

# A Call for a Monserrate Expulsion Vote, but He Says He Won't Go Quietly

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The political fate of State Senator [Hiram Monserrate](#), a Queens Democrat convicted of assault in a dispute that left his companion with a gash on her face, grew uncertain on Thursday as a special committee recommended that the Senate vote soon on a motion to expel him.

The Senate Democratic leader, [John L. Sampson](#), is expected to allow an expulsion vote to proceed, most likely within two weeks.

“I expect us to act on this very quickly,” said [Senator Eric T. Schneiderman](#), a Manhattan Democrat who led the special committee, which was created specifically to handle the Monserrate case. “There is no reason we can’t move quickly. And I think it’s in everyone’s best interest to do so.”

Mr. Monserrate is not expected to survive a Senate vote on his ouster. He would be the first member of the Legislature to be expelled since six members of the Assembly were removed in the 1920s for their affiliation with the Socialist Party of America.

Forcing out Mr. Monserrate, who is in his first term, would lead to an immediate legal battle. He has vowed to take his seat on the Senate floor even if his colleagues vote to expel him, and he threatened on Thursday to take his case to federal court.

Mr. Monserrate was by turns defiant and contrite in a news conference at his district office in East Elmhurst, Queens, saying that he had learned lessons from his domestic abuse trial and that only voters had the power to force him out.

“They are the only ones who have the power and responsibility to vote for or against me,” he said. “I’m going to fight as hard as possible that their vote is respected.”

“I have grown. I have learned,” he added. “I also have a much greater appreciation for the issue of domestic violence in our community.”

Legal experts are divided about whether the Senate can vote to expel Mr. Monserrate. The State Constitution does not explicitly give the Legislature authority to remove its members, though state law does. But the constitutionality of that law has never been tested in court.

Mr. Monserrate [was convicted of misdemeanor assault](#) in October for dragging his companion, Karla Giraldo, down the hallway of his apartment building in December 2008. But a judge acquitted him of two more serious felony assault charges.

The special committee formed after the trial concluded that Mr. Monserrate lied about the dispute and demonstrated “a lack of fitness to serve in this body.”

The report says that he recklessly put his interests above the safety of Ms. Giraldo and was insincere in his apology. “Whether the senator was worried for his political future or not, the evidence demonstrates both recklessness and callousness,” the committee wrote.

“Accordingly,” the report said, “the select committee recommends that Senator Monserrate be sanctioned by the full Senate, and that the Senate vote to impose one of two punishments: Expulsion, or in the alternative, censure with revocation of privileges.”

The report also accused Mr. Monserrate’s staff of inappropriately intervening in an attempt to influence Ms. Giraldo’s statements to law enforcement. It said that an attorney who works for the [Senate Consumer Protection Committee](#), which Mr. Monserrate leads, drafted Ms. Giraldo’s statement, and that one of Mr. Monserrate’s spokesmen notarized it.

Mr. Monserrate's conviction for misdemeanor assault was based on videotape evidence that he dragged Ms. Giraldo down the hallway of his apartment building in Queens. But he was acquitted of felony assault charges for slashing Ms. Giraldo with a broken glass, which left her with a deep laceration to her face. The report offers a damning conclusion of that event: "He deliberately chose to grab her forcefully and pull her out of the building. His intent to do so is evident from the video evidence showing Ms. Giraldo clinging to the banister in terror, resisting Senator Monserrate's effort to force her to leave the building."

Mr. Monserrate and Ms. Giraldo refused to cooperate with the committee's inquiry. As a result, the committee examined statements the senator made to reporters regarding the assault, the pair's cellphone records, Ms. Giraldo's grand jury testimony and thousands of pages of court records from Mr. Monserrate's trial.

The wheels were set quickly in motion for Mr. Monserrate's removal. Senator Brian X. Foley, a Long Island Democrat, said he would introduce a resolution early next week calling for Mr. Monserrate's ouster.

"His conduct is reprehensible," Mr. Foley said. "Not only did he dishonor himself, but also the integrity of the Senate as an institution. And that is something he needs to be thinking about as well, which it appears that he is not."

One Senate official said Thursday that Mr. Sampson was prepared to move forward with an expulsion vote but did not want to appear as if he was rushing the process. He also wants to give the Senate counsel's office enough time to identify the proper legal mechanism for removing Mr. Monserrate, said the official, who asked not to be identified to avoid getting ahead of the legal process.