

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

**Emilee Carpenter, LLC d/b/a
Emilee Carpenter Photography and
Emilee Carpenter,**

Plaintiffs,

v.

Case No. 6:21-cv-06303

Letitia James, in her official capacity
as Attorney General of New York;
Jonathan J. Smith, in his official
capacity as Interim Commissioner of
the New York State Division of Human
Rights; and **Weeden Wetmore**, in his
official capacity as District Attorney of
Chemung County,

Defendants.

**Declaration of Heather McKay
in Support of Defendants' Opposition to
Plaintiffs' Preliminary Injunction Motion**

I, Heather McKay, Assistant Attorney General, Office of the New York State Attorney General, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am an Assistant Attorney General, of counsel to Letitia James, Attorney General of the State of New York and, in that capacity, I represent the State Defendants in the above-captioned proceeding.
2. I make this declaration in support of State Defendants' Opposition to Plaintiffs' Preliminary Injunction Motion. I am familiar with the matters set forth herein, either from personal knowledge or on the basis of documents that have been created by, provided to and/or reviewed by me.
3. Attached hereto and made a part hereof as **Exhibit M** is a true and accurate copy of the Bill Jacket for S2228-A (Laws of 1981, Chapter 870).
4. Attached hereto and made a part hereof as **Exhibit N** is a true and accurate copy of the Bill Jacket for S720/A1971 (Laws of 2002, Chapter 2).
5. Attached hereto and made a part hereof as **Exhibit O** is a true and accurate copy of the Senate Floor Debate for S720/A1971 (dated December 17, 2002).

6. Attached hereto and made a part hereof as **Exhibit P** is a true and accurate copy of the Bill Jacket for the Laws of 1952, Chapter 285.
7. For the reasons detailed in the accompanying Memorandum of Law, State Defendants respectfully request that Plaintiffs' Preliminary Injunction Motion be denied.

Dated: June 16, 2021

LETITIA JAMES
Attorney General for the State of New York

Attorney for Defendants
/s/ Heather L. McKay
HEATHER L. MCKAY
Assistant Attorney General of Counsel
NYS Office of the Attorney General
144 Exchange Boulevard, Suite 200
Rochester, New York 14614
Telephone: (585) 546 7430
heather.mckay@ag.ny.gov

EXHIBIT M

CHAPTER 870

Bill 2 10

LAWS OF 19 81

SENATE BILL 2228-A

ASSEMBLY BILL _____

2228--A

1981-1982 Regular Sessions

IN SENATE

February 2, 1981

Introduced by Sens. MARINO, BERMAN—read twice and ordered printed, and when printed to be committed to the Committee on Government Operations—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to discrimination and the penalties therefor

IN THE ASSEMBLY BY: A-652-A
ORAZIO

Bill compared by _____

DATE RECEIVED BY GOVERNOR:

7/22/81

ACTION MUST BE TAKEN BY:

8/3/81

GOVERNOR'S ACTION:

DATE JUL 31 1981

Memorandum No. _____

SENATE

The Senate Bill
by Mr. **MARINO**
Entitled: "

Calendar No. 1479

Senate No. 2228-A
Assem. Rept. No. _____

2228 - A MARINO

An act to amend the civil rights law, in relation to discrimination and the penalties therefor

" was read the third time

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	12	Mr. Ackerman			52	Mr. Kehoe	
	47	Mr. Anderson			15	Mr. Knorr	
	49	Mr. Auer			2	Mr. Lack	
	16	Mr. Babbush			1	Mr. LaValle	
	45	Mr. Barclay			29	Mr. Leichter	
	18	Mr. Bartosiewicz			8	Mr. Levy	
	23	Mr. Beatty	EXCUSED		50	Mr. Lombardi	
	9	Mrs. Berman			24	Mr. Marchi	
	33	Mr. Bernstein			5	Mr. Marino	
	28	Mr. Bogues			19	Mr. Markowitz	
	41	Mr. Bruno			55	Mr. Masiello	
	7	Mr. Caemmerer	EXCUSED		21	Mr. Mega	
	34	Mr. Calandra			30	Mrs. Mendez	
	25	Mr. Connor			42	Mr. Nolan	
	48	Mr. Cook			27	Mr. Ohrenstein	
	60	Mr. Daly			17	Mr. Owens	
	46	Mr. Donovan			11	Mr. Padavan	EXCUSED
	6	Mr. Dunne			53	Mr. Perry	
	54	Mr. Eckert			36	Mr. Pisani	EXCUSED
	44	Mr. Farley			57	Mr. Present	
	59	Mr. Floss			39	Mr. Rolison	
	35	Mr. Flynn			31	Mr. Ruiz	EXCUSED
	32	Mr. Galiber			40	Mr. Schermerhorn	
	56	Mr. Gallagher			51	Mr. Smith	
	14	Mr. Gazzara			22	Mr. Solomon	
	13	Mr. Gold			43	Mr. Stafford	
	37	Mrs. Goodhue			3	Mr. Trunzo	
	26	Mr. Goodman			58	Mr. Volker	
	20	Mr. Halperin			10	Mr. Weinstein	
	4	Mr. Johnson			38	Mrs. Winkow	

AYES 55
NAYS 0

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

NEW YORK STATE ASSEMBLY

REPRINT NO: 001
DATE: 06/22/81

DATE: 06/22/1981
TIME: 12:24:43 PM

BILL: S2223-A (A652-A)

R.R. NO: 499 SPONSOR: MARINO

AN ACT TO AMEND THE CIVIL RIGHTS LAW, IN RELATION TO DISCRIMINATION AND THE PENALTIES THEREFOR

ABS ABRAMSON, E*	YEA HAWLEY, RS	ABS PILLITTERE, JT*
EOR BARBARO, FJ*	YEA HEALEY, PB	YEA PRESCOTT, DW
ABS BEHAN, JL	ABS HEVESI, AG*	YEA PROUD, G*
ABS BIANCHI, IW*	ABS HINCHEY, MD*	YEA RAPPLEYEA, CD
ABS BOYLAND, TS*	ABS HIRSCH, S*	ABS RATH, DE
YEA BRAGMAN, MJ*	ABS HOBLOCK, MJ	YEA REILLY, JM
YEA BRANCA, JR.*	ABS HOCHBRUECKNER, GJ*	YEA RETTALIATA, AP
YEA BURROWS, GW	ABS HOWARD, LT	ABS RIFORD, LS
YEA BUSH, WE	EOR HOYT, WB*	YEA ROBACH, RJ*
ABS BUTLER, DJ*	ABS JACOBS, RS*	YEA ROBLES, VL*
YEA CASALE, AJ	ABS JENKINS, A*	ABS RUGGIERO, RS*
YEA CHESBRO, RT	ABS JOHNSON, CR*	YEA RYAN, AW
YEA COCHRANE, JC	YEA KEANE, RJ*	YEA SALAND, SM
ABS COHEN, DL*	ABS KELLEHER, NW	ABS SANDERS, S*
ABS CONNELLY, EA*	YEA KENNEDY, RL	YEA SCHIMMINGER, RL*
YEA CONNERS, RJ*	ABS KIDDER, RE*	ABS SCHMIDT, FD*
YEA COOKE, AT	ABS KISOR, RM	YEA SEARS, WR
YEA DAMATO, AP	YEA KOPPELL, GO*	ABS SEMINERIO, AS*
YEA DANDREA, RA	YEA KREMER, AJ*	ABS SERRANO, JE*
ABS DANIELS, GL*	YEA KUHL, JR	YEA SHAFER, GS*
YEA DAVIS, G*	YEA LAFAYETTE, IC*	YEA SHEFFER, JB
ABS DEARIE, JC*	YEA LANE, CD	YEA SIEGEL, MA*
ABS DEL TORO, A*	YEA LARKIN, WJ	ABS SILVER, S*
ELB DICARLO, DL	YEA LASHER, HL*	YEA SIWEK, CA
YEA DUGAN, EC*	ABS LENTOL, JR*	YEA SKELOS, DG
YEA ENERY, JL	YEA LEVY, E	ABS SMOLER, H*
ABS ENGEL, EL*	YEA LEWIS, W*	ABS SPANO, NA
YEA ESPOSITO, JA	YEA LIPSCHUTZ, GE*	ABS STAVISKY, LP*
YEA EVE, AO*	YEA LOPRESTO, JG	YEA STEPHENS, WH
ABS FARRELL, HD*	ABS MACNEIL, HS	ABS STRANIERE, RA
ABS FELDMAN, D*	YEA MADISON, GH	ABS SULLIVAN, EC*
ABS FERRIS, J*	ABS MARCHISELLI, VA*	YEA SULLIVAN, FM
ABS FINNERAN, WB*	YEA MAZZA, GR	YEA SULLIVAN, PM
YEA FLACK, JT	YEA MCCABE, JW*	YEA TALLON, JR*
ABS FLANAGAN, JJ	ABS MILLER, HM	YEA TALOMIE, FG
ABS FORTUNE, TR*	ABS MILLER, MH*	ABS VANN, A*
YEA FOSSEL, JS	YEA MONTANO, A*	YEA VELELLA, GJ
ABS FRIEDMAN, G*	YEA MORAHAN, TP	ABS VIGGIANO, PM*
ABS GOLDSTEIN, R*	ABS MURPHY, MJ*	YEA WALSH, DB*
ABS GORSKI, DT*	YEA MURTAUGH, JB*	ABS WALSH, SP*
ABS GOTTFRIED, RN*	ABS NADLER, J*	YEA WARREN, GE
YEA GRABER, VJ*	YEA NAGLE, JF	YEA WEINSTEIN, HE*
YEA GRANNIS, A*	YEA NEUBURGER, MW*	YEA WEMPLE, CC
ABS GREEN, RL*	YEA NINE, L*	YEA WEPRIN, S*
YEA GRIFFITH, E*	YEA NORTZ, HR	YEA WERTZ, RC
ABS HAGUE, JB	ABS ONEIL, JG	EOR WILSON, CE*
YEA HANNA, TA	ABS ORAZIO, AF*	ABS WINNER, GH
YEA HANNON, K	YEA PAROLA, FE	YEA YEVOLI, LJ*
YEA HARENBERG, PE*	ABS PASSANNANTE, WF*	YEA ZIMMER, HN*
YEA HARRIS, GH	YEA PERONE, JN	MR. SPEAKER*

YEAS: 82

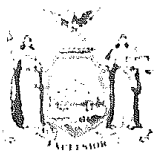
NAYS: 0

CONTROL: 50633012

CERTIFICATION: _____

LEGEND: YEA=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT, ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS

~~A-652~~
S-2228
JUL 01 1981



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

L

ANGELO F. ORAZIO
ASSEMBLYMAN 15th DISTRICT
DISTRICT OFFICE
133 HILLSIDE AVENUE
WILLETTS PARK, NEW YORK 11506
(516) 742-4000

CHAIRMAN,
ENERGY COMMITTEE

COMMITTEES
EDUCATION
ENVIRONMENTAL CONSERVATION
LABOR
REAL PROPERTY TAXATION

ASSISTANT MAJORITY WHIP

June 29, 1981

Mr. John G. McGoldrick
Counsel to the Governor
Executive Chamber
Albany, NY 12224

Dear Mr. McGoldrick:

In regard to A.652-A/S.2228-A, which amends the civil rights law with respect to civil discrimination, I urge the Governor to sign the bill.

The above bill includes as part of the definition of discrimination the subjection of a person to harassment in violation of his civil rights, and increases the penalties for such discrimination.

This legislation greatly enhances the deterrent provisions of the civil rights law by clearly including acts of harassment within the definition of discrimination, and by making available a range of penalties appropriately equivalent to the harm inflicted upon the victim. Certainly, if there is to be a sufficient scope of punishment available against those who commit acts of racial and religious harassment or discrimination, the available penalties must be properly equated with the severity of the act committed.

I urge you to join us in support of the bill.

Sincerely,

ANGELO F. ORAZIO
Member of Assembly

AFO:lmc

S. By Senator Marino

S-2228

LEGISLATIVE MEMORANDUM

TITLE: AN ACT to amend the civil rights law, in relation to discrimination and the penalties therefor.

PROVISIONS: Includes as part of the definition of discrimination, the subjection of a person to intimidation and harassment in his civil rights. Increases the basic penalty for such discrimination to the equivalent of a class A misdemeanor. Provides that if in the course of such discriminatory acts, the participants knowingly or recklessly damage the victim's property, the offense is a class E felony. If the participants knowingly or recklessly cause physical injury to the victim, the offense is a class D felony.

**STATEMENT
IN SUPPORT:** Under present law, the seriousness of the penalty for discriminatory acts such as racial vandalism (e.g., cross-burning) is all too often measured chiefly by the monetary damage done to the victim's property. Frequently, the available criminal charge for such acts is no more than the class A misdemeanor of criminal mischief.

This bill greatly enhances the deterrent provisions of the civil rights law by clearly including acts of intimidation and harassment within the definition of discrimination, and by making available a range of penalties appropriately equivalent to the harm inflicted upon the victim. Certainly, if there is to be a sufficient scope of punishment available against those who commit acts of racial and religious harassment or discrimination, the available penalties must be properly equated with the severity of the act committed.

**FISCAL
IMPLICATIONS:** None.

S- 2228-A

B-203 (12/75)

BUDGET REPORT ON BILLS

Session Year 1981

SENATE

NO RECOMMENDATION

ASSEMBLY

No. S. 2228-A

JUN 25 1981

No.

Law: civil rights law

Title: AN ACT to amend the civil rights law, in relation to discrimination and the penalties therefore

The above bill has been referred to the Division of the Budget for comment. After careful review, we find that the bill has no appreciable effect on State finances or programs, and this office does not have the technical responsibility to make a recommendation on the bill.

We therefore make no recommendation.

S-2228



STATE OF NEW YORK
DEPARTMENT OF LAW
Two World Trade Center
NEW YORK, N. Y. 10047

ROBERT ABRAMS
ATTORNEY GENERAL

JUN 30 Recd

MEMORANDUM FOR THE GOVERNOR

Re: Sen. 2228

This bill amends Civil Rights Law § 40-c by adding a provision which makes it unlawful to harass any person in the exercise of civil rights on account of race, creed, color, or national origin. Harassment is defined by reference to Penal Law § 240.25. Currently, the Civil Rights Law prohibits discrimination on the basis of race, creed, color, or national origin, but does not specifically include intimidation or harassment, including harassment, a Class A misdemeanor, and, under Civil Rights Law § 40-d, individuals injured thereby may bring actions to recover penalties up to \$500. The Attorney General must be given notice of all actions brought to redress violations of Civil Rights Law § 40-c.

This amendment adds one important protection for individuals against actions that interfere with the exercise of their civil rights because of race, creed, color, or national origin. The notification provision assures that the Attorney General will be kept apprised of all allegations of such unlawful conduct, and may take appropriate action.

For the reasons stated, I urge approval of this bill.

Dated: June 30, 1981

Respectfully submitted,

Robert Abrams
ROBERT ABRAMS
Attorney General

9-2228-A



WERNER H. KRAMARSKY
Commissioner

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF HUMAN RIGHTS

TWO WORLD TRADE CENTER
NEW YORK, NEW YORK 10047

JUN 30 REC'D

June 25, 1981

Hon. John G. McGoldrick
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

JUN 30 REC'D

Re: S. 2228-A

Dear Mr. McGoldrick:

Thank you for your memorandum requesting comment on the above-numbered bill to amend the Civil Rights Law to prohibit harassment because of race, creed, color or national origin in the exercise of one's civil rights and to make a violation a Class A misdemeanor.

The bill is endorsed as its aim of strengthening the Civil Rights Law provision against discrimination is in accord with the provisions of the Human Rights Law prohibiting discrimination.

Please communicate with us again if we can be of further assistance.

Sincerely,

WERNER H. KRAMARSKY
Commissioner

S-2228-A



WILLIAM D. HASSETT, JR.
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF COMMERCE
99 WASHINGTON AVENUE
ALBANY, NEW YORK 12245

John J. Kelliher
Deputy Commissioner & Counsel
(518) 474-4102

TEN-DAY BILL MEMO

June 30, 1981

JUN 30 1981

TO: JOHN G. MCGOLDRICK
COUNSEL TO THE GOVERNOR

FROM: John J. Kelliher, Counsel
Department of Commerce

SUBJECT: Senate 2228-A (Marino, et al)

RECOMMENDATION: No Position

The Department of Commerce takes no position on this bill which would amend the Civil Rights Law in relation to discrimination and the penalties therefor.

We note, however, that the bill does not accomplish what the Sponsor's Memorandum indicates it was intended to accomplish. The Memorandum indicates that the proposal was intended originally to make the conduct which is the subject of this bill a class D or class E felony. The rationale for such a proposal, according to the Sponsor, was that "the available criminal charge for such acts is no more than a class A misdemeanor of criminal mischief."

This bill, which has been amended since its introduction, would not increase the seriousness of the crime. The conduct would still constitute a class A misdemeanor. In addition, to bring a charge of a violation of the Civil Rights Law may weaken the possibility for successful prosecution by reason of the vagueness of the term "harassment" and the requirement that the harassment would have to be found to have been motivated by discriminatory intent.

JK
J. J. K.

S-2228A

DENIS DILLON
DISTRICT ATTORNEY



JUL 01 1981

THE OFFICE OF THE DISTRICT ATTORNEY
OF
NASSAU COUNTY
262 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501
TELEPHONE (516) 535-4800

June 26, 1981

Re: S-2228-A Recommendation: Approval

Recently, incidents of racial harassment, such as swastika paintings and cross burnings, have become all too common. Under present law, the seriousness of the penalty for such discriminatory acts must frequently be measured chiefly by the monetary damage done to the victim's property. There have been cases in which such property damage was minimal or non-existent. In those instances, existing law has made prosecution extremely difficult if not impossible.

This bill will correctly shift the focus of prosecution in such cases from the amount of property damage to the harm caused to the victims of such devious and traumatic acts. This legislation will greatly enhance the deterrent provisions of the civil rights law by making available an increased range of penalties appropriately equivalent to the harm inflicted upon the victim. The range of penalties will be the same as those provided for a class A misdemeanor under the penal law. Certainly, if there is to be a sufficient scope of punishment provided for those who commit acts of racial and religious harassment, the available penalties must be properly equated with the severity of the act committed.

This office has strongly supported this legislation and therefore strongly urges its approval.

New City bomb outrages Rockland

(Continued from A1)

caused \$10,000 in damage, but Zinbarg said Monday the actual damage was much greater, although he could not give an accurate estimate.

The pipe bomb, which was placed outside, along the north wall of the temple sanctuary, pulled down part of the building's ceiling and damaged ceiling beams and masonry.

