

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9 January 18, 2012

10 4:00 p.m.

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13  
14 REGULAR SESSION

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16  
17  
18 SENATOR THOMAS F. O'MARA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT O'MARA: The  
3 Senate will please come to order.

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

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

8 ACTING PRESIDENT O'MARA: In the  
9 absence of clergy, may we bow our heads in a  
10 moment of silence.

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

13 ACTING PRESIDENT O'MARA: Thank  
14 you.

15 The reading of the Journal.

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

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

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:    On page 7,  
3   Senator Saland moves to discharge, from the  
4   Committee on Rules, Assembly Bill Number 8694A  
5   and substitute it for the identical Senate Bill  
6   Number 6116A, Third Reading Calendar 14.

7                   ACTING PRESIDENT O'MARA:  
8   Substitution ordered.

9                   THE SECRETARY:    On page 7,  
10   Senator Ranzenhofer moves to discharge, from  
11   the Committee on Rules, Assembly Bill Number  
12   8692 and substitute it for the identical Senate  
13   Bill Number 6117, Third Reading Calendar 15.

14                  ACTING PRESIDENT O'MARA:  
15   Substitution ordered.

16                  THE SECRETARY:    On page 7,  
17   Senator Savino moves to discharge, from the  
18   Committee on Rules, Assembly Bill Number 8909  
19   and substitute it for the identical Senate Bill  
20   Number 6124, Third Reading Calendar 17.

21                  ACTING PRESIDENT O'MARA:  
22   Substitution ordered.

23                  THE SECRETARY:    And on page 8,  
24   Senator Seward moves to discharge, from the  
25   Committee on Rules, Assembly Bill Number 8903

1 and substitute it for the identical Senate Bill  
2 Number 6131, Third Reading Calendar 19.

3 ACTING PRESIDENT O'MARA:  
4 Substitution ordered.

5 Messages from the Governor.  
6 Reports of standing committees.  
7 Reports of select committees.  
8 Communications and reports from  
9 state officers.

10 Motions and resolutions.  
11 Senator Libous.

12 SENATOR LIBOUS: Thank you,  
13 Mr. President.

14 On behalf of Senator DeFrancisco,  
15 I'd like to move that the following bill be  
16 discharged from its respective committee and be  
17 recommitted with instructions to strike the  
18 enacting clause. And that would be Senate  
19 Print 4310.

20 ACTING PRESIDENT O'MARA: So  
21 ordered.

22 Senator Libous.

23 SENATOR LIBOUS: Thank you,  
24 Mr. President.

25 I believe there's a privileged

1 resolution at the desk by Senator Sampson. May  
2 we please have it read in its entirety and then  
3 call on Senator Sampson before we move for its  
4 adoption.

5 ACTING PRESIDENT O'MARA: The  
6 Secretary will read.

7 THE SECRETARY: Legislative  
8 resolution by Senator Sampson, memorializing  
9 the 83rd Birthday of the Reverend Dr. Martin  
10 Luther King, Jr. and his tremendous  
11 contributions to civil rights and American  
12 society, and the 26th Anniversary of the  
13 national holiday that honors his birth and  
14 achievements.

15 "WHEREAS, Today we celebrate the  
16 life and extraordinary achievements of one of  
17 our nation's most beloved and influential  
18 leaders, Dr. Martin Luther King, Jr., and the  
19 26th Anniversary of the holiday that honors his  
20 birth and achievements; and

21 "WHEREAS, Martin Luther King, Jr.  
22 was born on Tuesday, January 15, 1929, at his  
23 family home in Atlanta, Georgia, and was the  
24 first son and second child born to the Reverend  
25 Martin Luther King, Sr., and Alberta Williams

1 King; and

2 "WHEREAS, Martin Luther King, Jr.  
3 began his education at the Yonge Street  
4 Elementary School in Atlanta, Georgia, attended  
5 the Atlanta University Laboratory School and  
6 Booker T. Washington High School, and was  
7 admitted to Morehouse College at the age of 15;  
8 and

9 "WHEREAS, At the age of 19, Martin  
10 Luther King, Jr. graduated from Morehouse  
11 College with a Bachelor of Arts degree in  
12 sociology, and three years later in 1951 was  
13 awarded a Bachelor of Divinity degree from  
14 Crozer Theological Seminary in Chester,  
15 Pennsylvania, where he also studied at the  
16 University of Pennsylvania and won several  
17 awards for most outstanding student, among  
18 which was the Crozer Fellowship for Graduate  
19 Study at a university of his choice; and

20 "WHEREAS, In 1951, at the age of  
21 22, Martin Luther King, Jr. began doctoral  
22 studies in systematic theology at Boston  
23 University, and also studied at Harvard  
24 University, and at the age of 26 was awarded a  
25 Doctor of Philosophy degree from Boston

1 University in 1955; and

2 "WHEREAS, During his studies at  
3 Boston and Harvard Universities, Dr. King  
4 married the former Coretta Scott of Marion,  
5 Alabama, in 1953; and

6 "WHEREAS, Dr. King entered the  
7 Christian ministry and was ordained in February  
8 of 1948 at the age of 19 at Ebenezer Baptist  
9 Church, Atlanta, Georgia, and became pastor of  
10 the Dexter Avenue Baptist Church of Montgomery,  
11 Alabama, from September of 1954 to November of  
12 1959, when he resigned to move home to Atlanta;  
13 and

14 "WHEREAS, Dr. King was elected  
15 president of the Montgomery Improvement  
16 Association, the organization which was  
17 responsible for the successful Montgomery Bus  
18 Boycott, which began in 1955 and lasted  
19 381 days; and

20 "WHEREAS, Dr. King was  
21 incarcerated many times for his participation  
22 in civil rights activities, was a founder of  
23 the Southern Christian Leadership Conference,  
24 which he led from 1957 to 1968, and was the  
25 leader of the 1963 March on Washington for

1 Civil Rights, which is one of the largest  
2 peaceful demonstrations in American history and  
3 is a defining moment in this nation's civil  
4 rights movement; and

5 "WHEREAS, Dr. King was honored  
6 countless times for his leadership of the  
7 United States civil rights movement, including  
8 his selection by Time magazine as Most  
9 Outstanding Personality of 1957 and Man of the  
10 Year of 1963, and his selection by Link  
11 Magazine of India, the home of Mahatma Gandhi,  
12 as one of the 16 world leaders who had  
13 contributed the most to the advancement of  
14 freedom during 1959; and

15 "WHEREAS, Dr. King's receipt in  
16 1964 of the Nobel Peace Prize, at the age of  
17 35, made him the youngest recipient of that  
18 prestigious award, and one of only three black  
19 Americans who have received that award, along  
20 with Dr. Ralph Bunche and President Barack  
21 Obama, whose journey to become President owes  
22 no small debt to the journey Dr. King and the  
23 millions of Americans who walked hand in hand  
24 with him undertook to end segregation and  
25 remind Americans of the great moral



1 underpinnings of our federal Constitution,  
2 which provides that we are all created equal  
3 and of the incredible power of the American  
4 ideal that we all deserve to live in a free and  
5 just society; and

6 "WHEREAS, Dr. King was murdered in  
7 Memphis, Tennessee, on April 4, 1968, by James  
8 Earl Ray, and was mourned by millions of  
9 Americans of all ages, races, creeds and colors  
10 on the national day of mourning declared by  
11 President Lyndon Johnson; and

12 "WHEREAS, Dr. King's birthday was  
13 made into a national holiday in 1986, was first  
14 celebrated in all 50 states in the year 2000,  
15 and is the only federal holiday to honor a  
16 private American citizen; and

17 "WHEREAS, Dr. King stands in a  
18 long line of great American leaders and  
19 represents the historical culmination and  
20 living embodiment of a spirit of united  
21 purpose, rooted in Black African culture and  
22 the American Dream; and

23 "WHEREAS, Dr. King taught us that  
24 through nonviolence, courage displaces fear,  
25 love transforms hate, acceptance dissipates

