

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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February 2, 2012
Start: 10:12 a.m.
Recess: 2:34 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:

ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:

Council Member Charles Barron
Council Member Gale A. Brewer
Council Member Fernando Cabrera
Council Member Margaret S. Chin
Council Member Elizabeth S. Crowley
Council Member Daniel Dromm
Council Member Lewis A. Fidler
Council Member Helen D. Foster
Council Member Daniel R. Garodnick
Council Member David G. Greenfield
Council Member Vincent M. Ignizio
Council Member G. Oliver Koppell
Council Member Karen Koslowitz

A P P E A R A N C E S

COUNCIL MEMBERS:

Council Member Jessica S. Lappin
Council Member Stephen T. Levin
Council Member Melissa Mark-Viverito
Council Member Rosie Mendez
Council Member Eric A. Ulrich
Council Member James Vacca
Council Member James G. Van Bramer
Council Member Albert Vann
Council Member Mark S. Weprin
Council Member Jumaane D. Williams

A P P E A R A N C E S (CONTINUED)

Jordan Lorence
Attorney
Alliance Defenses Fund

Jack Roberts
Co-Pastor
Bronx Household of Faith

Robert Hall
Co-Pastor
Bronx Household of Faith

Marcy Hamilton
Law Professor
Cardozo Law School

Arthur Eisenberg
Legal Director
New York Civil Liberties Union

Donna Lieberman
Executive Director
New York Civil Liberties Union

Carlos Rodriguez
Deputy Director for Public Affairs
New York City Comptroller's Office

Matthew Stewart
Parent Advocate

Jay Worona
General Counsel
New York State School Boards Association

Jeremy Del Rio
Director
20/20 Vision for Schools

Stephen Leung
Parent Advocate
Accession Church

A P P E A R A N C E S (CONTINUED)

Inhum Ryu
Senior Pastor
New Frontier Church

Diego Velasquez
Senior
Bronx High School of Science

Emily Joyce
Freshman
Bronx High School of Science

Matthew Segernius
Senior
Bronx High School of Science

Jonathan Wilner
Concerned citizen
Brooklyn's District 38

Sylvia P. Laughlin
Pastor
World Outreach Christian Life Center Ministries

John Storck
Pastor
Grace Fellowship Church

Bertel Marcus
Community Director
Community Advocate & Development Organization

Jose Goico
Co-Founder
Freedom of Soul - Sunset Park

Richard Del Rio
Pastor
Abounding Grace Ministries

A P P E A R A N C E S (CONTINUED)

Jumal Lee
Member
New Frontier Church

Dimas Salaberrios
Pastor
Infinity New York Church

Gary Frost
Pastor
Evergreen Baptist Church

Christopher Ditto
Pastor
International Christian Center

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2 CHAIRPERSON JACKSON: --go and get
3 the individual out of the other room. [pause] --
4 go get them. I don't want to--

5 [background noise, crosstalk]

6 CHAIRPERSON JACKSON: Ready, Nick?

7 NICK ECONOMO: [off mic] Yes, I am.

8 CHAIRPERSON JACKSON: Can I go?

9 NICK ECONOMO: [off mic] Yes, sir.

10 [gavel]

11 CHAIRPERSON JACKSON: Good morning.

12 And welcome to today's Education Committee Hearing
13 to consider Resolution No. 1155. This is a
14 Resolution that would call upon the New York State
15 Legislature to pass and the Governor to sign
16 legislation amending the New York State Education
17 Law to afford houses of worship maximum access to
18 school property. I just want to make a few
19 opening remarks and then we'll move on to the
20 hearing to hear a statement from my colleague,
21 Fernando Cabrera, the lead sponsor of Resolution
22 1155. But before I do that, let me introduce our
23 colleagues that are present this morning. In
24 front, the first row, is Jessica Lappin of
25 Manhattan, Jimmy Van Bramer of Queens, Mark Weprin

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2 of Queens; and up on this side to my left is Olive
3 Koppell of The Bronx, Vincent Ignizio of Staten
4 Island, Dan Garodnick of Manhattan, Fernando
5 Cabrera of The Bronx, Letitia James to my left of
6 Brooklyn, Danny Dromm of Queens, Karen Koslowitz
7 of Queens, Jimmy Vacca of The Bronx, and Margaret
8 Chin of Manhattan. Good morning and we've been
9 joined by our colleague Melissa Mark-Viverito of
10 Manhattan and The Bronx. The New York City Public
11 School System has had a longstanding policy
12 barring religious worship services in school
13 buildings. In 1994, The Bronx Household of Faith
14 filed a lawsuit challenging this policy after
15 their application to rent a public school building
16 for Sunday church services was denied. The Bronx
17 Household of Faith lost this original lawsuit, but
18 filed a new lawsuit in 2001, shortly after the
19 U.S. Supreme Court ruled to allow a bible club in
20 upstate New York to access a public school in the
21 case, Good News Club v. Milford Central Schools.
22 In 2002, The Bronx Household of Faith was granted
23 a temporary injunction which allowed them and
24 other religious groups to hold worship services in
25 school buildings. Since 2002, perhaps 60 or so

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2 religious organizations have been holding worship
3 services in New York City Public School buildings.
4 However, in June of 2011, the U.S. Court of
5 Appeals for the Second Circuit in Manhattan
6 overturned the lower court ruling that had allowed
7 The Bronx Household of Faith to hold services in a
8 city public school. In December 2011, the U.S.
9 Supreme Court refused to hear The Bronx Household
10 of Faith's appeal in the case, essentially
11 allowing the City of New York to reinstate its ban
12 on religious worship services in public school
13 buildings. The City immediately announced that
14 February 12, 2012 would be the last day that
15 schools could be used for worship services.
16 Facing the prospect that many churches and
17 religious groups would soon lose their space to
18 hold worship services, legislation was introduced
19 in both the New York State Assembly and Senate
20 that would amend the State Education Law to
21 authorize religious meetings and worship on school
22 property. Council Member Fernando Cabrera of The
23 Bronx has introduced Resolution No. 1155 to
24 support state legislation to afford houses of
25 worship maximum access to school property. I

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2 would also like to acknowledge that in addition to
3 lead sponsor, Council Member Cabrera, this
4 resolution is supported by me and more than 30 of
5 my colleagues in the City Council, as well as
6 Public Advocate Bill de Blasio. Today, [applause]
7 we would like to get--no applause, please. Today,
8 we would like to get feedback on Resolution 1155.
9 I know that this is a controversial issue, with
10 strong feelings on both sides, and we want to hear
11 from both supporters and opponents of this
12 resolution. And in fact, if you looked at the New
13 York Times today, the editorial was against the
14 State Legislature moving in a direction.
15 Yesterday, the Daily News was in support of
16 religious institutions using. So there are people
17 that are in favor and against it. But before we
18 hear testimony, there's something I'd like to
19 clarify. Some people are under the misconception
20 that the fees paid by religious groups to rent
21 space in public schools generate income for the
22 schools or the Department of Education. However,
23 according to the Department of Education, this is
24 not the case, as the fees simply cover costs
25 associated with use of the school, such as

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2 custodial costs for cleaning. In fact, according
3 to the Department of Education, the fees don't
4 fully cover the costs. So, that DOE says it is
5 subsidizing use of school buildings by outside
6 groups. The Committee usually hears testimony
7 from the Department of Education at the beginning
8 of each hearing. However, the Administration has
9 a policy of not commenting on Resolutions. So we
10 will go directly to testimony from invited
11 witnesses and members of the public. Everyone who
12 wishes to testify today must fill out a witness
13 slip which is located at the desk of the Sergeant-
14 at-Arms near the entrance of the room. Please
15 indicate on the witness slip whether you are here
16 to testify in favor or in opposition to the
17 Resolution. I want to point out, however, that we
18 will not be voting on the Resolution today, as
19 this is just a first hearing. To allow as many
20 people as possible to testify, testimony will be
21 limited to two minutes per person. So if you have
22 written testimony, we ask you to submit it on the
23 record and please don't read it. Just summarize
24 it. Now, I'd like to turn the floor over to our
25 colleague, Fernando Cabrera, for his remarks

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2 regarding Resolution 1155. Council Member
3 Fernando Cabrera of The Bronx.

4 COUNCIL MEMBER CABRERA: Thank you
5 so much, Mr. Chair. I want to thank you
6 personally, and Madam Chair, for allowing us to
7 have a hearing, and to hear the public at large
8 and those who have an interest from both sides.
9 When the, when the Supreme Court declined to hear
10 the case, Bronx Household of Faith v. New York
11 City Board of Education 11-386 on Monday, December
12 5th, the Mayoral Administration was granted the
13 right to enforce the Department of Education DOE's
14 counterproductive ban on renting school spaces for
15 worship. Administrative Section IQ of
16 Chancellor's Regulation D-180. Let me state for
17 the record why I believe it's a good idea to, in
18 common sense, to allow these houses of worship to
19 do what they have been doing for many, many years,
20 and that is to rent from public school. First,
21 regarding the Mayoral Administration being able to
22 reverse its ban. The New York State Education Law
23 414 on the use of school houses and grounds,
24 grants authority to the governing Board of
25 Education, and deciding on uses for school

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2 properties during non-school hours, while the
3 primary use of a school premises must be for DOE
4 programs and activity, that DOE can rent space for
5 community use and adult group activities, so long
6 as such activities pertain to the welfare of the
7 community, and are open and accessible to the
8 public. Religious organizations congregating in a
9 school fulfill this requirement. Second, houses
10 of worship benefit communities. There are many
11 benefits associated with renting school space to
12 religious organization. For instance, religious
13 organizations bring much needed revenue to the
14 DOE, especially during this difficult recessionary
15 time. Religious organization also put money on
16 recovery groups, donation drives, food pantries,
17 sports day and more that benefit entire
18 communities near school. Furthermore, churches
19 are often, and houses of worship, are often
20 stanchions within the community they serve,
21 offering a place of peace for community members.
22 By allowing houses of worship and other religious
23 organizations to rent in school, you allow groups
24 with limited financial resources and opportunity
25 to strengthen community. And we're going to hear

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2 as well from the Comptroller's Office regarding
3 this very issue later on. Third, we want equal
4 access. Refusing to rent, to rent, is
5 discrimination and this policy marginalizes faith
6 communities. Prohibiting schools from renting to
7 religious organizations will amount to
8 discrimination on the basis of speech content. In
9 its 2001 decision on Good News Club v. Milford,
10 the Supreme Court ruled that public school must
11 treat secular and religious groups similarly in
12 renting their facility. Other groups are allowed
13 to rent school spaces for their activities, so, so
14 houses of worship be allowed to do so. Four,
15 renting to religious groups do not, does not
16 violate establishment clause. The presence of
17 religious activity within schools does not violate
18 establishment clause because the government is not
19 endorsing any particular religion through this
20 rental, these groups pay the same amount that
21 nonreligious groups do. Federal courts, including
22 the Supreme Court has repeatedly upheld this
23 point. The government does not endorse all
24 private speech that it permits. The beauty of our
25 country is that we do not, we do not only allow

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2 freedom of speech for those whom we agree, but
3 also with those we disagree. Furthermore, many
4 houses of worship currently serve as a polling
5 site, including the Church of St. Anthony of
6 Padua, at 154 Sullivan Street; the Bethel Baptist
7 Church on Bergen Street; the Church of St. Anthony
8 in SoHo. Does this not violate establishment
9 clause, if you follow this same logic that we're,
10 we're, tend to follow. Here, we argue it does
11 not, because the government is compensating these
12 houses of worship for this use. Fifth, the City's
13 not qualified to distinguish between worship and
14 its components. Conformance in section IQ will
15 enforce the DOE to draw lines in the sand because
16 while worship will be prohibited, components of
17 worship will not. The aforementioned 2001 Supreme
18 Court decision prohibits schools from denying
19 bible study groups, access to school facility, and
20 the June 2001 appeals court does not exclude
21 prayer, religious expression of devotion, or the
22 singing of hymns, whether sung by a person or a
23 group. Only a trained theologian would be
24 adequately capable of distinguishing this activity
25 from worship. And even then they will argue. By

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2 enforcing Section IQ, the DOE will have to
3 distinguish between worship and these other
4 activity, any distinctions drawn here is
5 necessarily arbitrary. Six, presence of houses of
6 worship does not confuse children. Children are
7 not confused by the presence of houses of worship
8 in their buildings, both because these services
9 take place when schools are not in session, and
10 because other groups rent from schools. Houses of
11 worship are .6 percent of the rental schools
12 allow. 60 churches use, and other houses of
13 worship use, of, uses of 10,000 uses; in fact,
14 excluding houses of worship while allowing others,
15 communicate a dangerous notion of government
16 hostility towards religion. Is this what we want
17 to teach our children. Moreover, there is little
18 room for confusion as churches in other houses of
19 worship do not overly advertise nor otherwise make
20 their presence known within school. A passerby
21 will not know worship services were happening.
22 Lastly, as mentioned above, because component of
23 worship without the label worship, will still be
24 allowed if you enforce Section IQ, any potentially
25 confused children will remain confused, just as in

1 instances when public schools rent spaces from
2 Catholic schools. Seven, I'm almost done here.
3 No other large school district does this. Out of
4 the hundred, out of the 50 biggest school
5 districts in the country, New York City is the
6 only, is the only to ban religious groups from
7 using school facilities for worship activity. New
8 York City is an anomaly. Some federal district
9 and appeals courts have ruled the banning of
10 worship is in violation of free speech. We had
11 the United States Courts of Appeal for the First,
12 Second, Third--First, Third, Fourth, Fifth, Seven,
13 Eighth and Tenth Circuit have held that the
14 government violates the First Amendment when it
15 bans worship from a public, from a public,
16 neutrally available to all speaker. And let me
17 just close with this, I have more to say, but I'll
18 bring it up later on, Mr. Chair, for the sake of
19 time here. 80 percent of New Yorkers subscribe to
20 a religion. The Mayor should stand with the vast
21 majority in the City in defending the equal right
22 of religious groups and city facility. We do have
23 a secular government, and it should stay that way,
24 but we don't have a secular society. I want to
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2 thank you so much, I'm looking forward to hearing
3 our panelists today. Thank you so much, Mr.
4 Chair.

5 CHAIRPERSON JACKSON: Thank you,
6 Council Member Cabrera. We have also been joined
7 by our colleague Lew Fidler, he's sitting in the
8 front. Lew Fidler's from Brooklyn New York.
9 [background voice] Okay, just like to remind
10 everyone here, there is the budget briefing
11 concerning the New York City's 2012/2013 budget.
12 That briefing starts at 11:00 a.m. So, you may
13 see a colleague, some of them leave, they may be
14 back, we may be joined by other colleagues during
15 the course of the day. And so, let us move to the
16 first panel, and I'd like to invite Robert Hall
17 from The Bronx Household of Faith to come forward,
18 along with Jack Roberts, also form The Bronx
19 Household of Faith. And Jordan Lorence, Alliance
20 Defense Fund and The Bronx Household of Faith.
21 These three individuals are in favor of Resolution
22 1155. Sergeant-of-Arms, since this is the first
23 panel, regarding the particular matter, and
24 regarding Bronx Household of Faith, I am not going
25 to start the clock at this time. Okay. So, I

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don't know who's going to begin. Please, I ask all of you to identify yourself, your name and what your affiliation is, and then whoever's going to begin first, can begin. So why don't all three of you identify yourself and your position, please.

JORDAN LORENCE: Jordan Lorence, I'm the attorney with the Alliance Defense Fund, and represented the Bronx Household of Faith and their pastors here.

JACK ROBERTS: I'm Jack Roberts, Co-Pastor of The Bronx Household of Faith.

ROBERT HALL: Robert Hall, Co-Pastor, Bronx Household of Faith.

CHAIRPERSON JACKSON: Well, thank you, thank you for coming this morning. Whoever's going to begin the testimony may begin.

JORDAN LORENCE: Thank you. Mr. Chairman, and Members of the Committee, I'm Jordan Lorence, I'm the attorney that's represented Bronx Household of Faith from the beginning. And I just want to say that I have, I'm a First Amendment lawyer, I filed my first equal access case in 1987. There have been five major equal access

1 cases at the Supreme Court. I have had
2 significant involvement, including sitting at the
3 counsel table in four of those five cases at the
4 Supreme Court. Every major case that I can think
5 of, I have been involved in. And I have written
6 testimony and passed out some memos that we have
7 there, and I just want to basically make three
8 points. Every, these policies used to be quite
9 common, like in the 1970s. And every court
10 outside of the Second Circuit has struck them down
11 as unconstitutional. And many of them have just
12 been repealed by their lawmakers. To the point,
13 and we have the chapter and verse cited there, of
14 the top 50 school districts in the United States,
15 only New York City has a policy that bans worship
16 services by private individuals. So, if you're a
17 church or a synagogue or a temple, you can rent a
18 facility in any other major school district in the
19 country. And if this makes any difference, I
20 would just point out that New England Patriots
21 fans can rent public schools for private worship
22 in Boston, but New York Giants fans cannot in New
23 York City, and that kind of outrage should
24 probably be dealt with [laughter] by the
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2 policymakers in New York City. [background
3 comment, laughter] The--I also want to read,
4 because I have heard people say that--I want to
5 make it clear--the Second Circuit opinion merely
6 said that this is a permissible policy, but that
7 nothing in the Constitution requires it. And I
8 have been very surprised as an expert in this area
9 to hear people say that it would violate the
10 establishment clause, like the City would get sued
11 if they passed a policy that said, "Everybody can
12 meet here including worship." And I just want to
13 say, New York City is the last holdout. And to
14 show how wrong that is, I just want to read one
15 quote from the Supreme Court's decision, which I
16 could read many. This is from the Rosenberger
17 decision, 515 US at 842: "It does not violate the
18 establishment clause for the government to grant
19 access to its facilities on a religion neutral
20 basis to a wide spectrum of community groups,
21 including groups that use meeting rooms for
22 sectarian activities accompanied by some
23 devotional exercises. I cannot explain why the
24 Supreme Court decided not to hear the case on
25 December 5th. But the Supreme Court has been

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2 adamant that declining to hear a case does not
3 affirm the lower court decision and it does not
4 repudiate what the Supreme Court has said on this
5 issue in the past. So, if anyone says to you,
6 even if they have a law degree, says, "It would
7 violate the establishment clause for New York City
8 to grant equal access," I would say the Supreme
9 Court has ordered that in at least five cases. It
10 has been ordered in many other lower court
11 decisions, and it means 49 of the 50 largest
12 school districts in the country have policies that
13 violate the establishment clause. Yet none of
14 them have been sued. And if they were, they,
15 those cases, I am confident would be dismissed.
16 And I would say this: If the City has this
17 policy, and the ACLU or anybody else sues you and
18 says that equal access violates the establishment
19 clause, I am first in line to volunteer to defend
20 New York City for free on that cons--that that
21 policy is constitutional. And I'd be happy for
22 any questions that you might have. Thank you.

23 CHAIRPERSON JACKSON: Thank you.
24 Are we going to hear from any of the co-pastors?

25 JACK ROBERTS: Resolution No. 1155

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2 calls upon the New York State Legislature to pass
3 and the Governor to sign legislation amending the
4 New York State Education Law.

5 CHAIRPERSON JACKSON: I'm sorry,
6 Pastor, can you just identify yourself again,
7 please.

8 JACK ROBERTS: Okay, I'm Jack
9 Roberts, Co-Pastor of The Bronx Household of
10 Faith.

11 CHAIRPERSON JACKSON: Continue.

12 ROBERT HALL: This action must be
13 taken to remedy a flawed law, which has egregious
14 consequences for the religious community in New
15 York City. The current Administration of our
16 beloved City has decided to evict religious groups
17 from public schools if the Department of Education
18 determines their activities constitute worship or
19 the establishment of a house of worship in the
20 school buildings. Although all the activities
21 churches engage in inside the public schools are
22 constitutionally allowed, as we just heard from
23 Jordan Lorence, according to a number of Supreme
24 Court decisions, an employee of the New York City
25 Department of Education, can determine that a

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2 combination of these activities or one constituent
3 part constitutes worship, and therefore is
4 forbidden. This is a dangerous and outrageous
5 overreach of governmental regulation, and is a
6 serious breach of the constitutionally erected
7 wall of separation between church and state. If
8 someone in the DOE can define worship and
9 therefore exclude churches, there is no longer
10 freedom of religion in the public square. For
11 example, since a music concert or a film on
12 parenting may include a public prayer and group
13 singing, a Department of Education employee may
14 determine that this is worship, and reject the
15 application to rent school facilities. However,
16 the Supreme Court has ruled that those activities
17 are permitted under the constitution and cannot be
18 excluded from public schools. This kind of
19 entanglement of the government into the affairs of
20 religious groups is forbidden by the U.S.
21 Constitution. It must not be allowed to continue.
22 This policy of the DOE is not neutral to religious
23 groups, especially Christian churches, it is
24 hostile to them. As such, this draconian and
25 wrongheaded policy must be eliminated from the

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2 institution's created to protect religious
3 freedom, not attack it. The City's Administration
4 claims impressionable children may conclude the
5 schools are endorsing one religion if they see the
6 churches use them on Sundays. Why are the schools
7 closed on Saturday and Sunday, and not Thursday
8 and Friday, and thus available for renting by
9 religious groups worshiping those days? I ask
10 you, are governmental offices, including the City
11 Council, state--city, state, federal and schools
12 going to remain open on Saturday and Sunday, so
13 that the impression is not given that the Jewish
14 and Christian days of worship receive special
15 treatment? Even a casual reading of American
16 history testifies to the obvious conclusion that
17 the Judeo-Christian influence permeates our
18 culture, and to extricate that influence would
19 require an upheaval of catastrophic proportions.
20 Any religious group ought to be free to rent the
21 public taxpayer financed school buildings whenever
22 they are available for use. Churches should not
23 be penalized because their day of worship is
24 embedded in our cultural, socioeconomic and
25 historic infrastructure. I urge you to stand with

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2 the cause of civil liberty, the preservation of
3 religious freedom, support Resolution No. 1155.

4 CHAIRPERSON JACKSON: Thank you.
5 Co-Pastor? Just identify yourself, please.

6 ROBERT HALL: Robert Hall, Co-
7 Pastor of The Bronx Household of Faith. Wish to
8 thank the members of this Committee for the
9 opportunity to testify. Aside from the logistical
10 or budgetary crisis that having to vacate the
11 schools would present to us, we are exercised over
12 a much greater issue that's, that is presented
13 here, with the school policy. It's one that
14 transcends The Bronx Household of Faith's need for
15 a larger space to meet. The policy crosses a line
16 of entanglement from the state to the church.
17 It's one thing to ban all religious activity
18 whatsoever; but please note that the current
19 school policy allows groups to rent the public
20 school for religious purposes. Now we've been at
21 this litigation since 1995. And at that time, the
22 school policy says, because of Lamb's Chapel in
23 1993, the school changed its policy, "Well, we
24 will allow groups to rent for purposes of
25 religious discussion. That's it." Then there was

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2 the Good News decision in 2001, the school was
3 forced to change its policy, "Well, we will allow
4 religious discussion, we will allow religious
5 instruction, but we will not allow religious
6 worship." Now, think about this, the school
7 authority must breach the so-called "wall of
8 separation of church and state," in order to
9 determine whether separation of church and state
10 has been breached. Now, let me explain this.
11 Should we rent the school for a bible study or a
12 prayer meeting? We must now ask the State to be
13 in a position of theologian to interpret whether
14 or not our religious activity crosses the border
15 into the forbidden territory that is religious
16 worship. Now this is not a hypothetical. Such an
17 interchange has already taken place with an
18 official in the Region One office of the
19 Department of Education at 1 Fordham Plaza in The
20 Bronx. To my handwritten description of
21 activities, which we are required to fill out a
22 handwritten form, called "Extended Use," the
23 official had inserted to my description of
24 activities, which are required, the official had
25 inserted the word, "Worship." When I called the

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2 official, and asked why she had put the word
3 "worship" in when I had not used it--again, I
4 described all of our activities. We do prayer, we
5 do hymn singing, we do preaching, teaching,
6 fellowship and so on. She said, "Well, prayer is
7 worship." In other words, an official from the
8 State is instructing me in points of theology.
9 And separation of church and state, if anything,
10 means that the state is religiously neutral.
11 Therefore, it is not competent to make such a
12 determination because of its policy. We must ply
13 to the school authority to make a religious
14 judgment. And this is a slippery slope. There's
15 another equally serious problem with the school
16 policy, and the major premise of the school's
17 argument is that religious worship is a unique,
18 one of a kind activity for which there is no
19 secular analogue. Thus, so the reasons goes, it
20 is an activity that does not pertain to the
21 welfare of the community. Therefore, there is no
22 viewpoint discrimination and no violation of the
23 First Amendment. But to marginalize religious
24 worship to the fringes of society in this manner
25 is not only an insult to religious people, it

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2 ignores the empirical observation of humanity
3 throughout all of recorded history. Religious
4 activity is universally embedded within the
5 collective consciousness of humanity, not to
6 mention that it antedates and transcends the
7 state. Under the rubric of religious worship, we
8 are inspired to, and motivated, to do justice,
9 love mercy and walk humbly with our god. And the
10 specifics of charitable activity are too numerous
11 to elucidate here, but readily available for all
12 to see. Now the school's strongest argument based
13 on its freq--how frequently it is deployed, is
14 actually its weakest. Impressionable children
15 would confuse a school with a particular sect or
16 religious denomination. Now, this has yet to be
17 proven beyond a mere handful of parental
18 complaints out of one million children. And even
19 if there was confusion, let us not insult the
20 intelligence of children and their parents to
21 correct their misunderstanding, which parents must
22 do all the time to small children. Such an
23 argument is nothing more than a heckler's veto.
24 And Andrea Pizer [phonetic] in her column in, on
25 January 9th, incisively quipped, "City schools are

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2 about to institute a graphic sex education
3 curriculum for all kids starting in middle school,
4 so promoting sex during school time is okay, but
5 after hours worship is too risky. Madness." So
6 let the honorable members of this Committee be
7 reminded of the second phrase of the First
8 Amendment of our U.S. Constitution, "Congress
9 shall make no law respecting an establishment of
10 religion or prohibiting the free exercise
11 thereof." We appeal to the New York City Council
12 to pass Resolution 1155 urging the New York State
13 Legislature to pass bills A8800 and S6087 thereby
14 relieving us of the impediments and hardships
15 resulting from having to vacate the school
16 premises. Thank you very much for your attention.

17 CHAIRPERSON JACKSON: Well, thank
18 you. I'm going to turn to my colleagues first,
19 that may have questions of this panel. And I'm
20 going to ask our colleagues to try to limit your
21 Q&A to three minutes per so that we can move on,
22 there's going to be a lot of people that's going
23 to be asking questions and also speaking after
24 that. But first, let us, before I do that, we
25 also was joined by our colleague to the front,

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2 Elizabeth Crowley of Queens, Steve Levin was here,
3 of Brooklyn, Al Vann of Brooklyn and Eric Ulrich
4 of Queens. Now let us turn to the first member of
5 the City Council that has a question or comment,
6 Jimmy Vacca of The Bronx. Followed by Danny Dromm
7 of Queens and Jessica Lappin of Manhattan.

8 COUNCIL MEMBER VACCA: Thank you.

9 Thank you, gentlemen and thank you Mr. Chair. I
10 first, for the record, should state that I am a
11 sponsor of the, cosponsor of this Resolution.
12 However, I do believe firmly in the separation of
13 church and state. I also believe firmly that
14 people of faith should not be discriminated
15 against. And I think that this Resolution speaks
16 to both of those issues. I wanted to ask you, all
17 of your activities are after school or on
18 weekends, they are not held during school hours of
19 any type? And I need a clarification on that.

20 JACK ROBERTS: That's correct. All
21 of our activities are after school. We, we do
22 most of our afterschool clubs in private homes
23 right across from the school where we live, and
24 then another program down the street. But none of
25 our activities except Sunday morning are in the

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public school.

COUNCIL MEMBER VACCA: Has there ever been an allegation that you are aware of, that came from a PTA president or a school leadership team, or parents? Was there any, at any time was there an allegation that what you were doing did infringe on the separation of church and state? Was there ever a concern that what you were doing in these buildings was beyond that line?

ROBERT HALL: No, not to us directly, no.

COUNCIL MEMBER VACCA: In, in total, do you represent more than the church you represent here today? Do you represent other churches or other, other faith base, faith based groups beyond your testimony?

JORDAN LORENCE: No, I mean, we're, it's just Bronx Household, they've been the tip of the spear in this lawsuit, and I'm their attorney. Although I think many of them look to us for advice on all this. And I also want to just, your question about during the school day. I want to be clear to everybody, and what I'm about to say I

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2 have no problem with this. The policy at issue
3 that was upheld allows schoolchildren to conduct
4 worship services in the public schools during the
5 school day when students are required to be there
6 under the compulsory attendance law. Now the
7 school officials have kind of blown that off as
8 not significant. I think it's straining the gnat
9 and swallowing the camel. I think it's perfectly
10 fine if somebody has to do a religious observance
11 during the school day. The policy particularly
12 permits that. So for them then to come to
13 afterschool programs on Sunday mornings, that are
14 long after the last bus has left, and to say
15 impressionable youth can be confused, to me is
16 straining the gnat and swallowing the camel.

