

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 December 2, 2009

11 10:46 a.m.

12  
13  
14 EXTRAORDINARY SESSION

15  
16  
17  
18 SENATOR ANDREA STEWART-COUSINS, Acting President

19 ANGELO J. APONTE, Secretary

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

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Senate will please come to order.

4 I ask everyone present to rise and  
5 recite with me the Pledge of Allegiance to our  
6 Flag.

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

9 ACTING PRESIDENT STEWART-COUSINS:

10 In the absence of clergy, may we all bow our  
11 heads for a moment of silence.

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

14 ACTING PRESIDENT STEWART-COUSINS:

15 Thank you.

16 The reading of the Journal.

17 The Secretary will read.

18 THE SECRETARY: In Senate,  
19 Tuesday, December 1, the Senate met in  
20 Extraordinary Session pursuant to adjournment.  
21 The Journal of Monday, November 30, was read  
22 and approved. On motion, Senate adjourned.

23 ACTING PRESIDENT STEWART-COUSINS:

24 Without objection, the Journal stands approved

1 as read.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,  
4 there will be an immediate meeting of the  
5 Finance Committee, followed by an immediate  
6 meeting of the Rules Committee in the Majority  
7 Conference Room, Room 332.

8 Pending the return of the Rules  
9 Committee, may we please stand at ease.

10 ACTING PRESIDENT STEWART-COUSINS:  
11 Thank you, Senator.

12 There will be an immediate meeting  
13 of the Committee on Finance in the Majority  
14 Conference Room, Room 332, immediately  
15 followed by a meeting of the Committee on  
16 Rules.

17 The Senate will stand at ease  
18 pending the return of the Committees on Rules.

19 (Whereupon, the Senate stood at  
20 ease at 10:48 a.m.)

21 (Whereupon, the Senate reconvened  
22 at 11:13 a.m.)

23 ACTING PRESIDENT STEWART-COUSINS:  
24 The chair recognizes Senator Smith.

1                   SENATOR SMITH:     Thank you, Madam  
2     President.

3                   Madam President, can we have order,  
4     please.

5                   ACTING PRESIDENT STEWART-COUSINS:  
6     Order, please.

7                   Senator Smith.

8                   SENATOR SMITH:     Yes, Madam  
9     President. Can we return to the order of  
10    reports of standing committees for the Rules  
11    Committee report.

12                  ACTING PRESIDENT STEWART-COUSINS:  
13    Yes, Senator Smith, we will return to the  
14    order of reports from standing committees.

15                  The Secretary will read.

16                  THE SECRETARY:     Senator Smith,  
17    from the Committee on Rules, reports the  
18    following bills:

19                  Extraordinary Session Senate Print  
20    Number 3, by Senator Duane, an act to amend  
21    the Domestic Relations Law;

22                  11, by Senator Savino, an act to  
23    amend the Civil Service Law;

24                  12, by Senator Perkins, an act to

1       amend the Public Authorities Law and the  
2       Executive Law;

3               21, Senate Budget Bill, an act  
4       authorizing the Commissioner of Taxation and  
5       Finance;

6               22, Senate Budget Bill, an act to  
7       amend Chapter 50 of the Laws of 2009, enacting  
8       the Public Protection and General Government  
9       Budget;

10              23, Senate Budget Bill, an act to  
11      amend the Insurance Law; and

12              Extraordinary Session Senate Print  
13      Number 26, by the Senate Committee on Rules,  
14      an act to amend the Retirement and Social  
15      Security Law.

16              All bills ordered direct to third  
17      reading.

18              ACTING PRESIDENT STEWART-COUSINS:  
19      The chair recognizes Senator Smith.

20              SENATOR SMITH:     Thank you, Madam  
21      President.

22              And, Madam President, at this time  
23      I move that we adopt the Rules Committee  
24      report.

1                   ACTING PRESIDENT STEWART-COUSINS:  
2       All those in favor of adopting the report of  
3       the Rules Committee please signify by saying  
4       aye.

5                   (Response of "Aye.")

6                   ACTING PRESIDENT STEWART-COUSINS:  
7       Opposed, nay.

8                   (No response.)

9                   ACTING PRESIDENT STEWART-COUSINS:  
10      The report of the Rules Committee is adopted.  
11      Senator Smith.

12                  SENATOR SMITH:     Yes, Madam  
13      President. At this time could we move to the  
14      reading of the Extraordinary Session Calendar  
15      Number 4.

16                  ACTING PRESIDENT STEWART-COUSINS:  
17      The Secretary will read the substitutions.

18                  THE SECRETARY:     On page 4,  
19      Senator Duane moves to discharge, from the  
20      Committee on Rules, Assembly Bill Number 3 and  
21      substitute it for identical Senate Bill Number  
22      3, Third Reading Calendar 8.

23                  ACTING PRESIDENT STEWART-COUSINS:  
24      Substitution ordered.

1                   THE SECRETARY:     Calendar Number  
2                   8, by the Assembly Committee on Rules,  
3                   Assembly Print Number 3, an act to amend the  
4                   Domestic Relations Law.

5                   ACTING PRESIDENT STEWART-COUSINS:  
6                   Substitution ordered.

7                   SENATOR LIBOUS:     Madam President,  
8                   could you make it clear that we're doing  
9                   substitutions right now and not the bill.

10                  ACTING PRESIDENT STEWART-COUSINS:  
11                  Yes, Senator Libous, we are substituting and  
12                  we are not doing the bill at this moment.  
13                  These are substitutions. Substitutions have  
14                  been ordered.

15                  The Secretary will continue to read  
16                  the substitutions.

17                  THE SECRETARY:     On page 4,  
18                  Senator Savino moves to discharge, from the  
19                  Committee on Rules, Assembly Bill Number 11  
20                  and substitute it for the identical Senate  
21                  Bill Number 11, Third Reading Calendar  
22                  Number 9.

23                  ACTING PRESIDENT STEWART-COUSINS:  
24                  Substitution is ordered.

1                   THE SECRETARY:     On page number 4,  
2     Senator Perkins moves to discharge, from the  
3     Committee on Rules, Assembly Bill Number 12  
4     and substitute it for the identical Senate  
5     Bill Number 12, Third Reading Calendar Number  
6     10.

7                   ACTING PRESIDENT STEWART-COUSINS:  
8     Substitution is ordered.

9                   THE SECRETARY:     On page 4,  
10    Senator C. Kruger moves to discharge, from the  
11    Committee on Finance, Assembly Bill Number 21  
12    and substitute it for the identical Senate  
13    Bill Number 21, Third Reading Calendar 11.

14                  ACTING PRESIDENT STEWART-COUSINS:  
15    Substitution is ordered.

16                  THE SECRETARY:     On page 4,  
17    Senator C. Kruger moves to discharge, from the  
18    Committee on Finance, Assembly Bill Number 22  
19    and substitute it for the identical Senate  
20    Bill Number 22, Third Reading Calendar 12.

21                  ACTING PRESIDENT STEWART-COUSINS:  
22    Substitution ordered.

23                  THE SECRETARY:     On page 5,  
24    Senator C. Kruger moves to discharge, from the



1 Committee on Finance, Assembly Bill Number 23  
2 and substitute it for the identical Senate  
3 Bill Number 23, Third Reading Calendar 13.

4 ACTING PRESIDENT STEWART-COUSINS:  
5 Substitution is ordered.

6 THE SECRETARY: And on page 5,  
7 Senator Smith moves to discharge, from the  
8 Committee on Rules, Assembly Bill Number 26  
9 and substitute it for the identical Senate  
10 Bill Number 26, Third Reading Calendar 14.

11 ACTING PRESIDENT STEWART-COUSINS:  
12 Substitution is ordered.

13 Senator Smith.

14 SENATOR SMITH: Madam President,  
15 at this time could we please move to the  
16 reading of Extraordinary Session Calendar  
17 Number 4.

18 ACTING PRESIDENT STEWART-COUSINS:  
19 The Secretary will read Extraordinary Session  
20 Calendar Number 4.

21 THE SECRETARY: Calendar Number  
22 11, Assembly Budget Bill, Assembly Print  
23 Number 21, an act authorizing the Commissioner  
24 of Taxation and Finance to administer.

1                   SENATOR SMITH:     Madam President,  
2           is there a message of necessity at the desk?

3                   ACTING PRESIDENT STEWART-COUSINS:  
4           Yes, Senator Smith, there is a message of  
5           necessity here at the desk.

6                   SENATOR SMITH:     I move that we  
7           accept the message of necessity.

8                   ACTING PRESIDENT STEWART-COUSINS:  
9           All those in favor of accepting the message of  
10          necessity please signify by saying aye.

11                   (Response of "Aye.")

12                   ACTING PRESIDENT STEWART-COUSINS:  
13          Opposed, nay.

14                   (No response.)

15                   ACTING PRESIDENT STEWART-COUSINS:  
16          The message of necessity is accepted.

17                   Read the last section.

18                   THE SECRETARY:     Section 2.   This  
19          act shall take effect immediately.

20                   ACTING PRESIDENT STEWART-COUSINS:  
21          Call the roll.

22                   (The Secretary called the roll.)

23                   ACTING PRESIDENT STEWART-COUSINS:  
24          Senator Klein, to explain his vote.

1                   SENATOR KLEIN:       Thank you very  
2                   much, Madam President.

3                   I of course vote yes on this tax  
4                   amnesty. I just wish we would have done it a  
5                   lot sooner.

6                   Back during our original budget  
7                   process, I advocated for a tax amnesty and  
8                   showed that presently New York State has over  
9                   \$4.2 billion in outstanding tax arrears.

10                  Other states have been a lot more  
11                  successful, unfortunately, than New York in  
12                  collecting well over 10 percent through tax  
13                  amnesty programs. So I'm happy we are doing  
14                  it now. We certainly need the money at this  
15                  point. It's supposed to generate over  
16                  \$250 million, which I think is a very  
17                  conservative estimate.

18                  But I hope, going into the next  
19                  budget cycle, we become much more aggressive  
20                  in collecting taxes. I think we should post  
21                  the names of those people who owe taxes over  
22                  the Internet. I think we should deny someone  
23                  state professional licenses if they owe taxes.  
24                  I think that aggressive approach will make

1       sure we get the uncollected tax revenue that  
2       we so badly need here in New York State.

3               I vote yes, Madam President.

4               ACTING PRESIDENT STEWART-COUSINS:  
5       Thank you. Senator Klein to be recorded in  
6       the affirmative.

7               Are there any other Senators  
8       wishing to explain his or her vote?

9               Hearing none, announce the results.

10              THE SECRETARY:     Ayes, 62. Nays,  
11       0.

12              ACTING PRESIDENT STEWART-COUSINS:  
13       The bill is passed.

14              The Secretary will read.

15              THE SECRETARY:     Calendar Number  
16       12, Assembly Budget Bill, Assembly Print  
17       Number 22, an act to amend Chapter 50 of the  
18       Laws of 2009, enacting the Public Protection  
19       and General Government Budget.

20              ACTING PRESIDENT STEWART-COUSINS:  
21       Senator Smith.

22              SENATOR SMITH:     Yes, Madam  
23       President. Is there a message of necessity at  
24       the desk?

1                   ACTING PRESIDENT STEWART-COUSINS:

2       Yes, Senator Smith, there is a message of  
3       necessity at the desk.

4                   SENATOR SMITH:     At this time I  
5       ask that we move to accept the message of  
6       necessity.

7                   ACTING PRESIDENT STEWART-COUSINS:  
8       All those in favor of accepting the message of  
9       necessity please signify by saying aye.

10                  (Response of "Aye.")

11                  ACTING PRESIDENT STEWART-COUSINS:  
12       Opposed, nay.

13                  (No response.)

14                  ACTING PRESIDENT STEWART-COUSINS:  
15       The message is accepted.

16                  Read the last section.

17                  THE SECRETARY:     Section 2. This  
18       act shall take effect immediately.

19                  ACTING PRESIDENT STEWART-COUSINS:  
20       Call the roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT STEWART-COUSINS:  
23       Announce the results.

24                  THE SECRETARY:     Those recorded in

1 the negative on Calendar Number 12 are  
2 Senators Diaz, Lanza and Padavan. Ayes --

3 ACTING PRESIDENT STEWART-COUSINS:  
4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: I would  
6 just briefly like to explain my vote.

7 ACTING PRESIDENT STEWART-COUSINS:  
8 Senator DeFrancisco, to explain his vote.

9 SENATOR DeFRANCISCO: You know,  
10 this process has taken it seems like forever  
11 to get here. And, you know, I certainly don't  
12 believe it's the panacea of any deficit  
13 reduction bill that we could have obtained  
14 during open discussions and debate over the  
15 various provisions.

16 However, the reality is we have to  
17 cut the deficit, and if this is the best bill  
18 that could be put together by the Majority at  
19 this point in time, I think we have a  
20 responsibility to vote for it since we are  
21 going to be back into this discussion in much  
22 greater detail in a matter of about four to  
23 six weeks when the real problem develops  
24 during the next budget cycle.

1                   Also, I think if -- the school  
2                   districts at this point in time have been not  
3                   cut in the midyear like they begged us for.  
4                   But if a school district at this point in time  
5                   doesn't see the writing on the wall for next  
6                   year and start planning immediately, then  
7                   they're going to have a more serious problem  
8                   next year than they otherwise would have.

9                   So I'm imploring all of the school  
10                  districts to understand the realities of life  
11                  and to start planning now. They dodged the  
12                  bullet in a midyear cut, but next year is  
13                  going to be something different, and they'd  
14                  better operate as efficiently as possible.

15                 Thank you, Madam President.

16                 ACTING PRESIDENT STEWART-COUSINS:

17                 Thank you, Senator DeFrancisco. How do you  
18                 vote?

19                 SENATOR DeFRANCISCO:     I vote in  
20                 the affirmative.

21                 ACTING PRESIDENT STEWART-COUSINS:

22                 Senator DeFrancisco to be recorded in the  
23                 affirmative.

24                 Any other Senator wishing to

1 explain his or her vote?

2 Announce the results.

3 THE SECRETARY: Those recorded in  
4 the negative are Senators Diaz, Lanza and  
5 Padavan.

6 Ayes, 59. Nays, 3.

7 ACTING PRESIDENT STEWART-COUSINS:  
8 The bill is passed.

9 The Secretary will continue to  
10 read.

11 THE SECRETARY: Calendar Number  
12 13, Assembly Budget Bill, Assembly Print  
13 Number 23, an act to amend the Insurance Law.

14 ACTING PRESIDENT STEWART-COUSINS:  
15 Senator Smith.

16 SENATOR SMITH: Yes, Madam  
17 President. Is there a message of necessity at  
18 the desk?

19 ACTING PRESIDENT STEWART-COUSINS:  
20 Yes, Senator Smith, there is a message of  
21 necessity at the desk.

22 SENATOR SMITH: Madam President,  
23 at this time I ask that we move to accept the  
24 message of necessity.



1                   ACTING PRESIDENT STEWART-COUSINS:  
2       All those in favor of accepting the message of  
3       necessity please signify by saying aye.  
4                   (Response of "Aye.")  
5                   ACTING PRESIDENT STEWART-COUSINS:  
6       Opposed, nay.  
7                   (No response.)  
8                   ACTING PRESIDENT STEWART-COUSINS:  
9       The message of necessity is accepted.  
10                  Read the last section.  
11                  THE SECRETARY:     Section 3.   This  
12       act shall take effect immediately.  
13                  ACTING PRESIDENT STEWART-COUSINS:  
14       Call the roll.  
15                  (The Secretary called the roll.)  
16                  ACTING PRESIDENT STEWART-COUSINS:  
17       Announce the results.  
18                  THE SECRETARY:     Those recorded in  
19       the negative on Calendar Number 13 are  
20       Senators Diaz, Lanza and Padavan.  
21                  Ayes, 59.   Nays, 3.  
22                  ACTING PRESIDENT STEWART-COUSINS:  
23       The bill is passed.  
24                  Senator Smith.

1                   SENATOR SMITH:     Madam President,  
2     at this time could we please stand at ease.

3                   But I ask that the members stay  
4     close to the chamber because we will be at  
5     ease only a short time.

6                   ACTING PRESIDENT STEWART-COUSINS:  
7     The Senate will stand at ease.

8                   (Whereupon, the Senate stood at  
9     ease at 11:29 a.m.)

10                  (Whereupon, the Senate reconvened  
11     at 11:54 a.m.)

12                  ACTING PRESIDENT STEWART-COUSINS:  
13     Senator Smith.

14                  SENATOR SMITH:     Yes, Madam  
15     President. At this time can we please move to  
16     continue the reading of Extraordinary Session  
17     Calendar Number 4.

18                  ACTING PRESIDENT STEWART-COUSINS:  
19     The Secretary will continue to read Calendar  
20     Number 4, Extraordinary Session.

21                  SENATOR LIBOUS:     What calendar  
22     number are we on, Madam President?

23                  ACTING PRESIDENT STEWART-COUSINS:  
24     This is Extraordinary Session Calendar Number

1 4.

2 SENATOR LIBOUS: Which bill on  
3 the calendar?

4 ACTING PRESIDENT STEWART-COUSINS:  
5 It is Calendar Bill Number 8.

6 SENATOR LIBOUS: Thank you.

7 ACTING PRESIDENT STEWART-COUSINS:  
8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 8, substituted earlier by the Assembly  
11 Committee on Rules, Assembly Print Number 3,  
12 an act to amend the Domestic Relations Law.

