

JUNE 19, 2007

THE CLERK: Bill No. 8590, Rules Report No. 572, O'Donnell, Gottfried, Glick, Hoyt, Wright, Hevesi, Kavanagh, V. Lopez, Lifton, Bing, Paulin, Millman, N. Rivera, Rosenthal, Alessi, J. Rivera, Benedetto, Brodsky, Ortiz, Cahill, Cook, Dinowitz, L. Diaz, Eddington, Jeffries, Sayward, John, Brennan, Fields, Jaffee, Lafayette, Peralta, Lancman, Lavine, Weprin, Zebrowski, Titone, Lentol, Kellner. An act to amend the Domestic Relations Law, in relation to the ability to marry.

ACTING SPEAKER GREENE: An explanation has been requested, Mr. O'Donnell.

MR. O'DONNELL: Certainly, Madam Speaker. This bill is a Governor's programming bill, sent to us by Governor Spitzer. It would amend the Domestic Relations Law to permit the State of New York to issue licenses to marry to same-sex couples.

ACTING SPEAKER GREENE: Mr. Quinn.

MR. QUINN: Would the sponsor please yield?

ACTING SPEAKER GREENE: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: Absolutely.

MR. QUINN: Mr. O'Donnell, this program bill came about after an earlier court case, I believe it was last year; is that correct?

MR. O'DONNELL: Yes.

MR. QUINN: What was the finding of that case?

MR. O'DONNELL: That case involved probably around 30 different same-sex couples in the State of New York who sought the right to be given a license to marry. I was one of those parties and one of those couples. The argument that we made to the courts, which eventually landed in the Court of Appeals, was that the New York State Constitution, specifically the due process clause and equal protection clause, required the State to issue those licenses.

The decision of that court, in the Court of Appeals, was that the decision of whether or not to issue those licenses was at the prerogative of the Legislature. And so, this bill comes about as a result of the U.S. -- excuse me -- the New York State Court of Appeals which stated that the Legislature had to take action in order to bring that about.

MR. QUINN: Now, would I be correct in saying that this does not necessarily provide a new right, more so that it opens up the idea of marriage to all people?

MR. O'DONNELL: That's correct.

MR. QUINN: To say now that it makes it neutral in all

cases. To say that while it now stands, I guess you would say, between people of opposite sex, this will open it up to both people of opposite and same sex.

MR. O'DONNELL: That's correct, but only one at a time, Mr. Quinn, unless that's a proposal. I am currently engaged, but, thank you, only one at a time.

MR. QUINN: You never know, Danny. You never know.

For the point of explaining it to all of our colleagues, this bill, I take it, differs from a bill that would bring about civil unions; correct?

MR. O'DONNELL: Well, there is no provision in New York law for civil unions. This adds people like me to the list of people who are permitted to get licenses to marry.

MR. QUINN: Okay. And you have specifically used the term "marriage"; correct?

MR. O'DONNELL: That's correct because it amends the Domestic Relations Law in so doing.

MR. QUINN: Is there any reason why you use the term "marriage" and not "civil union"?

MR. O'DONNELL: Well, the way this process works, if you chose to introduce a bill to permit civil unions, I would be happy to read it. That's not what this bill does. I have not chosen to introduce a bill that would provide civil unions because civil unions, quite simply, do not provide the protection that marriage provides, and the New York

State Bar Association has stated that there are 1,324 rights and responsibilities that come in the State of New York from a marriage license. And in those states where they have attempted to do that via the civil union process, such as New Jersey, they have been fraught with problems because many of the entities that they were trying -- many of the rights and responsibilities that they were trying to give to same-sex couples, other people are not recognizing those unions as being the same as having a spouse. And so, what this law does is it treats same-sex couples as if they have a spouse, which is what I believe I have.

MR. QUINN: And that, I think, is the purpose, obviously, of the legislation, the fact that to make that the same, to say that people of the opposite sex or people of the same sex can join together into a marriage and that would make them equal for all benefits, whether it be health care benefits, insurance, retirement, whatever it may be.

And I believe what you are saying here is the reason why you didn't do civil unions is because, at the moment in New York State law, we use the term "spouse" or we refer to the term "spouse," and that is, at the moment, only covering in most situations people who are together who are of the opposite sex.

MR. O'DONNELL: What I said was that in New Jersey where they tried to do this through civil union, it has turned out that they have not succeeded because they provided unions and, yet, many entities don't recognize the "union" people as having spouses; that's what I said.

MR. QUINN: Okay. And, you would expect to have the

same problem here in New York?

MR. O'DONNELL: I have no reason to believe why that problem would not occur were we to enact civil unions in the State of New York.

MR. QUINN: Have we attempted -- I shouldn't say "we." Have other states attempted to do similar legislation?

MR. O'DONNELL: There are a number of states that are providing unions. They do not provide the full benefits of marriage. The Commonwealth of Massachusetts has, for the last three years, issued marriage licenses to couples of the same sex to no harm to any heterosexual, I am aware of.

MR. QUINN: Have they had the same problem -- do you know of, I guess you would say, if you don't know, that's fine, have they had similar issues with this problem that they have had in New Jersey?

MR. O'DONNELL: In Massachusetts?

MR. QUINN: In Massachusetts, yes.

MR. O'DONNELL: No, they have not. And, in fact, the irony of this bill is there are currently thousands of gay and lesbian New Yorkers who are legally married in the State of New York because they were either married in the Commonwealth of Massachusetts prior to the Court of Appeals' decision or they have been married in other jurisdictions or other nations such as in Canada. And so, I have attended a great many ceremonies where people have licenses to marry issued in Toronto, Montreal, all across Canada and people who have been issued

licenses for a time in Massachusetts who now live in New York; those people are considered legally married under the State of New York, currently.

MR. QUINN: Would it be possible to, instead of opening this up the way that the bill is done here, opening up and allowing by changing statute, by saying every time it refers to "spouse," "spouse" should include whatever that may be, instead of doing it the way we are doing it here today?

MR. O'DONNELL: Well, I would be more than happy to read any bill you propose that would do that, Mr. Quinn.

MR. QUINN: Okay. That's just the question I ask because it seems as if that's the purpose of calling it marriage, and if this is what you are saying, if what I am saying is correct and if not, please tell me where I am wrong, is that you refer to the New Jersey law and say that when they have done that, they have had problems in that after they did it, the people who are supposed to get the benefits have not been able to do so because of the fact they don't fit into that spouse group or whatever it may be. And that, therefore, we have done it this way because we want to ensure the benefits that are given to all people in an opposite-sex marriage are given to people in same-sex marriage.

MR. O'DONNELL: The licenses that the State of New York gives are called marriage licenses. So, this bill amends the Domestic Relations Law to allow me to get a license from the State of New York, just like everybody else does.

MR. QUINN: Would there be or could there be another

mechanism to provide a similar end solution without calling it marriage?

MR. O'DONNELL: That is what has been attempted in the State of New Jersey, and as I reported to you, that the State Human Rights Commission has been fraught with complaints from people thinking they got such a thing, went out and got a union certificate from the State of New Jersey, and it turns out that their employer, the hospital that they go to, whoever else it is, when they attempt to place that union certificate and say, "You should treat me just like a spouse," they have been told that they will not be treated just like a spouse. So, the only history that we have tells us that as well-intended as that may be, it will not actually work and will not provide equality to people like me.

MR. QUINN: Do you know of any attempts on the part of New Jersey to amend other laws to envelope these people that have these same rights?

MR. O'DONNELL: What I am aware of is the highest court in New Jersey ordered the State Legislature to provide equality and they attempted to do so via offering union certificates. It is difficult to have equality when you have separation. The U.S. Supreme Court had separate but equal does not work. I fully expect that sometime soon in New Jersey those people who have union certificates who actually wanted marriage licenses are going to make the case in the highest court in New Jersey that they are not being treated equally, and I suspect that they will succeed given the fact that their attempt to use union certificates as equal has failed within that state.

MR. QUINN: Mr. O'Donnell, I see in the legislation, to

move on to another subject, that you have crafted it so that religious entities, priests, deacons, rabbis, do not have to perform the ceremonies, I believe. Can you explain that part of the bill to me?

MR. O'DONNELL: Sure. Currently under law, the State Health Department either issues marriage licenses or assigns someone in the locality to be the person to do so; for example, a County Clerk. And so, the County Clerk has no obligation to marry anyone. The County Clerk only has an obligation to give someone a license.

Subsequent to getting a license, people often go to someone else who says, "Now by the powers of the State of New York, I pronounce you..." those people are not required to perform the marriage. And so, if you are a religious person and you believe it is a religious right, this bill does not force anyone to do anything. If you do not want to marry a same-sex couple, you don't have to marry them.

MR. QUINN: I would say, though, under, you know, without law -- I am a Catholic. If I wanted to marry someone of another faith, and I went to the Catholic church and said, "I want to get married to someone of another faith," they don't have to. The priest could say to me, "I don't want to." It's their own set of rules in that faith. I don't think there is anything that says they ever have to marry you, whatsoever.

MR. O'DONNELL: That is entirely true. The reason that was written was because when this was discussed with a great number of people, they said they feared that the bill, as previously written, would force their rabbi, would force their minister, would force their priest to conduct a marriage ceremony when they did not want to. It

is not my intention nor is it anyone's intention who I know who supports this bill to do so.

This bill is about a license and the license is issued by the State, period. And so, there is no forcing anyone to do anything, only to say that the licenses must be issued to same-sex couples, if they seek one.

MR. QUINN: How would a situation work out if you went to your local village mayor, you went to a clerk, whatever it may be, and for their own particular reasons, and I think we have seen this in the past with pharmacists who work at drugstores who will not give out certain drugs to people because of their own private beliefs, how would that work out here? And I only bring that up because, as you know, this is an issue that is very controversial, and people hold very passionately, just like you do, their own private beliefs. Now, if you were to go to a clerk or a mayor and they were to perform this service and they said to you, "No," what is the outcome then?

MR. O'DONNELL: There is no obligation under current law for anyone to perform a marriage if they don't want to do so. All this bill says is a person who gives out the license, has to give out a license to people of the same sex. That's all it says. It's about giving out the license. It is not about conducting the marriage.

MR. QUINN: Would this subject any type of village mayor, whatever the municipality was, to an Article 78 proceeding because of the fact they didn't actually go ahead and perform the marriage?

MR. O'DONNELL: No, because they are not required under law to perform the marriage now.

MR. QUINN: Okay.

MR. O'DONNELL: So, this bill does not amend that provision whatsoever.

MR. QUINN: To go back a second, we spoke earlier of the 1,324, I believe, around there.

MR. O'DONNELL: That is the current count. Call me tomorrow, maybe it's more.

MR. QUINN: How does that work out in the private sector, for a private sector employer? How would that work out? Say, for instance, you were in a situation where an individual worked for you in the private sector and they had health care and in that health care it mentioned that you were to give health care to the family including that spouse, would they then have to because of this bill it opens it up to all spouses because it makes them equal, opposite sex and same sex, that that same-sex partner, now spouse, would be covered under the health insurance?

MR. O'DONNELL: As I am sure you are aware, employers are not required, to offer employees insurance of any kind. They are not currently required nor would this bill change anything to do so, to offer spouse coverage or family coverage if they chose not to do so. The only way this would affect an employer was that if an employer chose to offer insurance to spouses of employees and somebody became a spouse under the law, they would have to be treated the same.

So as a hypothetical, a big company has two employees - one is a women who flies to Las Vegas and gets married; one is a man who stays in New York and gets married. They both come back from their honeymoons in Hawaii. They arrive back at their employer. The employer could not say to one of the spouses, "You can get the insurance, and the other one can't." But, it wouldn't force the employer to offer that insurance if it did not offer it to everyone.

MR. QUINN: And I guess the question that I want to follow up with, is the fact that you may have an institution, a private institution that may be Catholic in denomination, Christian denomination, religious in some way, that the mission of that institution, in and of itself, and what they believe in is against the idea of same-sex marriage. Would it ensure that they had to provide these benefits to these people even though they, themselves, and their mission goes against everything that they believe?

MR. O'DONNELL: It does not change, in any way, the obligations of an employer. If the employer chooses to offer family coverage, it can. If the employer chooses not to offer family coverage, it does not have to.

MR. QUINN: Thank you, Mr. O'Donnell. I appreciate the answers, and I appreciate your passion on this issue.

MR. O'DONNELL: Thank you, Mr. Quinn.

ACTING SPEAKER GREENE: Mr. Boyle.

MR. BOYLE: Would the sponsor yield for a quick question?

ACTING SPEAKER GREENE: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: Sure.

MR. BOYLE: Dan, I was very surprised when this bill came out that it was wasn't a Constitutional amendment. I guess you had mentioned the Court of Appeals' decision that spoke about the due process and equal protection clauses and the questions that the Court had discussed in that case. And there are a couple ways to go about bringing same-sex marriages to New York State. One is through a law, as you are proposing, or the other through a Constitutional amendment. I just would wonder why you didn't go that route. I think for a lot of the members who were kind of, maybe, on the fence about this issue, it might have had a little bit more backing if they thought that this Legislature was going to have to vote for it, the next Legislature was going to have to vote for it and, ultimately, the voters of New York State would have a say in this fundamental issue. Why did you not go the route of the Constitutional amendment?