17 COUNCIL MEMBER VACCA: How many
18 church groups do you anticipate will be affected
19 by this decision? How many will have to find
20 someplace else to meet? And I want to know from
21 you the capacity of those faith based groups to
22 afford and to move on to other locations.

23 JORDAN LORENCE: Some of the ones
24 will be able to speak specifically, but this is my
25 understanding. We've done a lot of research on

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2 this, and even compared notes with the, the
3 Department of Education's. I think that there are
4 approximately 50 to 60 churches, because they kind
5 of come and go, and then a number of non-Christian
6 religious groups as well. I do not, I have not
7 been able to find any non-Christian religious
8 groups that meet weekly, but I would say it's
9 around 60. And many of them cannot afford to go
10 other places. If they, they pay the same uniform
11 fee that everybody else does, and if you're in
12 midtown Manhattan, that's a lot cheaper than, you
13 know, renting out some hotel or a, you know, a
14 Broadway theater or something like that. A lot of
15 people are going to be affected by this. And I
16 think some of the other witnesses can speak
17 specifically to their own church and what the
18 dilemmas they're having in finding a place to go.

19 COUNCIL MEMBER VACCA: Based on the
20 court decision we're talking about, has any other
21 municipality done what New York City appears to be
22 ready to do? Namely say that faith based groups
23 cannot use public schools at all? Has any other
24 municipality--?

25 JORDAN LORENCE: No. The only,

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2 only thing, no, none, the only thing we had was
3 that effort in December by the Housing Authority
4 [time bell] to extend the policy to the community
5 centers, which they then backed off in about mid-
6 January. But, no other city, school district,
7 anywhere else in the country has adopted this, or
8 felt, you know, like, "Hey, let's do what New York
9 City's doing."

10 COUNCIL MEMBER VACCA: So--

11 CHAIRPERSON JACKSON: Thank you.

12 COUNCIL MEMBER VACCA: Just in
13 conclusion, you're telling us that the Housing
14 Authority has agreed to allow you to continue to
15 use their city facilities but that New York City
16 has not also done so.

17 JORDAN LORENCE: Yeah, that they,
18 they, there were pastors who can testify to this,
19 there are five churches that are meeting in
20 community centers connected with the Public
21 Housing Projects. And in the first week of
22 December, although the, there's been denials, but
23 they said this to my face, and they said it to the
24 pastor's faces, that because the Supreme Court
25 denied review in Bronx Household of Faith, the

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2 Housing Authority was investigating extending the
3 policy banning worship services to public housing
4 projects. And that all of these churches would
5 have to leave on December 31st. I had extensive
6 conversation with the Housing Authority people who
7 confirmed that they were trying to do this. And
8 then they gave a two month extension to the end of
9 February, and then in early January they said,
10 "We'll just let them stay." So, we have, I can
11 see at least one of the pastors here, Demos
12 Aliberios [phonetic] who was going to be one of
13 the ones that was going to be, was told he'd be
14 evicted. And they have now signed, and I'm
15 looking to Demos, you've signed long term, couple
16 year leases to remain now in the housing projects.

17 CHAIRPERSON JACKSON: Thank you.
18 Thank you, we'll move now to--

19 COUNCIL MEMBER VACCA: Thank you.

20 CHAIRPERSON JACKSON: --Danny Dromm
21 of Queens, followed by Jessica Lappin. And I'm
22 asking our colleagues to please pay attention to
23 the alarm that goes off, please. Thank you.

24 COUNCIL MEMBER DROMM: Thank you
25 very much, Mr. Chair. I, too, am a believer in

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2 the separation of church and state. I also am a
3 believer in one's right to freely worship. I
4 consider myself to be a Roman Catholic, I was
5 raised in the Catholic Church, I attended Catholic
6 school, for all my life, including college, and I
7 believe deeply in those principles. However, I
8 have some deep concerns about this Resolution and
9 about the legislation that's on the State level.
10 And my first question, I guess, is to Reverend
11 Hall. You have said that the goal, that there
12 should, is that there should be a school, a church
13 in every city school. Can you explain why this is
14 important to you?

15 ROBERT HALL: We, as--

16 CHAIRPERSON JACKSON: Reverend,
17 speak into the mic, please.

18 ROBERT HALL: Well, as Christians,
19 we, we are concerned about propagating our faith.
20 And we, we would like to see churches in every,
21 renting school--

22 COUNCIL MEMBER DROMM: But you'd
23 like to see the 1,200 and something schools that
24 the Department of Education is in charge of, have
25 a church in them.

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ROBERT HALL: Right.

CHAIRPERSON JACKSON: 1,600.

COUNCIL MEMBER DROMM: 1,600.

ROBERT HALL: Yes, we would like to see that, yes.

COUNCIL MEMBER DROMM: And so how would you then distinguish between it being a church or a school?

ROBERT HALL: Well, two things that we can say about that.

JORDAN LORENCE: Can I just say that the policy allows--

COUNCIL MEMBER DROMM: I was asking actually Reverend Hall.

JORDAN LORENCE: I know, but I, but--

COUNCIL MEMBER DROMM: I was asking Reverend Hall.

CHAIRPERSON JACKSON: He's asking Reverend Hall, but if the attorney representing them has an appropriate answer, bottom line is, let's hear from Reverend Hall, let's hear from the attorney. Okay, Reverend, please. Respond to his question, please.

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ROBERT HALL: Okay, would you give me the question again, please. The--

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COUNCIL MEMBER DROMM: Sure, I'm saying if every school in New York City has a church in it, how would one distinguish between if it's being a church, being a church or a school?

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ROBERT HALL: In the same way that they would distinguish between the Legionnaire's Greys Cadets. Coming to MS206 in The Bronx, young people in their military fatigues, and doing military drills in the schoolyard for all passersby to see, the children will not make, will not confuse MS206 in The Bronx with a military post. Now, they are much more visible. I don't know if they're in existence anymore, but this is what took place in our neighborhood.

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COUNCIL MEMBER DROMM: Except Reverence, there, there is no distinguishing between the military and the state, but there is in the Constitution a clause that says we have separation of church and state. So my question again to you is, what would be the distinguishing factors? How would one be able to decide [time bell] if it's church or school?

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2 CHAIRPERSON JACKSON: Okay, well,
3 let's--scuze me. The, he's already responded.
4 Let's have his attorney respond from a legal point
5 of view.

6 JORDAN LORENCE: Yeah.

7 CHAIRPERSON JACKSON: And then
8 we're going to move on to the next question.

9 JORDAN LORENCE: We still have an
10 active lawsuit against the Department of Education
11 on this, so some of these things that I'm trying
12 to--is that I would just simply say, the policy
13 allows the Ku Klux Klan to meet in the schools.
14 They could meet in every one of the 1,600 school
15 buildings under the policy. You could have labor
16 unions meeting in every school. You could have
17 Boy Scout troops in every school. So, it's, it's
18 the, it's the, there's nothing special about
19 religious groups. You could have Jewish
20 synagogues in every school. And so it's, that's
21 what the policy allows.

22 COUNCIL MEMBER DROMM: Mr. Lorence,
23 that's not exactly true. The--the New York city
24 Department of Education has a policy banning
25 discrimination on race, creed, religion, as you

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know, sexual orientation. The Boy Scouts were removed from the Department of Education because they discriminated against LGBT people. So I believe that that policy would not allow the Ku Klux Klan to meet in public schools.

JORDAN LORENCE: The Boy Scouts meet now in the public schools.

CHAIRPERSON JACKSON: Thank you, thank you.

COUNCIL MEMBER DROMM: They don't, they have been forbidden.

CHAIRPERSON JACKSON: Thank you, please. Next, we'll turn to our colleague, Jessica--before Jessica, please, we've been joined by our colleague Charles Barron of Brooklyn and Rosie Mendez of Manhattan. We turn to our colleague Jessica Lappin, followed by our colleague Letitia James.

COUNCIL MEMBER LAPPIN: Thank you, Mr. Chair. I also consider myself a person of faith, and I send my son to a religious preschool. But I just want to be clear, we're not discussing today banning religious groups from our schools, we're not talking about a bible study class or a

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2 Hebrew school, we are talking about regular
3 worship, each and every week at the same time in
4 the same school. And we're also talking about
5 subsidizing religion. Many of my colleagues have
6 said they think it's helpful for churches to
7 financially support our schools. I don't see how
8 paying \$2 for a classroom or \$12 for an
9 auditorium, plus custodial fees is supporting our
10 schools. It's not, it's the State subsidizing and
11 supporting religion. And so, my question to the
12 pastors who are here today, because you have
13 stated in court documents that you do exclude
14 certain people from your services, even though
15 they're in public buildings, do you allow Jewish
16 people? Do you allow openly gay people to come
17 and worship in your services, even if they have
18 not been baptized?

19 ROBERT HALL: Yes. And I would
20 wish to refute the New York Times in that regard
21 this morning. Anyone is allowed--

22 COUNCIL MEMBER LAPPIN: Well, it's
23 a quote that you made, I think that's where they
24 got it from, it's in court documents.

25 ROBERT HALL: That is, that is a

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half-truth. We have a membership. So just because I attend a mosque does not me a Muslim make. But I am free to attend a mosque. And Muslims are free to attend our worship services, and in fact they have.

COUNCIL MEMBER LAPPIN: So when you said you excluded--

ROBERT HALL: As well as Hindus and Buddhists.

COUNCIL MEMBER LAPPIN: --Islamic, people of Islamic faith, you're now changing your mind? Or you were--

ROBERT HALL: We never, we never [crosstalk]

JORDAN LORENCE: That was part of a deposition and I think that you're taking it out of context.

CHAIRPERSON JACKSON: Wait, one second, please. One second, please. If you're going to be responding, you just need to identify yourself every time, so that the person that's transcribing this can know who's speaking. Okay? So, please, go ahead. Whoever's going to speak.

COUNCIL MEMBER LAPPIN: Did you or

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did you--did you or did you not state that as part of a deposition?

CHAIRPERSON JACKSON: Just identify yourself first, please.

ROBERT HALL: I was speaking in that deposition about church membership, where people have to subscribe to a theological statement.

CHAIRPERSON JACKSON: Okay, and just identify yourself, please.

ROBERT HALL: But that is different--

JORDAN LORENCE: Say your name.

ROBERT HALL: I'm sorry, Robert Hall.

CHAIRPERSON JACKSON: Thank you.

ROBERT HALL: Bronx Household of Faith. That is much--

JORDAN LORENCE: And this is Jordan Lorence, and I just want to say that I feel the school district has distorted that. That under their theory, that would mean the Girl Scouts have to allow 40 year old men to join, or they're engaging in age and sex discrimination.

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CHAIRPERSON JACKSON: Right, okay.

JORDAN LORENCE: That a labor union would have to allow businessmen to join.

CHAIRPERSON JACKSON: Jordan--

JORDAN LORENCE: In fact attendance--

COUNCIL MEMBER LAPPIN: So when the Appellate--

JORDAN LORENCE: --is a very different matter--

CHAIRPERSON JACKSON: One, one second, please, attorney.

JORDAN LORENCE: Yes.

CHAIRPERSON JACKSON: Attorney, listen--

JORDAN LORENCE: Jordan Lorence, yes.

CHAIRPERSON JACKSON: Jordan, if members are asking the pastors a question, they, they should be astute enough and experienced enough to respond to the question, without you as an attorney representing them, we're not in court. This is a hearing, they should be able to respond appropriately to our members' questions. So, and

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2 the quick question that I ask is, what my
3 colleague just asked is, can, when your church
4 service, do you, is that open to the public? So
5 if I wanted to come in, or if someone that is
6 known to be gay or lesbian, and they came into
7 your church, into the, into your service, in the
8 school building, would they be allowed in? That's
9 a simple question. The answer's either yes or no.

10 JACK ROBERTS: Jack Roberts, Bronx
11 Household of Faith. That has happened on numerous
12 occasions.

13 CHAIRPERSON JACKSON: So the answer
14 is yes?

15 JACK ROBERTS: Yes. The answer is
16 yes.

17 COUNCIL MEMBER LAPPIN: So you
18 disagree with the Appellate Court that said very
19 explicitly that you do not allow people--

20 JACK ROBERTS: They were wrong,
21 that was wrong in fact. What's also was wrong,
22 the Times, the New York Times article today.
23 Factually wrong. That is an absolute untruth.
24 Anyone could be--

25 CHAIRPERSON JACKSON: I think the

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2 Times article is an opinion. [laughs]

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JACK ROBERTS: Anyone can come into our building, we've had Muslims, Jewish, Orthodox Jewish lady was there last week, we've had gay and lesbian people come. Becoming a member of our church, which the Supreme Court has said we have the right [time bell] to establish membership criteria, we don't allow people who are not baptize, now who have a lifestyle that's contrary to biblical standards, become a member. But that's true also--

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COUNCIL MEMBER LAPPIN: Meaning

LGBT.

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JACK ROBERTS: Not just that,

ma'am. We, my name's Jack Roberts--

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COUNCIL MEMBER LAPPIN: Including.

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JACK ROBERTS: --including someone

that's contrary, living contrary to the word of

God, yes, that would include LGBT.

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COUNCIL MEMBER LAPPIN: So they're

allowed to become a member of your church, and

your church is permanently housed at a school, you

don't have another location.

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JACK ROBERTS: Jack Roberts, Bronx

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2 Household of Faith. In fact, we are probably
3 going to finish building our building this year,
4 which was started in 2004, which we purchased the
5 property for long before we began using the public
6 school. We have never intended to use the public
7 school longer term, it was only a temporary
8 solution.

9 COUNCIL MEMBER LAPPIN: Wait, wait,
10 wait, I know, I want to come back in a second
11 round, 'cause if you never intended to use the
12 school as your home, why are you part of a
13 movement that seeks to have a church in all of our
14 schools?

15 JACK ROBERTS: Because--

16 COUNCIL MEMBER LAPPIN: That
17 doesn't make any sense.

18 JACK ROBERTS: Jack Roberts.
19 Because churches benefit the community. I've
20 lived in our community for more than 40 years, and
21 we have made a tremendous impact on a number of
22 people. And churches who are in these schools are
23 impacting their communities positively.

24 COUNCIL MEMBER LAPPIN: I agree
25 churches impact communities--

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JACK ROBERTS: Positively.

COUNCIL MEMBER LAPPIN: --and often very positively, but what does that have to do why you are a part of a movement that seeks to permanently house churches in schools?

CHAIRPERSON JACKSON: Okay, before you respond, before you respond. Jessica, then we're going to move on, okay?

COUNCIL MEMBER LAPPIN: Yes, okay.

CHAIRPERSON JACKSON: So, respond, please, if you don't mind.

JACK ROBERTS: Jack Roberts.

CHAIRPERSON JACKSON: Then we're going to move to our next member.

JACK ROBERTS: Yeah. Well, that's true--Jack Roberts--we are not part of an organized movement, per se, to get churches in all 1,200 schools. But I have prayed for that for a number of years, because I believe absolutely in the gospel of Jesus Christ, that everyone needs to believe in the Lord Jesus Christ. And we want to influence as many as possible. Now, I know that's not politically correct, and may be objectionable to you, but that is what my life and the lives of

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2 many of these people here, is based on. And so we
3 want people to know Jesus. And so we want, we
4 want the churches to grow, and to infect--to
5 affect their communities with that gospel news.

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CHAIRPERSON JACKSON: Thank you.

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So, now let me ask counsel, other than what the.

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your co-pastors responded to our colleague,

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Jessica Lappin's question, do you have any

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additional comment as an attorney representing

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them?

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JORDAN LORENCE: I, I would--

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CHAIRPERSON JACKSON: And then

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we're moving on.

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JORDAN LORENCE: I would just add,

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I've, I'd just point to the statistics. This

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injunction has been in effect for nine years. And

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I think it is wrong to paint this as some sort of

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ominous thing. The Boy Scouts want a troop in

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every school, the Girl Scouts want a troop.

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Whether it's 1,600 buildings or its 1,200

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buildings, there are approximately 60 churches.

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So, I don't think if this is some sort of

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overwhelming tidal wave or something, after nine

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years, I just think that's not the case. And it

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2 comes and it goes. People, an idea's popular,
3 groups are popular, they're not popular. And
4 that's what the facilities use policy permits.
5 And for somebody to take advantage of it, and to
6 paint that as ominous, I just think is something
7 that is a diametrically opposed to what the First
8 Amendment requires government to do. Not to make
9 laws restricting freedom of speech and the free
10 exercise of religion. So as government officials,
11 I would direct you to say that--and also I would
12 add the only reason they've ever been excluded has
13 been because of worship. This whole issue of
14 whether you have--open to the public means you
15 have to allow everybody to join, has never been
16 the reason. And I think you will open a can of
17 worms if you say that every group has to allow
18 every person to join before they can rent a
19 school. That is something that goes well beyond
20 that. This is not limited to what a particular
21 church does, or what the Girl Scouts do or what a
22 labor union permits. And I just wouldn't go
23 there.

24 [background noise]

25 CHAIRPERSON JACKSON: I'm sorry,

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hold, wait. You've asked the question, I've asked him as a legal attorney who's representing them to respond.

COUNCIL MEMBER LAPPIN: [off mic]

Right, but I--

COUNCIL MEMBER DROMM: [off mic]

He's getting more time--

CHAIRPERSON JACKSON: Wait, talk to--[off mic] talk to me, come to--turn up your mic, talk to me.

[pause, background noise]

CHAIRPERSON JACKSON: Go ahead, let, we're going to let our colleague, Jessica Lappin, respond.

COUNCIL MEMBER LAPPIN: [off mic] I just--[on mic] I want to respond to this concept that regular worship service is the same as a Boy Scout meeting. It's just, it's not. And, and I wanted to, I mean, and not because I think that, I mean Pastor Hall has said that Sunday worship service is "the indispensable integration point for our church," and that "the purpose of this church is to treat as God's house, the schools where the church worship services take place."

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2 That is not the same as a French club. It's just
3 not. So, I think, I mean, that's the whole
4 essence of this discussion and Resolution. What
5 is regular worship service? And is it appropriate
6 for that to happen in a public school building?
7 Not sort of religious activity. That's separate
8 from this, which is regular worship.

9 CHAIRPERSON JACKSON: Okay, thank
10 you. Thank you, Council Member. Now we turn to
11 Council Member Letitia James, followed by Council
12 Member Cabrera. We've been joined by out
13 colleague Jumaane Williams of Brooklyn. And now
14 we turn to our colleague, Letitia James, of
15 Brooklyn.

16 COUNCIL MEMBER JAMES: So, I know a
17 number of my colleagues are going to preface their
18 statements by saying how religious they are and
19 how all of them have basically recognized their
20 faith. I think all of us at this podium are
21 faithful individuals, and all of us serve a higher
22 being, and we all recognize that there is a
23 greater force than, than we are. So, let's put
24 that on the record before everyone talks about how
25 they all attend service and mosques and temples

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2 and, and various religious organizations. Because
3 I can go on to talk to you about all of my
4 religious affiliations, and we'll be here for a
5 very long after--morning. [laughter] So, let me
6 just begin with Jordan Lorence.

7 JORDAN LORENCE: Yes, ma'am.

8 COUNCIL MEMBER JAMES: Mr. Lorence,
9 can you just explain to me how we can treat
10 religious worship differently from, than secular
11 speech? Or can we do that? And does the
12 Constitution allow us to do that?

13 JORDAN LORENCE: Well--

14 COUNCIL MEMBER JAMES: And if you
15 can do that in a sentence, that would be
16 appreciated.

17 JORDAN LORENCE: Yeah, the, of
18 course, a Boy Scout meeting is different than a
19 worship service, in that you can honor Lord Baden-
20 Powell, maybe, but you're worshiping God at a
21 worship service. But that is a theological
22 determination and not a First Amendment category.
23 The First Amendment category is, is that the
24 government, the Department of Education has made a
25 decision that it's going to open its empty school

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2 buildings on the weekends, for anything pertaining
3 to the welfare of the community. So to say, "We
4 don't, we're fine with weekly Boy Scout meetings,
5 we're fine with weekly meetings of the Legionnaire
6 Gray Cadets of guys in uniforms, we're fine with
7 weekly labor union meetings, and dance recitals,
8 and ballet lessons, but if you worship God we're
9 going to kick you out." I think that the First
10 Amendment does not allow you to make that kind of
11 decision. The decision to open the facilities
12 generally means that you got to open the doors to
13 everybody. And to single out the relig--this is
14 accommodating private religious speech. This is
15 not government endorsement, when you have 10,000
16 users a year.

17 COUNCIL MEMBER JAMES: Mr. Lorence,
18 can you just give me one--could we just have some
19 quiet, respect to the witnesses, so that we, so
20 that everyone in the room can hear. It's
21 unfortunate that we're having this hearing in this
22 small room, we should have provided a larger
23 space, and I think this is inconvenient, and I
24 would urge everyone to take their conversations
25 outside, including members of the City Council.

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Sorry, Mr. Lorence, you may continue.

JORDAN LORENCE: I just think, to make theological determinations as we're seeing the school officials doing in Pastor Hall's case, is something you just want to steer away from as City officials. And every other major school district in the country--Chicago, Houston--this is no big deal. And they allow this routinely and it's not a problem.

COUNCIL MEMBER JAMES: So my other question to you, is this really comes down to a number of my colleagues are concerned with respect to comments that have been made, the editorial that was put forth today, that it was printed today in the New York Times. Apparently, there was a deposition where some comments that may have, may or may not have been taken out of context. Can you elaborate more on the, the editorial that was printed today in the New York Times? And what was indicated earlier, or your position that it was taken out of context? Further elaborate.

JORDAN LORENCE: There's a part of the policy that I'm doing this from memory, so I

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2 may be garbling it, that the meetings have to be
3 nonexclusive and open to the public. Now that has
4 always, since 1995, understood to be, you have,
5 you can't have a closed meeting. You have to have
6 an open meeting, and allow anybody from the public
7 to come. And Bronx Household of Faith has always
8 said that, every church that I'm aware of does
9 that, as well. Now, there's been an insinuation,
10 then, during this deposition where they began
11 talking about membership, as if anybody could
12 join. And the question that was put was,
13 basically, if a person disagrees with the theology
14 of Bronx Household of Faith, can they join the
15 church? And he said, "No." If they do things
16 that are contrary to, to what the church believes,
17 like if they were stealing or something like that
18 [time bell] could they be tossed out? And they
19 said, "Yes." Membership is very different than
20 attendance.

21 COUNCIL MEMBER JAMES: And lastly,
22 my last question, and thank you, Chairman, for
23 allowing me some latitude.

24 CHAIRPERSON JACKSON: - - go ahead.

25 COUNCIL MEMBER JAMES: Thank you.

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2 Is discrimination, there's been some concerns with
3 respect to these religious organizations
4 discriminating against members of the LGBT
5 community, and also there's a question as to
6 whether or not it would be allowable for you, for
7 the public, for the Department of Education, to
8 restrict your membership, or engage in some other
9 type of content based exclusion.

10 JORDAN LORENCE: I think that the
11 open to the public requirement is a good
12 requirement and the Constitution permits that. I
13 think if the government starts telling people who
14 can and cannot be members of their private group,
15 and they're going to exclude them, I think that
16 that crosses a First Amendment line. Because then
17 you have the problem of the 40 year old man has to
18 be able to join the Girl Scouts. And so I just
19 think there's a huge, to paint this as just sort
20 of a limited issue, as some of the earlier
21 questions, I just think is a huge mistake.
22 Because the anti-discrimination policy is quite
23 broad, and would have all sorts of collateral
24 impact.

25 COUNCIL MEMBER JAMES: And thank

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2 you. And the, also the criticism and the thought
3 is that this only applies to Christians. And
4 because this is only a, right now, you're, we are
5 only opening the churches on Sundays. And so my
6 question is, is this only a Christian movement?

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JORDAN LORENCE: No, it is not, and
8 in fact the, the evidence showed that, that there
9 have been Buddhist groups, Jewish groups,
10 Jehovah's Witnesses, Hindus, and Muslim groups,
11 that have used the school facilities.

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COUNCIL MEMBER JAMES: Thank you,
13 Mr. Lorence.

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CHAIRPERSON JACKSON: Thank you.
15 We're going to turn to our colleague, Jumaane
16 Williams, but I want to ask one question first.
17 My colleagues have been talking about it must be
18 open to the public. And I guess that's in
19 reference to when a house of worship or any
20 religious institution rents a, a school where
21 they're having worship service. Am I correct in
22 that? Or am I wrong in that? Be--and I ask that
23 question because I know that we used to rent a
24 school, the Washington Heights Basketball Club,
25 and we used to rent the gym and the men's room.

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2 There were no women, so it was just men playing
3 basketball. And it was only us, it wasn't open to
4 anyone else, because we were paying our dues and
5 paying the fees to rent the school. And if the
6 Boy Scouts is having a meeting, I mean, anyone
7 that can come in, I don't think that anyone can
8 come in, it's the Boy Scouts using it for their
9 particular use. Am I wrong or am I right? What's
10 your opinion about that? In reference to a house
11 of worship, worshipping on Sunday, allowing anyone
12 to come in during your worship service.

13 JORDAN LORENCE: I, I will
14 acknowledge that maybe there's little interest for
15 people to go and observe a Boy Scout troop
16 meeting. But they might, a court of honor, if
17 they're awarding, you know, merit badges and eagle
18 scout awards or something like that. But
19 throughout this litigation, I have felt, and the
20 Department of Education it turns--I don't think
21 that this has been a point of dispute, is that the
22 issue has been whether they're open, where people
23 could come in and observe your stellar basketball
24 play, for example.

25 CHAIRPERSON JACKSON: No, they

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can't, they could not.

JORDAN LORENCE: [laughs]

COUNCIL MEMBER JAMES: 'Cause it's
not stellar. [laughter]

CHAIRPERSON JACKSON: You're right.

JORDAN LORENCE: But, but to say
that you would be required to allow certain people
to join or you couldn't play basketball there,
that's the kind of unintended consequences of an
overbroad reading of that. And I think that
that's why the school board has never insisted
upon that, as a, as an interpretation.

CHAIRPERSON JACKSON: Thank you.
We're turning to our colleague Jumaane Williams of
Brooklyn. Council Member Williams.

COUNCIL MEMBER WILLIAMS: Thank
you, Mr. Chair. Thank you for your testimony, I'm
actually sorry I missed it. I wanted to make sure
I, you know, I came on as I'm still a very strong
supporter of the Reso and I want to thank Council
Member Cabrera for all the work that he's done.
Even as some of my allies on the other side, that
happens sometimes, friends and families differ.
But I, I want, I want to make sure I understood

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2 clearly, 'cause I actually always try to
3 understand all sides of an argument, and
4 particularly the one that I'm not on, so I can
5 understand fully. So I just want, some of these I
6 wanted to hear, and you probably delved in; if you
7 did, just tell me you answered and I'll actually
8 my colleagues, 'cause I don't want you to repeat
9 it. But on the terms, particularly of the
10 discrimination, what are responses to that?
11 Particularly a good friend of mine, Danny Dromm,
12 brought up discrimination about LGBT, things of
13 that nature. What is the response to that?

14 JACK ROBERTS: We have already
15 spoken to that, that everyone is, is welcome to
16 our services. And unlike some religions in this
17 country, our most sacred and solemn ceremonies are
18 also open to the public.

19 COUNCIL MEMBER WILLIAMS: Are there
20 discriminatory language that used during services,
21 during worship, during whatever, during prayer,
22 whatever, anytime that you're in the building?

23 JACK ROBERTS: Equality is rooted
24 in every person being made in the image of God.
25 It would be theologically wrong for us to

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2 disparage any, any particular race. Every person
3 is made in the image of God and is entitled to the
4 dignity that belongs to an image bearer of God, no
5 matter what they believe.

6 COUNCIL MEMBER WILLIAMS: So my
7 question was probably yes or no.

8 JACK ROBERTS: Yes.

9 COUNCIL MEMBER WILLIAMS: So, what,
10 is there, are there discriminatory language that's
11 used--

12 JACK ROBERTS: No, there is not.
13 There is not discriminatory language.

14 COUNCIL MEMBER WILLIAMS: Okay.
15 Has there, has there ever been a time that you
16 know of, when churches who have rented, do not let
17 anybody in the building while they're using this,
18 the service?

19 JACK ROBERTS: No.

20 COUNCIL MEMBER WILLIAMS: There's
21 no cases you know of. Okay, so I just wanted to
22 make that clear. So the clarity is, anyone is
23 welcome in the building while it's being rented,
24 but not everyone is allowed to become a member of
25 a church.