13 SENATOR SMITH: Madam President,  
14 is there a message of necessity at the desk?

15 ACTING PRESIDENT STEWART-COUSINS:  
16 Yes, Senator Smith, there is a message of  
17 necessity at the desk.

18 SENATOR SMITH: I move that we  
19 accept the message of necessity.

20 ACTING PRESIDENT STEWART-COUSINS:  
21 All those in favor of accepting the message of  
22 necessity --

23 SENATOR DIAZ: Lay it aside.

24 ACTING PRESIDENT STEWART-COUSINS:

1 All those in favor of accepting the message of  
2 necessity please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT STEWART-COUSINS:

5 Opposed?

6 (No response.)

7 ACTING PRESIDENT STEWART-COUSINS:

8 The message is accepted.

9 The bill is laid aside.

10 The Secretary will continue to  
11 read.

12 THE SECRETARY: Calendar Number  
13 10, substituted earlier by the Assembly  
14 Committee on Rules, Assembly Print Number 12,  
15 an act to amend the Public Authorities Law and  
16 the Executive Law.

17 ACTING PRESIDENT STEWART-COUSINS:  
18 Read the last section.

19 THE SECRETARY: Section 31. This  
20 act shall take effect March 1, 2010.

21 ACTING PRESIDENT STEWART-COUSINS:  
22 Call the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays,

1           0.

2                   ACTING PRESIDENT STEWART-COUSINS:

3       The bill is passed.

4                   The Secretary will continue to  
5       read.

6                   THE SECRETARY:     Calendar Number  
7       9, substituted earlier by the Assembly  
8       Committee on Rules, Assembly Print Number 11,  
9       an act to amend the Civil Service Law.

10                  ACTING PRESIDENT STEWART-COUSINS:  
11       Read the last section.

12                  THE SECRETARY:     Section 2.   This  
13       act shall take effect immediately.

14                  ACTING PRESIDENT STEWART-COUSINS:  
15       Call the roll.

16                   (The Secretary called the roll.)

17                  ACTING PRESIDENT STEWART-COUSINS:  
18       Senator Libous, to explain his vote.

19                  SENATOR LIBOUS:     Thank you, Madam  
20       President.

21                   I know there was a similar bill  
22       like this about five years ago that passed  
23       this chamber.  I'm voting no today, and the  
24       reason why I'm voting no is that just a few

1       moments ago we voted on almost \$3 billion in  
2       cuts and reductions. This bill, while it's  
3       said to be a cost savings bill, is going to  
4       give the Governor the opportunity to hire  
5       500 people. And it's under the guise of cost  
6       savings.

7               I don't think the time for this  
8       bill is now. We just spent a considerable  
9       amount of time over four weeks in trying to do  
10      a DRP. We finally came to an agreement with  
11      our colleagues. And to give the Governor the  
12      authority to hire 500 people when we just cut  
13      state agencies makes absolutely no sense to  
14      me. There may be a time for this when we  
15      qualify and see what the savings is, but the  
16      time is not now.

17             I vote no.

18             ACTING PRESIDENT STEWART-COUSINS:  
19      Senator Libous to be recorded in the negative.

20             Announce the results.

21             THE SECRETARY:     Those recorded in  
22      the negative on Calendar Number 9 are  
23      Senators Flanagan, Larkin, LaValle, Leibell,  
24      Libous, Maziarz, Nozzolio, Ranzenhofer,

1 Robach, Saland, and Volker.

2 Ayes, 51. Nays, 11.

3 ACTING PRESIDENT STEWART-COUSINS:

4 The bill is passed.

5 Senator Smith.

6 SENATOR SMITH: Madam President,  
7 will you please recognize Senator Perkins.

8 ACTING PRESIDENT STEWART-COUSINS:

9 Senator Perkins.

10 SENATOR PERKINS: Thank you very  
11 much, Madam President. I just wanted to  
12 explain my vote on the public authorities  
13 reform bill.

14 First, I want to acknowledge that  
15 this is a very significant piece of  
16 legislation that I think speaks well to all of  
17 us.

18 And towards that end, I want to  
19 just acknowledge my colleague Assemblyman  
20 Brodsky for the wonderful work that he's done  
21 over the years in shepherding this bill not  
22 only on his side but helping us on this side  
23 do as well.

24 Then I have another colleague, the

1       former chair of this Committee on Corporations  
2       and Authorities, Senator Flanagan. I want to  
3       thank him for the work that he's done in the  
4       past as the chair of this committee and  
5       working with this particular issue.

6               To my ranker, Senator Larkin, thank  
7       you for the support.

8               And then, most importantly, I want  
9       to acknowledge the leadership of the Senate  
10      Majority, Senator Sampson and Senator Smith,  
11      for the support that they've given me in being  
12      able to be the chair of this very important  
13      committee at this very important time.

14              There have been others that have  
15      been very important that I want to make sure I  
16      acknowledge because of the extraordinary  
17      amount of work that they have to suffer  
18      through with me, and that includes our central  
19      staff that has worked very hard. And I'd have  
20      to of course acknowledge our counsels Shelley  
21      Mayer and Graham Ennis in that regard.

22              And then I have an extraordinary  
23      staff, including the counsel to my committee,  
24      Denise Outram. We have a -- not an intern, a



1        fellow that has been working very hard on  
2        this, and I want to acknowledge Umair Kahn for  
3        the work that he's done, and to my staff in  
4        general.

5                    You know, this, as I pointed out,  
6        is a very, very important piece of  
7        legislation. I know that there have been some  
8        reservations. I want my colleagues to know  
9        that this is just the beginning, it's not the  
10       end. I think there's a lot more work that we  
11       can do. I think that the public will be very  
12       happy about the work that we have started to  
13       do and of course that we will continue to do.

14                   There obviously are some important  
15       highlights of this legislation that I'd like  
16       to just make note of. For one, it's going to  
17       strengthen the power and independence of the  
18       Authorities Budget Office. For two, invest  
19       the Comptroller with the authority to review  
20       contracts over \$1 million.

21                   It will increase the Senate  
22       oversight over the selection of the chief  
23       executive officers of the most significant  
24       public authorities. It will define the

1       fiduciary duty of the board members, mandate  
2       public authorities to include legal,  
3       financial, and other professional service  
4       contracts to minority and women-owned business  
5       enterprises. And it will ensure labor  
6       protections; that is, labor piece agreements  
7       for the development of hotels, convention  
8       centers, for lands controlled by public  
9       authorities.

10               There is obviously much more to  
11       this that I'd like to share with you, but  
12       nevertheless I want to thank everybody for  
13       their support. I think that this speaks well  
14       to all of us.

15               Thank you so much.

16               ACTING PRESIDENT STEWART-COUSINS:

17       Thank you, Senator Perkins.

18               The Secretary will continue to  
19       read.

20               THE SECRETARY:       Calendar Number  
21       14, substituted earlier by the Assembly  
22       Committee on Rules, Assembly Print Number 26,  
23       an act to amend the Retirement and Social  
24       Security Law.

1                   ACTING PRESIDENT STEWART-COUSINS:

2       Senator Smith.

3                   SENATOR SMITH:       Yes, Madam

4       President. Is there a message of necessity at  
5       the desk?

6                   ACTING PRESIDENT STEWART-COUSINS:

7       Yes, Senator Smith, there is a message of  
8       necessity at the desk.

9                   SENATOR SMITH:       I move at this  
10      time that we accept the message of necessity.

11                  ACTING PRESIDENT STEWART-COUSINS:  
12      All those in favor of accepting the message of  
13      necessity signify by saying aye.

14                  (Response of "Aye.")

15                  ACTING PRESIDENT STEWART-COUSINS:  
16      Opposed, nay.

17                  (No response.)

18                  ACTING PRESIDENT STEWART-COUSINS:  
19      The message of necessity is accepted.

20                  Read the last section.

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

23                  ACTING PRESIDENT STEWART-COUSINS:  
24      Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator C. Johnson, to explain his vote.

4 SENATOR CRAIG JOHNSON: Thank you  
5 very much, Madam President.

6 I rise to support the Tier V  
7 legislation, but I just want to clarify  
8 something for the record. Because my concern  
9 is, notwithstanding the importance of this  
10 legislation, it seemed this legislation was  
11 brought upon us rather quickly in this  
12 process.

13 But I think it's important just to  
14 clarify for the legislative history that I've  
15 been advised by counsel that pursuant to this  
16 bill, with respect to the calculation of the  
17 20 percent maximum increase for total  
18 earnings, out of that 20 percent,  
19 15 percent -- that's 20 percent less  
20 5 percent -- can only come from overtime.

21 And that means that if an increase  
22 of total earnings is \$20,000, \$15,000 of that  
23 \$20,000 can come from overtime. The balance  
24 comes from contract raises, promotions and

1 other sources.

2 I'm also advised that the new  
3 Section 1203 in this legislation is not based  
4 solely on base salary but also on total  
5 earnings, is as currently the method of  
6 figuring the final average salary.

7 With those representations made to  
8 me and those advisements made to me with  
9 respect to the bill, I vote in favor of the  
10 bill.

11 Thank you very much.

12 ACTING PRESIDENT STEWART-COUSINS:  
13 Senator C. Johnson will be recorded in the  
14 affirmative.

15 Is there any other Senator wishing  
16 to explain his or her vote?

17 Announce the results.

18 THE SECRETARY: Ayes, 61. Nays,  
19 1. Senator Thompson recorded in the negative.

20 ACTING PRESIDENT STEWART-COUSINS:  
21 The bill is passed.

22 Senator Smith.

23 SENATOR SMITH: Yes, Madam  
24 President. At this time could we please stand

1 at ease again.

2 But I also ask members in the  
3 chamber to stay close to the chamber, as it  
4 will be a short ease.

5 ACTING PRESIDENT STEWART-COUSINS:  
6 The Senate will stand at ease.

7 (Whereupon, the Senate stood at  
8 ease at 12:03 p.m.)

9 (Whereupon, the Senate reconvened  
10 at 12:20 p.m.)

11 ACTING PRESIDENT STEWART-COUSINS:  
12 Senator Smith, we've completed the  
13 noncontroversial reading of Extraordinary  
14 Session Senate Calendar Number 4.

15 SENATOR SMITH: Madam President,  
16 then at this time could we please move to the  
17 reading of the controversial calendar of the  
18 Extraordinary Session.

19 ACTING PRESIDENT STEWART-COUSINS:  
20 If the Secretary would please ring the bells,  
21 members are asked to come to the chamber for  
22 the controversial reading of Extraordinary  
23 Session Calendar 4.

24 The Secretary will read.

1 THE SECRETARY: Calendar Number  
2 8, substituted earlier by the Assembly  
3 Committee on Rules, Assembly Print Number 3,  
4 an act to amend the Domestic Relations Law.

5 SENATOR DIAZ: Explanation.

6 ACTING PRESIDENT STEWART-COUSINS:  
7 Senator Duane, an explanation has been  
8 requested.

9 SENATOR DUANE: Thank you, Madam  
10 President.

11 Madam President, this legislation  
12 would merely provide me and tens of thousands  
13 of other New Yorkers equal rights in New York  
14 State. It would provide me with the exact  
15 same rights that you have, Madam President,  
16 and that each and every member of the New York  
17 State Senate presently has. It would make me  
18 equal in every way to everyone else in this  
19 chamber.

20 ACTING PRESIDENT STEWART-COUSINS:  
21 Senator Diaz.

22 SENATOR DIAZ: On the bill.

23 ACTING PRESIDENT STEWART-COUSINS:  
24 Senator Diaz on the bill.

1                   SENATOR DIAZ:     Thank you, Madam  
2     President.

3                   And ladies and gentlemen, members  
4     of the New York State Senate, today we have  
5     come to a day that none of us maybe would like  
6     to be part of. This is a day where we decide  
7     a very serious and a very important issue for  
8     the whole State of New York.

9                   Same-sex marriage, their sponsors,  
10    their supporters and their community has spent  
11    a lot of money, a lot of time, a lot of effort  
12    to come to this day. Last year they raised a  
13    lot of money from mostly of every single state  
14    in the nation to contribute to members of the  
15    Democratic Party to take away the Republican  
16    Party's strong position against gay marriage  
17    and to be sure that the Democratic Party come  
18    to power.

19                  So in order to get to this day, as  
20    I said before, they raised a lot of money.  
21    And there was commitments made.

22                  I could talk to you about two  
23    commitments made by the leader of this  
24    chamber, Malcolm Smith. There was a



1       commitment made to the followers or supporters  
2       of same-sex marriage, and there was a  
3       commitment made to me. Those commitments have  
4       been -- none of them were kept.

5               And to play with people's emotions  
6       and to don't comply with what you promised is  
7       wrong. It is wrong, it's not leadership, it's  
8       treason.

9               So today is a very serious day. So  
10       let me talk to you about the irony of the  
11       whole situation. The Republican Party, when  
12       they were in control, the members of the  
13       Senate, the Republicans, when they were in  
14       control for 42 years, they never allowed this  
15       to happen. Now that they lost the majority  
16       and became the minority, everyone is depending  
17       on them to make this happen.

18              Yes, ladies and gentlemen of the  
19       State of New York, listen carefully to what  
20       I'm saying. For this legislation to pass, it  
21       is the Republican Party, the one that a lot of  
22       money was spent to get them out of power, to  
23       produce the votes, the necessary votes for  
24       this to pass. So people are asking to the

1 other side of the aisle: We took you out, we  
2 spent money against you. Now we need you.  
3 Help us.

4 Don't get confused. This is a  
5 Democratic agenda pushed by the Democratic  
6 Governor, a Democratic Senate President,  
7 Malcolm Smith, Senate President John Sampson.  
8 And this Democratic agenda needs Republican  
9 support to pass.

10 The reality is that it has been the  
11 Republican Party with their -- the Republican  
12 Party and their family values, it has been the  
13 Republican Party with their moral values, and  
14 it has been the Republican Party with their  
15 family values that for years and years has  
16 been kept these values in the whole nation  
17 alive.

18 Now -- but now they are being asked  
19 to throw away their values, to throw away  
20 whatever they have been doing in the whole  
21 nation and whole world to keep family values  
22 and moral values, traditional values, and to  
23 produce the necessary votes for this to pass.

24 Same-sex marriage between a man and

1 a man and a marriage between a woman and a  
2 woman is not only opposed by us evangelicals.  
3 There are many of those that think and believe  
4 it is only us evangelicals that want to oppose  
5 same-sex marriage.

6 All the major religions in the  
7 world also oppose it. The Jewish religion  
8 oppose it. The Muslim religion oppose it.  
9 The Catholic religion oppose it. As a matter  
10 of fact, just a few days ago the Catholic  
11 bishops of New York released what they called  
12 the "Manhattan Manifesto" in which they are  
13 expressing their opposition to same-sex  
14 marriage.

15 And not only the evangelicals, not  
16 only the Jews, not only the Muslims, not only  
17 the Catholics, but also the people of the  
18 nation oppose it. In 31 states of the  
19 nation -- Madam President and ladies and  
20 gentlemen -- 31 states of the nation, the  
21 majority of the states in the nation that the  
22 people have gotten the opportunity to vote for  
23 this issue, the people have rejected it.

24 Alabama, Alaska, Arizona, Arkansas,

1 California, Colorado, Florida, Georgia,  
2 Hawaii, Idaho, Kansas, Kentucky, Louisiana,  
3 Maine -- just did it -- Michigan, Mississippi,  
4 Missouri, Montana, Nebraska, Nevada,  
5 North Dakota, Ohio, Oklahoma, Oregon,  
6 South Carolina, South Dakota, Tennessee,  
7 Texas, Utah, Virginia, and Wisconsin. The  
8 majority of the people in the nation has  
9 opposed, by their will, same-sex marriage.

10 Only five states out of the 50  
11 allow same-sex marriage. This is because they  
12 have legislation that allow same-sex marriage.  
13 In order for those five states to get this  
14 done, it has to be through some politicians or  
15 some judges. The people never, in any  
16 state -- people have rejected it. People are  
17 opposed to it. But let's find some  
18 politicians. Let's put some politicians in  
19 power so those politicians, or governors, so  
20 they could put some judges so they would do it  
21 to them.

22 But we take it to the people, the  
23 people don't -- oppose that. So let's do what  
24 Mayor Bloomberg did. Let's go against the

1 will of the people by doing through  
2 politicians and do away with the people's  
3 will. And that is wrong. And that is wrong.  
4 Let the people decide.

5 The State of Massachusetts, they  
6 have same-sex marriage because the court did  
7 it, not the people. The State of Connecticut,  
8 they have same-sex marriage because the court  
9 did it, not the people. The State of Iowa,  
10 they have same-sex marriage because the court  
11 did it. The State of Vermont, they have  
12 same-sex marriage because the legislature did  
13 it. And the State of New Hampshire, they have  
14 same-sex marriage because the legislature did  
15 it. But they're not the people. Let's get  
16 some legislation, let's get some people do it.

17 So I say let the people decide. Do  
18 it in a resolution. Let the people decide  
19 with it.

20 Ladies and gentlemen of the State  
21 of New York, I conclude by saying if you put  
22 this issue before the voters in a referendum,  
23 the voters will reject it. So they have to  
24 raise money to elect legislators and governors

1       that when in power will do away -- and as I  
2       said before, will do as Mayor Bloomberg did,  
3       do away with the will of the people.