"This is not only an act against the Jewish community but against the religious community as a whole," said Israel Stern, general chairman of the Rockland County United Jewish Appeal.

The bombing also brought outrage from the Rockland County Human Rights Commission.

"Once again we see that it can happen in Rockland County," said Snowden Taylor, commission chairman, in a press release.

On March 12, another Clarkstown synagogue, Temple Beth Shalom in New City, was burglarized and a religious scroll taken. It was never recovered, police said. And last month, a fire, believed to be arson, destroyed an Orthodox Hebrew School in Monsey.

While not discounting anti-Semitism as a motive for the bombing, Clarkstown police will not attribute the blast to such a motive until additional evidence is gathered, said Det. Gary McDonald.

Monday was spent making neighborhood checks and following statements by the police and Zinbarg that they saw no evidence the Jewish Defense League was carrying out a pledge to send armed members into the area, a spokesman for the JDL said such patrols had begun.

"If we catch those responsible we will take the matter into our own hands," said JDL member Jerry Schwartz.

Zinbarg said the congregation planned to hold its regular Friday night services at the meeting room at the youth lounge located near the temple.

Rocklanders outraged by Jewish Center bombing

By LEN MANIAGE
Staff Writer

Sunday's shock over a pipe bomb explosion at the New City Jewish Center gave way to outrage Monday.

As Clarkstown police continued their search for clues to the early Sunday morning explosion, some Jewish and other civic groups saw the blast as another in a rising number of anti-Semitic acts in Rockland.

The explosion of the crudely-made bomb at the

New City Jewish Center on Old Schoolhouse Road shortly after 1:30 a.m. caused structural damage to walls and shattered 11 plate glass windows, but caused no injuries.

"It was a vicious act, committed not only upon the synagogue but upon the whole congregation," said Eugene Zinbarg, president of the center.

It also brought a call by the state Brian B. Rith, Anti-Defamation League for the signing into law by Gov. Hugh Carey of a bill that would stiffen the penalty for

crimes of harassment against racial, religious or ethnic groups.

"This is a tragic act of vandalism that must not be ignored," said Anne Friedman Gjauber, director of the state office of the organization.

The bombing was one of an increasing number of attacks — ranging from graffiti to arson — on houses of worship in the county, according to the Rev. Robert Morissau of St. John's Episcopal Church in New City.

He is a member of a committee set up by the Clarkstown School District to study anti-Semitism and intolerance as it relates to the curriculum.

In the fall, changes in the district's tenth grade studies will focus greater attention on the Holocaust and its implications in the 1980s.

The pipe bomb was originally reported to have

(Please turn to back page)

A 652
S-2228

Anti-Defamation League **ADL** of B'nai B'rith

HELEN L. COOPERMAN
Regional Director

June 22, 1981

Hon. Hugh Carey
Executive Chambers
State Capital
Albany, New York 11224

JUN 25 1981

Dear Governor Carey:

We are most pleased to learn that Assembly Bill 652 introduced by Assemblyman Orazio of Nassau County has been acted upon favorably by both the Senate and Assembly and will shortly be awaiting enactment into law by virtue of your signature. The Anti-Defamation League was extremely supportive of this legislation which amends the State's Civil Rights Law to include acts of religious and racial harassment and which increased penalties upon conviction. You are, I am sure, will aware of the increasing number of cross burnings and swastika desecration which have been afflicted upon citizens of this State. This act of the Legislature serves notice by the State of New York that such acts are regarded as serious breeches of fundamental Civil Rights.

On March 16 the Anti-Defamation League was joined by the New York Urban League & New York State Conference of NAACP Branches in urging speedy enactment of this bill. We are in full accord with its intent and are indebted to the Legislature and to Nassau County District Attorney Denis Dillon for his important role in stimulating its introduction. It is now up to you to forge the final link by signing A652 into law.

Sincerely yours,

Ellen E. Conovitz, Co-Chair
New York State Committee on Public Policy
of the Anti-Defamation League

EEC:cf

cc: District Attorney Denis Dillon
Assemblyman Angelo F. Orazio

Long Island Regional Office
240 Hempstead Turnpike East Meadow, New York 11554 (516) 731-3400

Anti-Defamation League **ADL** of B'nai B'rith

H-652
S-2228

MEVIN E. COOPERMAN
Regional Director

June 25, 1981

Mr. John McGoldrick
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

JUN 29 1981

Dear Mr. McGoldrick:

Attached is a copy of a letter which was sent to the Governor in support of Assembly Bill 652 which was recently passed by both the Senate and the Assembly.

On behalf of the Public Policy Committee of the Anti-Defamation League of New York State we urge that the Governor sign this Bill.

Sincerely,



Ellen E. Conovitz, Co-Chair
New York State Committee
on Public Policy
of the Anti-Defamation League

EEC:br

Attachment

Long Island Regional Office
2111 Hempstead Turnpike, East Meadow, New York 11554 (516) 731-3400

Howard Weinstein, Director
New York Regional Office
ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH
823 United Nations Plaza
New York, NY 10017
(212) 490-2525

Horace Morris, Executive Director
NEW YORK URBAN LEAGUE
500 East 62nd Street
New York, NY 10020
(212) 730-5200

Hazel Dukes, President
NEW YORK STATE CONFERENCE OF NAACP BRANCHES
1790 Broadway
New York, NY 10019
(212) 221-5283

FOR IMMEDIATE RELEASE

New York, NY, March 16....The Anti-Defamation League of B'nai B'rith, the National Association for the Advancement of Colored People and the New York State Council of Urban Leagues today urged New York State to ban racial and religious terrorism.

The organizations called for "speedy enactment" of a bill amending New York's Civil Rights Law to include acts of racially and religiously motivated intimidation and harassment -- and carrying penalties up to five years imprisonment and a \$5,000 fine. The bill was introduced in the New York State Legislature in January.

The proposed law (Assembly Bill 652), spearheaded by Nassau County District Attorney Denis Dillon and sponsored by the Nassau County legislative delegation, is in response to a two-year wave of cross burnings, swastika daubings, arson cases, synagogue vandalism and threats and harassment directed at blacks and Jews.

In a joint statement, signed by Ellen E. Conovitz and Erwin Corwin, cochairpersons of ADL's Committee on Public Policy in New York State; Hazel Dukes, president of the New York State Conference of NAACP Branches, and Horace Morris, executive director of the New York State Council of Urban Leagues, the groups called the activities "a form of terrorism."

ADL, last December, published an annual audit of anti-Semitic incidents throughout the nation which reported that 120 of the 377 total occurred in New York State. Police authorities in New York City, Nassau and Suffolk Counties reported that racial and religious assaults on persons and property equalled or exceeded the cases cited in the ADL survey.

(more)

The new law would classify such racially and religiously motivated acts as Class A misdemeanors carrying penalties of a year in prison and a \$1,000 fine. Actions resulting in injury or serious property damage could bring five-year prison sentences and \$5,000 fines.

The full text of the joint statement follows:

"For a two-year period, the black and Jewish communities in this state have been the victims of attacks on persons and property in the form of arsons, swastika defacements, cross burnings and mail and telephone threats.

"While the police departments have been responsive, and their efforts have been rewarded with a higher number of arrests for such offenses than in the past, offenders frequently escape with little more than a homework assignment. The Anti-Defamation League of B'nai B'rith, the National Association for the Advancement of Colored People and the New York State Council of Urban Leagues, recognizing that we are facing a common enemy, urge the New York State Legislature to act speedily to enact legislation which can deter activity which can only be described as a form of terrorism designed to evoke fear and anger in their targets. These targets are the two communities -- black and Jewish -- and not simply the affected individuals and institutions.

"We commend the Nassau County delegation to the Assembly for its bipartisan sponsorship of Assembly Bill 652 and Nassau County District Attorney Denis Dillon for his initiative in proposing the legislation. These public servants have correctly perceived that burning crosses and destruction of houses of worship are assaults on the civil rights of the victims."

#

AC, MP, BP, BRTV, BHM-81

New York State Regional Office

Director, New York State
Regional Office
ANNE FRIEDMAN GLAUBER

NATIONAL COMMISSION
OFFICERS

National Chairman
SAMUEL L. GREENBERG,
Chairman, National
Executive Committee
KENNETH BLAIRIN

Treasurer
CHARLES GOLDRING,
Assistant Treasurer
SORMAN J. GRAY

Secretary
MARKIN L. C. FELDMAN,
Assistant Secretary
ALVIN J. STEINBERG

National Director
SAIHAN PERIMUTTER
Associate National Director
ABRAHAM H. FOXMAN

DIVISION DIRECTORS

Assistant National Director
Director of Development
ROBERT C. KOHLER

Administration
HAROLD L. ADLER

Campaign
SHeldon FIEGELMAN

Civil Rights
JUSTIN E. FINGER

Communications
LYNN LANNIELLO

Community Service
SHeldon STEINHAUSER

Assistant to the National Director
Leadership
DANIEL C. MARIASCHIN

Program
THEODORE FREEDMAN

General Counsel
ARNOLD FORSTER

ADL FOUNDATION
Executive Vice-President
BENJAMIN R. EPSTEIN

3-22282
A-652



~~2223~~
A-2223

July 20, 1981

Mr. John McGoldrick
Counsel to the Governor
State Capitol
Albany, N. Y. 12224

JUL 22 Recd

Dear Mr. McGoldrick:

I thought you would be interested in seeing the enclosed front-page Journal News article from Rockland County, in which I call for Governor Carey's signing Assembly Bill 652, which would stiffen the penalty for crimes of harassment against racial, religious or ethnic groups.

I made the statement following the disastrous bombing of the New City Jewish Center. The bomb shattered windows and caused extensive damage to the sanctuary. The estimated cost of the destruction is running well over \$10,000.

This most recent act of violence, which caused so much fear and pain to a Jewish community in New York State, should alone compel the Governor to sign Assembly Bill 652 into law. I urge that you counsel the Governor to do so.

Sincerely,

Anne Friedman Glauber
Director
New York State Office

AFG/djb

Enc. (1)

cc: Ellen E. Conovitz, Chair
N.Y.S. ADL Public Policy Committee

S-2228A

COMMITTEE ON CIVIL RIGHTS

DAVID J. MAHONEY, JR.
CHAIRMAN
1236 STATE ST. HILTON
BUFFALO, N.Y. 14202

New York State Bar Association

JUL 02 1981

June 30, 1981

Hon. John G. McGoldrick
Counsel to the Governor
Executive Chambers
State Capitol
Albany, New York 12224

RE: Senate Bill 2228-A

Dear Mr. McGoldrick:


As you know, I am Chairman of the New York State Bar Association's Committee on Civil Rights. Our legislative subcommittee has considered the above bill, now under consideration by your office.

Under new subsection 3, a person believing himself aggrieved could commence a civil action based upon the elements contained in the harassment section of the Penal Law. Establishing a case would be difficult despite the fact that the burden of proof required would be eased.

Nevertheless, our legislative subcommittee believes that such provisions would be useful by providing an additional avenue of relief.

Yours very truly,

OFFERMANN, FALLON, MAHONEY & CASSANO


David J. Mahoney, Jr.

DJM:vor
cc Kent H. Brown



EXHIBIT N

JK

CHAPTER 2

LAWS OF 20 02

SENATE BILL _____

ASSEMBLY BILL 1971

1971

2001-2002 Regular Sessions

IN ASSEMBLY

January 17, 2001

Introduced by M. of A. SANDERS, GLICK, GOTTFRIED, DiNAPOLI, GRANNIS, BRENNAN, CLARK, ARROYO, BRAGMAN -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, BOYLAND, CANESTRARI, CHRISTENSEN, A. COHEN, M. COHEN, COOK, DAVIS, DIAZ, DINOWITZ, ENGLEBRIGHT, ERRIGO, ESPALLAT, EVE, FARRELL, GALEF, GIANARIS, GREEN, GREENE, HOYT, JACOBS, JOHN, LAFAYETTE, LAVELLE, LOPEZ, LUSTER, MATUSOW, McENENY, McLAUGHLIN, MILLMAN, MORELLE, NORMAN, ORTIZ, PERRY, PHEFFER, PRETLOW, RAVITZ, RHODD-CUMMINGS, P. RIVERA, SCARBOROUGH, SIDIKMAN, SPANO, STRINGER, S. C. SULLIVAN, SWEENEY, TOWNS, VANN, WEINSTEIN, WEISENBERG, WEPRIN, WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on sexual orientation

S. 720 GOODMAN

DATE RECEIVED BY GOVERNOR:

12 17

ACTION MUST BE TAKEN BY:

12 28

DATE GOVERNOR'S ACTION TAKEN:

12 17

000001

SENATE VOTE Y N

HOME RULE MESSAGE Y N

DATE _____

ASSEMBLY VOTE Y N

DATE _____

000002

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)

BILL NUMBER: A1971

SPONSOR: Sanders (MS)

TITLE OF BILL: An act to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on sexual orientation

PURPOSE OR GENERAL IDEA OF BILL:

To prohibit discrimination based on sexual orientation.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 states the intent of the Legislature to reaffirm the right of every New Yorker to enjoy a full and productive life free of discrimination, including prejudice on account of their sexual orientation. It does not condone or promote any attitude, conduct, or way of life.

Section 2 amends section 291 of the Executive Law to declare the opportunity to obtain employment, education, the use of places of public accommodation and the ownership, use and occupancy of housing accommodations and commercial space without discrimination because of sexual orientation to be a civil right.

Section 3 amends section 292 of the Executive Law to define "sexual orientation" as "heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived. However, nothing contained herein shall be construed to protect conduct otherwise proscribed by law."

Section 4 amends section 295 of the Executive Law to expand the responsibilities of the Division of Human Rights to include studying the problems and working toward the elimination of discrimination because of sexual orientation.

Section 5 amends section 296(1) of the Executive Law to prohibit discrimination based on sexual orientation by employers, licensing agencies, employment agencies and labor organizations. The section also prohibits employment advertisements and applications which express any limitation, specification or discrimination as to sexual orientation.

Section 6 amends section 296(1-a) of the Executive Law to prohibit discrimination based on sexual orientation in the advertisement of and admission to apprenticeship training programs.

Section 7 amends section 296(2) of the Executive Law to prohibit discrimination based on sexual orientation by owners, lessees, proprietors, managers, superintendents, agents or employees of places of public accommodation, resort or amusement.

Section 8 amends section 296(2-a) of the Executive Law to prohibit discrimination based on sexual orientation with respect to publicly assisted housing accommodations.

Section 9 amends section 296(3-b) of the Executive Law to prohibit realtors from inducing the sale of property by representing that a change has occurred or will or may occur in the composition of a neighborhood with respect to the sexual orientation of the neighbors.

Section 10 amends section 296(4) of the Executive Law to prohibit an education corporation or association which holds itself out to the public to be nonsectarian from denying the use of its facilities to any otherwise qualified person by reason of his or her sexual orientation.

Section 11 amends section 296(5) of the Executive Law to prohibit discrimination based on sexual orientation with respect to private housing accommodations and commercial space. The bill does not alter, however, the Executive Law's current exemption for rentals of small, owner-occupied housing accommodations.

Section 12 amends section 296(9) of the Executive Law to prohibit the denial of membership in fire departments or fire companies based on

000003

sexual orientation.

Section 13 amends section 296(13) of the Executive Law to prohibit commercial boycotts and blacklisting based on sexual orientation. The bill does not amend section 296(11) of the Executive Law. Therefore, nothing in the bill is to be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or sales or rental of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

Section 14 amends section 296-a of the Executive Law to prohibit discrimination in relation to credit based on sexual orientation.

Section 15 amends section 40-c of the Civil Rights Law to provide that no person shall be subjected to any discrimination in his or her civil rights because of his or her sexual orientation.

Section 16 amends section 313 of the Education Law to declare that State policy and the American ideal of equality of opportunity require that students be admitted to education institutions and be given access to all educational programs and courses provided by such institutions without regard to sexual orientation. The section also specifically prohibits discrimination based on sexual orientation with respect to admission to education institutions. The bill, however, does not affect the right of a religious or denominational education institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established and maintained.

Section 17 amends section 313(3) of the Education Law to define "unfair educational practices" to include discrimination on the basis of sexual orientation.

JUSTIFICATION:

Discrimination based on sexual orientation is widespread and commonplace throughout the State of New York despite our best efforts to eliminate it. These efforts are hampered substantially because the State's laws do not prohibit discrimination based on sexual orientation. It exists -- both directly and indirectly -- in employment, in housing, in public accommodations and services. It affects people of all ages, races, genders, religions and sexual orientations. It hinders the economic development of the entire State.

In 1983, Governor Cuomo issued Executive Order No. 28 requiring that no state agency or department discriminate on the basis of sexual orientation against any individual in the provision of any services or benefits. That Executive Order further provided that all State agencies and departments prohibit discrimination based on sexual orientation in any matter pertaining to employment by the State. In 1987, he amended the Executive Order to direct the Division of Human Rights to review and promulgate guidelines prohibiting discrimination based on sexual orientation to maintain an environment where only job-related criteria are used to assess employees and prospective employees of the State. That Executive Order was an important first step in ridding the State of discrimination based on sexual orientation. This bill now continues our vigorous pursuit for equal treatment of all New Yorkers.

The most distinctive aspect of discrimination based on sexual orientation is a resulting all-pervasive climate of fear within which gay and lesbian New Yorkers are forced to lead their lives. The State has a moral obligation to do all it can to help dispel this climate. A marked improvement in this climate would not only benefit the lives of lesbian and gay New Yorkers; it would also improve the quality of life for all citizens of the State.

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PRIOR LEGISLATIVE HISTORY: Similar legislation has been introduced

since 1971.

A. 1336 (1993-94) Passed Assembly
A. 3801 (1995-96) Passed Assembly
A.2826 (1997-98) Passed Assembly
A.811-A (1999-00) Passed Assembly

FISCAL IMPLICATIONS:

Enactment of this bill may increase the Division of Human Rights' case load. However, the overall economic benefit to persons within the State will more than justify the expenditures required to entertain cases brought by the newly protected class of individuals.

EFFECTIVE DATE:

This bill takes effect 30 days after becoming law.

000005



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

December 17, 2002

A.1971 - by M. of A. Sanders, Glick,
Gottfried, DiNapoli, Grannis,
Brennan, Clark, Arroyo,
Bragman

AN ACT to amend the executive law, the civil
rights law and the education law, in
relation to prohibiting
discrimination based on sexual
orientation

APPROVAL RECOMMENDED

Hon. George E. Pataki
Governor of the State of New York
Executive Chamber
Albany, New York 12224

Dear Governor Pataki:

The above-referenced bill is now before you for executive action.

