

## Same-Sex Marriage, Abortion on Crowded Civil Rights Agenda

by {ga=ahumm}

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Photo by [See-ming Lee](#) Despite demonstrations such as this one in Union Square last year, the State Senate in 2009 rejected marriage-equality in New York state. Advocates disagree on whether the new legislature might pass the bill.

While the current state legislature and Gov. David Paterson have been widely derided as dysfunctional, Donna Lieberman of the [New York Civil Liberties Union](#) said they achieved a great deal in at least one area. The crowd leaving Albany at the end of this month, Lieberman said, can boast a record that is "probably the most productive for civil rights and liberties in decades."

With the new Andrew Cuomo administration and a likely divided legislature as Republicans retake control of the Senate, civil rights advocates may soon look back fondly on 2009 and 2010 -- despite the defeat of same sex marriage. During this time, the state enacted [reform](#) of its draconian Rockefeller Drug Laws, the [Family Health Care Decision Act](#), the [law ending](#) the New York Police Department's practice of keeping a computer database of innocent people who are stopped and frisked, the

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### [Domestic Workers Bill of Rights](#)

, the

### [Census Adjustment Act](#)

that, for purposes of redistricting, will count prisoners in their home districts instead of where they are incarcerated, the

### [Dignity for All Students Act](#)

that steps up the battle against school bullying, and the

### [wage theft law](#)

, the just-signed measure that increases penalties for employers who steal money from workers by paying them less than the minimum wage.

Yet advocates for an array of rights groups say much remains unfinished. While same-sex marriage may top the list, the legislature also will consider bill a bill banning discrimination on the basis of gender identity and expression as well as a raft of issues concerning women's rights, the rights of the disabled, religious freedom and ending racial disparities in education and housing.

## Cuomo's Record

Gov.-elect Cuomo didn't talk much about civil rights issues during his gubernatorial campaign nor did he emphasize them in his four years as attorney general. But given how openly racist, sexist and anti-gay his Republican opponent Carl Paladino was, he looked like a leader on civil rights in comparison.



Cuomo's 224-page platform, [The New NY Agenda: A Plan for Action](#), while chock full of reforms, does not stress civil right issues. In it, Cuomo does endorse marriage equality, reproductive rights, and breaks for "minority and women-owned businesses." He also pledged to fight harder against hate crimes and domestic violence. The relevant section bears the title "New York Leads," but the state has been a leader on few of these issues. Cuomo proposes some advances and fixes as do advocates, but it remains to be seen if the new Republican-led Senate or the still Democrat Assembly will cooperate.

## Schools, Jobs and Taxes

For African-American civil rights leaders whose landmark legislation passed more than 40 years ago, the focus is on continuing racial disparities.

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Hazel Dukes, president of the New York State Conference of the [NAACP](#), who serves on Cuomo's transition team, said the civil rights issues that most concern her now are "employment, education, and diversity in decision-making and staffing." "Paterson made a good beginning, but blacks and Latinos have seen the gaps continue to widen in terms of salaries and wealth," she said.



### Confronting Cuomo

This is one in an occasional series about the challenges that will face the Cuomo administration when it takes office Jan. 1.

Previously:

[Ending Gerry's Legacy](#) : Since the first gerrymander in 1812, legislators have drawn district lines to suits themselves. Can Andrew Cuomo change that?

[Rogues' Gallery](#) : The guilty plea by former State Sen. Leibell again highlights the sorry state of ethics in Albany. Is Gov.-elect Cuomo willing to do what it takes to fix things?

[Destination Unknown](#) : Andrew Cuomo has not said what he might do about the budget woes facing the MTA. Could congestion pricing rise again?

[Health Care Squeeze](#) : With the state spending \$50 billion on Medicaid, Andrew Cuomo faces pressure to cut the program -- and opposition if he does.

[Cuomo's Legacy](#) : As governor, Mario Cuomo vastly expanded New York's prison system. Now his son must decide whether to shut jails and take a different approach to criminal justice.

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[Endangered Agency?](#) The deep cuts at the state environment department have crippled the agency, some activists charge. They hope Cuomo will turn things around, but the governor-elect has sent out mixed signals.

State Sen. [Bill Perkins](#) sees education and economics as key. "For us, education is a civil rights issue second to none, especially in terms of public education that is fully funded and professionally led," he said taking a dig at Mayor Michael Bloomberg's [appointment](#) of publishing executive Cathie Black as the new schools chancellor.