4               So I call on you, ladies and  
5       gentlemen, members of this body, members of  
6       the Republican Party: Remember your roots,  
7       remember your values, remember your stand on  
8       family values, traditional values, moral  
9       values. Go back to your defense of the  
10      traditional values.

11             Join me. Join me, a Democrat, join  
12      me, a Hispanic, join me, a Puerto Rican, join  
13      me, a black and minority, join me, a Democrat  
14      from the City of New York in saying no to this  
15      legislation. And let's one day in the future  
16      bring it in a referendum to the people to the  
17      people of the state.

18             I thank you, Madam President. I  
19      believe this is not easy to you guys. But my  
20      anger and my disappointment is not with the  
21      gay community, it's with my leadership of this  
22      body. They have not been straight with me,  
23      they have not been straight with Tom Duane,  
24      they have not been straight with people. And

1       that way we come to a point when we're voting.

2               So this is the day that the Lord  
3       has made. This is the day that we have to  
4       decide in something that affects a lot of  
5       people and something that is important to  
6       people -- important to me, important to Tom  
7       Duane, important to some of you, important to  
8       the whole State of New York and to the nation.

9               God bless all of you, and thank  
10      you.

11              ACTING PRESIDENT STEWART-COUSINS:

12      Thank you, Senator Diaz.

13              Senator Schneiderman.

14              SENATOR SCHNEIDERMAN:     Thank you,  
15      Madam President.

16              Senator Diaz just said this is a  
17      vote many people didn't want to come. For  
18      many of us, this is a vote that we have been  
19      waiting for. This is a vote that we came here  
20      to take.

21              And I believe that this is not like  
22      every other vote we take, because I think this  
23      is a vote that is not about morality and is  
24      not about religion, because this doesn't

1       affect any religious institution, as I'll  
2       discuss. And this is not about morality,  
3       because you can't legislate morality, ladies  
4       and gentlemen.

5               But you can legislate justice. And  
6       this vote today, in my view, is about whether  
7       or not the members of the New York State  
8       Senate here today are going to participate in  
9       and step up to the challenge of being  
10      representatives of the American people.  
11      Because to me, this is very much about the  
12      essence of the United States of America.

13             What made us different from every  
14      other country that existed before was a  
15      commitment to an ideal that had never been  
16      advanced before. These are the words that  
17      launched us: "We hold these truths to be  
18      self-evident, that all men are created equal,  
19      that they are endowed by their Creator with  
20      certain inalienable Rights, that among these  
21      are Life, Liberty, and the pursuit of  
22      Happiness."

23             Great words. But all of us know  
24      that the facts on the ground, as we now say,



1        did not support these words when the  
2        Declaration of Independence was written.  
3        Slavery was widespread, women couldn't vote,  
4        in many places could not own property. Jews  
5        and other non-Christians suffered under a  
6        whole array of discriminatory disability laws.

7                So some people say the Declaration  
8        of Independence was a lie, that the words were  
9        a sham. But I know that offends many of my  
10       most conservative colleagues, to say the  
11       Declaration of Independence wasn't true.

12               And I have to say here today,  
13       unequivocally, I agree with you, that is  
14       offensive. Because for me, all of American  
15       history supports the notion that our mission  
16       as a nation is to make those words ever more  
17       true, to expand the vision of a nation in  
18       which all are created equal.

19               It took until 1848, in the great  
20       town of Seneca Falls, for a group of women to  
21       issue a declaration declaring that all men and  
22       women are created equal. It took until 1865  
23       for the 13th Amendment to the Constitution to  
24       outlaw slavery. And every generation is

1       called to step up to this challenge of  
2       participating in the quintessentially American  
3       work of making Thomas Jefferson's words ever  
4       more true. And today we are challenged to  
5       join this great tradition.

6               This is not a matter of religion,  
7       this is a matter of equality. Same-sex  
8       couples can already get married. Connecticut,  
9       Massachusetts, Vermont, Canada are right next  
10      door. There are same-sex couples living in  
11      New York State now who are married. But gay  
12      New Yorkers cannot get the same treatment in  
13      the secular government offices authorized by  
14      us, authorize by the government of the State  
15      of New York, that they can get in Connecticut,  
16      Massachusetts, Vermont, and Canada.

17             Senator Duane is treated equally to  
18      the rest of us in those states. But he is not  
19      treated equally in the county clerks' offices  
20      and the courts and the administrative agencies  
21      of the State of New York.

22             This bill does nothing to take  
23      anything away from heterosexuals. For better  
24      or worse, our rights to marry stay the same.

1                   And we know, because they've had  
2                   marriage equality for five years in  
3                   Massachusetts, and we know what happens when  
4                   you pass it. No religious institution is  
5                   affected. Churches, mosques, synagogues,  
6                   temples continue to perform only those  
7                   ceremonies that comport with their beliefs and  
8                   traditions. Our discrimination laws stay the  
9                   same. Our human rights laws stay the same.

10                  In Massachusetts in five years  
11                  there has not been one challenge to a  
12                  religiously affiliated organization for  
13                  denying rights to a same-sex couple. It just  
14                  doesn't happen. This myth that this is going  
15                  to affect religious institutions is a myth.  
16                  The facts do not support it.

17                  All this bill says is that in the  
18                  county clerks' offices of our state and the  
19                  courts of our state, in the administrative  
20                  agencies that we authorize, that we create,  
21                  that enforce the 1324 laws and rules that  
22                  define the scope of their reach with the term  
23                  "marriage," for the first time all men and  
24                  women will be created equal.

1                   That is all this bill does. It  
2                   recognizes that we're not better than Senator  
3                   Duane. He is our equal. We're not better  
4                   than any of our gay brothers or sisters.

5                   So, my colleagues, we know what  
6                   this law will do. It will expand the  
7                   essential American idea of equality. And we  
8                   know what this law won't do. It does not  
9                   affect religious institutions, it doesn't take  
10                  anything away from anybody. This bill hurts  
11                  no one but gives the American ideal of  
12                  equality to many, many people.

13                  So I urge you, my colleagues, don't  
14                  get distracted. Keep your eye on what this is  
15                  about. Vote for justice, vote for equality,  
16                  vote your affirmation for the proposition that  
17                  all men and women are created equal. Vote  
18                  yes. Please. This is our moment. Vote yes.

19                  Thank you, Madam President.

20                  ACTING PRESIDENT STEWART-COUSINS:

21                  Thank you, Senator.

22                  Senator Adams.

23                  SENATOR ADAMS: I must have spoke  
24                  several times on this floor, and I've never

1       been more nervous than I am today to speak on  
2       this topic. Because this is an important  
3       topic, I think for me and this chamber. And I  
4       believe that there are certain moments here  
5       where we can benchmark our lives by the vote  
6       we took.

7                   I want to read off a list of states  
8       like my colleague, who I have so much respect  
9       for, Reverend Diaz, and I admire his position.  
10      I believe he's taking a position from his  
11      heart and not from his mind.

12                   Alabama, Arkansas, Delaware,  
13      Florida, Georgia, Kentucky, Louisiana,  
14      Maryland, Missouri, Mississippi, North and  
15      South Carolina, Tennessee, Texas, Virginia,  
16      District of Columbia and Nebraska -- all  
17      states that at one time or another sold blacks  
18      into slavery and participated in legal  
19      slavery.

20                   Because the numerical majority is  
21      in one place does not mean they're in the  
22      right place. We are in the position right now  
23      where we have to lead the country in the right  
24      place.

1                   A few important quotes that I think  
2                   we must read and we must hear:

3                   "The amalgamation of the races is  
4                   not only unnatural, but is always productive  
5                   of deplorable results. The purity of the  
6                   public morals, the moral and physical  
7                   development of both races, and the highest  
8                   advancement of civilization ... all require  
9                   that [the two races] should be kept distinctly  
10                  separate, and that connections and alliances  
11                  so unnatural should be prohibited by positive  
12                  law and subject to no evasion."

13                  These were rulings not about  
14                  same-sex marriage, these were rulings about  
15                  interracial marriages. This was the law of  
16                  the land. It was only until 1967 -- do you  
17                  believe it, 1967 -- before my son could marry  
18                  Senator Griffo's daughter, if he wanted to, or  
19                  Lanza's family member. It was only since 1967  
20                  that if DeFrancisco's child wanted to marry my  
21                  son or wanted to interact with them, it was  
22                  illegal. 1967.

23                  And the comments and the hate and  
24                  the speech. But it doesn't stop there. I was

1       amazed when I pulled down some of the quotes.  
2       These types of marriages are abominable,  
3       according to Virginia law. If they were  
4       allowed, they will pollute America,  
5       interracial marriages.

6               Thank God for computers and Google  
7       search. Go read what they said about blacks  
8       being able to marry. If you were to close  
9       your eyes, you will hear the same comments  
10      that are being made, the same statements that  
11      are being made about Tom Duane falling in love  
12      with someone and deciding he wanted to live in  
13      a relationship with that person. That's the  
14      same comment that my grandmother received in  
15      Alabama when she wanted to marry my  
16      grandfather. Same comments.

17             And they used religion. They said  
18      for blacks to marry each other it was an  
19      abomination. For interracial couples to fall  
20      in love, it was an abomination. It would  
21      destroy the institution of marriage. This is  
22      what we heard. This is exactly what we heard.

23             And I know there's some people that  
24      say, "Well, don't try to make this a civil

1 rights issue." I hear that comment.

2 There is no group in America that  
3 cannot take claims to going through some form  
4 of abuse. My Irish brothers and sisters, when  
5 they came to America, they were abused. My  
6 Italian brothers and sisters, when they came  
7 to America, they were called names and they  
8 were abused. My Asian, my Muslim -- all of us  
9 went through something to be decided that we  
10 too love America and we too have a right to  
11 prosper in America. That is all men and women  
12 of the LGBT community are saying. That's how  
13 important this issue is.

14 I respect the opinion of my  
15 colleagues that have religious beliefs, and I  
16 have religious beliefs. But when I walk  
17 through these doors, my Bible stays out. I  
18 must pass laws that not only protect one part  
19 of the state but the entire state.

20 And there's something special about  
21 New York. We have the legacy of setting the  
22 tone for the rest of the country. This is an  
23 important issue. And I'm asking us to send a  
24 message across the country that we are not



1       going to sit on the sideline and be a detached  
2       spectator in this full-contact sport called  
3       life as we start the process of fighting for  
4       rights of individuals merely to marry the  
5       people they love. That's what they're doing.

6               Don't try to romanticize, don't try  
7       to make this bigger than it is. Two  
8       individuals came together, enjoyed being with  
9       each other, loved each other, and are saying  
10      they want to marry each other. And I have  
11      quotes that are saying they don't have the  
12      right. We're reaching back into one of the  
13      most ugliest periods in America and bringing  
14      fast forward the same quotes that were said  
15      back then.

16             And I'm not going to be a part of  
17      that. I'm going to be a part of what's best  
18      about this country. I'm going to be a part of  
19      those who stood up and said yes, we should  
20      allow all the right to vote. I'm going to be  
21      a part of those who stood up and said yes,  
22      because someone comes from a particular  
23      geographical place on the globe, they should  
24      not be denied certain things.

1 I'm going to be a part of change.

2 I'm going to be an agent of change. I am  
3 going to vote for this important legislation.

4 And I'm calling on all my  
5 colleagues, no matter how difficult it is in  
6 the political arena -- because I know that,  
7 you know, politics is going to play in some of  
8 our decisions. But it was difficult back  
9 then. There wasn't one black man on the  
10 Supreme Court when the decision was made to  
11 make some of these important changes. There  
12 wasn't one. But we did it. We did the right  
13 thing.

14 You don't have to be gay to respect  
15 the rights of those who are. You don't have  
16 to be black to understand the pains of  
17 slavery. You don't have to be Irish to  
18 understand the pains of those early Irish  
19 immigrants. You don't have to be Italian to  
20 understand the pains of those first  
21 Italian-Americans that settled on the Lower  
22 East Side and had to fight their way through  
23 the American system and were denied merely  
24 because of where they came from.

1                   You don't have to be gay to respect  
2                   that two people that meet each other and fall  
3                   in love want to be married. That's why I'm  
4                   voting aye for this bill, and I'm encouraging  
5                   my colleagues to do the same.

6                   Thank you.

7                   ACTING PRESIDENT STEWART-COUSINS:  
8                   Senator Klein.

9                   SENATOR KLEIN:       Thank you very,  
10                  very much, Madam President.

11                  First, I'd like to apologize to I  
12                  know the advocates who are out there today for  
13                  marriage equality, or those that were  
14                  listening, that it took so long. I think one  
15                  of the positive changes we can make on this  
16                  issue and others is not to be afraid to vote  
17                  our conscience, not to be afraid to put bills  
18                  on the floor and openly debate those bills.  
19                  So I think this hopefully is the start of  
20                  something very, very important.

21                  I also want to thank my fellow  
22                  colleague from the Bronx, Reverend Diaz, for  
23                  his passionate statements today. I know they  
24                  come from his heart.

1                   But I most especially want to thank  
2           my colleague, my friend, Senator Tom Duane. I  
3           had the privilege, when we were in the  
4           minority, of sitting next to Tom for two  
5           years. We talked a lot about a lot of  
6           things -- world events, personal events. But  
7           most importantly, Tom Duane taught me some  
8           very important lessons. He taught me about  
9           love. He taught me about fairness. He taught  
10          me about doing the right things, not for  
11          political reasons, because these decisions we  
12          make here have such ramifications on people's  
13          lives.

14                   And I know, Tom, how important and  
15          how hard you worked on this. And I think we  
16          owe it to you and we owe it to the entire gay  
17          community around the State of New York to pass  
18          this legislation.

19                   I want to thank my colleague  
20          Senator Eric Adams for citing the very  
21          important case, the seminal case, I believe,  
22          in this area, even though it didn't affect  
23          directly gay Americans, but African-Americans,  
24          the case of Loving vs. Virginia.

1                   When you read the facts of the case  
2                   about a black woman wanting to marry a white  
3                   man, and you read some of the statements made,  
4                   you would think you're reading a case that was  
5                   take place in the Jim Crow South or maybe  
6                   even before Reconstruction. But as Senator  
7                   Adams said, it was a case that was decided in  
8                   1967.

9                   I think it's important to read part  
10                  of the decision in this case because I think  
11                  it certainly holds true today. When we're  
12                  talking at that time about African-Americans,  
13                  today we're talking about gay Americans.

14                 It says that "Marriage is one of  
15                 the basic civil rights, fundamental to our  
16                 very existence and survival. To deny this  
17                 fundamental freedom and in so unsupportable a  
18                 basis as the racial classification embodied in  
19                 these statutes is surely to deprive state  
20                 citizens of liberty without due process of  
21                 law. The 14th Amendment requires that the  
22                 freedom of choice to marry not be restricted  
23                 by insidious racial discrimination. Under our  
24                 Constitution, the freedom to marry or not

1 marry a person of another race resides with  
2 the individual and cannot be infringed by the  
3 State."

4 We're fast-forwarding to present  
5 times. And I think it's also important to  
6 read the statement by Mrs. Loving, who on the  
7 40th anniversary of this landmark decision put  
8 out a statement that read: "Surrounded as I  
9 am now by wonderful children and  
10 grandchildren, not a day goes by that I don't  
11 think of Richard and our love, our right to  
12 marry and how much it meant to me to have  
13 freedom to marry the person precious to me,  
14 even if others thought he was the wrong kind  
15 of person for me to marry. I believe all  
16 Americans, no matter their race, no matter  
17 their sex, no matter their sexual orientation,  
18 should have that same freedom to marry.  
19 Government has no business imposing some  
20 people's religious beliefs over others,  
21 especially if it denies people their basic  
22 human rights."

23 Well, I know Ms. Loving would  
24 probably be proud of us today that we're

1 taking up this very, very important issue.  
2 She'd be even more proud if this bill passes  
3 today. Because she fought for the right to  
4 marry someone she loved, here we are today  
5 fighting for the right for gay Americans and  
6 gay New Yorkers to marry who they want to  
7 marry.

8 But, you know, we can go through,  
9 you know, all of the different cases and case  
10 law. We can talk about a city comptroller  
11 report put out by Billy Thompson that says  
12 that if we pass marriage equality it will be  
13 of benefit for New York City to the tune of  
14 \$200 million over a three-year period. We can  
15 talk about the fact that if we pass this  
16 legislation we will allow gay New Yorkers to  
17 actually be granted the same rights of other  
18 New Yorkers that is currently contained in  
19 1,324 statutes in our state.

20 But I think, most importantly, it's  
21 always important to put sort of a face or a  
22 story. And certainly I have that story.

23 I'm very proud of the fact that I  
24 grew up in a two-family home with my

1        grandparents. My grandparents were Holocaust  
2        survivors from Poland. I always remember,  
3        when I was about 8 years old, sitting around  
4        the Passover table and always asking my  
5        grandmother why she didn't have any family  
6        members -- no aunts, no uncles, no sisters, no  
7        brothers. She was the only member of her  
8        family that was able to make it to the United  
9        States, and it's because she married my  
10       grandfather she was able to come here and  
11       become an American citizen. Her entire family  
12       was wiped out even before they got to the  
13       concentration camps.