MR. O'DONNELL: I didn't even consider going the route of a Constitutional amendment, but it's not my bill; it's the Governor's bill. The Court of Appeals' decision said the Legislature had to amend the Domestic Relations Law, which this does. The Court didn't say they have to amend the Constitution; they said you have to amend the Domestic Relations Law. So, I imagine the Governor read the Court of Appeals' decision and decided that he would amend the Domestic Relations Law, just like the judges decided.

MR. BOYLE: Thank you. No further questions.

ACTING SPEAKER GREENE: Mr. Brodsky.

MR. BRODSKY: Thank you, Madam Speaker.

From time to time in this House we are privileged to take actions which illuminate some larger and more profound truth about the way we would order our society and our vision for ourselves and our fellow citizens. The issues raised by Mr. O'Donnell's bill are of exactly that nature, and we are called upon today to speak to that vision.

I have heard and listened with respect to the views of those who object to this bill and do so in sometimes the strongest possible terms, and I willingly concede the sincerity and depth of feeling that is offered as something important, worthy of respect and careful consideration. But in the end, we are a society that prides itself upon offering to all of its citizens the rights of life, liberty and the pursuit of happiness. And a group of our fellow citizens have come to us and said, "We wish to pursue happiness, as we understand it, and in ways which give no threat or harm to any other citizen."

It seems to me, then, we are obligated to determine whether our laws will permit decent, humane, thoughtful and loving people to exist as we, ourselves who are currently married, now exist. Anyone who has been married knows it is not just happiness and joy; it is a struggle. Some of us, I am told, are on occasion difficult partners, but the law says we are entitled to that human struggle, to strive for happiness, to fail and to meet in the life of one other individual something so profound that it requires State recognition.

For me, this is an easy choice. I do not, for a moment, imagine for others that it is not a difficult one. But, what we do today is not the liberation of some of our citizens who have heretofore been treated differently by law, we liberate the entire society, and we say that the laws of the State shall do no more nor no less than permit all of us to pursue our private lives with the protection of law, with dignity, with sincerity and compassion. In a State which has prided itself for years on that leadership, I can do no less than support this bill because of the vision I bring to my public responsibilities.

And finally, in appreciation to those who have struggled so long in this House and elsewhere, Mr. Gottfried comes to mind whose struggle over the years has been a profound one, to the members of this House who now lead that struggle and Ms. Glick and Mr. O'Donnell have done extraordinary work with great dignity and patience. But here we are and all we do in the end is we vote yes or no. I, for one, urge my colleagues, in the interest of a decent humane society, to embrace the arguments offered by Mr. O'Donnell today and vote yes for this bill. Thank you very much.

ACTING SPEAKER GREENE: Mr. Jeffries.

MR. JEFFRIES: Madam Speaker, will the sponsor yield for a few questions and clarification?

ACTING SPEAKER GREENE: Mr. O'Donnell, will you yield?

MR. O'DONNELL: Absolutely.

MR. JEFFRIES: First, let me just commend you on your

leadership as it relates to this issue, as well as the even-handed way in which you conducted yourself in what I can imagine is a very emotional debate.

Just a few questions of clarification. As you know, I am a cosponsor and supporter of this issue. As it relates to the religious exemption clause, if a member of the clergy, if a minister or priest or rabbi declines to perform a same-sex marriage, is it your view that this bill would exempt them from any civil liability that could result from a possible lawsuit?

MR. O'DONNELL: Absolutely, because they are exempt from civil liability for their failure to marry someone currently. If someone of one faith wishes to marry someone of another faith and their minister or priest chooses not to marry them, there is no liability that is attached. This bill does not change that.

MR. JEFFRIES: And oftentimes, people who hold public office -- a mayor, someone who holds a town clerk or other leadership position -- could be called upon, I guess, in their official capacity not to just issue a license, but to perform the ceremony; is that correct.

MR. O'DONNELL: That can happen, yes.

MR. JEFFRIES: Now, if under this bill someone in their official capacity decided not to perform a ceremony based on religious beliefs that they may hold, would they be subject to any liability?

MR. O'DONNELL: No, they would not.

MR. JEFFRIES: Madam Speaker, on the bill.

ACTING SPEAKER GREENE: On the bill.

MR. JEFFRIES: I have great respect for the Judeo-Christian tradition that has been so significant for century upon century in this country. I, in fact, was raised in the Baptist church, was christened in the Baptist church, baptized there, married in the Baptist church, continue to this day to raise my children in the Baptist church. It is a very important part of who I am.

But, the question that I think we all confront today, and it is a question that has been confronted from time immemorial in the history of this country, is at what point does one's religious views help shape government policy? And, fortunately, I think that the Founding Fathers of this country provided us with an interesting roadmap in the First Amendment to the Constitution as to how we, as public servants, and to how we, as Americans, might think about the intersection between religion and state.

I, of course, am referring to the two clauses that are found in the First Amendment that relate to religion that the Supreme Court has interpreted in many decisions, the free exercise clause, on the one hand, and the establishment clause on the other. And as the attorneys and others in this Chamber know, the free exercise clause essentially says that the government is prohibited from inflicting upon any individual, any religious leader, the free exercise of their religious belief. That is the free exercise clause.

But, interestingly enough, the Founding Fathers had the wisdom to include another clause in that amendment which the Supreme

Court has also interpreted and that's called the establishment clause. And in the establishment clause the government, essentially, is prohibited from establishing any policy, any religious beliefs, I believe, particularly in areas that result in inequality.

And, I want to commend the Governor, I want to commend the sponsor, I want to commend Assemblyman Gottfried and all those who have worked on this issue because I think that this bill strikes the appropriate balance because in including the religious exemption provision, essentially, this bill doesn't stop anyone in this country or in this State from the free exercise of their religious belief.

But, I also believe that we must pay attention to that other important Constitutional principle as embedded in the establishment clause which is that we, as Legislators, shouldn't impose upon anyone else religious beliefs, particularly when they have consequences that have an adverse or unequal impact on different groups of people. This bill strikes the appropriate balance, a wise balance.

I was also stuck by the fact, and I am sure others may touch on this, that about 40 years ago, almost to the day, the Supreme Court in the *Loving v. Virginia* decision struck down Virginia's prohibition on different races, Blacks and whites, marrying each other, almost 40 years to the day. And in looking at the discussion, at the time, there was a young attorney named Bernard Cohen, a young ACLU attorney who defended the Lovings in the Supreme Court. And in his argument that he made to the Court, he said that, "The Lovings have the right to go to sleep at night knowing that should they not wake in the

morning, their children would have the right to inherit from them." That, "The Lovings have the right to be secure in knowing that if they go to sleep and do not wake in the morning, that one of them, a survivor of them, has the right to Social Security benefits. All of these are denied."

Madam Speaker, in closing, I think this oral argument that was made by this young, fresh and brilliant ACLU attorney would be just as provocative, just as powerful, just as persuasive if it was made in this Chamber today. But, the only exemption, the only modification would be that you would have to take out the name "Loving" and substitute, I would submit, the name, "O'Donnell" or the name "Glick" or the name "Titone" or the names of the thousands of gay and lesbian people in my district and throughout this State who, right now, are being denied the economic benefits and privileges of marriage. That's something that we should correct. We can begin to correct it today. I commend the sponsor, and I will be voting in the affirmative.

ACTING SPEAKER GREENE: Mr. Hikind.

MR. HIKIND: I hope that I can continue the mood that has settled over this Chamber, sort of a nice tranquility, nice discussion. It's not a big deal to offer all of our citizens the opportunity to pursue happiness, as long as there is no harm to others. I'll talk about some other kind of things that maybe we should permit as well, because it makes people happy, and it doesn't do any harm to others.

Let me first read a statement that, really, it is the views that I have, but I want to read this into the record. It comes from four of the major Jewish organizations in New York. They are national. They

involve thousands and thousands of synagogues in everyone's community Upstate, Downstate: Agudat Israel of America, which many of you are familiar with; the National Council of Young Israel; Rabbinical Council of America; and the Union of Orthodox Jewish Congregations of America, thousands of synagogues all over New York and all over the country. And this is their statement issued, "On the issue of legalizing same-sex marriage, the Orthodox Jewish world speaks with one voice, loud and clear. We oppose the redefinition of the bedrock relationship of the human family.

"We approach this issue through the prism of Jewish religious tradition which forbids homosexual acts and sanctions only the union of a man and a woman in matrimony.

"The institution of marriage is central to the formation of a healthy society and the raising of children. It is our sincere conviction that discarding the historical definition of marriage could pose or would pose severe danger to society in a variety of ways. Thus, we are compelled to protest the proposed redefinition of marriage in the State of New York.

"Societies' mores may shift and crumble, but eternal verities exist - one of those is marriage. Its sanctity must be recognized and its integrity preserved."

For me, as a Jew - and this is my position and, obviously, others have different positions - for me, the issue is rather crystal clear. God forbid, there is no ill feeling; there is no bad feeling. I understand totally the sponsors of the bill and why they are doing it. But,

for me, the issue is a very, very simple one. And let me be not intellectual for a moment, I know that's not in style, not to be an intellectual, but there is God, if I may, I don't know how popular He is at this moment in the State or in this Chamber or anywhere else, but for me, personally, there is that issue that I was brought up all of my life and I am one who thinks and I am one who is opened-minded, but there are certain things that simply do not change for me, as an individual. Unless God sends a message to me during the next two hours of the debate, or whatever time, that He has changed his view, then I will be more than happy, I will hold hands and I will embrace the sponsors of the bill, but if that doesn't change in the next whatever amount of time, then I am simply not going to take a position. And I am far from perfect, believe me, but we all try to do our best, but on this issue there is no debate, there is no discussion for me. It is a very, very simple one.

And, I just want to mention to you, recently -- you know, polls don't matter. I know there are all kinds of polls, but just to mention for those who do read polls, for me it wouldn't matter if it was 99 percent who support the bill, but there are two polls out this afternoon, the Quinnipiac poll out this afternoon, that shows 35 percent of registered voters support this type of legislation; and there is another poll out this afternoon, Cornell University, 52 percent are opposed to the gay marriage bill.

In conclusion, let me just say this, recently Time Magazine did a story, reporter Michael Lindenberger - "Should Incest be Legal?" This is Time Magazine. Jeff Jacoby from the *Boston Globe*,

who is a well-known syndicated columnist, just did a story on May 2nd, "Lawful Incest May Be On the Way." And I have been looking at this bill and thinking about it and saying to myself, wait a second. We have situations. What are we going to tell some of the people like Patrick and Susan Stubbing, a brother and sister, who married each other? They loved each other. They are adults. Why should we stand in the way of a brother and sister, adults, who want to get married? They want to be happy. Why would anyone deprive them? Maybe we should include incest in this bill and sort of deal with the whole package at one time.

And, there are many other cases. And these types of articles that are appearing, I now see it more clearly than ever before that there is a point that is well-taken: If it makes people happy and doesn't take away from anyone else, as my colleague, Mr. Brodsky said -- I mean, a brother and sister doesn't take away from my happiness. Why not? Maybe we should support such legislation. And I am certain the time will come when such legislation will be introduced. Not right now; we are not ready for it yet. But, then again, 25 years ago when I was here in my first year, I don't think anyone -- in fact, we debated a bill on the floor that year, 25 years ago, on gay rights. No one, as far as I can remember, ever talked about gay marriage.

It is about the fundamental beliefs of many of us. It is about a higher authority for those of who believe in a higher authority. It is about tradition, which it is very dangerous when you simply put aside tradition. It doesn't really matter.

So, I say whatever I say today to the sponsors of the bill

lovingly, without the slightest, you know, kind of malice, God forbid. How could anyone have any of that in their heart? And, I thank you very much.

ACTING SPEAKER GREENE: Mr. Schroeder.

MR. SCHROEDER: Will the sponsor please yield, Madam Speaker?

ACTING SPEAKER GREENE: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: Certainly.

MR. SCHROEDER: Mr. O'Donnell, I just have two simple, yes/no questions. The first is: Do you know when civil marriage first began in New York State?

MR. O'DONNELL: No, I do not.

MR. SCHROEDER: And, the second question is: Do you know what year marriage licenses were first issued, required in the State of New York?

MR. O'DONNELL: No, I do not.

MR. SCHROEDER: On the bill, Madam Speaker.

ACTING SPEAKER GREENE: On the bill.

MR. SCHROEDER: Thank you, Mr. O'Donnell.

Madam Speaker, reviewing the bill, which I have and I am sure everybody has and also the bill summary, there isn't much history of marriage in the bill. It does mention a couple of historical events - the Women's Right Convention in Seneca Falls in 1848. It mentions baseball's breaking of the color barrier. But, no real history on marriage

in New York State.

If you look -- shall I yield?

