

Monserrate out in Senate vote

Queens Democrat vows to contest 53-8 expulsion in courts; majority now lacks clout to pass bills

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ALBANY -- After hours of acrimonious closed-door debate by the Democratic majority, the state Senate voted 53-8 Tuesday night to expel Sen. Hiram Monserrate for what its resolution termed conduct "not compatible with his oath of office" stemming from a domestic violence incident.

Senators approved the expulsion resolution after a late-night debate in which few members spoke on the floor.

"This is not about political consequences," said Brian Foley, D-Long Island, who offered the resolution. "This is about the integrity of the Senate, and we needed to do what was right."

During a 16-minute floor speech, Monserrate struck an alternately combative and contrite tone. The Queens Democrat suggested he was being persecuted because of his race, and said the vote was political retribution for his central role in last summer's legislative coup.

"I think it's the height of arrogance for someone who has never pulled the lever in my community -- never saw the narcotics sales on Roosevelt Avenue, never saw the lack of services that my community receives -- to think that today they have more power than the constituent voters that sent me here to represent them," Monserrate said.

He vowed to fight the expulsion in court.

"The actions that I have committed, that I have been involved in, do not rise to the level of expulsion," Monserrate told the chamber. "And the process that this body has used has not only deprived me of my due process, but in fact has disenfranchised the voters of my majority-minority district."

While Republicans voted unanimously to expel Monserrate, his case was a difficult one for the Democrats who narrowly control the chamber's majority. Monserrate's expulsion leaves them a vote short of the 32 members required to pass any legislation -- a fact that could have wide-ranging effect on the progress of state budget negotiations, among other issues.

After going into recess in mid-afternoon, the Senate did not begin open debate on Monserrate's fate until after dark, when the Democrats finally emerged from more than five hours of private discussions.

Monserate last month was found "unfit to serve" by a nine-member Senate panel of inquiry that examined the circumstances surrounding a December 2008 incident involving Monserate's girlfriend, whose face was badly cut by a broken glass. A Queens judge acquitted him of several felony charges, but found Monserate guilty of misdemeanor assault.

The Senate panel, which deemed the incident a "crime of domestic violence," recommended that the full chamber should consider measures to censure Monserate, expel him or both.

Foley had pushed his resolution for over a week and was prepared to work with Republicans -- all of whom voted for Monserate's ouster -- to secure its passage. But other Democrats balked at the notion of expulsion, either out of personal loyalty to Monserate or because they felt it would set a burdensome precedent.

One was Democratic Conference Leader John Sampson, who publicly hedged on the issue until Tuesday. He offered his conference a compromise resolution that would have expelled Monserate only after he had exhausted the appeal of his criminal conviction.

Private votes in the Democratic conference were evenly split, several senators said, and an agreement was finally reached to bring both resolutions to the floor for votes. But the compromise resolution was never acted upon.

Sampson eventually voted against the expulsion resolution, along with Sens. Kevin Parker, Ruben Diaz Sr., Martin Malave Dilan, Pedro Espada Jr., Carl Kruger, Eric Adams and Monserate himself.

In what might be his last appearance in the chamber as a sitting senator, Monserate looked tense and spoke from prepared remarks. Earlier Tuesday, he had appeared almost jovial, talking with Diaz and Espada while licking a lollipop.

Monserate had indicated he would not accede to his expulsion, a threat which prompted increased State Police presence in the Senate chamber Tuesday.

"I'll be working -- until I'm about 65," Monserate said Tuesday afternoon. "I will be working for the interests of the people of the 13th senatorial district. That's what I was elected to do, that's what I'll continue to do."

Monserate's attorney, Norman Siegel, said he has drafted a lawsuit alleging violations of the senator's constitutional civil rights, and is prepared to introduce it in a federal court in New York City today.

Lawyers from the office of Attorney General Andrew Cuomo will defend the Senate's decision, a Cuomo spokesman said.

The vote's political consequences remain unclear. The always unpredictable Diaz denounced the vote and attacked Sampson for his lack of leadership. He refused to rule out the suggestion that he would caucus with Republicans, giving them more votes than the Democrats.

"Sen. Sampson doesn't have the leadership. ... He's a joke," Diaz said. "The only thing I could tell you is that what the Democratic conference did tonight relieves me of my agony, relieves from my anguish. Now I'm a free man. ... Free at last, free at last, thank God almighty, I am free at last."

Others, like Sen. Kevin Parker, decried the vote's precedent.

"It creates a slippery slope for people we disagree with," said Parker, a Brooklyn Democrat who is facing felony assault charges stemming from an altercation with a newspaper photographer. "It creates a system for getting rid of members. We have a system: It's called an election."

Less than two hours after the vote, Gov. David Paterson said he will today issue the formal call for a special election to replace Monserrate.

Nothing would preclude Monserrate from running in the election, which he has said he will do.