14                        So this was a woman who lived in  
15       America, didn't have the benefit of growing up  
16       or sitting down at family dinners with any  
17       family.

18                        And I always remember too that my  
19       uncle, my Uncle Gilbert, had a best friend  
20       that he grew up with his entire life. He grew  
21       up in the house when I was young, so I always  
22       remember his friend Jay. Him and Jay used to  
23       do everything together -- sporting events, go  
24       out with girls together.



1                   And years later, Jay sort of  
2       disappeared. And the reason why he  
3       disappeared is he realized all his life he was  
4       suppressing certain emotions, certain  
5       feelings. And he was very upset with the fact  
6       that he was gay. At that time he couldn't be  
7       open about it. It hurt his family.  
8       Unfortunately, his family disowned him.

9                   But he met someone very special  
10      named Bill. My grandparents made it a point,  
11      because Jay was disowned by his family, to  
12      make sure that Bill and Jay were at every  
13      family dinner: Thanksgiving, Passover, Friday  
14      night Shabbos dinners. It was something very  
15      important to my grandmother.

16                  And I always remember asking my  
17      grandmother. Because my grandparents, you  
18      know, grew up in an Orthodox household, they  
19      were very religious people. And I asked my  
20      grandmother. My grandmother says: "I lived  
21      through the Holocaust. I saw hatred, the  
22      worst kind of hatred. And to discriminate  
23      against someone or not accept somebody because  
24      they love someone of the same sex would be, I

1 think, something that my parents and people  
2 who are lost wouldn't be able to understand."

3 Also, like any Jewish grandmother,  
4 she used to always say that Jay was very  
5 handsome, he was an investment banker, and  
6 he's entitled to have somebody. He's a very  
7 good catch.

8 (Laughter.)

9 SENATOR KLEIN: So I know all of  
10 us here today are, I hope, happy that we're  
11 finally taking up this important piece of  
12 legislation.

13 But I know for my friend who's no  
14 longer with us, Jay, and his significant  
15 other, Bill, the horror when Jay died really  
16 began for Bill. All those statutes and laws  
17 that I stated, they all impacted Bill in a  
18 terrible way -- inheritance, healthcare  
19 benefits, life insurance, you name it. And I  
20 think, more importantly, it was the indignity  
21 that Bill had to suffer that he wasn't allowed  
22 to be at the bedside of the person he loved  
23 for more than 25 years as a married couple.

24 So I want to ask my colleagues once

1       again to make a decision today not based on  
2       political reasons, not based on which  
3       political party will support you because of  
4       your vote, but because this is an issue of  
5       fairness and it means so many to people we  
6       love and respect.

7                   I vote yes, Madam President.

8                   ACTING PRESIDENT STEWART-COUSINS:

9       Thank you, Senator.

10                  Senator Valesky.

11                  SENATOR VALESKY:       Thank you,  
12       Madam President.

13                  Just a few thoughts on what is a  
14       very difficult topic, certainly, for many.  
15       And when you stop to think about it, there are  
16       not many times that we in this Legislature  
17       consider questions that one might view as a  
18       difficult issue. So maybe we should stop and  
19       think for a moment of why this is so  
20       difficult. And I have certainly, as many of  
21       us have, been listening and talking and  
22       speaking with constituents of mine for many  
23       weeks and many months.

24                  Why is it such a difficult issue?

1 I think when we address issues that have such  
2 emotion and such passion attached to them on  
3 both sides of the issue, that makes issues  
4 difficult. That makes issues very, very  
5 difficult.

6 But I think we as legislators owe  
7 it to ourselves and to those we represent to  
8 listen, to have conversations, to do research,  
9 to read, and ultimately to peel away the  
10 layers of emotion and get to the facts and get  
11 to the real question at hand.

12 And that question for me, after a  
13 long period of contemplation, that question  
14 for me gets to something that many of the  
15 speakers before me have indicated, but Senator  
16 Schneiderman, I believe, said: That this is  
17 not a matter of religion.

18 I think, colleagues, that more  
19 importantly than that, it can't be a matter of  
20 religion. Nothing we do on the floor of this  
21 Senate, nothing that can be done on the floor  
22 of senates from Maine to California can be  
23 done in violation of the United States  
24 Constitution. If it is, if we do, we have a

1       judicial system that will declare that  
2       unconstitutional.

3               This bill has a provision that  
4       explicitly indicates that no clergyman, no  
5       minister shall be required to solemnize any  
6       marriage when acting in his or her capacity.  
7       That's important. That's significant. But  
8       from my understanding of the United States  
9       Constitution, that provision isn't even  
10      necessary.

11             The Founding Fathers made it very,  
12      very clear that freedom of religion in a  
13      secular government -- that we have had and  
14      always had -- is one of the most important  
15      tenets of this democracy.

16             So when we look at the question, we  
17      have to look at the United States Constitution  
18      and its protection of religious freedom and  
19      look at the United States Constitution and its  
20      protection of liberty and equality for all men  
21      and women.

22             This bill does not, could not, and,  
23      as long as our Constitution remains the law of  
24      the land, could never affect in any way,

1       shape, or form and compel any house of worship  
2       in this country to do anything that is against  
3       their belief system.

4               So, Madam President, I think that  
5       it is very clear that this bill is about a  
6       civil, legal commitment that provides benefits  
7       to same-sex couples. And for those reasons, I  
8       will be supporting this particular measure.

9               Thank you.

10              ACTING PRESIDENT STEWART-COUSINS:

11       Thank you, Senator.

12              Senator Parker.

13              SENATOR PARKER:       Madam President,  
14       on the bill.

15              ACTING PRESIDENT STEWART-COUSINS:

16       On the bill, Senator Parker.

17              SENATOR PARKER:       When my  
18       colleague and friend Tom Duane introduced this  
19       bill on marriage equality and sought support  
20       from fellow Senators, I joined him as a  
21       cosponsor really as quickly as I could because  
22       it was the right thing to do.

23              And really, the time to pass this  
24       legislation is now. And why is it now?

1       Because it is still the right thing to do.

2               Acting today to guarantee marriage  
3       equality is the right thing to do because  
4       without the right to marry, innumerable  
5       same-sex couples suffer under the  
6       psychological and economic strain of being  
7       separated out from other loving couples and  
8       being deemed unequal before the law. And many  
9       of my colleagues, Eric Adams and Jeff Klein  
10      and Senator Schneiderman, have talked about  
11      this historical problem.

12              And we have an opportunity today,  
13      colleagues, to change our history. This is  
14      the time that we strike a blow to one of the  
15      last levels of inequality that we find in  
16      these kind of laws in our country. And it's  
17      critically important that we do so because, to  
18      quote the Dr. Martin Luther King, Jr.,  
19      "Injustice anywhere is a threat to justice  
20      everywhere."

21              And we certainly see ourselves as  
22      people who stand for justice. I don't think  
23      that we can vote against this bill and against  
24      the rights of people to be married and be

1 engaged in a contract that in fact does not  
2 affect anybody else's lives negatively. We  
3 cannot do that and still call ourselves people  
4 of morality.

5 If you want to know where the  
6 morality stands, the morality stands in doing  
7 the right thing to make sure that everybody in  
8 this country has the same inalienable rights.

9 Denying same-sex couples the right  
10 to marry denies them some of their most basic  
11 civil rights. Denying the same-sex couples  
12 the right to marry denies them many important  
13 legal protections afforded by marriage.  
14 Allowing same-sex couples to marry will give  
15 them the same economic security protections  
16 and peace of mind that is enjoyed by  
17 heterosexual married couples.

18 And let's understand this, ladies  
19 and gentlemen, that this is a contract. Many  
20 of you are lawyers. You understand it is a  
21 contract. And if you don't believe it's a  
22 contract, your priest may be able to bring you  
23 together, but only your lawyer can break you  
24 apart.



1 (Laughter.)

2 SENATOR PARKER: So here are a  
3 few of the state and federal benefits granted  
4 to married couples that same-sex couples  
5 cannot receive until we pass this bill today.  
6 I'm just going to read a few of them to you.

7 Access to employer-provided health  
8 and retirement benefits for one's partner and  
9 nonbiological adopted children.

10 Access to a partner's coverage  
11 under Medicaid and Social Security.

12 Ability to visit or make medical  
13 decisions for an ill or incapacitated partner.

14 Right to sue for wrongful death of  
15 one's partner.

16 Ability to sponsor one's partner  
17 for immigration.

18 Marital children gain family  
19 stability and economic security because of  
20 their parent's legal marriage that is  
21 inaccessible to nonmarried children, including  
22 the enhanced approval of marital children in  
23 society and streamlined adoption processes.

24 Access to health benefits and

1 inheritance from both parents.

2 Right to maintain a relationship  
3 with one's nonbiological adoptive parent in  
4 the event of death of one parent. And this is  
5 in states without same-sex second-parent  
6 adoptions.

7 They also are denied currently,  
8 until we pass this bill in a few minutes,  
9 joint insurance policies for home, auto and  
10 health; joint parenting and joint adoption;  
11 bereavement or sick leave to care for a  
12 partner or child.

13 This debate needs to be about real  
14 people and not just abstract policies. It's  
15 about millions of real families in our country  
16 and the basic protections that all families  
17 need. The reality is that there are still  
18 many people in New York who do not agree with  
19 us on this issue. But despite what we've  
20 heard, actually the vast majority of  
21 New Yorkers actually do agree that we ought to  
22 pass this bill today.

23 But, mostly, the people of good  
24 faith in this state, you know, early on --

1       again, as Senator Adams indicated -- they did  
2       not accept interracial marriage,  
3       desegregation, women's rights, and other basic  
4       changes. And those changes have increased the  
5       freedom and fairness of our society and the  
6       great State of New York. And over time, they  
7       have come to see that they were wrong and the  
8       changes that scared them improved our great  
9       country.

10               I mean, as we sit here now, it's  
11       almost ridiculous to start thinking about the  
12       fact that even African-Americans at one point  
13       couldn't marry each other. It was illegal for  
14       African-Americans to even marry each other.  
15       The fact that at some point, Madam President,  
16       you were considered not even a person in this  
17       country, let alone be able to be not just a  
18       Senator and the chair of a committee but also  
19       the presiding officer of the Senate.

20               That's what we were. And I'm  
21       hoping that in a few years the idea that  
22       same-sex marriages wouldn't happen, wouldn't  
23       be able to be legal in this country, will be  
24       just as ridiculous. That that notion is as

1 antiquated, you know, as dinosaurs. And now  
2 is the time, because it is the right thing to  
3 do.

4 I'd like to end by reading a few  
5 quotes from a civil rights leader, Congressman  
6 John Lewis from Georgia. And he says: "It is  
7 time to say forthrightly that the government's  
8 exclusion of our gay and lesbian brothers and  
9 sisters from civil marriage officially  
10 degrades them and their families. It denies  
11 them the basic human right to marry the person  
12 they love. It denies them numerous legal  
13 protections for their families. This  
14 discrimination is wrong. We cannot keep  
15 turning our backs on gay and lesbian  
16 Americans. I have fought too hard and too  
17 long against discrimination based on race and  
18 color not to stand up against discrimination  
19 based on sexual orientation. I've heard  
20 reasons for opposing civil marriage for  
21 same-sex couples. Cut through the  
22 distractions, and they stink of the same fear,  
23 hatred, and intolerance I have known in racism  
24 and bigotry."

1                   Congresswoman Jackie Speier of  
2           California says: "Marriage equality is  
3           perhaps the most profound civil rights issue  
4           of our generation." Let me repeat that  
5           sentence. "Marriage equality is perhaps the  
6           most profound civil rights issue of our  
7           generation."

8                   So I stand before you today as a  
9           Senator, a New Yorker, and a man who has  
10          committed to fighting for civil rights  
11          throughout my life. And I will not stand  
12          aside now when I can fight to support the  
13          rights of same-sex couples and fight against  
14          discrimination against gays, lesbians,  
15          bisexuals and transgendered persons.

16                  Ladies and gentlemen of the Senate,  
17          I stand before you today to ask for your  
18          support of marriage equality because it is the  
19          right thing to do and now is the time to do  
20          it.

21                  ACTING PRESIDENT STEWART-COUSINS:  
22          Thank you, Senator.

23                  Senator Espada.

24                  SENATOR ESPADA:       Thank you, Madam

1 President.

2 I want to begin by thanking this  
3 chamber, all 62 Senators, whose own growth,  
4 political evolution, climaxed not too long ago  
5 to allow a debate on a bill whose destiny has  
6 not been predetermined, to have this kind of  
7 glorious debate and this kind of sharing of  
8 thought and of our core values.

9 If this vote were taken in my  
10 district today, same-sex marriage, marriage  
11 equality would fail. Reverend Diaz is correct  
12 about that. Our districts abut. We are  
13 primarily very, very poor, very, very  
14 African-American, Latino. We have the highest  
15 jobless rate in the state, over 14 percent  
16 unemployment in our county.

17 But this is not about demographics.  
18 Others have talked about this not being a  
19 matter of religion or morality.

20 I just want to dedicate a couple of  
21 minutes to those Senators who have not made up  
22 their mind. Because my mind has been made up  
23 a long, long time ago, despite the flavor of  
24 this issue in my community that has children

1 in schoolyards beating each other up because  
2 one may look too effeminate, because we're  
3 taught upon being delivered upon this earth  
4 that we're not to have and enjoy certain toys  
5 or certain dolls. In other words, it is so  
6 intrinsic and embedded in our DNA as a  
7 culture, as a society, that it has truly a  
8 life of its own.

9 But the matter has a life of its  
10 own here today, and the headlines that will be  
11 written are not just about a historic debate  
12 because we happen to have matured to that  
13 level, but as to whether or not this is truly  
14 a vote of conscience, my undecided colleagues.

15 Is it a vote of conscience? What  
16 is this thing called a conscience? It's that  
17 little voice, right, in all of us when we were  
18 growing up: That's what is right and what is  
19 wrong, little boy, little girl. We all grow  
20 up with that. You don't have to have a high  
21 school diploma, a GED, you know, a BA, a Ph.D.  
22 It is that inner voice that no matter how old  
23 you get or how dumb you remain, that's what's  
24 going -- or how smart you get -- that's what's

1       going to predetermine that vote of conscience.

2               It is constitutionally correct to  
3       vote yes. Yeah, I think it's morally correct  
4       to vote yes. Don't talk to me about not  
5       legislating morality. I understand that we  
6       build walls and we build signs. But we do  
7       that all the time.

8               But let's not be scared into  
9       ignorance to think that it is not morally  
10      correct to allow same-sex couples to enjoy the  
11      same rights as opposite-sex couples. That may  
12      take a long time to sink in and become part of  
13      the social and cultural fabric, but so be it.  
14      It is historically correct. The drumbeat and  
15      the precedents that have been cited are  
16      correct.

17              We have rationed out equal rights,  
18      civil rights for many, many years. States  
19      have adopted certain things at certain points.  
20      I mean, Iowa doing things on farmworkers'  
21      rights decades ago. Personally, I'm  
22      disappointed that we continue to ration out a  
23      debate on human rights. I'd love to have a  
24      comprehensive agenda of human rights be voted



1       on this floor that would include domestic  
2       workers, most of them black and brown;  
3       farmworkers, most of them black and brown. I  
4       would love it. So we're not done.

5               But as it relates to today,  
6       undecided Senators, let's write this headline  
7       for the New York Times, for the Daily News,  
8       for the Post, for El Diario. Let's write this  
9       headline for my tenth grandchild, whose  
10      sonogram was sent to me yesterday by my second  
11      son in the fifth month of that pregnancy. We  
12      start to send all off all of these messages.  
13      Let's send a message of hope. Let's set forth  
14      a drumbeat of equal rights for all by voting  
15      yes here today. And let's not continue to be  
16      scared into ignorance or pander to that in our  
17      communities.

18             Madam President, I would vote yes  
19      and encourage those undecideds to vote yes as  
20      well. Thank you.

21             ACTING PRESIDENT STEWART-COUSINS:  
22      Thank you, Senator.

23             Senator Savino.

24             SENATOR SAVINO:       Thank you, Madam

1 President.

2           You know, like Senator Adams, I've  
3 spoken on this floor many times myself and  
4 have never been quite as nervous. Not because  
5 I'm not sure of my position or how I feel or  
6 what I think is the right thing to do, but  
7 because I'm not sure what's going to happen.

8           And that's rare for the New York  
9 State Senate. You know, rarely do we not know  
10 the outcome of bills before they come to the  
11 floor. And rarely have we faced an issue as  
12 important as this without knowing the outcome.

13           Tens of thousands of New Yorkers'  
14 lives are hanging in the balance in this  
15 debate. They are either going to go home  
16 today knowing that we made history here in  
17 New York State, or they're going to go home  
18 incredibly disappointed but certainly unbowed,  
19 and the struggle will continue.

20           But I hope that we are going to  
21 make that history here today. I hope that we  
22 are going to take that step forward to  
23 continue the promise of Thomas Jefferson that  
24 Senator Schneiderman so eloquently talked

1       about or eradicate the inequality that Senator  
2       Adams described so painfully.

3               I hope that we're going to make  
4       that choice. Because I reject, even though I  
5       have great respect for Senator Diaz -- and I  
6       do. And he's not here, but I do have great  
7       respect for him, and I have great respect for  
8       his religious convictions.