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JACK ROBERTS: That's correct.

COUNCIL MEMBER WILLIAMS: Is that correct? And to me that actually runs along with a lot of the other group as was mentioned, that rent out these types of spaces. And I've actually known, as was mentioned, people rent out spaces and prevented people from coming in. So, I do want to get more information, and I say this to the people who are on the other side. If there is examples of when this has happened, when people were prevented from coming in the schools during those times, 'cause I have to leave, so I'm not going to hear all the testimony, I would actually like to hear about that some more, so I'm putting that, that call out. But thank you and I'm still a proud supporter of the Reso.

CHAIRPERSON JACKSON: Council Member, thank you, Council Member Cabrera, followed by, follow up by Council Member Dromm.

COUNCIL MEMBER CABRERA: Thank you so much, Mr. Chair. Let me just make a statement, I'm going to be brief, and then I have a question for Mr. Jordan Lorence. The Resolution is very clear. Resolution 1155 states, and same thing

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2 what we find in Assembly Bill 8800 and, and the
3 Senate bill that's being carried by Senator
4 Golden, that every organization that will be
5 renting from public schools will open their doors
6 to anyone who wants to come in. So to me, this is
7 a moot point because this is what the Resolution
8 is calling for. It's also a moot point because,
9 you know, we're almost telling this group double
10 bind. Let them come, you know, you're trying to
11 recruit people, and at the same time you're
12 telling them "accept everybody." And so, you
13 know, the fact is, as we heard in the testimony,
14 and I'm sure we're going to hear from the other
15 ministers here, that they welcome everyone. But
16 they're allowed to have their own membership
17 standards just like unions do, and rightly so;
18 tenant association. We wouldn't think of a
19 landlord being allowed to be part of a tenant
20 association. And the same rules should apply to
21 houses of worship. My question to you, Mr.
22 Lorence, and I'm going to reserve some other
23 questions for later on, is what, you mention a
24 part of the U.S. Supreme Court ruling regarding at
25 the beginning, House of Worship--do you happen to

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2 have, in regards to worship, do you happen to have
3 this, when was that statement made? What year
4 that took place?

5 JORDAN LORENCE: The, the Supreme
6 Court ruled that worship was protected speech in
7 the Widmar v. Vincent decision in 1981. 454 U.S.
8 263, and page 269 in particular. They repeated
9 that in the Mergens case in 1990, which is one I
10 was heavily involved in; and also the Rosenberger
11 case was the quote from 1995, that I was also
12 heavily involved in. And I also just want to,
13 just to, you just sparked a memory that I wanted
14 to have. Is that we've been up to the Second
15 Circuit four times. And after the third time,
16 there, there was a question asked by one of the
17 federal appeals court judge, and he wrote it in
18 his opinion, as to whether this open to the public
19 issue had been the basis for excluding the church.
20 And the city attorneys, the Department of
21 Education attorneys and I, said, had a, I said,
22 "Well, do we want to do that?" and they said, "No.
23 We want to have this 100 percent focused on our
24 'no worship service' policy." [time bell] So
25 they said that was not the basis for excluding

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2 anybody, that there was some somehow, they were
3 excluding people that they shouldn't be. That the
4 statement that they're open to the public was good
5 enough, and the only reason the churches are being
6 excluded is because they engage in worship
7 services, not because of any membership policies.

8 COUNCIL MEMBER CABRERA: Thank you
9 so much.

10 CHAIRPERSON JACKSON: Thank you,
11 Council Member. Now, a second follow up by
12 Council Member Dromm; and then, we're going to
13 move on to the next panel.

14 COUNCIL MEMBER DROMM: Thank you
15 very much. Reverend Hall, you talked about the
16 wholeness of individuals and the fact that you
17 accept individuals, you know, no matter what
18 sexual orientation they may be, what religion they
19 may be, etc., but I've visited your website. And
20 it's probably one of the more virulent, anti-gay,
21 homophobic websites that I've ever seen. And on
22 there, you have articles about--and also with the
23 Alliances website, as well, against gay marriage,
24 against LGBT people. In fact, I remember there
25 was a rally over here attended by even some of our

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2 Council Members on the steps of City Hall, to
3 block the legal right for LGBT people to marry.
4 It seems to me that what you're trying to do is to
5 use the public school system to promote these
6 types of values that you hold. And in fact, when
7 you say that you welcome people into your church,
8 it's not really true. Because you would not
9 welcome an openly gay family, you would not do a
10 LG--a same sex wedding. Would you?

11 ROBERT HALL: No, I would not.

12 COUNCIL MEMBER DROMM: Right. So,
13 thank you. And I think that's, that's the point
14 that we're trying to make. Thank you for
15 admitting that. [crosstalk]

16 ROBERT HALL: They would be welcome
17 They would be welcome.

18 COUNCIL MEMBER DROMM: And I
19 appreciate your honesty in your answer.

20 ROBERT HALL: They would be welcome
21 to attend the church.

22 COUNCIL MEMBER DROMM: And our
23 public schools should not be--our public schools
24 should not be places that are used for people to
25 bring their political agenda, to bring their own

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2 form of discrimination, and send a wrong message
3 to the children that go there, as well. And
4 that's the issue at hand here today.

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CHAIRPERSON JACKSON: Council
Member Dromm, if you have any additional
questions, you only have about 30 seconds left.

COUNCIL MEMBER DROMM: I'd like to
hear, does anybody else want to respond in terms
of gay question?

JORDAN LORENCE: Okay, I think
that, I went to, I think there were two questions
asked: Would you perform a same sex ceremony?
And would you welcome a same sex family?

CHAIRPERSON JACKSON: I'm sorry,
Counselor--

JORDAN LORENCE: Would you answer
those separately?

CHAIRPERSON JACKSON: Counselor,
counselor, you're not asking the questions.

JORDAN LORENCE: No, but I, I felt
that--

CHAIRPERSON JACKSON: No, no,
counselor--

JORDAN LORENCE: Right.

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CHAIRPERSON JACKSON: You asked a question, you're not asking questions here.

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JORDAN LORENCE: Yes, sir.

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CHAIRPERSON JACKSON: He's already responded. So, you know, we're not, as an attorney, you can advise your clients, you can-- this is not court, the Court of Appeals, Second Circuit, or Supreme Court. You know, let them respond. These are adults that are leaders of their churches, and they should be able to respond to simple questions.

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JORDAN LORENCE: Yes, sir.

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CHAIRPERSON JACKSON: So, he's already responded. [time bell] So let's move on. Danny, if you have another question, and I want to move the panel. So if you have another question, Danny, Council Member Dromm, ask the question.

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COUNCIL MEMBER DROMM: A 30 second statement. This confusion--

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CHAIRPERSON JACKSON: Council Member--

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COUNCIL MEMBER DROMM: --that you're trying to create--

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CHAIRPERSON JACKSON: Wait, Council

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Member.

COUNCIL MEMBER DROMM: --is exactly what we're talking about.

CHAIRPERSON JACKSON: Council Member, one second, please. No more statements. You've already made your statements, I want to know if you have any additional questions, other than what you've already asked. If not, I'd like to move it.

COUNCIL MEMBER DROMM: At this, at this point, no.

CHAIRPERSON JACKSON: Okay, thank you, Council Member. And with that, I want to thank the panel for coming in. We appreciate you coming in. And now we're going to go to the second panel, and the second panel [background noise] Okay, Professor Marcy Hamilton from Cardozo Law School in New York City--ladies and gents, please--Arthur Eisenberg from New York Civil Liberties Union; and Donna Lieberman, the New York Civil Liberties Union. Please come forward. If you have any written testimony, please give it to the Sergeant-at-Arms. And you decide who goes first. And this panel is in

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2 opposition to the Resolution. Sergeant-of-Arms, I
3 am not starting the clock at this time. [pause,
4 background noise] Welcome this morning, please
5 each individual identify your name and your
6 affiliation, whatever organization you belong
7 with, and you decide who should go first.

8 MARCY HAMILTON: Good morning, I am
9 Professor Marcy Hamilton, and I've been a law
10 professor at Cardozo Law School for 20 years. And
11 I'll be testifying in opposition.

12 ARTHUR EISENBERG: Good morning, my
13 name is Arthur Eisenberg, I'm the Legal Director
14 of the New York Civil Liberties Union, and I thank
15 the Committee for allowing us to testify this
16 morning.

17 DONNA LIEBERMAN: And I'm Donna
18 Lieberman, I'm the Executive Director of the New
19 York Civil Liberties Union. Thanks for the
20 opportunity to testify.

21 CHAIRPERSON JACKSON: Good morning
22 to the panel. So, whoever's decided to go first,
23 please move forward.

24 MARCY HAMILTON: Thanks to the
25 Committee and the Council for having me today. I

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2 appreciate it. While I have every belief that
3 this Resolution is intended with all the best good
4 intentions, it is unfortunately unconstitutional.
5 And the, the primary problem is this: this is a
6 practice in New York that's not, we're not talking
7 about whether or not any school can have a
8 religious activity. Religious activities are
9 permitted, that's very clear. And that's
10 required, under the cases that Mr. Lorence was
11 mentioning. But this is a question of whether or
12 not public schools can themselves be houses of
13 worship. It is actually a land use code
14 designation, and the question is whether or not
15 it's constitutional to put a full scale worship
16 facility into a public school. And the
17 establishment clause is nothing but line drawing,
18 and I think it's pretty clear that the Second
19 Circuit got it right, and that's why the Supreme
20 Court did not take this case. And that public
21 schools are inappropriate venues for houses of
22 worship. And let me just make four quick points.
23 I have circulated my testimony and so it's filled
24 out there. First of all, I believe that Mr.
25 Lorence has severely overstated the cases both

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2 that he's been involved with and that he has not
3 been involved with, the Supreme Court has never
4 said that houses of worship belong in public
5 entities. It has said to the contrary quite
6 distinctively, that if there are clubs and there
7 are nonreligious clubs, that religious clubs can
8 meet, too. But in the case that of course was not
9 mentioned on the first panel, which is the one
10 that really undermines this resolution, is
11 Christian Legal Society v. Martinez cited by the
12 Supreme Court last year. And in that case, the
13 Court said that if Hastings Law School had an all
14 comers policy, which is just like the New York
15 City public schools, there's an all comers policy,
16 the school did not have to provide support or
17 funding for Christian Legal Society, which
18 excluded homosexual members from being in
19 leadership positions. Now, what that case means,
20 is that an all comers policy in an educational
21 context can treat religious groups that
22 discriminate, like everybody else who
23 discriminates. And so the question here before
24 you is whether or not--this is an either/or
25 proposition--are you going to be behind religious

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2 organizations that want to avoid having to rent or
3 purchase property and want to use all of the
4 public schools, apparently, as we learned today,
5 for their own houses of worship? Or are you going
6 to stand behind the vast diversity of religious
7 belief and practices in New York City? Now ,this
8 organization was identified in the Second Circuit
9 Court of Appeals as being discriminatory. They
10 have taken it back this morning. I know why
11 they've taken it back. They've taken it back
12 because they know it's a losing proposition to be
13 advocating in New York City to be virulently anti-
14 gay. But the fact is that's who they are. And
15 secondly, the fact is that the Second Circuit made
16 fact findings that are binding on this body. And
17 those fact findings are that this organization is
18 discriminatory. It does not permit Islam
19 believers to participate. It does not permit
20 those who are not going to be members to
21 participate. And we heard this morning that
22 that's not true, but it sounds to me a lot more
23 like posturing for litigation than it does like
24 the Second Circuit got it wrong. Judge Leval's an
25 extremely brilliant judge, and his opinion on the

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2 Court has to be taken with, very seriously. So,
3 if this Resolution were to pass, and this
4 misguided state legislation were to put into
5 place, what we'd have is the following. Not only
6 the KKK, but any white supremacist religious
7 organization, and I would say the KKK by the way
8 is a religious organization under constitutional
9 standards. But every misogynist, every white
10 supremacist group will have the right to use the
11 New York City schools. Why? Because you can't
12 discriminate on the basis of belief. That's the
13 one thing we know for certain. So if you're going
14 to open the door to any group, it has to be open
15 to all groups, and that means that you're going to
16 have discrimination. And that undermines the
17 policy that's obviously there, which says that it
18 should be open. This policy clearly discriminates
19 in favor of Sabbath believers who believe on a
20 Sunday Sabbath. That's not every Christian, there
21 are Christians who do have a Saturday Sabbath.
22 But this discriminates against anyone who has a
23 Friday or a Saturday Sabbath, because those are
24 the days when schools are used for, obviously, for
25 sporting events, which of course are very

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2 important to the health and welfare of the kids.
3 So, this is a Sunday policy, it favors a certain
4 group of Christians, and this body cannot be part
5 of the social movement that Mr. Lorence leads,
6 which is to make this a "Christian country."
7 Finally, I think it's a little odd that a City
8 Council would jump on board so quickly, for state
9 legislation which is going to cost the City
10 millions in litigation. We've had the Second
11 Circuit say that this is unconstitutional. The
12 Supreme Court did not take it even though many
13 thought they might. And I think it's unlikely
14 that this case is going to come out any
15 differently, it is unconstitutional. And if this
16 City's willing to fund 16 more years of
17 litigation, which is what it will take to get up
18 through the Supreme Court, if not 20, I think
19 there are other, better ways to spend the money
20 than, frankly, choosing an approach that's clearly
21 unconstitutional. Thanks for having me this
22 morning.

23 CHAIRPERSON JACKSON: Thank you.
24 Next, please?

25 DONNA LIEBERMAN: I'm Donna

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2 Lieberman, Executive Director of the New York
3 Civil Liberties Union, which is the New York
4 affiliate of the ACLU. As is well known, the core
5 mission of the ACLU is protecting the freedoms and
6 liberties guaranteed in the Bill of Rights, and
7 foremost among those are the First Amendment
8 protection of freedom of religion. And that's why
9 the NYCLU is strongly opposed to this resolution,
10 and to the state legislation that it promotes.
11 You heard me correctly. Our concern for freedom
12 of religion is why we oppose this resolution, that
13 would promote the--and require, support
14 legislation that would require the Department of
15 Education to allow religious groups, churches, to
16 conduct regular Sunday worship services in our
17 public schools, and thereby transform our public
18 schools into houses of worship. And I would
19 submit that if the establishment clause of the
20 Constitution doesn't prohibit that, I'm not sure
21 what it does prohibit. The First Amendment
22 articulates two principles related to religion.
23 The first directs the government to make no law
24 respecting the establishment of religion, and the
25 second says it can't interfere with free exercise

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2 of religious beliefs. It's important to
3 recognize, I think, that the first of these
4 principles is in the service of the second. The
5 prohibition on government establishment of
6 religion actually protects religious freedom,
7 because if the government privileges one religion
8 over others, or indeed believers over
9 nonbelievers, it undermines the religious freedom
10 of all of us, those who are in favor today, who
11 may be out of favor tomorrow; those who believe as
12 against those who don't believe. And as history
13 tells us, today's favorites are not guaranteed a
14 place in the favorites list tomorrow. Keeping
15 government out of the business of endorsing or
16 promoting religion, rather than undermining
17 religious freedom, promotes the great diversity of
18 religious belief and practices that are a distinct
19 and unique feature of our American tradition of
20 religious tolerance. And it was this concern for
21 religious freedom, and the concern that the
22 regular long term conversion of schools into state
23 subsidized churches on Sundays would violate the
24 establishment clause by reason of public
25 perception of endorsement, that led the DOE to

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2 adopt a policy prohibiting the use of public
3 schools for religious worship services. Not for
4 all religious activities, not by a long shot, but
5 for religious worship services. Now some folks
6 have characterized the opposition, not here today,
7 but, but elsewhere, as anti-religious. So let me
8 just clarify that, at least in terms of the ACLU.
9 We're not anti-religious. We've stood with many
10 in this room in defense of the rights of Muslims
11 in New York to pray, and in defense of the mosque
12 at Park 51. We went to bat in defense of the
13 right to have a Christmas Eve service on behalf of
14 a Christian organization. We've defended the
15 rights of Jews in Rockland County to hold
16 religious services in the, in their homes, which
17 was attacked by the government. So we stand up,
18 time and time again, for freedom of religion. But
19 this legislation doesn't promote freedom of
20 religion. It promotes religion, in violation of
21 the separation of church and state. There's
22 something about the performance of religious
23 worship services that's of concern here. Because
24 as the Pastor of Bronx Household has said, in the
25 context of the court case and elsewhere, the

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2 performance of the worship service is the defining
3 element of a religion. That's where it all comes
4 together. And so when we convert our schools into
5 a place where the performance of the worship
6 service is happening, Sunday after Sunday after
7 Sunday, it does identify the schools with the
8 church or as supporters of the church. Indeed,
9 Bronx Household has been in litigation for 16
10 years on this lawsuit, and it's conducted it's
11 Sunday services at PS15 or another school every
12 Sunday for what I think is 13 years. And no place
13 else. The public school is its primary place of
14 worship. Last year, there were 160 permits issues
15 for religious worship in school. I think the
16 Council needs to recognize that what may be
17 neutral on its face is not neutral in reality.
18 Because all but a handful of those permits went to
19 Christian churches. That's no accident. What
20 religions worship on Sunday? Do the Jews? No.
21 Do the Muslims? No. So, not by design, perhaps,
22 but in effect what this poli--what allowing
23 religious worship in the schools means is that
24 it's an allowance of Christian worship in the
25 schools. And the Court of Appeals was clear about

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2 the impact of this. It said, "When worship
3 services are performed in a place, the nature of
4 the site changes. The site is no longer simply a
5 room in a school being used temporarily for some
6 activity. Bronx Household of Faith has made the
7 school the place for the performance of its rites,
8 and might well appear to have established itself
9 there. The place has at least, for a time, become
10 a church." In the course of the litigation, the
11 facts of the churches' use of the schools have
12 emerged, and when Bronx Household and other
13 churches use the schools as their place of
14 worship, they dominate the schools, often. They
15 take over the auditorium, the cafeteria,
16 classrooms. And they advertise this. They
17 advertise it to members of the congregation, they
18 advertise it to members of the public, they
19 advertise it to the kids, they give out hot
20 chocolate to the kids sometimes, across the street
21 from the school. They advertise online. They are
22 proud of the association and they promote the
23 association of the church's name with the public
24 school. I submit that that's no accident.
25 Accident or no, the implication is I think

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2 devastating for the separation of church and
3 state. It's devastating because, let's just put
4 it in terms of the kids. Okay? Just the kids.
5 For the kids who are members of the congregation,
6 who are the favorites, and are allowed to pray
7 with their families in their schools, wow, don't
8 they feel special? But we know that when those
9 kids feel special, there are other kids who feel
10 dissed, who feel, who feel like their religion or
11 the fact that their family doesn't practice a
12 religion, is not approved by the schools. And
13 that's an unmistakable reality. I think that,
14 that if you look at the literature of Bronx--about
15 the movement to plant churches in schools, you
16 will see that there is an effort to target
17 children ages four to 14, because they're
18 particularly impressionable. So while we have a
19 lot of faith in our kids, to have good sense, I
20 think it's also important to understand that there
21 are those who would seek to use the relationship
22 with the school as a way of really getting past
23 the parents sometimes, and inculcating their
24 values in kids without their parents knowing. And
25 using the schools as a vehicle to do that.

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CHAIRPERSON JACKSON: Okay. Donna, if you don't mind, just start to wrap up, please.

DONNA LIEBERMAN: I will start to, I think I'll start to wrap up.

CHAIRPERSON JACKSON: Thank you.

DONNA LIEBERMAN: No, I'll wrap up.

CHAIRPERSON JACKSON: [laughs]

DONNA LIEBERMAN: I just [laughs]

CHAIRPERSON JACKSON: [laughs; off mic] No, this is the panel, so we have to hear you out.

DONNA LIEBERMAN: Uh-huh. [laughs] Let me, in closing then, I'm going to, in closing, I'm going to abandon my voice to Justice Sandra Day O'Connor, who dealt with the issue of what appears to be neutral but really isn't. She said, "The establishment clause imposes affirmative obligations that may require a state to take steps to be, to avoid being perceived as supporting or endorsing a private religious message. That is the establishment clause forbids a state from hiding behind the application of a formerly neutral criteria and remaining studiously oblivious to the effects of its actions. Where

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2 the government's operation of a public forum has
3 the effect of endorsing religion, even if the
4 governmental actor neither intends nor actively
5 encourages that result, the establishment clause
6 is violated. This is so because the state's own
7 actions actually convey a message of endorsement."
8 I believe that Justice O'Connor speaks here to you
9 and I urge you to follow her wise counsel and
10 reject this resolution.

11 CHAIRPERSON JACKSON: Thank you.

12 Next, please.

13 ARTHUR EISENBERG: Thank you, Mr.
14 Chair. I just want to amplify--

15 CHAIRPERSON JACKSON: Okay, just
16 identify yourself.

17 ARTHUR EISENBERG: Arthur
18 Eisenberg, Legal Director of the New York Civil
19 Liberties Union.

20 CHAIRPERSON JACKSON: Go ahead,
21 please.

22 ARTHUR EISENBERG: And I just want
23 to amplify Donna Lieberman's remarks in a couple
24 of respects. First, a page of history. The, we
25 all know that the establishment clause was born

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2 out of the history of religious strife that
3 preceded the founding of this, of this
4 constitutional republic. And it was designed to
5 preserve religious freedom, it was, it rested on
6 the notion that religious freedom was best
7 protected, and religious diversity, more to the
8 point, was best protected, and made more secure,
9 if we prohibit government from regulating
10 religious activities. Now, the, the establishment
11 clause therefore has been interpreted as to create
12 a requirement of a separation of church and state,
13 as we all know, and to prohibit the appearance of
14 endorsement of religion by government. And our
15 concern is that, that separation between church
16 and state is erased when we allow public schools
17 to function as houses of worship, especially when
18 they are permitted to function as houses of
19 worship every Sunday, Sunday after Sunday after
20 Sunday, year upon year upon year. Now, it is true
21 that there is a free exercise clause, as well.
22 And that free exercise clause has been interpreted
23 to confer an equal right of access to public
24 facilities. But like all rights of access, the
25 equal right of access is not absolute, and the

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2 Supreme Court has repeatedly said that, that even
3 the right of access must yield to compelling
4 governmental interests. And the Court has further
5 indicated that the, the need to avoid the
6 appearance of endorsement, the need to avoid an
7 establishment clause violation, is a compelling
8 governmental interest. And that is why we think
9 that the Second Circuit was right in reaching the
10 holding that it reached, and why it would be a
11 mistake for this body to urge a reversal of that
12 decision.

13 CHAIRPERSON JACKSON: Thank you. I
14 have one or two questions. And I believe
15 Professor--scuze me? I believe, Professor, you
16 said that this is a violation of the Constitution.

17 MARCY HAMILTON: Yeah.

18 CHAIRPERSON JACKSON: I assumed you
19 meant the Constitution of the United States of
20 America.

21 MARCY HAMILTON: Yes, and--

22 CHAIRPERSON JACKSON: Is that
23 correct?

24 MARCY HAMILTON: Yes.

25 CHAIRPERSON JACKSON: That you

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2 meant that? So, has anywhere, in any court
3 decision, whether it's a lower court or the
4 appellate division, said that this was a violation
5 of the U.S. Constitution? Or is that your
6 interpretation of it? I mean, I really want to
7 know whether or not any decision, it said, "This
8 is a violation of the Constitution of the United
9 States of America."

10 MARCY HAMILTON: What the Second
11 Circuit said is that the New York City system does
12 not have a rule that prohibits, that permits these
13 houses of worship. If it did, what the Second
14 Circuit said, is that it is likely
15 unconstitutional. And then they provided all the
16 reasoning that would lead to that conclusion. So,
17 the case was not set up for a holding on that
18 particular issue, but yes, it's very clear. The
19 Second Circuit has explained why it would be
20 unconstitutional for the City to adopt the
21 approach the Resolution takes.

22 CHAIRPERSON JACKSON: Okay. But
23 nowhere did it said that it is a violation of the
24 U.S. Constitution, even though the Second Circuit
25 may have give the indication that it is. But you

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and I know, and correct me if I'm wrong, that the U.S. Supreme, U.S. Supreme Court, and others court, the Supreme Court, the Appellate Divisions, have overturned lower courts, is that correct?

MARCY HAMILTON: Yes, sir, but my position is that it is unconstitutional under Supreme Court decisions including--

CHAIRPERSON JACKSON: Okay.

MARCY HAMILTON: --Christian Legal Society v. Martinez.

CHAIRPERSON JACKSON: Okay.

That's--

MARCY HAMILTON: And this body is of course bound by those decisions.

CHAIRPERSON JACKSON: And that's your, that's your opinion, is that correct?

MARCY HAMILTON: No, that's just a fact. There's--

CHAIRPERSON JACKSON: No, you just said--

MARCY HAMILTON: --it's very hard to read--

CHAIRPERSON JACKSON: --I'm sorry, you just, you just said, "This is my opinion."

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And that's why I was saying, you just said that,
and I'm just--

MARCY HAMILTON: Yes.

CHAIRPERSON JACKSON: --reiterating
what you just said.

MARCY HAMILTON: It's a fact that
the Supreme Court has held that an all comers
policy permits a school to treat a religious group
differently than other groups if they
discriminate.

CHAIRPERSON JACKSON: Okay.

MARCY HAMILTON: That holding means
that this Resolution is unconstitutional.

CHAIRPERSON JACKSON: When, when
you say "the Supreme Court," you're meaning the
U.S. Supreme Court, is that correct?

MARCY HAMILTON: Yes.

CHAIRPERSON JACKSON: Okay, thank
you. Now, I believe Ms. Lieberman, and I'm so
used to calling you Donna, I'm sorry [laughs]

DONNA LIEBERMAN: Please do. You
know I'm not formal.

CHAIRPERSON JACKSON: Yeah.
[laughs] You had indicated that in your opinion,

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2 this policy is discriminatory because other
3 religious groups that worship, their holy day may
4 be on a Friday or a Saturday, they can't mainly
5 use the school and that it's set up, not
6 intentionally, but it is what it is, most schools
7 are available on Sunday. But who's fault is that?
8 I mean, the fact is, the schools are open when
9 they are. That's not, is that a fault of the
10 group? I mean, they didn't set it up that way.
11 The school is available when it's available, am I
12 right or am I wrong?

13 DONNA LIEBERMAN: No--

14 CHAIRPERSON JACKSON: That schools
15 are available when they're available.

16 DONNA LIEBERMAN: That is an
17 incontrovertible fact.

18 CHAIRPERSON JACKSON: Okay. So why
19 do you say [laughter] why do you say it's
20 discriminatory? I mean, if the schools were never
21 available, or if the schools were available on
22 only Friday, Thursday and Friday, then you would
23 argue that it's discriminatory against those
24 groups that use the, that may want to use it on
25 Saturday and Sunday, is that correct?

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DONNA LIEBERMAN: Indeed. You know, I think that the, it's, these establishment clause--

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CHAIRPERSON JACKSON: Okay.

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DONNA LIEBERMAN: And that's why I read, read the quote from Sandra Day O'Connor. The establishment clause prohibits against the promotion and the appearance of promotion of religion by government. And whether or not a policy is neutral on its face, doesn't end our inquiry. We should be concerned if our public schools are transformed into houses of worship for overwhelmingly one brand of religion. Yes, we should, that violates the establishment clause.

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CHAIRPERSON JACKSON: Okay. So ... Now, my, here's, I guess it's a question I was listening to the testimony, basically what I'm hearing, I think Professor you had said that use by, schools by religious groups for worship, basically they're turning the school buildings into, in essence, houses of worship. My understanding, and correct me if I'm wrong, it doesn't mean that because a religious group uses a school for worship, that school is not a house of

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2 worship, it's a school building, they're only
3 using the actual space. Am I wrong or am I right?
4 Now I'm not an attorney at law, I'm not a pastor
5 or religious leader, I'm a legislator and I'm a
6 layperson. In my opinion, just because a
7 religious group uses a school, I don't care if
8 they use it every week, as what Donna said, for 13
9 years, it's still a school building, they just use
10 it, the space, whatever, it's the auditorium, or a
11 classroom or whatever it is. So, are you
12 basically saying, any one of you are saying, that
13 as a result of them using a room, the auditorium,
14 the cafeteria, that in essence that is turning a
15 school building into a house of worship?

16 MARCY HAMILTON: Precisely.

17 CHAIRPERSON JACKSON: that's what
18 you're, that's your opinion.

19 MARCY HAMILTON: That is--No, those
20 are the facts in this case.

21 CHAIRPERSON JACKSON: No, wait a
22 minute, okay, and I'm going to--I want to ask you,
23 you say "those are the facts." Tell me how that
24 is a fact, because I've expressed--let me, let me
25 finish first, and I'll allow you to answer. I've

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2 expressed my opinion that I don't see it as, you
3 know, turning a school into a house of worship. I
4 see them using that particular space for those
5 couple of hours or five hours or eight hours or
6 whatever it is, it's still a school building. So,
7 you say that's a fact, tell me how that is a fact,
8 if you don't mind.

