

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 February 8, 2011

11 2:11 p.m.

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14 REGULAR SESSION

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18 SENATOR JOHN J. FLANAGAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT FLANAGAN: The
3 Senate will come to order.

4 I ask everyone to rise and please
5 repeat with me the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT FLANAGAN: In
9 the absence of clergy, I would ask that
10 everyone bow their heads in a moment of
11 silence.

12 (Whereupon, the assemblage
13 respected a moment of silence.)

14 ACTING PRESIDENT FLANAGAN: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Monday, February 7, the Senate met pursuant to
18 adjournment. The Journal of Sunday,
19 February 6, was read and approved. On motion,
20 Senate adjourned.

21 ACTING PRESIDENT FLANAGAN:
22 Without objection, the Journal stands approved
23 as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

10 May we please adopt the Resolution
11 Calendar, with the exception of Resolution
12 Number 452 and 398, please.

13 ACTING PRESIDENT FLANAGAN: All
14 in favor of adopting the Resolution Calendar,
15 with the exceptions of Resolutions 452 and
16 398, signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT FLANAGAN:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT FLANAGAN: The
22 Resolution Calendar is adopted.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, I
25 believe that Senator Sampson has Resolution

1 452 at the desk. He would like it read in its
2 entirety and move for its immediate adoption,
3 please.

4 ACTING PRESIDENT FLANAGAN: The
5 Secretary will read.

6 THE SECRETARY: By Senator
7 Sampson, Legislative Resolution Number 452,
8 paying tribute to the life and accomplishments
9 of Dr. Daniel Hale Williams, surgical pioneer
10 of open heart surgery and its sterilization
11 procedures.

12 "WHEREAS, With February being Black
13 History Month, it is a time to reflect on the
14 struggles and victories of African-Americans
15 throughout our country's history and to
16 recognize their numerous valuable
17 contributions to society; and

18 "WHEREAS, Daniel Hale Williams was
19 born on January 18, 1856, in Hollidaysburg,
20 Pennsylvania. He was the fifth of seven
21 children born to Daniel and Sarah Williams;
22 and

23 "WHEREAS, Daniel Hale Williams'
24 father was a barber and moved the family to
25 Annapolis, Maryland, but died shortly

1 thereafter of tuberculosis. Daniel's mother
2 realized she could not manage the entire
3 family and sent some of the children to live
4 with relatives. Daniel was apprenticed to a
5 shoemaker in Baltimore, but soon moved away to
6 join his mother, who had relocated in
7 Rockford, Illinois; and

8 "WHEREAS, Daniel Hale Williams
9 later moved to Edgerton, Wisconsin, where he
10 joined his sister and opened his own barber
11 shop. After moving to nearby Janesville, he
12 became fascinated with a local physician and
13 decided to follow his path; and

14 "WHEREAS, After following the
15 example of his older brother studying law for
16 a short time, Daniel Hale Williams began
17 working as an apprentice to the physician,
18 Dr. Henry Palmer, for two years, and in 1880
19 entered what is now known as Northwestern
20 University Medical School. After graduation
21 from Northwestern in 1883, he opened his own
22 medical office in Chicago, Illinois; and

23 "WHEREAS, Because of primitive
24 social and medical circumstances existing in
25 that era, much of Dr. Williams' early medical

1 practice called for him to treat patients in
2 their homes, including conducting occasional
3 surgeries on kitchen tables. In doing so, he
4 utilized many of the emerging antiseptic and
5 sterilization procedures of the day and
6 thereby gained a reputation for
7 professionalism. He was soon appointed as a
8 surgeon on the staff of the South Side
9 Dispensary, and then a clinical instructor in
10 anatomy at Northwestern University; and

11 "WHEREAS, January 23, 1891,
12 Dr. Daniel Hale Williams established the
13 Provident Hospital and Training School
14 Association, a three-story building which held
15 12 beds and served members of the community as
16 a whole. The school also served to train
17 African-American nurses and utilized doctors
18 of all races. Within its first year,
19 189 patients were treated at Provident
20 Hospital, and of those, 141 saw a complete
21 recovery, 23 had recovered significantly,
22 three had seen changes in their condition, and
23 22 had died; and

24 "WHEREAS, For a brand-new hospital,
25 at that time, to see an 87 percent success

1 rate was phenomenal, considering the financial
2 and health conditions of the plaintiff, along
3 with the primitive conditions of most
4 hospitals. Much can be attributed to
5 Dr. Williams' insistence on the highest
6 standards concerning procedures and sanitary
7 conditions. In 1889, he was appointed to the
8 Illinois State Board of Health and one year
9 later set forth to create an interracial
10 hospital; and