9               But this vote is not politics.  
10       It's not about Democratic politics or  
11       Republican politics. It's not about who  
12       contributed to what campaign. It's not about  
13       who tried to make this body one party or  
14       another. It has absolutely nothing to do with  
15       that. This vote is about an issue of fairness  
16       and equality, not political.

17              It is about the fairness of people  
18       who are of the right age, of sound mind, who  
19       choose to live together, share everything  
20       together, and want to be able to have the  
21       protections that government grants those of us  
22       who have the privilege of marriage and treat  
23       it so cavalierly in our society.

24              That's all this is about. Whether

1 Senator Duane and his partner Louis, who are  
2 two of the most committed people I've ever  
3 met -- I will tell you, I am over the age of  
4 40, and that's all you're going to get from  
5 me --

6 (Laughter.)

7 SENATOR SAVINO: -- but I have  
8 never been able to maintain a relationship of  
9 the length or the quality that Tom Duane and  
10 Louis have. Why should they be denied the  
11 right to share their life together?

12 I don't know Assemblyman  
13 O'Donnell's partner, but I know he is as  
14 committed to him as Tom is to Louis, and as my  
15 friend Matt Titone is to his partner Josh.

16 These are relationships that I  
17 envy, and in fact we all should envy. And all  
18 they ask for is to be treated fairly and  
19 equally and be able to plan for each other in  
20 the event something happens to them. The same  
21 way Senator Lanza does for his wife Marcele,  
22 or Senator Flanagan does with his wife, or any  
23 of those of us here who are married are able  
24 to plan and protect the person that we love.

1                   You know, I've also been lobbied,  
2                   quite interestingly on this bill, by people on  
3                   both sides. I'll tell you one funny story. I  
4                   was on 6th Avenue in Manhattan, I was in my  
5                   car. I was driving to make a left turn onto  
6                   52nd Street. I was stopped at a light, I had  
7                   my window open, and a young man on a pedicab  
8                   stopped and stuck his head in the window of my  
9                   car. Which I thought was kind of strange.  
10                  But he recognized the Senate license plate on  
11                  my car. And this was right during the week  
12                  that the Assembly was taking up the vote  
13                  earlier this year.

14                 And he said to me, "Excuse me. Is  
15                 there going to be a gay marriage vote in  
16                 Albany this week?" And I said, "Yes, the  
17                 Assembly is going to take it up, but the  
18                 Senate probably won't take it up any time  
19                 soon. I'm not sure when."

20                 And he said, "Are you going to vote  
21                 for it?" And I said, "Yes, I am." And he  
22                 said "Why?" And I said, "Because I believe  
23                 that people should be able to share their life  
24                 with whoever they want and the role of

1 government is to administer that contract that  
2 they agree to enter into."

3 And he stopped and he said, "But  
4 they're changing the definition of marriage."  
5 And I said, "Don't get so excited about this  
6 marriage stuff." I said, "Think about this.  
7 We just met, you and I, right here at the  
8 stoplight. You stuck your head in the window  
9 of my car." I said, "Do you know tomorrow we  
10 go could go to City Hall, we could apply for a  
11 marriage license, and we could get married?"  
12 I said, "And nobody will there will ask us  
13 about the quality of our relationship or  
14 whether we've been committed to each other or  
15 any of those things. They will issue that  
16 marriage license and we can get married."

17 And he said, "Yes, that's true." I  
18 said, "And do you think we're ready for that  
19 kind of commitment?"

20 (Laughter.)

21 SENATOR SAVINO: And he stopped  
22 and he said, "I see your point."

23 (Laughter.)

24 SENATOR SAVINO: And that's

1 really what this is about. We in government  
2 don't determine the quality or the validity of  
3 people's relationships. If we did, we would  
4 not issue three-quarters of the marriage  
5 licenses we do.

6 (Laughter.)

7 SENATOR SAVINO: And I know there  
8 are many people in the religious community who  
9 feel that we're going to force this on them  
10 when that in fact is not true. We have never  
11 done that.

12 I'm a Roman Catholic. The Catholic  
13 Church has the right to deny me the sacrament  
14 of marriage if they determine the person I  
15 choose to marry is unfit or our relationship  
16 doesn't meet their standards. City Hall does  
17 not have that right. That will not change  
18 under this bill. That will never change.  
19 Religious institutions can continue to  
20 practice discrimination with respect to the  
21 sacrament of marriage. We don't, we  
22 shouldn't. We should not do it for gay and  
23 lesbian couples.

24 I know many people are concerned

1       about the destruction of the sanctity of  
2       marriage as well, and they view this as a  
3       threat. But let me ask you something, ladies  
4       and gentlemen. What are we really protecting,  
5       when you look at the divorce rate in our  
6       society? Turn on the television. We have a  
7       wedding channel on cable TV devoted to the  
8       behavior of people on the way to the altar.  
9       They spend billions of dollars, behave in the  
10      most appalling way, all in an effort to be  
11      princess for a day.

12                You don't have cable television?  
13      Put on network TV. We're giving away husbands  
14      on a game show. You can watch "The Bachelor,"  
15      where 30 desperate women will compete to marry  
16      a 40-year-old man who's never been able to  
17      maintain a decent relationship in his life.

18                (Laughter.)

19                SENATOR SAVINO:     We have "The  
20      Bachelorette," in reverse. And my favorite  
21      show -- which thank God only ran one season  
22      because it was truly distasteful -- was "The  
23      Littlest Groom," where 30 desperate women  
24      competed to marry a dwarf.



1                   That's what we've done to marriage  
2           in America, where young women are socialized  
3           from the time they're 5 years old to think of  
4           being nothing but a bride. They plan every  
5           day what they'll wear, how they'll look, their  
6           invitations, the whole bit. They don't spend  
7           five minutes thinking about what it means to  
8           be a wife.

9                   People stand up there before God  
10          and man, even in Senator Diaz's church, they  
11          swear to love, honor and obey -- they don't  
12          mean a word of it. And so if there's anything  
13          wrong or any threat to the sanctity of  
14          marriage in America, it comes from those of us  
15          who have the privilege and the right, and we  
16          have abused it for decades.

17                  We have nothing to fear from Tom  
18          Duane and Louis. We have nothing to fear from  
19          Danny O'Donnell and his partner. We have  
20          nothing to fear from people who are committed  
21          to each other, who want to share their lives  
22          and protect one another in the event of  
23          sickness, illness, or death. We have nothing  
24          to fear from love and commitment.

1                   My only hope, Tom, is that we pass  
2                   this bill, the Governor signs it, and then we  
3                   can learn from you and you don't learn from  
4                   us.

5                   I vote aye.

6                   ACTING PRESIDENT STEWART-COUSINS:  
7                   Senator L. Krueger.

8                   SENATOR LIZ KRUEGER:     Well, I've  
9                   been listening to my colleagues, and they've  
10                  raised a lot of the arguments I wanted to make  
11                  here today, Madam President.

12                 But I was thinking about something  
13                 that someone said to me this morning in the  
14                 hall, which was "Thank you for going in there  
15                 and voting yes." And I said, "But it's not a  
16                 hard vote for me. I never had to think twice  
17                 about this." And they said, "But for some  
18                 people it is a hard vote."

19                 And so what I've been thinking  
20                 about is, is that true? A number of my  
21                 colleagues have said that here today. Some  
22                 people think it's a hard vote. And I've been  
23                 a cosponsor since I think the day I got here  
24                 to the Senate.

1                   So why is it not hard for me? Of  
2                   course I believe in the constitutional  
3                   arguments that were made by Senator  
4                   Schneiderman and Senator Valesky and the  
5                   pointed arguments that were made by my  
6                   colleagues Kevin Parker and Eric Adams about  
7                   the correlations to civil rights fights in  
8                   this country and the issue of racism in this  
9                   country. And in our conference we talk about  
10                  a lot about racism and that it's still a  
11                  reality in our country.

12                 And I'm thinking, why for me is  
13                 this so easy? And I think the answer perhaps  
14                 is because we all bring who we are to our jobs  
15                 and our lives. And so for me I think it's  
16                 easy because I'm a woman and I'm a Jew, and so  
17                 I know about discrimination.

18                 There was a discussion about people  
19                 not being able to marry in this country until  
20                 1967, pointing out that Madam President didn't  
21                 have rights as a human being under many state  
22                 constitutions for many, many hundreds of  
23                 years. Senator Klein told the story of his  
24                 grand -- I think it was his grandmother who

1 was a Holocaust survivor.

2 So, for me, my grandparents came  
3 here to escape pogroms and escape  
4 discrimination, and so it's even a religious  
5 issue. I know we're saying it's not. It's  
6 not in that nothing in this bill makes any  
7 religion change anything they do or any clergy  
8 member change any practice they have or  
9 teaching that they have.

10 But in fact, I'm here in the  
11 New York State Senate because this was a  
12 country that guaranteed religious freedom.  
13 Which meant my ancestors could come here to  
14 practice their religion. And it's interesting  
15 that some people are talking about their  
16 religion teaches them they can't vote yes  
17 today, because my religion teaches, I believe,  
18 that I must vote yes today.

19 So I see myself as a New York  
20 Senator, as a woman. I don't understand as a  
21 New York Senator, as someone who respects the  
22 Constitution, how any of us could vote no. I  
23 don't understand as a woman how any woman  
24 could vote no. I don't understand as a Jew

1       how any Jew could vote no.

2                   And I think each of us here today  
3       have their own experiences with discrimination  
4       in their lives and their families' lives, in  
5       loved ones' lives, that if they think about it  
6       and they think about what we're talking about  
7       today -- a fundamental right to equal  
8       treatment under our law -- I don't understand  
9       how anyone can vote no.

10                   I know it's harder for some than  
11       others. But I guess I would stop asking the  
12       question of each other how can you vote yes.  
13       Ask yourselves how can you vote no.

14                   I vote yes, Madam President.

15                   Thank you.

16                   ACTING PRESIDENT STEWART-COUSINS:

17       Thank you, Senator.

18                   Senator Squadron.

19                   SENATOR SQUADRON:       Thank you very  
20       much, Madam President.

21                   You know, it's such a small bill,  
22       it's just a couple of pages, but it's a very  
23       powerful bill. It's a bill, as we've heard  
24       from so many of my colleagues so powerfully,

1       that really has to do with what sort of  
2       government we have. Not an issue that I can  
3       speak on.

4               But I am going to give into the  
5       temptation to again quote Thomas Jefferson,  
6       who said, about religious freedom, "Among the  
7       most inestimable of our blessings in this  
8       country is the liberty to worship our Creator  
9       in the way we think most agreeable to His  
10      will, a liberty deemed in other countries  
11      incompatible with good government and yet  
12      proved by our experience to be its best  
13      support."

14             This is the argument, of course,  
15      that separation of church and state is about  
16      having a government that allows us to have our  
17      personal choices and our individual liberties.  
18      And it's an important one when we talk about  
19      this issue, and an appropriate one, because  
20      this little bill is about the kind of  
21      government we have that allows us individual  
22      liberties.

23             It's also a very, very personal  
24      bill, I think, for all of us -- I think not

1       just for Senator Duane, although certainly for  
2       Senator Duane, but also for all of us who are  
3       married.

4               As many of you know, I got married  
5       recently, I think maybe most recently among  
6       the members of this house. And I thank this  
7       house for getting back to the business in time  
8       for me to get and be able to be at my wedding.  
9       And it was the most moving and powerful  
10      experience I have ever had in my life. And it  
11      was an experience of great joy for my wife and  
12      for me and for our families.

13             It was also an experience that was  
14      missing something, because many members of our  
15      family weren't there. None of my wife's  
16      grandparents were there, none of my  
17      grandparents were there, my father wasn't  
18      there. They all passed away before I had the  
19      opportunity to meet and fall in love with  
20      someone and get married. And that's the  
21      reason they weren't there. And it was still a  
22      wonderfully joyous day despite the fact that  
23      they weren't there.

24             But for so many New Yorkers, for

1 many of the guests at my wedding, for one of  
2 my colleagues, the reason that marriage can't  
3 happen right now -- the reason that those gaps  
4 in the moment when they do finally get married  
5 will be greater -- is because of what we do in  
6 this State Legislature, is literally because  
7 of what we do today.

8 And I have to say this is an issue  
9 that I've felt very strongly about for a very  
10 long time. But the experience of getting  
11 married, of having a wedding that had those  
12 gaps has only made it more clear, has only  
13 added to my personal sense of responsibility  
14 that we don't in this house create for others  
15 marriages and partnerships that are delayed  
16 because we have some personal religious  
17 belief -- which is of great importance and  
18 should be highly respected, but shouldn't be  
19 imposed on other people's experiences.

20 This little bill is about the kind  
21 of government we have, it's about the personal  
22 experience that any of us have had who have  
23 ever gotten married or thought of getting  
24 married. But it's also about this kind of



1 religion we have. And I know Senator Diaz,  
2 I'm sure others are thinking very much about  
3 their religious beliefs and how to ensure that  
4 their religious beliefs can be carried forth  
5 in a way where the government doesn't get in  
6 the way.

7 And, you know, the Jefferson quote  
8 I read at the beginning of my statement isn't  
9 just about individual liberties. Separation  
10 of church and state, the freedom to practice  
11 religion, isn't just about each of us getting  
12 to do what we want. It's also about religion.  
13 And having a government that can make that  
14 distinction doesn't just protect us  
15 individually, it doesn't just protect our  
16 government, it protects our religions. It's  
17 one of the reasons that our country has such a  
18 rich and deep and strong religious tradition.

19 Jefferson also wrote: "I do not  
20 believe it is for the interest of religion to  
21 invite the civil magistrate to direct its  
22 exercises, its discipline, or its doctrines.  
23 Every religious society has a right to  
24 determine for itself its own exercises

1       according to its own particular tenets, and  
2       this right can never be safer than in its own  
3       hands, where the Constitution has deposited  
4       it."

5               This little law is about each of us  
6       and the experiences we have. It's about the  
7       kind of government that we have in this state  
8       and in this country. But it is also about the  
9       kind of religions that we have in this country  
10      and the freedoms that they enjoy. And for  
11      that reason, I will be voting yes.

12             Thank you.

13             ACTING PRESIDENT STEWART-COUSINS:

14      Thank you, Senator.

15             Senator Montgomery.

16             SENATOR MONTGOMERY:       Thank you,  
17      Madam President.

18             I certainly want to thank Senator  
19      Duane for his fierce and unyielding leadership  
20      and fight on this important issue.

21             And I thank my colleagues, all of  
22      whom have made such poignant remarks and  
23      comments on this particular legislation.

24             And I will only add that in my

1 family, in my culture, especially as it  
2 relates to my religion, I just want to remind  
3 my colleagues that it was always considered  
4 that if you were living together -- this is  
5 the old days -- if you were living together  
6 and not officially married, that you were  
7 actually living in sin.

8 So for those of us who believe in  
9 the religious tenet of why we should be  
10 supporting people being able to marry, we do  
11 not want them to live in sin.

12 In addition to that, I note that  
13 the whole institution of marriage has changed  
14 over time. So in fact, as several of my  
15 colleagues have pointed out, at one point in  
16 time the only way that we could be married as  
17 African-Americans in this country was that we  
18 could jump the broom.

19 And so even today some people who  
20 marry continue to maintain that part of the  
21 culture as it related to how African-Americans  
22 were actually able to marry. In addition to  
23 going through the official government, they  
24 also jumped the broom, just to solemnize their

1 marriage. I've seen that many times.

2 And in fact there are some states  
3 that I'm aware of that actually at one point  
4 in time recognized common-law marriage. So  
5 that if people live together long enough, they  
6 under certain circumstances could acquire the  
7 status of having been married officially and  
8 thereby being protected by the government  
9 tenets of marriage.

10 So there are really -- the  
11 institution of marriage is actually basically  
12 part of our government contractual process.  
13 And in addition to that, we also attach  
14 religious meanings and rituals to it. But I  
15 want to remind us that if the minister marries  
16 you and you don't go to court, you are not  
17 married. So it's -- the marriage really is  
18 concretized by the contract that is recognized  
19 and required by the government in every case.

20 So we're really talking about who  
21 we include in our statute as being eligible to  
22 go to court and to receive a marriage license  
23 which protects them from all of the aspects  
24 that the two of us are protected, Senator Suzi

1       and myself, if our husbands decide that, as  
2       often happens, they want to run away.

3                       (Laughter.)

4                       SENATOR MONTGOMERY:       There are  
5       certain things --

6                       SENATOR OPPENHEIMER:       You can  
7       have them.

8                       (Laughter.)

9                       SENATOR MONTGOMERY:       There are  
10       certain responsibilities and certain  
11       protections that we have. And I want everyone  
12       to have that. Why do we only want ourselves  
13       to have it?

14                      So I am very much in favor. And I  
15       just want to make this statement especially to  
16       the people that I represent in my district.  
17       The ministers, many of whom are gay and/or  
18       lesbian. I want to talk about the doctors in  
19       my district; I represent them. I want to talk  
20       about the many of the choir directors. The  
21       churches would not exist if there weren't  
22       choir directors, many of whom are gay.

23                      And I want to talk about people in  
24       all walks of life. African-American,

1       Africans, I represent them. Latinos I  
2       represent in my district, large numbers.  
3       White people. Black people. Men, women.  
4       They are my constituents too. I represent  
5       them. They would like to have the right to  
6       marry. Some of them will not care about it,  
7       but many of them -- any of them who would like  
8       to be married, I want to say to them today  
9       that I am going to vote so that you have every  
10      right that every other citizen has. They can  
11      get married.