Madam Speaker, if you look into the history of marriage in New York State, you could understand this bill better, in my opinion. And I would like to offer a few observations. And first, I would like to bring your attention to the Columbia Law Review, January 1930. Here is one quote. "In no state has the doctrine of common law marriage had so varied and significant a history as in New York. For more than a half a century, for more than a half a century after the Revolution, all marriages were common-law marriages in the eyes of the law. For no marriage statutes were in existence." I apologize for giving some of these quotes out of context, but the quotes will help make the point.

Another quote: In 1828, three distinguished lawyers - John Duer, Benjamin Butler, John Spencer, finding no marriage law in existence, they proceeded to draft one, 24 sections in length. Now, if lawyers O'Donnell and Gottfried had been around in 1828, perhaps we wouldn't be having this debate today.

The most interesting, in my opinion, and the observation and quote was this one: "The imperfection, the imperfection of our laws in regard to marriage and the necessity of legislative regulation have often been the subject of comment."

One more quote, out of context: "Nevertheless, in 1907 in the course of a general revision of the Domestic Relations Law at the time when marriage licenses were required in New York State for the first time," for the first time just 100 years ago.

The conclusion, Madam Speaker, of the Columbia Law Review of 1930 is this, and this is my point, the author throughout the quotes is suggesting that common-law marriage was just fine, but strongly suggests that there was a reason for civil marriage. And, I believe it to be the same reason when we look at this bill tonight.

Another quote from 1930: "Social considerations seem to have been of less account in bringing about this change - common law to civil law - than the perception by those responsible for invested capital that property titles are left in jeopardy if through an unknown and unrecorded alliance, a successful claimant, to a share in the property may at any time arise. This is a force which will operate increasingly in this country." It's operating right now in New York State.

Let's just review, simply said, summarize the historical quotes that I made. What was the reason for civil law marriages in New York State? It was to protect people. What is the reason for marriage equality, the bill that we are talking about tonight? It is to protect people.

Finally, I remember, I am sure you do also, the speech that Governor Cuomo gave at Notre Dame entitled "Religious Belief in Public Morality: A Catholic Governor's perspective." And after I listened to him that night, I agreed with his logic. Allow me to put it in a different way: We, in the Assembly, were not elected within the confines of the Holy City of Jerusalem, the Nation of Islam or the Vatican City of Rome, we were elected to the New York State Legislature and a primary duty is to protect the people from injustice.

(Applause)

ACTING SPEAKER GREENE: Mr. Kolb.

MR. KOLB: Yes, Madam Speaker. I was wondering if the sponsor would yield for a question, please?

ACTING SPEAKER GREENE: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: Certainly.

MR. KOLB: Thank you, Danny.

In the bill you state if a particular clergy person does not want to perform the marriage ceremony that they have that option not to do that; correct?

MR. O'DONNELL: Correct.

MR. KOLB: Does that apply to municipal officials, such as mayors and other officials, who might be able to perform a civil ceremony today?

MR. O'DONNELL: It does not change the law. Those people are not currently required to do that for different-sex couples. It would not change for same-sex couples.

MR. KOLB: So, there would be no legal repercussions if they decided not to perform a same-sex marriage?

MR. O'DONNELL: No.

MR. KOLB: Okay. Thank you very much.

On the bill, Madam Speaker.

ACTING SPEAKER GREENE: On the bill.

MR. KOLB: Speaking today is a little difficult because it is a very emotional issue on both sides of the aisle and both strong

feelings about their belief on whether this is the thing that New York State government should create, which is the ability for a same-sex couple to get married.

I had received several hundred e-mails. I actually took a survey in my district on this very topic this year. The survey results that I got back were overwhelmingly against us creating same-sex marriage in New York State government or by New York State government. It was interesting and kind of took me aback today because there were several threatening e-mails that I received from today, from those who were in favor of this bill, threatened that I would not be representing their beliefs, their feelings about same-sex marriage. Well, I didn't think that was very appropriate either.

So, as I was listening tonight and I was trying to think, what do I really say about this? And I was thinking about some of the comments that were made here today. I can only go back to the way I was brought up. My family was German-Irish Catholic, and all of the teachings, since I was old enough to remember, said that marriage was about a man and a woman. I am not advocating today that a marriage between same-sex couples are awful or bad, but I am really in a struggle about what I was taught and what I grew up believing. I was married in the Catholic church. My wife is wonderful. But when we talk about harm or threats, I don't feel it in a physical sense, but I do feel it in an emotional sense. And this is what we are talking about here today.

I was brought up in an institution of the church and the teachings of the church, something I can't just walk away from today. I

have the utmost respect for the other members on this issue. I really do. But, I am also trying to articulate to you and the sponsors of this particular bill that I do feel threatened. I do feel harmed in terms of what you are trying to do with this particular bill because it is a direct challenge to me and how I was brought up and the belief that I have in God and what I believe that the Lord has given me in my heart.

So this, as we move forward and however the votes are cast, this is not to complain or to criticize the proponents of this bill, but I am also just trying to explain to you from the bottom of my heart that there are we here today throughout the State, throughout the world who have a differing opinion on this particular issue. And don't interpret that that we are anti same-sex couples. This is no judgment about that. This is no judgment about what people do in the confines and the privacy of their home.

But, you are asking me to fundamentally challenge all that I have been brought up to be on this issue. You are asking me to fundamentally change my mind and heart and soul. This is what has got Brian Kolb to where he is today, many years later. These are the beliefs, these are the teachings, this is the sense of being that I have that is being challenged on this very floor because as a human being, I do not want to deny someone happiness. I do not want to fundamentally take away a right that someone seeks in the spirit or the pursuit of happiness. But, I also want you to know that I cannot fundamentally support a bill that tears at my very soul and the very life I have lived on this earth and the beliefs that I have that I learned from my parents, that I learned from

neighbors, that I learned from my priest. And, I just want you to just understand that as I cast my vote today what is behind that vote, and that there are thousands and millions of other people who feel just like me, that we do feel that our inner sanctum is being threatened, that our framework of what we thought was supposed to be society, that this particular issue transcends that boundary.

And yes, I am a traditionalist. I acknowledge that. But, I am also proud of that. And, I am concerned that we continue to erode values and principles in our society by certain actions that we may take in government. And, that is why I think that this is not the right approach in dealing with this particular issue.

And I just want you to know that this is not personal in the sense of being anti-anything. It's not. It's being for something. It's being for my parents. It's for the nuns who taught me in grammar school and the priest and when I was an altar boy and all of that sense and awe and belief in God that moves me, as an individual, and that I have also, quite frankly, shared with my three children.

So, there is an erosion in my belief. I believe there is a harm. I believe there is a threat to basic feelings and understandings and values that my life has been about. And so, that is why I cannot support this bill today. I appreciate the passion and solitude of the sponsors on this issue. I respect you; that doesn't change. But, hopefully, you'll respect me and the many others who live in our State and our nation about how we feel and how this impacts our lives and not just your life. Thank you.

ACTING SPEAKER GREENE: Ms. Glick.

MS. GLICK: Thank you, Madam Speaker.

I thought we would have, and I am, I guess, relieved that we have not had yet, at this juncture, anything but a very civil debate. And I suspect that, Mr. Kolb, since you just spoke before, that we are of a similar age. I may, in fact, be a little bit older and certainly grew up in a family that was as traditional as any represented here. And so, having three sisters, all of whom were married, and then there was me, I understand the notion that there is a tradition and how you were brought up and what you were brought up to think the world was like because I grew up in that world. But, I knew that I was different. And so, when you talk about things that tear at the soul, I understand that because I went through a great deal of my early life knowing who I was and knowing that there was no place for me.

The notion that this is just about happiness is a misguided notion. This is about being a full human being and having the respect and, indeed, the protection not just for one's self but for one's family. And, there are thousands of people in all of your districts, maybe living quietly, but living their lives worried about protecting their families. And they are living their lives, and they are having children and they want to be sure that if anything happens to them that they have the same rights as everybody else to be confident that they can provide for their families.

When my mother was born, women didn't have the right to vote. I found that completely shocking when I got to be older and

looked at history. It was shocking to me because that whole issue was in news reels of a very ancient time, which my mother always found amusing that I thought that. But, that was the reality, and I hope my colleagues who have heard this, forgive me for repeating it, but I think it is important. My grandmother was a fairly traditional person and when I came out to my parents -- well, I came out to my mother. I didn't actually have the nerve to come out to my father, but my mother was very sweet and said, "Do you want me to tell your father?" And, I said that would be great. And over some time of family conversations, my parents asked me not to tell my grandmother, either grandmother, and I agreed out of respect for them and, quite frankly, discomfiture because I had been raised, as you, in a traditional way. And we went about our lives and kept that quiet. And I never did tell my grandmother. But, we went to family dinners and, at a certain point, it was my job to pick up my grandmother in the Bronx and go to one of my sisters' houses where we were having family dinner and to bring her back, again, safely, and ensure that she got up into her apartment okay. And, I did that many times. And my grandmother knew that there was somebody with me. And I never, ever told my grandmother because I had promised my parents and because I was uncomfortable because of society. And, when I spoke to my grandmother on the phone one day, she said to me, "How is your friend?" And I said, "She is fine, Grandma." And my grandmother said to me, "Is she good to you?" And I said, "Yes, Grandma, she is." She said, "That's all that matters." So, I didn't tell my grandmother, but she was no fool.

And, this is not about forcing other people to change their religious beliefs. But, every one of us here took an oath to uphold the Constitution and some may have placed their hands on a Bible to do so, but I don't believe any of us placed our hand on the Constitution and took an oath to uphold the Bible.

This is about access to civic institutions that provide protection. And, if we want to be clear about the sanctity of marriage, I can get married. I can go out and find somebody tomorrow, and I guess wait the applicable few days, and marry someone. It would have to be a man. That would be a sham. It would be an insult. It would not be upholding the sanctity of the tradition of people loving, caring and committed to one another through life, through the trials and tribulations that will befall many of us. I love my partner, and I want to be certain that if anything happens to me that she is fully protected. And we have done everything that we could legally, going to lawyers and tying up property to the extent that we have any, but there are things that we don't have access to because we are not able to marry. And, I am not young enough to wait for this Body and the other Chamber to vote on 1,300 separate rights and responsibilities, and it will do nothing about Federal statute that is all tied to marriage.

So, I am respectful of where people are coming from, though it may pain me deeply. I came out a very long time ago, and I am under no illusion that this will be an overwhelming vote, though it should be because this is about the future, this is about the reality of people's lives and this is about protecting people. And the young people in the

State of New York are way ahead of us. They are way ahead of us because they have grown up in families where people like me, a long time ago, and maybe not so long ago, said, "This is who I am." And, maybe they have been blessed enough that their family has not turned their back on them.

I have been enormously, enormously lucky. In the early '70s, there were no TV shows, there was no positive media, there were just very scared, isolated people who thought they were the only one in the world. And, I am grateful that I had an opportunity to do just a little bit in this State, in this House, to change that for kids living in all of your districts, who know, as I did, who they are and what their hopes and dreams are. And I do this to ensure that future generations, because most assuredly they are out there as I was, will not face the isolation, will not face the pain and the fear that they will not have the same full measure of equality. And, that is what this is about - simple, basic equality before the law, what we are all guaranteed, what the entire promise of this country is about.

And so, I ask people to reach into their hearts, to think about it and to open up to the reality of the lives that people are living because they have not diminished you, and they will not diminish you. Thank you.

ACTING SPEAKER GREENE: Mr. Miller.

MR. MILLER: Thank you, Madam Speaker. On the bill.

ACTING SPEAKER GREENE: On the bill.

MR. MILLER: It's an interesting thing when we talk about religion and we talk about the law and we talk about things that we believed in and where we have been and where we are today. And I guess it is a different perspective.

I am Jewish. I came from a traditional Jewish family. My grandparents were kosher. My parents had two homes. One was kosher; one wasn't kosher. That way we could accommodate our traditional grandparents, my traditional grandparents, my parents' parents. And we had a non-kosher home as we moved from a somewhat traditional into a more general type of Jewish community. Things change. Somehow we survived that. It didn't seem to hurt us at all.

Religion is a funny thing. If I lose a finger, if I lose an arm, if I lose a leg, under tradition, I can't be buried in a Jewish cemetery. That seems to me a kind of nasty shock. I didn't plan on losing an arm, a leg, or a finger, but religion can be a kind of interesting thing. Some people in religion ignore that. Some people don't. I haven't really decided where I am going to be buried. I hope to keep my fingers and arms and legs, but religion can be a very funny thing.

There was a time when the world was flat. Everyone was born. Everyone grew up. Everyone just knew the world was flat because that's how people looked at it. And so, the world was flat for a very long time. Well, it's not flat today. We managed to get by that.

There was a time when there was far less religious tolerance in the world and then the Catholic church said, "You know, we can't blame the Jews for everything," and certain things specifically, and

people managed to deal with that. So, they sort of managed to stop blaming us for everything. That is a very good thing. It is amazing how when you say something, people are very often willing to listen.

I have some gay relatives. One accepts it; one really doesn't. The guy who accepts it is happy. The guy who can't deal with it is not happy at all. People do not chose to be gay. Why would you chose a lifestyle that could subject you to a horrific amount of abuse and rejection from the community?