1 prejudice, and mutual regard cancels  
2 resentment; and

3 "WHEREAS, Dr. King manifestly  
4 contributed to the cause of America's freedom.  
5 His commitment to human dignity is visibly  
6 mirrored in the spiritual, economic and  
7 political dimensions of the civil rights  
8 movement; now, therefore, be it

9 "RESOLVED, That this Legislative  
10 Body pause in its deliberations to honor the  
11 life of the Reverend Dr. Martin Luther King,  
12 Jr., whose untimely death robbed America of his  
13 leadership at too early a date, and whose deeds  
14 and words transformed America and live in our  
15 homes, schools and public institutions to this  
16 day, continuing to inspire the millions of  
17 Americans whose lives of purpose and  
18 achievement might not have been possible but  
19 for Dr. King's leadership and the examples set  
20 by the millions of Americans who joined him in  
21 one of the great moral crusades of the 20th  
22 century; and be it further

23 "RESOLVED, That this Legislative  
24 Body calls upon its members and all New Yorkers  
25 to observe the day of Dr. King's birth as a day

1 of service to our family, friends, neighbors  
2 and those less fortunate than ourselves, and to  
3 moral causes greater than ourselves, and to the  
4 great State of New York, in keeping with the  
5 ideals of the national Martin Luther King Day  
6 of Service, which was started by former  
7 Pennsylvania State Senator Harris Wofford and  
8 Congressman John Lewis from Atlanta, Georgia,  
9 who coauthored the King Holiday and Service  
10 Act, signed into law by President Bill Clinton  
11 in 1994; and be it further

12 "RESOLVED, That copies of this  
13 resolution, suitably engrossed, be transmitted  
14 to the family of Dr. King and to the King  
15 Center in Atlanta."

16 ACTING PRESIDENT O'MARA: Senator  
17 Sampson.

18 SENATOR SAMPSON: Thank you very  
19 much, Mr. President.

20 Eighty-three years ago Sunday, in  
21 Atlanta, Georgia, the world changed forever:  
22 Dr. Martin Luther King, Jr. was born. Today we  
23 still ask, would this great man have been a  
24 Governor, would he have been a Senator, would  
25 he have been the President of the United

1 States? Unfortunately, the "would" always  
2 remains.

3 But what we do know is that none  
4 of us would be the same without Dr. King. I  
5 know that I would not be standing in front of  
6 all of you if not for him.

7 Dr. Martin Luther King, Jr. was  
8 one of the greatest visionaries this world has  
9 ever had. He spoke of a time when peace would  
10 reign and when compassion and understanding  
11 between all races would be a reality.

12 He was a man who lived in  
13 extraordinary times, who saw horrible  
14 injustices. Yet this humble preacher rose to  
15 the call of his people and his country. By his  
16 brave, heroic and selfless actions, Dr. King  
17 showed the world what a free, fair just society  
18 blind to social and ethnic differences would  
19 truly be like.

20 He taught us that violence never  
21 brings permanent peace, hate never brings  
22 everlasting change, and only compassion,  
23 civility and togetherness will rebuild a broken  
24 community. He told us that we must learn to  
25 live together as brothers or we shall perish

1 together as fools. And he called on us as one  
2 people to rise above hatred and fulfill the  
3 promise of equal opportunity for all.

4               Never before has his message been  
5 so important as today. Dr. King's belief in  
6 peaceful social change to create a better life  
7 for the poor, for the working class, and for  
8 the disenfranchised of all races continues to  
9 inspire millions around this world.

10              We cannot let this moment pass or  
11 his vision go unrealized. We must harness the  
12 inspiration through shared responsibilities and  
13 united actions and meet the challenges of our  
14 time.

15              We face significant challenges  
16 this year, my colleagues. But as we face these  
17 challenges, we must let the philosophy and  
18 teachings of Dr. King inspire us. We must let  
19 the principles of fairness, equity, and  
20 compassion guide us. Every year we take a day  
21 to remember and pay tribute to Dr. King. But  
22 to truly honor his memory and build upon his  
23 legacy, we must continue his work today and  
24 every day.

25              Thank you very much,

1 Mr. President.

2 ACTING PRESIDENT O'MARA: Senator  
3 Smith.

4 SENATOR SMITH: Thank you very  
5 much, Mr. President.

6 And let me thank my colleague  
7 Minority Leader Sampson for bringing forth this  
8 resolution today.

9 I want to raise just one small  
10 phrase, if you will, that was stated in many of  
11 Dr. King's speeches. And it's a quick phrase  
12 where he talks about us being judged not by the  
13 color of our skin but by the contents of our  
14 character. What I want to pull out of that  
15 word "character" is the word "courage."

16 And I would hope, my colleagues,  
17 as we face a very challenging year -- not only  
18 here in Albany, but in our neighborhoods, in  
19 our districts, that we remember that word  
20 "courage."

21 There's going to come a time this  
22 year where we're going to have to display  
23 courage. There's going to come a time next  
24 year we're going to have to display courage.  
25 There's going to come a time when you are in

1 front of young people and you are in front of a  
2 group that you have to display courage to them  
3 about making a decision.

4           This year we have a very  
5 challenging budget before us. We're going to  
6 have to display some courage. Later on this  
7 year, I can assure you some of you will be  
8 faced with a moment where you will have to  
9 represent a position that may not be one that  
10 you thought you would have to speak on behalf  
11 of. But yet and still, because of what  
12 individuals like Martin Luther King has done,  
13 what he represented, you will be faced with the  
14 decision of do you display courage or do you  
15 just go along with the program.

16           I think what Martin would have  
17 said had he stood on this Senate floor at about  
18 4:17 on this day was "Courage is what is going  
19 to get us to that Promised Land." And the  
20 promised land is one where all of us, each and  
21 every one of us, will be able to stand firm  
22 and, when somebody says to you "What is it that  
23 I can describe is the contents of your  
24 character," they'll be able to describe it with  
25 one word.

1                   There was Bill Perkins on that day  
2                   who displayed courage. There was Senator  
3                   Grisanti, who had to make a statement before a  
4                   group that he felt was not going to agree with  
5                   what he had to say, but he displayed courage.  
6                   There was Senator Fuschillo, when the time came  
7                   he thought that everybody would be with him, he  
8                   had to display courage. And there was Senator  
9                   Andrea Stewart-Cousins: When we all thought we  
10                  were good and had the right thing to say, she  
11                  displayed courage.

12                  This is a courage year. And I'd  
13                  ask all my colleagues, as you begin to search  
14                  your heart and your spirit, the day you have to  
15                  make that decision that you rest on your  
16                  courage blanket, the blanket that will cover  
17                  you from this day forward as people describe  
18                  the contents of your character and not the  
19                  color of your skin: Courage. Dr. Martin  
20                  Luther King.

21                  Thank you, Mr. President.

22                  ACTING PRESIDENT O'MARA: Senator  
23                  Espaillat.

24                  SENATOR ESPAILLAT: Thank you,  
25                  Mr. President.



1           Every year we celebrate the great  
2    legacy of Martin Luther King, and every year we  
3    have the opportunity to wonder what would the  
4    great Martin Luther King think of some of the  
5    current issues, some of the current pressing  
6    issues that are affecting us today.

7           What would he be, as an  
8    82-year-old man, thinking about when he saw the  
9    current issues affecting the great State of  
10   New York and the great nation? What would he  
11   think about working men and women, the working  
12   men and women across this state and across the  
13   nation that are being assaulted of their  
14   benefits, their pay? What would he would think  
15   of farmworkers right here in New York State  
16   that can easily qualify as modern-day  
17   indentured servants?

18           What would he think of the dropout  
19   rate of young men and women of color across  
20   this state? What would he think of gun  
21   violence and the many measures that we tried to  
22   implement -- microstamping and others -- that  
23   we failed to implement here in the great State  
24   of New York to stop the onslaught against young  
25   men and women across this state?