12                   Thank you, Madam President.

13                   ACTING PRESIDENT STEWART-COUSINS:

14      Thank you, Senator.

15                   Senator Serrano.

16                   SENATOR SERRANO:       Thank you very  
17      much, Madam Chair.

18                   This is really, truly a wonderful  
19      day. And as my colleague Liz Krueger so  
20      eloquently stated -- and I want to thank her  
21      for sharing with us her honesty and her  
22      passion. But for all of us who embrace the  
23      notion of this country, its greatness being  
24      its diversity, its embracing of all walks of

1       life in a real way. And that those principles  
2       separate our nation from all other nations in  
3       the world. And this is why we have become, in  
4       a relatively short amount of time, the  
5       greatest nation on earth.

6               And my colleagues have spoken about  
7       this as a civil rights movement, and I agree  
8       wholeheartedly. And every civil rights  
9       movement in our nation's history has indeed  
10      come through struggle. In every one of these  
11      struggles, there have been those who have said  
12      that if these civil rights measures were  
13      enacted, that our communities and our society  
14      would somehow spiral into chaos, that the sky  
15      will come crashing down.

16             Ladies and gentlemen, history has  
17      time and time again proven that extending  
18      civil rights further has made our nation more  
19      whole, more complete, and truer to the words  
20      recited by Senator Schneiderman. It will make  
21      our communities stronger. History once again  
22      will prove this civil rights movement to be  
23      right and correct.

24             No one should be subjugated to less

1       rights than anyone else. We are a diverse  
2       nation, and we should embrace that fully  
3       because it's our nation's greatest strength.  
4       Indeed, extending freedom through marriage  
5       equality is very much the foundation of the  
6       American ideal in its most organic form.

7               And with that, I will ask all of my  
8       colleagues to support this bill, to support  
9       this movement, to support this understanding  
10      that what separates this nation, with its  
11      innovative and revolutionary ideals, is that  
12      we dare to say the things that others refuse  
13      to say, that we dare to extend the freedoms  
14      and the rights that nations in times before  
15      did not extend to their people.

16             And that's why every day new  
17      immigrants are doing everything they can to  
18      get into this nation, to be a part of this  
19      American ideal and its innovative stance on  
20      the issues of equality, on the issues of  
21      fairness, and on the issues of true and fair  
22      debate and deliberation, as we have here  
23      today.

24             So I want to thank Senator Tom



1 Duane for his passion, his advocacy on this  
2 issue, for making it something that we can all  
3 truly understand and appreciate. And I want  
4 to thank all of the people of the State of  
5 New York who truly understand that we all  
6 cannot be free as a community, as a nation, as  
7 a state until all of us are afforded the same  
8 rights that each and every one of us should  
9 have.

10 I'll be voting yes, Madam  
11 President. Thank you.

12 ACTING PRESIDENT STEWART-COUSINS:  
13 Thank you, Senator.

14 Senator Hassell-Thompson.

15 SENATOR HASSELL-THOMPSON: Thank  
16 you, Madam President.

17 I've heard several of my colleagues  
18 talk today about being nervous, some talking  
19 about their decisions being easy, some talking  
20 about them being hard. There have been very  
21 few decisions that I've had to make in my life  
22 that I've spent as much time contemplating as  
23 this particular issue.

24 I grew up in a household where, if

1       you know what a "PK" is, that's a preacher's  
2       kid. My mother was the preacher in my family.  
3       And many of you who were gracious enough to  
4       come to her going-home ceremony in August got  
5       a sense of the strength of that woman and the  
6       person and the children that she raised and  
7       the kind of influence that she had upon our  
8       thinking.

9               And my father was a very quiet,  
10       unassuming man who believed that we should be  
11       outstanding and not stand out. But he was  
12       proud of the 10 children that he raised.  
13       There were heartsick moments and times when  
14       the decisions that his children chose to make  
15       didn't make him as happy as perhaps he would  
16       like to have been.

17              My eldest brother was gay. And  
18       publicly for the first time I think in my life  
19       that I've said that. And for a very long time  
20       it was certainly not something that my parents  
21       would admit and they certainly could not feel  
22       comfortable about.

23              My brother was born in 1930, and  
24       his talent and his sexual preference were not

1 acceptable. And so he left this country and  
2 went to France, and he stayed in Europe his  
3 entire life. He made a formidable career for  
4 himself, but it was not something that he  
5 could share with his family.

6 When I became of age, I began to  
7 look for my brother because he had disappeared  
8 from our lives. And my father worried, but he  
9 could not ask him to come home. And so I  
10 searched consulates across the world looking  
11 for him, and I searched embassies looking for  
12 him, and dead-letter boxes looking for him.

13 And one day I got a response. And  
14 he wanted to know why did I want him to come  
15 home. And I said to him: "Because your  
16 father needs to lay his eyes upon you." And  
17 he said, "My father does not want to see me."  
18 And I said, "But your sister does. And your  
19 siblings do."

20 And so he did come home. And after  
21 that, he made relatively frequent visits home.  
22 But he never could settle. And so he died in  
23 the south of France, and my youngest brother  
24 went to the village where he was living and

1 brought his ashes home.

2 I will not talk to you about who  
3 his mate was, because that was their personal  
4 business. But I do know that because of his  
5 status, those things that he should have been  
6 entitled to as a married couple he was not  
7 entitled to. And it caused strain between our  
8 two families, even though they were loving  
9 persons and partners committed to each other  
10 for many years and our families enjoyed their  
11 relationship. But at the death of his  
12 partner, the relationship became strained.

13 How do I equate the teachings of a  
14 lifetime and a relationship that we were  
15 bereft of for so many years, and how do I come  
16 and stand in the State Senate as somebody who  
17 has been supportive of choice and has always  
18 believed that the Constitution is a magic  
19 document and when the magic of that document  
20 is purely applied that truly freedom exists?

21 I am concerned about my siblings.  
22 My sister is now the minister. On the 27th of  
23 December, she is going to be made president of  
24 the World Ministry of Women. And I am proud

1 of her. I am proud of the stances and the  
2 postures that she takes. And she would not  
3 agree with the decision that I'm going to make  
4 today. But I am going to make the decision  
5 because, as I made the decision about choice,  
6 people have the right to choose.

7 This bill is not about encouraging  
8 people, enticing people, but rather giving  
9 them the right to make the choice for  
10 themselves. And if there's a condemnation in  
11 that choice, which is something that my church  
12 preaches, then that's between them and God.

13 And whether you believe it or not,  
14 nobody elected me -- not even the 99 percent  
15 plurality that I received -- elected me to be  
16 the moral arbiter of their decisions. But  
17 they did ask me to provide leadership.

18 And in that leadership, I hope that  
19 the 50 percent of the people who called my  
20 office and said "Vote no," they will  
21 understand that if they pick me as the leader,  
22 then they must trust that the decisions that I  
23 help to make on this floor are about total  
24 rights for all of the people that I serve.

1       Because the 50 percent who said "Vote yes,"  
2       they have a right to expect my protection as  
3       well.

4               So, Madam President, today I will  
5       be voting yes.

6               ACTING PRESIDENT STEWART-COUSINS:  
7       Thank you, Senator.

8               Senator C. Johnson.

9               SENATOR CRAIG JOHNSON:       Thank you  
10       very much, Madam President.   On the bill.

11              I think, like many of us, this  
12       becomes one of the attempts at a great moment  
13       in a public service career.

14              I want to commend my friend Ruth  
15       Hassell-Thompson for her courage and for the  
16       conviction of her belief.   And I certainly  
17       won't stand here and try to match the  
18       eloquence that I've heard so far today, that  
19       we've all heard so far today from this side of  
20       the chamber and hopefully we'll hear from the  
21       other side of the chamber on this bill.

22              But I think what I have to first  
23       start off with is saying thank you to Tom  
24       Duane.   Tom, I admire you.   I admire you for

1        your leadership on this particular issue, your  
2        dignity that you have demonstrated time and  
3        time again. And I admire you for your love  
4        for Louis.

5                    You know, on January 10, 1998, I  
6        exercised my right to marry my wife,  
7        Elizabeth, who I hope is watching today. Dan,  
8        you talked about -- Daniel Squadron talked  
9        about the pride and love he felt on his  
10       wedding day. I can't wait to hear how much he  
11       enjoys the day when he sees his Elizabeth give  
12       birth to their first child, and hopefully it  
13       will be soon.

14                   You know, this bill, it's simple.  
15       As Daniel Squadron and others have talked  
16       about, it's a simple bill. It does two  
17       things. It's about two things. But more  
18       importantly, it's not about something else.

19                   First, it's about equality. It's  
20       about granting the right to a man or a woman,  
21       no matter who he or she loves and wants to  
22       spend a lifetime commitment with, it gives  
23       them the right to obtain equal access to a  
24       marriage license regardless of who they want

1 to marry.

2 You know, it's interesting, in  
3 listening to the debate here and also  
4 listening to the debates that have happened  
5 beforehand in the other house -- and I do  
6 welcome Assemblyman O'Donnell, sponsor of that  
7 legislation here today. And listening to that  
8 debate, oftentimes there's a discussion, it's  
9 been discussed beforehand in this chamber,  
10 outside this chamber, in dialogue, the notion  
11 of the civil union. Why not a civil union,  
12 why not a civil union.

13 Well, colleagues, that creates  
14 simply a separate but equal system. And it  
15 doesn't work. If you don't believe me, I ask  
16 you and I offer you to read the reports that  
17 have come out of the State of New Jersey and  
18 the State of Vermont that did a report when  
19 they passed their civil union statutes. And  
20 the realization is it just didn't work. And  
21 Vermont, in fact, changed it and went to  
22 marriage. And hopefully New Jersey will do  
23 the same thing too.

24 This bill is also about love. And



1        what's interesting, look at the history of  
2        marriage. You know, marriage historically  
3        oftentimes wasn't about love, it was about  
4        property rights. It was about families  
5        uniting for power. And oftentimes you heard  
6        about the loveless marriage. Two families,  
7        uniting, growing more powerful.

8                This is about love and about two  
9        individuals who love each other and want to  
10       express that love in a lifetime relationship  
11       and commitment and who don't need to be  
12       treated separate but equal.

13               You know, this bill doesn't force  
14       anyone to do anything. It simply requires the  
15       State of New York, the clerk of a municipality  
16       to issue a license. Our clerks issue birth  
17       certificates, our clerks issue death  
18       certificates. You give birth to a baby, you  
19       get a birth certificate. If unfortunately you  
20       lose a family member or you lose somebody, you  
21       can get a death certificate. This is simply  
22       issuing a license.

23               Now, a number of my esteemed  
24       colleagues here today have talked about

1 religion and the freedom of religion, quoted  
2 some of our Founding Fathers. You know, if  
3 this was an attack on religious liberty, if  
4 this was an attack on our religious freedoms,  
5 I know that I and all of us here would be  
6 standing shoulder to shoulder together,  
7 together, to fight that attack.

8 But that's not what this is about,  
9 ladies and gentlemen. This is about civil  
10 marriage. This is about civil marriage.

11 I think there comes a time for this  
12 body to step up. We've had a tough, tough six  
13 months, I think we can all agree. But I think  
14 there's a time for us as a body to shine.

15 I agree with Senator Klein and  
16 others who have said what's important about  
17 this debate is we're having this debate. And  
18 more importantly, it's important for our  
19 constituents to see how we're going to vote on  
20 this issue, because we are a representative  
21 democracy. The 62 of us here in this chamber  
22 were elected to represent our districts.

23 And so today, for my district, for  
24 my family, for my constituents -- for

1 constituents like Dan Pinello and Lee  
2 Nissensohn, who attempted to obtain a marriage  
3 license in one of my towns and were denied, I  
4 want them to be able to tomorrow get that  
5 license and to be married under the laws of  
6 the State of New York and be given the equal  
7 rights that I have, that Daniel Squadron has,  
8 that many of us have in this chamber.

9 I'll be voting aye. Thank you very  
10 much, Madam President.

11 ACTING PRESIDENT STEWART-COUSINS:  
12 Thank you, Senator.

13 Senator Perkins.

14 SENATOR PERKINS: Thank you,  
15 Madam President. I'd like to take a moment to  
16 speak on the bill.

17 First, I'd like to say to Senator  
18 Duane, love you, brother.

19 To my Assemblyman and constituent  
20 Danny O'Donnell, thank you also.

21 You know -- and to the movement, I  
22 want to thank you for your vigilance and your  
23 push to get to us where we are today. And you  
24 have made difference, and you've witnessed a

1 difference. So it matters that you are here  
2 and you have made a historic moment for all of  
3 us. So I want to thank you all for allowing  
4 me to indulge in this historic moment.

5 As I look around the room, history  
6 reminds me that more than half of the people  
7 in this room, Senator Montgomery, would not be  
8 here at another point in time. That many of  
9 us have had the privilege of these types of  
10 movements that have made a difference, despite  
11 the obstacles that we've had to face.

12 Sometimes those obstacles have been  
13 presented to us in terms of religious  
14 ideology, racial prejudice. However it may  
15 be, we've been always able to overcome, we've  
16 always been able to succeed.

17 So get ready, marriage equality is  
18 here. And it is inevitable. And you will be  
19 married. And Pam will be at the wedding, she  
20 promised me. As a matter of fact,  
21 November 28th we celebrated our 11th wedding  
22 anniversary. And we were destined to be  
23 someplace else; she decided it was best for us  
24 to be here, to make sure that we were a part

1 of this historic moment.

2 You know, one of my colleagues,  
3 Senator Bonacic, said to me "This is a great  
4 moment for our democracy. It's a great moment  
5 for our institution." And he's absolutely  
6 right. And it's absolutely -- no matter how  
7 this turns out, we have made history today.  
8 We have been a part of a historic moment  
9 today. And it is inevitable that we will be  
10 successful.

11 I want to say to Senator  
12 Hassell-Thompson, thank you for your courage  
13 in sharing your moment, your very special  
14 moment. I know how you are. And so that was  
15 very moving for me and encouraging for me to  
16 want to join you in speaking out and making  
17 sure that, for the record, my voice was heard.

18 I look forward to the vote. I look  
19 forward to the change that is inevitable, if  
20 not today, tomorrow. But nevertheless, it is  
21 a change that's going to come. And I can see  
22 Dr. Martin Luther King smiling down on us  
23 today in recognition that his sacrifice was  
24 not in vain.

1 I will be voting aye.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator.

4 Senator Oppenheimer.

5 SENATOR OPPENHEIMER: I guess I  
6 would like to start also by thanking the folks  
7 who have made this so real for us and made it  
8 an important issue for us to today be talking  
9 about at great length and coming to a vote on.  
10 You have been patient for years, and you  
11 finally said, We've been patient long enough,  
12 we need answers. And so I'm glad we're doing  
13 this today.

14 And I'm hopeful for a positive  
15 outcome. But no matter, this issue will be  
16 before us again, and hopefully sooner rather  
17 than later if it does not prevail today.

18 But other people have talked about  
19 things that I was going to talk about, so I'll  
20 just briefly mention that I feel strongly that  
21 certainly everyone is entitled to equal legal  
22 rights and protections and it doesn't exist in  
23 our government as far as survivorship, as far  
24 as retirement benefits, as far as

1 hospitalization, healthcare. I mean, there's,  
2 what was it, a thousand different pieces of  
3 state government that are interfering with the  
4 rights which should be declared for all  
5 people.

6 It has been mentioned by Dave  
7 Valesky that this is most assuredly a civil  
8 issue, it is not a religious issue. And it is  
9 clearly delineated in the bill that it is not  
10 a religious issue.

11 Some people have said to me it  
12 diminishes their marriage. I don't understand  
13 that. Because I have, as all of you know,  
14 been married many, many, many years. And why  
15 would it diminish my marriage? I have a very  
16 fine marriage. I have four wonderful  
17 children. I have many grandchildren. Why  
18 does that -- I don't understand when people  
19 say that to me.

20 Now, almost all of us, I know, have  
21 friends who are lesbian or gay. I mean, we  
22 certainly have many friends who are. And they  
23 are, for the most part, in serious, committed  
24 relationships of long standing.

1                   And I don't understand why people  
2                   wouldn't want folks like this who are stable,  
3                   committed couples living in the house next to  
4                   them. They are stable people. Isn't that  
5                   what we want in our communities, to have  
6                   people that have commitments to the community,  
7                   to each other?

8                   And I have to say I really admire  
9                   the commitment and the loving relationship  
10                  that I see between Louis and this big guy  
11                  here. It's a very beautiful thing to see. I  
12                  mean, I know sometimes there's discord, but  
13                  hey, who of us doesn't have that in a  
14                  long-term relationship. But for the most  
15                  part, it is just so warm and loving to see you  
16                  guys together. So, I mean, isn't this what we  
17                  would want in our communities?

18                  Liz spoke about being Jewish. Now,  
19                  one of the foundations of Judaism is something  
20                  called tikkun olam. And tikkun olam means,  
21                  really, "repairing the world." And we see  
22                  that as perhaps the most important function  
23                  that we have as Jews. And that means that we  
24                  have to, wherever we see discrimination or



1       hatred, we have to fight back. And we have to  
2       see what we can do in order to repair, repair  
3       the world.