Echoing Dukes' concerns on the economic divide, Perkins said, "The gap between the haves and have-nots is growing. We're going to have to pressure the governor and my colleagues not to turn a blind eye and accept the trend just because it is the easiest way out. Hell will be paid later. There is great wealth being consolidated. Policies being proposed will increase that wealth. I don't subscribe to that. We need to work at a more responsible tax policy."

### Women's Rights

The state chapter of the [National Organization for Women](#) will push for the [Reproductive Health Act](#), according to the group's president, Marcia Pappas. An effort to ensure that New York women would have the right to choose in spite of efforts in Congress and other states to overturn the landmark *Roe v. Wade* decision, the bill would remove regulation of abortion from the state's penal code where, advocates say, it is treated as a potential crime and instead "regulate it as a matter of public health and medical practice." Cuomo supports it.

In general, Pappas takes a somewhat negative view of the outgoing legislature largely because it voted to have New York join all other states in allowing for [no-fault divorce](#). NOW [opposed](#) this move because they say no-fault disadvantages the less affluent spouse, usually the woman. "We have to see how that plays out," she said.

Pappas also wants to revive the campaign for a state Equal Rights Amendment banning discrimination on the basis of sex. The national amendment failed when it was not ratified by its

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1982 deadline. Voters overwhelmingly rejected the New York State amendment in 1975, but then Gov. Mario Cuomo reintroduced it in 1984.

"It's something long overdue," his spokesperson, Tim Russert, said at the time. "Our chances for success are large." It has languished in the legislature since.

### The Rights of Workers

The state's Catholic bishops, represented in Albany by the [Catholic Conference](#), have long opposed much of NOW's agenda -- particularly with regard to abortion rights -- although they joined the women's group in opposing no-fault divorce.

For 2011, Dennis Poust, the group's executive director, said education and housing would be their top priorities in the coming term, particularly an education tax credit of about \$2,500 to partially cover parochial school tuition.

On civil rights, the conference will continue to push the [Farmworkers Fair Labor Practices Act](#), which is backed by the New York State [Labor-Religion Coalition](#) and many more progressive legislators.

"The bill guarantees farmworkers basic protections -- like overtime pay, a day of rest and the right to collective bargaining -- that have been denied them for generations," the New York Times wrote in its [supportive editorial](#).

### The Rights of the Disabled

Disability rights groups have a lot on their plate for the next session. They are particularly concerned about [deep cuts](#) in the Metropolitan Transportation Authority's Access-a-Ride program. It is ending many destination-to-destination rides in vans in favor of driving people in wheelchairs to and from a bus stop where they can complete their trip, adding considerable time to their commutes.

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Housing issues also are a priority, said Edith Prentiss, vice-president of [Disabled in Action](#) and president of the [504 Democratic Club](#)

for people with disabilities. She said that, while the Senior Citizens Rent Increase Exemption freezes rents for older people with household incomes up to \$29,000 a year no matter how many people live in the home, the Disabled Rent Increase Exemption applies only to individuals with incomes under \$19,000 or couples making \$27,780 or less. "Seniors have a much easier application form, too," Prentiss said.

Prentiss e-mailed a long wish list of things people with disabilities need from the federal, state, and city governments. It ended, "a state/office agency that truly serves all New Yorkers with disabilities."

### Marriage Equality

Perhaps the largest piece of unfinished business on the New York's civil rights agenda is the state's failure to allow same-sex couple to legally marry here. Thousands of gay couples have gone to other states like Connecticut and to Canada to marry legally. New York recognizes these marriages -- something that has always been true but was confirmed by the state Court of Appeals in cases brought by the Civil Liberties Union this year. New York still, though, closes its marriage bureaus to same-sex couples.

The bill allowing same-sex couples to marry in New York State has been passed by the State Assembly three times but [rejected](#) by the Senate 38-to-24 in December 2009. Some of those nay votes were cast by senators who had privately committed to vote for it but abandoned ship when they saw the measure going down.

Gay rights groups poured hundreds of thousands of dollars into State Senate campaigns in 2010 to defeat opponents of marriage equality and protect senators who voted for the bill. They had mixed results. The Senate is now in Republican control, which does not bode well given that no Republican senator voted for the marriage equality bill, though several had privately pledged to. Sen. [Dean Skelos](#) , who will be back as majority leader, told the gay Log Cabin Republican club in October that his conference "would say, put [the marriage bill] up, let it up," but he subsequently did not promise a vote on it.