11 "WHEREAS, Two and a half years
12 later, on July 9, 1893, a young
13 African-American man named James Cornish was
14 injured in a bar fight, stabbed in the chest
15 with a knife. Upon being transported to
16 Provident Hospital, he was coming closer to
17 death, having lost a great deal of blood and
18 having already gone into shock; and

19 "WHEREAS, Dr. Williams was faced
20 with the choice of opening the man's chest and
21 possibly operating internally when that was
22 almost unheard of in that particular day and
23 age. Internal operations were unheard of
24 because any entrance into the chest or abdomen
25 of a patient would almost surely bring with it

1 resulting infection and therefore death. Dr.
2 Williams then made the decision to operate and
3 opened the man's chest; and

4 "WHEREAS, Dr. Williams saw the
5 damage to the man's pericardium (the sac
6 surrounding the heart) and sutured it, and
7 then applied antiseptic procedures before
8 closing his chest. Fifty-one days later,
9 James Cornish walked out of Provident Hospital
10 completely recovered and would go on to live
11 for another fifty years; and

12 "WHEREAS, Unfortunately,
13 Dr. Williams was so busy with other matters,
14 he did not bother to document the event and
15 others made claims to have first achieved the
16 feat of performing open heart surgery.
17 Fortunately, local newspapers of that day did
18 spread the news, and Dr. Williams achieved the
19 acclaim he deserved; and

20 "WHEREAS, It should be noted,
21 however, that while Dr. Williams is known as
22 the first person to perform an open heart
23 surgery, it is actually more noteworthy that
24 he was the first surgeon to open the chest
25 cavity successfully without the patient dying

1 of infection. His procedures would therefore
2 be used as standards for future internal
3 surgeries; and

4 "WHEREAS, In February of 1894,
5 Dr. Daniel Hale Williams was appointed as
6 chief surgeon at the Freedmen's Hospital in
7 Washington, D.C., and reorganized the
8 hospital, creating seven medical and surgical
9 departments, setting up pathological and
10 bacteriological units, establishing a biracial
11 staff of highly qualified doctors and nurses,
12 and establishing an internship program.

13 Recognition of his efforts and their success
14 came when doctors from all over the country
15 traveled to Washington to view the hospital
16 and to sit in on surgery performed there; and

17 "WHEREAS, Upon his retirement,
18 Dr. Daniel Hale Williams had bestowed upon him
19 numerous honors and awards. He received
20 honorary degrees from Howard and Wilberforce
21 Universities, was named a charter member of
22 the American College of Surgeons, and was a
23 member of the Chicago Surgical Society.

24 Dr. Williams died on August 4, 1931, having
25 set standards and examples for surgeons, both

1 black and white, for many years to come; now,
2 therefore, be it

3 "RESOLVED, That this Legislative
4 Body pause in its deliberations to pay tribute
5 to the life and accomplishments of Dr. Daniel
6 Hale Williams, surgical pioneer of open heart
7 surgery and its sterilization procedures."

8 ACTING PRESIDENT FLANAGAN: The
9 question is on the resolution. All those in
10 favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT FLANAGAN:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT FLANAGAN: The
16 resolution is adopted.

17 Senator Libous.

18 SENATOR LIBOUS: Thank you,
19 Mr. President.

20 And as we do as a custom in the
21 house, Senator Sampson would like to open it
22 up for cosponsorship for all members. If
23 there's a member who wishes not to be on the
24 resolution, let the desk know.

25 ACTING PRESIDENT FLANAGAN: The

1 resolution is open for cosponsorship. If you
2 would not like to be a cosponsor, please
3 notify the desk.

4 Senator Libous.

5 SENATOR LIBOUS: Thank you,
6 Mr. President.

7 I believe Senator Squadron has
8 privileged Resolution 398 at the desk. I'd
9 ask that the title be read and call on Senator
10 Squadron, please.

11 ACTING PRESIDENT FLANAGAN: The
12 Secretary will read.

13 THE SECRETARY: By Senator
14 Squadron, Legislative Resolution Number 398,
15 honoring Lawrence Bosch, exemplary police
16 officer and true public servant, and
17 recognizing the significance of his service to
18 his community and the people of the State of
19 New York.

20 ACTING PRESIDENT FLANAGAN:
21 Senator Squadron on the resolution.

22 SENATOR SQUADRON: Thank you,
23 Mr. President. I rise today to speak on this
24 resolution honoring Police Officer Lawrence
25 Bosch as the 84th Precinct Cop of the Year.