This bill amends Sections 291 et seq of the Executive Law, Section 40C of the Civil Rights Law and Section 313 of the Education Law to prohibit discrimination based on sexual orientation.

The City of New York supports the proposed statutory amendment to the New York State Executive Law, Civil Rights Law and Education Law adding protection against discrimination on the basis of "sexual orientation".

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Hon. George E. Pataki
December 17, 2002
Page two

A.1971

The need for such legal safeguards against sexual orientation discrimination is well established. In 1986, in response to a growing number of documented incidents of discrimination on the basis of real or perceived sexual orientation, the City enacted into local law protection against discrimination on the basis of sexual orientation. Since its enactment, the number of sexual orientation discrimination claims filed in the City have dramatically increased. In FY92, 13 such claims were filed; in FY93, 45 filed; FY94, 62 filed; FY95, 57 filed; FY96, 95 filed; and FY97, 101 filed.

While residents of New York City enjoy these protections under current law, an anti-gay and lesbian discrimination law is of such fundamental importance that it should be passed by the State Legislature so that all residents of the State can benefit by its protections and that it should not be incumbent on individual localities to create protections for their own residents.

Moreover, the United States Supreme Court, on March 4, 1998 in Oncale v. Sundowner Offshore Services Inc., 118 S.Ct 440(1997), recognized that sexual discrimination consisting of same-sex sexual harassment is actionable under Title VII of the Civil Rights Act of 1964.

The growing trend of sexual orientation claims filed in the City of New York and the recent United States Supreme Court decision confirms the need for State legislation to prohibit discrimination based on sexual orientation.

Accordingly, it is urged that this bill be approved.

Very truly yours,

MICHAEL R. BLOOMBERG, Mayor

000007

By: Anthony P. Piscitelli
Legislative Representative

FAMILY DEFENSE COUNCIL



166-15 GRAND CENTRAL PWY., JAMAICA, N.Y. 11432
~~XX~~

October 24, 2002

Hon. George Pataki
Governor, New York State
Albany, N.Y. 12248

Dear Governor Pataki:

In making known your support of a bill amending the Sexual Orientation Non Discrimination Act to include special protection for gays, you are contributing to the decline in morality that is defacing our state.

Your disgrace is documented by the executive director of the Empire State Pride Agenda, Matt Foreman, who declared that you have done more to promote gay rights than any other New York governor.

Homosexuals constitute two percent of the general population. Gays (radical homosexuals) are one-fifth of the total. This is reported in gay publications. Gays seek to "out" homosexuals who prefer to keep their perversion private.

Homosexuality is unnatural, immoral and a danger to the health of those who engage in same-sex relations.

Gays have a political agenda set forth in Chicago, 1972, and Washington, 1993. They demand the right of "Gay women and men to teach schoolchildren that homosexuality is normal, viable and an alternative to heterosexuality." They demand abolition of the age of sexual consent.

It is hoped that Senator Bruno will remain firm in opposing amendment of the act. We can expect that Tarnished Silver in the Assembly will once again seek approval of this gay offensive which you are abetting.

You seek reelection. On this issue alone, you deserve defeat.

Yours truly,
Howard L. Hurwitz
Howard L. Hurwitz

000008

cc. Interested individuals and organizations

- Board of Directors**
Howard L. Hurwitz, Ph.D.
Chairman
Hon. Mary Cummins
Rabbi Abraham Hecht
Albert Lefebvre
Michael Macaluso Jr.
Clark McClain
Herbert McKay
- Officers**
Olga Gomez
President
Albert Lefebvre
Vice President
Alice May P. Ryan
Secretary-Treasurer
- Advisory Board**
William Andrews
Alan D. Berkowitz
Rudolph P. Blaum
Msgr. Joseph P. Bynon
Hon. Richard W. Counitz
James W. Crockett
Irma Epstein
Wilbur Epstein
Virginia Eveleth
Rev. Nathan A. Haughton
James R. Keegan
Scott Lively
Paul J. McGeady, Esq.
Hon. Serphin Maltese
Timothy A. Mitchell, Ph.D.
Robert Peters, Esq.
Frank Russo
Arthur Spear
Christopher T. Slattery
Rev. Kirk van der Swaag
Robert Unger, Esq.
- In Memoriam**
Rev. Edward Hogan, SJ
(1905-1989)
Founder, Council for Community Consciousness
Donald J. Ryan (1909-99)
Sec'y-Treasurer

BJ



EAST END GAY ORGANIZATION

Out
25!

November 20, 2002

Marilyn Mehr, Ph.D.

CO-CHAIR

Governor George Pataki

Tom Kirdahy, Esq.

The State Capitol Executive Chamber

CO-CHAIR

Albany, N.Y. 12224

Re: **SEXUAL ORIENTATION NON DISCRMINATION ACT (SONDA)**

Dear Governor Pataki:

I am writing to you as a member of the Board of Directors of East End Gay Organization (EEGO) and additionally as Chair of the EEGO Political Action Committee about pending legislation known as the Sexual Orientation Non Discrimination Act (SONDA). Our organization represents the interests of hundreds of members living on Eastern Long Island. Our members unequivocally support the adoption of SONDA as soon as possible. It is my understanding that you have made a commitment to see this legislation passed in December, 2002. It is my further understanding that you have obtained a commitment from State Senate Majority Leader Joseph Bruno to allow SONDA to finally be voted on by the full New York State Senate after it is once again passed by the New York State Assembly, and that once adopted, you will sign SONDA so it becomes New York State law.

We at EEGO admire your commitment to the adoption of SONDA in New York State and feel the time has come for the adoption of SONDA. It is simply unacceptable for Gay, Lesbian, Bisexual or Transgendered persons who are residents of New York State to be discriminated against based on sexual orientation without legal recourse. You and the New York State Legislature have the ability to make members of our community feel safe from discrimination by enacting SONDA. I am confident that you will do everything possible to see SONDA enacted before the end of this year. Your commitment to improving the lives of members of our community is very much appreciated.

Very truly yours,

Adam B. Grossman
member, Board of Directors
East End Gay Organization (EEGO)

ABG:ag

BJ

THE SCRIBNER HOUSE
791 North Broadway
Saratoga Springs, New York 12866

October 29, 2002

Governor George E. Pataki
State Capitol
Albany, NY 12224

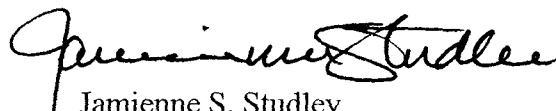
Dear Governor Pataki:

I write to urge your support for the Sexual Orientation Non-Discrimination Act (SONDA).

Skidmore College includes sexual orientation in our non-discrimination policy. I have found it a constructive way to make clear Skidmore's opposition to discrimination and support for fair opportunities for all members of the College community. I would be proud to add my home state of New York to the list of states, counties and cities that have recognized the principle of non-discrimination with respect to all our citizens regardless of their sexual orientation.

I hope you will sign SONDA into law as soon as it reaches your desk.

Sincerely,


Jamiene S. Studley
President

JSS:saw

cc: Skidmore Pride Alliance

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NYTRO

THE NEW YORK TRANSGENDER RIGHTS ORGANIZATION

JOANN PRINZIVALLI, DIRECTOR
125 LAKE STREET #9MN
WHITE PLAINS, NEW YORK 10604-2419

TEL.: (914)428-7247
E-MAIL: PJPRINZI@MSN.COM

December 12, 2002

By FAX to 518-473-7669

Hon. George E. Pataki
Executive Chamber
Albany, New York 12224

Re: Ask Senate to amend S.720 (SONDA) to include Gender and call the Assembly to convene

Dear Governor Pataki:

I am writing to advocate that you support an amendment to S.720, the Sexual Orientation Non-Discrimination Act (SONDA) that would include gender as a protected class in New York State human rights laws. One way to do this is to substitute the language of S.1985 for that of S.720.

In addition, I ask that you request the Assembly convene to address this and other urgent issues.

Sexual orientation is only a small aspect of the immutable characteristics that make up a person's psychological and physiological sex/gender matrix. The four principal characteristics are Gender Identity (GI), Sex Assignment (SA), Gender Social Role (GSR), and Sexual Orientation (SO). Most New Yorkers are Masculine (GI) Male (SA) Men (GSR) attracted to Women (SO), and Feminine (GI) Female (SA) Women (GSR) attracted to Men (SO). A significant minority of New Yorkers do not fit into the binary division in one or more of these characteristics, and are subject to extreme forms of discrimination as a result. Adding sexual orientation alone to the protected classes of human rights laws will do nothing to protect transgender, intersexed, transsexual and gender-variant New Yorkers from unjust discriminatory practices.

I lost my job as chief underwriting counsel for a major title insurance company in January 2000, because I am a transsexual. My work was exemplary, and I had recently received a promotion to national underwriting counsel for the parent company, but after I discussed transition issues with management, I was fired. Like the immutable characteristics already protected under human rights laws and sexual orientation, the characteristic of having a gender identity at variance with my sex assignment has no bearing on job qualifications or performance and should be protected.

I strongly urge that you do the right thing. Include my people in human rights laws.

Sincerely,


Joann Prinzivalli

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C 2

Bethel Baptist Church

Ralph Verdu
512 Shenandoah Road
Hopewell Junction, New York 12533

Phone 845-226-7973

February 05, 2003

Governor George Pataki
Executive Chamber
State Capitol
Albany, NY 12224

Dear Governor Pataki:

Words, by themselves, are inadequate to express the chagrin I experienced upon learning of the passage, with your support and approval, of the piece of legislation nicknamed SONDA.

This bill (S720 and A1971) is an egregious error in government and I oppose it for the three following reasons:

1. It is wrong. Morality, regardless of popular opinion, is not determined by popular opinion. As with the rights afforded individuals in our Constitution, morality is not subject to vote, neither the whims of the people. Immoral behavior is always to be opposed and discouraged. New York State legislators, yourself included, are not authorized, let alone qualified to change or void God's laws clearly represented in Holy Scripture.

2. Agreeing with some other opponents of this bill, I attest that SONDA "affords special protection to a group that is not disadvantaged." In effect, the bill discriminates against ME in order that morally peccable people may satisfy their lust at my expense.

3. The Sexual Orientation Non-Discrimination Act effectively criminalized hundreds of thousands of residents of New York, who prior to passage of this calumny of justice, were New York's finest citizens. We bear much of the burden in this State for social reform and relief, intervention with youth, reclamation of prisoners and we often are the "glue" that holds New York together in times of stress and tension. Now, however, we are apparently relegated to the company of child predators, social anarchists and other felonious labels.

This, Governor Pataki, is outrageous. Please understand that I, a law-abiding, authority respecting citizen WILL NOT ABIDE by the principles and practices established by this disgustingly offensive legislation. I declare myself to you in full objection with every intention of deliberate non-compliance.

I implore you, Governor, to change your mind and withdraw this bill. Admit your error and recant. The Psalmists writes in Psalm 2:1-5

"Why do the heathen rage, and the people imagine a vain thing? The Kings of the earth set themselves, and the rulers take counsel together, against the LORD, and against his anointed, saying, Let us break their bands asunder, and cast away their cords from us. He that sitteth in the heavens shall laugh: the Lord shall have them in derision. Then shall he speak unto them in his wrath, and vex them in his sore displeasure."

Sincerely,



Pastor Ralph Verdu

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A 1971

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RANDY A. DANIELS
SECRETARY OF STATE

MEMORANDUM

December 20, 2002

TO: Honorable James M. McGuire, Esq.
Counsel to the Governor

FROM: Joshua B. Toas, Esq.
Assistant Secretary of State for Legislative Affairs and Deputy Counsel

SUBJECT: 10-day bills

The Department of State has no comment on the following 10-day bills:

A01971
A07535
A08429
A08775
A11460
A11710
A11775
A11835

JBT/sm

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**SAMPLE OF
CORRESPONDENCE
ONLY**

000014

FRANK S FERRARI
34-15 CLEARVIEW EXPY
BAYSIDE NY 11361
30 OCT 2002

DEAR GOVERNOR PATAKI

AFTER LEARNING FROM REV DUANE MOTLEY'S FREEDOM'S ALERT ABOUT YOUR PROMISE TO EMPIRE PRIDE AGENDA TO DO EVERYTHING YOU COULD TO SEE THE SONDA BILL PASSED I HAD TO WRITE YOU ABOUT THIS. ONE REALIZES THAT POLITICS COMPELS ONE TO ASSOCIATE AND DEAL WITH ALL SORTS OF PEOPLE. I KNOW AND WORK WITH HOMOSEXUALS AND LESBIANS AND I DO MY UTMOST TO TREAT THEM JUST AS I DO OTHER PEOPLE. HOWEVER, I NEVER TELL THEM THAT I AFFIRM OR CONDONE THEIR LIFE STYLE. IT'S A FACT THAT THEY MAKE UP 'ONLY' 2 TO 3% OF A POPULATION - NOT 10%! IT IS A FACT THAT THEIR LIFE STYLE IS QUITE DEADLY - A HIGH PERCENTAGE DO NOT LIVE TO BE FORTY. HISTORICALLY, ANY CIVILIZATION THAT LEGITIMIZED SUCH FORMS OF SEXUAL BEHAVIOR SOON DISAPPEARED. THEY FIRST CLAIMED THAT ALL THEY WANTED WAS FREEDOM TO BE LEFT ALONE. NOW THAT ISN'T ENOUGH! NOW THEY DEMAND THAT OUR CHILDREN BE TOLD THAT SUCH ABNORMAL SEXUAL HABITS ARE ACTUALLY QUITE THE NORM. KINDERGARTEN CHILDREN HAVE ABSOLUTELY NO CONCERNS ABOUT SEX; YES THEY DO KNOW THAT THERE ARE BOYS AND GIRLS. HOWEVER, THIS STATE OF INNOCENCE CANNOT BE TOLERATED BY HOMO LESBO AGENDA! NOW THEY DEMAND THAT THEIR PERVERSION BE 'TAUGHT' TO KINDERGARTENERS; TO CHILDREN WHO DO NOT KNOW ANYTHING ABOUT SEX, ESP IT'S MORE PERVERSE FORMS OR AS TO WHO WOULD DO SUCH THINGS.

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Isn't it strange that people who merely yearned to be left alone do not stop demanding more and more laws to force the majority of us and our children to say there is no such thing as sexual perversion! Well SONDA is just one more nail in our coffin. I realize that your task as Governor is quite difficult but do you really think our culture needs another push down into the void. It's their business if they want to engage in abnormal practices behind closed doors but please don't contribute to this madness by promoting SONDA; read their* own publications and you'll see that their goal is to not rest until they sodomize our entire culture. What Sir will you tell your grandchildren when they say "But Grandpa didn't you say there's nothing wrong with sodomy when you were the Governor?" That a question I pray you will never hear! Governor PATAKI think long and hard about what you are doing. It's getting re elected more important than being a man who will stand for what's true and right?

RESPECTFULLY

Frank S. Janow

* THE GAY BOOK AFTER THE BALL
BRAZENLY STATES THEIR GOAL TO
SODOMIZE OUR CHILDREN and there
by destroy all opposition!

000016

Correspondence Profile

<p>Duane Davis 850 40th Street, Apt D3 Brooklyn, NY 11232 County Open</p>	<p>Addressed To Correspondence Number Correspondence Type</p>	
	<p>Date of Correspondence Date Received Date Entered Date Completed</p>	<p>12/18/2002 12/18/2002</p>
<p>Type Email tueroc@aol.com</p>	<p>Referred To Date Referred Referred By Subject</p>	
		<p>We do not want the SONDA bill to be passed</p>

Email Received From Website

Dear Govenor,

I am writting this letter to let you know that I AM FULLY OPPOSED TO THIS BILL!!! Sexual Orientation Non-Discrimination Act (SONDA). With all due respect I urge you not to sign this bill as it will not only distroy the morals of our children, but it will also radically redefine and reconfigure the historic meaning of both marriage and family! I BEG YOU NOT TO SIGN THIS BILL!!!!!!!

Your's Sincerely,
 Duane Davis & Marcia Brown

000017

Correspondence Profile

<p>Duane Davis 850 40th Street, Apt. D3 Brooklyn, NY 11232 County Open</p>	<p>Addressed To Correspondence Number Correspondence Type</p>	
	<p>Date of Correspondence Date Received Date Entered Date Completed</p>	<p>12/18/2002 12/18/2002</p>
<p>Type Email yardy_dudz@hotmail.com</p>	<p>Referred To Date Referred Referred By Subject We Urge You Not To Sign The S.O.N.D.A Bill</p>	

Email Received From Website

Dear Governor,

I am writing this letter to let you know that I AM FULLY OPPOSED TO THIS BILL!!! Sexual Orientation Non-Discrimination Act (SONDA). With all due respect I urge you not to sign this bill as it will not only destroy the morals of our children, but it will also radically redefine and reconfigure the historic meaning of both marriage and family! I BEG YOU NOT TO SIGN THIS BILL!!!!!!!

Yours Sincerely,
 Duane Davis & Marcia Brown

000018

Correspondence Profile

<p>Michael Heilig 2 Bills Place Brooklyn, NY 11218 County Open</p>	<p>Addressed To Correspondence Number Correspondence Type</p>	
	<p>Date of Correspondence Date Received Date Entered Date Completed</p>	<p>12/18/2002 12/18/2002</p>
<p>Type Email heiligm@mindspring.com</p>	<p>Referred To Date Referred Referred By Subject Do Not Sign SONDA</p>	

Email Received From Website

As a voter in this state, I am firmly against this act becoming law and implore you not to sign it into law. Please VETO this act. Gays are already covered under Equal Opportunity and do not require further coverage. Again I ask as a voter in this state that you NOT SIGN SONDA into law and VETO THIS ACTION.

000019

Correspondence Profile

John Crowe		Addressed To	
132 Kenwood Avenue		Correspondence Number	
Delmar, NY 12054		Correspondence Type	
County		Date of Correspondence	12/18/2002
Open		Date Received	12/18/2002
		Date Entered	
		Date Completed	
Type		Referred To	
Email	jcrowe@nycap.rr.com	Date Referred	
		Referred By	
		Subject	SONDA

Email Received From Website

Dear Governor Pataki;

I am writing to thank you for your courage in supporting SONDA. I especially appreciated your comments regarding your vision of a unified New York where distinctions and divisions among residents are eliminated. Especially after September 11, our focus needs to be on healing, equality, and compassion. May you and your family enjoy a peaceful Holiday season.