9 MARCY HAMILTON: I'm heavily
10 involved in litigating religious land use cases on
11 behalf of cities around the country. And the
12 religious land use and institutionalized purchase
13 act has brought many of those issues up. And I,
14 so I've become very educated on land use law,
15 which was never intentional. But land use law
16 operates according to uses. And you can have a
17 school use on a property and you can have a house
18 of worship use on a property, and there are many
19 churches that have both; they'll have a chapel and
20 they'll have a school. What, what that is
21 functionally the same as this situation, where the
22 use of the building during six days of the week is
23 for school purposes, it's for kids to go to clubs
24 and learn and play sports. One day a week, the
25 use of the building, under any standard land use

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2 treatise, is house of worship use. They are using
3 it as a house of worship. And this case is a
4 great example, because they don't just have a
5 service, and they don't just have their sacred
6 rights, but they also have a fellowship meal
7 following. These are standard house of worship
8 activities, and if this were before the zoning
9 board, there would be no debate. They have a
10 house of worship in a public school. So, under
11 the law of the City of New York, they are a house
12 of worship, and frankly they're operating without
13 a zoning permit, but you know, I'll leave that to
14 the side. The problem is the establishment
15 clause. [laughter] And can public schools be
16 houses of worship. And I think, going back to the
17 framing, that's easy: No, they cannot.

18 CHAIRPERSON JACKSON: Okay. Now
19 you state that that's a fact. Where is that
20 written that that is a fact? Or are you
21 expressing your opinion?

22 MARCY HAMILTON: I'm expressing the
23 fact that, that land use law says uses matter and
24 this is a house of worship uses.

25 CHAIRPERSON JACKSON: Has that been

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rendered in New York City, as far as City Council use of land use.

MARCY HAMILTON: I could give you hundreds, I could give you hundreds of cases involving houses of worship.

CHAIRPERSON JACKSON: Okay, okay.

MARCY HAMILTON: This is one.

CHAIRPERSON JACKSON: And that, in New York City, or is it around the country?

MARCY HAMILTON: New York City.

CHAIRPERSON JACKSON: Because--and because I, the reason why I ask that question is because I heard the first panel, which was the attorney for The Bronx Household of Faith, and the co-pastors basically say that around the country, in other states, it is allowed by law for them to use school buildings in order to have their worship service. But it is not the case here in, I guess, New York City.

MARCY HAMILTON: That's right.

CHAIRPERSON JACKSON: So, if in fact you said that it's a violation of the Constitution of the United States of America, then all those other laws in other states are wrong?

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MARCY HAMILTON: Exactly.

CHAIRPERSON JACKSON: In your opinion.

MARCY HAMILTON: That's exactly right, and in the United States--

CHAIRPERSON JACKSON: Okay, no, I'm, I'm just asking.

MARCY HAMILTON: --the United States Supreme Court governs the entire country.

CHAIRPERSON JACKSON: Then why, why hasn't the U.S. Supreme Court overturned all those other states?

MARCY HAMILTON: Because there've been very few cases--I clerked for Justice Sandra Day O'Connor. And the Court does not take cases until an issue has percolated for 20 to 30 years. This issue hasn't been percolating long enough. And there's not enough of a split in authority because the courts, like the Second Circuit, is getting it right, generally.

CHAIRPERSON JACKSON: Okay, well, I thank you for your opinion on this particular matter, as a professor, you're a professor of law-

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MARCY HAMILTON: Yes.

CHAIRPERSON JACKSON: --at Cardozo Law School. We appreciate your, I guess your knowledge on this particular matter. And I just think that, you know, your knowledge is very good, but I don't know if it is in fact a fact. That's all I'm saying.

DONNA LIEBERMAN: But I think that, you know--

CHAIRPERSON JACKSON: No, you can laugh, but I don't have a U.S. Supreme Court situation, and other municipalities and laws around other states have allowed this. And so, I'm just questioning, you know, why hasn't this then been overruled by the U.S. Cons--by the U.S. Supreme Court? It's been in so many other states, as my colleague Commander Cabrera has indicated, and others have testified, I was just, just questioning, that's all. Donna, you wanted to say something.

DONNA LIEBERMAN: So, yeah, you know, we have, we don't have a ruling directly on point from the United States Supreme Court, but we have something that comes close.

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CHAIRPERSON JACKSON: Okay, I'm

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listening.

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DONNA LIEBERMAN: Which is the

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United States Supreme Court had the opportunity to

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reverse the Court of Appeals, to take this case

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and reverse it. It chose not to. So, what we

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have is not simply a matter of opinion, from some

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interesting and halfway intelligent, you know,

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legal lawyers and law professors, we have a ruling

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by the United States Court of Appeals for the

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Second Circuit. Those are not lightweights. And

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whether they are or not, their word is the law.

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And they have said, and I quote, "When worship

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services are performed in a place, the nature of

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the site changes. The site is no, no longer

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simply a room in a school being used temporarily

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for some activity. Bronx Household of Faith has

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made the school the place for the performance of

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the rites, of its rites, and might well appear to

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have established itself there. The place has at

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least for a time become the church." That's not

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my opinion, just--

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CHAIRPERSON JACKSON: That's their

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opinion.

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DONNA LIEBERMAN: It is my opinion, but it is the ruling of the Court of Appeals for the Second Circuit--

CHAIRPERSON JACKSON: But that's-- and that's their--

DONNA LIEBERMAN: --that covers New York and - - I'm sorry.

CHAIRPERSON JACKSON: I'm sorry, Donna, that is their decision, that's their opinion. As attor--Donna, wait, whoa, whoa, wait, you're looking at me like, "Wait a minute, that's not their opinion, that is their decision." Let me finish, please.

DONNA LIEBERMAN: Okay, yep, sorry, sorry.

CHAIRPERSON JACKSON: Yes, they decided this, and that's their decision. But they're, they're only is their opinion as justices in the appellate division. Now, the thing is that--I'm sorry, I just lost my thought on that. But the bottom line is this, though, you know, the house of worship are using the schools, and it said, you read there, it says that, in essence, it's their opinion that they're, they're

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2 basically, if I'm, correct if I'm wrong, you said
3 that their turning the schools into houses of
4 worship during that period of time. Am I correct?

5 DONNA LIEBERMAN: Yes.

6 CHAIRPERSON JACKSON: Okay, so,
7 okay. So, anyway, that's their opinion, and I'd
8 like to move on, I've asked my couple of
9 questions, let me turn to my colleagues, that have
10 some questions.

11 COUNCIL MEMBER CABRERA: Thank you
12 so much, Mr.--

13 CHAIRPERSON JACKSON: Council
14 Member Cabrera, one second, followed by Council
15 Member Lappin, followed by Council Member James,
16 and then you, and then, okay, go ahead, please.

17 COUNCIL MEMBER CABRERA: Thank you
18 so much, Mr. Chair. I am so frustrated here. Let
19 me tell you why. First of all, the insinuation
20 that there's this grand conspiracy that these
21 churches are coming together to take public
22 schools, it's like saying Mickey Mouse killed
23 President Kennedy. And let me tell you why. The
24 reason why is because if that is so, it's been a
25 utter failure. We're talking about 60 houses of

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2 worship, which includes synagogues, which includes
3 mosques. It's absurd for me to hear that there's
4 some kind of a conspiracy taking place here.

5 Second of all, the whole issue of permanency,
6 you're obviously not from my neighborhood. You're
7 obviously not understanding what, as you can see
8 the crowd here, and you can see in the other room,
9 where most of these houses of worship are being
10 represented by people, the minority, poor

11 community. And when I get the ACLU from the upper
12 echelon, because this is what's really happening
13 here, what is happening here is that we have the
14 rich telling the poor, "You cannot meet in public
15 spaces." And I take offense to that, of the

16 reality that many of these houses of worship are
17 going through transitional points, especially in
18 the midst of a economic downturn, I find it
19 offensive and especially my district where this
20 church is coming from, and the poorest

21 congressional district in America. For you to
22 come here, I don't even see one of the minority
23 members being represented by your group, and you
24 come over here and you trying to tell my people,
25 my people that they can't rent from public school

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2 because they hold a religious view? There's
3 something really wrong with that. Here is the
4 other piece, in terms of permanency, in terms of
5 permanency, look, they're meeting an hour, two
6 hours a week, these houses of worship really don't
7 want to be there. I'm a pastor, and I know what
8 it is to have a church and, and all the operations
9 that come. I don't want to rent from a public
10 school, because it takes a major operation to have
11 equipment, that is staying longer than another
12 place, the sound equipment. They don't have
13 offices there. When you, when I think about ACLU
14 having permanency, you have offices where you meet
15 there and you can go there 24 hours a day. They
16 can't go there 24 hours a day. We're talking
17 about 20--they're there a couple hours a week, if
18 that. And so, there is no permanency here, and
19 you, you even used the word temporary. And so,
20 here's the other thing, confu--the kids are going
21 to be confused. Well, you know what, Mr. Mayor,
22 and the Chancellor, and ACLU, this is what [time
23 bell} I have to say to you, I have to say that
24 every other mayor in the United States and every
25 other governor thinks that their kids are smarter

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2 than our kids, because our kids are being told by
3 our Mayor and by our, our Chancellor, that they're
4 not smart enough to determine, and I concur with
5 the Chair, that they, that somehow are children
6 are stupid, that they're not able to determine
7 whether that's a school or not. They're there
8 every single day, and our kids don't want to be in
9 school on the weekend, they're too busy playing
10 PlayStation. And so--

11 CHAIRPERSON JACKSON: Council
12 Member.

13 COUNCIL MEMBER CABRERA: And if I
14 could just have one more point here. And soon I'm
15 going to ask a question.

16 CHAIRPERSON JACKSON: And I thought
17 you already had three minutes, and you're--

18 COUNCIL MEMBER CABRERA: Here's the
19 question.

20 CHAIRPERSON JACKSON: It has to be
21 real quick--

22 COUNCIL MEMBER CABRERA: Real
23 quick.

24 CHAIRPERSON JACKSON: Because I
25 have other colleagues, and I have to continue.

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COUNCIL MEMBER CABRERA: Is equal access, equal access is the government accommodating private - - expression and government accommodational private speech is not government endorsement of religion. True or false? I just need a true or false answer to that.

CHAIRPERSON JACKSON: Before you respond, if you don't mind. My colleagues, Council Member, you had three minutes--

COUNCIL MEMBER CABRERA: Yes.

CHAIRPERSON JACKSON: --my colleagues, if you want to make a statement, then you waste, you're not wasting your time, you're making your statement on your time. We have to keep moving on and moving on. So if you have questions, ask the questions. And that's for you and everyone else.

COUNCIL MEMBER CABRERA: Got you, thank you - -

CHAIRPERSON JACKSON: If you can respond to the Council Member's question, any one of you, you may. If two want to respond, you may also.

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2 ARTHUR EISENBERG: Let me say this.
3 And I appreciate the Council Member's statement.
4 But I think it reinforces--and the passion that he
5 brings to this issue, and the passion that, that
6 many people in this room bring to this issue,
7 reinforce the importance of the establishment
8 clause. That's what the establishment clause was
9 about, to eliminate or at very least reduce racial
10 and religious strife. Religious strife, I should
11 say.

12 COUNCIL MEMBER CABRERA: That's a
13 judgment call.

14 ARTHUR EISENBERG: But let me, let
15 me--

16 COUNCIL MEMBER CABRERA: Yes.

17 CHAIRPERSON JACKSON: Council
18 Member, please, if you don't mind, please allow--

19 ARTHUR EISENBERG: The central--

20 CHAIRPERSON JACKSON: --one second,
21 sir, one second, sir.

22 ARTHUR EISENBERG: Sure.

23 CHAIRPERSON JACKSON: Please,
24 you've already asked your question, please allow
25 them to respond all the way, please. And then

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2 we're going to move. Okay, I'm sorry, go ahead,
3 sir.

4 ARTHUR EISENBERG: The central
5 constitutional question that this Committee must
6 consider, is whether in considering all of the
7 facts surrounding the use of the public school on
8 a Sunday by a church for religious worship,
9 including the use every week, and including the
10 advertisements that go out into the community
11 about its use, whether all of those facts create
12 the appearance of endorsement, and therefore
13 constitute a violation of the establishment
14 clause. That's the central question. And the
15 Second Circuit concluded that there was a
16 sufficient appearance of endorsement to justify
17 the policy that the Board of Education had, had
18 articulated.

19 CHAIRPERSON JACKSON: Thank you.
20 Okay--[pause, background noise] I'm going to
21 allow Council Member Cabrera to respond to you,
22 and briefly, and then we're going to move to
23 Jessica Lappin.

24 COUNCIL MEMBER CABRERA: Thank you,
25 thank you for your answer. I don't see

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2 establishment of a religion here, the government--
3 no one in this government is in the business of
4 establishing a particular religion, and which I
5 believe that was intention of the spirit of the
6 Constitution, and reaction of the Anglican Church
7 in England, and that's why our founding father,
8 including James Madison, who had services, by the
9 way, in the House of Representatives. Thank you.

10 CHAIRPERSON JACKSON: Thank you.

11 Council Member Lappin, you have the floor.

12 COUNCIL MEMBER LAPPIN: I think
13 what the crux of this whole debate, which is
14 whether or not religious worship services that
15 happen regularly in the same place, change the
16 nature of that place. And I just wanted to state
17 something for the record, because Bronx Household
18 of Faith says that they have another building that
19 they've been building. So they are in the public
20 school by choice, if I understand that correctly,
21 not because they have to be. But--under
22 construction for a number of years. But I'll
23 leave that aside. And say that, I think this
24 whole discussion is are we supporting and
25 sponsoring religion with our taxpayer dollars.

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2 And I believe we are. When we are allowing the
3 rental for regular worship, \$2 for a classroom,
4 \$12 for an auditorium. These churches--I have the
5 fee scale right here. So, I'm not making those
6 numbers up. It's quite clear that these churches
7 are not paying rent, they're not paying utilities,
8 they're not paying insurance, the state is
9 sponsoring and subsidizing that religious worship.
10 And we are not talking about a bible study class,
11 or an afterschool French club, we are talking
12 about regular weekly worship. That is the
13 quintessential moment for many different faiths,
14 of bringing people to worship together. And when
15 you hand out flyers, listing the address of the
16 church at a school building, when you take ads in
17 the local papers saying the address of the church
18 is in a school building, that to me says that it
19 is the permanent home of a church. And I don't
20 have too much time left, but I guess I just, I
21 wanted to ask you, 'cause we had a lot of
22 discussion about the Second Circuit. Their
23 opinion is not just an opinion that we can ignore.
24 Am I correct in that? Their opinion is binding,
25 in terms of law of the land in this City. Am I

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correct?

MARCY HAMILTON: That's right.

COUNCIL MEMBER LAPPIN: Okay, so, based on the definitive ruling of the Second Circuit, this Resolution would be unconstitutional.

MARCY HAMILTON: That's right, that's right. Under the oldest case at the United States Supreme Court, Marbury v. Madison, the courts have the final word on the meaning of the constitution. And the Second Circuit has the final word whether others like it or not. But let me just, let me say in response to both of the last two comments, which I think are very helpful when they're paired together. There appears to be two motives and two intents behind having a church, have a house of worship [time bell] in a public school. And the two purposes are to proselytize to increase the number of members, that's certainly inappropriate in a public school; but secondly, is a financial motive. If the financial motive here is that churches that are unable to raise the funds the rent or buy property need to use public facilities, that's probably

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2 going to add to the establishment clause problem
3 rather than decrease from it. And so, and we know
4 exactly what's happened here. As soon as the
5 Second Circuit decision came down, the lobbying
6 started and the religious groups claim that they
7 were "homeless" if they were required to move out.
8 Well, that would mean that they were at their home
9 when they were at the schools. If they were in
10 their home at the schools, that would mean that is
11 their house of worship. And the argument now is
12 they have an entitlement to be in public schools.
13 And I think that's exactly what Madison drafted
14 the establishment clause to prevent, to keep that
15 kind of situation from being created. If you read
16 the memorial and the remonstrance carefully,
17 you'll see that he feared this kind of taking over
18 of religious organizations of the government. And
19 that's, that's basically what we're facing with
20 this resolution.

21 CHAIRPERSON JACKSON: Thank you.

22 Thank you. Now we turn to Council Member James,
23 followed by Council Member Melissa Mark-Viverito.

24 COUNCIL MEMBER JAMES: I have the
25 greatest respect for Donna, I have the greatest

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2 respect for Donna, and for this organization and
3 have stood with her shoulder-to-shoulder regarding
4 stop and frisk, regarding marijuana arrests and
5 the impact that it's having on individuals of
6 color, and the racial implications of our criminal
7 justice system, and the criminal justice complex.
8 And so, it's unfortunate that I disagree with her
9 with respect to this issue, and some of my
10 colleagues. A lot of the issues that have been
11 raised with regards to rent and insurance and
12 utilities, and taking issue with words such as
13 being homeless, can all be addressed. This issue
14 turns on facts, as each and every case does. And
15 this, the argument that this creates an
16 appearance, or an endorsement of religion,
17 obviously focuses on one individual church. As
18 someone who has attended service at a school, I
19 can say that churches differ from one church to
20 another church. I can also say that other
21 religious institutions have used schools not only
22 in my district but throughout the City of New
23 York. The issue for me is equal access. And that
24 really is what this comes down to: equal access.
25 In the City of New York, our land use, our zoning

1 laws, are used to benefit religious organization.
2 That's a fact. We provide tax exemptions to
3 religious organizations, that's a fact. And one
4 can possibly argue that that violates the
5 constitution. We currently subsidize religious
6 organizations, we contract with them to provide
7 services for the homeless, for the hungry, for
8 AIDS services. We again are so entangled with
9 religious organizations in the City and the State,
10 every argument against this policy can be used to
11 challenge a lot of laws that are currently in
12 place in this City and in this State. And to
13 isolate this particular policy and separate it
14 from everything else that we do in government,
15 including praying and worshiping, different
16 religious organizations every, at every stated
17 Council meeting, is laughable. It also includes
18 when you walk into a courtroom, every courtroom
19 has an affirmation of a higher power. So I don't
20 see how you can separate out, disaggregate this
21 issue from every other institution. In addition
22 to that, the overwhelming consensus outside of the
23 Second Circuit, and I'll get to the Second Circuit
24 in a minute, is that prohibiting religious
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individuals--

CHAIRPERSON JACKSON: Council
Member, you only have about 20 seconds.

COUNCIL MEMBER JAMES: And I'll
finish in 15.

CHAIRPERSON JACKSON: Okay.
[laughter]

COUNCIL MEMBER JAMES: Is, is that
individuals and organization from using neutrally
available public facilities for worship violates
the free speech clause of the First Amendment, is
not justified. [time bell] Again, as was
mentioned earlier, a significant number of
Circuits outside the Second Circuit allow for it.
And let me also read some language from the
Circuit, from the Second Circuit, so that we can
be clear. The Second Circuit basically says that
it is permissible, it is allowable, and it says it
basically used what is commonly referred to in
legal genre as precatory language, and so it does
not prohibit it, it says that it may be allowable,
and it does not basically exclude it altogether.
And so, again, I'm hoping that the State
Legislature and the religious organizations pass

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2 the bill on the State level, I hope that Governor
3 Cuomo signs it. I look forward--

4 CHAIRPERSON JACKSON: Thank you.

5 COUNCIL MEMBER JAMES: --obviously
6 to worshipping in a public building in Brooklyn, as
7 I have done quite often. Thank you.

8 CHAIRPERSON JACKSON: Thank you,
9 Council Member. Council Member Melissa Mark-
10 Viverito. After here, we're going to then
11 [background comment] sorry? Did, did any--Okay,
12 but you, and then we're going to move to the next
13 panel. After that, will be Carlos Rodriguez,
14 representing Comptroller John Liu.

15 COUNCIL MEMBER MARK-VIVERITO: I
16 want to thank you, Mr. Chair, and I want to thank
17 the sponsor of this Resolution. But as I sit here
18 intently listening to this debate, I'm starting to
19 really be concerned for many, many reasons, in
20 terms of this Resolution. The argument regarding
21 separation of church and state is obviously at the
22 heart of this, and is essential here, obviously.
23 But also, this is a Resolution in support of state
24 legislation. And I'm wondering if you are
25 familiar with the State Legislation, 'cause there

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2 is a particular aspect of this legislation that I
3 have great concern about. And again, this
4 Resolution is in support of State Leg--and I would
5 like to read exactly what it says, and then if the
6 lawyers on the panel would explain what the
7 interpretation of this, or how would, once it
8 would go into effect, what it would mean. Says
9 here in Section 3--

10 CHAIRPERSON JACKSON: My colleague,
11 are you going to be reading from the Senate bill
12 or the Assembly bill?

13 COUNCIL MEMBER MARK-VIVERITO: This
14 one, I believe, I believe it's the same language
15 in both, but in this one in particular is the
16 Senate bill.

17 CHAIRPERSON JACKSON: Okay, go
18 ahead.

19 COUNCIL MEMBER MARK-VIVERITO: Says
20 "Nothing in this section shall authorize the
21 trustees or Board of Education of the district to
22 adopt or interpret regulations for the use of
23 school houses, grounds or other property, pursuant
24 to subdivision 1 of this section, that would
25 result in the exclusion or limitation of speech

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2 during non-school hours, even where students may
3 be present, including speech that expresses
4 religious conduct or discusses subjects from a
5 religious viewpoint." My understanding of that is
6 specifically that right now, the Department of
7 Education has certain abilities, it's an open
8 forum in terms of the schools, unlimited open
9 forum, in terms of the use of school space. This
10 would in essence throw that out the window and say
11 that it is an open forum. And that DOE policies
12 currently right now, which do regulate and say,
13 you know, we don't discriminate, we won't allow
14 groups that use these facilities that do
15 discriminate, etc. If you could explain a little
16 bit about what that Section 3, the implications
17 are if it goes into effect.

18 ARTHUR EISENBERG: Yeah, I, I'm
19 not--Arthur Eisenberg, for the Civil Liberties
20 Union. I'm not sure what the effect of that will
21 be, because in one sense, it seems to me, that
22 provision simply tracks what the Constitution
23 already requires in the form of an equal access
24 principle. And makes no account of what I have
25 been suggesting earlier; namely, that there is no

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2 absolute equal access principle, and the equal
3 access principle must yield to a compelling
4 governmental interest, and the establishment
5 clause has been recognized by the Supreme Court as
6 a compelling governmental interest. And so, I'm
7 not sure whether that legislation, at least the
8 portion that you have read, moves the ball at all
9 with respect to the principle debate that we've
10 been having; namely, the accommodation of the
11 equal access principle and the establishment
12 clause. But you are correct, I think, in pointing
13 out that that legislation might be interpreted as
14 eliminating the anti-discrimination provisions,
15 which is in some respects a secondary issue, but
16 albeit a very important one, that plays into the
17 equal access principle in a variety of ways,
18 especially when you're dealing with religious
19 organizations [time bell] that may for whatever
20 reason, good or bad, choose to discriminate.

21 COUNCIL MEMBER MARK-VIVERITO:

22 Right, so I think, I mean, and that is the concern
23 that I have, that DOE does have a level of
24 discretion. And in terms of really being able to,
25 and I think some of the examples that Danny Dromm

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2 brought in the past about groups that may limit or
3 discriminate against people that we support in
4 this City, and that we offer protections for, as
5 well. So, that to me is causing me pause, 'cause
6 again, this Resolution is to support these two
7 bills in the State and the Assembly. I've been
8 very, listening very intently again, and I'll just
9 say in closing, I want to thank Council Member
10 Cabrera for his passion. I am currently signed on
11 to this Resolution, but I'm reconsidering. And
12 based on what I'm hearing, and I will, be, you
13 know, did have a brief conversation with him about
14 that. But I thank you all for everybody that's
15 here, and for the passion that's been expressed.
16 But there are very, very serious concerns that are
17 being raised.

18 MARCY HAMILTON: Could I, may I
19 just add a, just a quick addition to--

20 CHAIRPERSON JACKSON: Sure.

21 MARCY HAMILTON: --Marcy Hamilton,
22 from Cardozo Law School.

23 CHAIRPERSON JACKSON: Sure, go
24 ahead, please.

25 MARCY HAMILTON: That language is

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2 not inconsistent with other languages being
3 proposed around the country to create more
4 opportunities for religious believers to speak
5 discriminatorily about homosexuals in the public
6 sphere. So, the normal statutory interpretation
7 is that a law is passed to change things, not to
8 just say the same thing that's already in place,
9 unless it says, "We are codifying what's already
10 in place." So I would assume it's an attempt to
11 change the system. If it changes public schools
12 from limited public fora to a true public forum,
13 the schools would not be permitted to outlaw any
14 speech. Public fora are places where anybody can
15 say anything, and I mean, I have teenagers, I
16 can't imagine having, making all schools open
17 public fora, it just it's, it's, you can't teach
18 in that environment. So, I think it's troubling
19 language, and it's another reason for the State
20 Legislature to reconsider whether or not this is a
21 good bill.

22 COUNCIL MEMBER MARK-VIVERITO: And
23 my just--

24 CHAIRPERSON JACKSON: Thank you.

25 COUNCIL MEMBER MARK-VIVERITO: --if

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2 I may, you know, Mr. Chair, I think, you know,
3 what you're expressing is the concern, that any
4 group, regardless, I mean, you know, we want to
5 take it to an extreme, you know, in terms of
6 pornography, in terms of, you know, it would have
7 access and that DOE does not have the ability to
8 limit that, is extremely troubling to me, and it
9 should be to many of us in this body. And so,
10 again, the Resolution is to support that
11 legislation, that is language I'm having real
12 issue with, as obviously the issue of the
13 separation of church and state, but we have to
14 really pay attention to that.

15 CHAIRPERSON JACKSON: Thank you
16 very much. I want to thank the panel members for
17 coming in. Appreciate the, the discussion and
18 your opinions on this particular matter. And
19 we're going to move to the next panel. Thank you.
20 The next panel is Carlos Rodriguez, representing
21 the New York City Comptroller, John Liu; followed
22 by, followed by, Jay Worona, the New York State
23 School Board Association; and Matthew Stewart, it
24 doesn't have any affiliation. He's a parent.
25 Okay? So, this, they will be next. So, just

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Carlos, state your name, position--

CARLOS RODRIGUEZ: Sure, hello.

CHAIRPERSON JACKSON: --and then you may begin your testimony on behalf of our City Comptroller.

CARLOS RODRIGUEZ: Thank you, Chairman. Carlos Rodriguez, Deputy Director for Public Affairs, at the New York City Comptroller's Office. Good morning, or I should say good afternoon by now, Chairperson Jackson, and the Members of the Committee on Education. My name is Carlos Rodriguez, I am the Deputy Director for Public Affairs to the New York City Comptroller John Liu. The Comptroller regrets that he's unable to deliver his testimony personally on this important topic. He thanks you for the opportunity to offer his comments about Resolution 1155 of 2011, and thanks Council Member Cabrera for writing this important Resolution, calling upon the New York State Legislature to pass and the Governor to sign legislation amending the New York State Education Law to ensure equal access to the school facilities. We realize that this is a controversial issue, balancing the rights of

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2 religious organizations and the concept of the
3 separation of church and state. These are very
4 important issues. We do, however, oppose the
5 Department of Education impending prohibition of
6 religious organizations from utilizing public
7 school space during off hours for worship because
8 it is impractical for the DOE to enforce a no
9 worship policy since the term "worship" is
10 subjective in nature or difficult to define, and
11 comes in many different forms. This is about
12 fairness. Religious organizations should not be
13 treated any differently from any other community
14 organization, they deserve the same level of equal
15 access to public space. Schools are recognized
16 under the State law as important community assets.
17 They should be maximized during off hours and made
18 equally available to community organizations,
19 including sports team clubs, cultural clubs,
20 cultural groups, excuse me, neighborhood
21 organizations, community boards, and religious
22 organizations. To ban worship will
23 disproportionately impact certain communities more
24 than any others and likely result, result in the
25 displacement of many smaller and local

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2 organizations. Large, more established
3 organizations are able to obtain assets to or buy
4 properties for activities. This is also possible,
5 this is also a possible loss of revenues, like
6 nominal, for the City, likely nominal for the
7 City, excuse me. To estimate this financial
8 impact, we have requested information from the DOE
9 on previous extended use permits for DOE space.
10 The request is enclosed in this testimony. The
11 ban will be inconsistent with policies at another
12 agency. I am, we are pleased to learn that the
13 NYCHA, that NYCHA has extended its short term
14 agreements with current church groups while it
15 completes a review of its rental agreements with
16 all organizations. It is hard to make sense of
17 the DOE's no worship policy especially [time bell]
18 since another, since another City agency has, we
19 believe, correctly continued to allow
20 organizations to use its facility on a
21 nondiscriminatory basis. Thank you again for this
22 opportunity for the Comptroller to express his
23 support for Resolution No. 1155, of 2011, to
24 ensure equal access to school facilities. Thank
25 you, Mr. Chairman.

