Jr.!

Mr. Espada and another state senator, Hiram Monserrate — who, perhaps it goes without saying, is under indictment in a domestic violence case — changed the power balance in the State Senate on Monday by jumping from the Democratic side to the Republican.

“Today will be remembered in state history as a day when real change and real reform began and dysfunction ended,” said Senator Dean G. Skelos, a Republican from Long Island who became the majority leader, thanks to the shifts by Mr. Espada and Mr. Monserrate.

Really, he said that.

Previously, the Democrats had bought the support of Mr. Espada and Mr. Monserrate with committee chairmanships and various promises of pork. In March, Mr. Espada and his allies set up two corporations for which he demanded \$2 million in member items (member items = Albany euphemism for pork). The Democrats wouldn't give the money to those corporations.

Now Mr. Espada has made friends with the Republicans, and has given them back the majority in the Senate. They, in turn, have made him president pro tempore and, quite possibly, have agreed to other stuff that no one knows about yet, since this new galaxy of “real change and reform” is only now being created.

The president pro tempore is a job no one would hear much about if the state had a lieutenant governor, which at the moment it does not. The last one, Mr. Paterson, was promoted to governor when Eliot Spitzer got caught buying sex. So next in line to the governor is this president pro tempore.

Until Monday, the president pro tempore of the Senate was the Democratic majority leader, Malcolm A. Smith. Last month, he declared that Mr. Espada had one week to take care of his campaign finance reports with the state.

Both men proceeded to do nothing.

Now Mr. Smith says the Republican coup that took away his job was “illegal and unlawful.” How come? Apparently, it was unfair of the Republicans to buy two senators whom the Democrats had already paid for, fair and square. And the Democrats tried to stop the uprising by turning off the cameras in the Senate chamber, apparently not having heard that the revolution will not be televised.

MEANWHILE, what does this mean to the Bronx, where Mr. Espada owns a cooperative apartment on 201st Street in the Bedford Park section? Probably not much. His cars are registered at a house in Mamaroneck; he has signed an affidavit saying he lives in Mamaroneck; his bank statements go to Mamaroneck; he has said that’s the home his wife wants to live in. However, last year, when he ran for the State Senate and his Bronx residency was challenged, a court-appointed referee ruled that all his Mamaroneck connections did not amount to proof that he did not intend to return to the apartment in the Bronx, the standard under the election law.

“In theory, it should be a wonderful opportunity to have a high-ranking official here,” said Erin Cicalese, who lives in the building on 201st Street. “I’m a stay-at-home mom, and I have never seen him here in the building.”

Ms. Cicalese and her husband, Lou Cicalese, a teacher, write a [blog](#) that has been scathing about Mr. Espada.

“We’ve asked him a couple of times to speak at Bedford Moshulu Community Association, but he’s never shown up,” Ms. Cicalese said. On the blog, she writes, “I’d advocate protesting outside Mr. Espada’s district office but, alas, he still doesn’t have one open.”

Mr. Espada recently explained to The Riverdale Press [that he did not have time to open a community office](#) because he had so many important jobs working with the Albany Democratic leadership. Now, he has become the essential man to the Republicans.

And suddenly, New York State has very good reason to wish for David Paterson’s continuing good health.

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June 10, 2009

Feeling Slighted, Rich Patron Led Albany Revolt

By [DANNY HAKIM](#) and [NICHOLAS CONFESSORE](#)

ALBANY — In early spring, [Tom Golisano](#) went to Albany from his home in Rochester to meet with [Malcolm A. Smith](#), then the Senate majority leader.

Mr. Golisano, a billionaire business executive, had spent heavily to help Mr. Smith and other Democrats win control of the Senate in the November election, and was angry to hear they were now planning to raise taxes on the wealthy. He expected an audience befitting a major financial patron.

Instead, he said, Mr. Smith played with his BlackBerry and seemed to barely listen.

“I said, ‘I’m talking to the wall here,’ ” Mr. Golisano recalled in an interview on Tuesday.

That meeting led to the dramatic collapse Monday of the Democrats’ grip on the Senate majority as a frustrated Mr. Golisano secretly planned with Republicans to persuade two Democrats to join them in ousting Mr. Smith.