Very truly yours,
John F. Crowe

000020

Correspondence Profile

Wendy Payne		Addressed To	
1626 Taylor Ave		Correspondence Number	
bronx, NY 10460		Correspondence Type	
County			
Open		Date of Correspondence	12/18/2002
		Date Received	12/18/2002
		Date Entered	
		Date Completed	
Type		Referred To	
Email	Wendyac@aol.com	Date Referred	
		Referred By	
		Subject	SONDA

Email Received From Website

I just wrote asking you to veto SONDA, only to now find out that you passed it yesterday. Even worse, is that understanding that it was passed by Republicans by the promise of votes from the Pride organization. Where is your ethical standing in this matter? And with the outright understanding that this is the first step in Pride's goal to see same-sex unions legalized.

So you sold yourself for some votes and a re-election. You should be ashamed of yourself.

000021

Correspondence Profile**Anthony Sferrazza**

755 44th Street
 Brooklyn , NY 11220
 County
 Open

Type

Email Asfermusic@aol.com

Addressed To
 Correspondence Number
 Correspondence Type

Date of Correspondence 12/18/2002

Date Received 12/18/2002

Date Entered

Date Completed

Referred To

Date Referred

Referred By

Subject

Sondra Bill

Email Received From Website

Dear Mr. Pataki,

I write you this e-mail with the deepest grief concerning the passage of the Sondra Bill. For decades the definition of family has held a special and deeply sacred meaning. This bill will totally redefine the meaning as set out by divine ordinance. As a man of good character and leadership, and a God-fearing Christian (Roman Catholic) please search your conscience and your faith in God before signing this bill into law. God has His own personal opinion about this lifestyle. In the Book of Deuteronomy in the Bible He calls it an abomination. The new testament (the writings of Paul) Paul reiterates this same principle. We love the homosexual but to love them does not mean we need to endorse/encourage their lifestyles and agendas for our society. There are already laws to protect them and all of us. If they choose to be homosexual that is their choice, but we as a society should not be made to overly accomodate them. Signing this bill will cause a dangerous chain reaction by which other groups will want special treatements. Already the trans-genders are stirring concerning the passage of this bill that they too want equal protection. Please search your heart/conscience. What kind of message will this bill send out to our children and to future generations. The saying goes "we shall reap what we have sown." Thank you for taking the time to read this e-mail. Have a Blessed and Wonderful Christmas and New Year.

Sincerely,

Mr. Anthony C. Sferrazza

000022

Correspondence Profile

<p>Keith Hardy 7478 St. Rt 12 Lowville, NY 13367 County Open</p>	<p>Addressed To Correspondence Number Correspondence Type</p>	
	<p>Date of Correspondence Date Received Date Entered Date Completed</p>	<p>12/18/2002 12/18/2002</p>
<p>Type Email prhardy@hotmail.com</p>	<p>Referred To Date Referred Referred By Subject Sexual Orientation Non-Discrimination Act</p>	

Email Received From Website
 Keith Hardy
 7478 St. Rt 12
 Lowville, NY 13367

December 18, 2002

The Honorable George E. Pataki
 State Capitol
 Albany, NY 12224

Governor Pataki:

Governor Pataki, I urge you to veto the Sexual Orientation Non-Discrimination Act (S. 720/A. 1971). This bill would be one more thing which would tear away at the moral foundation of our nation. Please pray and consider if your God would desire for you to allow this legislation to be passed. Please consider the words of the Holy Scriptures 1 Corinthians 6:9, "Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders" This bill would do more harm to those who are trapped in a homosexual lifestyle. I implore you to lead with morality as your guide.

Sincerely,

Rev. Keith Hardy

000023

Correspondence Profile

Richard Baldwin		Addressed To	
220 Orlando Ave		Correspondence Number	
Syracuse, NY 13205		Correspondence Type	
County		Date of Correspondence	12/18/2002
Open		Date Received	12/18/2002
		Date Entered	
		Date Completed	
Type		Referred To	
Email	baldwinrichard@juno.com	Date Referred	
		Referred By	
		Subject	
		Homosexual bil	

Email Received From Website
 Richard Baldwin
 220 Orlando Ave
 Syracuse, NY 13205

December 18, 2002

The Honorable George E. Pataki
 State Capitol
 Albany, NY 12224

Governor Pataki:

You'r making a big mistake by signing the homesexual bill. God condemn sexual acts between a man and a man and between a woman and a woman. He hates our sin, but loves so much that he sent his son to die for our sin.

Sincerely,

Richard Baldwin

000021

Correspondence Profile

Michael Christensen		Addressed To	
217 Sherman St.		Correspondence Number	
Penn Yan, NY 14527		Correspondence Type	
County		Date of Correspondence	12/18/2002
Open		Date Received	12/18/2002
		Date Entered	
		Date Completed	
Type		Referred To	
Email	mjcplc@adelphia.net	Date Referred	
		Referred By	
		Subject	
		Deputies Binding Arbitration/Gay Rights	

Email Received From Website

I note with interest that the Governor signed the Gay rights law that will prevent discrimination of Homosexuals. The Deputies in New York State have been dicriminated against for years, we do the same job, and often times better, than our counter parts in the city and village police departments, we work under the same rules and requirements, but our pay and benifits are less becuase we are Deputies. I would hope we could show the same concern for members of our law enforcement community as we do for members of our community that are homosexuals!!!!!!

000025

Correspondence Profile

Liz Rivera	Addressed To	
47 Nugent Avenue	Correspondence Number	
Staten Island, NY 10305	Correspondence Type	
County		
Open	Date of Correspondence	12/18/2002
	Date Received	12/18/2002
	Date Entered	
	Date Completed	
Type	Referred To	
Email	Date Referred	
erivera@mnr.org	Referred By	
	Subject	
	Stop Pro-Gay Legislation Now	

Email Received From Website

Please do not give in on the SONDA bill (Sexual Orientation Non-Discrimination Amendment). The legalization and recognition of ?Gay? Marriages is against the Bible, the Word of God. In my church we do not discriminate against "gay people", we love and welcome all to partake in worshipping the Lord, but we can not go against the Bible. It says in the Bible that God appoints position, as He has done with you and it is your responsibility to uphold His Word for all concern. So I am asking as a person, Constituent, voter and follower of God to please VETO this bill. Thank you for your time.

000026

Correspondence Profile

Thomas Yaeger		Addressed To	
36 Rossman Drive		Correspondence Number	
Webster, NY 14580		Correspondence Type	
County		Date of Correspondence	12/18/2002
Open		Date Received	12/18/2002
		Date Entered	
		Date Completed	
Type		Referred To	
Email	Tarmark-TAY@Juno.com	Date Referred	
		Referred By	
		Subject	
		Gay Rights Bill	

Email Received From Website

Dear Governor Pataki:

I am writing to ask that you veto the pending Gay Rights Bill. I believe we need to establish more traditional family values in New York. Endorsement of the Gay lifestyle is not the message we should pass to our children.

Sincerely,

Thomas A. Yaeger

000027

Alexandra K. MacKenzie

40 Henderson Avenue
Staten Island, NY 10301
(718) 727-9690
E-mail: alexandra_mackenzie@yahoo.com

December 4, 2002

Governor George E. Pataki
State Capitol
Albany, NY 12224

Re: Please Amend SONDA (Sexual Orientation Non-Discrimination Act) to Clearly Include Transgendered People or Kill the Bill

Dear Governor Pataki,

Congratulations on your election victory.

We met, briefly, at the Log Cabin Republican Reception held at Greg Morey's home in Manhattan on October 28, 2002. I was the only cross-dresser. I requested that you consider amending SONDA to clearly include transgendered people.

The Sexual Orientation Non-Discrimination Act (SONDA Senate Bill S720), sponsored by Senators Nancy Lorraine Hoffman and Joseph L. Bruno, and promoted by the Empire State Pride Agenda (ESPA) is seriously flawed and should be amended or defeated!

Please allow me to clarify; I am a heterosexual, male, cross-dresser. I was married for twenty-five years and have two sons, ages 30 and 26. As a cross-dresser, I get a profound sense of emotional and psychological satisfaction from wearing clothes normally associated with the other gender.

I have been a cross-dresser most of my life. It has only been in the past few years that I have been brave enough to express that publicly. For me it is a special kind of personal liberation. The freedom to be myself as I have always wished to be! After the attack on the World Trade Center, Mayor Rudolph Giuliani advised everyone go back to living their lives as free citizens. For me, dressing and acting as an elegant woman, is the most powerful way that I can say, "I am a free citizen in a free city and I will not be dictated to by fundamentalist religious terrorists."

I am the precisely kind of person who is not properly covered by the current Senate version of SONDA (S270) which addresses, primarily, sexual orientation.

- I do not "pass." Most people quickly perceive me as a male person in women's clothing. That is reality, so I don't mind. I do my best to be a polite, lady-like, gentleperson and hope people will be polite to me. I work at improving my gender presentation.
- Many people assume that I dress as a woman to attract male lovers. That is incorrect. I have no interest in male lovers. I prefer to dress in women's' clothing because it is my personal preference in my gender expression.
- Some people assume that I must be a transvestite prostitute. But I am not a prostitute, nor am I promiscuous. I am currently unemployed but worked for 30 years in the property & casualty insurance industry. (In fact, most cross-dressers are married heterosexual males, who have

wives, children, houses, cars, dogs, cats and responsible jobs. Most are faithful to their wives and keep their cross-dressing a closely guarded, personal secret.)

- Some people react to me as though something awful or terrible was going on. Others laugh and ridicule me when I am out in public. I guess they are uncomfortable. I don't meet their gender expectations. Why am I required to meet their gender expectations? Part of my personal activism is to go out in public, be seen and be a polite citizen. How will the greater society ever become accustomed to me if I stay hidden in my closet?
- Others say things like, "What shall we tell the children?" Once again, I prefer to wear lovely, elegant women's clothing (mostly skirts-suits and dresses) and act as a lovely lady-like gentleperson. I love and admire women. I had two older sisters that I loved and admired and I wanted to be just like them. Many of my personal heroes are women. Why is that so difficult to explain to children?
- Some people have religious objections to me, and cite Deuteronomy 22:5 which prohibits cross-dressing. I am told it is the only Biblical reference to cross-dressing. My rabbinical friends advise me that there are 613 Talmudic laws listed in the Torah, only 278 of which can be followed outside of the Great Temple of Israel, and that modern Christians do not follow most of the those because they concern ritual purity, circumcision and dietary matters that St. Paul and St. Peter invalidated during the first century CE. So I follow one less Talmudic law from the Old Testament. I am perhaps 1/613th less spiritual than the next Christian. That is an issue between God and me. It should not be an issue between New York State and me, or my employer and me, or my landlord and me.

Yet transgendered people are commonly discriminated against because they do not conform to social expectations about gender. The very reason we were specifically not included in the version of SONDA currently before the State Senate (S270) was because certain key leaders (mostly gay, white, males) in the Empire State Pride Agenda (ESPA) believed it was not expedient to include us. They said, "The conservative Republicans in the Senate are not ready to approve of civil rights for cross-dressers, transgenderists and transsexuals." We refer to these gay, white males as "assimilationists." They are often wealthy or very successful people who conform closely to social gender norms, except for their sexual preferences. They have done well by looking normal and fitting in the overall heterosexual culture, while being privately gay. They are sort of the "Uncle Toms" of the gay rights movement. Transgendered people are an embarrassment to them.

The problem for nearly all transgendered people is that we often do not, and cannot "look normal" to fit in. I do not "pass." Most people quickly perceive me as a man in a dress. For many years I kept my cross-dressing hidden and a deep, private secret. My ex-wife did not know for the first ten years of our marriage. When I am in male clothes, I come off as a very masculine male and most people never expect that I was a cross-dresser. My situation is not uncommon. Most cross-dressers keep their cross-dressing a closely guarded, personal secret.

I was laid off from a position in 1999, in part because a fellow employee saw me purchasing a dress and lingerie at Macy's and advised my manager that I "must be a transvestite." The next Friday, I was given a buy-out package and the personnel manager advised me, "You are exactly the kind of person we need to get rid of." (I later got a job with another firm in the World Trade Center, but was laid off, due to a reduction in force, just before the September 11 Terrorists Attack.)

New York City passed Law Number 24 of April 30, 2002 which amended the local human rights statutes to include gender and gender expression. I still find that most employers, especially those in the

property & casualty insurance industry, are unwilling to consider hiring a cross-dressed male. All fear that somehow the reputation of their multi-billion dollar corporation will be irreparably besmirched if they hire a cross-dressed male. My friends advise me that I should apply in male clothes, work for six months or a year, wait for my first positive review, then announce that I am making "a change." To me that seems unethical, although pragmatically practical. As a cross-dresser, I could do that.

However, transsexuals under go several years of hormone therapy, hair removal, plastic surgery and sexual reassignment surgery. There is a transition period of several years when they must live and work in a transgendered state. Many people become comfortable in a transgendered state and never complete all the surgeries. Others, for medical reasons, are unable to complete the entire process. Even if the person can "pass" for their preferred gender, due to a recent change, the Social Security Administration will act as a national "outing" service. A prospective employer will ask a transgendered person's sex on an employment application. The Social Security Administration will complain to the employer if the answer does not match the sex marker in the social security computer records. The transgendered person can be fired for a misrepresentation of their sex. Yet they will "out" themselves if they include their birth sex on a job application. And the transgendered person can only have that sex marker in the social security computer records changed if they have already completed all sexual reassignment surgeries.

The Sexual Orientation Non-Discrimination Act (SONDA S720), sponsored by Senators Nancy Lorraine Hoffman and Joseph L. Bruno, and promoted by the Empire State Pride Agenda (ESPA) is seriously flawed and should be amended or defeated!

The current version of SONDA does not include gender and gender identity as a protected class. Therefore, SONDA excludes coverage for discrimination based on gender and gender identity as well as discrimination against many of gays and lesbians who are gender nonconformists. Under the current version of SONDA, transgendered people will still be without strong legal protections against blatant and unjust discrimination in housing, employment, access to health care and public accommodations.

I do not blame Ms. Hoffman or Mr. Bruno. They are and were, ill advised by leaders in ESPA. These same leaders assured us that we would be included in SONDA, then they drafted language to clearly exclude us. Now there is a litany from them of why we are really covered any way; why a clarifying amendment is too difficult, unnecessary or impossible. Now they tell us that since they have gotten their version of SONDA nearly passed, we should be good little soldiers and march to support their deceptive and discriminatory bill. After all, we wouldn't want to deny them their chance at civil rights, would we? Now they promise us that at some time in the future they will support a separate gender-issued bill. But in New York City, it took 16 years to get the local ordinance modified to clearly include gender issues. It will be more years before the courts clarify the effectiveness of the new law.

ESPA leaders also tell us that such a bill is unnecessary and we should pursue existing legal remedies. They are lying from every corner of their mouth to gain passage of their deliberately discriminatory bill.

If you want to know who needs the protection the most, study the people being arrested for prostitution in your city. They are the most desperately unemployed people, who cannot find reasonable employment. In many cases you will find those persons to be young, black and transgendered. Young transgendered blacks are often excluded from black community resources because of macho-male, anti-gay, cultural attitudes and conservative, anti-gay, religious attitudes. They are also often not included in gay community resources because they are black, young and poor, and the focus of gay community resources is more toward the needs of white gays and lesbians.

000030

Want another test? Study the people who are suffering most from a rise in reported incidences of AIDS and HIV. Once again, young, black, transgendered youth top the list. For the same reasons as above. And next to them are young black women who are their occasional lovers. This is an important issue for the black community in New York City.

If you want another test, study the people who are suffering most from employment problems. Many transgendered persons are educated and skilled but suffer constantly from unemployment and under employment. Many transsexuals are forced into prostitution at some point during their transition because they cannot get jobs as a transitioning transgendered person. (In fact one of the easiest ways to limit transgendered prostitution in New York State would be to clearly include transgendered people in SONDA and then insist that employers hire them at worthwhile jobs! I know one transsexual who was a C++ programmer and UNIX administrator before she began her transition. She lost her job and for a while was forced to work as a prostitute in the Meat Market District of New York City. Her observation was, "Being a transgendered prostitute in New York City is like flying a crop duster. If you make one error in judgment you will be killed. And there is a high probability that you will be contaminated by a deadly pollutant.")

If you want yet another test, study the people who are suffering most from housing problems and housing discrimination. Obvious transgendered persons are often discriminated against while trying to rent apartments. Public homeless shelters are dangerous places for transgendered male-to-female persons who are classified by the system as "males" and are often attacked and sexually assaulted by aggressive macho males in public shelters.

Local laws and ordinances are addressing some of this across New York State. But this is a patchwork quilt, a clearly worded state law would be much more effective, and would underscore New York State's commitment to nondiscrimination toward all gays, lesbians, bisexuals and transgendered people, even if ESPA lacks the moral fiber to make that full commitment.

Some people argue that another "included category" is not needed. The terms "sex" or "sexual orientation" are broad and can be inferred to include transgendered people. Our experience, across the country, is that state courts are reluctant to interpret laws to cover people who are not specifically included. Their argument is that they are the court and not the legislature. They do not make the laws they merely interpret them. If the legislature intended transgendered people to be included they would have specifically included them in the law. If they did not include them, especially where the issue was discussed during passage of the law, then the legislature must have intended such people not be covered.

Here are some comparisons of why the exclusion of transgendered people from SONDA is morally foul:

- It is like light complexioned "high yellow" mulattos writing a racial non-discrimination law that is carefully worded to only cover light complexioned people who can pass for white. Then claiming that dark complexioned black people "look funny" and you can't really expect conservative Republicans in the New York State Senate to pass a racial non-discrimination act that covers dark complexioned people who "look funny."
- It is like Reformed Jews writing a religious non-discrimination law that is carefully worded to cover Reformed Jews but not Hassidic Jews who "dress funny." Then claiming that you can't expect conservative Republicans in the New York State Senate to pass a religious non-discrimination law that covers Hassidic Jews who "dress funny."
- It is like a human rights group, writing a national origins non-discrimination act, but carefully wording it to exclude people who dress in national costumes. Take those Irish for example!

Parading around the city in ridiculous kilts while playing screechy bagpipes! You really can't expect conservative Republicans in the New York State Senate to pass a national origins non-discriminations act that covers ridiculous Irish people parading in kilts and playing bagpipes!

In just the same way, gay male assimilationists in the Empire State Pride Agenda have conspired to write a sexual orientation non-discrimination act that is carefully worded to include themselves but exclude transgendered people who "dress funny," then claiming that you can't really expect conservative Republicans in the New York State Senate to pass a sexual orientation non-discrimination act that covers ridiculous transgendered people who dress funny.

You have every right to be deeply offended that the leadership of ESPA is abusing the good intentions of the Republican Party in this manner.