Let's get back to religion. Someone once said, "God does not make junk," and I believe that. And so, the question is: What would God do? Well, if God made gay people, guess what? I am willing to accept the work of God. I think it is a really great thing. And so, that ends the religious argument for me, if I wanted to have one.

But, we are in the New York State Assembly. We can tell, we have been in this room now over and over and over again. Unlike the British royalty where we can't claim that we are legislators because God selected us and we were picked by God, we were picked by people who voted for us. But, we have the power, we have the power just like the wizard in the "Wizard of Oz" gave the lion a heart and the strawman a diploma and what have you, so they could believe that they have intelligence and a heart and they were whatever. We are stuck. And why are we stuck? Because our laws say that gay marriage is wrong. It reflects negatively on the entire gay community because we are telling gay people, "You are not equal. You are not the same. We are not going to recognize you."

Gay people are here. No one knows the size of the gay community, and I had people in my office who represented the gay community. And, you know, when you are not part of something, you guess and you extrapolate. And, I said, "Yes, you know, it's amazing to me you have all these creative people, all of these intelligent people, you have people in every walk of life and they represent a higher-than-average income," and they said, "No, no, that's not right." Because many gay children were rejected by their families and forced out of their home to become homeless or to have to deal with things on their own and they did not become successful, and it was all part of what the laws say which represent what the community says. After all, if you are different, if we don't accept you, then it's sometimes right for people to extrapolate from that, "Well, if that is the law of the State and everyone agrees to that, that's the way it is going to be."

And so I listened to what people said, and I have a hope. Maybe if we do something right and pass this law and not just recognize that you have a right so you can get Social Security, and you have a right so you can get insurance, and you have a right so you can visit your loved one in the hospital. But we pass this law so we make a statement, and the statement is: Gay people are in our community. This is America. There is no room in America anywhere - under any rock, in any closet, in the woods, behind the building - for discrimination of any kind. And we are going to stop that. We are not going to have it. We are going to create a sense that everyone is equal under the law and maybe people who for years because of their tradition and because of the way they grew up will

now say, "Well, if the Legislature can do it, if that's the way it is, maybe I could rethink things." It may not happen right away. Believe me, we are still going through that transition were some Christians are still finding that maybe it's okay to like Jews; maybe it isn't. It takes a long time, but maybe the time to start is now.

And, I will not vote against my relatives. And, I will not vote against all of those people in the community who I like, who I enjoy, who impress me, who are good as gold, because of what? Some religious belief that we can't really -- you know, could be, could not be. No one has spoken to me recently. Sometimes you just have to move forward. Sometimes you have to do what's right. You have to elevate people, and when you elevate somebody, you elevate everybody. And, this is our chance. And if I recall, this is the Assembly. We have the power to do it, and there is no excuse not to do it.

Thank you.

ACTING SPEAKER GREENE: Mr. Peralta.

MR. PERALTA: Madam Speaker, I stand up today to support this historic piece of legislation. I say "historic" because after long debates and long arguments and long conferences, we actually have a gay marriage bill that has hit the floor, that has hit the People's House, and we have an opportunity to vote on this historic piece of legislation. And, I know that 20 years from now, we will look back and we will realize we were on the right side of the issue. Just like 20 years after the civil rights movement, many people looked back and thought that they were on the right side of the issue.

But more importantly, today we have spoken about values, God, religion and tradition. I want to tell you a little bit about my background. As a Latino and as a Catholic, I was raised conservatively, raised to love thy neighbor, raised to respect thy neighbor and raised to treat my neighbor as I would like to be treated, and today I have that opportunity to do just that by voting for this bill. Today I have the opportunity to treat my brothers and sisters in the LGBT community not only with equality and justice, but also with over 1,300 benefits that I personally receive as a married man.

Today I have the opportunity to treat my brothers and sisters in the LGBT community with respect and dignity and lift the disadvantages that they have lived with for all these years.

Today I also have the opportunity to respect my Catholic religion and my upbringing by voting for a bill that excludes clergy from mandating that they marry same-sex couples, but mandates the State of New York not to discriminate, intimidate or incriminate a particular lifestyle just because it is a different kind of love.

I am proud to represent the second largest LGBT community, outside of Manhattan, in Jackson Heights, Queens, and I am proud to have invited Danny O'Donnell and my good friend, John Banta, to my wedding, and I am looking forward to the opportunity when they can invite me to theirs.

Love thy neighbor, respect thy neighbor and treat thy neighbor as you want to be treated. That's how I was raised. And I implore my colleagues to vote in the affirmative on this issue; join me in

treating the LGBT community as we would like to be treated.

So, I commend the sponsor. I commend the Governor. I commend the Empire Pride Agenda for pushing this, and we have reached an historic moment where we are about to vote on this on the floor. Madam Speaker, I will be voting in the affirmative. Thank you.

ACTING SPEAKER GREENE: Mr. Benjamin.

MR. BENJAMIN: Thank you, Madam Speaker.

Will the sponsor yield for two brief questions?

ACTING SPEAKER GREENE: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: Certainly.

MR. BENJAMIN: Mr. O'Donnell, is there a Senate sponsor of this bill?

MR. O'DONNELL: As the Governor's programming bill, the bill was sent to the Senate, was introduced by the Rules Committee, which I believe by rules of the Senate means all the Majority members of the Senate are currently cosponsoring this bill.

MR. BENJAMIN: Is there any chance of this bill coming for a vote in the Senate?

MR. O'DONNELL: I am not Kreskin, Mr. Benjamin, so I am hopeful.

MR. BENJAMIN: Who? I couldn't hear you.

MR. O'DONNELL: I'm not Kreskin. I'm hopeful.

MR. BENJAMIN: Thank you.

On the bill.

ACTING SPEAKER GREENE: On the bill.

MR. BENJAMIN: This bill is a litmus test. I am a red vote in a blue state. I used to joke that not all rednecks have red necks. So, I feel compelled to state that I am not a bigot. I am an African-American. I know the sting of prejudice and discrimination. I do not believe any of my fellow citizens, residents or Americans ought to be discriminated against for their color, race, creed, gender or sexual orientation. I also love my gay brother. But, I cannot support granting the traditional sanctity of marriage to him, his partner or the other children of the Rainbow.

Since the advent of the "Me" generation and judicial activism, the cultural elite of our nation has relentlessly pursued unfettered, individual choices without regard for tradition, the needs of children or even nature itself. The Marriage Equality Act begs several questions: Can a child have two mothers and no father? Can a child have two mothers and a father? Can the lesbian partner of a volatile mother have custody rights if the couple divorces? Can she be required to pay child support? How do we justify marriage where children have no fathers or no mothers? Call me old-fashioned, call me out of step with the New World order, but marriage has tradition, an ethos, if you will.

As we proceed with tonight's vote, we weaken those bonds that bind our society, those bonds that bind our very civilization. I may be overdramatizing, but I truly fear that we are witnessing the twilight of our modern civilization and, for that, I will be voting in the negative.

Thank you and God bless.

ACTING SPEAKER GREENE: Ms. Lifton.

MS. LIFTON: Madam Speaker, on the bill.

ACTING SPEAKER GREENE: On the bill.

MS. LIFTON: I will be casting my vote for this bill in memory of my wonderful brother, Steven Smith, who happened to be a gay man. When he died in 1994, his partner of 13 years, Greg, who happily thrives to this day, had no legal right to Steven's remains or to many of the benefits of Steven's adult working life, over 17 years. And that is but a small piece of the many ways in which gay couples are treated as second-class citizens.

The science is in and it contradicts the Old Testament values. One's sexual orientation is not a choice. I am no Biblical scholar, having been raised Catholic, and we didn't get, you know, the Bible teaching the way the Baptists do today. We learned our Catholicism from the priest. But, it is my understanding that the anti-homosexual references are all in the Old Testament and Jesus never, in fact, said a word about homosexuality. People are who they are, and all New Yorkers should be free to live out their lives fully and freely as full citizens with all the rights and responsibilities thereof.

Much pain and misery has been caused by forcing people to live their lives falsely in order to have the good things in life that so many of us take for granted, so many of us see as our birthright: Forming joint lives, joint partnerships, having and taking care of children, raising children, growing old together with no one else interfering with

the most important and intimate decisions of our lives.

I had originally thought that the answer to this question was civil union. I went on Deborah Glick's bill a year or two ago that said not the two-tiered civil union of Vermont, but civil union for everyone. Let's reerect a wall between church and state in New York and get government out of the wedding business. That seemed intellectually and philosophically reasonable and doable. But then, in studying this issue over the last year or two, I happened to read some of the court testimony, and I believe it was in the New Jersey case, where someone was giving the arguments and talked about why marriage, why marriage instead of civil union. And I ended up convinced by the argument that when we say "marriage," when we use the word "marriage," we all know what that means. When someone says, "This is my spouse," we all know what that means; no further explanation is required about the nature of your relationship. You know, when you put an invitation to someone, when you offer an invitation, you are offering an invitation to both people in the couple. Gay couples, gay couples like Danny O'Donnell and his partner of 26 years, John Banta, who is here with us today, should no longer have to offer explanations about their relationship, but should just be able to say, "We are married. This is my spouse," like everyone else.

I agree with the Catholic mother of six who said of her gay son, "God doesn't make mistakes." You can pass your religious values on to your children, my colleagues who are trying to do that, and as my parents did who sent us to church every Sunday and off to religious ed instruction on Monday afternoon, I believe it was, but that will not

determine the sexual orientation of your children. They will figure that out for themselves from their earliest years and on through their teen years. They will figure it out for themselves, for all your attempts to pass on your religious values. And, I hope for your sake and for your happiness that you love and respect your child and continue to love and respect them regardless of their sexual orientation and see them as full citizens of the State and want for them the full protection that all other New Yorkers have. Thank you, Madam Speaker.

ACTING SPEAKER GREENE: Mr. Hevesi.

MR. HEVESI: Thank you, Madam Speaker and my colleagues.

Mr. Hikind, since you made that comment, the weather has changed dramatically, sir. I would ask you to take a look at that.

But, let me get serious for a moment. Let me start by saying to the lead sponsors of this bill to Deborah, to Dick, to Matt Titone, and particularly to Assemblyman O'Donnell, Danny, I have never been more proud to call someone my colleague than I am to call you a colleague. You have been outstanding on this issue. The lights are still flashing.

Ladies and gentlemen, there are many people in my district who are not going to like the vote that I am about to take. And they are not going to like it based on a core religious value, a faith-based reason why they don't want this bill to go through, why they feel marriage should be only afforded to certain people. And I will tell you now what I tell them: That I respect everybody's religious beliefs. Growing up in my

household, my father was Jewish. My mother was Irish Catholic. Believe me, you are taught to respect religious beliefs.

I also respect people's religious beliefs because the freedom to practice the religion of your choice and to believe the way you want is a core, basic value of our country. It is a value that is as sacred to America as the freedom of speech or equal protection under the law, which I will get to. So, I respect people's religious beliefs.

In return, I expect they respect my core belief that equal protection under the law is a fundamental basic value of our country not to be questioned. It is a fundamental value so important that I want my family to live in a country that doesn't say, "Come and enjoy the American dream, everybody, all of your citizens come and enjoy the American dream, except you or except you."

And, the second reason why it is crucially important that we pass this legislation, ladies and gentlemen, I took an oath when I ran for office, as I think many people in this room did, to uphold the Constitution of the United States and uphold the Constitution of the State of New York. The 14th Amendment of the Constitution and Article I, Section 11 of the State Constitution are absolutely clear that no citizen shall be denied their rights or shall be denied equal protection under the law.

So what I am asking you, my colleagues, to do is light that board up green because we all took an oath to uphold the Constitution of the State of New York. I would ask you to light that board up green because the fairness and equality of our country is

paramount. Don't tell me that I live in a country where Andy Hevesi, after being in a relationship for two years and has picked a person that he wants to marry can do it, but Danny O'Donnell who has been in a relationship for 26 years and has picked a person he wants to marry can't do it. Ladies and gentlemen, that is fundamentally unfair, and we are better than that. As a country, as New Yorkers, we are better than that.

And, let me finally say, please light that board up green, vote in the affirmative for my kids. If one of my children happens to be gay, I want to make sure that they have the same rights and responsibilities that every other citizen of the country has.

Thank you.

ACTING SPEAKER GREENE: Mr. Townsend.

MR. TOWNSEND: Thank you, Madam Speaker.

Would the sponsor yield for a couple questions, please?

ACTING SPEAKER GREENE: Will you yield, Mr.

O'Donnell?

MR. O'DONNELL: Sure.

MR. TOWNSEND: Thanks, Danny.

MR. O'DONNELL: You're welcome.

MR. TOWNSEND: On the issue of children to couples, same-sex couples, is there anything in your legislation that addresses children specifically?

MR. O'DONNELL: No, it just amends the Domestic Relations Law as it relates to spouses.

MR. TOWNSEND: Under civil unions, because there is

a lot of talk back and forth, marriage versus civil unions, people who would fall under the Civil Union Law, are they allowed to adopt and raise children, as they would be under yours?

MR. O'DONNELL: Well, my bill doesn't address adoption at all, sir, so I can't really answer your question.

