

Defector Said to Be Ready to End Albany Stalemate



Nathaniel Brooks for The New York Times

Senator Pedro Espada Jr. at the Capitol in Albany on Wednesday.

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ALBANY — Senator [Pedro Espada Jr.](#) will return to the Democrats as majority leader, ending a monthlong stalemate that has hobbled state government, as part of a deal worked out by Senate Democratic leaders on Thursday, according to people briefed on the negotiations.

Mr. Espada's return would give the Democrats 32 votes in the Senate, a clear two-vote margin that would re-establish their control of the chamber. Senator [John L. Sampson](#) of Brooklyn, leader of the Democratic caucus, would be president for an undetermined period as part of the deal, which must be approved by the rest of the Democratic senators.

The defection of Mr. Espada, of the Bronx, plunged Albany into chaos on June 8. [Hiram Monserrate](#), a Democratic senator who initially sided with

Republicans in the coup, was leading the negotiations on Thursday, according to those who had been briefed.

As it became increasingly apparent Thursday afternoon that a deal was at hand, Steve Pigeon, a top aide to the Rochester billionaire [Tom Golisano](#), a supporter of the Republican takeover, left Mr. Espada's office, saying little. Mr. Pigeon, who helped orchestrate the coup along with Mr. Golisano, then huddled with a top Senate Republican, George D. Maziarz, on a stairway near Mr. Espada's office.

After the conversation, Mr. Maziarz was speaking as if a deal was a fait accompli. Asked if he was disappointed, he said he was not, and said he believed that the rules and reforms Republicans had pushed through last month would still stand.

"I think the reforms we pushed on June 8 are being implemented, so I think it's a victory for us," he said, adding, "we have 30 solid votes."

Word of the discussion came after unusually chaotic 24 hours in Albany. Governor Paterson named [Richard Ravitch](#) as lieutenant governor on Wednesday, but early Thursday, Senate Republicans received a temporary restraining order that sought to prevent Mr. Ravitch from taking office.

The Republicans got the restraining order from a judge in Nassau County. Paterson administration officials, however, had already rushed to swear in Mr. Ravitch about 8 p.m. on Wednesday at Peter Luger Steakhouse in Brooklyn. Thursday morning, in introducing Mr. Ravitch, 76, a Democratic lawyer with a career in government dating back a half-century, Mr. Paterson said his choice would not take action until the court issue is resolved, although he said he believed the appointment was legal.

The governor stressed that he appointed a lieutenant governor to handle succession should he ever become incapacitated or leave the state, and not to place a potential tie-breaker in the Senate.

A hearing was scheduled in Nassau County for Friday morning by Justice Ute W. Lally of State Supreme Court, who issued the temporary restraining order to stop Mr. Ravitch's appointment.

Republicans are arguing that the governor does not have the authority to appoint a lieutenant governor. Their legal team drove several hours from the capital Wednesday night to Nassau County, the home county of the Senate Republican leader, [Dean G. Skelos](#). "They're going to claim he took the oath of office last night, that they did it before we got the T.R.O.," said John McArdle, a spokesman for Senate Republicans. "It's just going to create more chaos."

The lieutenant governor's office has been vacant since Gov. [Eliot Spitzer](#) resigned last year and Mr. Paterson succeeded him; the State Constitution does not provide for filling the office in the event of a vacancy.

Mr. Ravitch is best known in New York for serving as chairman of the [Metropolitan Transportation Authority](#) from 1979 until 1983, and he also ran for mayor in 1989, losing in a primary to [David N. Dinkins](#). He was chief labor negotiator for Major League Baseball from 1991-1994, and last year the governor called on him to develop a financial rescue plan for the transportation authority.

Mr. Paterson's aides made it clear that he would not be a candidate for the office in 2010 and that Mr. Paterson planned to pick someone else to run with him next year.

Attorney General [Andrew M. Cuomo](#), the state's top legal officer and a Democrat, like Mr. Paterson, said this week that naming a lieutenant governor would be unconstitutional and entangle the governor "in a political ploy that would wind through the courts for many months."

Mr. Cuomo has declined to represent the governor in the legal battle over whether he can appoint a lieutenant governor, one of Mr. Paterson's outside counsels said on a conference call on Thursday.

In picking Mr. Ravitch, Mr. Paterson is turning to one of the stewards of New York City's financial rescue in the 1970s at a similar time of economic peril. Mr. Ravitch, who has agreed to forgo a salary, is a well-regarded public servant, who began his career working in Washington for the House Government Operations Committee in 1959.

He was chairman of the state's Urban Development Corporation under Gov. [Hugh L. Carey](#) before leading an overhaul of mass transit financing while he was chairman of the transportation authority.

In his televised address Wednesday, Governor Paterson said, "This, I believe, is the right thing to do, I have no doubt of that," and added, "At a time of unparalleled fiscal difficulty, the appointment of Richard Ravitch today will bring the governor a successor, the Senate a presiding officer and will help to alleviate this crisis."

Senator Dean G. Skelos, the leader of the Republican caucus, said in his own address, "Sadly, once again, the governor has put his political career ahead of you, the public." He added: "Attorney General Andrew Cuomo has already said it's unconstitutional for the governor to appoint a lieutenant governor, and I agree."

Senate Democrats welcomed the move. "Extraordinary times call for extraordinary action," said the Senate Democratic leaders, John L. Sampson and [Malcolm A. Smith](#), in a joint statement.

Whether Mr. Paterson can legally appoint a lieutenant governor has been a matter of much debate this week. One view, advanced by Democrats and government watchdog groups, is that a provision of state law allows the governor to fill an elected office on his own, if there is not otherwise a process laid out in law for filling the vacancy.

The governor argued that the appointment could solve several problems, among them the state's tangled line of succession. The combination of an empty lieutenant governor's office and the Senate battle has created confusion about who would take over if the governor were incapacitated. The Senate president is next in line to succeed the governor after the

lieutenant governor, but both the feuding Republican and Democratic factions are laying claim to the position.

Assemblyman Michael N. Gianaris, a Queens Democrat, said, “It would guarantee a line of succession should something happen to the governor, and it would give the Senate a presiding officer to help get it out of the quagmire it’s been in for the last month.”

The State Constitution speaks at some length about what is to happen if the office of lieutenant governor is left vacant, but it makes no mention of the possibility of appointing a replacement.

Perhaps most important, the Senate’s rules indicate that the lieutenant governor cannot be counted as part of a quorum, a key issue since neither faction has the 32 votes needed to constitute a quorum.

“If he can’t vote on that, then the rest becomes moot,” said Gerald Benjamin, a professor of political science at the State University of New York at New Paltz.

There is also the lack of precedent. Before the stalemate, Mr. Paterson had not sought to fill the position, nor have previous governors done so in other instances when the office was empty.

Even proponents conceded that the governor’s decision was not sure to make it through the courts.

“This is not a slam-dunk,” said Dick Dadey, executive director of Citizens Union, a watchdog group that [has backed the proposal](#). But he added, “There needs to be some risk-taking in order for us to break the stalemate.”

Leaders of the Republican-dominated Senate coalition said that the governor’s move would further complicate the fight for control of the Senate and that they were preparing a challenge.

The governor had his own political calculus. He and his staff believe that he can rebuild his diminished standing in the polls if he is seen to be rising above the Senate fracas and acting boldly. His campaign began making

automated calls across the state publicizing the Ravitch selection shortly after his speech.