Therefore, I conclude, the Sexual Orientation Non-Discrimination Act (SONDA S720) as it is currently written, is seriously flawed and should be amended or defeated! It should not be passed with its current language.

Sincerely,



Alexandra K. MacKenzie
a.k.a William J. Keck, III

cc: Senator Joseph L. Bruno, Senate Majority Leader
Each State Senator

000032

Jeff Maier
20 Kellogg St.
Clinton, NY 13323

Governor George E. Pataki
New Your State Capitol
Albany, NY 12224

Dear Governor Pataki:

I'd like to take a moment to urge you NOT to sign the pro-gay and pro-homosexuality law that is circulating in Albany for your signature later this year.

This law will only serve to place another nail in the coffin of common sense and freedom of speech in this country. It will effectively silence those decent citizens who have moral and religious objections as to why homosexuality is wrong and their rightful ability to say so. That of course, is the major purpose of this bill, and why also the extremist gay-rights movement wants it to be even more stiffly worded against those who would oppose their pan-gay agenda.

Politically speaking, this is not the kind of law a conservative republican should be signing either. Let the government stay out of our bedrooms and allow the general self-governing forces within society to address these kinds of issues. Aside from the obvious moral considerations here, I'm sure the founding fathers would agree. This is not good law nor is it the proper place of government to coming down in favor of one side or the other in matter like this.

Current laws deal more then sufficiently well with issues like harassment and violence against of one individual by another. The last thing we need is more (bad) law intended to address designer issues. As John Stuart Mill observed, what we need (and also need to enforce) is general laws governing general public behavior for the general good of the productive citizen. This kind of customized, style-based law for a select few has no place in our omni-pluralistic America. Once again I urge you to either not sign or veto this bad law.

A republican and conservative in good standing

A handwritten signature in black ink, appearing to read "J. Maier". The signature is written in a cursive, somewhat stylized font.

Jeff Maier

000033

Anthony & Grace Ruck
242-27 130th Road
Rosedale NY 11422-1144

December 6, 2002

Bill # S.720

Honorable Governor Pataki
State Governor of New York
Albany NY 12224

RE: SONDA

Dear Governor Pataki;

You have many constituents that we know of that share our views about the Sexual Orientation Non-Discrimination Act. We believe on the Lord Jesus and are praying that you vote no to this bill. It is intended to further the rights of persons who have perverted the normal male-female relationship over against freedom of religion. Our conscience would not let us associate with such a one who pursues vile lust... working shame.

Our immigration laws forbid those who want to engage in "immoral sexual acts", sodomites. Immigration & Naturalization Service publication M-50, page 10.

We write as husband and wife, biological parents of four sons, business owner, employee, homeowner, and minority ethnic group.

We plead with you to use your influence to maintain the prosperity of normal family conditions in our great state of New York!

Sincerely;

 Grace Ruck

000034

10

FAX
TRANSMISSION

Date and Time:	Monday, December 16, 2002
To:	George Pataki, Governor
Company:	
Fax No.:	518-474-3767
From:	Noreen Sevret
Company:	
Phone No.:	607-562-7309
Fax No.:	607-562-8664
No. of Pages:	1

Dear Governor Pataki,

I just heard today about SONDA (S. 720) and the Dignity for all Students Act (S. 1628) and that it will be voted on tomorrow, Dec. 17th. I need to express my opinion to you on behalf of my family.

I am **appalled** to think that the state I live in, and the Governor I voted in office, would be considering the passage of these two bills. I tried to figure out why the homosexual activist groups were endorsing you this past election – it didn't make sense. Now it does. I **respectfully ask that you do not sign SONDA or the Dignity for All Students Act.**

I have a son who is in 1st grade. It disgusts me and makes me angry to think of the damage that will be done to our children if S. 1628 is passed and public schools are forced to teach the "appropriateness of homosexuality to grade school children". I will not allow my son to be part of that. In my opinion, it is NOT okay, at 6 years of age, to be taught about homosexuality, bisexuality, or any other lifestyle. At his young age, he is looking to his daddy to teach him how to grow up to be a man of **honor and integrity** – the last thing he needs is for the public schools to be teaching him about homosexuality. Talk about brainwashing and being destructive to our children. What we sow now in our children, is what we will reap later – it won't be a pretty picture.

I feel that it will be a very sad and shameful day for New York, and for the children of New York, if these two bills cross your desk and are signed into law.

Respectfully,

Noreen Sevret
11955 River Road
Corning, NY 14830

000035

2740 Woodlawn Avenue
Niagara Falls, NY 14301
December 11, 2002

Governor George E. Pataki
Executive Chamber
Albany, NY 12224

Dear Sir:

I urge you to oppose the *Sexual Orientation Non-Discrimination and Dignity for All Students Acts*, and to give careful consideration to the destructive impact of such laws. If passed gay activists will use them to achieve their ultimate goal—filing criminal charges against anyone who expresses opposition to their lifestyle and using the schools to teach children that homosexuality is normal and harmless. There is a real danger that people like myself may be charged with the crime of "hate speech" just for calling homosexual acts sinful. In San Francisco the legal groundwork is being laid to coerce religious organizations, employers, and individuals into silence on the issue of homosexuality. It is also happening in the private sector—Kodak recently fired 23-year company veteran Rolf Szabo for a memo he wrote expressing opposition to the company's promotion of "Coming Out Day" for homosexuals. Passing SONDA will give the thought police free reign in New York State. Freedom of speech and our children's moral formation cannot be sacrificed for political expedience.

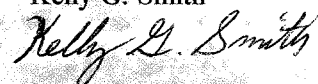
Through this legislation, homosexual activists are seeking not civil rights (which they already have) but a new right to be "comfortable" in their sexual practices and to live free of criticism. If the Senate feels it must give special protections to homosexuals, then it should at least amend the bill to state explicitly that it cannot be used to intimidate and punish those who speak out against the homosexual lifestyle and that schools cannot be forced to teach children that gay sex is normal.

But with or without that amendment, the assumptions underlying this legislation are flawed. First of all, the bill is misnamed. It is not "orientation" that is at issue here. Orientation merely describes one's private desires and it need never become an issue unless it is manifested in behavior—behavior condemned by the major monotheistic religions. Unlike race and gender, the fact that this case involves behavior generally regarded as immoral makes it totally unlike race and gender discrimination—and this is where the notion of the homosexual agenda as a civil rights struggle breaks down.

Homosexual activists demand that we accept and enshrine into law, the idea that those who engage in gay sex are in the same category with those who are born black or female. American history reveals the absurdity of this view. When were homosexuals as a class denied the right to vote? When were they sold into slavery and beaten or killed by "owners"? When did the Supreme Court deny them legal personhood and the rights of citizenship? Homosexuals in America have not suffered this egregious form of institutionalized discrimination. As terrible as are the acts of violence and other crimes against homosexuals, they are no worse than other violent crimes committed for various reasons or no reason at all. We must remember that crimes targeting gays and lesbians are isolated incidents that can be punished and prevented just by enforcing the laws we already have. Since there is no compelling need for such legislation, it has no justification—for the law would give homosexuals legal advantages over those who oppose their social and political agenda. Radical homosexuals would ride in on the coattails of genuine civil rights movements, taking all the benefits for themselves while infringing upon the rights of others—namely the free speech of conservative Christians who are not being given any comparable safeguards against "politically correct" discrimination. The law would elevate homosexuals to a special protected status, giving their lifestyle official recognition and approval.

But I ask you, why should the government recognize and "normalize" a lifestyle that has brought untold death, suffering and devastation to the very communities in which it is practiced? It is like alcohol abusers demanding special protections for their drinking habit, and insisting that tolerance of alcohol abuse be taught in schools. This type of legislation is a veiled but very real attack on the rights of Christians and others who teach that homosexuals must remain chaste. Their attempts to banish our teaching of traditional morality are tragically ironic when we consider one undeniable fact: Had the homosexual community adopted even one of our basic sexual moral tenets—either the prohibition of gay sex or even the mere requirement of monogamy—the deadly AIDS virus would never have spread throughout their community. In labeling our religious views "intolerant," in branding our sexual philosophy "homophobic," in seeking to criminalize our moral discretion and free-speech as a form of "discrimination"—it is the radical homosexuals who are provoking a confrontation, and New York State should not be taking their side.

Most Sincerely,
Kelly G. Smith



000036

Nov 18, '02

Honorable Governor Pataki

While I appreciate the good you do for Jewish Institutions, I am appalled by the reports that you are going to introduce a Homosexual special privileges bill in the State Senate.


Our heroes of the past gave up their lives for honor. It seems you have accepted disgrace for the purpose of insuring your position. I understand it was a difficult test, but you will have relegated yourself to the eternal hall of shame if you go ahead with SONDA.

You needn't bother sending me a letter that homosexuals also have rights. They don't need more rights than anyone else. They are wealthier and more politically influential than anybody else. Their objective is to foist their obnoxious, unwholesome lifestyle on others.

You may have forgotten that NAMBLA was a member of national gay organizations. They want their sex taught to children and see nothing wrong with corrupting them. I am somewhat shocked that a person whom I thought was an honorable man would support such things, even for some additional votes.

Congratulations on your election and please restore this states confidence in you and do away with SONDA.

Most Sincerely,


Joseph Friedman
1501 East 17th Street
Brooklyn, N.Y. 11230
(718) 336-0640

000037

2 December 02

Dear Governor Pataki,

I am writing this letter to ask for your support for the SONDA (Sexual Orientation Non-Discrimination Act) vote coming up on December 17.

I wish to thank you for your past support of SONDA and ask that you encourage other Republicans in the state to vote yes on December 17 for SONDA!

Thank you and Sincerely
yours,

Albert P Hoffend
146 Woodridge Court Apt 7
Rochester, New York 14622

000038

THE HONORABLE

December 2 2002

GOVERNOR GEORGE E. PATAKI

STATE OF NEW YORK, ALBANY NY 12247

DEAR GOVERNOR PATAKI

Militant feelings are needed to serve notice on S 720.

Senate Bill S 720 proposes to set aside a standard of moral values upheld since the early days of this great Country, where a man and his wife nurture their 'brood' by showing them the good and right way.

Parents, together, have watched over their EDUCATION in the love atmosphere of a family, pure and right.

EMPLOYMENT, materially, even today, often involves father and son working side by side in a joint effort to make a living before God but not so with Bill S 720.

Not pacifist but resolute refusal of the proposed 'Orientation Bill S 720' is called for in New York State.

"...because of vile lusts...females changed the natural use...and males also...inflamed...males with males working shame...without natural affection...who knowing the righteous judgment of God...not only practice but have fellow delight in those who do them". Bible reference: Romans 1
Verses 26,27,31,32

My wife and I are believers in the Lord Jesus Christ.

We believe that Government is set up by God and we seek to be subject to it. We are in constant prayerful support of the Authorities in their immense task to restrain evil and violence, without, but also within.

Sincerely and Respectfully,

Arthur Walker Dorothy Walker
Arthur & Dorothy Walker

49 Forest Avenue
Valley Stream N.Y. 11581

000039

November 30, 2002

Governor George Pataki
Executive Chamber
Albany, New York 12224

Dear Gov. Pataki,

I am very concerned about even the possibility of a Senate vote on the Sexual Orientation and Discrimination Act (SONDA, bill S720). It is also understood that you have promised to sign this bill into law if passed. I am shocked and dismayed that you would support such a bill. It is against Christian teaching. I remind you that we are "one nation, under God". The Senate has refused to pass this type of legislation in the past. You are being counted on, supported, and prayed for to stop it once again.

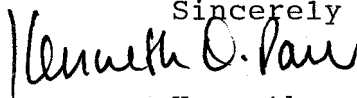
I am a Christian, married, with six children, believing on God and that Jesus Christ is His Son and my Savior. I base my beliefs on the Bible, the inspired Word of God. My life is patterned after these teachings.

Many types of "sexual orientation" are wrong, as can be shown from Scripture, including homosexual behaviour. The Apostle Paul in the epistle to the Romans (ch.1:v26-28) says "For this reason God gave them up to vile lusts; for both their females changed the natural use into that contrary to nature; and in like manner the males also, leaving the natural use of the female, were inflamed in their lust towards one another; males with males working shame, and receiving in themselves the recompense of their error which was fit". This is a destructive and immoral lifestyle, against the family as we were created by God.

We are attempting to condone a lifestyle that cannot be supported by Scripture. I would also like to say that I support government as being ordained of God (Romans 13:v1-4 "Let every soul be subject to the authorities that are above him, etc.") and public servants such as yourself have the impossible job of trying to please everyone. We must keep before us that "God must be obeyed, rather than men" Acts 5:v29).

Thank you for your consideration, support, and hours of hard work. The government of this country is in our prayers.

Sincerely Yours,



Kenneth and Marion Parr
489 Helendale Road
Rochester, New York 14609-3103

000040

ROBERT & JEAN SCOTT
49 Meyer Ave
Valley Stream, NY 11580

November 15, 2002

Honorable George Pataki
GOVERNOR
Albany, NY 12247

RE: SONDA

Dear Governor Pataki:

We are writing to you about an ill-advised bill; **S720** - the Sexual Orientation Non-Discrimination Act.

This bill is a thinly-disguised attempt to advance the homosexual agenda. It is opposed by many of your constituents: family-oriented men and women whose moral values cause them to resent this attempt to legislate our society into a zone of moral neutrality.

The bill is unconstitutional, in that it threatens the free-exercise of religion. It permits, for instance, a Christian employer to disassociate from a homosexual when attending church services, yet compels him to employ such a person when outside of the house of worship. Similarly, a mother may choose not to take communion with a homosexual teacher, but cannot legally keep her child out of that teacher's class in school. This is a denial of Christian conscience which governs every area of a believer's life; both the secular, and the spiritual.

As believers on our Lord Jesus Christ, we pray constantly for you in your important position in Government. We were thankful that you were re-elected. We urge you to "rule in the fear of God" (2 Samuel 23: 3), and use your influence and, if necessary, your veto, to defeat this bill.

Sincerely.

Robert Scott *Jean Scott*

000041

GOVERNOR GEORGE PATAKI
EXECUTIVE CHAMBER
STATE CAPITOL
ALBANY, NY 12224

Dear Governor,

11-14-02

I am writing you about the bill SONDA that is in the Senate. I have been reading about it's passage through the Senate in a paper I receive called Freedom's Alert. I was disappointed when I heard on the radio that you pressured Senator Bruno to get this bill voted on, equally disappointed when I heard he succumbed to the pressure and called a special session in December. Another thing I did not like is the fact that you were endorsed by the Empire Pride Agenda. I do not think that there should be a law that protects these individuals from discrimination. Neither should there be a law which gives them privileges that other normal people do not have. Both of these things are in the bill that you are pushing to get through the Senate. This bill contains a special protection to a group that is not eligible for it. It would cause churches to hire homosexuals even though that is against our beliefs. It would make it illegal for a daycare center to deny a job to someone because he is a queer. It would force the Boy Scouts into hiring queers. This is plainly not in the best interest of New Yorkers. This would make New York less attractive to businesses with any sort of morals. I hope you think about what I am writing you about. It is very important that you do not sign this bill into law. What a devastating effect it would have in New York. On behalf of our state, our economy, and our well being please veto this bill if it ever makes it to your desk.

I do not think that this bill is a bill that you want to back. You know what's right and what's wrong. I think you also know that this bill should be at the top of the wrong list (and veto list). Please do what you know is right and stop this bill dead in its tracks. Do not make it so people look around and say this was authorized by Gov. Pataki when they see the acceptance of homosexuals forced upon churches, upon the boy scouts, upon everybody in general. Please don't do it. Don't sign it with your pen. Thanks for your time. We will be praying that you make the right decision.

Sincerely,

Nathan M. Varner

NATHAN M. VARNER
3907 Rippleton Rd.
Cazenovia, NY
13035-9602
315-655-8379
mdjdnvarner@juno.com

Righteousness exalteth a nation; but sin is a reproach to any people.
Proverbs 14:34

000042

Mr. & Mrs. James Taylor III
52 Heatherfield Road
Valley Stream, NY 11581
December 3, 2002

Honorable Governor George E. Pataki
Governor of New York State
Albany, NY 12224

Dear Governor Pataki:

Re: S.720 Sonda bill

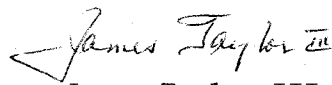
We urge you to be governed by what you know to be right, rather than political pressures, and ask you to use your influence to defeat the Sonda bill S.720 in its present form.

We realize that many persons choose a life style (for instance, "gay" or sodomy) different than ours. While we openly preach the gospel of God, seeking to enlighten all men, we would not interfere with what others are doing. Rather otherwise, we are enjoined in the Holy Scriptures to "withdraw" from iniquity (2 Timothy 2:19), in other words, to keep aloof from it. This is what Abraham did (Genesis 19).

As believers on the Lord Jesus, it is our duty to keep ourselves pure (1 Timothy 5:23), and to protect our households and persons in our employ, particularly young people; therefore we abhor the suggestion of having a perverted (according to Scripture) person in our employ. For many years we have had a small family business; how could it be fair or right for New York State to force us in violation of our conscience before God, to employ someone who would be a damaging influence morally? We would be obliged to go out of business. Why should the State discriminate against us in this way?

Our prayers, and those in Christian fellowship with us, go up to God constantly for government and those in authority under God, and we are thankful for their services. Please take a stand against the Sonda bill S720 in its present form. Thank you very much for your consideration.

Respectfully,


James Taylor III

000043

To: Governor George Pataki
From: Raymond McArthur
Subj: SONDA S.720

Dear Governor Pataki:

It's hard to believe the radical, amoral, left wing political correctors have this much power! Please have the fortitude to oppose them.

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Sincerely,

Raymond McArthur
4056 Bay Park Dr
Liverpool, NY 13090

000041

To: Governor George Pataki
From: Richard Neckers
Subj: SONDA S.720

Dear Governor Pataki:

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Sincerely,

Richard Neckers
7640 Bliss Rd
Westfield, NY 14787

000045

To: Governor George Pataki
From: Michele Matecki
Subj: SONDA S.720

Dear Governor Pataki:

Please please please don't let the homosexuals have one more inch. Please fight to preserve the heterosexual family unit. It's the best way to raise a healthy next generation.

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

I will be praying for your vote for the FAMILY.

Thank you-

Sincerely,

Michele Matecki
104 East Ave
Falconer, NY 14733

000046

To: Governor George Pataki
From: Diana Nygard
Subj: SONDA S.720

Dear Governor Pataki:

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Thank you for taking the time to learn the views of concerned New Yorkers.