MR. TOWNSEND: Well, let's ask this, then: If they wanted to have children, would they go through a normal adoption process because biologically, I guess, it doesn't work?

MR. O'DONNELL: Well, if you would like me to share with you how some same-sex couples get children, I would be more than happy to do that some time. Maybe not here on the floor.

MR. TOWNSEND: I don't think this is the place for it.

MR. O'DONNELL: I still don't fully understand your question. Are you asking whether or not --

MR. TOWNSEND: I guess, we know and we have got some very lovely people that are members of our extended family here in the Legislature who have adopted children to raise them. And, I guess I am just concerned about the children aspect of it to the families. You know, the traditional family is you have got the father, the mother. The children learn certain things from the father, they learn certain things from the mother, and in most cases, it's different, but there is a difference of learning there. And I guess I am just wondering if there is anything in here that addresses the family core and children?

MR. O'DONNELL: This bill does not, in any way, amend the adoption laws of the State of New York. Every single

homosexual I know was raised by heterosexual parents. So, I am not really clear what you are trying to get at with the question. This does not have anything to do with the adoption laws, nor would this change the adoption laws. All this would do is allow certain people to get a license from the State of New York, who are currently not permitted to get that license.

MR. TOWNSEND: If you would continue to yield?

MR. O'DONNELL: Sure.

MR. TOWNSEND: Now, we talk about or you talk about or it's been brought up on the floor that there is no prohibition from the clergy refusing to sanctify and perform marriages to same-sex couples. There is nothing that forces them to do that. Did I understand that correctly?

MR. O'DONNELL: You did.

MR. TOWNSEND: Okay. A couple could go to a mayor or to a judge or anyone else, a clerk who is, under the law, allowed to perform that ceremony, if they found one that was so inclined to do it; correct?

MR. O'DONNELL: Correct.

MR. TOWNSEND: There is a very religious, I don't want to call it a procedure, but a very important part of everyone's religion and I suspect everyone's religion, I may have painted that with too broad a brush, but it is called "baptism." Now, a mayor or a clerk or a judge, at least as I understand it, does not have the power or authority to baptize a young child or an adult, for that matter, but let's talk about

children, we started out with children, and to give them the fundamental protections of the religious beliefs and of God that are given to them in a baptism. And, what do we do with children who, because of the belief of a minister or a rabbi or a priest or the church, in its whole, refuses to do baptism? Does that create a problem or are we taking a group of our future and saying you can't have that religious sanctity of the baptism?

MR. O'DONNELL: My bill does not address or amend the rules of baptism. It may surprise you, I am fairly well-versed in them, but it doesn't amend them. So, there is no requirement to baptize or to not baptize in my bill.

MR. TOWNSEND: Madam Speaker, on the bill.

ACTING SPEAKER GREENE: On the bill.

MR. TOWNSEND: We have heard a lot of talk today about oath of office and the Constitution and the 14th Amendment and equal rights, and the interesting thing that came to me while we were talking about that is the fact, I think, every one of us, all the ones I have witnessed anyway, when you take your oath of office, you put your hand on the Bible. We don't place our hands on a copy of the Constitution of the State of New York. We place our hand on the Bible. So, we swear to uphold the Constitution of the State of New York and the Constitution of the United States of America, but we are doing that on the word of God.

And in that book that we so reverently cherish and make it a part of our oath to do what is right, is a passage in Matthew. And if I may, and I am not a religious zealot, I am Methodist. Everybody wants to tell what they are here around here. I am Methodist. My

great-grandfather was a Methodist minister. In fact, he had hopes of me going into the ministry. I think I got sidetracked. But, every once in a while, I come back and think about my great-grandfather, the Reverend Miller. And in the Bible that we cherish under Matthew 19:4-5, it says that God created marriage as a union of a man and a woman. Had he not read that, "He which made them at the beginning made them male and female and said for this cause shall a man leave father and mother and shall cleave to his wife and they twain shall be one flesh."

I think it is pretty clear what God meant and what his prophets wrote and what they understood marriage to be. I think that we have a way, as this august Body of intelligent people, to address the concerns of our many friends and neighbors and family members who have a desire to have a spouse. I do not believe, and as Mr. Kolb said, with my heart and with my teachings and my beliefs, that the sanctity of marriage should be trod upon. I do not believe that we, as elected officials who took an oath to uphold the Constitution of this great State and this great country, but also to uphold the higher being and the higher laws, have the right to trod upon those laws.

I believe that the individuals who are caught in this conundrum of a lifestyle that maybe to some seems foreign, to many of us we understand and appreciate it and can understand their love for each other, have a way to address it. It may be civil unions. There may be another issue that I am not aware of, but that can work.

But for us, as the leaders of New York, as the ultimate Body to make the laws that impact all of our lives, to trod upon the

institution of family, of marriage, of the protection of our children, as to the baptism of our children to see that they are given the same start and beliefs and rights that we had is a fault.

And for those reasons, Madam Speaker, I cannot support this piece of legislation as it's written today. And I thank you for the time to explain that.

ACTING SPEAKER GREENE: Mr. Lavine.

MR. LAVINE: Thank you, Madam Speaker.

On the bill.

ACTING SPEAKER GREENE: On the bill.

MR. LAVINE: How remarkable is it that we are this evening able, in this wonderful Chamber, to debate some of the great questions of the day, to debate the rights of our fellow citizens. And I think that it is important for us to recognize that the Founders got it right. They got it right when they set up the framework of government which allows us to be here this evening.

But, it is also important to recognize that the Founders didn't come out of a vacuum. The Founders, those who wrote our Federal Constitution, those who wrote our State Constitution, those who battled for freedom, were the product of something called the Enlightenment, an 18th century movement which was very popular in both Europe and America. It was tied very closely to the scientific revolution because they both shared common traits, such as devotion to reason, rationality and science. And among the goals of the Enlightenment, was to provide freedom from superstition, freedom from tradition that was blind and

unyielding to reality, freedom from tyranny while at the same time promoting tolerance, understanding and particularly tolerance for different religions.

Now, it's during the Enlightenment that the concept of marriage begins to change somewhat. It is not until the Enlightenment that people are able to marry because they actually love each other. They actually have affection for each other. Now, you don't have to take my word for that, you don't have to take my word for marriage in those days being passionless and loveless, but you may want to take word of the author of Marriage: A History in the 2005 edition of Psychology Today. Nor do you have to take my word for it when you look at Stephanie Kuntz's recent book entitled Marriage: A History in which she deals with this bedrock tradition that we have, this constant, supposedly unchanging, tradition because she writes that until a couple of hundred years ago, the time of the Enlightenment, marriage was not about love but it was about property and politics. What was sought was not love but a promising workmate and someone who had good in-laws.

So, I think that what we are doing here this evening is carrying on in that remarkable tradition of the Enlightenment which has actually been the genius of our nation. And, I think that even though I was not baptized, perhaps I can still say that I don't know necessarily how to define the word of God, and I do not ask any of us to change our fundamental religious beliefs at all, but I do ask, and more than that, I expect that each of us will stand up to protect the rights of our fellow citizens.

And finally, let me say this, that we Americans have always had to fight for our rights, and what we do here this evening is to fight for and to take a major step toward vindicating the rights of our brothers, our sisters, our parents and our children. And to the sponsors of this bill who have fought so long and so hard to get us here this evening, and to all of the others who have fought so hard and so long to get us here this evening, I just want to say that I sense that somewhere, somehow Mr. Adams, Mr. Jefferson, Mr. Madison and Mr. Franklin have a smile on their faces. Thank you very much.

ACTING SPEAKER GREENE: Mrs. Clark.

MRS. CLARK: Thank you, Madam Speaker.

Would the sponsor yield for a couple questions?

ACTING SPEAKER GREENE: Will you yield, Mr. O'Donnell?

MR. O'DONNELL: Certainly.

MRS. CLARK: Danny, would you support repealing marriage altogether in New York State? It's not such a great place to be. I believe the numbers are 50 percent, more than 50 percent of marriages end in divorce, I believe. So, would you support repealing marriage in the State of New York to create equality?

MR. O'DONNELL: If you thought that was the appropriate thing to do, Mrs. Clark, I would be more than happy to read your bill and consider it.

MRS. CLARK: Okay. Very good. Well, let me just tell you why I think that might be a good idea. There are people in New

York State and throughout this country who still can't marry because they can't afford it. And the consequences of not being able to marry is, in the community that I come from, some 70 percent or so of the children are born out of wedlock. Were you aware of that, Mr. O'Donnell?

MR. O'DONNELL: I'm unaware that anyone cannot get married because they cannot pay the fee for the license to get married. I do understand there are many people who can't afford to throw a wedding, yes.

MRS. CLARK: They can't afford to be married and, therefore, many of their children are born out of wedlock. I'm sure you're aware, and maybe I won't ask you this question, I will just tell my colleagues, that children who are born out of wedlock in this nation, until today, are discriminated against, considered second-class citizens, are improperly educated, given improper health care, and I could go on and on, because they are born out of wedlock. And in many instances it's because their parents cannot afford to get married.

I say that because as we talk about equality, there is a long, long, long way we have to go in this nation and also in our State. You know, I have been here for 21 years, and I have fought for equality of education for all of our children, and it took 13 years to get a court case settled to provide some equality for children.

So, as we approach this issue, as far as equality is concerned, I don't think any of us are being real true to the notion of equality because equality, you know, comes in all places and all packages. So, I'm not going to go into the religious part of all of this.

I think there are some things that we could think about as we talk about this bill. We have been talking about a congestion pricing law, and I have heard colleague after colleague say, "We are getting the cart before the horse," and I'm saying that because I wonder if there aren't some other things that we could have and should not have done before we approached gay marriage. One of the things we should have done is provided, in our House, for a three-month divorce.

But the other thing that I would say is that we need to talk about how we will -- should we limit the number of women who could be surrogate parents, surrogate mothers? Should we limit the number of sperm donors that can offer their sperm or their eggs, if we are talking about a female, so that we don't end up with a group of people that may be, you know, very closely related that could end up being married? There is a whole slew of issues in my head that we should talk about before we talk about making marriage between same-sex people in New York State the law.

MR. O'DONNELL: Is that a question, Mrs. Clark?

MRS. CLARK: Of course, we know it's not going to become the law right away, but still.

The last question I have to ask you, and this is an economic question, will, in fact, people who marry in the State of New York be entitled to Social Security?

MR. O'DONNELL: Currently under law, it is unclear whether or not that is the case because there are very few people who have a marriage certificate from the Commonwealth of Massachusetts to

determine whether or not that is actually the case.

The reason this bill is on the floor today, Mrs. Clark, is because it affects my life and it affects my equality and it affects me. Were you to introduce a bill to limit sperm "doning," that would have no impact on my life, although I would be more than happy to talk about why that needs to be.

So, the reason this bill is here is because it affects me and my life, and it is something that I would choose to undertake if it was given the opportunity to me.

MRS. CLARK: I respect that, Assemblyman O'Donnell. I respect that, and I certainly have done all that I could as a member of this Legislature to ensure that no one is discriminated against. Any bill that has come before us that would make life what it's supposed to be for people just because of who they are, because of their sexual orientation, I have supported because I don't think that people should be discriminated against based on their sexual orientation. You know, I certainly come from a place where I know what discrimination means, and so certainly, I have always tried to do that .

But at some point, in my mind, you get to a point where it just goes beyond what I think is a real workable situation in the State of New York and this nation. I still believe that there is a reason for what we call reproduction, to repopulate our nation, and we won't be able to -- same-sex couples cannot do that. And I'm not talking about what God said, I'm not talking about anything; I'm talking about what is. You can't do that. So, other measures will have to be instituted to have family.

MR. O'DONNELL: Mrs. Clark, if I could ask you a question.

MRS. CLARK: And that's okay.

MR. O'DONNELL: If I can ask you a question. We permit senior citizens in nursing homes who do not have the capacity to procreate to be given marriage licenses. So, are you suggesting that we should amend the Domestic Relations Law to require people to be able to procreate in order to get a marriage license?

MRS. CLARK: No. I'm absolutely not saying that.

MR. O'DONNELL: Okay.

MRS. CLARK: All I'm saying is what the facts are, is that same-sex couples cannot reproduce and repopulate the United States of America or wherever.

So, I will be voting against the bill because I don't believe that we need to come to this at this point in time. Maybe time will change and things will change to make me believe differently. But I would ask this institution to think about, you know, doing whatever is necessary to be sure that equality across the board, all of 71 percent of poor children who are struggling with being stigmatized and segregated against, all of these equalities that we will consider as we move forward because, in my mind, to say that we are doing what we are doing here tonight because we want to promote equality, and we have left all of those other things and all of those other people out, it's somewhat hypocritical in my mind. I think it may have a whole lot to do with economics, and it may have a whole lot to do with political clout. I don't

want to suspect why we are doing it, I just think it's the wrong thing for us to do and I will be voting in the negative.

Thank you, Madam Speaker.

ACTING SPEAKER GREENE: Mr. Lentol.

MR. LENTOL: Thank you very much, Madam Speaker.