The revolt has thrown Albany into an almost surreal scene of confusion; on Tuesday, both Mr. Smith and the Republican Senate leader, [Dean G. Skelos](#), were claiming to be the majority leader. Democrats locked the doors of the Senate chamber, preventing Republicans from gathering there, and refused to turn over the keys, prompting Republicans to threaten to hold a legislative session in the park outside.

Gov. [David A. Paterson](#) vowed not to leave the state during the crisis and said he still considered Mr. Smith to be the majority leader.

Mr. Golisano, asked by reporters about the legal troubles of [Pedro Espada Jr.](#) and [Hiram Monserrate](#), the two Democrats who had joined with the Republicans to oust Mr. Smith, said: “Don’t talk to me about ethical background in Albany,” adding, “We have a governor who stood on a podium on national television and said he had extramarital affairs and used cocaine.”

Mr. Espada said the Republicans had promised him and Mr. Monserrate that the Senate would be run in a bipartisan way, and predicted that other Democrats would eventually join the power-sharing coalition.

“This cannot become a circus,” said Mr. Espada, faced with the prospect of starting his career as Senate president being locked out of the Senate chamber. “We won’t force our way into any locked chambers. This is childlike, taking home all the marbles.”

“If we’re blocked from the room, we’ll do it outside in the park if it’s a nice day,” he added.

Along with Mr. Golisano, a key figure who helped pull off the plan to overthrow Mr. Smith was Steve Pigeon, who is not only Mr. Golisano’s top political adviser but also a longtime friend of Mr. Espada’s.

After Mr. Golisano’s fruitless meeting with Mr. Smith in March, Mr. Pigeon and Mr. Golisano returned to Albany to meet with Mr. Smith’s top aide, Angelo J. Aponte, the secretary of the Senate. Mr. Golisano insisted that there had to be a way to balance the state budget without

raising taxes, and at one point snatched a pad from one of Mr. Aponte's aides and began scrawling back-of-the-envelope calculations.

One of Mr. Golisano's aides asked whether the state could issue billions of dollars worth of bonds. Mr. Aponte said it was unlikely the bonds would find buyers in the economic slump. (Mr. Pigeon disputed that account. "We were there to hear their presentation and they didn't seem to have any good answers," he said.)

Mr. Golisano gave up on the Democrats and Mr. Pigeon moved quickly to set up a meeting with three top Senate Republicans. Secrecy was imperative, so they decided to meet at a small Albany rock club, Red Square, an unlikely locale for lawmakers.

"You wouldn't find anybody there that we knew," recalled Senator George D. Maziarz, a Republican from western New York who attended. Within days, the trio — Mr. Maziarz, Mr. Skelos and Senator Tom Libous of Binghamton, went to Rochester to meet with Mr. Golisano. The meeting was a chance for Mr. Skelos to meet Mr. Golisano for the first time.

Mr. Pigeon soon set to wooing Mr. Espada, a Bronx Democrat who had once caucused with the Republicans. Mr. Pigeon and Mr. Espada had a long relationship, going back to Mr. Pigeon's days as a counsel to the Senate Democrats. Mr. Espada drafted Mr. Monserrate, one of his close friends in the Senate, to join him in his defection.

Mr. Espada has said he joined the effort because he wanted to change how Albany does business. Indeed, shortly after taking power on Monday, Republicans enacted new rules for the Senate, including one imposing six-year term limits for the Senate's leaders and another equalizing distribution of the \$85 million the Senate allocates annually for legislative earmarks.

But Mr. Espada was said to have grown frustrated about power and money.

Mr. Espada has been fined more than \$60,000 for ignoring state law requiring disclosure of campaign contributions. A nonprofit organization that he ran for decades, Soundview HealthCare Network, is being investigated by the attorney general on suspicion of having misappropriated funds. And the Bronx district attorney is investigating whether he lives in the Bronx district he represents.

After he agreed earlier this year to back Mr. Smith, Mr. Espada requested perks that he believed should accompany his title as vice president of the Senate for urban policy. He asked for the use of the Capitol office adjoining his, close to \$100,000 for rent for his district office — more than twice the amount allotted to other senators from New York City — and a dozen extra staff members. Mr. Aponte denied the requests.