Sincerely,

Diana Nygard
157 E 6th St
Oswego, NY 13126

000047

To: Governor George Pataki
From: Nick Felice
Subj: SONDA S.720

Dear Governor Pataki:

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Are you people crazy!!!! You outlaw the teaching of Religion and now you want to replace it in the schools with perversion. If I ever knew that Pataki had made a deal with the so called Gay community he would have never got mine or my families vote.

Sincerely,

Nick Felice
55 Miller St
Seneca Falls, NY 13148

000048

To: Governor George Pataki
From: Tammie Swaney
Subj: SONDA S.720

Dear Governor Pataki:

Don't take away our religious freedoms and beliefs. As a Christian and a mother of 3, we raise our children on Biblical truth. Whether you believe the truth of the Holy Bible or not, you are taking away our right to adhere to our firm beliefs.

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

I ask you, please do not vote to instill your beliefs mandating that these be taught in our schools.

God teaches love. Not acceptance of sin. Our prayers are that God's way will prevail in this issue.

Sincerely,

Tammie Swaney
22 Fraser Dr
Hilton, NY 14468

000049

To: Governor George Pataki
From: Bev Chartrand
Subj: SONDA S.720

Dear Governor Pataki:

The SONDA W.720 bill that is before you is of great concern to me.

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Please do not support this bill

Sincerely,

Bev Chartrand
760 County Route 25
Oswego, NY 13126

000050

To: Governor George Pataki
From: Walter Duffy
Subj: SONDA S.720

Dear Governor Pataki:

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Sorry you voted for this unnecessary legislation.
Please DO NOT vote for Dignity For All Students Act which flies in the face of all with family values.

Sincerely,

Walter Duffy
8 Fawn St
Saranac Lake, NY 12983

000051

To: Governor George Pataki
From: Clara M. Neckers
Subj: SONDA S.720

Dear Governor Pataki:

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Sincerely,

Clara M. Neckers
7640 Bliss Rd
Westfield, NY 14787

000052

To: Governor George Pataki
From: Gertrude Valk
Subj: SONDA S.720

Dear Governor Pataki:

ALERT

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

I sincerely ask you to **REJECT** these bills that is against **GOD** and **COUNTRY**- and all our **MORALS. HONOR**, and the very **FOUNDATION** of our country. **AND NOT WANTED BY THE MAJORITY OF CITIZENS. WHETHER THEY ARE JUST GOOD CITIZENS OR DEVOUT GOD-FEARING CHRISTIANS!!!**

Sincerely,

Gertrude Valk
2313 Albany Post Rd
Walden, NY 12586

000053

To: Governor George Pataki
From: Rhonda Perkins
Subj: SONDA S.720

Dear Governor Pataki:

I am opposed to the SONDA bill.

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

I agree fully with the above statement. I know people who have formerly been homosexual, but I've never met anyone who used to be white, black, hispanic, etc. (Michael Jackson being the exception, of course:)

Sincerely,

Rhonda Perkins
3256 Bassett Rd
Savannah, NY 13146

000054

To: Governor George Pataki
From: Stan Kent
Subj: SONDA S.720

Dear Governor Pataki:

As a minister in New York State, I oppose the Sexual Orientation Bill because it goes against Biblical mandates and principles on which this nation was found. We were not founded as a gay or lesbian nation, so that monies from state taxes should be spent to encourage and even edify such behavior and lifestyles. Christians should not be forced to pay taxes so that others can continue in unbiblical and perverted behavior.

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

If this bill passes and is not repealed, I will hold my republican representatives guilty of not speaking out and taking a stand.

Sincerely,

Stan Kent
10470 Bantle Rd
North Collins, NY 14111

000055

To: Governor George Pataki
From: jessie malecki
Subj: SONDA S.720

Dear Governor Pataki:

I am AGAINST the anti-gay bias law - I think it is absolutely disgraceful! No one should get this preferential treatment!!!!!!

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

Both SONDA and the Dignity For All Students Act (which mandates teaching the appropriateness of homosexuality to grade school children) must be rejected because to support positions like these the government would be supporting controversial choices which are medically proven as dangerous to the participants and expensive to the community which has to absorb the cost of increased medical attention.

To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Thank You for whatever you can do to CHANGE this.

Sincerely,

jessie malecki
21 North St
Schenectady, NY 12305

000056

To: Governor George Pataki
From: Anthony Palow
Subj: SONDA S.720

Dear Governor Pataki:

The Sexual Orientation bill (SONDA S.720) amends the Human Rights Law, which was originally designed for powerless persons who had unchangeable traits (like race). Not only do many homosexuals change from that lifestyle, but they also have incredible political power (otherwise, the Senate would not be convening a special session for them).

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To teach such controversial practices as being normal to children or protecting the same as legal behavior under NY law offends the moral sensibilities of the majority of New Yorkers.

Thank you for your attention in this matter.

Sincerely,

Anthony Palow
Pastor
Faith Assembly of God
254 Spackenkill Rd
Poughkeepsie, NY 12603

000057

EXHIBIT O

NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 17, 2002

11:55 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

THE PRESIDENT: The Secretary
will read Calendar Number 1705.

THE SECRETARY: Calendar Number

1705, substituted earlier today by Member of the Assembly Sanders, Assembly Print Number 1971, an act to amend the Executive Law, the Civil Rights Law, and the Education Law, in relation to prohibiting discrimination.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Explanation, Madam President.

THE PRESIDENT: Senator Hoffmann, an explanation has been requested by Senator Dollinger.

SENATOR HOFFMANN: Thank you, Madam President.

My first order of business is to acknowledge the original prime sponsor of this measure, who has left this chamber to take on a new responsibility with the City of New York, working with the United Nations. And all of us are indeed indebted to Senator Roy Goodman for his diligence in this area over the last 30 years.

This marks the 31st year that this bill has been before the Legislature, but the first time that it's been before this house.

I think it's appropriate to read briefly from Senator Goodman's original preamble, to perhaps set to rest a few of the misconceptions about this bill, which is known as the Sexual Orientation Nondiscrimination Act.

In his preamble, Senator Goodman wrote: "The Legislature reaffirms that the State has the responsibility to act to assure that every individual within this state is afforded an equal opportunity to enjoy a full and productive life, and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance, or inadequate education, training, housing, or health care not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundations of a free, democratic state."

I think that with that preamble we understand that this is indeed a compassionate and wholly appropriate measure that is before us today. The summary of its provisions include, in Section 1, the intent to reaffirm the right of every New Yorker to a full and

productive life free of discrimination.

Section 2 amends Section 291 of the Executive Law to declare the opportunity to obtain employment, education, and the use of places of public accommodation, as well as ownership, use, and occupancy of housing accommodation without discrimination because of sexual orientation, to be a basic civil right.

Section 3 amends Section 292 of the Executive Law to define "sexual orientation" as "heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived. However, nothing contained herein shall construed to protect conduct otherwise proscribed by law."

Section 4 amends Section 295 of the Executive Law to expand the responsibilities of the Division for Human Rights to include studying the problem and working toward the elimination of discrimination because of sexual orientation.

Section 5 amends Section 296, Subsection 1, of the Executive Law to prohibit discrimination based on sexual orientation by

employers, licensing agents, employment agencies, and labor organizations. This section also prohibits employment advertisements and applications which express any limitation, specification, or discrimination as to sexual orientation.

Section 6 also amends the Executive Law to prohibit discrimination based on sexual orientation in the advertisement of apprenticeship training programs.

Section 7 also amends the Executive Law to prohibit discrimination based on sexual orientation by owners, lessees, proprietors, managers, superintendents, agents or employers of places of public accommodation, resort, or amusement.

Section 8, also amending the Executive Law, prohibits discrimination based on sexual orientation with respect to publicly assisted housing accommodations.

Section 9, also amending the Executive Law, prohibits realtors from inducing the sale of property by representing that a change has occurred or will -- or may occur in the composition of a neighborhood

with respect to the sexual orientation of the neighbors.

Section 10, also amending the Executive Law, prohibits an education corporation or association which holds itself out to the public to be nonsectarian from denying the use of its facilities to any otherwise qualified person by reason of his or her sexual orientation.

Sections 11, 12, 13, 14 and 15 also amend other sections of existing law with similar provisions, all designed to create equal opportunity in this state for people of diverse sexual orientation.

The bill does not amend -- and this is very important for those people who are concerned about what this bill does do -- this bill would not amend the Human Rights Law, Article 15, Section 11. "Nothing contained in this section shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes which is operated, supervised or controlled by or in connection with a religious organization from

limiting employment or sales or rental of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from taking such action as is calculated by such organizations to promote the religious principles for which it is established or maintained."

There are those who have lobbied vigorously against this bill, claiming that it would dictate to religious entities how they must conduct their internal practices. And it is very important to establish that that would not be the case. But where the general public is affected, in the practice of virtually every other aspect of our activities in this state, it would no longer be an acceptable course of action to discriminate against any citizen of New York State on the basis of their sexual orientation, real or perceived.

I want to thank the Governor for his strong commitment to this measure. He has established a mark of leadership that all of us in this chamber must admire for many, many reasons. But today is in fact a proud day because he is going into an important area

with his leadership in this measure, and we admire him for his leadership in leading us forward in SONDA's discussion today and in the previous months.

I also would like to thank Senator Bruno for his willingness to acknowledge that the times have changed. And he said yesterday the time has come to bring this measure to the floor for a vote, and he committed his own support for it at that time.

I thank all of the people who have been patiently waiting for more than 30 years for this measure to come to a vote in the Senate. I thank those people who kindly and compassionately shared their own personal history, their own stories of discrimination, and helped spark in those members of this chamber a new sense of compassion and awareness as to why we should have a law addressing prohibition of any discrimination for sexual orientation in New York State.

This is indeed a proud day for the New York State Senate, Madam President. Thank you.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you,
Madam President.

I want to thank Senator Hoffmann for quite a meticulous and detailed explanation, particularly the specificity of Article 15, Section 11, which had become somewhat controversial, brilliantly stated and really underscoring that the time has come.

And like Senator Hoffmann, I want to thank Senator Bruno for acknowledging that the time has come by allowing this bill to come to the floor.

In many ways, this is really the Federal Civil Rights Act of 1964 finally applying to Americans who live in New York State who in spite of that passage were not afforded the same protections as those who were benefited some 38 years ago. The fact is that there are people in this state who are gay and lesbian and bisexual who haven't had the opportunity to receive fair housing and equal opportunity in employment, credit, and educational opportunities because of the way they conduct their lives.

We're talking about people that

have committed no offenses against society, people who believe in the same ideals that we do, people who believe in the same values that we do, and yet we have, as a society, imposed our judgment upon them.

So it's not only a legal victory today, it's kind of a celebration. It's a celebration of the right of people to live the way they should want to live. In many respects, it's the type of a life as may have been described in the Bible in the story of David and Jonathan that Plato made the very basis of his philosophy: It is a deep affection that is as pure as it is perfect. It dictates, pervades great works of art, like those of Shakespeare, Michelangelo and, on the lower frequencies, those people in this state who are just looking for fair housing and equal employment. It is misunderstood in this century, but it is actually fine.

We come here today to make sure that those rights are extended and that this historic day gives those rights to Americans who, just by their birth and their belief in our American system, should have had those

protections for over 225 years.

And I'm proud to be standing here as part of it. It's a day that I'll remember in this chamber as much as any other one. And I'm very glad to speak in favor of the bill.

I want to thank all of those who have lobbied, all of those who have lent not only their voices but their reputations to passing this legislation. This really is a time not only to celebrate but to remember those who 31 and a half years ago first tried to enact this legislation when they introduced a bill. Not all of them are here to see it, but I know wherever they are that they are smiling on us, who finished a job that those Americans, not only gays and lesbians but people who are not, struggled unremittingly and courageously over the years to try to achieve.

We'll all remember we were here today, and I'll bet more of us will say one day that they voted for this bill.

(Laughter.)

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam

President. On the bill.

THE PRESIDENT: You may proceed
on the bill, Senator.

SENATOR DUANE: I'd first like to
say that it's quite a challenge to be the only
openly gay person in the State Senate. It's
hard to be the only one. There are times when
I'm tempted to remain quiet and not speak out
against those issues which are harmful to the
gay, lesbian, bisexual and transgender
community.

And honestly, every time I speak
out, it's like coming out all over again.
Maybe it's gotten a little bit easier over
time. But I always have to make the decision
whether to come out by speaking out.

And if I didn't, I guess I wouldn't
get the hate mail and those horrible phone
calls and, you know, hear about jokes which
are not funny at all. You know, sometimes
when I've been in the press -- and I'm often
asked on these issues -- all of a sudden, in
the middle of the night, I'll get phone calls,
people will ring my door buzzer. And I
thought that that came with the territory.

And when I started to go out with my now partner, Louis, the first time that I was in the paper when we were together and the phone started ringing and the doorbell started, he said: "What is going on? What is this?" And as I say, I just kind of thought it came with the territory.

So to put his mind at ease, and I guess, you know, to be smart, I took my name off the buzzer and I took my name off my mailbox so that -- I wouldn't take my address or phone number out of the phone book, but I wanted to make it a little bit harder -- actually, something else. What happened was, one night when we came home from the movies, there was a person sitting outside our door. And even I was frightened then.

And so I took my name off the mailbox and the doorbell, but I didn't take my name out of the phone book and I didn't take my address out. So now if someone wants to get to me in my apartment building, they're going to have to check on all the doors.

But when I talk to other gay elected officials from around the country and

right here in New York State, we're all subjected to the same thing. And you can only imagine what it's like for people to come out who aren't that high-profile, who don't have the protection of a public office. I mean, it comes with the territory. And I don't want you to feel badly for me, because I have a job which I love. But I say it as an example of what happens in the world.

You know, when I was elected I vowed that I would bring my voice to the halls of government, and especially for those who had no voice, and to demand justice for people that don't have a voice. And I think it's the right thing to do, and I'm still committed to doing it.

You know, history is being made in New York State today. Today we're voting on the Sexual Orientation Nondiscrimination Act, which will protect New Yorkers from being denied employment, housing, public accommodations, education and credit simply due to their sexual orientation. But this will improve the quality of life for all New Yorkers, just as it did when we created

these exact same protections for citizens based on race, sex, creed, color, national origin, disability, age, and marital status.

New York now joins 12 other states, including the District of Columbia, in protecting citizens from discrimination based on sexual orientation. With your vote today, we can hold our heads up high, knowing that for so many of you this will be a politically courageous thing for you to do as well as the right thing to do. And I'd like to thank so many of you in advance for your open-mindedness, your courage, and your support.

Sadly, this is also a bittersweet day for me as well as for many New Yorkers who wanted to include freedom from discrimination for everyone as part of today's vote. On the one hand, we are witnessing an event on the floor of the State Senate that has been over 30 years in the making. Gay and lesbian New Yorkers will no longer have to risk losing their basic necessities merely because of who they are. And, yes, votes such as this are the main reason why I entered public service.

There's a glaring omission, though, which overshadows this bill, and it is of such importance that it made me pause before deciding to vote for this bill. And that's something I never dreamed could happen. The bill that we are voting on today excludes those who probably could use these protections the most, our transgendered citizens.

Madam President, I believe there's an amendment at the desk and I ask that we waive its reading and I ask to be heard on the amendment.

THE PRESIDENT: There is, Senator, and you may proceed on the amendment. The reading is waived.

SENATOR DUANE: Thank you, Madam President. Thank you.

The amendment is quite simple but its implications are enormous. This amendment replaces the language of the bill and replaces it with my version of SONDA, S1985. My amendment is exactly identical to the bill before us and provides the exact same protections based on sexual orientation. However, my bill adds one more category,

gender identity and expression.

"Gender" is defined in my bill as gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

This language should be included in the current SONDA legislation to ensure that our transgendered citizens are protected from discrimination. It is vitally important.

"Transgender" refers to transsexuals, including male and female preoperative, postoperative, and nonoperative, as well as drag performers, cross-dressers and others who do not strictly adhere to traditional gender roles and expressions. It includes gays, lesbians, bisexuals, and heterosexuals, including those with effeminate or masculine presentation.

Gender-inclusive civil rights is needed to protect both those who identify as transgender and gender-variant lesbians and gay men who are routinely denied access to

basic health care, service in restaurants or stores, housing, employment, and contractual services because of their gender identity and expression.

Many preoperative and postoperative transsexuals are fired the moment their employers find out about their plan to undergo sex reassignment surgery or learn they already have undergone such surgery. Transgender people often face severe discrimination when attempting to find a place to live. Many transgender and gender-variant people are denied equal treatment in public accommodations. They are asked to leave restaurants, hotels, stores, medical facilities, and educational institutions. They are denied credit and even refused access to rest-room facilities.

Even those who do not express their gender variance in the workplace live in fear that their employer will discover the fact that they cross-dress in their private lives and fire them because of it.

The leading fact for HIV infections among people of transgender experience is

discrimination. Every day homeless people are not afforded a shelter bed because of their gender expression. Many are forced into high-risk activities such as prostitution, if only to obtain a safe place to sleep for another night.

It's heartbreaking. In fact, there's a whole category of children who I call the port kids because they live and work around New York City's Port Authority. They have no place to live, they've been thrown out of their homes, and they make their living in ways that they do not even want to discuss because of the shame. And yet they go back and do it again the next night, because that's how they survive. The port people live and work at night around the Port Authority Bus Terminal.

So affording protections to transgendered people is not a new idea, and it's an idea whose time has come in New York. Two states, Minnesota and Rhode Island, already afford these protections, and 37 cities have passed nondiscrimination laws which protect transgendered people. I firmly

believe that the only hope many transgendered individuals have for a decent, safe and rewarding life is to pass legislation which protects them from discrimination. Amending SONDA can make a really difference in their lives today, and we should not miss this opportunity.

By voting for this amendment, we will send a powerful message that no New Yorker deserves to be discriminated against, that no New Yorker deserves to be homeless and hungry simply because they do not conform to traditional views of gender identity.

I offer this amendment today with a heavy heart. There are those small but powerful groups in the gay community who are willing to turn their backs on the transgender community simply to ensure that a watered-down version of SONDA passes today. I personally have been a victim of a vicious and mean-spirited campaign which accuses me of trying to kill SONDA merely because I am in favor of transgender inclusion.

And I want everyone to know I have

no interest in killing SONDA. SONDA is something which has been a major part of my platform since before the day I got here. And I want to make this crystal-clear, that while I support SONDA wholeheartedly -- and I hope all of you will -- I will not be bullied, shamed, or threatened into retracting my support for the transgender community, and no amount of money or threats to withhold money will ever convince me otherwise.