1                   What would he think of immigrants,  
2   a group of young men and women called the  
3   Dreamers, that have embodied his message  
4   because they want to have access to higher  
5   education? What would he think about that, our  
6   inability to open the doors to those young men  
7   and women? What would Dr. King right now, at  
8   82, think about the dreamers?

9                   So I want to follow the lead of my  
10   great colleague Malcolm Smith and say that we  
11   should try to push for this to be not a  
12   drive-by analysis of Dr. King and his legacy  
13   but a work in progress. And that we should try  
14   to accomplish some of the things that I am sure  
15   that he would hold up as great accomplishments  
16   for the great State of New York.

17                  ACTING PRESIDENT O'MARA:    Senator  
18   Grisanti.

19                  SENATOR GRISANTI:    Yes, thank  
20   you, Mr. President.

21                  And, Senator Smith, I want to  
22   thank you for those kind words that you stated  
23   earlier.

24                  It's the Reverend Dr. Martin  
25   Luther King, as I was corrected a few times

1 because I forgot the word "Reverend." But  
2 nonetheless, a man with a vision that would  
3 conquer without violence, as Senator Sampson  
4 has stated. And he would use his intellect and  
5 his reason to move things forward and in a  
6 progressive fashion.

7           There are certain issues in my  
8 area, certain issues where people still have  
9 not overcome. And that is not only true of my  
10 area but across this state and across this  
11 great nation. Now, there has been movement.  
12 But this road -- and what I've realized, being  
13 here in the New York State Senate -- still has  
14 to be traveled. The light at the end of the  
15 tunnel is bright, but to some it is not bright  
16 enough.

17           I urge all people, as I have been  
18 hearing throughout these last few days, to ask  
19 just to help one another. Do some community  
20 service, say nice words to somebody, help out a  
21 neighbor, help out a friend, listen and provide  
22 sound advice.

23           I ask that what we do, not only  
24 here today but every day, is keep the vision of  
25 this great man alive who asked little except

1 for equality, economic justice, and hope for  
2 all -- and let us not forget a strong statement  
3 that he stated, education, which is a strong  
4 equalizer.

5 I'm proud to join in this  
6 resolution, Mr. President. Thank you very  
7 much.

8 ACTING PRESIDENT O'MARA: Senator  
9 Parker.

10 SENATOR PARKER: Thank you,  
11 Mr. President.

12 First let me thank Senator Sampson  
13 for his leadership in putting forth this  
14 important resolution.

15 On this past Sunday, January 15th,  
16 Dr. King would have been 83 years old had he  
17 been allowed to live. But as he indicated,  
18 longevity has its place. For him, it was more  
19 important for him to expand what we see in  
20 society.

21 We are living now 44 years after  
22 the death of Dr. King in 1968 and about  
23 18 years after the creation of the holiday. We  
24 have high school seniors right now who have  
25 lived their whole life with the holiday who

1 don't remember not just the importance of  
2 Dr. King's life and legacy, but don't even  
3 recognize how hard it was to get this day.  
4 That in fact it took about almost 10 years from  
5 the beginning, from the first time that the  
6 bill was introduced in Congress in 1986, to  
7 1994 when it was finally signed into law and  
8 became the law of our land. And so Dr. King's  
9 legacy was being played out even then.

10               And so to those young high school  
11 seniors who don't remember the struggle that it  
12 took for Dr. King's day to become a holiday, I  
13 want us all to join them in rededicating  
14 ourselves to Dr. King's life and legacy, to the  
15 things that Dr. King believed in. And we heard  
16 a little bit about that today.

17               Particularly I want to point out  
18 what Senator Smith said about courage, which  
19 was really important. Because we're quick to  
20 talk about the dream, everybody wants to always  
21 talk about the dream. Which really, by the  
22 way, was just a little catch phrase that he was  
23 using at the end of an important speech, where  
24 he went to D.C. with -- you know, everybody  
25 acts like he was standing there by himself. He

1 was there with about 250,000 people who were  
2 upset and who had come to Washington to look  
3 for justice. Who came there with a check that  
4 had been marked "Insufficient" in the name of  
5 justice and were looking for justice to be  
6 done.

7                   The question is, as we stand here  
8 today, has that check been cashed yet? We  
9 still, many of us, stand at the bank of  
10 humanity and the bank of justice and ask, Can  
11 we get this check marked "Sufficient"? Can we  
12 cash this check and find real justice in the  
13 State of New York? That's something that every  
14 day we're going to have to deal with.

15                   And I know we're all happy with  
16 the notion of King as a nonviolent peacemaker.  
17 But let's be clear, that's not who Dr. King  
18 was. And I'm not saying he was a violent man.  
19 But I'm saying we understand that the man was  
20 involved with nonviolent engagement, direct  
21 engagement. Dr. King spent more time in jail  
22 than me.

23                   (Laughter.)

24                   SENATOR PARKER: So you all know  
25 that at the time of his life this was not a

1 popular man.

2 (Laughter.)

3 SENATOR PARKER: I want to invite  
4 people to read what I've read during the  
5 Dr. King holiday this year, which was "Letter  
6 from the Birmingham Jail." And in the "Letter  
7 from the Birmingham Jail," Dr. King wrote a  
8 letter not to people who he saw as members of  
9 the KKK or people that he saw as antagonistic  
10 to his goal of racial justice, but he wrote  
11 that letter to other colleagues in the ministry  
12 who had been critiquing him. That in fact some  
13 of his harshest critics were the very people he  
14 was fighting for.

15 That now we all love Dr. King, and  
16 we stand here and we've got, you know,  
17 billboards and placards and concerts in his  
18 name. But at the time Dr. King was not  
19 somebody who people wanted to even have in  
20 their church, let alone, you know, come to  
21 their community and start organizing.

22 And so we should celebrate his  
23 life and legacy, but let's not have revisionist  
24 history. Let's understand that that man walked  
25 up the rough side of the mountain. And when he

1 got a chance to look upon -- what did he call  
2 it? -- the gleaming city on the top of the  
3 hill, he knew that he was not going to get  
4 there. Because he knew that there were forces  
5 in this country that were not going to allow  
6 him to get there and get to that bank to cash  
7 that check "Sufficient."

8                   And so today I want to join all my  
9 colleagues in recommitting ourselves to  
10 Dr. King's message of justice. But not just  
11 justice, but direct engagement to the things  
12 that are not just in our society. Because only  
13 by standing up to injustice in our society can  
14 we truly have justice for one and all here in  
15 the State of New York.

16                   ACTING PRESIDENT O'MARA:    Senator  
17 Adams.

18                   SENATOR ADAMS:    Thank you. And I  
19 too want to add my voice in thanking Senator  
20 Sampson for bringing this resolution to the  
21 floor.

22                   You know, every year when I think  
23 about my brief moment of pausing and thinking  
24 of Dr. King, I look at it through the analogy  
25 of every year you have the Academy Awards, and



1 awards are given to those who have the best  
2 picture or the best producer. And I think that  
3 acknowledgment is done because they realize  
4 it's not the individual that makes this real  
5 life drama that we call our human existence  
6 possible, it's the combination of all those who  
7 are involved.

8                   And if Dr. King was here, he would  
9 probably tell us, I may have been the focal  
10 point, but there were many people who  
11 participated in this great experience that took  
12 place in this country.

13                   And that was only the continuation  
14 of the sequel. His was not the original show.  
15 There were many shows prior to his. There were  
16 the Chinese-Americans as they built the  
17 American railroads, and their struggle. The  
18 Irish-Americans, as they came here to these  
19 shores and were treated in a degrading  
20 fashion. The Italian-Americans.

21                   And so Dr. King's experience for  
22 African-Americans was the continuation of the  
23 sequel of humankind being kind as human  
24 beings. And if we attempt to just relegate it  
25 just to people of darker skin tone looking for

1     their foothold in America, then I think we're  
2     doing a disservice to the spirit of Dr. King  
3     and the entire human experience.

