

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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