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CHAIRPERSON JACKSON: Thank you.

We have some questions by Council Member Letitia James, followed by Council Member Cabrera.

COUNCIL MEMBER JAMES: So, again, just let me thank and salute the Comptroller of the City of New York for his position. And thank you for highlighting the fact that NYCHA has extended these leases and is reviewing these leases in a nondiscriminatory fashion, and consistent with the law. And let me again reiterate that the Circuit Court ruled that the Department of Education may, and let me underscore, may have this policy, but that the Constitution does not require the exclusion of worship services from public school facilities. I recognize that they overturned the injunction nine years ago, but the United States Court of Appeals for the Second Circuit, in its holding, basically again, it reiterated the point that the Department of Education may have this policy, but the constitution does not require the exclusion of worship services from public schools. And based on, back to the facts, again, I am sure that we could, the men and women, the Department of

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2 Education can come forward with a policy which can
3 adjust the rent schedules, the insurance,
4 utilities, can speak to the advertisement, and
5 could enact policies which are consistent with the
6 constitution and the establishment clause so there
7 is no longer the appearance of condoning any
8 particular religion. And I'm glad that so many of
9 my colleagues are interested in this issue. And I
10 would hope as they defend the Constitution on this
11 particular policy, would stand with us when we
12 defend the Constitution when it's being violated
13 against people of color in the City of New York.
14 Thank you.

15 CHAIRPERSON JACKSON: Thank you.
16 I've, we've been joined by our colleague, Helen
17 Diane Foster of The Bronx, I failed to mention
18 that earlier. Council Member Cabrera.

19 COUNCIL MEMBER CABRERA: Let me
20 join Council Member Letitia James in
21 congratulating the Comptroller in his endorsement
22 of Resolution 1155. Let me ask you this question,
23 has the Comptroller made a request to the Mayor of
24 the City of New York for some data regarding the
25 revenue generated funds that are coming in as a

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2 result the houses of worship renting from public
3 schools?

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CARLOS RODRIGUEZ: The answer's
5 yes, we requested that information to the DOE, we
6 have yet to receive any--

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COUNCIL MEMBER CABRERA: How long
8 ago did you make that request?

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CARLOS RODRIGUEZ: I have the
10 letter. January 11, 2012.

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COUNCIL MEMBER CABRERA: And, and
12 what's their excuse for not turning in this
13 important bit of information that we need?

14

CARLOS RODRIGUEZ: I have no idea.

15

COUNCIL MEMBER CABRERA: So--well,
16 let me speculate, maybe he's afraid that the
17 public would see what kind of funding we are
18 generating here. The average school, average
19 house of worship, and my anecdotal data, are
20 spending between \$1,200 to \$2,200 a month, to rent
21 from public school. We add that and you'll see
22 the numbers. Every number to me is significant,
23 especially when a building is empty and when the
24 heat is still being used, and the building's
25 sitting empty. Any bit of money, I don't care if

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2 it's a million dollars, is worth it. Thank you so
3 much, Mr. Rodriguez.

4 CARLOS RODRIGUEZ: Thank you.

5 CHAIRPERSON JACKSON: Well, thank
6 you, thank you on behalf of the Comptroller. We
7 appreciate your testimony. The next panel is
8 Matthew Stewart, who is a parent, and Jay Worona,
9 the New York State School Board Association.
10 Please come forward, if you have any testimony,
11 please hand it to the Sergeant-of-Arms up front.
12 And before you begin, for the record, we received
13 testimony from Ruben Diaz, Jr., The Bronx Borough
14 President, and I was trying to determine whether
15 or not his submission is in favor or opposition.
16 It appears as though that the Borough President is
17 asking further review and reconsideration, and to
18 reconsider the current access policy. He
19 concludes by saying, "I am requesting that the DOE
20 review its current public school access policy to
21 ensure that it is inclusive, it is an inclusive
22 policy, that seeks to welcome partnerships with
23 all community organizations, both secular and
24 faith based." So next, we're going to hear from,
25 let's hear from the parent first, Matthew Stewart,

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and then from Jay, okay?

MATTHEW STEWART: Thank you, Mr. Chairman, and Members of the Council, thank you for inviting me. I'd like to speak to you as a parent, and also to some extent as a concerned citizen. I'm a parent of a kindergartener and a fourth grader at PS6, on the Upper East Side in Manhattan. PS6 as you may know is also the Morningstar Church of New York, for the past year-and-a-half, on Sundays and on some days during the week, a church associated with a, an international church planting group called "Every Nation." I am my family are well aware of the church and its presence because we happen to live across the street. We see its signs, we see the members gathering outside, and in fact my wife attended a service there last year. I want to report to you a few things that we discovered. We discovered that while the services are going on, the church does in fact dominate the facility, it becomes their facility. And the people that we have spoken to associated with that church emphatically do feel that it is their church. The minister refers to it as "their house of worship," and his

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2 eight year old daughter took my wife on a tour of
3 the school and described it as "my daddy's
4 church." I also want to mention that the pastor
5 does, or at least in our experience, use the
6 paraphernalia in the school as part of the worship
7 service, as one might expect. So, for example, he
8 has asked the members of the congregation to pray
9 over the photos and posters done by children like
10 my daughter, that are hanging on the walls, and
11 bless them and pray for their salvation and so on,
12 as I suppose one would expect in a church. Let me
13 also mention that I, we detect some signs of
14 normal wear and tear as one would expect from a
15 group of 200 or so people using a facility like
16 that. So there was, there were signs left by
17 teachers saying, asking the church not to use
18 school supplies, not to move the furniture, not to
19 leave a mess and so forth. We also discovered in
20 speaking to the pastor that they pay no rent, a
21 small custodial fee, and that they would not be
22 there were it not for this particular attractive
23 economical arrangement. I want to relate to you a
24 brief incident from last week, it's kind of
25 interesting. I attended my kindergarten son's

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2 class in the auditorium, it was on stage, we were
3 cramped, that's because a part of the stage was
4 being used for storage. That storage was being
5 used by the Morningstar Church of New York. I
6 could tell this because there were a number of
7 poster quite prominently displayed, one that asked
8 for support for money for a mission to Taiwan and
9 another one mentioning the church and its presence
10 in the school. My five year old isn't so good at
11 reading, he might recognize the sign, however I
12 chose not to bring up the subject with him because
13 I don't think he understands the difference
14 between what takes place in the school and what is
15 endorsed by the school. And I also want to add
16 that as I was sitting this morning listening to
17 Jordan Lorence of the Alliance Defense Fund,
18 describing parents like me as hecklers, that I got
19 an email from the kindergarten teacher sending a
20 photo, and sure enough I'm happy to share that
21 photo with you, you will see a poster for the
22 Morningstar Church in the background. With [time
23 bell] due respect to the Morningstar, it has every
24 right of course to have its religious opinion, I
25 have my right to have mine, it happens that

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2 they're not the same. But I am concerned, in fact
3 let me just be honest, I'm outraged that this
4 inappropriate blending of the church and the
5 school has led my children to develop the false
6 impression that the school favors a particular
7 religion, or that in any case, even if it's not
8 the same thing as the school, that we are members
9 of a second class because our religion is not
10 represented--

11 CHAIRPERSON JACKSON: Okay.

12 MATTHEW STEWART: --at the school.

13 CHAIRPERSON JACKSON: I'm sorry,
14 I'm sorry.

15 MATTHEW STEWART: And I'm going to
16 wrap up now, 'cause I know you want me to finish
17 within like two minutes.

18 CHAIRPERSON JACKSON: No, one
19 second. No, you don't have two minutes.

20 MATTHEW STEWART: One second?

21 CHAIRPERSON JACKSON: You only have
22 30 seconds.

23 MATTHEW STEWART: All right, as a
24 member of the public, you can do lots of fine
25 legal analysis and talk about discrimination and

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2 so on. This bill is transparently an effort to
3 establish a statewide network of churches. That's
4 exactly how it reads, and you know very well what
5 it is. And if you support it, you are, you are
6 not just violating the Constitution, but adopting
7 I think a very unsensible policy that will
8 ultimately compromise religious freedom.

9 CHAIRPERSON JACKSON: Thank you,
10 sir.

11 MATTHEW STEWART: Thank you.

12 CHAIRPERSON JACKSON: Next, please.
13 Just identify yourself and you may begin.

14 JAY WORONA: Yes, Mr. Chairman,
15 thank you, my name is Jay Worona, and I am the
16 General Counsel of the New York State School
17 Boards Association. And we're here today to urge
18 you to not support Resolution No. 1155. Like Mr.
19 Lorence, I have had an opportunity to also appear
20 at the U.S. Supreme Court in a major church/state
21 case, came out on the winning side. So I do have
22 some experience in this regard. The School Boards
23 Association is a statewide membership
24 organization, we represent the interests of
25 approximately 91 percent of the school districts

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2 of New York State. In fact, our organization
3 supported you, Mr. Jackson, in the City, and the
4 CFE case, and we were very proud to do so. We're
5 also deeply concerned, however, in this particular
6 instance, with the potential negative implications
7 that will befall all school districts in the
8 State, if pending legislation, namely Senate 6087-
9 A and Assembly 8800-A, is adopted and enacted into
10 law. Accordingly, we do urge you not to support
11 this legislation. Since I submitted extensive
12 written testimony I'm not going to burden you by
13 reading all that testimony. But I do, I do want
14 to make a few points. First, New York State law
15 and the judicial interpretations of the law,
16 permit school districts to be considered limited
17 open forums. Meaning that school districts are
18 free to deny access to school facilities to all
19 outside groups, or to permit groups to access
20 school facilities for certain limited purposes.
21 The reason this is so is that school buildings
22 have been considered special places to inculcate
23 student learning. Usage of school facilities even
24 by outside groups after school hours might serve
25 to confuse students and the public regarding the

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2 primary mission and purpose for which such
3 buildings exist. Accordingly, New York State law,
4 as well as judicial interpretations of the law,
5 have permitted local discretion to school
6 authorities to grant or deny access to school
7 facilities, in accordance with the purposes for
8 which school buildings may be accessed, as set
9 forth in Education Law Section 414. The United
10 States Supreme Court has held that once a school
11 district permits its facilities to be accessed by
12 an outside group for a particular purpose, it does
13 not have the authority to deny any other groups
14 such access, when this other group wishes to
15 utilize school facilities for the same purpose,
16 albeit from a different perspective. Accordingly,
17 if a school district were to grant access to the
18 Boy Scouts, who begin their meetings with an oath
19 to God and country, the school district would be
20 free to deny access to an evangelical group which
21 wishes to teach "the good news of the Lord Jesus
22 Christ." As you know, a federal appeals court
23 with jurisdiction over all school districts in New
24 York State ruled that religious worship services
25 are not meetings in which a religious perspective

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2 on matters already being addressed by others is
3 occurring; rather, religious worship services are
4 a separate purpose. And although districts can
5 grant access for this purpose, they are free to
6 deny access to all groups wishing to access school
7 facilities for this purpose. In the court's
8 decision upholding the Department of Education's
9 standard operating procedures to deny access by
10 outside religious groups--

11 CHAIRPERSON JACKSON: You can slow
12 up a little bit, I'm going to allow you to finish.
13 [laughter] You can, you can slow up a little bit--
14 -

15 JAY WORONA: Okay.

16 CHAIRPERSON JACKSON: --you're like
17 speeding up--

18 JAY WORONA: I'm watching--

19 CHAIRPERSON JACKSON: --watching
20 that clock.

21 JAY WORONA: I'm watching that
22 clock.

23 CHAIRPERSON JACKSON: But go ahead,
24 go ahead, please.

25 JAY WORONA: Okay, [time bell] all

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right, it won't take me much longer here--

CHAIRPERSON JACKSON: Continue.

JAY WORONA: --I just wrote these
on the train this morning, on my way down here.

CHAIRPERSON JACKSON: [laughs]

COUNCIL MEMBER JAMES: [off mic]

They're very good.

JAY WORONA: Thank you.

CHAIRPERSON JACKSON: Yeah, go
ahead.

JAY WORONA: In the court's
decision upholding the Department of Education's
standard operating procedures to deny access by
outside religious groups for this purpose, there
was an explicit acknowledgement that the
district's exclusion was predicated upon its
seeking to avoid its obligation to not violate the
separation of church and state requirements, which
are embedded in the First Amendment. And as such,
the district's exclusion was a reasonable content
based restriction that did not violate the
church's free speech rights. Now, Resolution No.
1155 in supporting pending legislation, to
legislatively overrule the court's decision, at

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2 first blush would simply serve to permit school
3 buildings to be accessed by groups who would
4 otherwise be excluded. However, this Council
5 should understand that since districts are free to
6 permit the premises to be used for this purpose,
7 no change in State law is necessary. Indeed, the
8 legislation would remove a significant amount of
9 local control which school districts presently
10 enjoy. But more importantly, however, is the fact
11 that the language contained in the legislation
12 which is pending, and which would be supported by
13 Resolution 1155, is overly broad. In fact, an
14 unintended consequence of this bill language would
15 require school districts to permit outside groups
16 from meeting for virtually any purpose, including
17 use of school facilities to espouse hateful,
18 discriminatory messages. Although one could argue
19 that in other public places, the First Amendment
20 does and should require individuals to be
21 permitted to engage in such expressive activities,
22 the question which we urge you to ask yourselves,
23 is whether it is appropriate for school districts
24 to lose their authority to ensure that such a
25 result does not occur regarding use of school

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2 facilities. Resolution No. 1155 in supporting the
3 legislation which is presently pending would alter
4 our houses of learning not only into houses of
5 worship but also potentially into houses of
6 hatred. We certainly understand that that was
7 never the intent of either Resolution 1155 or
8 indeed the State legislation of which it would
9 support, but we urge this Council to work towards
10 preserving local control on the part of school
11 authorities to grant access to school facilities
12 in a manner which truly serves the interests of
13 the primary audience of such buildings, namely the
14 children. I thank you for your opportunity that's
15 you've provided me to go well beyond my two
16 minutes, thank you.

17 CHAIRPERSON JACKSON: Thank you,
18 and I, from listening to you, Jay, it seems as
19 though you've really summarized pretty well in
20 your notes coming down on the train from Albany.
21 [laughter]

22 JAY WORONA: It's a long train
23 ride.

24 CHAIRPERSON JACKSON: And that's
25 what my colleague said. But we have a couple of

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2 members that have a couple of questions, and
3 members, it's no more than three minutes, so get
4 your questions and responses in, because we have a
5 lot of panels. So, first, who is it, I'm sorry.
6 Council Member Dromm. I'm sorry. Council Member
7 Lappin. [background comments] Council Member
8 Dromm.

9 COUNCIL MEMBER DROMM: Thank you
10 very much, Mr. Chair. And I want to ask our
11 parent advocate who's here, because this is an
12 Education Committee meeting, and I do respect
13 parents, and having been a public school teacher,
14 I appreciate hearing your input. In your
15 testimony, you mentioned church planting. And you
16 concluded in the end by saying that the ultimate
17 goal is to have churches throughout the State.
18 Can you elaborate on that? What is "church
19 planting"?

20 MATTHEW STEWART: So, church
21 planting, to my understanding, which is not
22 extensive, is a loose collection of movements that
23 are usually operated at a national or
24 international level, that aim to establish
25 churches are low cost or no cost, in facilities,

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2 public spaces, wherever they can set foot. They,
3 in the case of New York City churches, as far as
4 I've been able to tell, many of them, or if not
5 most of them, come from outside the state. And
6 they set up here. They usually represent a fairly
7 conservative version of evangelical Christianity.
8 Every Nation is associated with the new apostolic
9 reformation, which you may or may not know,
10 subscribes to various notions. I think one of
11 them is that its leadership is the collective
12 reincarnation of Jesus Christ. It also prays for
13 Christian domination of schools, government and so
14 on. This is all what I know secondhand and from
15 just a few conversations, however.

16 COUNCIL MEMBER DROMM: Is part of
17 that church planting idea the idea of removing
18 secularism from public schools and part of the
19 right wing agenda?

20 MATTHEW STEWART: Oh, there's no
21 question about that. If you look on their
22 websites, and if you speak to them, they, they may
23 speak in euphemisms at times and talk about, you
24 know, making everyone be nice and happy and
25 spiritual, but in fact what they are saying is

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2 they want Christian domination, and they use that
3 word over government of schools, they actually
4 list seven institutions of society, I can't
5 remember them all. And that is part of what's
6 going on. Now, if you ask me will they succeed in
7 taking over PS6, I think it's unlikely, I mean, if
8 you've met the parents there, they're pretty
9 feisty. But that is certainly their, the aim of
10 some of the people involved in this movement.

11 COUNCIL MEMBER DROMM: Well, and I
12 think in fact that was stated during our first
13 panel this morning, was that they wanted to
14 eventually take over all of the New York City
15 public schools with a church in every school. So-
16 -

17 MATTHEW STEWART: Well, I've, I've
18 read through some of the testimony, and it's very
19 clear, they have said that. Mr., is it Robert
20 Hall, I think he says that quite explicitly, if
21 you look in the testimony that's in The Bronx
22 Household of Science case. And this is part of
23 what they see as their great commission, it is
24 part of their religion. We can respect it as
25 such. My position is I don't think we should be

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2 funding it.

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COUNCIL MEMBER DROMM: Thank you.

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I agree. Thank you.

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CHAIRPERSON JACKSON: Thank you.

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Council Member Cabrera, followed by Council Member

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James. I would ask you to be aware of the time

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limit, as I said. But we've been joined by our

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colleague David Greenfield of Brooklyn. Council

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Member Cabrera followed by Council Member James.

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COUNCIL MEMBER CABRERA: Thank you

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so much to both panelists. I keep hearing this

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conspiracy theories that somehow we have a version

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of Occupy Wall Street and Occupy Schools. We're

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only talking about 60 houses of worship after so

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many years, and wouldn't you think there would be

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more schools being rented by public, by houses of

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worship at this point, if it was such a strategic

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network, as it was stated, plan, by now?

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MATTHEW STEWART: There is a

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question of fact here that I'd like, I'd like you

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to investigate perhaps. I've seen the number 160.

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And in fact, we tried calling around to see if we

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could find out how many of these churches there

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are, and we couldn't call all 1,200 schools.

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COUNCIL MEMBER CABRERA: Right.

MATTHEW STEWART: And in fact, the schools often don't know, 'cause it's the custodians who know. But doing the math, we got through to about 50 of them, and we found that about roughly 25 percent had churches. So if you do the math, it works out to something closer to the 160 number. So, I suggest that we establish that fact, first of all.

COUNCIL MEMBER CABRERA: Sure.

MATTHEW STEWART: Second point to mention is that this only started in 2001, and I would say, you know, getting 160 or whatever the number is, over that time period is pretty impressive. I mean, that's good market penetration.

COUNCIL MEMBER CABRERA: According to the Chancellor himself, and I think he's a good source, the number is around 60 houses of worship. I'll take him at his word. About, you know, which we're talking about .6 percent of all the organizations that meet in public schools. If .6 percent is domination, I don't want to be part of that group, 'cause that sounds to me like failure.

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2 You know, last question, you mentioned "we," who
3 are the "we," calling?

4 MATTHEW STEWART: The "we" calling.

5 COUNCIL MEMBER CABRERA: Yes, you
6 used the pronoun "we."

7 MATTHEW STEWART: Well, my wife is
8 interested in this subject, too, so she might've
9 called--

10 COUNCIL MEMBER CABRERA: You and
11 your wife. Do your children, when you went to the
12 school, when you came out of the school were you
13 able to explain to your child what was taking
14 place?

15 MATTHEW STEWART: I was able to
16 explain it to my ten year old.

17 COUNCIL MEMBER CABRERA: Okay.

18 MATTHEW STEWART: And she
19 understands that it's not part of the school and
20 so on.

21 COUNCIL MEMBER CABRERA: Okay.

22 MATTHEW STEWART: I was not, I
23 didn't really try with my five year old.

24 COUNCIL MEMBER CABRERA: Okay. My
25 compliments to you, for doing that. Were they

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confused prior to that? Or they're just curious?

MATTHEW STEWART: My daughter has sometimes asked me why we are not, if America's a Christian country, why we are not Christians.

COUNCIL MEMBER CABRERA: Okay.

MATTHEW STEWART: And I think this is part of that, this kind of atmosphere.

COUNCIL MEMBER CABRERA: All right. Okay, thank you so much.

CHAIRPERSON JACKSON: Thank you. Council Member James, and this will conclude, after Council Member James, this particular panel.

COUNCIL MEMBER JAMES: So, just a question to the parent, I'm sorry, your name, sir?

MATTHEW STEWART: Matthew Stewart.

COUNCIL MEMBER JAMES: Matthew, Mr. Stewart, so, Mr. Stewart, in my experience, and I have attended quite a few of the religious organizations that currently rent out space, most of them serve an emerging and a growing, an emerging community in the City of New York. That's my experience. And I have worshiped with some in The Bronx, and some in Brooklyn. And primarily if--it's new ethnic communities that

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2 are, have arrived here in New York City. In
3 addition to that, my experience is that most of
4 them are renting the space on a temporary basis,
5 so that they can one day find a more permanent
6 place to worship. So it's primarily on a
7 temporary basis. So my question to you is, if we
8 were to deal, if the Administration, if Department
9 of Education were to deal with the storage issues
10 that you mentioned, the advertisement that you
11 mentioned, the rent that you mentioned, the
12 utilities that you mentioned, the insurance issues
13 that you mentioned, would you have an objection to
14 allowing religious organizations to rent space, on
15 a temporary basis?

16 MATTHEW STEWART: Just to qualify,
17 my understanding from the people I spoke to is it
18 wasn't quite a temporary arrangement. They said
19 basically they wouldn't be in New York if it
20 weren't for the arrangement.

21 COUNCIL MEMBER JAMES: And, and
22 that was based on--

23 MATTHEW STEWART: On your question,
24 though, it's a very appropriate one, if, if they
25 were paying a fair market rent. It's a, it's a

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real hypothetical because they are very clear they could not afford to pay a true market rent.

COUNCIL MEMBER JAMES: And this was based on your conversation with that one church.

MATTHEW STEWART: And some amount of research and speaking to other people in movements, and my wife, too.

COUNCIL MEMBER JAMES: Do you happen to have that research written down?

MATTHEW STEWART: I don't have it written down, no, but my wife has written a number of articles on the subject.

COUNCIL MEMBER JAMES: Okay.

MATTHEW STEWART: And I'd be glad to--and a book, as well.

COUNCIL MEMBER JAMES: Would you, could you share that with my office? I would greatly appreciate that.

MATTHEW STEWART: I, I'd be happy to share that with you.

COUNCIL MEMBER JAMES: Thank you.

MATTHEW STEWART: But let me address your question--

COUNCIL MEMBER JAMES: Okay.

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2 MATTHEW STEWART: --'cause it's a
3 very good one. If they paid a market rent,
4 hypothetically we know they can't, but if they
5 could, would that be acceptable? I would say it
6 would certainly be more acceptable, much more
7 credible. Because then you would clearly
8 establish that it's, they're just, you're taking a
9 public good and for a time being you're renting it
10 out.

11 COUNCIL MEMBER JAMES: Right.

12 MATTHEW STEWART: At a market rate.
13 At the same time, at the same time, I don't think
14 it would be entirely acceptable, to be honest,
15 because I do not like the idea of my public school
16 being turned into a church. I do not like my
17 daughter's poster and her summer vacation being
18 made into an object of worship. I do not like my
19 PTA contributions going to support a, whatever
20 system of belief it happens to be, that is not my
21 own. So, I think there still would be some very
22 serious problems with this policy, although you
23 would certainly go some way to alleviating the
24 problem by removing what is frankly a direct
25 subsidy.

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COUNCIL MEMBER JAMES: And Mr.

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Stewart, if, if you were the Chancellor, is, in

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your mind, is there any way to separate out the

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two other than removing the religious organization

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from the building? Is there any way out, is there

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any way in your mind to separate the two? [time

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bell]

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MATTHEW STEWART: Well, it's my

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understanding that religious groups, people with

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religious affiliation, are perfectly entitled to

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come, and have extracurricular kinds of

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activities. What they're not, what they should

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not be allowed to do, and according to current

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policy they are not allowed to do, is create

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houses of worship. I think the policy as it

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stands is fine. I think the Second Circuit's

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decision is a very well-reasoned, a very good

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decision. And, you know, if I may now offer my

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opinion, I think you'd be making a serious mistake

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to try to circumvent the court in this way.

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COUNCIL MEMBER JAMES: And are you

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aware--

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CHAIRPERSON JACKSON: Thank you,

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sir.

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COUNCIL MEMBER JAMES: Okay, sorry.

CHAIRPERSON JACKSON: Thank you, Council Member. Well, let me thank both of you for coming in and expressing your viewpoints on this Resolution. We appreciate what you have to say. Thank you very much. And next, our next panel is Jeremy Del Rio, 20/20 Visions for Schools; Stephen K. Leung, Accession Church; Inhum [phonetic] Ryu, New Frontier Church. Please come forward. If you have any testimony, please hand it over to the Sergeant-of-Arms who's going to be approaching you. Thank you. And is any, there's two, is--who? [background comments] Where's Jeremy, are you here?

MALE VOICE: Jeremy's here.

CHAIRPERSON JACKSON: Where? Okay. Stephen Leung? Okay. Inhum, Ryu, R-Y-U, are you here? Please come forward, please. Okay? And Jeremy, you may introduce yourself, tell us who you are, what your position is, and you may begin your testimony. Sir, just, where's the other Sergeant-of-Arms? Please give it to the Sergeant-of-Arms, your--no, sir, give the testimony to the Sergeant-of-Arms, please. Thank you. Okay,

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Jeremy, you may begin.

JEREMY DEL RIO: My name's Jeremy
Del Rio.

CHAIRPERSON JACKSON: Just before
you begin, if you're submitting testimony, if you
can summarize it, because the clock is going to be
three minutes. Thank you. Jeremy, you may begin.

JEREMY DEL RIO: My name is Jeremy
Del Rio, I'm with 20/20 Vision for Schools. I'm
also the parent of public school students, and I
have a different perspective than the parent you
previously heard from. But I'm here today
representing 20/20 Vision for Schools and more
than 100 organizations that have partnered with
local public schools to improve educational
outcomes for vulnerable students since 2008.
Several of those partners are among the
congregations threatened with eviction in ten
days. Others will and have testified to the
discrimination, constitutionality and disparate
impact on poor communities of the Mayor's unequal
access policy. I'm here to speak to a second
tragedy this policy exacerbates. Last June, Mayor
Bloomberg lauded a record graduation rate of 65

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2 percent. Later, when parents and students were
3 more concerned with summer vacations than with
4 standardized test results, the City disclosed that
5 only 25 percent of those students graduated
6 college or career ready. After a decade of
7 reform, the odds that graduates of New York public
8 schools will finish equipped for life, is still
9 only one in four. Three out of every four
10 students who believed us when we told them
11 graduation is their ticket out of poverty, were
12 betrayed by empty promises. Remediation awaits
13 the lucky ones. New York City can do better,
14 indeed we must do better. Today, I urge the City
15 Council to elevate this conversation from solely a
16 debate about space to a long term strategy that
17 partners local schools with community stakeholders
18 who can invest in the sustainable reform of our
19 City schools. Rather than evict congregations,
20 let's mobilize them for the leverage they alone
21 can provide in the fight for educational justice.
22 Loving neighbors, pursuing justice, educating
23 children, these are universal religious
24 imperatives. Regardless of tradition, 70 to 90
25 percent of the faithful are directly or indirectly

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2 connected to schools positioned for impact.
3 Transformational change requires us to see beyond
4 parochial interests and forge partnerships on
5 behalf of 1.1 million students. Let's model for
6 them how neighbors of all faiths and non-faith,
7 can co-create a more just New York. We can begin
8 by passing Resolution 1155. Thank you.