Mr. Espada also clashed with Mr. Smith over housing legislation that the Democrats had promised tenant advocates they would pass. For months, Mr. Espada, the chairman of the Housing Committee, had delayed introducing the legislation. Landlords increasingly viewed him as one of their only defenders among the Democrats.

Mr. Espada sought more than \$2 million in earmarks this year for two groups with links to Soundview.

State records indicate that the groups were created just days before Mr. Espada put in the requests, which Senate Democrats rejected in early April, saying they could not confirm that the groups were legitimate nonprofit organizations.

For example, Mr. Espada requested \$1.3 million in grants for the Bronx Human Services Council Inc., which registered with the state on March 26. The council's headquarters are at the same Bronx address as a clinic that is part of Soundview. Its chairman is one of Mr. Espada's Senate staff members.

In an interview on Tuesday, Mr. Espada described the concerns raised by Senate Democrats as "character assassination" and said the groups were "new organizations that were formed because these are volunteers, lawyers and doctors, that want to help their communities."

In the weeks leading up to Monday's revolt, Mr. Espada and the Republicans he planned with kept their plans remarkably quiet, especially for leak-prone Albany.

The senators and Mr. Pigeon met repeatedly at Mr. Espada's house in Albany — located across from the governor's mansion — and ordered pizza so often that some of the senators started to complain.

Among his fellow Democrats, Mr. Espada said, only Mr. Monserrate knew of the discussions.

Mr. Pigeon kept Mr. Golisano, who recently moved his primary residence to Florida, apprised of the progress, and Mr. Pigeon told him last Thursday the deal "was real solid," Mr. Golisano said.

Even [Roger Stone](#), the omnipresent Republican operative with a tattoo of [Richard Nixon](#)'s head on his back, was rumored to have played a role. Mr. Pigeon at first said Mr. Stone was not involved, but when pressed, he acknowledged that Mr. Stone, who did not return a call for comment, had known about the coup in advance.

Mr. Golisano later watched the proceedings unfold from Mr. Espada's Senate office, then moved to the Senate balcony after Mr. Libous called for a vote to install new Senate leaders and Democrats briefly turned off the lights in the chamber. The coalition the group had hoped for — Mr. Espada, Mr. Monserrate and 30 Republicans — held together, creating a new majority.

That night around 9, Mr. Espada, Mr. Monserrate and members of their staffs adjourned to Salsa Latina, a restaurant in Albany, to wind down. Mr. Skelos briefly stopped by to congratulate them. They quietly recounted the day, and began planning for what would happen next.

Bold coup upsets Senate

It seemed like a routine day, but a well-planned GOP attack ousts stunned Democrats after a brief stint in power

By [JAMES M. ODATO](#), Capitol bureau

Click byline for more stories by writer.

First published: Sunday, June 14, 2009

Correction: *There were two errors in an earlier version of this story. First, Democratic Senate Deputy Majority Leader, Jeff Klein, represents Queens. Also, the date Sen. George Maziarz met with Secretary of Senate Angelo Aponte was incorrect. The meeting took place on June 8th.*

The overthrow of the state Senate that shocked the Capitol on Monday unfolded with a multitude of people playing critical roles in a drama unparalleled in state history.

The coup was over in short order. Based on numerous interviews, minutes were like hours for those involved.

Sen. George Maziarz circled Monday, June 8, on his calendar for two important appointments. He had an anxious feeling waiting for that day.

The Niagara County Republican had been called the end of the prior week by Angelo Aponte, the powerful, micromanaging secretary of the Senate. Aponte, Democratic leader Malcolm Smith's chief operating officer, asked Maziarz to show up at his office for a meeting at 11 a.m. that Monday.

Maziarz planned to be in the Senate chamber for a session at 3 p.m. to take part in a change of power that had been planned in secret for weeks. The details were sealed the previous Wednesday, with Maziarz recommending immediate action before word leaked out.

He worried that Aponte had wind of the plot.

It turned out the secretary wanted to discuss the need for civility during chamber debates, noting that Maziarz had gotten a bit personal during budget arguments.