4                 The question now that lingers over  
5     us that we must change from a question mark to  
6     an exclamation point is how are we going to  
7     live in our sequel. Because we are living the  
8     sequel of all of those great movements that is  
9     concluding to this great show that we are  
10    experiencing now on the stage of real-life  
11    American history.

12                And that's what I want to be a  
13    part of. I don't want to continue to look at  
14    the rewinds or look at the old clips, I want to  
15    make sure I'm part of the new clips. And the  
16    new clips states that it does not matter of  
17    ethnicity, it does not matter if you're in a  
18    synagogue or mosque or in a Christian church.  
19    It's about America pricking the conscience of  
20    the globe to state you have a right to be here,  
21    worship here, thrive here and live a productive  
22    life. That's the America I want to be a part  
23    of.

24                So the greatest contribution we  
25    can make to Dr. King and all of the supporting

1 cast that participated in the civil rights  
2 movement, that lived through their sequel, is  
3 that we can continue ours and make sure that we  
4 have a landmark, a treasure, a great script in  
5 this real-life human experience that our  
6 children can build upon and make sure that they  
7 too can say we have a movie we saw with our  
8 dads and our mothers and our Senators and our  
9 Assemblypersons and our Governors that made the  
10 State of New York a great place to be. And  
11 folks will reflect on the dream that we laid  
12 for others to live through.

13 That's what Dr. King was about.  
14 That's what I believe we should be about. And  
15 that's what I will commit my life to be about.

16 Thank you, Mr. President.

17 ACTING PRESIDENT O'MARA: Senator  
18 Perkins.

19 SENATOR PERKINS: Thank you very  
20 much.

21 I just want to first register my  
22 appreciation to Senator Sampson for the  
23 resolution that he provides us with an  
24 opportunity to speak on, and also to register a  
25 complaint about all those who spoke before me

1 and stole my presentation.

2 (Laughter.)

3 SENATOR PERKINS: Especially you,  
4 Eric Adams.

5 But nevertheless, nevertheless,  
6 I'm going to just be brief in recognizing that,  
7 you know, I had the privilege of being a part  
8 of the Poor People's Campaign. And it was the  
9 last campaign that Dr. King participated in or  
10 organized. And just before that, as you know,  
11 was Memphis, where he was assassinated.

12 The workers and the poor people,  
13 the people that we all represent. And the  
14 dream that he has is what we are trying to  
15 embrace and trying to use as we do our work  
16 here.

17 So we need to make sure that this  
18 session we have like a report card that is our  
19 Dr. King report card that basically measures  
20 whether or not it was rhetoric in the record or  
21 it was something that we actually did that  
22 Dr. King could smile about because we didn't  
23 just take the opening session of session to  
24 praise him and then deny him when it came time  
25 to legislation that reflects the needs of the

1 poor, that reflects the needs of the working  
2 class, the workers in general.

3 So I'm honored to have the  
4 opportunity to have my words plagiarized before  
5 me and to be associated with all of you as we  
6 travel this path to really fulfill in our  
7 legislation the dream of Dr. King in New York  
8 State.

9 Thank you.

10 ACTING PRESIDENT O'MARA: Senator  
11 Savino.

12 SENATOR SAVINO: Thank you,  
13 Mr. President.

14 I also rise and I want to thank  
15 Senator Sampson and Senator Smith for bringing  
16 this resolution to the floor.

17 Every year when this resolution  
18 has come forward I feel the need to stand and  
19 speak about what Dr. Martin Luther King meant  
20 to me.

21 I think we should always remember  
22 where he was on the day that he was killed --  
23 leading a strike of striking sanitation workers  
24 in the City of Memphis, workers who were denied  
25 equal treatment to their white counterparts,

1 workers who were denied being treated as human  
2 beings at all by the City of Memphis. The sad  
3 thing is is some of those workers that were on  
4 strike that day to this day still don't have a  
5 pension from the City of Memphis.

6               So you wonder what would Dr. King  
7 think about what's happening to working people  
8 today. What would he think about the way  
9 executives and town supervisors and mayors  
10 across this country and editorial boards are  
11 looking to attack workers' rights, denigrate  
12 the representatives of workers' rights, silence  
13 the critics every day.

14              We should remember where  
15 Dr. Martin Luther King was on the day he was  
16 killed. We should remember what he was  
17 fighting for. We should not allow this  
18 economic crisis to turn our backs on the rights  
19 of working people.

20              So we should remember that as we  
21 go forward this year and we make hard decisions  
22 that will affect workers and workers' rights,  
23 that we live up to the promise of Dr. Martin  
24 Luther King. That workers should have the  
25 right to band together for mutual aid and

1 protection, that we should have a right to have  
2 a say in our workplace, that we are entitled to  
3 dignity not just in our everyday work life but  
4 in our retirement as well. And that we should  
5 not vilify those who stand up to speak for the  
6 rights of workers.

7                   That is his message to me this  
8 year. And I hope it's his message to all of  
9 you in this chamber. Because I don't think  
10 that Dr. King would be very proud of what's  
11 happening across this country. And I wonder  
12 what he would think about what happened in  
13 Wisconsin earlier this year. He probably would  
14 have been very, very disappointed in some of  
15 the people out there. But then I think today  
16 he might be very proud as a million people  
17 signed a petition to start a recall effort of a  
18 governor who sought to vilify workers and their  
19 rights.

20                   So as we go forward, let's  
21 remember that Dr. King believed in the rights  
22 of workers and believed in the rights of all  
23 humanity.

24                   Thank you, Mr. President.

25                   ACTING PRESIDENT O'MARA:     Senator

1 Huntley.

2 SENATOR HUNTLEY: Yes, thank you,  
3 Mr. President.

4 I personally knew Dr. Martin  
5 Luther King. I was involved with the Poor  
6 Folks March, along with him and in those days  
7 it was Reverend Jackson. I remember it very  
8 well: My husband and I, our youngest child on  
9 his back, and a brown bag with lunch. And we  
10 went, we worked, we helped the poor people, we  
11 passed out food, we gave our clothing. And I  
12 also remember the water hose and the dogs.

13 And when I think of Dr. Martin  
14 Luther King, I often wonder how he survived as  
15 long as he did. He did not have an easy life.  
16 I just heard when Senator Parker talked about  
17 how things were tough -- he left his family, he  
18 cared about people. And when time came to pass  
19 the bill, there were actually people who didn't  
20 want to vote to make this a holiday.

21 And I also think about how we talk  
22 about Dr. King once a year, how everybody has  
23 great things to say about him, and yet we do  
24 not -- now I'm personally speaking for me -- we  
25 do not live the dream.



1           There are a number of young people  
2     in our schools who know absolutely nothing  
3     about Dr. King because they're a different  
4     generation. And we really don't take time in  
5     our schools across the state to teach them  
6     about Dr. Martin Luther King. And I think  
7     that's one thing that we should inform schools  
8     they need to know. You know, whether they live  
9     the dream or not. But I think he's a person  
10    that everyone should know about. I mean, we  
11    all know about other top figures. And I think  
12    he's made his place in America, and I think we  
13    owe him that much.

14           Thank you.

15           ACTING PRESIDENT O'MARA:     Senator  
16     Stewart-Cousins.

17           SENATOR STEWART-COUSINS:     Thank  
18     you, Mr. President.

19           I also want to thank Senator  
20     Sampson for bringing forth this resolution.

21           And as I was listening to all of  
22     my distinguished colleagues talk about the  
23     past, the present, the future, I thought about  
24     what I did this weekend. And I'm sure it  
25     mirrored what most of you did this weekend,

1 going to events given by different groups to  
2 rekindle the message of Dr. King.

3           One of the events that I went to  
4 was down in the city, and it was an event  
5 called Occupy the Dream. And I looked at this  
6 crowd of well over a thousand people who had  
7 marched from St. John the Divine to Riverside  
8 Church to carry the banner of Dr. King. And it  
9 was an Occupy the Dream night.

10           What an incredible sight to see.  
11 Not only the people who knew Dr. King or who  
12 organized, but the young, vibrant, energized  
13 people who understood, despite the fact that  
14 many of them were born long after Dr. King's  
15 death, they understood almost on a cellular  
16 level how important it was to continue to push  
17 forward the ideals that Dr. King represented.