9 CHAIRPERSON JACKSON: Thank you.

10 Next, please.

11 STEPHEN LEUNG: My name is Stephen
12 Leung, I'm from Queens, the information is at the
13 end of the written prepared statement. Thank you.
14 Mr. Chairman, and Members of the panel for
15 allowing me to speak. I want to give you just a
16 picture of how things operate on a Sunday morning
17 where we are, a church plant, and I also encourage
18 you to support Resolution 1155. On Sunday
19 mornings, we are one of three tenants of PS101Q in
20 Forest Hills, Queens. There is also a Russian
21 language and culture school going on and a
22 basketball league that uses the gym. With
23 simultaneous tenants, we are not taking over the
24 building. There is not a dominating presence, and
25 in fact there are cases where when some of the

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2 other tenants need extended room, we will
3 accommodate them. I believe that if you brought
4 any of them in here, they would testify, or attest
5 to the fact that we do not threaten or challenge
6 them in any way. In this present climate, I
7 understand that sometimes, you know, when it comes
8 to engaging or interacting with people, you know,
9 you're a boogeyman if you do, and you're a
10 boogeyman if you don't. But I just wanted to be
11 clear: we do not proselytize any of the children,
12 we do not proselytize any of the people who just
13 happen to be around. At the same time, we do not
14 exclude anyone from full participation in any of
15 our worship services. We invite them in. We do
16 not forcibly restrain anyone, and at the same time
17 we do not coerce anyone to come in. Second point,
18 may sound a little bit funny, but I want to say
19 this: We do nothing or say nothing magical to
20 turn the building into a church. Our belief is
21 that of a common Christian belief that the church
22 are the people, the church is the congregation.
23 It's not the structure, it's not the building.
24 There may be converted hearers in the building,
25 but we do not convert the building. That I think

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2 is strictly a lawyer's understanding. We also
3 agree with what has previously been said, that
4 accommodation does not equate to endorsement. But
5 what we do observe is this, perhaps, that if this
6 policy continues, that it in fact violates the
7 spirit of the establishment clause, because de
8 facto, those religious organizations that somehow
9 exercise their spiritual practices, under what
10 the, a particular department and its bureaucrats
11 decide is not worship, well then they can continue
12 with their spiritual practices. Whereas, we, who
13 in our full-fledged worship, would have ordained
14 people leading and perhaps administration of
15 rites, well then we're precluded. So therefore,
16 the net effect is to say, "Those types of
17 religious organizations, or those sects which
18 operate differently, they're now established above
19 and ahead of us." The over extension of the
20 establishment clause in this policy, then, comes
21 at the expense, actually, of the free exercise of
22 clause. I conclude by asking you to simply do the
23 right thing. I think in all my experience of
24 service, and I know in yours, as well, the best
25 way we serve our constituents, the best thing for

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2 those we serve, is to do the right thing. And
3 sometimes there is [time bell] pressure to do
4 otherwise. I serve a church plant, I raise 100
5 percent of my income, my New York pay, from
6 outside the state. I spend most of it here, all
7 of it here. I would say, though, that if this
8 policy stands and this one school district, the
9 only major school district has this rather
10 narrowly considered policy, that I would say is
11 also seemingly ideologically driven, then folks
12 like us don't feel welcomed here anymore.

13 CHAIRPERSON JACKSON: Okay.

14 STEPHEN LEUNG: Guys like us who
15 come with an idea of landing in a City, loving the
16 City, serving it and investing in it, will find
17 that we're dissuaded from coming; rather, people
18 of other mindsets might come in, and say, "Well,
19 we just need to change New York our way." I
20 think--

21 CHAIRPERSON JACKSON: Okay, sir,
22 can you conclude, please?

23 STEPHEN LEUNG: --you want to keep
24 our place a City where folks feel welcome to come
25 serve it and the people alongside you and me.

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Thank you.

CHAIRPERSON JACKSON: Thank you.

Next, please.

INHUM RYU: Dear New York City Education Committee Members, thank you for the opportunity to testify in support of Resolution 1155. My name is Inhum Ryu, I am the past--Senior Pastor in New Frontier Church, a 700 member Korean-American congregation. I'd like to make a statement of our church's experience during our tenancy in PS11, which is in Chelsea, 21st Street. First, throughout the duration of PS11, the New Frontier Congregation has never approached the PS11 student or teachers for any religious purposes. Since the student and the teachers do not visit the school ground on Sundays, they have never directly or indirectly seen the congregation gather for worship or by bible study ever. Moreover, our services are conducted in Korean. [laughter] Also, we are a supporter of the PS11 community. Over the years, and I have to say, New Frontier Church has built a lasting relationship with the Principal, Mr. Robert Bender, as well as the custodian engineer, Mr. Arbin Degron

1 [phonetic]. As tenants, our church has made
2 structural improvements to the school, including
3 the installment twelve, installation of twelve A/C
4 units in the auditorium and the cafeteria. Also,
5 in support of the improving educational purpose,
6 the quality of education at PS11, and - - donated
7 numerous computers and other educational
8 equipments for the reading program. Our donation
9 is from a genuine heart. We have never left any
10 donor identification on the donated items. We
11 just freely gave it. We also reached out to the
12 community, every two month we go outside the walls
13 of PS11 and serve the homeless in our community,
14 with clothing and hot meals. Our members love
15 this community and embrace the cultural diversity
16 this City offers. We'd like to continue to invest
17 in the PS11 community and the students. Lastly,
18 the ban on churches from worship in the public
19 schools should be repaired based on following two
20 reasons. Number one, the U.S. Constitution
21 guarantees its citizens the freedom of religion,
22 the freedom of speech, the freedom of the press,
23 the freedom of assembly and the freedom of
24 petition. And number two, as a nonprofit
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2 organization, New Frontier Church and 60 other
3 churches who are gathering in the public schools,
4 are not causing any injury or harm to the public
5 schools, or their neighboring communities, but are
6 helping the advancement and improvement of these
7 communities. Quite often [time bell] public
8 school are rented by new churches. The
9 establishment of many communities servicing
10 churches in New York City can only help make New
11 York become a healthier City and role model for
12 the rest of the world. Here I'd like to ask each
13 one of you to support Resolution No. 1155, I
14 express my sincere gratitude and respect for your
15 dedication and service to this great New York
16 City. Thank you.

17 CHAIRPERSON JACKSON: Well, thank
18 you. Council Member Cabrera has a question or
19 comment. Council Member Cabrera.

20 COUNCIL MEMBER CABRERA: Question,
21 I'm just very, very curious to know, can you put,
22 if the volunteer services--I heard all of the
23 great work that you're doing, and I know you do
24 much more than that--if you were to put a dollar
25 value based on living wages, we're about to pass a

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living wage bill, if you were to put a dollar value of all the work that you do for the community, what would that be?

INHUM RYU: So the question is that what's, what we going to do for community service?

COUNCIL MEMBER CABRERA: My question is, if you were to put a dollar value, that means for each person that's working the soup kitchen, each person that is providing--

CHAIRPERSON JACKSON: Sergeant--
Sergeant--

COUNCIL MEMBER CABRERA: --
recovery--

CHAIRPERSON JACKSON: I'm sorry,
Nick--

COUNCIL MEMBER CABRERA: --group--

CHAIRPERSON JACKSON: Please start the clock, and set it for two minutes.

COUNCIL MEMBER CABRERA: --that each, each group that, each of the work that you do, if you were to pay them to do that work, we know they're volunteering, if you were to pay them, and if the City had to do that work, how much would it cost the City to do the work that

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you're doing, all the positive work that you do in the community?

INHUM RYU: Mm. I think over a million or so. [laughter]

STEPHEN LEUNG: Councilman, that's an excellent question. I will have to defer, though, we don't have an accounting department to keep track of, you know, every man hour expended. I would say, though, it is both the hours expended as well as the purchases similar to what my friend and brother here said, you know, mentioned, the gifts, and the things that are donated to the, to the school to help improve the environment.

CHAIRPERSON JACKSON: Just identify yourself, please.

STEPHEN LEUNG: I'm sorry, Stephen Leung from Queens.

CHAIRPERSON JACKSON: Okay.

JEREMY DEL RIO: This is Jeremy Del Rio, I would also echo, that's an excellent question. I'll, just to give a concrete example of this, last spring, 450 volunteers executed an 875 square foot mural, in a public school in Brooklyn, over a six week period. The theme of

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2 the mural was "Welcome," because it's a changing
3 community with a huge immigrant population, and
4 they were, they were having difficulty
5 transitioning those students in. If we assigned a
6 living wage to the number of hours that those
7 volunteers put in, it would've easily been in
8 excess of \$25,000, just on that one discrete
9 project.

10 COUNCIL MEMBER CABRERA: And my
11 last question, if you could give me the breakdown
12 for each of your congregations. Start with
13 Jeremy.

14 JEREMY DEL RIO: I attend Abounding
15 Grace Ministries, which is one of those being
16 evicted. And it's probably 50 percent Latino, 20
17 to five or so percent black, and the rest percent
18 would be a mix of Asian and white.

19 CHAIRPERSON JACKSON: How many
20 people?

21 JEREMY DEL RIO: On an average
22 Sunday, about 150.

23 CHAIRPERSON JACKSON: Next, please.
24 Quickly.

25 STEPHEN LEUNG: Stephen Leung,

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2 Queens. We are a multiethnic congregation, we're
3 approximately 40 percent Anglo, about 40 percent
4 Asian, [time bell] and the rest are black and
5 Latino. Also, we cover a wide range of
6 socioeconomic classes, as well, just to--

7 INHUM RYU: We're almost like 100
8 Korean-American, and 700 people.

9 CHAIRPERSON JACKSON: How many?

10 INHUM RYU: 700.

11 CHAIRPERSON JACKSON: Okay. Okay,
12 well thank you very much. We appreciate the panel
13 for coming in and giving your testimony. The next
14 panel we will hear from is in opposition to the
15 Resolution. Diego Velasquez, Emily Joyce, Matthew
16 Segernius [phonetic]--hope I pronounced your name
17 correctly--and Jonathan Wilner, LGBT
18 Schoolchildren. Jon, that's, Jonathan, School
19 Child. Okay. Please come forward [laughter]--
20 please sit down and please give any testi--
21 [background comments] It said LBG Schoolchildren.

22 JONATHAN WILNER: [off mic] Oh,
23 sorry, I meant that I'm speaking about that. No,
24 I don't represent any - -

25 CHAIRPERSON JACKSON: Sit down,

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please, you can, you can, you know.

[background noise]

CHAIRPERSON JACKSON: So, Diego, if you're here any testimony, please give it to the Sergeant-of-Arms. Diego, you can start by identifying yourself. And everyone please identify yourself, excuse me, Nick. [background noise] Excuse me, please. Everyone start by identifying yourself and then after everyone identifies themselves, then you can, the first one can begin. Who's Diego? Okay, Diego, identify yourself first, if you don't mind.

DIEGO VELASQUEZ: I am--

CHAIRPERSON JACKSON: Pull the mic toward you. You don't need to lean over.

DIEGO VELASQUEZ: Okay. [laughs]

CHAIRPERSON JACKSON: Go ahead.

DIEGO VELASQUEZ: I'm Diego Velasquez. I am a senior at The Bronx High School of Science.

CHAIRPERSON JACKSON: Okay, and next, please. Emily, just identify yourself, please.

EMILY JOYCE: I'm Emily Joyce, I'm

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a freshman at The Bronx High School of Science.

CHAIRPERSON JACKSON: Okay,

Matthew. Pronounce your last name.

MATTHEW SEGIANUS: Matthew Segianus

[phonetic]--

CHAIRPERSON JACKSON: Segianus.

MATTHEW SEGIANUS: --senior at The

Bronx High School of Science.

CHAIRPERSON JACKSON: Okay, and

next, Jonathan.

JONATHAN WILNER: I'm Jonathan

Wilner, I am not a senior at Bronx High School of

Science, as you can probably guess. I'm just

here--

CHAIRPERSON JACKSON: I make no

assumptions.

JONATHAN WILNER: --as a concerned-

-yeah--I'm a concerned citizen.

CHAIRPERSON JACKSON: Okay, thank

you. Okay, Diego, you may begin your testimony.

Please, if you can, limit it to three minutes, if

you don't mind. Thank you.

DIEGO VELASQUEZ: Good afternoon,

Education Committee of New York City Council. Our

1
2 primary concern is how a Resolution like this can
3 be discussed without the opinions of the 1.1
4 million public school students in the 1,700
5 schools in New York City. And that is why we're
6 here. We are regular public school students, like
7 any other. We have spent our lives in public
8 schools and we represent the students who believe
9 religious services don't belong in our schools.
10 First thing we'd like to do is clear up any
11 blatantly wrong information. The idea that
12 schools are not in use on weekends is false.
13 Throughout the entire week and the entire year,
14 our school is being used by students like us,
15 working on theatrical productions, even in summer
16 school. There are also various sports teams and
17 clubs that stay late into the night and come early
18 on weekends. Whenever you walk into the building,
19 whether it's during school hours or not, or even
20 during a break, there are other people there and
21 other activities happening. Right now, students
22 are at school every weekend from 9:00 a.m. to 3:00
23 or 3:30 p.m., are working on a production of a
24 musical called "Sing." So, if you think worship
25 services only occur when schools are not in use,

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2 you'll find a very hard time finding a moment when
3 our school is empty. If there was a time a
4 service could be held without students being in
5 the building, there's still a myriad of moral,
6 ethical and constitutional issues with a public
7 school being used for this purpose. Legally, the
8 government may not establish a religion. Using
9 public money to fund a religious service is
10 inherently endorsing that religion. The last
11 decision on this issue upholds the Department of
12 Education's policy and this proposed Resolution
13 wants to overrule that decision. This violates
14 the separation of powers and acting as an
15 underpinning of our government. If students cheat
16 on a test but don't get caught, we are still
17 cheating; if a husband is unfaithful to his wife,
18 but doesn't get caught, it's still infidelity; if
19 you want to hold a worship service in a public
20 school, even if students aren't there, the school
21 would still be a place of worship. One of the
22 greatest things about our country is that you're
23 allowed to believe and practice whatever you want.
24 Or lack thereof. And the Constitution protects
25 that. We're not putting down any religion, but in

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2 New York City public schools, someone who's
3 beliefs, someone who is excluded because of their
4 beliefs, sexual orientation, or background, would
5 violate the Discipline Code and Bill of Students'
6 Rights and Responsibilities. And it would be a
7 violation of the District Code B05 and B40, which
8 would mean they would have to call your parents in
9 for a meeting. Some religious--some religions
10 exclude people because of these bases alone. In a
11 public school, everyone is supposed to feel just
12 as welcome and safe as anyone else. No one is
13 above the law, and in a public school no one is
14 above the Discipline Code. Knowing that my school
15 would be a place of worship every week goes
16 against the idea of separation of church and
17 state, a phrase originally used by Thomas
18 Jefferson. This wall applies both in ideological
19 teachings and in physical standings. But when you
20 have a church operating in the school, there's no
21 form of separation at all. Right now in Rhode
22 Island, a high school student no different than
23 us, has asked that a prayer displayed in her
24 school's auditorium be taken down. She said that
25 seeing the Christian prayer on her wall made her

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2 feel like she didn't belong in her own school. We
3 understand how she feels, because knowing that
4 worship services can happen in our school makes us
5 feel like outsiders. When a service moves into a
6 school and holds services there, it becomes a
7 school sponsored worship service. It'll make
8 students feel like they don't belong in their own
9 school. We all want to, want and need to [time
10 bell] feel like we belong in our school, and we
11 want all other students to feel the same way.
12 Having the school host a worship service has the
13 exact opposite effect. We do not believe
14 religious services belong in our school. Thank
15 you.

16 CHAIRPERSON JACKSON: Thank you.
17 Next, please. Emily.

18 EMILY JOYCE: Just to, you know, I
19 believe that religious services don't belong in
20 school for a number of reasons. I mean, for one
21 thing, to reiterate what Diego said, is that we're
22 always in our school. Always. At all times of
23 the day, we are there from, you know, a quarter to
24 8:00 in the morning until 6:00-7:00 o'clock at
25 night, working on different things. On the

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2 weekends we're there, we're all, all day doing
3 different things, working in different rooms. It
4 would feel as if we were being burdened and
5 disrupted by something that doesn't belong in a
6 school environment. And yeah, that's really all I
7 have to say on it.

8 CHAIRPERSON JACKSON: And what
9 school do you attend, please?

10 EMILY JOYCE: I'm a freshman at
11 Bronx Science.

12 CHAIRPERSON JACKSON: Bronx
13 Science.

14 EMILY JOYCE: Yeah.

15 CHAIRPERSON JACKSON: Bryce, Bronx
16 High School of Science.

17 EMILY JOYCE: Yes.

18 CHAIRPERSON JACKSON: Okay, thank
19 you. Next, please.

20 MATTHEW SEGIANUS: Hi, I'm Matthew
21 Segianus, a senior at Bronx High School of
22 Science. I feel like religious worshipping
23 services are very structured weekly settlements,
24 like every Sunday or Saturday, whenever so and so
25 forth, it's the structured always Sunday and

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2 Saturday. However, at schools like ours, where
3 we're busy every Sunday, every Saturday, it's
4 going to be very hard pressed to find a certain
5 time that no one is available at that school. So,
6 at our school, if we, if we have these open times
7 where we're able to hold religious worshipping
8 services, they're going to be so irregular and so
9 erratic that it's not even feasible to actually
10 organize these services, which is why I believe
11 that our school should not be used as houses of
12 worship on weekends. Thank you.

13 CHAIRPERSON JACKSON: Thank you.
14 Let me, I just want to ask a quick question before
15 we turn to Jonathan. The two of you, do you also
16 attend Bronx High School of Science--

17 DIEGO VELASQUEZ: Yes.

18 CHAIRPERSON JACKSON: --Diego? Do
19 you know if the Bronx High School of Science is
20 being used by any religious institution on
21 Saturday or Sunday?

22 DIEGO VELASQUEZ: No.

23 CHAIRPERSON JACKSON: Okay. I was
24 just curious. No, you don't know?

25 DIEGO VELASQUEZ: As far as I know,

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I don't think so. Most of us, I mean, I've been here on Sundays most of the times from morning to night, I haven't seen anything ever.

CHAIRPERSON JACKSON: You mean, you've been here meaning in the school.

DIEGO VELASQUEZ: Sorry, at my school, yes. Sorry.

CHAIRPERSON JACKSON: [laughs]
Okay. Okay. [laughs]

DIEGO VELASQUEZ: I'm at my school most Sundays, morning to night, haven't seen anything.

CHAIRPERSON JACKSON: Okay. I was just curious. Okay, next, Jonathan, you're next, please.

JONATHAN WILNER: Mm-hmm. Good afternoon, my name is Jonathan Wilner, I'm a resident of Brooklyn's Council District 38. In proposing this legislation, Councilman Cabrera has said that religious institutions are being discriminated against, and that they just want to be treated like everyone else. I'm here to speak about another group of people who know a lot about being discriminated against, and just want to be

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2 treated like everyone else. I'm talking about gay
3 and transgender people, in particular the gay and
4 transgender children in our public schools, most
5 of whom are black and Latino. Many of these
6 children face abuse at home, bullying and
7 discrimination in school, and condemnation in
8 their houses of worship. We are all aware of the
9 wave of suicides among gay teens who've been
10 driven by despair to take their own lives. We
11 also know that the primary opponents of equality
12 and respect for gay people in this society are
13 religious institutions. Indeed, whenever new
14 legislation is proposed to extend legal
15 protections to gay and transgender people,
16 including LGBT inclusive sex and HIV education,
17 and anti-bullying regulations, there's a loud
18 response from religious institutions to oppose
19 equality and/or seek religious exemptions to these
20 laws. In other words, to paraphrase Councilman
21 Cabrera, religious groups do not want to treat gay
22 and transgender people like everyone else, they
23 want to be free to discriminate against them. Let
24 me point out that this is not just about gay and
25 transgender adults having access to religious

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2 services. It is about what is being preached in
3 those religious services, particularly to children
4 and teens who may not fully be aware of their own
5 sexual identities, and the effect that this could
6 have on them. The law may allow them to
7 discriminate but as a gay taxpayer, I'm outraged
8 at the idea of our public schools being used to
9 preach intolerance and condemnation of, and
10 especially to our gay children. I'm particularly
11 shocked that gay members of the Council and other
12 progressive members who supported gay rights,
13 would sponsor legislation that will allow this to
14 happen in the schools. While I'm opposed to this
15 legislation, I'm proposing a [time bell]
16 reasonable compromise, that my religious insti--
17 that any religious institution that is permitted
18 to use the public schools be required to pledge to
19 eliminate any anti-gay rhetoric, teaching or
20 condemnation from its in-school services and
21 activities, and support equality and respect for
22 gay and transgender children at home, in school,
23 in religious practice and in the society as a
24 whole. To do any less would be discriminatory.
25 As Council Member Cabrera has stated, we just want

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to be treated like everyone else. Neither he nor anyone else should have any objection to that.

Thank you.

CHAIRPERSON JACKSON: I want to thank ... did you have something? Okay, before we thank the panel, Council Member Cabrera has a question or comment.

COUNCIL MEMBER CABRERA: First- -

CHAIRPERSON JACKSON: (Interposing)
One second please.

COUNCIL MEMBER CABRERA: Sure.

CHAIRPERSON JACKSON: Sergeant, two minutes. Two minutes, not three. Okay.

COUNCIL MEMBER CABRERA: I first want to thank the young people for coming and I always enjoy seeing the young people get engaged in the political process, I wish I would see more of them, because it's really about you. I appreciate the question that was asked regarding whether there are any religious groups meeting in the Bronx High School, because I live very closely, I live on Sedgwick Avenue, and I think the schools are very cognizant as to your needs, and so the schools are not going to schedule

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2 something that is going to come in direct contrast
3 of what you're trying to achieve and what we're
4 trying to achieve in the public school, which is
5 education. In terms of ... I'm amazed at how many
6 people from the gay community have come out with
7 this issue. To be honest with you, I expected
8 them to understand about equality and
9 discrimination, like you mentioned, Jonathon.
10 Last year that's all I heard, discrimination and
11 equality. And many of the conservative Council
12 members last year pretty much stayed silent on
13 this particular issue. But the reality is, that
14 if we use the same standards that you wanted to be
15 treated with, with the religious community, why
16 not use that same standard? You want equality, it
17 was given last year. There are some religious
18 groups that are for it, there are some that are
19 against it. But that's not the litmus test,
20 that's ... you're saying that a philosophical view
21 regarding gay marriage or gay people should become
22 the litmus test whether a religious organization
23 should be in a school, then you really are coming
24 against the first amendment of the Constitution,
25 of freedom of speech, and that's what I love, that

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2 you can engage, and I can engage, and everyone can
3 engage and share the view in public spaces and
4 that includes public schools. But I want to thank
5 you for coming.

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MR. WILNER: Can I respond to that?

7

CHAIRPERSON JACKSON: Thank you.

8

Yes you may, Jonathon. Go ahead, please.

9

10 MR. WILNER: Yes, one thing I want
11 to point out is that first of all you said
12 treating, you know, equality ... you know treating
13 Christians the same way as gay people. I mean, I
14 think it's clear to everybody that the Christians
15 in this society really don't have anything to fear
16 about their religious rights being taken away from
17 them. this is an overwhelmingly Christian
18 country, it is becoming more so. The religious
19 right is becoming more dominant in this country,
20 so I don't think Christians have anything to fear,
21 while, you know, gay people, in most states in
22 this country, gay people in this country still do
23 not have the equal rights of other people, we do
24 not have the same rights that people of all races
25 were granted in 1965 by the Civil Rights Act.
This is not just about gay marriage, this is about

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2 people, American citizens having equal rights and
3 being treated as equals in this society, and not
4 providing an access for organizations that
5 threaten those rights to be preaching that. Now
6 you, as a presumably heterosexual person, see this
7 as just a philosophical or a, you know, political
8 issue, just the way maybe many white people in the
9 South viewed slavery as a philosophical issue.
10 But for the black people who were fighting for
11 their right to be treated as equal human beings,
12 this was not a political issue, this was about
13 human rights and human decency, dignity, and being
14 treated as equals, and I see no difference between
15 giving, you know, religious organizations access
16 to schools to preach hatred of gay people, than
17 giving organizations access to schools to preach
18 hatred of black people. The issue is the same.

19 CHAIRPERSON JACKSON: Thank you. I
20 want to thank, first of all let me thank the
21 students for coming in. My daughter also
22 graduated from Bronx Science, she's now an MD in
23 the DC area, so that's a very good school that
24 you're attending. Thank you for coming in and
25 giving your testimony, we love to hear it,

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2 especially from young people that are involved.
3 Thank you very much. I'd like to thank the panel
4 for coming in. Our next panel will be C. Matthew
5 Recker, in favor of the resolution, Heritage
6 Baptist Church, Sylvia P. Laughlin, World Outreach
7 Christian Life Center Ministry, Dr. Berchel
8 Marcus, and Pastor Jon Storck, Grace Fellowship
9 Church and Queens Presbyterian Church. Please
10 come forward. If you have any testimony, please
11 give it to the sergeant-at-arms, and we ask that
12 you summarize your testimony, each one of you have
13 two minutes, and that point in time hopefully you
14 will conclude, if not. There's four panelists, C.
15 Matthew Recker, is Sylvia here? Sylvia. Is
16 Matthew Recker here? Okay. Marcus is here, and
17 Storck is here? Okay, good, you go with those
18 three. Go. Sylvia P. Laughlin, World Outreach.
19 Just identify yourself and you may begin.

20 PASTOR STORCK: My name is Pastor
21 John Storck, I am Pastor of Grace Fellowship
22 Church in Sunnyside Queens. Council, thank you
23 for the opportunity to speak on this issue.
24 Regarding some of the comments that have been made
25 ... I'm sorry.

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CHAIRPERSON JACKSON: Would you start the clock please? Continue, sir, I'm sorry.

PASTOR STORCK: All right. We ... one thing that I find ironic in all of this is that the Department of Education and the court do not believe that our children are smart enough to tell the difference between a church and a school, and yet at the same time we believe that they are smart enough to tell the difference between an event that has religious instruction, bible teaching, hymn singing and prayer, and just an event, and a worship service. I do believe that children, whether they can or cannot tell the difference, have parents who also help instruct them in what is happening in their schools. If a child sees a school being used as a polling place for voting, if they see a flea market happening in front of a school, if there's any doubt in that child's mind that what that school is for, it is up to the parent to describe that to their children. In our ... at PS 150, where we meet, there are three simultaneous events happening: our church, a basketball league and a soccer league. I think it's disingenuous to those that are there

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2 in the soccer and basketball leagues to think that
3 we are ... or to tell them that the church itself is
4 dominating the school while we are there. That is
5 not the case, I don't believe they believe that to
6 be the case, and furthermore, regarding the idea
7 that discriminatory and proselytizing is a vast
8 conspiracy and movement by churches and church
9 plants, I want to speak to that. Every summer we
10 host a camp for more than a hundred children.
11 Anybody is invited to attend. We have a little
12 girl named Melissa, she comes from a Muslim
13 family. She comes to me with her family and says,
14 "We would like to be part of this camp." However,
15 the parents said, would it be okay if they were
16 not part of the small time of teaching about
17 Jesus, and we said, absolutely. We will feed your
18 daughter breakfast, we will feed her lunch, she
19 can recreate, she can enjoy the times of arts and
20 crafts, she does not have to listen to teaching
21 about Jesus. That is how we conduct our services.
22 anybody is welcome, any Sunday morning anybody is
23 welcome. And in fact, in our prayers we pray that
24 our children will stand up at 150 and keep other
25 children from being bullied, whether they're gay,

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2 whether they're lesbian, whether they're black,
3 whether Latino, tall, short, we tell our children
4 to stand up to people that are their friends,
5 their children at their school from being bullied.
6 That is the message we're communicating in our
7 school, it is not a discriminatory message.

8

CHAIRPERSON JACKSON: Thank you.

9

Next please. Identify yourself and you may begin
10 your testimony.

11

DR. MARCUS: Yes. Good evening, my

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name is Dr. Bertel Marcus, I'm the community

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director for the borough of Brooklyn.

14

CHAIRPERSON JACKSON: For the

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borough of Brooklyn?

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DR. MARCUS: Yes.

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CHAIRPERSON JACKSON: The borough

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President?

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DR. MARCUS: No, no, no.

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CHAIRPERSON JACKSON: Okay, so.

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DR. MARCUS: We are in charge- -

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CHAIRPERSON JACKSON: (Interposing)

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What do you mean by the borough of Brooklyn?

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DR. MARCUS: Well, throughout the

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borough, we are in charge of the block

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associations, tenant associations throughout
Brooklyn.

CHAIRPERSON JACKSON: Okay.

DR. MARCUS: And we also advocate
for the people of Brooklyn.

CHAIRPERSON JACKSON: Okay, do you
belong to an organization?

DR. MARCUS: Yes.

CHAIRPERSON JACKSON: What's the
name of it?

DR. MARCUS: Yes, it's the
Community Advocate and Development Organization.

CHAIRPERSON JACKSON: Okay, so
that's who you're representing?

DR. MARCUS: Yes.

CHAIRPERSON JACKSON: Okay. Go
ahead, sir.