1 Police Officer Bosch is not just an
2 exemplary cop in the 84th, he's also a
3 constituent and a neighbor in Carroll Gardens,
4 Brooklyn. He works the beat just like cops
5 have for generations in downtown Brooklyn, and
6 last year really earned his stripes as the
7 Cop of the Year, making 54 arrests in the
8 growing commercial zone of the Fulton Street
9 Corridor, which is a significant one locally
10 in the community but also citywide and
11 statewide.

12 It's a significant and growing
13 commercial zone, and the work of Police
14 Officer Bosch is a big part of making it
15 safer, making it more popular. In fact, he is
16 so good at his job, he has literally earned
17 the nickname "Book 'Em Bosch." And certainly
18 it's a well-deserved one.

19 His honor as 84th Precinct Cop of
20 the Year is one that we're very proud of in
21 the 25th Senate District, across Brooklyn.

22 Congratulations to Police Officer
23 Bosch and to his family. And I thank this
24 body for taking a moment to recognize him.

25 Thank you, Mr. President.

1 ACTING PRESIDENT FLANAGAN: Thank
2 you, Senator Squadron.

3 Is there any other Senator wishing
4 to be heard on the resolution?

5 Hearing none, the question is on
6 the resolution. All those in favor signify by
7 saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT FLANAGAN:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT FLANAGAN: The
13 resolution is adopted.

14 Senator Libous.

15 SENATOR LIBOUS: Thank you,
16 Mr. President.

17 I believe there's another
18 privileged resolution at the desk by Senator
19 Smith. May we please have the title read and
20 move for its immediate adoption.

21 ACTING PRESIDENT FLANAGAN: The
22 Secretary will read.

23 THE SECRETARY: By Senator Smith,
24 Legislative Resolution Number 473, honoring
25 David Franklin Bluford upon the occasion of

1 his designation for special recognition by the
2 Alpha Phi Alpha Senior Citizens Center, Inc.

3 ACTING PRESIDENT FLANAGAN: The
4 question is on the resolution. All those in
5 favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT FLANAGAN:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT FLANAGAN: The
11 resolution is adopted.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President,
14 could we take up the noncontroversial
15 calendar, please.

16 ACTING PRESIDENT FLANAGAN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 29, by Senator Saland, Senate Print 1433, an
20 act to amend the Criminal Procedure Law.

21 ACTING PRESIDENT FLANAGAN: Read
22 the last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect on the first day of the
25 calendar month next succeeding the 30th day.

1 ACTING PRESIDENT FLANAGAN: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT FLANAGAN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 30, by Senator Sampson, Senate Print 1620, an
9 act to amend the Penal Law, in relation to
10 creating a hazard.

11 ACTING PRESIDENT FLANAGAN: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of
15 November.

16 ACTING PRESIDENT FLANAGAN: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58. Nays,
20 1. Senator Duane recorded in the negative.

21 ACTING PRESIDENT FLANAGAN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 32, by Senator Golden, Senate Print 1746, an
25 act to amend the Civil Rights Law.

1 ACTING PRESIDENT FLANAGAN: Read
2 the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect immediately.

5 ACTING PRESIDENT FLANAGAN: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT FLANAGAN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 33, by Senator Griffo, Senate Print 1882, an
13 act to amend the Penal Law.

14 ACTING PRESIDENT FLANAGAN: Read
15 the last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the first of
18 November.

19 ACTING PRESIDENT FLANAGAN: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58. Nays,
23 1. Senator Duane recorded in the negative.

24 ACTING PRESIDENT FLANAGAN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 34, by Senator Saland, Senate Print 2194, an
3 act to amend the Criminal Procedure Law.

4 ACTING PRESIDENT FLANAGAN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT FLANAGAN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 59.

12 ACTING PRESIDENT FLANAGAN: The
13 bill is passed.

14 Senator Libous, that completes the
15 noncontroversial reading of the calendar.

16 SENATOR LIBOUS: Mr. President,
17 is there any further business at the desk?

18 ACTING PRESIDENT FLANAGAN: No
19 other further business, Senator.

20 SENATOR LIBOUS: Thank you,
21 Mr. President.

22 There being no further business to
23 come before the Senate today, I move that we
24 adjourn until Monday, February 14th, at
25 3:00 p.m., intervening days being legislative

1 days.

2 ACTING PRESIDENT FLANAGAN: On
3 motion, the Senate stands adjourned until
4 Monday, February 14th, at 3:00 p.m.,
5 intervening days being legislative days.

6 (Whereupon, at 2:23 p.m., the
7 Senate adjourned.)
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