I'm embarrassed today for my community. Instead of banding together to ensure protection for all, we are fighting among ourselves and greedily seeking our own self-interested version of SONDA. This is tragic, especially in light of the example given to us by the African-American, Puerto Rican, and Hispanic caucuses in their dealings on hate crime legislation. Hate crime legislation finally became law in New York in 2000. It could have been law in 1990, but courageous legislators, including and especially David Paterson, stood their ground and insisted that they would not support any version of hate crimes which did

not include the gay and lesbian community.

Because of their convictions, we today have a comprehensive hate crimes law in New York. Thank you. I want you to know that although some of the gay and lesbian community have chosen not to follow your example, there are those including me who will never forget it and will always fight to include those less fortunate than ourselves when considering legislation.

So I urge my colleagues today to do the right thing and vote for this amendment. We were elected to the Legislature to protect all of our citizens, and I believe I have outlined how essential it is to protect our transgendered citizens.

SENATOR HEVESI: Madam President.

THE PRESIDENT: Senator Duane, are you moving that the bill be so amended?

SENATOR DUANE: Yes, Madam President.

THE PRESIDENT: All right.

Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President. I'd like an opportunity to be

heard on the amendment.

THE PRESIDENT: On the amendment.
You may proceed.

SENATOR HEVESI: Thank you, Madam
President.

I rise today in support of Senator
Duane's amendment, and I do so in the context
of being arguably the most conservative
Democrat within the Democratic conference,
possibly with the exception of Senator
Gentile.

And I understand that this entire
issue of SONDA is very complicated, there are
lots of nances to it, and when you add the
transgender component, it becomes even more
complicated for many people.

So let me simplify it for everybody
where I'm coming from so, since I am a
conservative Democrat and my district is a
fairly solidly Democratic district, but a
moderate district, and I've got religious
organizations in my district, and rabbis, and
many of whom have contacted me opposed to not
only a transgendered component but SONDA in
and of itself. So let me simplify it.

I oppose anyone for any reason being discriminated against. I don't care whether or not that individual is being judged by what the color of their skin is or their gender or their age or their sexual orientation. I don't care either, Madam President, whether or not that individual has a predisposition to some behavior or a lifestyle that they were born with or whether they choose to engage in that behavior. I don't care.

What I care about is that the people that we attempt to protect through hate crimes, and through what we're doing today, are the people who are consistently victimized because of those characteristics. It's irrelevant to me whether, even though it's distasteful to some people, whether they may find it personally distasteful or whether the dictates of someone's religion -- and I have great respect for everyone's opinions on this -- but whether the religion says that there is something wrong with a particular behavior.

In my opinion, as long as the

behavior doesn't harm anybody, even if it offends somebody's sensibilities, and the person who practices it through their own choice or because they don't have a choice, is victimized consistently and targeted because of that behavior, then we in the government have to step in and protect them. That's what SONDA does.

And I too am disappointed, Senator Duane pointed out, that the transgendered community is not included in this bill, for the reasons that I've just stated. But particularly because the way this all came about really was reprehensible.

And, Madam President, let me be very clear on this, and I'll speak on the main component of SONDA in a similar context: We didn't get this bill on the floor today because we had an open debate and discussion and people can, if there's a consensus, move a bill to the floor and vote on it. And I'll use the hate crimes example. When finally hate crimes was allowed out onto the floor, it passed with a strong majority. It even passed with the majority of the Republican

conference. Yet it had been bottled up for years.

So the way this came to the floor today was not through some democratic process, although I commend the Republican leadership a little bit -- I want to be a little bit charitable, because they are finally doing it -- for bringing it here. But it was done because Governor Pataki contacted the Empire State Pride Agenda and essentially said to them: If you endorse me, I'll push Senator Bruno to go ahead and bring this to the floor.

I mean, this is not Dan Hevesi saying this. This has been reported in the New York Times. And the problem I see is that we have become so complacent that this is now just accepted. It's somewhat shameless.

And the Empire State Pride Agenda, I don't know whether to fault them for their actions here, because they are trying to achieve an ends. I don't know whether they pressed the Governor to include transgendered individuals. I don't know what they did.

But I will tell you this. When I first ran for the Senate in 1998, I filled out

a questionnaire for the Empire State Pride Agenda, a voluminous questionnaire. And I thought I had agreed with them on almost every issue. I didn't on one, one question. And they withheld their endorsement of me in 1998 because of it. They were very principled at the time.

But Governor Pataki -- and I guess I applaud him somewhat for finally moving on this, even though it was done exclusively in the name of political expediency -- the Governor has been in office for eight years now and hasn't done anything on this. And so the Empire State Pride Agenda gets boxed into a position at the end where they have to make a terrible choice. And they made that choice. And it may be the right choice; I'm not sure.

But the reason I'm saying all this, Madam President, is that the process here is just awful. And this is my final day in the Legislature here. And I guess I'll use this moment to just beg everybody, we've got to change the process here. This is just bad, bad government.

So having said all that, I support

Senator Duane's amendment on transgendered individuals. They're being targeted. I'm sorry if it offends some people, their behavior. It doesn't hurt anybody. The only people being hurt are the people who are being targeted. Transgendered people are being targeted. Gay people are being targeted. Let's protect them.

It is not an intellectual injustice to both oppose homosexuality on religious grounds or because you personally find it distasteful and at the same time suggest that even though I have those feelings, I don't want anybody victimized. Nobody should be thrown out on the street from their housing because they're gay or transgendered or a lesbian or bisexual. They shouldn't. They shouldn't be denied education. And you can oppose homosexuality and still support this bill. And you can still support the amendment that includes transgendered individuals.

And I respect all the people in this house who are going to vote against the amendment, and I respect the people who are going to vote against SONDA. That is your

right to do it. And God bless us for at least having the opportunity today, though it came about through a really bad process, of having an open discussion about it.

So having said that, I applaud Senator Duane for his years of advocacy on this and reject any insinuation that he was trying to tank SONDA for some improper reason. I commend Senator Nancy Lorraine Hoffmann, Republican State -- former Republican State Senator Roy Goodman, who carried this for many years, and everybody who just keeps an open mind about this, even if you wind up disagreeing with the way the vote winds up going today.

So I support this amendment here today, and I will be supporting SONDA also.

Thank you, Madam President.

THE PRESIDENT: Those Senators in agreement with the amendment, please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Brown, Connor, Dollinger, Duane, Gonzalez, Hassell-Thompson, Hevesi, L. Krueger,

Montgomery, Onorato, Paterson, Sampson,
Santiago, Schneiderman, A. Smith, Stachowski,
and Senator Stavisky.

THE PRESIDENT: The amendment is
lost.

Senator Maltese, on the bill.

SENATOR DUANE: Madam President.

THE PRESIDENT: Senator Maltese,
Senator Duane has indicated he'd still like to
speak on the bill.

Senator Duane, you may proceed on
the bill.

SENATOR DUANE: Thank you, Madam
President, to continue on the bill.

Obviously I'm not surprised at the
outcome, and I'm disappointed that the
amendment failed. But I am encouraged by the
good number of votes and pleased about the
progress that we've seen today.

You know, when I first entered the
Senate in 1999, I don't really think that many
of my colleagues knew very much about the
transgender community. And I think I might
have been the first person to actually say
"transgender" on the floor of the Senate. I'm

not betting on that, but I think it's probably true. And I think I might have been the first person to bring someone of transgender experience onto the floor when I brought on Barbara Ann Perina.

So we've come a long way in the short years that I've been here in the Senate. And just last week Senate Majority Leader Bruno held a press conference where SONDA and the issue of transgender inclusion was addressed. I mean, who could have imagined that five years ago?

So anyway, I promise the transgender community I'm not going to forget and I'm not going to give up the fight for your inclusion. The battle for that begins right away.

And on the bill, I am very, very happy that thousands and thousands of New Yorkers will no longer have to face fear of discrimination based on their sexual orientation. And I can assure you, everyone, that this legislation will impact the lives of thousands of New Yorkers.

When I first started to come here,

I would drive along 90 -- or 787, actually -- or right where they meet (laughter), and I would see a big sign for Cracker Barrel. Cracker Barrel is a restaurant that fires people if they think that they're gay or wouldn't hire people if they thought they were gay. Now, they did succumb to the pressure of the shareholders and based on a shareholder vote, they just a couple of weeks ago changed their policies. But every time I passed that Cracker Barrel billboard, I thought: Look at that, a company here in New York State that's allowed to discriminate based on sexual orientation.

So I'm glad that that will no longer be the case, I hope, and I think, in New York State today. And I'm very grateful and I feel an awful lot of humility to be a member of this body on such a historic day.

You know, the discrimination against gay people starts at such a young age. Think about it. If a child is African-American or Jewish and they're in the playground and some other child says something horrible to them, makes some kind of bigoted

remark, what happens? Well, that child goes home to their parents, whoever the adult is in their lives, and they say: This terrible thing happened today, this child called me this horrible name, my friend, they were making fun of me in the playground, I can't take it.

And that parent, who probably looks like that child, maybe Asian like that child is Asian, or is raising the child in the same religion, will say: That's terrible. You should be proud of who you are. Hopefully that parent will go to the school, talk to the teacher, the principal, find out why this is happening to their child that they're being made fun of.

Well, what happens if you're a gay kid -- or not a gay kid, but someone taunts you because they think you are? What happens to you? You go home that night and you don't say anything to anyone because you think what you are is so terrible that you can't tell the parent or the adult in your life what happened to you. And for many of us, that kind of scar takes a lifetime to overcome. And sadly, some

people never overcome that.

And so what we're doing today is so very important. Passing SONDA is very, very important. I would be remiss if I didn't point out, though, that there are glaring problems with the New York Division of Human Rights. Currently, there's a huge backlog there. Years and years go by before cases are resolved. With the passage of SONDA, the challenge in that agency will be even greater.

And so I hope that we will also take to heart how important it is to reform that agency, which is the place in New York State where you can go if you have been discriminated against, no matter what the reason.

I also think we ought to have a private right of action for people who are discriminated against. But I'll save that for another day, and I'm sure you're glad to hear that. (Laughter.)

I want to conclude by thanking the early activists of the gay, lesbian, bisexual and transgender community, those brave and farsighted individuals who fought so hard and

suffered so much so that we could get to this point today. There are those who lived proud lives before Stonewall, those who fought against oppression at Stonewall, and those who struggled to found organizations, many of which still support us today, though with different configurations and many more members and supporters. Unfortunately, a lot of those early people, early pioneers, have died before this bill came to the floor today.

I want to thank the parents of gay people who have stood with us, as well as the nongay people who have supported us and fought for us. I'd like to thank the activists and organizations, including the Empire State Pride Agenda, members and staff from the early days before it was even called the Pride Agenda, and those who are with the organization today. In the movement, we're all family members, we all fight with each other, we all work with each other, and today we will celebrate the passage of this legislation today.

I also want to thank all the legislators, past and present, who supported

our civil rights. I want to thank Governor Pataki and Senator Joe Bruno. And I want to thank those who have supported these civil rights, especially my friend, the pioneering Assembly Member Deborah Glick, and Steve Sanders, the Assembly sponsor of this legislation. And I want to thank in advance everyone who is going to vote for this bill.

Today is a day for us to celebrate. And let's celebrate with those who are now going to have statewide protections. And you know what? Tomorrow starts another chapter of fighting for equality for all New Yorkers.

Thank you.

THE PRESIDENT: Senator Maltese.
On the bill?

SENATOR MALTESE: Madam
President, on the bill.

First of all, I would like to express our appreciation to the leader for making it very clear to us who oppose this legislation that this was a question of conscience and would be determined as a question of conscience without pressure of any kind.

I'll be relatively brief, since all of us have had in excess of 30 years, and perhaps longer, to study and listen to the arguments, pro and con. I'd like to express a couple of concerns that we have, or I have as an attorney.

My first concern is that while the legislation specifically excludes owner-occupied two-family houses from the -- from this legislation, it does not exclude owner-occupied premises that may be larger and have more families. In addition, it does not exempt any non-owner-occupied premises. And I think that's something that could very well lead to disquiet in communities that I represent and other communities, and in the feelings of many, many people who regard homosexuality as immoral.

Next, I would like to bring up the concern that has been expressed to me by religious leaders, that while the exemptions do apply to religious educational institutions as far as the selection of prospective students, there does not appear to be, in the advice of counsel, any exemption for religious

institutions in their hiring practices. And this seems to be an infringement upon their religious rights and probably would be cause for court litigation in the future.

There are many, many New Yorkers that feel that by conferring these rights on homosexual men and women, they are infringing on their rights as Catholics or those that are members and see themselves as the inheritors of 2000 years of Judeo-Christian morality.

The statute itself in the preamble cites that it is not intended to promote a particular course of conduct or a way of life. I respectfully submit that the passage of this legislation would in fact do that very thing.

Homosexuals or anyone else, for that matter, do not have the right to have no one disagree with them as to the morality of homosexuality. Nor do they have a right to be free from what would be called attitudinal discrimination against their sexual orientation.

Society will respond to this legislation as it has responded to homosexuality over the years. There has been

a definite change in the feelings and emotions generated by not only homosexuality but this specific piece of legislation.

The Catholic Church and the Catholic Conference, which has made its views well known, have indicated and alluded to the Catholic catechism, which speaks about respect, compassion and sensitivity for everyone, including specifically homosexuals.

The other groups that have come forward I feel deserve to be respected here in this house. The church groups, the many church groups that are concerned about children and about the morality of their members have expressed severe concerns and reservations about the passage of this legislation.

The bill, there is no question the bill has profound social, legal, and moral aspects. The bill itself is, I feel, a step in the wrong direction. We cannot legislate politeness. We cannot legislate courtesy. We cannot legislate the way people feel. I think that comes through mutual respect.

I do not think that everyone who

opposes this bill can be called a bigot, as has been done in some quarters, and certainly not in these chambers, or lacks compassion or tolerance. Much has been said over the last few years about the fact that all of us know or -- know people who are gay or that all of us, perhaps, in our family or close friends, have people who are gay. I don't think that that necessarily means that we have to accept that as a grounds for voting for this legislation.

At the same time, because this is such an emotional issue, I think that we who oppose the bill can oppose it in good conscience. As I said at the very beginning, this has been termed a question of conscience by the Majority Leader and some of us. And over the some 30 years that I've been here in various capacities, I've seen that the three issues that arouse these same emotions are abortion, the death penalty, and homosexual rights.

I think that the persons across the state and across the nation that feel that this confers a special status on homosexuals,

I think they're correct. I think that this will lead to an attitudinal change that not only still provides for compassion for all of our citizens, irrespective of sexual orientation; at the same time, this is a watershed issue, there's no question. I share that reasoning with the supporters of this bill.

This is something that we as legislators should take a good, hard look at before we decide to vote whichever way we decide to vote. In the course of the years that I've been here, I've had occasion to speak to legislators, as I indicated, on the question especially of abortion and the death penalty, legislators who were sorry that or expressed remorse -- and as a matter of fact, even a governor who had expressed sorrow or remorse at a prior position. And I just ask respectfully my colleagues, no matter how they vote, to treat this as a question of conscience and vote their conscience.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

THE PRESIDENT: On the bill?

SENATOR LIZ KRUEGER: Yes, on the bill, thank you. Excuse me, I was listening to Senator Maltese.

We talk about this as a question of conscience, or some talk about it as a question of conscience. And I will make the argument, and I will make the argument up front, that I will of course be voting for this bill. This is simple. We're trying make this too complicated.

If you ask yourself the question do you believe that anyone in our state should be discriminated against, you have to answer no, you don't believe in discrimination. No one who sits in this body is going to stand up and say yes, I want people to be discriminated against because of who they are. I challenge that none of you will.

That's all this bill is. Perhaps 31 years ago it was a more complex issue in people's lives. Times have changed. We do learn. Sixty years ago, in this country, you still had people debating the right to discriminate against people because of the

color of their skin. If you were African-American in this country, it was okay to be discriminated against in statehouses. And it was wrong then, but there were people in statehouses all over this country who were prepared to discriminate against people because of the color of their skin.

This country has a history -- not a proud history, but a history of discriminating against people based on their religious beliefs. And yet today there is no one in this house, I would argue, who would stand up and say: Yes, I support discrimination because of someone's religion.

And there have been points in the history of this country where people felt it was okay to discriminate because of your gender. Women could be discriminated against under the law.

So this is a progressive process we've been going through in this country. But again, it is the year 2002. It is way past the time when I would argue anyone sitting in a statehouse anywhere in this country would stand up for discrimination.

And so for me, I have to ask anyone who thinks that it is an issue of conscience to support discrimination: How are you defining that for yourself today? This is not a bill that's talking about asking religious organizations to change their religious teachings. This is a bill saying that in the State of New York we will not tolerate discrimination. It is simple. It is way past due.

I am sorry that Tom Duane's amendment to include transgender members of our community was not included, because I would argue it's exactly the same question: Do you support discrimination? We can't support discrimination. No one in this house supports it.

And again, don't overcomplicate the issue. No one should be thrown out of their job or thrown out of their house or fail to get equal rights under the laws of New York State because of their sexual orientation or their gender identification. It's simply not okay. It's simply past time that we move this bill.

I appreciate Dan Hevesi's comments earlier from a conservative perspective about why this bill may or may not have gotten here and his support for it. I will applaud everyone for their support for this bill today to get it done, because we need to move forward. And we need to not continue to debate in the State of New York whether or not it is ever okay to discriminate against any of our citizens.

So thank you to everyone who does vote for this bill today. And ask yourself the question, if you vote no, what is your definition of conscience? Thank you very much.

Thank you, Madam President.

THE PRESIDENT: Senator Montgomery. On the bill?

SENATOR MONTGOMERY: Yes, Madam President.

I would just like to join my other colleagues in thanking the sponsor. Certainly, Senator Hoffmann, you can take credit, but we do know that Senator Goodman carried it many years before. And our

Majority Leader, for allowing this process to take place. I wish we could have this process for every single issue we have to deal with that's difficult, that we can open it up and those of us who decide we can support, do that, and those of us who can't, vote no.

But today is really a very special day because I think it reflects one of the issues that this nation has, from the very almost inception and certainly very beginning of our democratic government, has had to deal with. And that is what do we do to make sure that every single individual that we consider an American be granted equal rights. It's what our Civil War was about. We had to go through years of struggle for civil rights and voting rights for women and for African-Americans, for 18-year-olds. We've had to deal with this issue. What do we do about the rights of all individuals to make sure that what I believe to be -- even though the Constitution had an error in it, it referred to some people as 3/5th, we have essentially, our country has had to live that down in many, many respects.