DR. MARCUS: Yes, I just want to
say that it's sick to really have such a
discussion as to whether or not churches could
worship in schools. And I've looked this issue
over time and time again, and being a community
representative throughout Brooklyn, I've traveled
extensively to the various churches,

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2 organizations, and so forth, that meet in schools,
3 and I find that these institutions such as
4 churches and so forth, are a very good vehicle to
5 bring in calm to this city that's been troubled,
6 especially with violence and so forth. Many of
7 these kids are looking for places to go, and I
8 find that on Sundays many young people volunteer
9 themselves and time to go to these schools where
10 churches are being held, to participate. And
11 that's where they find their comfort, and also to
12 use other rights such as gay rights and every
13 other thing to, as far as saying that they're
14 equal to the civil rights, and so forth, I'm very
15 objecting to that, because gay rights is not a
16 right, it's a choice, and we must get that
17 understandably correct. It's a choice. Being
18 black is not a choice. So we fight for the rights
19 that God allows us to have, so I just want to
20 conclude and say that I'm definitely for churches
21 being in the schools, because they are the
22 institution that actually built this country.
23 Thank you.

24 CHAIRPERSON JACKSON: Next please.

25 Identify yourself and you may begin your

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testimony.

PASTOR LAUGHLIN: Thank you, I'm Pastor Sylvia P. Laughlin, and I represent World Outreach Christian Life Center Ministries. I am in full support of an act that you passed, Bill 1155, and here's what I'd like to talk about. I believe that we are one community with many members, and as a part of the community, the school is an integral part, but so is the religious communities, all aspects of that. You know, everyone has a place and a position and a thing that they must fill. Not only being a pastor, but I've also been a member of the military for the last 28 years, and I pastor for the same reason why I served this nation. This is the greatest nation in the world, and I make no excuse about that, and I've served all over the world. But what makes us great is our willingness to allow every person's views to be expressed, for us to uphold the freedom of religion, the freedom of speech. I will tell you that that's why service members serve all over the world. People say, why do you serve? Because we get the privilege and the honor to serve the greatest

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2 nation in the world. That means that even if it's
3 two or one, their right to be heard, their right
4 to serve their community, to participate, is
5 respected, it's looked up to. Our houses of
6 worship are part of the fabric of America, like
7 everything else, like our corporations, like our
8 houses of worship, our schools. It should be
9 united as one, not a standalone. Well, you know,
10 I had a church in a school. I didn't see any
11 students on Sunday, I didn't. Now, did I design
12 the school system, where they weren't there on
13 Sunday? No. But it was a privilege and an honor,
14 because I was a part of the community, a part of
15 the school, and a part to serve the community.
16 I'm going to make this quick, because I know you
17 want me to ... you gave me three minutes. But I
18 will say that what we do with it is, we recognize
19 those that are the least in our community, because
20 we're not there just so we can just worship Our
21 Lord, because that is important. But it's also to
22 meet the needs of those that are poor, that are
23 unfortunate, to feed, to clothe, to provide water,
24 shelter, all of those, whatever the need is. I
25 want to finish with this, as a member of the

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2 military, when the nation we needed us, we were
3 there. The houses of worship, when the nation
4 needed us, we were there. Now we're asking for
5 this nation to recognize our right to serve, to
6 worship, because what you said we could do in the
7 off-times, we do do in our services, bible,
8 teaching, reading, praising, worship, singing, be
9 there for us, and that's all I have to say. Thank
10 you.

11 CHAIRPERSON JACKSON: Well, I want
12 to thank the panel for coming in and expressing
13 your views on this particular matter. I'm sure
14 that many of you sat here and you've heard some of
15 the opposing views, and clearly this body will
16 decide, hopefully sooner rather than later, our
17 decision on this particular resolution. Thank you
18 for coming in and staying the course. Next we're
19 going to hear a panel in favor, Jose Goico,
20 Reverend Richard Del Rio of Abounding Grace
21 Ministries, Carisa and Paul Curtis, Crossroads
22 Christian Church. Please come forward. If you
23 have any testimony, please give it to the
24 sergeant-at-arms. Okay. And so for the record we
25 have testimony in opposition to Resolution 1155

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2 from the Anti-Defamation League, and that will be
3 submitted on the record by Ron Meyer, Director for
4 the New York Region. Okay, and with that, Jose,
5 are you here? Okay, just then everyone please
6 identify yourself before you testify. So why
7 don't we just start, first Jose identify yourself,
8 and your position, and who you're affiliated with,
9 then we go to the next two individuals, and then
10 you may begin your testimony. Press ... Jose, if
11 you don't mind, is there a button on the front
12 there to press? Okay, pull the mic up a little
13 closer, Jose. Thank you. Go ahead. Press it
14 again, please.

15 MR. GOICO: Hi. Okay, my name is
16 Jose Goico, and I am co-founder of a break-dancing
17 ministry called Freedom of Soul in Sunset Park,
18 Brooklyn.

19 CHAIRPERSON JACKSON: Okay, hold it
20 right there. Next please, identify yourself,
21 Miss, please. Press the mic please, if you don't
22 mind. Do you see it there? Go ahead, loud and
23 clear.

24 MS. LEE: My name is Jumal Lee, I'm
25 a member of New Frontier Church.

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CHAIRPERSON JACKSON: Okay, good.

And next, please.

PASTOR DEL RIO: My name is Pastor Rick Del Rio, and I'm the Senior Pastor of Abounding Grace Ministries in the Lower East Side.

CHAIRPERSON JACKSON: Okay, good.

Now okay, the first individual, you may begin your testimony.

MR. GOICO: Okay.

CHAIRPERSON JACKSON: Can you summarize it? Each one of you have two minutes, we ask you to stay within that if you can.

MR. GOICO: Again, my name is Jose Goico, and I am co-founder of Freedom of Soul in Sunset Park, Brooklyn and I am for Resolution 1155, and I'm just ... I just want to say that a lot of the reasons why I co-founded Freedom of Soul with Peter Carreon was for the sole purpose of bringing young people into a safe haven where they can express themselves. Our love is for the hip-hop culture, and contrary to the mainstream hip-hop, this is a ministry where through the elements of hip-hop, which are break-dancing, rapping, graffiti, deejaying, I forgot the last one, but

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2 anyway, moving right along. Young people don't
3 necessarily have a positive outlet where they can
4 express themselves. So instead of writing
5 graffiti on your walls, our young people are
6 making t-shirts for break-dancing events, and
7 instead of becoming thug figures, instead of
8 becoming what the mainstream hip-hop culture
9 promotes, young women and young men are getting
10 together and they're expressing themselves through
11 dance and we do this in a church that allows us to
12 enter into their facility, as opposed to why we're
13 here, where the public school system is letting
14 churches meet during off-hours, this church has
15 allowed us to use their facilities and I am for
16 Resolution 1155, because I believe that this
17 system of believers affect not only in the
18 spiritual aspects of the community but in the
19 physical, mental health, education. We have
20 English-teaching classes that are held for
21 immigrants who come here, or people who are of
22 Latino who don't speak English, but would like to,
23 so that they can, you know, enter into the
24 workforce. There's a lot that goes on that I
25 believe if this resolution is not allowed to

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continue to go forward as it should, will curtail that assistance that they bring to the community.

CHAIRPERSON JACKSON: Thank you.

Thank you, and before you begin- -

MR. GOICO: (Interposing) You know what, one more thing?

CHAIRPERSON JACKSON: I'm sorry, before you begin, I failed to introduce our colleague, Council Member Gale Brewer of the Upper West Side Manhattan, is here. So next please, ma'am, you may go. And is Paul Curtis here?

MR. GOICO: Can I say just one more thing?

CHAIRPERSON JACKSON: No, you've already had more than two minutes, sir.

MR. GOICO: Just five seconds.

CHAIRPERSON JACKSON: Five seconds? I'm going to count you, go ahead.

MR. GOICO: This is the attendance of all the people that- -

CHAIRPERSON JACKSON: (Interposing) Speak into the mic, please.

MR. GOICO: I'm sorry. I hold here just one cover sheet, and the rest are all the

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people that attend this Freedom of Soul ministry.

CHAIRPERSON JACKSON: Okay.

MR. GOICO: I have over 75 names here, okay.

CHAIRPERSON JACKSON: Okay, thank you. Are you submitting that in the record or are you just ... do you want to do that, and let us know?

MR. GOICO: I can, if you want.

CHAIRPERSON JACKSON: No, I'm asking you, what would you like to do?

MR. GOICO: I'll submit it, yes.

CHAIRPERSON JACKSON: Okay. Do you have copies yourself for your own records, sir?

MR. GOICO: I do.

CHAIRPERSON JACKSON: You do?

MR. GOICO: Yeah, we have a database.

CHAIRPERSON JACKSON: Okay, that's good, all right. So is Paul Curtis here? No. Okay, ma'am, miss, you may begin.

MS. LEE: Thank you for this opportunity to testify in support of Resolution #1155. My name is Jumal Lee, I'm a member of New

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2 Frontier Church, which is renting PS 11. Our
3 congregation has more than 700 members, mostly we
4 are young adults, college students, graduate
5 students and young professionals. We have 36
6 children in Sunday school, and most of them are
7 infants. Personally I do not like people saying,
8 "Don't take it personally", because I believe
9 changes are made when people take things personal
10 and do something. At this point I don't have any
11 children, but all my friends have children in New
12 York City. I have less opportunities to think
13 about public education. However, because my
14 church uses a public school for Sunday worship,
15 I'm exposed to public school environment, I
16 believe that this exposure let me have a cold eye
17 to public education issues. If letting religious
18 congregations rent public schools gives more
19 people opportunities to relate them to public
20 education issues, I think it's another gain for
21 public education. As Pastor Woo said, our church
22 has donated an air conditioner to PS 11 because we
23 could have benefited from the (inaudible)
24 improvement. However, I believe we have been
25 genuinely interested in public education. Our

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2 congregation has supported PS 11's reading
3 program, which we do not benefit from. I believe
4 it would be less likely to happen if we are not
5 located at a public school. I know that there are
6 concerns about students exposed to one particular
7 religion. I would like to say that I have
8 attended this church for more than two years,
9 however I never seen a single student because we
10 use PS 11 mostly on Sundays. Please support
11 Resolution #1155, so religious congregations have
12 a full access to public schools, which could
13 benefit public education. Thank you.

14 CHAIRPERSON JACKSON: Thank you.

15 Next please?

16 PASTOR DEL RIO: Good afternoon,
17 Chairman Jackson and honorable members of the
18 Education Committee, whoever is left here. I want
19 to start out by making an observation. First of
20 all, I'm grateful for this privilege, but I heard
21 so many different things today, and what's really
22 sad is that I would like to address a lot of those
23 different issues, and I'm going to attempt to, but
24 the people should be hearing it aren't here
25 anymore, so I don't know if you record this, do

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2 they get this, especially some of the members of
3 our Council. But I want to start out by saying I
4 pastor a church in the Lower East Side, and I've
5 been partnering with PS 34, which really is a
6 population of children from Avenue D and Avenue C
7 projects. Now it just so happens that the
8 neighborhood that I live in is one of the most
9 gentrified neighborhoods right now. On one side
10 of Avenue D people are paying \$3,000 to \$5,000 a
11 month rent. Across the street in the projects
12 they're paying \$300 and \$400 a month rent. We
13 have to operate out of the prevailing side.
14 However, there's a community of thousands upon
15 thousands along Avenue D and Columbia Street that
16 is not being reached, because the churches that do
17 come into the community can't really relate to
18 them. This to me is my life, I've been serving in
19 that community for 30 years. We have had all
20 kinds of programs and mentoring programs, and if
21 you are interested in seeing what kind of a job we
22 do, well, my son who is a graduate of NYU Law
23 School and NYU spoke here just before, I have
24 three sons who have been graduated from NYU, and
25 they were all valedictorians, we believe in

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2 education, I have an adopted daughter, and we have
3 seven grandkids, all which also worship in the
4 public school with us. So we want to bring
5 something to the table here, and that is that I
6 did not hear one time a representation other than
7 our Council Member Fernando Cabrera, I didn't hear
8 anybody's concern about the plight of the poor, of
9 which 25% of our kids are poor in this city. So
10 what happens is, while everybody is giving me all
11 this stuff about civil liberties, we have no civil
12 liberties. They don't care about our civil
13 liberties, or the children that we represent.
14 They need us, we're there, we're more than
15 education, we are a family to those kids, and a
16 Sunday worship service is a time that's dedicated
17 for the family, where they can come and pray. We
18 don't judge people for what they are, what they
19 do, don't paint me with the same brush. I could
20 tell you this much, that we had no idea, I had no
21 idea, I was part of a movement that wants to put a
22 church in every school. I don't know what the
23 heck they're talking about. I do know this:
24 there's a school there that my taxes pay for, and
25 there are teaching and education and program that

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2 goes there that people just don't care about.
3 They are formulating the innocent minds, directing
4 them to what they want in their agenda, and all we
5 want to say is, hey, all we want to do is be a
6 friend, we're there for counseling, we want to be
7 able to give them what we have, and what we have
8 is love that can't be bought. Thank you.

9 CHAIRPERSON JACKSON: Please,
10 ladies and gentlemen, ladies and gentlemen, no
11 applause, please. Because if you disagree, that
12 means you're going to boo, and we don't want any
13 booing or applauding, we want everyone to have an
14 opportunity to be heard, no matter what your
15 viewpoint is. But, you know, it is what it is. I
16 want to thank this panel for coming in, expressing
17 your viewpoints. Council Member Cabrera has a
18 question or comment.

19 COUNCIL MEMBER CABRERA: A little,
20 it might take 30 seconds.

21 CHAIRPERSON JACKSON: Okay, start
22 the clock, please.

23 COUNCIL MEMBER CABRERA: Thirty
24 seconds, you're not even going to need ... the
25 question is this. Observing what you have seen

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2 here today, the ACLU here, representing the upper
3 echelon of society, funded by the upper echelon,
4 do you think that what's taking place here is a
5 class battle?

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PASTOR DEL RIO: Absolutely, this
7 has absolutely nothing to do with the population,
8 this is an agenda that's being pushed forth and
9 what they're trying to do is silence this majority
10 of people that don't have a voice. But I want to
11 speak up and say that that's no longer going to
12 happen here. We're going to be a voice for the
13 poor, and I don't care who comes on this thing,
14 but I say church, we've got to rise up and
15 continue this battle.

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CHAIRPERSON JACKSON: Thank you.
17 Thank you, panel, for coming in. We're going to
18 ask counsel to call the next panel please.

19

COMMITTEE COUNSEL: Reverend Dimas
20 Salaberrios, Gary Frost, Reverend Christopher
21 Ditto, Bohan and Pablo Navarre, and we also have
22 testimony for the record from Americans United for
23 Separation of Church and State, in opposition to
24 Resolution 1155.

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REV. SALABERRIOS: Hi, I'm Dimas

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2 Salaberrios, first I'd like to say that I'm very
3 disheartened by some of the scare tactics that I
4 heard in here. I've never seen in my life, or
5 heard in my life, as a minister and a leader
6 involved with hundreds of churches that there's an
7 aggressive agenda to put churches in every school
8 in New York City. I think the number 68 is the
9 reality. I do also understand the thoughts of
10 some of my wealthy Manhattanite friends that see
11 empty cathedrals all around, and probably say, why
12 don't the churches just meet in those cathedrals.
13 But let me share with you, the cost to build a
14 cathedral in Manhattan is over \$40 million, and
15 it's millions of dollars all over the city
16 elsewhere. So the question is, or the reality is,
17 are the poor allowed to worship? And if you kick
18 churches out of schools, you are saying to poor
19 communities: you can't worship unless you can come
20 up with \$10 to \$40 million for worship space, and
21 that is sad, very, very disheartening. What's
22 important to understand is this is self-
23 destructive to our city, it's going to hurt the
24 community. I grew up in New York City and I
25 remember what it used to be like. I was a drug

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2 dealer involved in running a million-dollar-a-year
3 operation in drugs. It was the church and the
4 pastors that came out and won my heart to walk
5 away from that. It wasn't any PAL group, it
6 wasn't any other group, and the fact that that
7 church was in a school, was a neutral place, that
8 I felt like I could go and be welcome. We welcome
9 in prostitutes to our church, murderers, ex-
10 murderers, thieves, stick-up kids, and
11 homosexuals. How that's become a topic I have no
12 idea, and I think it's just a disservice to try to
13 bring that up in this discussion, as that is
14 something that is in the hearts of ministers and
15 pastors. We love all, we serve all, and we are
16 here to spread love in our city, regardless of
17 what your background is. Thank you for the time.

18 REV DITTO: Hello. Yes, good
19 afternoon, I'm Reverend Christopher Ditto, from
20 International Christian Center on Staten Island, I
21 represent the 2,700-member Assemblies of God
22 Church, we have three locations on Staten Island,
23 two being in high schools, one on the north shore
24 and one on the south shore. The schools have
25 enabled us reach the communities on the north and

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2 south shore that we weren't able to reach, and I
3 just want to say over the word of worship,
4 Chairman, what if I were to say, I'm calling it a
5 celebration service? Are we playing semantics
6 with words? I'm calling it a celebration service,
7 why can't I have hymns and bible study on a
8 Sunday, and I wish, Council Member Lappin was
9 here, because the last time I checked my account,
10 it cost me \$25,000 to rent the schools on Sundays,
11 that is for an hour and a half on Sunday times 52
12 weeks is 75 hours a week, divided by \$25,000 is
13 \$453 an hour, is what I'm giving in to the city.
14 I not only give that, but I'm asking about times
15 that ... let's times that by 68, is \$1.7 million, no
16 wonder, Council Member Cabrera, that the Board of
17 Ed doesn't want to come forth with the numbers,
18 because if we knew that it was \$1.7 million that
19 we're generating into the revenue of this city,
20 then it would make a difference in the lives of
21 other people. Number two, and the word "ekklesia"
22 is the word church, where we first find it in the
23 bible. Now that doesn't mean a building, that
24 means a body of believers. In other words, it
25 says that the church was persecuted, it doesn't

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2 mean that people picked up rocks and threw it at a
3 building, it means that a body of believers were
4 persecuted. Let me tell you what we do in the
5 community. We do outreach, we, in Staten Island
6 we fed over 250 families with Thanksgiving
7 baskets, we donate money and food to daycare
8 centers, we do clothing drives for those less-
9 fortunate, we give food to the food pantries, we
10 do in-reaches, we give divorce care, parenting
11 classes, drug and alcohol counseling, a
12 benevolence fund to help people pay their gas and
13 electric, we do grief counseling. Can I ask the
14 people that accused us of spewing hate, where is
15 the hatred in that? Where is the hatred? I'd
16 like to ask that. Let me just appeal to the
17 Council, under Mayor Giuliani's administration and
18 9/11, you ran to us for help, you ran to us for
19 help, we opened up our doors, we opened our arms,
20 and we opened up our pocketbooks to the city, to
21 embrace those that suffered loss in 9/11. We
22 stood with you then, and I'm asking you to stand
23 with us now.

24 CHAIRPERSON JACKSON: Thank you.
25 Thank you, next please, identify yourself and you

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may begin.

PASTOR FROST: My name is Gary Frost, I serve as pastor at the Evergreen Baptist Church in Brooklyn, and I also serve as president of Concerts of Prayer Greater New York, and first of all let me say amen to my brothers, and as they have shared from their hearts, and I would just say ditto to so much that has been said. But I just want to be very simple in my expression. As I have listened and I watched, we're dealing with a warfare, and there is an agenda. This gentleman shared that there is an agenda of the religious right or whatever, there is a very clear agenda of the gay community in this entire situation, and I think it is very important that we identify the reality of what we're dealing with here. And this is not a gay issue or a gay rights issue, this issue is freedom of access, and I think it's important for us to keep the argument right in place where it needs to be discussed. I feel as if Mayor Bloomberg is shaking hands with us with his right hand and slapping us with his left hand, as he is inviting us to partner as a denomination or head, our denomination was responsible for

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2 bringing \$1.2 million to paint schools in New
3 York, we painted 35 schools, 15,000 students were
4 affected by that. There were 3,700 volunteers who
5 came out from other states to do that. We see
6 ourselves as partners in this process, and we're
7 being treated as adversaries. And so being that
8 this is freedom of speech, I'd like to take my
9 last 30 seconds to speak to my God. Father, in
10 the name of our Savior Jesus, I thank you for your
11 wonderful grace, I thank you for your kindness,
12 and I thank you for the way you have moved in this
13 city, I thank you that you've done far more than
14 we can imagine, these few who have stood strong
15 have been used mightily by you to make a
16 difference in this community. Father God, we know
17 the darkness is spreading, and it's not about
18 children being intimidated, it's about black and
19 Latino boys being shot dead in the streets, and
20 the church is addressing those issues. Father, in
21 the name of Jesus I ask that you will give wisdom
22 and power to those who make these decisions to do
23 the right thing, in Jesus' name I pray, amen.

24 CHAIRPERSON JACKSON: Let me thank
25 you, panel, for coming in. Council Member Cabrera

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2 has a comment or question.

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COUNCIL MEMBER CABRERA: Be

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careful, because you're praying now and they might

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kick you out. I'm kidding.

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PASTOR FROST: Freedom of speech, I

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thought.

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COUNCIL MEMBER CABRERA: Yes

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indeed, and that's what the particular issue here

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is. Let me ask you a question as pastors and

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working with a network of different pastors and

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ministers. Do you feel that you've been

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demonized?

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PASTOR FROST: I feel like I can

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strongly say yes, that I feel like we're being

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demonized and we're being lumped together because

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there's a website that people don't disagree with,

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they're saying, all you Christians are like this,

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all you Christians are ... all you pastors are doing

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these things, and I think it's a misrepresentation

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of the new church and the nuance of how plugged

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and connected we are to the city. And that is

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disheartening.

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REV DITTO: I believe we are,

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Council Member Cabrera. We open our doors to

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2 everyone, black, white, Asian, Latino, gay,
3 homosexual, we don't discriminate. These programs
4 that we offer in-house and out-house, they're open
5 to everyone. We don't say you can't come, we show
6 love to everyone. So to paint us in a certain
7 façade or picture that we are something that we're
8 not is totally incorrect.

9 PASTOR FROST: Let me just say, I
10 think there's just a tremendous amount of
11 hypocrisy that was shared by some of those who
12 were part of this lesbian and gay movement, and if
13 a gay person comes to me and desires to become
14 heterosexual, I am going to guide and counsel
15 them, upon their decision to become heterosexual,
16 just as surely if a heterosexual came to them and
17 desired to be homosexual, they would guide and use
18 all of their philosophy to direct them in their
19 way of thinking. So it's so hypocritical to make
20 us the demons in this argument.

21 CHAIRPERSON JACKSON: Well, I want
22 to thank the panel for coming in and expressing
23 your viewpoints on this particular resolution.
24 The next panel will be Chaplain Viviana Hernandez
25 from United Chaplains, Reverend Pedro A. Carty,

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2 Jr., New York Teamsters and LACLA, Bishop Lillian
3 Robinson Wilshire, from the Cathedral of Christ
4 Community Ministries, and Eden Martinez of
5 Abounding Grace Ministries. Are all of you here?
6 One, two, three ... okay, Eden had to leave. What
7 about Glen Kleinneck, are you here, Glen. Oh, he
8 had to leave also, okay. Why don't we take these
9 three, and before you begin, let me just say, we
10 have a testimony submitted for the record from
11 Thomas S. Goodkind, a father of two public school
12 girls in downtown New York City, in opposition to
13 Resolution 1155. And so why don't we begin by
14 identifying yourself and your position and
15 organization you belong with, all three of you,
16 and then go back to giving your testimony. So
17 please.

18 BISHOP WILSHIRE: Bishop Lillian
19 Robinson Wilshire, I am the overseer and pastor of
20 the Cathedral of Christ Community Ministries, I'm
21 also on the executive board of Clergy United for
22 Community Empowerment, and on the executive board
23 of African American Clergy and Elected Officials.

24 CHAIRPERSON JACKSON: Next please.

25 CHAPLAIN HERNANDEZ: My name is

1
2 Chaplain Viviana Hernandez, and I belong to United
3 Chaplains State of New York, and I have worked in
4 this city in various capacities at the chapel at
5 Fort Hamilton.

6 CHAIRPERSON JACKSON: Okay, next
7 please.

8 REVEREND CARDI, JR.: Yes, my name
9 is Reverend Pedro Cardi, I co-pastor at Lower East
10 Side Fellowship, I'm also a delegate of Teamsters
11 Local 210, I'm also here representing Teamsters
12 Local 210 and Joint Council 16, as well as
13 President Sonia Ivany who is the president of
14 LACLA, LACLA is the Latin American Council for
15 Latin American Advancement, the largest Latino
16 labor organization in New York City.

17 CHAIRPERSON JACKSON: Okay. So my
18 question to you is, are you here representing all
19 of them, or are you just affiliated with them and
20 you're speaking as, in your- -

21 REVEREND CARDI, JR.: (Interposing)
22 I'm here speaking for them.

23 CHAIRPERSON JACKSON: Okay. Let's
24 go back to the first individual, you may begin,
25 Lillian ... Bishop Lillian Robinson Wilshire.

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2 BISHOP WILSHIRE: Yes, the
3 Cathedral of Christ Community Ministries presently
4 is in a school in Brooklyn, we have been there for
5 five and a half years. We have made a great
6 impact on the community in Brooklyn. Today as I
7 sat here, I heard so much fallacy about what we
8 are doing in the school. First of all, I want to
9 say that every school ... I don't know, I believe
10 that each person who is renting from the Board of
11 Education has to go through the same process. So
12 let me just take you through the process. When
13 we, in order to rent the school, we first have to
14 get signatures from, and fill an application out,
15 get signatures from a custodian. The custodian
16 must sign and give approval. After the approval
17 from the custodian, the principal must sign, and
18 within the last two years, it was a new ...
19 something new came through that the principal had
20 to put everything through the computer system into
21 the Board of Education, which is down on
22 Livingston Street in Brooklyn. We then have to go
23 to Livingston Street after it's put in process in
24 the computer, find out what our fee is, and then
25 from that fee, we have to go to the bank, get a

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2 check or a money order, bring it back to the
3 Department of Education. So it's a process, it is
4 a process. I want to also say, within that
5 process we are paying nowhere near \$12 for an
6 auditorium. I only rent, now I know some of the
7 other people who have already spoken rent larger
8 portions of the school. I only rent the
9 auditorium, I have to pay for the auditorium and
10 two bathrooms. Every room that you pay ... every
11 room in the school has to be paid for individually
12 that you use. I want to make that clear. So if
13 they're using the cafeteria, if they're using the
14 gym, if they're using the auditorium, if they're
15 the ... all are separately paid for. Third of all,
16 within just me using, I'm sorry, just me using the
17 auditorium and the bathrooms, I'm paying over
18 \$1,500, anywhere between \$1,500 and \$1,800 every
19 three months, okay. It is, so it is unreal. I
20 would like to also say that the school itself, we
21 never come in contact with any of the children,
22 any of the staff. We're there on Sunday, the
23 custodians love us, they're very upset, the
24 custodial services are very upset that we are
25 leaving. These are the things that I wanted to

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present before the board today.

CHAIRPERSON JACKSON: Okay.

BISHOP WILSHIRE: And I wanted to thank you, and so you know of course I'm in support of Resolution 1155.

CHAIRPERSON JACKSON: I'm sorry, and where is, what school do you rent?

BISHOP WILSHIRE: We're in PS 256, Benjamin Banneker, in Bed-Stuy.

CHAIRPERSON JACKSON: Okay, perfect.

BISHOP WILSHIRE: Brooklyn.

CHAIRPERSON JACKSON: Thank you. Next please.

CHAPLAIN HERNANDEZ: First of all I want to thank you, Chairman Jackson, and the other members of the Council that are here. I want to put it on the record that I'm highly disappointed that some of the members that needed to hear this testimony have decided to leave. I don't know if it's committee, but I think it would have been helpful to hear and see the individuals that are testifying.

CHAIRPERSON JACKSON: Okay, before

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2 you begin, let me just say, I had said earlier
3 that today the Mayor released his preliminary
4 budget and many members went to that. I don't
5 know what other obligations they have, but it was
6 clear to me that this hearing was not going to be
7 a short hearing, it was going to be a long
8 hearing, but I don't know what their schedules
9 are.

10 CHAPLAIN HERNANDEZ: I appreciate
11 that.

12 CHAIRPERSON JACKSON: This is all
13 being recorded, so if they want to look at the
14 transcript, the transcript will be available.

15 CHAPLAIN HERNANDEZ: Thank you.

16 CHAIRPERSON JACKSON: Okay, you may
17 begin.

18 CHAPLAIN HERNANDEZ: I am here in
19 support of Resolution 1155, and I had heard a lot
20 of rhetoric about separation of church and state.
21 Separation of church and state talks about freedom
22 of religion, not freedom from religion, and there
23 are elements in this nation that want to squash
24 and to silence the churches that speak something
25 different than what they would like them to speak.