I actually hadn't intended to speak, but I heard the word "tradition" used enough tonight that I thought it was appropriate for me to talk about tradition because I seem to be a tradition around here, and like my colleague, Mr. Kolb, and like my colleague, Mr. Hikind, I come from a family of tradition, a long Roman Catholic upbringing. I went to Catholic schools. As a matter of fact, I even went to Catholic University. And, I believe that tradition tells me or may suggest that this is the wrong thing. And Mr. Gottfried and, certainly, Ms. Glick can tell you that I have come a long way over the years that I have been here with respect to gay rights, with respect to how I feel about certain issues, and it's not because I flip-flop or change any position at all, it's because I have listened and I have learned.

And what I have learned about my tradition and what I have learned about my faith is that our Lord told me that we should love one another and that we should treat everyone equally and that we should be our brother's keeper and that we should protect each other in this life. And what does that mean if we hide behind tradition and use tradition against the very thing that our religion taught us? Well, it's really empty and it rings kind of hollow if we don't understand what our job is as an Assembly member, as somebody who represents the people of the State

of New York.

You know, I also have a very difficult district, like some of you, who might not accept my position on this issue, and I have tried very hard, after putting my name on this bill, to explain to them why I believe that this is the right thing to do. And whether I have been successful or whether you can be successful in explaining to your constituents why you believe that you ought to protect your brothers and your sisters, I'm going to tell you this: That I have chosen in this year of our Lord, 2007, to say to the people of my district that I choose to lead and not to follow, and that this is the right thing to do, and I stand up today for gay marriage. Thank you.

ACTING SPEAKER GREENE: Mr. Gottfried.

MR. GOTTFRIED: Thank you, Madam Speaker.

I guess, like Mr. Lentol, I, too, am a tradition of sorts around here. I appreciate Mr. Schroeder earlier letting us know that there is a history of important legislation enacted in New York before I was elected, about 170-something years' worth.

I consider that tonight we are being asked to take a stand on what I think is the most important human rights issue facing New York State, perhaps facing America. Mr. Schroeder was right that, to a large extent, the civil law around marriage exists to protect the parties to that marriage and their successors, but marriage goes beyond that. Strong married families are of value not only to the people who are in those families. Marriage as an institution, I believe, is enormously important and valuable to the strength of our society as a whole. And I think if we

have the opportunity to give thousands, tens of thousands, hundreds of thousands, maybe millions of New Yorkers the ability to join that institution, I believe we are inviting those New Yorkers to have the ability to help strengthen not only their own lives, but the lives of all of us and the community of all of us. I think it's in the interest of all of us that if more people want to join the institution of marriage, we should welcome them with open arms.

Now, many people have said, "Well, why can't we offer those people something else, civil union, domestic partner, what have you?" And the answer is very simple: Separate but equal is not equal. And to say to same-sex couples that, as we do in this State, that you have the right to have sex, to say to them that you have the right to give birth, to say to them that you have the right to adopt children, you can write wills to inherit from one another, you can jointly own property -- we could give them in law every one of the 1,300, or whatever the count is, of rights that come with the one act of getting married, we could call that a civil union or we could call it anything else, but if we were to do that, at the end of the day, we would be still denying them the one enormously important right of the ability to say that, "We, also, are part of the institution of marriage."

And whether any of us intend it or not, to say to a group of New Yorkers that, "You have the right to have sex, you have the right to own property together, you have the right to adopt children together, et cetera, et cetera, et cetera, and you have the right to be in your own club, but you do not have the right to be in our club," I believe, is a profoundly

discriminatory and devaluing thing to say to those New Yorkers, and we should not do that.

There are only really two arguments that I have heard against extending to all New Yorkers the ability to marry: One is phrased in various ways but it always comes down to, "Well, it's always been that way." Well, that's not a good enough reason to deny people a fundamental human right. You know, there are lots of things that have been defended on grounds that "It's always been that way." And, by the way, the other argument is, "My religion says it's that way." There are a lot of things that people have said over the centuries, "It's always been that way," or "My religion says we should do it that way." Husbands, until, I don't know, a few generations ago in the law of this State, husbands virtually owned their wives. People said, "It's always been that way." People said, "God said it should be that way."

Historically, until a moment ago in time, people could own other people, including in this State, and people defended that saying, "It's always been that way." And until, you know, several decades ago, it was always that way, even in the Bible that some people could own other people. People said that God said it should be that way.

There was a time in the Bible when people thought God said it was okay for a man to have multiple wives, and I'm sure if you asked people in Biblical times, they would tell you that it's always been that way. I'm sure they would tell you God said so. That's not a good enough reason to preserve a denial of a profoundly important human right.

Under this bill, anybody who doesn't want to marry someone of the same sex would have free will to not marry that person. Under this bill, anybody who wants to be part of a religion that does not recognize same-sex marriage, would be more than entitled to belong to that religion, but that should not be the business of New York. It should be the business of New York to say to same-sex couples, like mixed-sex couples, you, too, have the right to be able to join that most important of human institutions, the right to marry.

In the months and weeks and hours leading up to today's debate, many people have asked, "Why are we doing this now? This bill isn't going anywhere in the Senate. Why are we doing it now?" Or, at least not tonight. Certainly, why are we doing this now? And the answer is very simple: That I believe, as I said at the outset, I believe this is the most important human rights issue facing this Legislature, and it is always the right time to take a stand for human rights.

If this Legislature passes this bill tonight, as I am pretty confident we will, we will not only be taking a stand for human rights, I believe we will be taking an enormous step forward. As our Governor, Governor Spitzer did, when submitting this bill to us, I believe we will help take another enormous step forward in making this legislation, making this human right a reality in this State. It is always the right time to stand up for human rights. And I believe that tonight we should all look deep into our hearts and think very carefully not about will this create an argument with some of my constituents, but think about whether this is, in fact, a profoundly important human right. I believe it

is. I applaud Danny O'Donnell for his leadership on this issue and many of my colleagues who have joined me and others in the past in working for this legislation. Tonight, we should be proud that we are about to pass this bill.

ACTING SPEAKER GREENE: Ms. Scozzafava.

MS. SCOZZAFAVA: Thank you, Madam Speaker.

This has not been -- well, this has been a very difficult decision for me to make, and I finally arrived at that decision last Friday, not here in Albany. I read all the mail. I read the different Biblical scriptures that have been outlined in correspondences to me. But, I arrived at my decision a long way from Manhattan or Albany; it was right in my own hometown, a small rural community of 5,000 people in Upstate New York. You would be surprised how many people work in the schools in my area. They attend church. They contribute financially to the church. They pay taxes. They own successful businesses. They run for political office in my little, old Upstate town and they serve on many boards. They are good members of our community, and many of them are good friends to me. Their contributions are many in my community and Upstate New York.

The easiest thing for me to do tonight, the politically easiest thing for me to do tonight, would be to vote no and go back to those individuals and tell them, "Hey, listen, but I'll support civil union for you." But a good friend of mine, on Friday, sat down and he explained to me why that did not provide him equal protection under the law.

And what might be the easiest thing for me to do tonight isn't the right thing. These men and women in my community and throughout the State, my friends, deserve equal protection under the law, regardless of my religious belief, and that's why I am going to be voting in favor of this legislation this evening. Thank you.

ACTING SPEAKER GREENE: Ms. Sayward.

MS. SAYWARD: Thank you, Madam Speaker. On the bill.

ACTING SPEAKER GREENE: On the bill.

MS. SAYWARD: This is truly an historic day here in the New York State Legislature. Today, when we are being asked to vote on what I think is a very important civil rights issue, an issue that could have been decided in the courts, just as interracial marriage was some 40 years ago, but our courts have deferred this controversial and sensitive issue to us here in the New York State Legislature.

We vote every day of the week on issues that affect our constituents and issues that we feel make their lives better. For 40 years, my family and I have been struggling with this particular issue, this issue of homosexuality. I knew when my son was very young that he was different. It wasn't because he was feminine. It wasn't because he spoke different. But there was something there that a mother and only a mother can know is different in their child.

And when he started coming home from elementary school and asking me at the age of six and seven and eight, "Mommy, what does fag and queer mean? And why do the boys push me down on

the playground, and why won't they play with me?" Well, as you can imagine, this very young mother set out to find out just what it was that was wrong with my son. Surely, I could change him because this is a life choice, of course, because my Roman Catholic upbringing tells me it's against all of those laws of the Church and the Bible.

My son didn't want to be different. Lord knows, he wanted to change. So, I consulted the church. I read everything I could. I read the Bible. I read white papers on this issue. Surely, I could make him normal. And, yet, as I looked around, I noticed that his cousins, many of them were struggling with the same issues and their families weren't searching at all, and maybe even treating their children differently. But, as for me and my family, we loved our son. And when he was in high school, he decided he would get himself a girlfriend and go steady and maybe in the last two years of his high school, he would be accepted, and he was, for the most part. But, when he went to college, he got involved in drugs, as you can imagine many young people who struggle with identity issues do. And, when he would come home on the weekend we would spend long nights crying together and talking. And, one night I said to him, "You have to be who you are. You can't be what people think you should be." And he said to me, "But, mom, I want to be normal. I want to have a house and a fence and a dog and children, and I want to be successful." But he did decide with us, with his family, his father and I, that he would be who he was, and he became much happier in life.

And, I'm happy to report that my son has the house and

the fence and the dog, and he has raised two wonderful young men; one is just finishing up college this year at Drexel in Pennsylvania and he is going to be an engineer. And he is a successful businessman.

But, I continued to struggle with the issue, and I very often in this House take my responsibilities very seriously and try not to base my decisions on sensationalism, but more on science and on the needs of the people that I represent. So, I have spoken to genetic experts. I have spoken to my priest and the clergy, and I'm convinced that as sure as some of your children are born left-handed, my son was born a homosexual. It is not a life choice. It's not something one can change. And if you took the Bible literally, many of us here would have already gouged out an eye because we have done something or looked at something that we shouldn't have looked at. We would stone our children because they were disrespectful to their parents and there would be no women in this Chamber.

My God loves my son and as sure as I'm standing here tonight, this issue is certainly not one for me, or should be for any of us here, anything other than a civil rights issue, and I ask tonight that you give great consideration to the fact that I don't believe either Mr. O'Donnell or Ms. Glick had a choice in this life that they would be homosexual; for if they had, I'm sure they would have chosen the easier path. So, let's search our hearts tonight and do the right thing and vote for the civil rights and the human rights of all of the people that we represent and give them the right to marry the people that they love, just like I had the right 43 years ago to marry my husband. Thank you.

(Applause)

ACTING SPEAKER GREENE: Mr. O'Donnell to close.

MR. O'DONNELL: In November of 1960, John F. Kennedy was elected President of the United States. In that moment, the American dream moved forward. The American dream said, "You'll be judged on the merits, not on who your family is." The American dream said, "We were all created equal," and that dream came about not by people deciding, but by a revolution. America, folks, is a revolution because at the time, people thought that kings were the descendents of God on earth and the women and men who chose to participate in that revolution said that is not the case. That is not the way our nation needs to be.

To my mother, who was a grandchild of immigrants, to see one of her own, an Irish-American man elected President, must have been a very heady experience. And, at the time, I was a week old. My mother used to sing to me. She used to sing a song "Que Sera Sera" and what does that song say? "Whatever will be, will be. The future is not ours to see." I imagine that my mother never would have foresaw that I would stand in this Body and represent people the way I do, and I am more certain that my mother would never have foresaw the argument that I'm making to you tonight.

And, I also know that she could not have foresaw that within a decade she would be dead of breast cancer having left five children alone. When she died on Saint Patrick's Day 1973, I died, too. The things that brought me joy when she was still alive were gone

because all of those things no longer mattered. I had to fend for myself; I had to cook for myself; I had to clean for myself; I had to shop for myself. There was no one there in that environment to do all the things that my mother, when she held me and sang that song, was supposed to do for me. And so, I only had one choice: Learn to do it for yourself or not have it be. And so, I did those things. I graduated from high school able to cook a full Thanksgiving dinner for 20. I did. It was horrible, but I did because there was no other choice. And what happened in that house was that when she left, the person in our society who was supposed to teach me how to love was gone. So, I didn't know how to love.

Seventeen years of age, I went to college, Catholic University of America, just so you know. And, when I arrived there the first day, I met someone. I met someone who was from Upstate New York. And through time, something amazing happened. I was taught how to love. Someone taught me how to love. And what turned out to be was the person who did that was a man.

The damage from my childhood was such that if I considered for one second that I could fall in love with a man, I would have never let that happen. And so, what happened, I fell in love by accident, and what I learned from him was that I should love myself, too. No one believed in me. No one. No one thought what he always thought of me.

To many people in this room, the perception must be you run out and you find someone, and that's not what happened to me. My story is love found me in the body of a person who was a man, and I

struggled with that. And it was with no hyperbole or exaggeration that I say to you today that not only would I not be standing in this room were it not for this man, but, folks, I would not be alive. I could not have survived my late teens and 20s if I didn't have John Banta in my life to make sure that I was okay.