4               And I personally have witnessed  
5       hatred and discrimination. I am very, very  
6       fortunate that my beloved husband, Martin, was  
7       able to escape Germany just prior to the  
8       Holocaust. And sometimes people ask me am I  
9       related to this other person they know who's  
10      Oppenheimer, or this other person. And I have  
11      to say no, because it is only my husband and  
12      his immediate family that got out from  
13      Germany. The rest of the family did not get  
14      out.

15             So we personally live with an  
16      appreciation of the devastation that hatred  
17      and inhumanity can cause in the world, making  
18      it much more difficult for many of us to try  
19      and heal the world.

20             My rabbi has quoted Rashi, who is  
21      one of our great sages, who said "All of the  
22      Ten Commandments are important, but one is so  
23      significant that it makes all the others  
24      commentary." I wonder which of us knows which

1       this is. And that is to do unto others as you  
2       would have them do unto you.

3               Well, we all seem to be getting  
4       quite emotional and quite personal in our  
5       conversations today, but this does hit a chord  
6       for all of us. And it is not just for the gay  
7       and lesbian community, it is for all of us,  
8       and a measure of all of our humanity.

9               So I want to thank Tom for his  
10      passion and for his consistency. And he  
11      sometimes asks is he my equal. He is more my  
12      equal. And he is dear friend, as he is to so  
13      many of us in this chamber. Thank you, Tom.

14              I'll be voting yes.

15              ACTING PRESIDENT STEWART-COUSINS:

16      Thank you, Senator.

17              Senator Stavisky.

18              SENATOR STAVISKY:     Thank you,  
19      Madam President.

20              And yes, Tom, this one's for you  
21      and Louis, whom I consider both to be good  
22      friends.

23              I can sum it up in one sentence. I  
24      can't stand here and oppose discrimination

1 based upon religion, sex, creed, national  
2 origin, race, whatever, and condone  
3 discrimination against gay people.

4 Thank you, Madam President.

5 ACTING PRESIDENT STEWART-COUSINS:

6 Thank you, Senator.

7 Senator Smith.

8 SENATOR SMITH: Thank you very  
9 much, Madam President. Thank you to my  
10 colleagues.

11 Thank you to the advocates, many of  
12 you who I know, many of you who have traveled  
13 across this country on behalf of this issue.

14 To Senator Tom Duane, who I know  
15 has put up with a lot. You've put up with  
16 disappointment, you've put up with being  
17 misled, you've put up with arrogance, and  
18 you've put up with those who represent  
19 themselves to you as friends and sometimes are  
20 not. I thank you for being disciplined and  
21 standing strong enough to move through all of  
22 this.

23 To my colleagues on this side of  
24 the aisle, the interesting thing is throughout

1       these last months people have come to me from  
2       time to time and asked me the question: "Why  
3       are you supporting marriage?" And when I  
4       would ask the question back to them "Why not?"  
5       a good number of them would retreat to the  
6       Bible. And they would tell me, "Well, the  
7       Bible says it is wrong."

8               What is wrong is not knowing what  
9       the Bible says and retreating to it. The  
10      Bible does not say same-sex marriage is wrong.  
11      The Bible talks about the importance of  
12      individuals and the importance of  
13      relationships and fairness and understanding  
14      one another and what is wrong is when you  
15      quote the Bible for your own purposes.

16             My suggestion to you, for those who  
17      call themselves Christian and fear the wrath  
18      of Christian results when you are not being  
19      honest and fair, is please don't quote the  
20      Bible or refer to it if you are not clear of  
21      what it really means.

22             Today is a question also about  
23      leadership. As Senator Espada explained, it  
24      would be real easy for a number of us to say,

1 "Well, polling in my district says this issue  
2 is not fashionable." I can retreat right to  
3 my church, 23,000 members in my church, who as  
4 a person who's very involved in my church, as  
5 trustee for my church, one who plays a major  
6 role in my church, it would be easy for me to  
7 hide behind that and say "Well, I can't do  
8 this because of my religious relationships."

9 Well, I submit to you that is  
10 exactly why I can vote yes on this bill.  
11 Because of my religious relationships, because  
12 of my religious conviction, because I  
13 understand discrimination.

14 I believe in some form or fashion  
15 everyone in this chamber has experienced  
16 discrimination. It's easy to talk about it  
17 from the African-American standpoint.

18 But I would daresay, when you  
19 experienced discrimination, it hurt. When  
20 someone came to you, whether it was because of  
21 your ethnic background, your religious  
22 background, your ideological beliefs and said  
23 to you, in your face, no, because of those  
24 reasons, it hurt. Especially when you know in

1       your heart it was the right thing to do.

2                   I have a colleague who worked for  
3       me, Shawn Thompson, my former deputy  
4       secretary. So this day, him and his partner,  
5       who are expecting twins, cannot marry and  
6       complete their family. They are expecting  
7       twins, him and his partner, Tom. The  
8       completion of the family unit is not only  
9       children but being able to have that marriage  
10      bond.

11                  And Tom and his colleagues and we  
12      are not asking you to do anything other than  
13      to give them that right. Everybody brings up  
14      religion. Everybody starts talking about, oh,  
15      the church. This is not a challenge to the  
16      church. A challenge to the church is when one  
17      walks into that room and says that they  
18      believe in a religious doctrine and know they  
19      have no faith at all.

20                  Well, I have faith in Tom. I have  
21      faith in each and every one of you. I have  
22      faith in Shawn Thompson. I have faith in  
23      individuals in my family who are looking to  
24      get married, who I want to be able to stand

1 next to them when they get married. I want to  
2 be able to say to them "You have the same  
3 rights as I have," as everyone talked about  
4 here.

5 The world was going to cave in,  
6 Senator Adams, when they talked about civil  
7 rights. Senator Breslin, the world was  
8 supposed to come to an end when they talked  
9 about granting me voting rights. The world  
10 was supposed to come to an end when SONDA in  
11 2002 was passed, Tom.

12 But yet and still, here we all are.  
13 We still go home, we have Thanksgiving, we  
14 enjoy the holiday season, we enjoy our  
15 vacations, we enjoy each other. Nothing has  
16 changed. What has changed is a person -- and  
17 this is what I'm asking you -- a person's  
18 individual right to feel good about  
19 themselves.

20 Do you know how it feels when you  
21 walk into a room as a Senator and people turn  
22 their head and look at you and you stand up  
23 proud, yes, I'm a Senator from the State of  
24 New York?

1                   SENATOR LIBOUS:     We used to do  
2     that.

3                   SENATOR SMITH:     That's because  
4     you feel about good about yourself. Do you  
5     know how good Tom and Louis will feel and the  
6     gentlemen and the ladies up there if they can  
7     walk into a room and stand up proudly and say,  
8     "Yes, I am married too, I have that right"?  
9     That's what we're asking today.

10                  And I believe that this is the day  
11     that history is going to record that the  
12     New York State Senate stood up and did what is  
13     right. It takes one. It takes one.

14                  Rosa Parks was that one person,  
15     Tom. If she did not say "I'm not going to the  
16     back of that bus," how much would not have  
17     changed, Senator Thompson? If Harriet Tubman  
18     did not say "I'm going to move some people  
19     under that Underground Railroad," how many  
20     things would not have changed, Tom?

21                  It is my belief that history is  
22     going to record today, and we will be able to  
23     proudly say, it took one. Senator Tom Duane,  
24     who said I am not going to let this issue go



1 to rest. Tom is not fighting for this because  
2 it's the political thing to do. It's his  
3 life. You've said to me at times, "Once I get  
4 this, Malcolm, I don't even know if I need to  
5 stay in the Senate anymore, because I would  
6 have done what I need to do for my life and  
7 for my family."

8 Colleagues, we need to do this  
9 today. Not just a debate on the floor. I  
10 don't subscribe to people saying, well, this  
11 is a win because there's a debate on the  
12 floor. No, a win is 35 votes. Debating this  
13 on the floor is wonderful for democracy, I'm  
14 happy about it as well. But let's be the  
15 Senate that we have been. Bring a bill to the  
16 floor that passes.

17 This is a day that history needs to  
18 record that the Senate in New York State did  
19 the right thing and did the right thing for  
20 the people of the state.

21 Thank you, Madam President. I will  
22 be voting yes.

23 ACTING PRESIDENT STEWART-COUSINS:  
24 Thank you Senator Smith.

1                   Senator Duane, to close.

2                   SENATOR DUANE:     Thank you, Madam  
3     President.

4                   Thank you to everyone. My  
5     colleagues, the ones who have spoken, the ones  
6     who haven't spoken. Thank you to my  
7     colleagues who are for and against and  
8     undecided. And let me be honest, maybe a  
9     little less to the ones who are against.

10                  (Laughter.)

11                  SENATOR DUANE:     There's still  
12     time to feel my gratitude in its fullness.

13                  I want to thank you for your  
14     respect. I want to thank you for your  
15     collegiality. I want to thank you for your  
16     humor, your -- you know, your loss, sadness,  
17     happiness. I want to thank you for letting me  
18     be angry when I've needed to -- I mean, okay,  
19     rage. You let me have it. I let you have it,  
20     you let me have it. Thank you.

21                  You know, you've -- I mean, you've  
22     let me, you know, be sad sometimes. Some of  
23     you have seen that. You know, I always bring  
24     my tissues with me. I consider all of your

1 offices, you know, a cry-appropriate zone. My  
2 office, tissues always out.

3 And, you know, and thank you for  
4 letting me have my inappropriate humor every  
5 once in a while too, between us (gesturing).

6 And thank you for your honesty to  
7 me, not just around this issue but on many  
8 issues. But maybe especially on this issue of  
9 marriage.

10 I know that in some cases, with  
11 some of you, I may be the only one who knows  
12 about a family member or a friend -- mostly  
13 the family members, who you haven't told and  
14 you told me. And, you know, I heard a new --  
15 thank you. And for all the times when you  
16 felt that I was safe enough to share that with  
17 me, a family member, a friend. Living,  
18 deceased.

19 You know, I have to say also just  
20 because -- your staffs. My staffs. Our  
21 conference staffs. Members of the press. I  
22 know that everyone tells you stuff and -- but  
23 I want to say thank you to everyone who felt  
24 that I was safe enough to share something --

1 things as personal as you've been willing to  
2 share with me. It's an honor to -- that I'm  
3 humbled that you trusted me enough. And I --  
4 I -- and your trust, I assure you and I know  
5 you know, is sacrosanct.

6 You know, I -- Louis would be here,  
7 but who knew what day we were doing this? How  
8 could you plan?

9 (Laughter.)

10 SENATOR DUANE: And, you know, I  
11 know -- you know, it's personal, it's not  
12 personal. It is personal, though. Right? I  
13 mean, it is personal. And, you know, thanks  
14 to the magic of the worldwide Internet  
15 superhighway, and just with the briefest of  
16 delays, I think he's probably watching. I  
17 don't know where the camera -- they're  
18 everywhere. Hi.

19 And, I mean, you know, maybe I  
20 could have planned it better, but, you know, I  
21 guess you know this about me. You know, my  
22 passion, up until the last second, you know,  
23 I'm like a -- and I say this, you know, I like  
24 dogs -- I'm like a dog with a bone. I

1 wouldn't let go of any of you up until the  
2 last -- the last second, I was still -- and  
3 you know what, there's still a few moments. I  
4 may still grab a few arms and not let you go.  
5 Because I'm not -- because I don't -- I  
6 can't -- I don't give up. I don't know how  
7 to.

8                   You know, there's sort of a paradox  
9 about this. You know, the -- you know, the  
10 time is never right for civil rights. Right?  
11 The economy and wars and -- you know what,  
12 okay, push my shoulders down. Everybody, push  
13 your shoulders down -- the troubles we've had  
14 here in the Senate. There's never a good time  
15 for civil rights. It's never, ever, ever the  
16 right time for civil rights. I -- I know. I  
17 get that. But the paradox is it's always the  
18 time to be on the right side of history.

19                   You know, I -- you know, for so  
20 many of you who agreed not to wait -- not to  
21 wait for California, not to wait for Maine,  
22 not to wait for Montana. And not to wait for  
23 New Jersey. We are beating New Jersey.  
24 Today. We're beating them today. They may

1       have the Jets, they may have the Giants, they  
2       are not taking this way from us. We're  
3       beating New Jersey.

4               Unfortunately, we are behind Iowa,  
5       Massachusetts, Connecticut, Vermont. I may  
6       have left one out, maybe not. Washington,  
7       D.C. Well, it's complicated. But yes,  
8       Washington, D.C.

9               And, you know, Louis and I, we  
10       could go to Massachusetts; we talked about it.  
11       We could have gone to Canada, Vermont --  
12       lovely, the trees. Particularly this year,  
13       except for I never knew when I would go away  
14       because we were always being called here, but  
15       just as well.

16              You know, and a lot of you have  
17       socialized with me and Louis. You know, a lot  
18       of you have come to my district, and I hope  
19       I've showed you a good time. And I have  
20       visited a lot of your districts. I have met  
21       many, many of your spouses. It goes without  
22       saying, Louis and I treated your spouses, I  
23       think, with respect and warmth, and -- and you  
24       treated us that way also. Of course. I mean,

1 I would expect no less. Of course.

2 But now is the time to memorialize  
3 that. Now is the time to put that into law.  
4 That the same way we have treated you and you  
5 have treated us, that that goes into law. And  
6 that's on us today.

7 You know, I haven't had time to do  
8 this the past couple of years, but I -- I  
9 had -- actually, it's the thing I've missed  
10 the most in my life outside of this place, and  
11 that's that I've taught a high school civics  
12 class. And I've loved it. And being a  
13 teacher is incredibly hard work. I don't  
14 think I could do it full time, it's too hard.  
15 It's really hard work, being a teacher.

16 But I teach a civics class. By the  
17 way, years ago they thought marriage was  
18 already legal. Like I would have a class on  
19 same-sex civil marriage and they were like,  
20 well, isn't that -- they already think it's  
21 happened, those kids. I was like no, but --  
22 thank you, but no. Hasn't happened yet.  
23 They're shocked. Shocked. Call MTV, it's  
24 not -- they're lying.

1                   Anyway, I -- I -- there's one  
2           class, I give them a pop quiz. Which they  
3           hate. They're like, "But you didn't tell us  
4           to read anything. What do you mean, a pop  
5           quiz?" So you know what the pop quiz is?  
6           Name three people you admire the most. Now.  
7           I give them a time limit, they have to write  
8           it down, put their names on it, hand it in.  
9           Three people they admire the most.

10                   I have to say mothers and  
11           fathers -- mothers, particularly, top  
12           vote-getters. So -- and mine, me too. But  
13           after that, after them, one is Nelson Mandela.  
14           I mean, he received the Nobel Peace Prize with  
15           de Klerk. It wasn't a high enough honor for  
16           him. I mean, I know it doesn't get any bigger  
17           than that, but Nelson Mandela, top on my list.

18                   Harriet Tubman. She would be  
19           bringing people north. You know, there were  
20           no streetlights. They were in darkness. And  
21           they would travel at night, north, and she  
22           would say to them: "Feel the trees. The moss  
23           grows on the north side of the trees. It's  
24           dark, but you can feel your way. Feel the



1 moss on the north sides of the trees and keep  
2 going that way."

3 You know, okay, if we were around  
4 then and we didn't help people to find the  
5 moss on the north sides of the trees and come  
6 here to New York -- was one of the places they  
7 came to -- if we didn't help, wouldn't we want  
8 a do-over to fix that? Wouldn't we want  
9 another chance? Wouldn't we want a do-over?

10 I mean, this was -- you know,  
11 New Amsterdam was a place of tolerance.

12 Some of you maybe were -- actually,  
13 some of you were alive for this. What did we  
14 do to Japanese-Americans and Italian-  
15 Americans? We put them in camps. We took  
16 away their property. Men, women, children, we  
17 put them in camps. We did that.

18 Wouldn't we want a do-over?  
19 Wouldn't we want a do-over? Wouldn't we want  
20 to fix that? Wouldn't we want a do-over?

21 You know, Chinese-Americans, women  
22 weren't allowed here. Only Chinese men, no  
23 Chinese women. I mean, the people responsible  
24 for that, I mean I hope they would want a

1 do-over; right? I want to fix that. We were  
2 wrong.

3 I don't want a do-over. I don't  
4 think you want a do-over. Let's not have a  
5 do-over.

6 You know, the third person on my  
7 list is Harvey Milk. Before they made the  
8 movie. An amazing leader and a flawed human  
9 being. Right? All of us leaders, and we're  
10 all flawed. We wouldn't be here if we  
11 weren't. We're leaders, and we're flawed.

12 I want to say, you know what, I was  
13 out maybe not before Harvey, but I think I  
14 might have been. But I was out when Harvey  
15 Milk was around. I have been gay a long time.

16 (Laughter.)

17 SENATOR DUANE: I was going to  
18 say I'm an old gay. I'm an aging gay. I hope  
19 gracefully, but it's been tough here recently.  
20 But anyway, that's a whole other thing.