18           They understood that we still are  
19 a nation that has too many people in poverty,  
20 that one out of two people are poor or near  
21 poor, that one-quarter of our children in this  
22 nation are hungry. And they understood that  
23 that dream can only be fulfilled when we find a  
24 way to make sure that our children are fed,  
25 that their minds and bodies are whole and given

1     what the nourishment is that they need, and  
2     that we each have an opportunity to fulfill  
3     what we can in life through work that is valued  
4     and remunerated properly.

5                     So the dream for those who think  
6     that young people don't know, it's alive, it's  
7     Occupy, and it's up to us to help fulfill  
8     Dr. King's mission.

9                     ACTING PRESIDENT O'MARA:     Senator  
10    Little.

11                    SENATOR LITTLE:     Thank you,  
12    Mr. President.

13                    I too would like to thank Senator  
14    Sampson for presenting this resolution today.

15                    This past weekend I was privileged  
16    to participate in two ceremonies, one in  
17    Glens Falls and one in the city of  
18    Plattsburgh. And in both of those ceremonies  
19    we marched, we had thoughtful remarks by  
20    participants, we had musical selections and  
21    song as we celebrated and remembered the life  
22    and the accomplishments of the Reverend  
23    Dr. Martin Luther King.

24                    But last year I read a book, and  
25    the book was called Behind the Dream: The

1 Making of the Speech that Transformed a  
2 Nation. It's by Clarence Jones. In 1963,  
3 Clarence Jones was in his early 30s. He was  
4 counsel to Dr. King. And he also was a draft  
5 speech writer.

6               So as they sat at the Lincoln  
7 Memorial waiting for Dr. King to do his  
8 speech -- or actually before they sat there,  
9 Clarence Jones decided that it might be a good  
10 idea, something he had never done before, but  
11 he copyrighted Dr. King's speech. And in doing  
12 so, it was no longer in the public domain, it  
13 became a copyrighted speech.

14               At the time of the speech that he  
15 had presented to Dr. King, it did not have the  
16 "I have a dream" words in it, but that speech  
17 had been given at another time. But also  
18 sitting on the stage was Mahalia Jackson, who  
19 had sung in the ceremony. And as Dr. King was  
20 speaking, Mahalia Jackson spoke out and said to  
21 Dr. King, "Tell them about your dream,  
22 Martin." And he began the "I have a dream"  
23 talk.

24               The copyright to that speech has  
25 brought in a revenue stream to the King Center

1 ever since. Something that maybe no one had  
2 ever thought of doing, and Clarence Jones had  
3 done it on a whim, just decided that he would  
4 do that. And the results have been funding  
5 that has continued the spirit and the goals of  
6 Dr. Martin Luther King through the years.

7                   So I would recommend the book. It  
8 was really very interesting and an inside story  
9 as to leading up to the speech and afterwards.

10                   Thank you.

11                   ACTING PRESIDENT O'MARA: Senator  
12 Krueger.

13                   SENATOR KRUEGER: Thank you,  
14 Mr. President.

15                   I also want to thank John Sampson  
16 for bringing this resolution today. But mostly  
17 I wanted to thank my colleagues who stood up  
18 and spoke so eloquently not just about  
19 Dr. Martin Luther King but what it meant to  
20 their lives and their communities.

21                   So I'd like to go on the record  
22 and point out that I suspect many of my  
23 colleagues who spoke here today wouldn't be  
24 here if not for Martin Luther King, the work he  
25 did, what he represented, the fight he fought,

1 the fight we all continue and are obligated to  
2 continue to fight for the heart and soul of  
3 this country.

4 And so I thank Dr. Martin Luther  
5 King for doing the work he did that impacted so  
6 many but, for us here in New York State,  
7 brought us great legislators like the ones who  
8 spoke on his behalf today.

9 Thank you, Mr. President.

10 ACTING PRESIDENT O'MARA: Senator  
11 Hassell-Thompson.

12 SENATOR HASSELL-THOMPSON: Thank  
13 you, Mr. President.

14 I rise to add my thanks to our  
15 leader, John Sampson, and Senator Smith.

16 I think many of us raced to have  
17 the opportunity to put in this resolution  
18 because each of us feels very strongly that --  
19 particularly those of us who have people of  
20 color believe that were it not for the efforts  
21 of Dr. King, none of us would be here. Since  
22 the days of Reconstruction, we represent the  
23 largest body of elected officials that help to  
24 develop policy across this nation. And I don't  
25 take any of that lightly.

1                   And so as I celebrated this  
2 weekend, as others did, at occasions it gave me  
3 an opportunity to pause. Because as we  
4 continue to read the writings of this man, we  
5 recognize that leadership was not something  
6 that he chose.

7                   He did not want to be a leader.  
8 He chose to be a pastor who wanted to be the  
9 spiritual leader. But somewhere in his  
10 orations, people found that he could make  
11 people listen. And that's a quality that  
12 leaders must have. He could make people come  
13 together and at least look at his ideas.  
14 That's the quality that a leader must have.  
15 And in his ability to do so, he was able to get  
16 people to pause in their deliberations, and  
17 think. And those are qualities that a leader  
18 must have.

19                   And so he excelled in his oration as  
20 someone who understood word language and knew how  
21 to use the power of that language to say to  
22 people, There is good in you and I'm looking for  
23 that good to join with me to find the good in  
24 each other so that we can make all of these  
25 truths that we have avowed to be true that so

1 that all people, all people can be considered as  
2 equal.

3                   And that if we just stop and think  
4 with tolerance and think with love, just allow  
5 those things that are in all of us to reside,  
6 then we can then accept that all people deserve  
7 to be free.

8                   So I appreciate every opportunity  
9 that we have to celebrate the life of an  
10 extraordinary man who I had the pleasure of not  
11 only meeting personally but being a part of the  
12 Northern movement here, writing letters,  
13 collecting money, sending volunteers.

14                   And knowing the volatility of my own  
15 personality, I was not a good marcher. I could  
16 not be tolerant when people spit on me or when  
17 some of the other atrocities happened to them.  
18 And so they said, "No, you stay in the North, and  
19 there's work for you to do there. Because we  
20 need people who can withstand some of the things  
21 that will happen." Because they anticipated what  
22 was going to happen, and they trained people to  
23 be able to be in those marches. That was not  
24 accidental, it was very purposeful.

25                   And so that there were some of us



1 who really understood that our own natures were  
2 not to be part of the march, but certainly we all  
3 had a role to play.

4                   And I am very grateful as I stand  
5 here each year and recognize over and over again  
6 the blessings that we had in having him in  
7 leadership that allowed me to be here to serve  
8 the people of the 36th Senatorial District.

9                   I thank you, Mr. President.

10                   ACTING PRESIDENT O'MARA:    Senator  
11 Marcellino.

12                   SENATOR MARCELLINO:    Thank you,  
13 Mr. President.

14                   And I thank Senator Sampson, my  
15 brother from another mother, for bringing up  
16 this resolution.

17                   The other day, on Sunday, I  
18 attended, as many did, sessions and meetings  
19 celebrating Dr. King's birth and delivering his  
20 message and repeating the speech that Dr. King  
21 had given over and over again. And one of the  
22 previous speakers -- I don't recall which, I  
23 apologize -- had mentioned what would he think  
24 looking down. What would he think, what would  
25 he say about what's going on here? What would

1 his opinion be about what is happening in the  
2 world today or in our state?

3 That same afternoon when I left  
4 the ceremony from the First Baptist Church in  
5 Glen Cove, in my district, I went to a Catholic  
6 church in the village of Sea Cliff, not too far  
7 away, which had been the day before vandalized  
8 and graffitied with racial symbols, swastikas.  
9 Homes nearby also defaced with similar types of  
10 expressions.

11 So in our conversations, I would  
12 say that Dr. King would be looking down on us  
13 and saying, My work isn't done. There is a lot  
14 more to do here.