All gay people, when they realize what and who they are, live in fear. Like Ms. Sayward's son, they live in fear of getting beat up. They live in fear of being disclosed. They live in fear, and they feel different. That is the most accurate thing I can tell you. So, here was my problem: Did I feel different from other kids? Yes, I did. But my thought that I was different because I had to go home and wash my own clothes and make my own bed and cook my own dinner, I never equated that feeling of difference with anything that was connected to sexuality or love.

When we had this American revolution, it was not set in stone. It is a perfect revolution because it was also an evolution. People can evolve. Societies can evolve if you have a democracy. Joe Lentol has evolved, okay? There is evolution that takes place. There is. And if there wasn't evolution, we would not be here because our society, our experiment would have failed. If there was no evolution, American citizens would still be slaves. If there was no evolution in our system, women would not be permitted to vote. So, clearly, evolution is built into the American revolution.

I have tried desperately, since introducing this bill, to talk to as many of you as I can, to charm you, to flirt with you, whatever

it takes, and some of you have witnessed the flirting in the Members' Lounge, but I'm not giving names up. I have done everything that I can to get you to try to understand what it's like to stand in my shoes. And I was very lucky this week because I got a letter from Mrs. Loving, the African-American, Native-American woman who was arrested in her bedroom in 1958 for, ironically, loving a man named "Loving" because he was white. And I don't know how old she is, but she can't be that young. She was willing to say, "This is the same issue." And for those of you who are not so sure, let me make this clear. In the 1980s in Georgia, a man, Michael Bowers, was arrested in his bedroom because he was in bed with a man. And for those of us, at that time, who were involved in relationships with people of the same sex, we lived in fear of the knock on the door, of the landlady calling the police and having us arrested for being who we are, but we evolved. No one thinks that so much anymore. We evolved.

In her letter, she said, "I didn't want to be a hero. I didn't set out to be a heroine, I just did what was right." There are heroes here. Deborah Glick is a hero. She paved the way to allow me to stand here and make this case. She is a hero. Governor Spitzer is a hero, chose to send us this bill written in a way that can be palatable across the board to say do what's right. Shelly Silver is a hero. He let me have this bill to let me give me my shot at trying to convince each and every one of you that this is simply about fairness and equality.

So, what do I seek? What does this bill seek? Let me address some of the issues that you have raised. This is not about the

sanctity of anything. Sanctity means holy. Holy means of or pertaining to religion. That's from Webster's, folks. That's what they mean. I am not seeking anyone's religious agreement. I am not seeking anything from any religious person, whatsoever. I seek a piece of paper, a license from my government to whom I pay taxes and to whom I serve in this body. I do not seek anything from anyone's church. I don't want a seat in your synagogue. I don't want a church pew. I want a license that all of you have, some of you have had two or three times.

(Applause)

The current state of law is the following: You could get on a plane, fly to Las Vegas, where what happens in Las Vegas, stays in Las Vegas, allegedly, get married in front of an Elvis impersonator, drunk, come back to New York and you will be given a piece of paper that will protect that relationship. And, yet, the man who I have loved for 26 years, who I share a home and a dog with, the person who every day I talk to before I go to sleep, he and I can't get that piece of paper. Is that right and fair? Is that justice? Is that equality? The answer is hell no.

I want you to search your heart and think about this. And I am asking you from my heart to do this for me and my family so that I know that he is protected. That's what I am asking of you tonight. People in life fear many things: Global warming, nuclear proliferation, heterosexuals in retail. Whatever you fear, you fear and that's okay. I used to fear getting beat up and I used to fear getting exposed and I used to fear people saying bad things about me. I no longer fear those things.

Ladies and gentlemen, I have one fear, that the horrific

gene pool that runs through my family line will take my life, that a bus will hit me, that I will have a heart attack, like my grandfather did, and the one thing that I wanted most to do in this life, which is protect John Banta, I was unable to do.

And so, if you have it in you to find a way to take my fear away, I cannot express to you how deeply -- the gratitude I will have for you for the rest of my life. And if you can't, and if you can't, I implore you to do this for your own family, because I have learned a lot about your families in the last month, okay? And I know which one of you have gay kids, I know which ones have gay siblings, I know which ones have gay grandchildren and gay nieces and gay nephews. And you know what, folks? If you don't have that today you're having it tomorrow, okay? And one day, one of those people is going to come to you and say to you, "Where were you? Where were you on the day that my equality was on the line? Where were you?"

This revolution, revolutionary women, revolutionary men had some revolutionary concepts and a Constitution that was flexible and designed to incorporate everyone. So, here's a revolutionary concept. Are you ready? "Our civil liberties have no dependence on religious opinion." Let me repeat that. "Our civil liberties have no dependence on religious opinion." That, my friends, was Thomas Jefferson. So, whatever tradition you have in your life, I stick with the Founding Fathers and what this Constitution was supposed to mean rather than what that tradition is. And, I know that with this vote, with enough green lights on that board, that the dream of America laid out by Thomas

Jefferson will be one step closer to reality. Thank you very much.

(Applause)

ACTING SPEAKER GREENE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER GREENE: The Clerk will record the vote.

(The Clerk recorded the vote.)

MR. SEMINERIO: Slow roll call. You heard me. Slow roll call, please.

ACTING SPEAKER GREENE: It is slow.

Mr. Weisenberg.

MR. WEISENBERG: Madam Speaker, my colleagues, I know, you know, I'm fortunate because I have a relationship that I think was made in heaven, the love that we have for each other. And God knows, just listening here today and reading the newspapers and watching the media, what this world needs is love. And when people can love each other and give love to others, we are making a plus within our society.

Civil liberties, and you know how I feel about people who are different or have differences, whether they are disabled or different, the reality is that we want to give everybody a quality of life and a pursuit of happiness. But isn't it wonderful to have people who can love each other and give love to others? I don't understand why we have a problem in being able to pass this kind of legislation, because what it really does is give equality to people who love each other to be able to

give love.

And when we talk about children, which were brought up so many times, look at all of the unwanted children we have within our society that we can now have people who can give love to children as well. And, my God, we all know, "What the world needs now is love, sweet love."

This was a night, and I have been here for 18 years, almost 19 years, this was a night we made history because on both sides of the issues, everybody had an opportunity to voice their opinions and their feelings. But, one thing that I felt in this room tonight was the dignity and respect that every member in this House should have. And I really hope that you can see it's time for a change. Our society has changed. Tradition, that's my background. But, you know, the reality is there are changes within our world, and it's time for us to change and give equality to all those who sit here and who live within our State. Congratulations on a great bill, and I vote in the affirmative.

ACTING SPEAKER GREENE: Mr. McEneny.

MR. MCENENY: Thank you, Madam Speaker. I was an early sponsor on this bill and its precedent in former years. And I came in here tonight prepared to speak at length, if necessary, and I didn't have to do that because in my 15 years, I can't imagine any other evening or any other time when I had greater respect for my colleagues who spoke with courage and sincerity and sensitivity and spoke, above all, from the heart.

There is little I can add to what has already been said so

much more poignantly than anything I could say, but I really wish to give my admiration to those people who spoke tonight: For our sponsor, certainly, and for our Speaker who had the guts to bring this very difficult issue in some circles to the fore.

The parallel worlds of our individual religious backgrounds, and I certainly had everything from Kindergarten to graduate school in religious school, those worlds will never be identical, but our civic world, our civil world has to be. A second-class type of category of domestic partnership, or what have you, will never work because it will never be equal.

We are voting tonight, and I have never been more proud to vote, for true equality in our great American democracy, and it is good to see New York as a leader and not a follower.

ACTING SPEAKER GREENE: Ms. Galef.

MS. GALEF: Actually, after our New York Court of Appeals came up with their decision last summer, I made a commitment to reach out to my district and find out how they felt, and I thought there were two options: One was civil unions, and one was same-sex marriage. So, I did a survey with a view toward, in my mind, saying I would support what my constituents had come up with. And in that survey, they, in dealing with the issue of civil unions, supported them 49 percent and opposed them 45 percent; and in same-sex marriage, they supported them 36 percent and said no 59 percent.

So today, you know, I really have a heavy heart. This is a very difficult issue. I actually wish that the issue of civil unions was

before us; it is not. I think a lot of people have talked about steps. And sometimes we do need steps to make things better. It doesn't happen all at once, even though I know many people in this room, probably the majority of the people in this room, want it to happen very quickly. But I think, you know, given the fact that my district has a very strong belief opposing this legislation, that, as I said, I made a commitment to follow their advice on this particular issue that I polled last fall. And I hope that maybe things will come back and we will have other opportunities in the future to make some other choices if the other House does not go forward with this proposal. Thank you.

ACTING SPEAKER GREENE: Mr. Hikind.

MR. HIKIND: Thank you.

I just want to, first, correct something that Joel Miller had mentioned, that I don't want everyone going home with this information that is not debatable, as far as I'm concerned, that if you lose a hand or a leg that you cannot be buried in a Jewish cemetery. I have never heard that before. It is not accurate. In fact, in the State of Israel, I don't have to tell you how many soldiers get wounded, lose arms, lose other parts of their body; they are buried at Mount Herschel. So that is something that I actually found bizarre.

Let me just say something else, that this has been an amazing evening for me listening to everyone here. It's been a very, very special night. But, I just want to reassure those who are opposed to this legislation that we have as much compassion, we are as open-minded and we are as sensitive as the people who support this legislation. I don't

want anyone to get the impression that if you don't support this, you're missing some basic ingredients in life. Those of us who oppose this legislation are doing it from the sincerity of our heart. It's what we believe. And as I respect people on the other side of this issue, deeply respect them, appreciate the comments, those of us who oppose it do it with all our heart and soul. Thank you very much, and I vote against it.

ACTING SPEAKER GREENE: Jose Rivera.

MR. J. RIVERA: Thank you, Madam Speaker.

I believe it has been over two hours and you could hear a pin drop in this Chamber. And, I believe the reason for that is that we recognize the importance of the conversation that we have been having with each other. I think that at everybody's desk there is a flag, 151 flags, and I think that we are all very proud that on our desks there is 151 flags -- I better put mine up.

Madam Speaker, Martin Luther King once said, "We are not free until everyone is free." Very interesting. What's taken place in this Chamber is that regardless of what happens to the other side or whatever happens, if nothing happens, at least we are standing up tonight in what, in my view, is what is right to do.

You know, 27 years ago in the Bronx when the Bronx was burning, I didn't ask anyone what their sexual persuasion was. All I know is that a lot of people came together, Black, whites and they helped us expose the living conditions that people in the Bronx were living under. One of them, as I'm ready to vote, it's my way of saying thank you. I met this young lady 27 years ago, this young lady provided

leadership in the Bronx when we needed leadership. She was not Black, she was not Hispanic, but she was lesbian. And her name might not be known to too many people. I still think she's a young person who can enjoy the fruits of what we are about to do tonight, even though she celebrated her 60th birthday last week, and I was not able to attend because I was out of town. So as I vote --

ACTING SPEAKER GREENE: Mr. Rivera, your time is up.

MR. J. RIVERA: I am voting for Leslie Cagan, and I hope she's watching all of us on TV. Happy birthday, Leslie.

ACTING SPEAKER GREENE: Mr. Hoyt.

MR. HOYT: Thank you, Madam Speaker.

Approximately four years ago today my sister, Whitney, and her beautiful partner, Miranda, asked me to officiate in their commitment ceremony in California, and it was the most beautiful experience that I have ever been involved with, and we celebrated a great ceremony. And afterwards it occurred to me, Madam Speaker, that it was only a ceremony. It was a ceremonial event that had no legal standing. And it occurred to me that these two individuals loved each other more than any two people I have known to love each other before; loved each other, at least, as much as my wife and I loved each other at the time and love each other today.

And it occurred to me that it was absolutely unfair, an injustice to these two people, that this ceremony that I participated in was not legally recognized. And, at that time I made a commitment to myself

and to them that I would do everything I humanly could possible to try to correct that, at least in the State where I had some authority, where I had some jurisdiction. And I have to say that I couldn't be any more proud than I am right now to be a member of this Body, to stand before you and announce that I will cast my vote in the affirmative.

This is a great day for the New York State Assembly. This is a great day for the State of New York. I am very, very proud to be a member of this House. I am proud of my colleagues, Danny O'Donnell, Deborah Glick, Richard Gottfried and the others who have worked so hard to make this day become a reality. Maybe next year we will be celebrating the passage of a law here in New York State that would allow Whitney and Miranda, Danny and his partner and others to officially and legally be recognized as married partners. I cast my vote in the affirmative.

ACTING SPEAKER GREENE: Ms. John.

MS. JOHN: Yes, Madam Speaker.

This is an extraordinary day for all of us who have the privilege and pleasure of serving in this House on behalf of many different residents of the State of New York. I am enormously proud and grateful that I have the opportunity to cast my vote yes for the civil rights issue of my time in the Legislature, to make sure that the people who are my friends, who are my constituents, who pay taxes every day in this State and who feel that they are not, as one of my colleagues observed during this debate, recognized as a full human being.

This is the right thing to do and I thank all of my

colleagues who are going to make sure that we have enough votes tonight to pass this legislation and to take an enormous step forward to eliminating the barriers that continue to exist so that some New Yorkers do not have access to all of the rights that they should.