21 So okay. This is my story. I  
22 mean, you have family members, you have  
23 friends, it's their story too. You know, if  
24 you're a child and, you know, you're

1 African-American or you're Chinese-American or  
2 you're Jewish and you go to school and the  
3 other kids on the playground say, you know,  
4 anti-Semitic things to you or something  
5 racist, what happens for that child, right?  
6 They go home, they talk to their parents or  
7 foster parents or grandparents, whoever the  
8 adults are in their lives, and they say, you  
9 know, "This is what happened to me in school  
10 today. They called me this name. They did  
11 that." And then the adult, the parent, says  
12 to them: "Well, that's terrible. And that  
13 shouldn't happen." And maybe they'll talk  
14 about great people in history who are members  
15 also of that group.

16 And chances are the adult actually  
17 looks like that or is the same as the child  
18 and what they use the epithet towards them  
19 about. Right? And maybe even that adult is  
20 going to go for the school and say "How could  
21 you let this happen?" And "You need to stop  
22 this." And -- to try the protect their child.  
23 To do anything to protect them, right?  
24 Wouldn't you do that? Everybody would do that

1       for our children, right? Of course.

2               But, you know, if you're a little  
3       gay kid or a questioning kid and someone does  
4       that to you on the playground, you know what  
5       happens? You go home and you don't tell  
6       anyone. Because you think what you are is so  
7       bad you can't even tell the adults in your  
8       life. And some people it takes a very long  
9       time to get over it. Sometimes people never  
10      get over it.

11              You know, this is a story that's  
12      very meaningful to Christine Quinn, who you --  
13      the speaker of the City Council, you know,  
14      who's just -- she's my best friend. And we  
15      had a conversation once about why it's so  
16      important to be out and to say who you are.  
17      And you know why? Because not doing it makes  
18      it seem like it's something you wouldn't want  
19      to be. That's what's wrong with not saying  
20      who you are. I don't think that -- I think --  
21      I mean, I hope -- I don't believe that anyone  
22      here wants to perpetuate that.

23              So, you know, I'm getting to be an  
24      older gay. You know, I got a new gay hip. I

1       need another gay hip. You know, I hope I hope  
2       I'm growing old gracefully, but you have made  
3       it difficult for me. But I'm still trying.  
4       So you know, anyway, so I'm an older gay. But  
5       I know with your help and your support  
6       today -- today. Not a do-over, not oh, we  
7       should have. With your support today, today,  
8       soon I'm going to be a married gay.

9               Thank you.

10              ACTING PRESIDENT STEWART-COUSINS:

11       Thank you, Senator Duane.

12              Are there any other Senators  
13       wishing to be heard?

14              Hearing none, the debate is closed.  
15       I ask the Secretary to ring the bell.

16              SENATOR LIBOUS:       Madam President.

17              ACTING PRESIDENT STEWART-COUSINS:

18       Senator Libous.

19              SENATOR LIBOUS:       Could we please  
20       have a slow roll call on this legislation?

21              Would five members stand.

22              ACTING PRESIDENT STEWART-COUSINS:

23       Yes, Senator Libous, seeing that five members  
24       have risen, a slow roll call has been called.

1                   SENATOR LIBOUS:     Thank you, Madam  
2     President.

3                   ACTING PRESIDENT STEWART-COUSINS:  
4     The Secretary will please, when you finish  
5     ringing the bell, call the roll slowly.

6                   Read the last section.

7                   THE SECRETARY:     Section 5.   This  
8     act shall take effect immediately.

9                   ACTING PRESIDENT STEWART-COUSINS:  
10    Call the roll slowly.

11                  THE SECRETARY:     Senator Adams.

12                  SENATOR ADAMS:     To explain my  
13    vote.

14                  ACTING PRESIDENT STEWART-COUSINS:  
15    Senator Adams, to explain his vote.

16                  SENATOR ADAMS:     Thank you, Madam  
17    President.

18                  I wasn't around to march with  
19    Dr. King. I wasn't around to deal with some  
20    of the atrocities that happened to our  
21    Irish-Americans. I wasn't around to deal with  
22    those issues with Italian-Americans. I wasn't  
23    around when Harvey Milk came out.

24                  I'm hoping that New York State

1 comes out of the closet and understands that  
2 all Americans deserve the right to marry who  
3 they love. This is about love.

4 Go back in your mind and think of  
5 the time you met someone in your life, either  
6 your mate, your wife, your husband, and you  
7 looked in their eyes and you loved them and  
8 wanted them to be with you the rest of your  
9 life. No matter how you feel about them now,  
10 at one time you wanted to marry them.

11 (Laughter.)

12 SENATOR ADAMS: That's what this  
13 is about. That's what this is about. It is  
14 about two people being in love. And we have  
15 no right to prevent that.

16 ACTING PRESIDENT STEWART-COUSINS:  
17 Senator Adams to be recorded in the  
18 affirmative.

19 THE SECRETARY: Senator Addabbo.

20 SENATOR ADDABBO: No.

21 THE SECRETARY: Senator Alesi.

22 SENATOR ALESI: No.

23 THE SECRETARY: Senator  
24 Aubertine.

1 SENATOR AUBERTINE: No.

2 THE SECRETARY: Senator Bonacic.

3 SENATOR BONACIC: No.

4 THE SECRETARY: Senator Breslin.

5 SENATOR BRESLIN: Yes.

6 THE SECRETARY: Senator

7 DeFrancisco.

8 SENATOR DeFRANCISCO: No.

9 THE SECRETARY: Senator Diaz.

10 SENATOR DIAZ: To explain my

11 vote.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Senator Diaz, to explain his vote.

14 SENATOR DIAZ: Thank you.

15 I guess before I say how I'm going  
16 to vote that you all know, I have to refer  
17 myself to a statement that Senator Adams made.

18 And I would like all of you, the  
19 children that are listening, the youth that  
20 are listening, and the people that are  
21 listening, that this is the reason why the  
22 nation is the way it is, this is the reason  
23 why so many crimes, so many of the respect for  
24 the elderly, the respect for the private



1 property, crimes, all kind of things, is  
2 because of this statement that Senator Adams  
3 said: "When I come through that door, I leave  
4 my Bible outside."

5 Don't, please. Don't. That's the  
6 wrong statement to send. The Bible should  
7 never be left out. You should carry your  
8 Bible all the time, like it to people or don't  
9 like it to people.

10 And Senator Malcolm Smith tried to  
11 lecture us on the Bible. And I could give  
12 some -- I could make some passages from the  
13 Bible, but, however, more important than that  
14 is to keep your word and to commit your word  
15 and to keep your word. And not to make  
16 other -- not to try to make other people as  
17 the bad guy when you don't want to do  
18 something, use other people to make them look  
19 as the bad guy.

20 So, Senator Smith, it is better to  
21 keep your word before lecturing about the  
22 Bible.

23 And, Madam President, I said many  
24 people that according to their religion that

1 don't go with this. I just forgot to say that  
2 also President Barack Obama, Senator Hillary  
3 Clinton, and President Bill Clinton, I am  
4 joining them in voting no.

5 ACTING PRESIDENT STEWART-COUSINS:  
6 Senator Ruben Diaz to be recorded in the  
7 negative.

8 THE SECRETARY: Senator Dilan.

9 SENATOR DILAN: Madam President,  
10 I vote yes.

11 ACTING PRESIDENT STEWART-COUSINS:  
12 Senator Dilan will be recorded in the  
13 affirmative.

14 THE SECRETARY: Senator Duane.

15 SENATOR DUANE: I just need to  
16 correct a couple of things.

17 Actually, former President Bill  
18 Clinton is now for same-sex civil marriage. I  
19 guess he wants a do-over.

20 And senator -- former state senator  
21 Barack Obama, now President Barack Obama, when  
22 he was in the state senate, though there's  
23 some controversy about this, is -- I'm not  
24 going to say anything more.

1 I vote yes, Madam President.

2 (Laughter.)

3 ACTING PRESIDENT STEWART-COUSINS:  
4 Senator Duane to be recorded in the  
5 affirmative.

6 THE SECRETARY: Senator Espada.

7 SENATOR ESPADA: Madam President,  
8 yes as to this bill and yes as to as many  
9 do-overs as is necessary to get us home.

10 ACTING PRESIDENT STEWART-COUSINS:  
11 Senator Espada to be recorded in the  
12 affirmative.

13 THE SECRETARY: Senator Farley.

14 SENATOR FARLEY: No.

15 THE SECRETARY: Senator Flanagan.

16 SENATOR FLANAGAN: No.

17 THE SECRETARY: Senator Foley.

18 SENATOR FOLEY: Yes.

19 THE SECRETARY: Senator

20 Fuschillo.

21 SENATOR FUSCHILLO: No.

22 THE SECRETARY: Senator Golden.

23 SENATOR GOLDEN: No.

24 THE SECRETARY: Senator Griffo.

1                   SENATOR GRIFFO:       No.  
2                   THE SECRETARY:       Senator Hannon.  
3                   SENATOR HANNON:       No.  
4                   THE SECRETARY:       Senator  
5       Hassell-Thompson.  
6                   SENATOR HASSELL-THOMPSON:       Yes.  
7                   THE SECRETARY:       Senator Huntley.  
8                   SENATOR HUNTLEY:       No.  
9                   THE SECRETARY:       Senator C.  
10       Johnson.  
11                   SENATOR CRAIG JOHNSON:       Yes.  
12                   THE SECRETARY:       Senator O.  
13       Johnson.  
14                   SENATOR OWEN JOHNSON:       No.  
15                   THE SECRETARY:       Senator Klein.  
16                   SENATOR KLEIN:       Yes.  
17                   THE SECRETARY:       Senator  
18       L. Krueger.  
19                   SENATOR LIZ KRUEGER:       Yes.  
20                   ACTING PRESIDENT STEWART-COUSINS:  
21       Senator Krueger, to explain her vote.  
22                   SENATOR LIZ KRUEGER:       No  
23       explanation.   Yes.  
24                   Thank you.

1 THE SECRETARY: Senator C.  
2 Kruger.  
3 SENATOR CARL KRUGER: No.  
4 THE SECRETARY: Senator Lanza.  
5 SENATOR LANZA: No.  
6 THE SECRETARY: Senator Larkin.  
7 SENATOR LARKIN: No.  
8 THE SECRETARY: Senator LaValle.  
9 SENATOR LaVALLE: No.  
10 THE SECRETARY: Senator Leibell.  
11 SENATOR LEIBELL: No.  
12 THE SECRETARY: Senator Libous.  
13 SENATOR LIBOUS: No.  
14 THE SECRETARY: Senator Little.  
15 SENATOR LITTLE: No.  
16 THE SECRETARY: Senator  
17 Marcellino.  
18 SENATOR MARCELLINO: No.  
19 THE SECRETARY: Senator Maziarz.  
20 SENATOR MAZIARZ: No.  
21 THE SECRETARY: Senator McDonald.  
22 SENATOR McDONALD: No.  
23 THE SECRETARY: Senator  
24 Monserrate.

1                   SENATOR MONSERRATE:     No.  
2                   THE SECRETARY:        Senator  
3                   Montgomery.  
4                   SENATOR MONTGOMERY:     Yes.  
5                   THE SECRETARY:        Senator Morahan.  
6                   SENATOR MORAHAN:       No.  
7                   THE SECRETARY:        Senator Nozzolio.  
8                   SENATOR NOZZOLIO:      No.  
9                   THE SECRETARY:        Senator Onorato.  
10                  SENATOR ONORATO:       No.  
11                  THE SECRETARY:        Senator  
12                  Oppenheimer.  
13                  SENATOR OPPENHEIMER:    Aye.  
14                  THE SECRETARY:        Senator Padavan.  
15                  SENATOR PADAVAN:       No.  
16                  THE SECRETARY:        Senator Parker.  
17                  SENATOR PARKER:        To explain my  
18                  vote, Madam President.  
19                  ACTING PRESIDENT STEWART-COUSINS:  
20                  Senator Parker, to explain his vote.  
21                  SENATOR PARKER:        A couple of  
22                  things.  
23                  I'm voting yes on this bill, and  
24                  proudly.

1 I want to just remind people in  
2 this chamber and just implore them too as we  
3 come down the backstretch of the roll call, I  
4 know that, first, you know, there's some  
5 people who think that we can legislate  
6 morality.

7 I have never seen, properly, a  
8 legislature, whether it was Congress or a  
9 state legislature, properly legislate  
10 morality.

11 And as we do that, we ought to  
12 remember that there are a lot of people who we  
13 represent who don't share our morality.  
14 People also ought to be aware that Islam is  
15 the fastest-growing religion in the United  
16 States.

17 So as you start, you know, using  
18 this as a way to start talking about, you  
19 know, legislating morality, understand that  
20 the dynamics in our districts and the morality  
21 of a place -- especially in a state like  
22 New York, where there's large immigrant  
23 populations, those things can change extremely  
24 quickly.

1           So you might want to continue to do  
2       what the founders at least espoused, if they  
3       didn't do it in practice, which is to have an  
4       America that is open. And that's what this is  
5       about, is to have the openness so that people  
6       can express whatever they want to as long as  
7       it doesn't interfere with others.

8           What we're doing today is an  
9       opportunity to expand America and to give more  
10      people rights. But it doesn't interfere with  
11      anybody else's right.

12          Lastly, some people in here I know  
13      are afraid of their political futures. There  
14      is maybe four examples in the history of  
15      New York State where people have lost  
16      elections over one issue or one vote in the  
17      Legislature, maybe four in the thousands of  
18      people who have come through this chamber. No  
19      one is going lose their election.

20          So anybody who's hiding behind "I  
21      have a primary" or "I have an election," you  
22      know, frankly those are poor excuses for  
23      people not to do the right thing.

24          This is the right thing to do, and



1 we should do it now. I proudly vote aye.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Parker to be recorded in the  
4 affirmative.

5 THE SECRETARY: Senator Perkins.

6 SENATOR PERKINS: Be excused to  
7 explain my vote?

8 ACTING PRESIDENT STEWART-COUSINS:

9 Senator Perkins, to explain his vote.

10 SENATOR PERKINS: In his book  
11 Strength to Love, Dr. Martin Luther King wrote  
12 this about the separation of church and state:  
13 "The church must be reminded that it is not  
14 the master or the servant of the state but  
15 rather the conscience of the state."

16 In other words, regardless of our  
17 religious views on same-sex marriage, the  
18 pluralism of the USA and the  
19 Constitution-granted equality and equal access  
20 require commitment to the civil rights of all  
21 citizens.

22 I vote aye.

23 ACTING PRESIDENT STEWART-COUSINS:

24 Senator Perkins to be recorded in the

1 affirmative.  
2 THE SECRETARY: Senator  
3 Ranzenhofer.  
4 SENATOR RANZENHOFER: No.  
5 THE SECRETARY: Senator Robach.  
6 SENATOR ROBACH: No.  
7 THE SECRETARY: Senator Saland.  
8 SENATOR SALAND: No.  
9 THE SECRETARY: Senator Sampson.  
10 SENATOR SAMPSON: Yes.  
11 THE SECRETARY: Senator Savino.  
12 SENATOR SAVINO: Yes.  
13 THE SECRETARY: Senator  
14 Schneiderman.  
15 SENATOR SCHNEIDERMAN: Yes.  
16 THE SECRETARY: Senator Serrano.  
17 SENATOR SERRANO: Yes.  
18 THE SECRETARY: Senator Seward.  
19 SENATOR SEWARD: No.  
20 THE SECRETARY: Senator Skelos.  
21 SENATOR SKELOS: No.  
22 THE SECRETARY: Senator Smith.  
23 SENATOR SMITH: Yes.  
24 THE SECRETARY: Senator Squadron.

1                   SENATOR SQUADRON:     Yes.  
2                   THE SECRETARY:     Senator  
3                   Stachowski.  
4                   SENATOR STACHOWSKI:     No.  
5                   THE SECRETARY:     Senator Stavisky.  
6                   SENATOR STAVISKY:     Yes.  
7                   THE SECRETARY:     Senator  
8                   Stewart-Cousins.  
9                   SENATOR STEWART-COUSINS:     Yes.  
10                  THE SECRETARY:     Senator Thompson.  
11                  SENATOR THOMPSON:     Yes.  
12                  THE SECRETARY:     Senator Valesky.  
13                  SENATOR VALESKY:     Yes.  
14                  THE SECRETARY:     Senator Volker.  
15                  SENATOR VOLKER:     No.  
16                  THE SECRETARY:     Senator Winner.  
17                  SENATOR WINNER:     No.  
18                  THE SECRETARY:     Senator Young.  
19                  SENATOR YOUNG:     No.  
20                  ACTING PRESIDENT STEWART-COUSINS:  
21                  Announce the results.  
22                  THE SECRETARY:     Ayes, 24.   Nays,  
23                  38.  
24                  ACTING PRESIDENT STEWART-COUSINS:

1       The bill is lost.

2               Senator Smith.

3               SENATOR SMITH:     Madam President,  
4       is there any further business at the desk?

5               ACTING PRESIDENT STEWART-COUSINS:  
6       No, Senator Smith, that completes the  
7       controversial calendar of Extraordinary  
8       Session 4.

9               SENATOR SMITH:     There being none,  
10      I move that we adjourn subject to the call of  
11      the Temporary President, intervening days to  
12      be legislative days.

13              ACTING PRESIDENT STEWART-COUSINS:  
14      Subject to the call of the Temporary  
15      President, the Senate stands adjourned,  
16      intervening days being legislative days.

17              (Whereupon, at 2:55 p.m., the  
18      Senate adjourned.)

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