"Our community needs to hold his feet to the fire on that, [said](#) Paul Schindler, editor of Gay City News who has covered the story extensively. While the overall count of committed votes in

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favor of same-sex marriage increased by a net of two after the election, Schindler believes that some Republicans will have to voice support for the bill before the Republican conference will vote it to the floor.

Cuomo has declared his strong support for marriage equality and wants it passed on his watch, Schindler said. But he added Cuomo "is not as comfortable with our community as Gov. Paterson was" and will need some prodding, especially from Speaker Christine Quinn, the politician in the gay and lesbian community who is "probably closest to him." Quinn has adamantly refused to marry her partner, attorney Kim Catullo, until it is legal to do so in New York.

Sen. [Tom Duane](#) felt betrayed by some of his colleagues after the 2009 vote. But, he said, "We have a good chance to pass marriage equality now."

"Andrew Cuomo is a strong supporter of marriage equality and it doesn't matter who is in the majority," he explained. Duane also noted that the Senate under Republican control passed the Sexual Orientation Non-Discrimination Act and the hate crimes bill.

Assembly Member [Daniel O'Donnell](#), who three times led his house to passage of the marriage bill, also expressed optimism. He wrote in an e-mail that, while a few Assembly members who voted for marriage equality in the past lost in 2010, "I'm still very confident that we can get the bill passed again."

As for the Senate, O'Donnell wrote, "I'm still very hopeful" it will pass given the "solid majority of New Yorkers in favor of marriage equality."

Poust of the Catholic Conference disagreed. "I don't see it passing. I'd be surprised if it did end up on the floor," he said.

Bruce Kogan, a veteran gay activist in Buffalo, shares that opinion. "I think the chances are pretty bleak not because of Cuomo, but because the Senate flipped back to the Republicans," he wrote in an email.

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The Assembly has passed the Gender Identity and Expression Non-Discrimination Act, protecting transgendered people from discrimination, by wide margins in the past, and O'Donnell believes it will easily pass his house again. It has not passed the Senate.

O'Donnell also plans to introduce an expansion of the state anti-bullying bill passed last year to extend it beyond covering students in grade kindergarten to 12 to college campuses and adding a cyber-bullying component.

Ross Levi, who took the helm of the [Empire State Pride Agenda](#), the state's LGBT lobby, this year has set the marriage and transgender rights bills as 2011 priorities. He also is concerned about funding for lesbian and gay human services programs in light of Cuomo's vows to cut services and not raise taxes. "I see a good path toward getting a vote next year" on the marriage bill, he said, but was making no firm predictions. "We're working like crazy to have the votes [on both bills] as soon as we can."

Levi cited same-sex marriage supporter Tony Avella's victory in a Queens [Senate contest](#) over longtime GOP incumbent Frank Padavan, who was strongly backed by Mayor Bloomberg, as a watershed. "We identified 2,000 new supporters and registered 2,000 new college student voters," he said.

Avella won by more than 3,000 votes and while many factors were in play, the concentrated attention of the gay community made a difference, Levi insisted, that he hopes will send a message to all state senators.

### Washington's Job

Immigrant rights are mostly a federal issue and were not advancing even under a Democratic president and Congress. With the new more conservative Congress, comprehensive immigration reform will be even harder to pass.

New York City and state have traditionally been more welcoming of immigrants--including the undocumented -- even under Republican-led administrations. New York officials reacted strongly to the wave of [anti-Mexican bias attacks](#) on Staten Island this summer. Mayor Michael

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Bloomberg took a principled stand against the

[anti-Muslim bias](#)

that was being whipped up to stop the Park 51 Islamic center. And immigrant rights groups such as

[Make the Road New York](#)

were in the vanguard of getting the Wage Theft bill enacted recently, a measure that will aid immigrant workers especially.

Most of the issues on the state and local agenda going forward for Make the Road and allied groups have to do with the rights of immigrant workers who often are exploited because of their status. Cuomo echoes these concerns in his platform, promising to "continue to make sure that these communities do not face discrimination and receive fair wages and a safe workplace."

Now that groups like the [Sikh Coalition](#) have been successful in getting [anti-bullying laws](#) and policies enacted at the city and state level, the focus is going to be on full implementation of them. As with all outsider groups that achieve legal protections, the fight is never over.

Andy Humm, a former member of the City Commission on Human Rights, has been in charge of the civil rights topic page since its inception in 2001. He is co-host of the weekly "Gay USA" on Manhattan Neighborhood Network (34 on Time-Warner; 107 on RCN) on Thursdays at 11 PM.