Madam Speaker, I thank you for allowing me to speak in support of this legislation. I congratulate my friends and my colleagues, Mr. O'Donnell and Ms. Glick, and proudly cast my vote in the affirmative.

ACTING SPEAKER GREENE: Mr. Bing.

MR. BING: Thank you, Madam Speaker.

As one of the original ten sponsors of Assemblyman Gottfried's gay marriage legislation and as a sponsor of this legislation, both of which have been introduced by Senator Duane, it is really my honor to be able to speak in favor of this legislation. The reasons why I support this bill have to do with my own family situation, with a cousin who has been with his partner for 40 years and I believe he deserves the rights and privileges that the law allows, it's having been the coordinator of disaster legal services for FEMA after 9/11 with regard to the World Trade Center, and having supervised and worked with many individuals in this State who are in same-sex relationships who could not inherit or who could not obtain custody of the children that they raised with their same-sex partner because the law did not allow it, but most importantly, 16 days ago I experienced one of the greatest joys anyone can have which is to become a father for the first time. And I stand here to support this legislation today because I want to do something to make sure that

whomever my daughter eventually decides to love, that she can have that relationship respected to the fullest extent of the law, regardless of whether it's a man or a woman that she decides to love. She deserves that respect. The law deserves to respect her in that way and it's my hope and expectation that 18 years from now when she can vote for the first time, that she will say to me, "What was the big deal about, why was there so much controversy about this legislation?" Because, at that point, we will have a law on the books that allows for same-sex marriage and that will be the norm in this country, not the exception. I look forward to that day and I look forward to casting my vote in favor of this legislation.

ACTING SPEAKER GREENE: Ms. Nolan.

MS. NOLAN: Yes, just briefly, Madam Speaker, to explain my vote.

Many people in my district will be able to pursue their happiness, will be able to have the legal protections that were discussed tonight, and so I'm very pleased to be part of it.

I just want to also very quickly just cast my vote in the affirmative in memory of Jeffrey Schmaltz who was a reporter for the *New York Times* the year I got here in 1984 when we cast a small step for equal rights for gay people. I remember very vividly him asking me about my vote, and I was a little nervous, you know, and I said okay; I answered the questions. And, of course, years later we found out he was, you know, living a closeted life here in Albany. It was very hostile at that time to gay people. He collapsed on the floor of the news room. He died of AIDS. That shouldn't have happened. We want to live in a society

where people can be who they are, as some of our colleagues said so beautifully and eloquently tonight. And I think of him in this very Chamber asking me those questions 23 years ago, afraid to say who he was, and he was a very fine man. And so, I am very happy tonight that we have taken this step, 23 years later, to finally move forward to true equality for all people in our State through this marriage bill, and I very proudly cast my vote in the affirmative.

ACTING SPEAKER GREENE: Mrs. Clark.

MRS. CLARK: Thank you, Madam Speaker. To explain my vote.

I want to take note of what I said when I was discussing the bill with the sponsor. And I, too, would like to commend him for all the good work that he did in trying to make sure that this bill would happen. But, I also want to point out to my colleagues here that this bill is about equality. That has been said over and over and over again, that it's about equality. And I have noticed with everyone who spoke on this floor, no one has mentioned whatsoever the poor children that I'm talking about who happen not to have a father legally. They have fathers because they wouldn't be here without fathers, but legally that are discriminated against, rejected and forgotten about in many, many instances.

So, all I would say is as we talk about how progressive we are in 2007, that we won't forget that as we start talking about when someone like me starts talking about the inequality that I see that our society perpetuates on children every day that we live while we work at protecting adults who want to marry. I cast my vote in the negative.

ACTING SPEAKER GREENE: Mr. Miller.

MR. MILLER: Thank you, Madam Speaker.

There was a reference made to a comment that I made, and I guess that's really the problem when we are dealing with such an important issue, when you try to bring religion into it. Jews are very optimistic. We start off, some of us, we have a piece cut off immediately, and we still expect to get into the cemetery and, of course, soldiers we make a special exception for. But I will tell you clearly that's the difference. My rabbi says not in the main part of the cemetery and someone else has never heard of it. You can't quote religion when you want to do civil rights and legislation in New York. It's just that simple. So, let us stick to the Constitution and the law.

It is just a wonderful thing what we are doing tonight and I certainly admire and thank the sponsors for bringing this forward so all of us with members of our families who can now look forward to, at least at some point, enjoying the continuation of this movement and this becoming law can, in fact, enjoy everything that we enjoy in New York State, and I, as I indicated on the board, have voted in the affirmative.

ACTING SPEAKER LAFAYETTE: Mr. Lancman.

MR. LANCMAN: Madam Speaker, I support marriage equality because I truly believe that the movement to equalize the rights and protections and privileges of gays and lesbians is the civil rights movement of our time. And, I also don't believe that discrimination is a value which I wish to defend or to enshrine. It is remarkable to me that in the 21st Century we have debates in this country and sometimes in this

State about whether gays and lesbians have the same rights to housing, employment, health care, safety and, yes, marriage. At various times in the last century, legislatures, like this one, have debated civil rights questions like this one, like we are debating now. History has been very unkind, indeed, to those who fail to support the expansion and extension of liberty and equality to others, and justifiably so.

I am proud to stand here today on the right side of history and to cast a vote which I will look back upon when I am out of this Legislature with great pride. I have been married almost 12 years now and if my marriage was threatened by the fact that Danny O'Donnell could marry his partner of 26 years, I would have far greater problems than whether or not New York passed a marriage equality bill. Madam Speaker, I vote in the affirmative. Thank you.

ACTING SPEAKER GREENE: Mr. Perry.

MR. PERRY: Thank you, Madam Speaker, for the opportunity to explain my vote.

This is a well-drafted bill, and were it not for my very strong cultural and religious beliefs, I probably would have been, listening to this debate, persuaded to vote in support of this bill. But, Madam Speaker, this apparent simple amendment to the New York State Domestic Relations Law is much more than it appears to be. Yes, it does extend certain rights and privileges to individuals of the same sex who choose to marry those of the same sex and make them their spouses. And those individuals, I very strongly believe, are entitled to those rights and privileges as Americans and as New Yorkers. It does much more,

Madam Speaker, because it seeks to drastically change our concept of what marriage is.

I do believe marriage to be between a man and a woman; that's the historic concept of marriage throughout the ages. And I am here, not just to represent myself, but to represent the people of the district who elected me. And I feel assured, based on discussions and reaching out to people in my district, that there is a very strong sentiment among my constituents that we do not change this concept of marriage, and that it should be maintained as a union between a man and a woman. I am compelled as a representative of the people to cast my vote against this legislation.

And I withdraw my request, Madam Speaker, and vote in the negative. Thank you.

ACTING SPEAKER GREENE: Mr. Scarborough.

MR. SCARBOROUGH: Thank you, Madam Speaker.

I have to say this has probably been the most difficult consideration and the most difficult vote that I have taken since I have been here. I have probably gone back and forth any number of times in terms of what I wanted to do.

There are a few things that are clear: One is clearly that same-sex couples are treated unfairly in this society, and that is not right. It needs to be fixed. We have a responsibility somehow to fix that. There are other concerns that I think have been somewhat glossed over, and that is, what we are doing is profoundly changing the institution of marriage in this State. And some of those issues were raised, and I think some of

the answers were a bit too faciled for me.

Dove Hikind raised a situation that I think was kind of glossed over. I have talked to any number of people going back and forth, those in favor and those opposed. One of the issues that was raised was a case that came up about the same time as the Massachusetts information was coming out about a man and two women who wanted to get married. They were willing. They wanted to be couples. They used pretty much the same discussions or the same issues that we are discussing today. And so, the question that one of the religious people in my district asked me is, "What is the difference? Where do you set the boundaries?" And I believe we need to have that discussion.

The other thing is that the people in my district that I have spoken to are profoundly opposed to this issue. Not only that, but many of them were surprised that we were having this discussion and they felt that they were not part of this and that they were not included.

I have been today listening very deeply, and I am strongly moved by a number of things that have been said, and I am strongly moved by the issue of equal protection under the law, and I believe that those things have to be dealt with. I believe in the next year we are going to have to have a deeper discussion of exactly what we are doing. We are going to have to have a better explanation for the people of this State as to what we are doing and why, and I think that that is a task for all of us. I will cast my vote in the affirmative today, but I think we have much more to do. Thank you.

ACTING SPEAKER GREENE: Mr. Kellner.

MR. KELLNER: I'm the most junior member of this Body, and I have been here only about two weeks and I can say this is -- no matter how long my tenure is here, this is probably the most important vote I'll ever make. And I really just want to thank Danny and Deborah and Matt and Dick; because of the battles they fought, I'm here. Deborah, you asked if, you know, what you've done has made future generations better. Well, it has. I'm here because of you, and I just want to thank you for that, and I want to thank Danny and Dick for all the work they have done on this. And I can't believe it, I'm in shock that this passed tonight. It just makes me so happy. And I cast my vote in the affirmative.

ACTING SPEAKER GREENE: Mrs. Eddington.

MRS. EDDINGTON: Yes, thank you, Madam Speaker.

First, I would like to just say thank you to my colleagues who are so brave and courageous tonight to give us the stories that they gave to us. And I would like to say thank you, so very sincerely, to the sponsor of this legislation for all the work that he did on this bill. And I guess because I am a grandmother and I have three beautiful little grandchildren and one on the way, that as this being a civil rights issue, I am so proud to be part of this historic event tonight that will give my grandchildren the opportunity, because they are God's children, too, and as we know, God only knows the future, as Danny said, "Que sera sera." And I think it's very important that I be here tonight to make sure that they and all other little ones have that opportunity to pursue happiness, true happiness. And so, therefore, I'm very excited tonight to cast my vote in the affirmative.

ACTING SPEAKER GREENE: Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Madam Speaker.

I am proud, as well as humbled, to be part of this historic vote, and I, too, believe that this is probably the most important vote that I will take here as a member of the Legislature. You know, one cannot help but be moved by the courageous life stories of members of this Body, about how they have suffered discrimination or their children suffered discrimination in their lives. And I don't understand how we can just sit by and let that be the status quo. I believe it is our responsibility as elected officials to pursue justice. And I think this bill will, when passed, produce justice for lesbian and gay people.

About two weeks ago I attended a wedding, it was a heterosexual wedding, and the bride and groom, who had been together since 5th grade, were enormously happy. They were happy that they finally reached the day where they could get married. But the groom's brother is gay, and he and his partner are not allowed to experience the same joy and happiness as they are, and I think that's a travesty, and that's why I am so happy and proud to be here today to allow lesbian and gay couples the right of marriage equality.

We cannot condone discrimination in our society, and we have a duty to rectify the wrongs in our society. So, I cast my vote in the affirmative. It's not what's popular that counts; it's what's right. And I also would like to salute my colleagues in this Body for whom this is not an easy vote. They realize that there are issues that are moral ones, and they have chosen on the side of what is right and what is just, so I

congratulate them as well as the sponsor of this bill, Assemblymember O'Donnell --

ACTING SPEAKER GREENE: Ms. Rosenthal, your time is up.

MS. ROSENTHAL: -- okay, and Assemblymember Glick, who have labored so hard on this, as well as Assemblymember Gottfried who also has. So, I cast my vote in the affirmative.

ACTING SPEAKER GREENE: Mr. Lafayette.

MR. LAFAYETTE: Yes, Madam Speaker, I would like to explain my vote. I voted aye on this bill. My history in politics has been one of trying to foster civil rights, equal rights. The conversations I've heard today were very eloquent, basically telling of personal experience. My family, I have no personal experience in this particular matter, but I do have friends and acquaintances who are gay. I was amazed, I was amazed during this whole process that nobody mentioned -- rights and privileges were mentioned time and time again, equal rights, constitutional rights, but no one also mentioned that getting married also gives you obligations and standards that you have to live up to. People mentioned the future of children, adopted children by a married couple. There are certainly great responsibilities in the law that protect those children. In this case, if this becomes the law of the land -- the law of the State, those rights and those privileges are balanced by the liabilities, the responsibilities that people are taking on not only to each other, but to their children, and we should keep that in mind. None of us who are married, none of us who are married only have the brighter things that we

have to do. We also have to take care of our responsibilities. And this bill does both things. It makes us equal, but not only equal in the privileges, but equal in the responsibilities.

For all those red lights that are on, I think you should keep that in mind. Who is going to take care of the children who are around? Who is going to take care of the loved ones who are living together, maybe in your estimation in sin, but who is going to be the person responsible to take care of those people with whom they live and enjoy a life, who are almost married? So, for that reason, I voted aye on the bill. Thank you.

ACTING SPEAKER GREENE: Mr. Titone.

MR. TITONE: Thank you, Madam Speaker.

The irony that the debate over the so-called sanctity of marriage is not lost on me when we consider that the debate lasted almost as long as Brittany Spear's first marriage. I have my partner here on the phone, and he just asked me to marry him and my answer, Madam Speaker, is yes.

(Applause)

ACTING SPEAKER GREENE: Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

(Applause)

The bill is passed.