So this I think today is an indication. And there are hundreds and thousands of people who live in my district -- they are my neighbors, they are my friends, my staff, my family -- these are the people who are going to be extremely happy because we are doing what has been given a charge to us, and that is to make a legal contract between two people valid, not based on anything except that they are a legal family.

And so I feel very good about this. It removes a sort of weight from our shoulders. I know that we still have a little bit more to do -- a lot more to do, actually. But certainly this is a great step. It's in the tradition of what America represents. And I believe that we all can take pride in the fact that -- certainly those of us who support this legislation can take pride in that we're taking this step today.

Thank you, Madam President.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Madam President, many of you in this chamber remember my husband. What some of you may not

know is that he wrote his master's thesis and Ph.D. dissertation on skilled black labor in the antebellum South. He subsequently taught black history. And people would ask Leonard, Why black history? And he always had a very simple answer: Discrimination against one is discrimination against everyone.

Reminds me of the commercial "You don't have to be Jewish to like Levy's rye bread." (Laughter.) And you don't have to be gay, et cetera, to understand that discrimination is wrong.

Take a look at the bill we have before us. It only adds two words to the various sections that deal with discrimination. Those two words are "sexual orientation." Not a very dramatic change, but I believe a change long overdue.

I vote aye.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you,
Madam President.

I join with many of my fellow Democrats in applauding the sponsors of this bill and those who support it. And as my

fellow Democrats have said, whenever there's a little bit of prejudice against any one of us, there's prejudice against all of us.

And even though many of us don't remember actually, we remember by reading when there were signs in Boston in windows which said "No Catholics need apply" or when Jews were precluded from joining clubs or blacks weren't allowed in West Point. All within recent memory. And again, whenever there's discrimination against one of us, there's discrimination against all of us.

And even though I don't agree that he's the most conservative member of our Democratic side, Senator Hevesi was eloquent in saying that based upon the discrimination, discrimination against anyone is sufficient for us to rise and say if we can't do it amongst ourselves, we must do it by statute.

This statute by the addition, as Senator Stavisky has said, of including the words "sexual orientation," makes it the law. Again, it would be much better if we could do it between and among ourselves. But when that isn't possible, when that discrimination

continues to exist, and continues to exist on a day-in-day-out basis, as Senator Duane so beautifully expressed, then it's time for us to come together as a body and time for us to come together as Democrats and Republicans and pass this very monumental legislation.

And I urge all of my fellow Senators to vote in the affirmative.

Thank you, Madam President.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. On the bill.

I must say that as I've listened to the debate and people have come forward to lobby on this piece of legislation, something has struck me fairly dramatically. And what struck me is how much the arguments against this legislation have in common with arguments that were made against the efforts to end discrimination based on race and the efforts to end discrimination based on religion. Senator Breslin spoke about this briefly.

But I think that in all honesty I must agree with Senator Krueger. I think that

as a matter of conscience I don't really understand the basis for saying we should discriminate against one group of New Yorkers because of what they are as opposed to what they do.

We all discriminate. We discriminate when we make decisions about what kind of car we want. The word "discrimination" is not in and of itself evil. But there's a difference between discriminating against someone because they've committed some sort of act that harms another and discriminates against someone because of the way they were born. And that is what this has in common with discrimination against religion, discrimination against people based on race. And I have not heard one argument that in any way changes my mind on that central issue.

There are arguments made that this will disrupt religious institutions and organizations. Well, in New York City we've had a law, essentially the same law on the books since 1986. There's been no such disruption. Everyone is going on with

business. And the people who are gay in the City of New York have that additional protection, that additional assurance that if they commit some sort of act of misconduct, then they may face consequences. But just because of what they are, how they are born and how they are living their lives, with no harm to anyone else, they cannot be discriminated against.

I would urge that any religious objections to this should really focus in on the centrality of the legislation and the moderate nature of this bill. The Republican mayor of New York City, who's been supervising the administration of this bill since he was elected, has submitted a memo in support. The Republican governor of New Jersey, Christine Whitman, and I want to quote from her when they were enacting legislation:

"Discrimination regardless of reason in any aspect of daily life must be identified, fought and eliminated. Diminishing the rights of any individual or any group will inevitably lead to the diminishing of us all.

So this is not something that is a

partisan issue as a matter of conscience. And I would respectfully submit it's not a religious issue as a matter of conscience. I don't want to let this debate pass without recognizing the fact that many of the major religious organizations in the state of New York support this bill, including the New York State Council of Churches, including the Episcopal Diocese of New York, the American Jewish Congress, the Central Conference of American Rabbis, New York Conferences of the United Methodist Church and the United Church of Christ.

I think that this is a fundamental step forward. I'm sorry it took so long. I'm sorry that our transgendered brothers and sisters are left out. We are not abandoning that fight here today with the passing of this bill.

But I would respectfully request that all of my colleagues who are looking at this legislation and thinking about it as a matter of conscience, as Senator Maltese said, to the extent that you are thinking about your religious issue views, your fundamental

understanding of what it is to be an American and what this country stands for on the issue of discrimination, that you really take a close look at the reality of life in the city of New York.

This doesn't hurt anyone. This protects people. And I don't disrespect people who have different views from me, but I certainly do not in any way, shape, or form accept the argument that there our religions should require us to accept discrimination against people based on what they are. There were arguments like that made against efforts to integrate the races. There were arguments like that made against efforts to end discrimination against Jews and Catholics.

And I think that we're seeing here today the passing of another barrier. I hope it passes overwhelmingly. I think it should pass overwhelmingly. It's been a long time coming. There are other steps still to take. But I think that it's important for us as a state and as a body in the Senate to send a strong signal that we do not support discrimination against people based on what

they are as opposed to what they do.

Thank you, Madam President.

THE PRESIDENT: Senator
Dollinger.

SENATOR DOLLINGER: Thank you,
Madam President.

I want to just comment on the
politics that brought this here, address for a
couple of minutes the arguments that have been
made against this bill, and then talk about
what I think this bill means.

I want to thank Senator Bruno for
allowing this bill to come to the floor 32
years, 30 years after its first drafting. It
seems to me that we've waited a long time to
create freedom in this state. But I commend
Senator Bruno for his courage in bringing this
to the floor.

To those who have advocated for
this bill, I would simply like to quote an old
line from something my children sang in
kindergarten: "Make new friends, but keep the
old. One is silver, the other's gold." And
those who have stood up, from Senator
Ohrenstein all the way that this bill has been

in this house, I think the gold support of those who have stood up and argued for this bill for decades must be recognized.

Secondly, the two arguments that I've heard most often against this bill in my judgment, when analyzed in detail, don't hold water. The first is that this bill creates special rights for one particular group. Let me just remind everyone of the history of New York State's Human Rights Law.

After the bill was first passed in the '60s, which included just race and color, there was a question about whether religion, religious beliefs were protected or whether you could discriminate against someone, as Senator Schneiderman said, because they were Jewish or Catholic or fundamentalist Christian or Seventh Day Adventist.

The State Legislature in 1967 amended the bill and specifically included religion. No one on that day said we're creating special rights for religious people. No one said that. What they said was, we're going to prevent people's religious beliefs from being held against them when they want to

rent an apartment or when they want to take a job. Because what you believe on Sunday doesn't affect how you work on Monday.

In 1984, we again amended the law, and we included provisions about marital status, so that you couldn't be discriminated against whether you were married or single. And no one said we are creating special rights for those who are married or we're creating special rights for those who are single.

Then, sure enough, we added a provision that I think Senator LaValle argued for: Genetic predisposition. We specifically included in our Human Rights Law the notion that your genetic predisposition could not be held against you, that that which you inherited from your mother and your father could not be used as a basis for someone to say we're not going to allow you or we won't rent an apartment to you or we won't allow you to build a house.

And no one said in this chamber we're creating special rights for people who suffer from genetic predispositions. No one said it. It wasn't talked about then.

And lastly, we made changes that dealt with issues of disability -- blind people, people who had hearing problems. And we specifically said you can't discriminate against them if they have hearing aids or if they have visual aids, because we said those are fundamental rights, they're not special rights. And no one in this chamber said we were creating special rights for those people.

Why is it today when we extend this to sexual orientation does anyone say we're creating a special right? We're not creating a special right. We're simply extending the same protections that we now extend on the basis of -- and I'll read from it -- age, race, creed, color, national origin, sex, disability, genetic predisposition or carrier status, or marital status of any individual.

I would suggest, ladies and gentlemen, that every person in this chamber today, every single person, is protected in one way or another by our Human Rights Law, because we won't allow other individuals to prejudge you by what you believe, by what you look like, by what genes you inherit from your

parents. And neither today should we do that on the basis of sexual orientation. We're not creating special rights; we're simply creating human rights.

The second argument that I've heard that people have said: This bill today will somehow condone a lifestyle, that we will somehow give the power of government to a particular lifestyle. I would just suggest to you that when you set people free, when you give them free will, when you give them free choice, you are not condoning what they do. You are telling them that they are free to make their own choices, to live their own lives. Government, by simply saying you are free, isn't being held accountable for what you do with that freedom.

It seems to me, ladies and gentlemen, that this bill is all about freedom. And I'm quite disappointed that people would say New York should not be a freer place.

The law of freedom is very simple. In our Bill of Rights we said that government cannot do certain things, cannot take away

freedoms for the people. And that Bill of Rights says that government can't do these things. And we amended it with the 13th, 14th, and 15th Amendment. And we expanded the protections that people had so that they could be free.

And then we decided in the late 1950s that it wasn't enough just to make people free, but government actually had to intervene to be an ensurer of that freedom, that government had to tell private individuals that they could not interfere with other people's freedom, with their freedom of choice, with their freedom of personhood, with their right to live their own lives without hurting anyone else and make their own choices about what they do. Live their own lives.

Ladies and gentlemen, I'm going to leave this chamber after today and I will not come back as a member. But today I'm enormously proud that in one of the last votes I ever am going to cast, I'm going to make New York State a freer place. I'm going to take the words of that old song that we sing all the time, "My Country 'Tis of Thee:" "from

every mountainside, let freedom ring."

When we pass this bill and it becomes law, as it should, the freedom to be free from prejudice for those who have been discriminated against will become a reality. New York, in a small way, will be a freer place.

I'm proud, Madam President, that one of the last votes I cast will be to make that freedom a reality for those who have been denied it in the past. Celebrate freedom, ladies and gentlemen. Vote for this bill that sets another group of New Yorkers free from the stain and the hatred of prejudice.

Thank you.

THE PRESIDENT: Senator Connor,
to close for the Minority.

SENATOR CONNOR: Thank you, Madam
President.

Madam President, I certainly through college and law school knew people who were gay and who certainly in the rarefied environs of academia, you know, did not appear to be discriminated against. It didn't seem that political then.

But very soon after I was out of law school, I got involved in this funny business called politics. And we had a Democratic Club, what you would call pretty far on the left then. And I bring this out because I don't view this as a left or right issue on the political spectrum. And I found myself very quickly the president of this club. And literally the first meeting, and we're in the early '70s, we're getting ready for the next year's presidential race. And they used to have couples could join at a different rate than individuals. You know, different rate of dues.

And the then membership secretary rushed up to me at the end of a meeting, and she was what you would call old left-left-left, and said, "These four guys want to join as two couples." And I said, "\$7 a couple." "But they're guys." I said, "I don't care. If they're a couple, they're a couple. Take the dues."

That next year, I was very proud to be part of a campaign that elected one of the first gay or lesbian -- in our slate, it was

lesbian. I think in the slate in Manhattan it was a gay person -- to the national convention, openly.

This all became important to me several years later, in 1978, late '77, when there was a big club meeting to pick the nominee for the State Senate. And several hundred people crowded into a large hall in a very closely contested endorsement meeting. And I looked out there, and the two couples that I once had invited to join were there, and they spoke for me, and I won a very narrow victory.

I pledged during that campaign to make one of my priorities, one of my priorities as a senator the passage of a gay civil rights bill. It had already been an issue in New York City. What later became Intro 1 started out as Intro -- and I forget the number. I forget any number that has more than two digits in it. And I remember testifying in the early '70s in favor of that. But I said one of my priorities will be to support the passage of -- we didn't call it SONDA then, it was the gay civil rights bill.

One of the first bills I introduced when I got here in 1978 was a bill that banned discrimination in the civil service on account of sexual orientation. That later was mooted out by an Executive Order which this governor, Governor Pataki, has continued as well. The need for that. I should say.

But here we are, nearly 25 years later, and I'm proud to say I'm still working on one of my two or three legislative priorities. One of the others was election law reform. We still have to do that one.

But in the meantime -- and let me -- I want to acknowledge someone who I was proud to serve with when I first got here, someone in the Assembly. I remember a couple of times giving him a ride home to New York, Bill Passannante. He told great stories. He had been here for many, many years. And he was, I believe, the sponsor way, way back, decades ago, of the first gay civil rights bill. And Bill has passed on. Many of us knew Bill. I think he's probably smiling now. He was way, way ahead of his time.

And, you know, when I first

circulated that nondiscrimination bill in the civil service, I didn't get so many sponsors on this side of the aisle at the time. Not too many. A handful of Democrats. I think there was actually a couple of Republicans -- certainly Senator Goodman was one of them -- who cosponsored that.

We've come a long way since then, and America has come a long way, and New York's come a long way. And New York State has fallen behind where everybody else has come. It should not have taken 25 years. Indeed, while I'm going to support this bill, I am very, very disappointed that it is not all-inclusive, that it doesn't include transgendered people, because there is real discrimination going on there.

In some respects, you know, the good side and the bad side get ahead. There is now, if you will, probably less discrimination than there used to be, when this bill was first filed, against gay and lesbian people than there is against the transgendered. I mean, if you want to look at where the real heavy-duty discrimination is

now coming down. Not that there isn't discrimination otherwise.

But the one thing I've learned in those 25 years is you take your priorities and grab them when you can, one step at a time.

So while I certainly support a more inclusive bill that includes transgendered, I am going to vote for this. And I'm going to vote for this because I believe it's the right thing to do. I'm going to do this for someone who is one of the closest persons to me, who I'm happy to say I will be having dinner with tomorrow night as he visits New York with his friend. And I want to tell him, I want to tell him that New York passed SONDA. It will mean a lot to him.

And if the cameras weren't on and my mother weren't watching, I'd tell you who I'm talking about. But the fact is it will mean very, very much to him and mean very much to my family. It means a lot to a lot of New Yorkers that we've passed this.

And I want to thank Senator Bruno for bringing this bill to a vote. It may have languished for 25 years, but Senator Bruno got

it out here in eight years, so that's pretty good. Can't blame him for the other 17 years, that was a backwards-looking leadership in those days.

But here we are. I'm just delighted, I'm just delighted that we can adopt this. But I really -- my colleagues, you'll find out -- and I say this to those who will oppose this -- you'll find out, we're going to be back here not so long making it a more inclusive bill. And you'll find out this wasn't so bad and the amendments we're going to do in the future aren't so bad from the standpoint of public reaction. The public supports this. It's about time the Legislature adopts it.

Thank you, Madam President.

THE PRESIDENT: Senator Bruno, to close for the Majority.

SENATOR BRUNO: Thank you, Madam President, colleagues.

We have been eight years getting here to this vote. And over those eight years, this issue has been talked about, written about, viewed -- the media -- debated.

And after all of this time, we have the bill before us on the floor. And I guess you can say better late than never. And it's here.

Now, over these years, I, as I have lived my life and gotten older each year, as we all do, maybe I have become more enlightened. But over the years, I've always felt that the present antidiscrimination laws in this state were adequate and they prevented discrimination against everyone that lives here in New York State. And that was my feeling. And I thought legislation like this was maybe counterproductive, unnecessary.

But as I have moved along, my feelings have become that if there's such strong feelings out there that this is necessary, it just adds "sexual orientation" to a law that is very expansive and, when you look at that Human Rights Law here in this state, covers almost everyone. Race, creed, color, sex. So we are where we are.

And I am going to vote for this legislation and have decided that I would vote for it to express tolerance, antidiscrimination, and just to recognize that

people are free to live their lives as they see fit.

So, Madam President, I would encourage my colleagues to vote in favor. It is timely. The time has come. And timing in our lives is everything. Politically, timing is everything. I think the time has come to move on with our lives, to get this issue behind us. And I will, when the vote is taken, vote in favor.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 18. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Balboni, to explain your vote.

SENATOR BALBONI: Madam President, the debate today has been lopsided on behalf of those who are in favor of the bill. I know that those people who wish to vote against this bill have very valid and sincere concerns. In our attempt to protect classifications, we dilute those protections

already given. We raise expectations that a bill such as this will end discrimination or hatred or prejudice, and it will not.

Many years ago, when I was in the Assembly, I debated against this bill. And on that day my mind was full with the intricacies and the constitutional consequences of this act. Today my mind is full with the images of the day the tower fell, how the people running in terror were of every race, creed, and religion, rich or poor, fat and skinny, all New Yorkers, all Americans.

And I'm reminded of the preamble that says "We the people of the United States, in order to form a more perfect union, to ensure domestic tranquility, provide for the common defense, promote the general welfare, and to secure to ourselves the blessings of liberty for our families and for those who follow, do ordain and establish this Constitution."

Madam President, it's "we, the people," not "some people." I vote against discrimination, and I vote for the bill.

Thank you, Madam President.

THE PRESIDENT: Senator Balboni,
you will be recorded as voting in favor of the
bill.

Senator Farley, to explain your
vote.

SENATOR FARLEY: Thank you, Madam
President.

I think everybody in this chamber
is opposed to discrimination. But I think
there's a flaw in this bill that I'd at least
like to reiterate. It's the lack of a
comprehensive religious exemption. Religious
organizations, ministries, businesses, and so
forth are not exempted. And I think that
alone is enough to make someone vote no.

I vote no.

THE PRESIDENT: Senator Farley,
you will be so recorded as voting in the
negative on this bill.

The Secretary will announce the
results.

THE SECRETARY: Those recorded in
the negative on Calendar Number 1705 are
Senators Alesi, Bonacic, Farley, Fuschillo,
Gentile, Kuhl, Lachman, Larkin, Leibell,

Libous, Maltese, Marcellino, Maziarz, McGee, Meier, Morahan, Nozzolio, Padavan, Rath, Seward, Skelos, Stachowski, Velella, Volker, and Wright. Also Senator Hannon. Ayes, 34. Nays, 26.

THE PRESIDENT: The bill is passed.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we ask for an immediate meeting of the Finance Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

Senator Bruno.

SENATOR BRUNO: And can we at this time take up Calendar Number 1741.

THE PRESIDENT: The Secretary will read.

Can we please have order. If the individuals would take their conversation outside the chamber, please. We have to proceed with business.