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2 I have found that the LGBT community was here en
3 masse, and especially when I heard the students
4 talk, Chairman Jackson, I was very concerned,
5 because they were speaking about things that they
6 weren't even experiencing in their own school. Is
7 that not a little bit of organization? I also
8 contend that the discrimination is really against
9 the houses of worship. We contend in the bible,
10 as you know, and I am just putting it on the
11 record, that the Lord says the homosexual life
12 style is not acceptable. I have yet to hear any
13 church that is in the school that has
14 discriminated or put down or ostracized a LGBT
15 person, and to insinuate that is highly
16 reprehensible. I also say that the Second Court
17 of Appeals, the Second Circuit Court of Appeals is
18 developing into an activist court. From the last
19 thing I understand, a court interprets what the
20 legislature has made into law, it does not make
21 law, and I contend with that individual that had
22 said that this is fact, and I appreciate you
23 pointing that out. Lastly, I implore the Council
24 not to take prejudices that the opposing side has
25 against the churches as a reason to get us out of

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2 churches, we are vital, we do not discriminate,
3 and I just ask you to really look at this as a
4 sliding scale. This is a test case in New York
5 City. If we fail to do the right thing here, I
6 tell you, it will go all over the nation.

7

CHAIRPERSON JACKSON: Thank you.

8

Next please.

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10 REVEREND CARDI, JR.: Mr. Chairman,
11 a quick question. President George Miranda from
12 Joint Council 16, as well as the president of
13 LACLA, Sonia Ivany, would like to submit letters
14 of support of 1155, to when do they have to bring
15 that to your attention, if possible?

15

16 CHAIRPERSON JACKSON: They can
17 submit it to the Council and we are not voting
18 today, as I indicated to you, and anyone that
19 submits documentation one way or the other, will
20 be considered. You can talk to Jan Atwell, who is
21 our policy analyst. Jan, would you raise your
22 hand? Talk to her afterwards, okay? Thank you.

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23 REVEREND CARDI, JR.: I'm going to
24 read a brief paragraph from a letter that I sent
25 to my Senator and to my Assemblyman, Sheldon
Silver. We at Lower East Side Fellowship have

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2 been meeting for worship at PS 134 for almost
3 three years. We have great relations with the
4 school administration and with school safety. In
5 this time we have never encountered any problems
6 obtaining a permit. Over the past two years we
7 have been able to feed the poor, donate much-
8 needed items and clothing to families in shelters
9 in our community. We have provided chapel
10 services to many hospitals, such as Rainier
11 Hospital and Beth Israel Hospital, as well as the
12 local police precincts. Most of all, my personal
13 favorite is providing school bags and back-to-
14 school supplies to the children in our community.
15 These are just a few of the services that we have
16 gladly provided with the assistance of
17 contributions from companies and agencies such as
18 Duane Reade Stores, Snapple Ice Tea, Fine Fare
19 Supermarkets, and the Teamsters Union and others.
20 And I might add, Snapple Ice Tea is non-union. So
21 it was no influence by the union. I'm appalled to
22 see the comparisons between the Ku Klux Klan and
23 the church. The school system started in the
24 church, we're not trying to take over what we
25 started, we're just trying to be a part of it.

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2 This is still the melting pot of the world, and we
3 just want to be a part of it. At no point in time
4 have we ever tried to become teachers to the Board
5 of Ed, that's not what we do. I've never ran into
6 students in the year and a half that I've been
7 attending the church, there's never been a
8 problem. The church ... the school is the landlord,
9 and if they tell us that we cannot lease for a
10 particular Sunday, then we're not going to be
11 there that Sunday. We've had activities Friday
12 night, and they've told us, you cannot enter this
13 property until five o'clock, to be sure that all
14 the students were out and there were no confusion
15 between your young people and our young people,
16 and we abide by it with no problem. Thank you
17 very much.

18 CHAIRPERSON JACKSON: And what
19 school does your church or ministry use?

20 REVEREND CARDI, JR.: PS 134 on
21 East Broadway and Grant Street, across the street
22 from where Sheldon Silver lives.

23 CHAIRPERSON JACKSON: Okay. And
24 I'm sorry, Pastor or Minister, what school, if
25 any, does your church or religious institution

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use? Each one of you, please, if you don't.

BISHOP WILSHIRE: PS 256, Benjamin
Banneker in Bed-Stuy.

CHAIRPERSON JACKSON: Okay.

CHAPLAIN HERNANDEZ: Okay, and I
serve at the chapel at Ft. Hamilton, but the
reason I'm here is that I feel if it happens to
any of our people, it happens to us.

CHAIRPERSON JACKSON: Thank you.
Council Member Gale Brewer has a question or
comment.

COUNCIL MEMBER BREWER: Thank you,
I just have a quick question. I have Brandeis
High School and the Journal Church puts out a sign
on the weekends. Do you guys do that in addition?
I'm not in support of ... I'll be honest with you,
I'm not in support of my colleagues, but I'm
interested in the signage issue.

BISHOP WILSHIRE: We do have a sign
out only for the hour that ... the few hours that we
are there. We put it out, we take it up, we take
it in. I would like to also say that we leave no
equipment, nothing in there, we move all of our
equipment out of the building, nothing remains

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there. There is no sign that we were even in the building on Monday morning when the children and staff come back into the school.

REVEREND CARDI, JR.: We do have a sign, we've had people come and say, well, we don't know where was the school, they didn't see no signs or anything, they didn't know, because at times, especially in the winter, the doors are closed because of the cold. So the sign is what tells them this is where we're at.

CHAIRPERSON JACKSON: And do you remove that after?

REVEREND CARDI, JR.: Immediately after.

CHAIRPERSON JACKSON: Is it an A-frame sign or is it a sign that you tie to the fence, or what?

REVEREND CARDI, JR.: It's a banner that we tie.

CHAIRPERSON JACKSON: A banner?

REVEREND CARDI, JR.: Yes. We tie it on the doors that are not being used.

CHAIRPERSON JACKSON: Okay. Banner also, and then you remove the banner after? Okay.

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2 CHAPLAIN HERNANDEZ: And Chairman,
3 if I can speak, in North Carolina I was part of
4 one of those fledgling churches. They were out
5 within three years, they got their own property,
6 but without signage, there's no way to let them
7 know that we're here. So that's what our pastor
8 did, just signage to let them know that where they
9 come to worship for that time, and then it's taken
10 down.

11 CHAIRPERSON JACKSON: I want to
12 thank the panel for coming in and giving
13 testimony, I appreciate it. Thanks. Our next
14 panel is Reverend Conrad Tillard from Nazareth
15 UCC, Ryan Kalbey (phonetic), he's representing
16 himself, Peter Kemp, if he's here, Minister Paul
17 C. Langley HVCC from the Bronx, and Pastor Sal
18 Sabino, I believe, from Heavenly Vision Christian
19 Church. He had to leave? So we have three. Each
20 one of you please identify yourself and your
21 affiliation, one, two, three, and then go back to
22 the first person, whoever started. So whoever
23 wants to start first.

24 MR. KALBEY: I'm Ryan Kalbey, and
25 I'm just a concerned American, and I'm

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representing the Body of Christ.

CHAIRPERSON JACKSON: Okay, next please.

MR. LANGLEY: Minister Paul Langley, representing Heavenly Vision Christian Center, in the absence of Apostle Sal Sabino.

CHAIRPERSON JACKSON: Okay, next please.

PASTOR KEMP: I'm a pastor but I'm just representing myself as a citizen, but I'm a pastor in New York City of Hope Chapel Queens Foursquare Church.

CHAIRPERSON JACKSON: What's your name?

PASTOR KEMP: Peter Kemp.

CHAIRPERSON JACKSON: Okay, that sounds good. Okay, thanks. Okay, and before we go back to Ryan, we have received testimony in opposition to Resolution 1155 from Rabbi Ammiel Hirsch, the senior rabbi at Steven Wise Free Synagogue, for the record. Okay, you may begin, just identify yourself again.

MR. KALBEY: I'm Ryan Kalbey and I drove from Youngstown, Ohio to be here today,

1 through the night, and first I'd like to start by
2 saying that I'd like to speak on behalf of the
3 church, because the people are the church.
4 Whether it's a mosque or a cathedral or a school
5 building, none of them function without the
6 people. And the true initiative of the church is
7 not to diss anyone, but to welcome everyone with
8 love, so if you guessed right, I'm in favor of
9 worship being held in schools or anywhere. There
10 are many different dimensions to defining worship.
11 Worship in a school doesn't make it a house of
12 worship, just as a series of crimes committed in a
13 school does not make it a house of crime. Our
14 forefathers knew this day would come, that's why
15 they wrote a constitution for us to abide by, and
16 eventually we pronounce the pledge of allegiance,
17 which includes the fact that we are one nation
18 under God. This country searches for unity, this
19 is our power, and these are our United States. No
20 state has power alone, so united we stand. There
21 is power in unity, and when the power of agreement
22 in Christ turns thieves into givers, there's
23 nothing more beautiful than that. So why come
24 against the one thing that united our forefathers
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2 and inspired them to form a country where everyone
3 is welcomed, and that is the true freedom and
4 ideal of the church. But the church, or some
5 people in it, have had it wrong, separating
6 themselves from the people unlike themselves.
7 Whether you're gay, straight, a prostitute, a
8 priest, Asian, African, Jew, Arab, if you're
9 white, black, brown, green or purple, we are all
10 under God, and he loves us. And my brothers and
11 sisters have shed their blood, literally traded
12 their blood, their lives, for the honor and
13 freedom to practice our beliefs under any roof,
14 under God's blue sky. Thank you.

15 CHAIRPERSON JACKSON: Thank you.
16 Next please.

17 MR. LANGLEY: Yes, Paul Langley,
18 Heavenly Vision Christian Center. I would like to
19 begin by thanking you for having these hearings,
20 and I want to begin by answering Council Member
21 Cabrera's question that he asked the previous
22 panel, do we feel we're being demonized. I would
23 like to say no, because we're not being fed to the
24 lions or being burned at the stake yet, but I feel
25 that this is foot in the door. I feel that we are

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2 reaching the area where how much can you take
3 before we destroy you-type of thing. When it
4 comes to racial discrimination, my mother, my
5 father, my grandmother, my grandfather, and so on
6 and so forth, rose up out of the South, marched in
7 Selma, Alabama, shook hands with Dr. Martin Luther
8 King. I am a product of the South, who moved to
9 the North, so I speak with some experience, in
10 that I would like to say also that you have a
11 precarious position in that the statue of Justice
12 holds scales, and those scales must be weighed.
13 When you have two opposing arguments, you must
14 meet somewhere in the line that's called a
15 compromise. The aka other name for our
16 Constitution is the Great Compromise. We're
17 asking you to consider a compromise, to have us to
18 meet in between the hours or the days that the
19 church after schools are closed, between the hours
20 that there are no kids there. What makes a
21 school? What makes a hospital? What makes a
22 prison? The people. The patients make the
23 hospital, the prisoners make the prison, and the
24 students make the school. And if they're not
25 there, it's not there. So therefore, if the

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2 church is there at the hours of that time that
3 we're asking for on those days, guess what, you're
4 just public property and we're beseeching you to
5 let us house there, or let us worship there for
6 those small periods, the crumbs that fall from the
7 tables of our government, the hours that we meet,
8 this is all we're asking. I thank you.

9 CHAIRPERSON JACKSON: Thank you.

10 Next please.

11 PASTOR KEMP: Pastor Peter Kemp. I
12 want to say when I was an usher in a church back
13 in 1988 and 1989, that church was Deeper Life
14 Christian Fellowship, we rented space from PS 60
15 in Queens, and as an usher we made sure that
16 everything went well, and it did, everything was
17 very good, because our church needed to expand and
18 do some repairs, and we needed some temporary
19 space. It helped us very much, and I want to
20 thank the city for doing the right thing and
21 letting us use that space. It helped the whole
22 community. Also I'd like to say that I dipped a
23 paint brush into a bucket and helped Pastor Ed
24 Perry of Beth Salem Baptist Church partner with
25 the school to paint in Queens, and that was part

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2 of the Paint the Town initiative that Reverend
3 Gary Frost mentioned, which has impacted the
4 schools, many schools in the city. So the
5 churches and people worked for the benefit of the
6 community. Also I've seen over the years, because
7 I was born and raised in New York City, I see
8 communities, public spaces are used for all kinds
9 of groups, all the time, parks, blocks being
10 cordoned off to be used for different functions,
11 of all kinds of creeds, all kinds of groups,
12 including churches. Why should this be any
13 exception? I appreciate everything my brothers
14 have said here, and the others that went before
15 us. I do believe that words have a lot of power,
16 and the media has been putting headlines out that
17 sends messages. "New York City's schools banning
18 churches." It sends a message that makes you feel
19 like it's a crime to worship. I was worshipping
20 right here while my brothers were speaking. You
21 can worship everywhere. God watches everything
22 you do, and we need to worship, and we will
23 continue to worship, no matter what anyone says.
24 But we should be able to worship in a public
25 school, it's not a crime to worship. Thank you

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very much.

CHAIRPERSON JACKSON: Let me thank this panel for coming and expressing your viewpoints on Resolution 1155. As you know, and everyone here, Resolution 1155 is in support of the state legislation that is pending in the state legislature asking the legislature to approve it, and the governor to sign it into law. Thank you very much for coming in. Okay, and our next panel is going to be Jay Wong Choi, Manhattan Mission Church, I hope I pronounced your name correctly, Sham Manan, Bronx Household of Faith, Johanna Pechado, Heavenly Vision Christian Center, CC, Evelyn Gomez, Heavenly Vision Christian Center. Are you here, all three of you? If not, then let's go forward and Robert Pinero, Heavenly Vision Christian Center, Victoria Fabian, Heavenly Vision Christian Center, Albertina Castillo, representing herself and Heavenly Vision Christian Center. What about Jenny? Is Jenny here? Pinero? No? Esmeralda Encarnacion, representing herself and Heavenly Vision ... is she here? Okay. Sorry. Did I call Paul Curtis earlier? Are you here now? Please come forward. Okay, starting

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2 off for the record, would you introduce
3 yourselves, each one of you, your affiliation, and
4 then we're going to go back to the first person to
5 begin their testimony. Start with you, sir.

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PASTOR CHOI: Yeah, I'm
7 representing Manhattan Mission Church, I'm a
8 senior pastor at that church.

9

CHAIRPERSON JACKSON: What's your
10 name?

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PASTOR CHOI: My name is Jae Hyung
12 Choi.

13

CHAIRPERSON JACKSON: Okay. Next
14 please.

15

PASTOR CURTIS: My name is Paul
16 Curtis, I'm the pastor of Crossroads Christian
17 Church in Brooklyn.

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CHAIRPERSON JACKSON: Okay, next
19 please.

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MS. CASTILLO: My name is Albertina
21 Castillo, and I'm a member of Heavenly Vision
22 Christian Center.

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CHAIRPERSON JACKSON: Okay, very
24 good. So start with you, if you have any
25 testimony to give to the sergeant-at-arms, please

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do, and you can begin your testimony.

PASTOR CHOI: Okay, thank you for giving me a chance to share testimony. We started my church, the Manhattan Mission Church, from 2007, at the end of March. We are renting PS 199, which is located on Broadway and West 70th. So our congregation most of them are Korean young professionals and international students. We get over 300 young people, they average in age from 20 to 30. We gather regularly on Sunday morning at ten o'clock, from 10:00 to 5:00 we are using the ... and right now we don't have any space to worship and gather, because it is high cost that we have to pay, if we use some space in New York City. So we have a good relationship with the custodian, engineer and principal, that's why they have some recommendations for us for renting the space. So I really support the Resolution 1155, the law, and also please allow the favor so that we may continue to use this school facility, which is empty on Sunday. So also I really want to share that I came from South Korea, 100 years ago the American missionaries came there and shared the gospel. They started to build the school and

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2 hospital and church, and they supported our
3 country. That's why our country right now the
4 population of Christians is over 40%. So we are
5 almost a Christian country in South Korea. We are
6 number one country to send missionaries to all
7 over the world because of the American
8 missionaries who blessed our country. So I really
9 appreciate this country, and that's why we are
10 just reaching out to the poor and homeless and
11 broken young people and drug-addicted people and
12 some lost people, but also we are reaching out to
13 so many ethnic people, including American people
14 and society and community through our church, we
15 really want to pay back to this country what we
16 have received from the American missionaries. So
17 that's why I really want to ask to please allow us
18 to continue to worship God. Thank you so much.

19 CHAIRPERSON JACKSON: Thank you.
20 And what school do you use?

21 PASTOR CHOI: PS 199.

22 CHAIRPERSON JACKSON: Where is that
23 at, please?

24 PASTOR CHOI: Broadway.

25 CHAIRPERSON JACKSON: I'm sorry, he

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may have said it, I'm asking him again, is that okay with everyone? Thank you. How many ... and what language?

PASTOR CHOI: Korean and English.

CHAIRPERSON JACKSON: Korean, okay.

PASTOR CHOI: Yes.

CHAIRPERSON JACKSON: Okay, thank you. Next please. Gee whiz.

PASTOR CURTIS: Paul Curtis from Crossroads Christian Church. We have a church in Bay Ridge, we meet at HiStat, or High School of Telecommunications Arts and Technology. It's my perception that the New York City schools, as well as the city in general, desire to build bridges to their community and to their volunteer base. It's been my experience that churches have a high percentage of volunteers, people who care about their communities, who are willing to do something for their communities. And these are people that schools desire to be involved in PTA, in book fairs, to assist in classrooms, and the church that pastor runs an art center, it has spearheaded a mural project at PS 102. The school that we meet in has often looked to us for volunteer

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2 opportunities, because we serve in the parks,
3 because we go to nursing homes, we serve in
4 hospitals, and all of this happens without ... with
5 clear boundaries, and no real religious influence
6 on students or the school whatsoever. And if our
7 church is forced to leave the school, then we will
8 begin meeting in houses, that's our current plan,
9 and if that takes place, we will continue to serve
10 our neighborhood, including the schools.

11 MS. CASTILLO: I would like to
12 start saying that I came to this country in 1982,
13 and I came here with my father. I suffer a lot
14 because I came here without my mother, and I have
15 five kids of my own right now. I grew up without
16 a mother, I didn't know how to raise a child. I
17 was very abusive, depressed, before I came to God,
18 and thank God I have learned to raise my kids with
19 morals, and I have learned to raise a family
20 without the help of a psychologist digging in my
21 pocket, because the church helps the community,
22 not only because we are poor, but because they
23 help us morally, they help us mentally, to raise
24 our kids and families. In my community the gangs
25 are right now dominating, but because of my

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2 church, I can speak for my church, because of my
3 church I have seen many of these kids come to God
4 and leave the streets. My name is Albertina
5 Castillo.

6

CHAIRPERSON JACKSON: Okay,

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continue.

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9 MS. CASTILLO: And many of the kids
10 have left the streets. I have a 16-year-old son,
11 and my son had been lost in the street and the
12 gangs, but thanks to God, my son is serving the
13 Lord, and my family, I can say, have come to God
14 because of what the church has done. And I think
15 that what the church is doing, there is no
16 organization out there can do. I have seen people
17 come out of drugs, drug addicts that haven't been
18 able to be helped by the centers that they have
19 out there, the rehab center, they have been able
20 to leave the drugs in one day, because I have
21 experience. Now, after the church has helped me,
22 I have gone out on the street and helped parents
23 become parents, you understand. I have ... anyway,
24 I have been able to help people become better
25 parents, and I have helped the houses, like the
parents, the mother and the father, to know the

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importance of a family staying together, rather than broken up. And this is what the church does, this is what the church teaches, morals.

CHAIRPERSON JACKSON: Did you ... what school does your church use, if any?

MS. CASTILLO: My church uses IS 52 in Manhattan and we also use Walton High School in the Bronx.

CHAIRPERSON JACKSON: Okay, and how many people, if you know, use church at IS 52 and Walton High School?

MS. CASTILLO: We are 1,500 people.

CHAIRPERSON JACKSON: Use each one, each location, or- -

MS. CASTILLO: (Interposing)
Altogether.

CHAIRPERSON JACKSON: Okay, between the two locations.

MS. CASTILLO: Those are the members, more people attend, but these are the members only.

CHAIRPERSON JACKSON: Okay.
Council Member Cabrera has a question.

COUNCIL MEMBER CABRERA: Just a

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2 quick question. How many gang members in your
3 church? I know your pastor, Pastor Sabino, large
4 church, 1,500 members on Sunday, and small groups,
5 6,000, how many do you know personally were
6 involved in drugs and in gangs, and now they're
7 off the drugs and gangs?

8 MS. CASTILLO: That I know? Right
9 now I wouldn't be able to count them, because most
10 of the youth, the youth in our church has their
11 own service, their own time for their own service,
12 and the youth service fills up probably 500.

13 COUNCIL MEMBER CABRERA: And most
14 of them you would say came out of the life?

15 MS. CASTILLO: Came out of drugs,
16 came out of gangs, came out of being gay or
17 lesbians, came out of abusive homes, came out of
18 jail.

19 COUNCIL MEMBER CABRERA: Okay.
20 Okay, thank you so much.

21 CHAIRPERSON JACKSON: Thank you. I
22 want to thank all of you for coming in. Okay, I'm
23 sorry, one second please. Council Member Brewer?

24 COUNCIL MEMBER BREWER: I have a
25 question, this is ... I don't know how you figure

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2 out, how do you figure out which school to go to?
3 I mean, how do you even ... how does that work? In
4 other words- -

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MS. CASTILLO: (Interposing) I
6 figure that the way it was done is because this is
7 where we ... we have a little location, but it's not
8 big enough for the amount of people that we have.
9 And the closest to our church is Walton High
10 School, and we also go to Manhattan, we also have
11 services in Manhattan because we are reaching out
12 to that community as well, so we use IS 52.

13

COUNCIL MEMBER BREWER: How does a
14 school get selected?

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PASTOR CURTIS: Yeah, we selected
16 it because our church is a part of the community,
17 most of the members live right there in that
18 community, and we see the church not as the
19 building, but as the people, and so that community
20 is where we live and breathe and serve.

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COUNCIL MEMBER BREWER: How did you
22 end up at 199?

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PASTOR CHOI: Yeah, we are
24 gathering at school as Korean immigrants, they are
25 studying at college, and also they are

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2 professional workers, so they are enjoying our
3 culture and they feel like at home when they come
4 to church, and enjoying the food and fellowship in
5 a small group.

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COUNCIL MEMBER BREWER: But how did
7 you end up at PS 199, why did you end up at that
8 school?

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PASTOR CHOI: Someone introduced us
10 to the principal at the school.

11

COUNCIL MEMBER BREWER: Katie
12 Rosen.

13

PASTOR CHOI: Yes, the principal is
14 great, yes.

15

COUNCIL MEMBER BREWER: Okay. And
16 my other question is, is there any other location?
17 Obviously you cannot, because you are too big, in
18 your situation, but is there any other location
19 that is affordable in the neighborhood, other than
20 the school, or do you think there would not be any
21 other place? Now, on the West Side, Good Shepherd
22 has a Korean community, and the Baptist church on
23 79th Street has a community, because I go, I know.
24 But you're saying that there wouldn't really be
25 anything else?

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PASTOR CHOI: We have tried to find out a lot of places, but there is no place to fit for us.

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COUNCIL MEMBER BREWER: Okay, because you're too big.

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PASTOR CHOI: Yeah, this place is perfect.

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COUNCIL MEMBER BREWER: Okay. All right.

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MS. CASTILLO: Well, I think if probably the government would ... because we are a non-profit organization, but if the government was to provide us with buildings or probably with the making of buildings, because we have the land to make our building, but we don't the money to make it. Maybe the government will fund us, maybe we can do something else.

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CHAIRPERSON JACKSON: Thank you, and thank this panel for coming in. Michael Martinez, Abounding Grace, Allison Ventuta, HVCC, Maria Delacruz representing herself and HVCC, Ramon Rodriguez, HVCC that stands for Heavenly Vision Christian Center, Jennie Pinero, are you here? Esperanza Encarnacion, Robert Pinero, and

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2 Victoria Fabian, from HVCC. Is anyone else here
3 looking to testify this afternoon? Raise your
4 hand. Okay, then sir, last but not least, you're
5 on, it's your show.

6 MR. MARTINEZ: Okay, thank you.

7 CHAIRPERSON JACKSON: Just
8 introduce yourself, and you may begin your
9 testimony.

10 MR. MARTINEZ: My name is Michael
11 Martinez, I am a freshman at LaSalle Academy. I
12 am ... I attend Abounding Grace Ministries that is
13 in PS 34. I came to you to open my view about
14 this resolution, and I am for this resolution. I
15 would also like to tell ... I know it's
16 controversial about this bill, or not bill, but
17 resolution, allowing religious and ecclesiastical
18 groups to congregate in these schools. I think
19 it's also ironic that churches back in the 19th and
20 20th centuries also had schools in it, and if you
21 could tell, if you have seen shows like Little
22 House on the Prairie, for example, the churches
23 were used on a Sunday, and for the rest of the
24 week it was used as a school. And I think it's
25 also ironic that parks, that people minister in

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2 parks, which is also public, and I feel like it
3 shouldn't be right for schools to not be allowed
4 to have congregations, while parks and community
5 centers that are public could be used for
6 ministry. I also want to represent my view,
7 because as a 15-year-old, I have friends who have
8 recently gone to church, and they saved themselves
9 from being into recreational drugs and gang
10 violence. So I want to point that out, that maybe
11 we could use history in our modern world today, to
12 show that maybe we can have churches in our
13 schools. That is all. Thank you.

14 CHAIRPERSON JACKSON: Well, that's
15 Council Member Cabrera.

16 COUNCIL MEMBER CABRERA: You know,
17 I agree with him, but I do, and I like him too.
18 Maybe one of these days, Council Member, he'll be
19 sitting right here, and you very eloquently
20 presented your view, and you're right, you're
21 pointing out something that I have not heard all
22 day, and to be honest with you, it escaped me.
23 The fact of the reality is, even right now, the
24 New York City Board of Education is renting from
25 the Archdiocese, why is that allowed and yet we

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2 have a double standard, it's hypocrisy, and you
3 learn of the realities of government. The second
4 thing is, that you know, the Founding Fathers, if
5 their real intention of the establishment clause
6 was to evict all these houses of worship from
7 schools, how come they didn't do it back then?
8 How come it has taken almost 200 years to get to
9 this place, and in the last couple of decades we
10 have seen the pendulum going the other way? And
11 I'm going to tell you why, because it was not the
12 intentions of James Madison, it was not the
13 intentions of all the Founding Fathers, and I
14 mentioned this earlier, James Madison had church
15 services in the House of Representatives, the very
16 one that everybody takes his little quote,
17 "separation of church and state", and what he was
18 referring to there is for government to stay out
19 of the business of the church. So I compliment
20 you, keep studying, make us proud.

21 MR. MARTINEZ: Thank you.

22 CHAIRPERSON JACKSON: So Mr.
23 Martinez, as I said to the other young students
24 that were here that gave testimony, I want to
25 thank you, especially the young people, for coming

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2 in and expressing your viewpoints, and we thank
3 you very much for staying the course and listening
4 to the testimony. Ladies and gentlemen, as you
5 know, this resolution, Resolution #1155, it's a
6 hearing today where we heard all those individuals
7 that came forward to give testimony, in favor and
8 in opposition to the resolution. We heard from
9 everyone that wanted to be heard. We also
10 received testimony on the record, in favor and in
11 opposition to the resolution. As I stated in the
12 beginning of the hearing, we will not be voting on
13 this resolution today. Hopefully we will be
14 voting on it within the near future. I just want
15 to thank all of the staff involved, Aysha
16 Schomburg, who is the counsel, the lawyer to this
17 particular Committee, sits to my right, Jan
18 Atwell, she's the policy analyst, she's been
19 running around, Joan Povolny, Christina Perrotti,
20 and Felicia Steele, they are policy analysts and
21 Finance policy analysts that work on this
22 Committee, along with other appropriate staff,
23 including the sergeant-at-arms, that were
24 responsible for trying to maintain order in this
25 particular room. We want to thank everyone that's

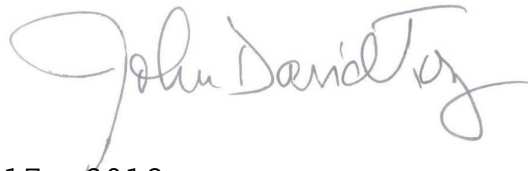
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2 involved, but most importantly, we want to thank
3 all of the members of the public, representing
4 various organizations or themselves, coming out
5 and giving testimony today and their viewpoint on
6 this very, very important matter. This is to be
7 continued, obviously, and we want to thank
8 everyone for coming in. It is now 2:34 p.m., and
9 this hearing is hereby adjourned.

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

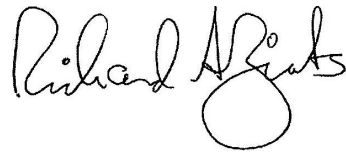
Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date February 17, 2012

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date _____ February 16, 2012 _____