15 As was pointed out, I think it was  
16 by Senator Parker, a whole generation coming  
17 along has no idea. To them Martin Luther King  
18 is maybe a shopping day, a day to go to the  
19 mall.

20 Those of us who have been around a  
21 while, who have the gray hair or those of us  
22 who have no hair or those of us who are hiding  
23 the gray hair through various ways, perhaps we  
24 have to go back and perhaps we have to send a  
25 message and deliver that message over and over

1 again because it's got to be relearned. It can  
2 never be forgotten.

3           We must never let Dr. King's  
4 message be forgotten because it's one about  
5 peace, love and caring for one another. That's  
6 the key. Forget about the individual. He was  
7 a flawed person, we all know that. We're all  
8 flawed. Everybody's flawed. But the message  
9 was pure, the message was real, and the message  
10 must be remembered and delivered to generation  
11 after generation after generation. We can  
12 never let it die. That is our obligation, that  
13 is our responsibility as we pass it on to the  
14 next generation so that they can carry the  
15 message forward.

16           I suggest Dr. King would be both  
17 pleased and displeased. Pleased that he's  
18 still being talked about and still being  
19 remembered and the message is there, but  
20 displeased that there's a heck of a lot of work  
21 left to do.

22           So, Mr. President, I move that we  
23 get on with the business of the day and get on  
24 with Dr. King's message and keep delivering the  
25 message. It's most important to us all.

1                   Thank you.

2                   ACTING PRESIDENT O'MARA:    Thank  
3                   you.

4                   Seeing no other Senator wishing to  
5                   be heard, the question is on the resolution.  
6                   All those in favor signify by saying aye.

7                   (Response of "Aye.")

8                   ACTING PRESIDENT O'MARA:    Any  
9                   opposed say nay.

10                  (No response.)

11                  ACTING PRESIDENT O'MARA:    The  
12                  resolution is adopted.

13                  Senator Libous.

14                  SENATOR LIBOUS:    Mr. President, I  
15                  believe that Senator Sampson would like to open  
16                  that resolution up for all members.

17                  And unless for some reason someone  
18                  wishes not to be on it, every member's name  
19                  will be on that resolution.

20                  ACTING PRESIDENT O'MARA:    The  
21                  resolution is open for cosponsorship.  Should  
22                  anyone not wish to be a cosponsor, please  
23                  notify the desk.

24                  Senator Libous.

25                  SENATOR LIBOUS:    Mr. President, I

1 believe there's a resolution at the desk by  
2 Senator Perkins. May we have it read in its  
3 entirety and move for its adoption after you  
4 call on Senator Perkins.

5 ACTING PRESIDENT O'MARA: The  
6 Secretary will read.

7 THE SECRETARY: Legislative  
8 resolution by Senator Perkins, mourning the  
9 death of acclaimed civil rights pioneer and  
10 federal judge Robert L. Carter.

11 "WHEREAS, Born on March 11, 1917,  
12 in Caryville, Florida, as the youngest of nine  
13 children, Robert L. Carter soon after moved to  
14 Newark, New Jersey, with his mother, where he  
15 was raised; and

16 "WHEREAS, He graduated from high  
17 school at the age of 16 and earned his  
18 undergraduate degree in political science from  
19 Lincoln University and his law degree from  
20 Howard University School of Law in 1940, both  
21 on scholarship. The following year he went to  
22 earn his LLM from Columbia Law School; and

23 "WHEREAS, Robert L. Carter joined  
24 the United States Army Air Corps just a few  
25 months prior to the United States entering

1 World War II; and

2 "WHEREAS, Despite repeated  
3 antagonisms, he completed officer candidate  
4 school and earned the rank of second  
5 lieutenant; and

6 "WHEREAS, At the time he was the  
7 only black officer at Harding Field in Baton  
8 Rouge, Louisiana. As a result, he continued to  
9 face the constant barrage of racial hostility;  
10 and

11 "WHEREAS, Following his military  
12 service, Robert L. Carter began to work with  
13 the NAACP Legal Defense and Educational Fund;  
14 and

15 "WHEREAS, In 1945, Robert L.  
16 Carter was an assistant special counsel at the  
17 Legal Defense Fund, and in 1948 he became a  
18 legal assistant to Thurgood Marshall; and

19 "WHEREAS, in 1956, Robert L.  
20 Carter succeeded Thurgood Marshall as the  
21 general counsel of the NAACP, and over the  
22 course of his tenure he argued or coargued and  
23 won 21 of 22 cases in the United States Supreme  
24 Court; and

25 "WHEREAS, Robert L. Carter played

1 an integral role in landmark cases such as  
2 Sweatt v. Painter, Sipuel v. Board of Regents  
3 of the University of Oklahoma, Brown v. Board  
4 of Education, and NAACP v. Alabama; and

5 "WHEREAS, In 1968, Robert L.  
6 Carter resigned from the NAACP, along with his  
7 entire legal staff, in protest to the firing of  
8 NAACP employee Lewis Steele; and

9 "WHEREAS, Following his departure  
10 from the NAACP, Robert L. Carter cofounded the  
11 National Conference of Black Lawyers, an  
12 organization formed to serve as the Black  
13 Liberation movement's legal arm and aid other  
14 black activists. Notable clients were  
15 individuals such as Angela Davis, Assata  
16 Shakur, the Attica Brothers, Geronimo Pratt,  
17 Mumia Abu-Jamal, Ben Chavis and the Wilmington  
18 Ten; and

19 "WHEREAS, The National Conference  
20 of Black Lawyers also lobbied against apartheid  
21 in South Africa; and

22 "WHEREAS, In 1972, at the  
23 recommendation of U.S. Senator Jacob Javits,  
24 President Richard M. Nixon nominated Robert L.  
25 Carter to the federal bench for the Southern

1 District of New York; and

2 "WHEREAS, On the bench, Robert L.  
3 Carter became well-known for his involvement in  
4 cases involving professional basketball. He  
5 oversaw the merger of the National Basketball  
6 Association and the American Basketball  
7 Association in the 1970s, the settlement of a  
8 class-action antitrust suit against the NBA,  
9 and a number of high-profile free-agent  
10 arbitration disputes; and

11 "WHEREAS, In 1979, his judicial  
12 findings as they related to biases against  
13 black and Hispanic applicants to the New York  
14 City Police Department led to significant  
15 changes in hiring policies and minority  
16 representation on the force; and

17 "WHEREAS, In his later years,  
18 Robert L. Carter remained a passionate and  
19 outspoken supporter of current issues related  
20 to racial bias and unequal treatment, never  
21 wavering from the opinion that much remained to  
22 be accomplished in the pursuit to achieve true  
23 racial equality; now, therefore, be it

24 "RESOLVED, That this Legislative  
25 Body pause in its deliberations to mourn the



1 death of acclaimed civil rights pioneer and  
2 federal judge Robert L. Carter; and be it  
3 further

4 "RESOLVED, That a copy of this  
5 resolution, suitably engrossed, be transmitted  
6 to the family of Robert L. Carter."

7 ACTING PRESIDENT O'MARA: Senator  
8 Perkins on the resolution.

9 SENATOR PERKINS: Thank you very  
10 much.

11 You know, again, I want to express  
12 my appreciation for the fact that we're opening  
13 up our session with these remarkable icons of  
14 our nation that have made such important  
15 contributions and give us hopefully some  
16 guidance on the work that we'll be doing for  
17 the balance of the session.

18 The Honorable Robert Carter was  
19 known as a great legal strategist best known  
20 for the Brown v. Board of Education case in  
21 1954, for which I and I daresay so many of us  
22 are grateful products of that successful legal  
23 work, including President Obama.

24 However, according to his memoir,  
25 according to Mr. Carter's memoir, called A

1 Matter of Law, written in 2005: "It was the  
2 Army that made a militant of me and instilled  
3 in me a fierce determination to fight against  
4 racism with all my intellectual and physical  
5 strength."