"I shook his hand knowing he had no idea," Maziarz recalled. He smiled broadly in his office

in the Legislative Office Building, much smaller than the one he used his previous 15 years in the Senate, when Republicans held control. "I knew we were going to catch him off guard."

Sen. Neil Breslin of Bethlehem had Monday scheduling issues, too. He had accepted fellow Democrat David Valesky's request to switch weeks of duty as chairman of the Senate session. "I wasn't supposed to be up there," Breslin said later.

Sen. Thomas Libous was on schedule, but he was starting to feel pain. He upset his cranky back gardening at his home in the Southern Tier. Known as "Rambo" as a young city councilman in Binghamton who challenged a popular Democratic mayor, Libous had been the choice of Senate Majority Leader Warren Anderson to succeed him in Albany.

In the chamber, Libous' eyes darted to Steve Pigeon and his boss, Rochester billionaire Tom Golisano, seated in the gallery above. Golisano, who last fall spent \$4 million to help Democrats win elections, was an essential partner in the plot.

Libous saw Breslin assume the chairman's post, and thought his luck had taken a hit. Breslin, a veteran of the chamber and a lawyer for 35 years, took turns officiating with two more junior Democrats. Either of them presiding, Libous thought, would have made his job easier. "I'm an observer," Libous said. "I see who's good on the floor. I thought Breslin would have been tougher."

But Libous had been rehearsing and was confident. He knew he had 32 of 62 votes, including Democrats Pedro Espada and Hiram Monserrate of New York City. He rose from his Senate seat and asked Breslin for a "privileged resolution" to be voted on at the start of session.

Republican lawyer Adam Richardson delivered the resolution document to Journal Clerk Thomas Testo. A Republican holdover and state employee since 1976 who is considered excellent at his job, Testo was said to be in his last session—perhaps involuntarily.

Testo, who had read thousands of resolutions during hundreds of session days, could tell by a glimpse that this one was different.

He took the document as Richardson delivered a copy to Deputy Majority Leader Jeff Klein, an ambitious Queens Democrat and, as Libous put it, a "worthy adversary." Klein thought his biggest order of business that day would be the resolution prepared by Aponte

identifying the \$85 million in member-item grants the senators would hand out in their districts this year -- \$77 million for the 32 Democrats, \$8 million for the 30 Republicans.

Without looking at Libous' resolution, Breslin directed it be read. Testo enunciated: "By senators Libous, Monserrate and Maziarz, providing for the election of Pedro Espada Jr. as temporary president of the Senate and Dean Skelos as vice president pro-tem and majority leader."

As the noise level in the chamber rose, Klein jumped up and asked a halt the proceedings. Breslin agreed. Libous argued that he held the floor and would not sit down.

Breslin turned to fellow Albany County Democrat Keith St. John, a lawyer and former Albany Common Council member who ascended to parliamentarian in January when Democrats took over.

Not known for his political savvy, St. John huddled with Breslin and Michael Fallon, the Democrats' top lawyer on the floor and a seasoned legal operative but not considered a wartime consigliere.

Libous demanded a vote to overrule Breslin. Minutes passed.

When Breslin allowed a vote, every Republican senator, plus Espada and Monserrate, stood to raise their hands. Klein called for adjournment, Breslin confirmed it and the Democrats fled, not sticking around to see Espada and Sen. Dean Skelos sworn in as the new leaders.

In the huddle, Breslin revealed later, he had asked Fallon and St. John how to get out of the jam.

"I've been a lawyer for 35 years," Breslin said. "I've been in a courtroom ... You have to react."

Some legal critics say Breslin should have used his gavel to ignore Libous, grant Klein's motion and buy time. "Ultimately, we can talk and dance," Breslin said. "Whoever has the majority rules."

Breslin said he did not want to take an illegal route, but Libous caught him off guard. He said Libous was "devious" in identifying his resolution. All privileged resolutions are first approved by the majority leader, so he assumed it was vetted. "I have always assumed that people in the chamber are honorable," Breslin said. He said he has full faith in Testo,

St. John and Fallon, but he believes Libous was a bit underhanded.

Not so, said Libous, Maziarz and a slew of lawyers. Senate rules did not require prior approval of such a resolution.

"Sen. Breslin just walked into it," said Maziarz. "There were a lot of unplanned benefits." He said he wasn't surprised that Breslin let Testo read the resolution. Last year, Maziarz often filled the president's seat for both Sen. Joseph L. Bruno and Skelos when they were majority leaders. He said he always let Testo read the resolution immediately.

Together, Libous and Maziarz had sewn up the deal. It started about two months ago. Pigeon reached out to Maziarz. Enough is enough, he said: The Democrats, were making things worse. Maziarz took the Golisano camp to Libous and then to Skelos, the minority leader. Pigeon, the Erie County Democratic Committee chairman from 1995 to 2002, knew Espada and Monserrate. He had gone to the Bronx in December to make sure Espada and other dissident Democrats got behind Smith to secure the Democratic majority.

In the spring, Espada told Pigeon that working under Smith was impossible. He said Aponte was ordering around committee chairmen, specifically attempting to get Espada to run his Housing Committee with a favorable vote on a bill to control rents in New York City.

On April 28, Maziarz arranged a meeting among Pigeon, Libous, Skelos and himself. They drove around Albany looking for a place they wouldn't be recognized.

They found Red Square, "a biker bar" Maziarz said. "I went in, saw people with earrings. Headbanger music. I went back to the car: 'No one's going to know us here.'"

They hung out for an hour and agreed they would attempt to create a "coalition government" of all the Republicans and as many Democrats who would give them the majority and pledge to improve the Senate.

Republican lawyer Rob Mujica became a central figure. Mujica, the finance secretary for Skelos, had had his own confrontation with Aponte in the winter. Aponte wanted Mujica to brief the Senate Democrats on budget issues. When Mujica suggested that Skelos was his boss, Aponte fired him, although Mujica continued on the Republican payroll.

Mujica, a graduate of Albany Law School and part of the GOP central staff for years, is of Puerto Rican descent and understands the language and culture of Hispanics Monserrate

and Espada. Mujica, with other Republican lawyers, carefully helped lay out the plan. Senators Kemp Hannon of Long Island and George Winner of Elmira prepared Libous for any pushback in the chamber.

Pigeon and Golisano assured the dissident Democrats that Golisano's Responsible New York, a political action committee fueled with a fraction of Golisano's immense wealth, would back candidates who support Golisano's vision of reform.

It was at Mujica's house that the final details were put together a week ago, including committee appointments. The planners ran through 15 scenarios as possible responses, and the Democrats reacted with what was the best-case scenario, Pigeon said, because they were ill-prepared. "Malcolm was an incompetent leader and he proved it on Monday," Pigeon said.

Mujica's home is on Eagle Street. It was the war room and Republican operatives and senators and representatives of Golisano and Espada were in and out. Across the street is the Executive Mansion, where Gov. David Paterson sometimes lays his head.

"We wouldn't have even tried to do it with a strong governor," Pigeon said. "We wouldn't even had considered it."

Golisano had become frustrated with Paterson as well.

Golisano said the Democratic leadership had failed. It became clear to him when he sought to get Smith to plan a property tax break in the state budget and got nowhere.

It became clearer after the \$132 billion budget was passed with an enhanced income tax on wealthy New Yorkers.

He was angered when he met with Smith and the leader seemed more interested in his BlackBerry than in Golisano's message.

"Libous did a great job," Golisano said, warning there's more to do. "Success only lasts for a moment—when you achieve it."

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Coup, then chaos

Monday: Coup takes place, flipping control of the Senate to Republicans and two turncoat Democrats.

Tuesday: The Senate chamber is dark. Both camps meet privately.

Wednesday: The new "coalition government" cancels its proposed first session one of the turncoat Democrats, Hiram Monserrate, asks for time to woo more Democrats.

Thursday: "Coalition government" unlocks Senate doors and conducts a session without 30 Democrats; Monserrate makes a cameo appearance. Lawsuit by Senate Democrats begins.

Friday: State judge says he'll rule Monday on the legality of the change of control, but wants parties to work it out themselves.

Saturday: Senate Democrats weigh a leadership change within their conference and consider promoting Brooklyn's John Sampson.