6 In true tribute to him, let that  
7 be our marching orders, to fight racism with  
8 all of our intellectual and physical strength.

9 And furthermore, in true tribute  
10 to him, let us extend this determination to  
11 include sexism, homophobia, anti-Semitism and  
12 all the other "isms" that undermine the  
13 integrity of our democracy and humanity.  
14 Ultimately, he wasn't just an outstanding civil  
15 rights lawyer, but a fierce human rights  
16 advocate.

17 Thank you.

18 ACTING PRESIDENT O'MARA: Thank  
19 you, Senator.

20 Seeing no other Senators wishing  
21 to be heard, the question is on the resolution.  
22 All those in favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT O'MARA:  
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT O'MARA: The  
3 resolution is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, I  
6 believe that on that resolution, Senator  
7 Perkins, you'll open it up to cosponsorship for  
8 everyone, and if anyone wants to have their  
9 name removed from it, let the desk know?

10 SENATOR PERKINS: Please.

11 SENATOR LIBOUS: Thank you,  
12 Mr. President.

13 ACTING PRESIDENT O'MARA: The  
14 resolution is open for cosponsorship. Should  
15 anyone not wish to be a cosponsor, please  
16 notify the desk.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,  
19 at this time may we please return to the  
20 reports of standing committees.

21 I believe there's a report of the  
22 Finance Committee at the desk, and may we  
23 please have it read.

24 ACTING PRESIDENT O'MARA: Reports  
25 of standing committees.

1                   The Secretary will read.

2                   THE SECRETARY:    Senator  
3 DeFrancisco, from the Committee on Finance,  
4 offers the following nomination.

5                   As a member of the Adirondack Park  
6 Agency, Sherman Craig, of Wanakena.

7                   ACTING PRESIDENT O'MARA:    Senator  
8 DeFrancisco.

9                   SENATOR DEFRANCISCO:    I move the  
10 nomination.

11                  ACTING PRESIDENT O'MARA:    On the  
12 nomination, all in favor please signify by  
13 saying aye.

14                  (Response of "Aye.")

15                  ACTING PRESIDENT O'MARA:    Any  
16 opposed?

17                  (No response.)

18                  ACTING PRESIDENT O'MARA:    Sherman  
19 Craig is hereby confirmed as a member of the  
20 Adirondack Park Agency.

21                  The Secretary will continue to  
22 read.

23                  THE SECRETARY:    As Commissioner  
24 of the Division of Homeland Security and  
25 Emergency Services, Jerome Hauer, of

1 Guilderland.

2                   ACTING PRESIDENT O'MARA:    Senator  
3 DeFrancisco.

4                   SENATOR DEFRANCISCO:    Yes, I  
5 would proudly move this nomination.

6                   The Governor has done a wonderful  
7 job in making his appointments this year, and I  
8 think this appointment or this nomination is  
9 probably at the top if not at least near the  
10 top.

11                  The qualifications of Mr. Hauer  
12 are just remarkable. I've got his bio here,  
13 and I could spend a good amount of time here,  
14 but he's spent enough time here already.

15                  It's an amazing biography that  
16 shows that the individual has the technical  
17 knowledge, the academic knowledge, the  
18 knowledge and experience from the private  
19 sector. And he's done homeland security and  
20 dealt with homeland security and emergency  
21 issues from the local level, as a member of the  
22 volunteer fire department, and as high up as  
23 giving presentations to President Clinton and  
24 becoming part of our national homeland security  
25 operation. Just a remarkable set of

1 achievements.

2 I said to him, when I first met  
3 him in my office, that I'm just happy that  
4 you're willing to do this. I can't believe  
5 you're willing to do this because of the  
6 awesome responsibilities. And he said, "The  
7 Governor is very persuasive."

8 Well, I'm glad we have a Governor  
9 that's very persuasive, and I'm glad this  
10 nominee was willing to serve in this incredibly  
11 important capacity. And I very happily and  
12 proudly move his nomination.

13 And I would request that,  
14 Mr. President, you recognize Senator Ball to  
15 second the nomination.

16 ACTING PRESIDENT O'MARA: Senator  
17 Ball.

18 SENATOR BALL: It's indeed my  
19 honor to rise to second the nomination.

20 And just to say, to echo those  
21 comments, you know, in all seriousness we live  
22 in a state that on most days is terrorist  
23 target number one, especially the New York City  
24 metropolitan region.

25 And this Governor has proven an

1 uncanny ability to pick the exact right person  
2 for the exact right position. And Jerry Hauer  
3 is at the top of the list of being an example  
4 of exactly that, and I know that I will rest a  
5 little bit better tonight knowing that he is at  
6 the helm.

7                   And I have gotten to know him a  
8 little bit over the past several months, and I  
9 can tell you it's very rare in politics that  
10 you hear only good things about an individual.  
11 And whether it be rank-and-file law enforcement  
12 or first responders or those at the highest  
13 levels in the same community, they have nothing  
14 but accolades to serve upon Jerry.

15                   You know, we have a lot of  
16 lingering issues in this state, over 10 years  
17 now after 9/11, from operability,  
18 interoperability, turf battles that still  
19 rage. And it's going to take an extraordinary  
20 leader to move all these various issues forward  
21 in a constructive way. And I know that this  
22 Governor has picked the exact right person.

23                   So God bless you for your work,  
24 and I look forward to working with you side by  
25 side. Thank you, sir, for your service.

1                   ACTING PRESIDENT O'MARA:    Senator  
2   Adams.

3                   SENATOR ADAMS:    Thank you,  
4   Mr. President.

5                   And I want to add my voice to  
6   Senator Ball's comments.

7                   You know, when you protect your  
8   home, you can take shortcuts on many areas but  
9   not the locks on the doors. And whoever is  
10   there to provide for your security is where you  
11   should put the maximum amount of resources and  
12   the maximum amount of trust.

13                  And I think that we're fortunate  
14   and I truly want to commend the Governor on his  
15   choice. Not only is Commissioner Hauer an  
16   expert in the area of law enforcement and  
17   protecting our homeland, but I consider him to  
18   be a friend.

19                  As I served as a law enforcement  
20   officer, he was in charge under the mayor, and  
21   he did a job where many of us felt that it was  
22   commendable during some very difficult and  
23   challenging times. And now we are pleased and  
24   we should be thankful to have him back in  
25   public service here in the State of New York.



1                   And I thank him for agreeing to  
2     take such an important assignment to make sure  
3     that the locks on our doors of New York State  
4     are safely protected.

5                   ACTING PRESIDENT O'MARA:     Senator  
6     Seward.

7                   SENATOR SEWARD:     Thank you,  
8     Mr. President.

9                   I rise to join my colleagues in  
10    congratulating the Governor on an outstanding  
11    nomination of Jerry Hauer to be our  
12    Commissioner of the Division of Homeland  
13    Security and Emergency Services. And we're  
14    delighted that he's convinced Jerry to serve us  
15    here in New York State. He's a man with  
16    impeccable credentials to assume this  
17    responsibility.

18                  And as we confirm Jerry Hauer, it  
19    gives me an opportunity as a Senator from an  
20    area that was flood-damaged last year during  
21    Hurricane Irene and Tropical Storm Lee, the  
22    Schoharie Valley and part of Greene County in  
23    particular, those sections of my district. And  
24    I just want to thank the Governor and his  
25    entire administration for the response during

1 the immediate flood but also through the  
2 recovery period, which is ongoing.

3 And no question, the Division of  
4 Homeland Security and Emergency Services and  
5 the personnel associated with that agency  
6 worked and continue to work tirelessly to  
7 assist our local communities in their recovery  
8 efforts.

9 And so I'm delighted to stand to  
10 support this confirmation and also to thank the  
11 Governor, the entire administration, and this  
12 agency in particular for their ongoing efforts  
13 to assist the communities of our state that  
14 greatly need their help at this difficult time.

15 And certainly, going forward,  
16 we've learned a lot from what went on in 2011  
17 during these floods. And as good as our  
18 response was, we can do better. And Jerry  
19 Hauer is just the right individual to help to  
20 improve our response to emergencies, whether it  
21 be in communications or deployment of resources  
22 and assistance to communities in that great  
23 time of need.

24 So, Jerry, congratulations, and we  
25 look forward to continuing to work with you and

1 your entire agency as we recover from this  
2 flood and, God forbid, if we have further  
3 emergencies and situations in the future.

4 ACTING PRESIDENT O'MARA: Senator  
5 Krueger.

6 SENATOR KRUEGER: Thank you,  
7 Mr. President.

8 I also rise to join in the support  
9 of Mr. Hauer to become the head of Homeland  
10 Security and Emergency Services in New York.

11 And certainly Governor Cuomo has  
12 sent us a great nominee. And he is persuasive,  
13 our Governor. But for the record, Jerry Hauer  
14 has had an amazing career doing exactly the job  
15 that we are asking him to do here in New York  
16 State.

17 So I thank Mr. Hauer for being  
18 willing to come back and serve the State of  
19 New York after having probably had every  
20 imaginable job that he will need to have had to  
21 become the leader of these important issues in  
22 our state.

23 And I share the concern of my  
24 colleagues who pointed out they hope that we  
25 don't need to deal with these issues again in

1 the future, and wouldn't that be a wonderful  
2 thing. But as my mother says, if you live long  
3 enough, you see everything.

4 Now, Mr. Hauer hasn't lived long  
5 enough, but he may have seen almost everything  
6 already in his career, which is very important  
7 for us because it will make sure that the State  
8 of New York is more prepared to deal with  
9 anything and everything that in fact we may be  
10 handed to live with in our future. So I look  
11 forward to working with Mr. Hauer.

12 And by the way, for the record,  
13 the nicer we are to you on the floor, the more  
14 likely we are to yell at you once you take the  
15 job.

16 (Laughter.)

17 SENATOR KRUEGER: So thank you  
18 again for taking this job, and I'm delighted to  
19 stand here in support of this nomination.

20 And yes, the Governor gave us an  
21 excellent nominee for this position.

22 Thank you, Mr. President.

23 ACTING PRESIDENT O'MARA: Senator  
24 Diaz.

25 SENATOR DIAZ: Thank you,

1 Mr. President.

2           You know, in my 10 years here in  
3 the Senate I have seen many nominees from  
4 different governors. And every time that as a  
5 governor gets elected, he has to fill  
6 vacancies. And people recommend to him,  
7 elected officials, we elected officials  
8 recommend someone for the governor and the  
9 governor to do us a favor, whoever it is, but  
10 he appointed somebody. And most of the  
11 appointees that I've seen are political hacks,  
12 favors that the governor had to make.

13           Today, today, I'm here and taking  
14 this opportunity to say that Jerry Hauer is a  
15 person that doesn't need a resume. We don't  
16 need a resume to read all the things that he  
17 has done.

18           The image, the image of Jerry  
19 Hauer during the critical times of that crisis  
20 in the two World Trade Centers, seeing Jerry  
21 Hauer organizing, walking around, going to the  
22 place, inhaling the dust, and making the City  
23 of New York and the mayor of New York to be  
24 called "America's Mayor," he made us proud. He  
25 risked his life.

1                   Jerry Hauer is not a political  
2   hack, Jerry Hauer is not somebody that the  
3   Governor appointed to make somebody happy.  
4   This man, this man is a person that make us  
5   look good, that will make the State of New York  
6   look good, that made us happy to see him  
7   working. This guy is a hero.

8                   And today -- many times I take  
9   this opportunity to criticize the Governor and  
10  to speak against what the Governor does. Today  
11  I'm here to say thank you, Governor Cuomo.  
12  Thank you because this person that you're  
13  appointing, that you're sending us today, is  
14  not one of the best, he is the best. He is our  
15  hero. He is the person that we need to  
16  coordinate all the emergency services when the  
17  crisis comes.

18                  And I'm honored to say thank you,  
19  Governor Cuomo, and thank you, Commissioner  
20  Hauer, for accepting this nomination, and I'm  
21  proud to say yes.

22                  Thank you, Mr. President.

23                  ACTING PRESIDENT O'MARA: Thank  
24  you.

25                  Seeing no other Senator wishing to

1 be heard, the question is on the nomination of  
2 Jerome Hauer as Commissioner of the Division of  
3 Homeland Security and Emergency Services. All  
4 in favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT O'MARA:

7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT O'MARA: Jerome  
10 Hauer is hereby confirmed as Commissioner of  
11 the Division of Homeland Security and Emergency  
12 Services.

13 (Applause.)

14 ACTING PRESIDENT O'MARA:

15 Congratulations, Mr. Hauer.

16 Mr. Hauer is joined in the balcony  
17 by his wife, Traci Brown-Hauer, and his son,  
18 Michael Hauer.

19 Senator Marcellino.

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

22 May we now have the reading of the  
23 noncontroversial calendar.

24 ACTING PRESIDENT O'MARA: The  
25 Secretary will read.

1                   THE SECRETARY:   Calendar Number  
2   10, by Senator Maziarz, Senate Print 6039, an  
3   act to amend the Tax Law.

4                   ACTING PRESIDENT O'MARA:   Read  
5   the last section.

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

8                   ACTING PRESIDENT O'MARA:   Call  
9   the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT O'MARA:  
12   Announce the results.

13                   THE SECRETARY:   Ayes, 59.

14                   ACTING PRESIDENT O'MARA:   The  
15   bill is passed.

16                   THE SECRETARY:   Calendar Number  
17   14, substituted earlier today by Member of the  
18   Assembly Paulin, Assembly Print Number 8694A,  
19   an act to amend the Family Court Act.

20                   ACTING PRESIDENT O'MARA:   Read  
21   the last section.

22                   THE SECRETARY:   Section 2.  This  
23   act shall take effect immediately.

24                   ACTING PRESIDENT O'MARA:   Call  
25   the roll.



1 (The Secretary called the roll.)

2 ACTING PRESIDENT O'MARA:

3 Announce the results.

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT O'MARA: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 15, substituted earlier today by Member of the  
9 Assembly Heastie, Assembly Print Number 8692,  
10 an act to amend the General Municipal Law.

11 ACTING PRESIDENT O'MARA: Read  
12 the last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect on the same date and in  
15 the same manner as a chapter of the Laws of  
16 2011.

17 ACTING PRESIDENT O'MARA: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT O'MARA:

21 Announce the results.

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT O'MARA: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 17, substituted earlier today by Member of the  
2 Assembly Jeffries, Assembly Print Number 8909,  
3 an act to amend the Banking Law.

4 ACTING PRESIDENT O'MARA: Read  
5 the last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect on the same date and in  
8 the same manner as Section 1 of Chapter 593.

9 ACTING PRESIDENT O'MARA: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT O'MARA:  
13 Announce the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT O'MARA: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 19, substituted earlier today by Member of the  
19 Assembly Morelle, Assembly Print Number 8903,  
20 an act to amend the Insurance Law.

21 ACTING PRESIDENT O'MARA: Read  
22 the last section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect on the same date and in  
25 the same manner as Chapter 600 of the Laws of

1 2011.

2 ACTING PRESIDENT O'MARA: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT O'MARA:  
6 Announce the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT O'MARA: The  
9 bill is passed.

10 Senator Marcellino, that completes  
11 the noncontroversial reading of the calendar.

12 SENATOR MARCELLINO: Mr.  
13 President, is there any other business before  
14 the desk?

15 ACTING PRESIDENT O'MARA: There  
16 is no other business before the desk.

17 SENATOR MARCELLINO: There being  
18 no further business, I move we adjourn until  
19 Thursday, January 19th, at 11:00 a.m.

20 ACTING PRESIDENT O'MARA: On  
21 motion, the Senate stands adjourned until  
22 Thursday, January 19th, at 11:00 a.m.

23 (Whereupon, at 5:11 p.m., the Senate  
24 adjourned.)

25