

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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May 21, 2013  
Start: 1:36 p.m.  
Recess: 2:18 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 Fernando Cabrera  
Council Member Margaret S. Chin  
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 R. Ignizio  
Council Member G. Oliver Koppell  
Council Member Karen Koslowitz  
Council Member Jessica S. Lappin

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Council Member Stephen T. Levin  
Council Member Deborah L. Rose  
Council Member Eric A. Ulrich  
Council Member James Vacca  
Council Member Albert Vann  
Council Member Mark S. Weprin

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2 CHAIRPERSON JACKSON: So good  
3 afternoon, everyone, today is Tuesday, what, May  
4 21st, it's approximately 1:25 p.m. And now we're  
5 going to begin the Education Committee on two  
6 resolutions to be considered. And one is Proposed  
7 Resolution No. 1155-A, a resolution calling upon  
8 the New York State Legislature to pass and the  
9 Governor to sign legislation amending the New York  
10 State Education Law, to afford houses of worship  
11 equal access to public property. And the second  
12 resolution is Preconsidered Resolution calling  
13 upon the New York State Department of Education to  
14 immediately stop all standalone field testing for  
15 students. Those are the two matters that are in  
16 front of us for consideration this afternoon. Let  
17 me introduce our colleagues that are present this  
18 afternoon. In front, directly in front to my  
19 right, is our colleagues Margaret Chin of  
20 Manhattan, Jessica Lappin of Manhattan, Mark  
21 Weprin of Queens, Jimmy Vacca sitting down from  
22 The Bronx, standing all the way over to the right  
23 is Dan Garodnick [background comment] Dan  
24 Garodnick of Manhattan, Eric Ulrich of Queens, and  
25 sitting all the way to the right on this row is

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2 Council Member Al Vann of Brooklyn, Council Member  
3 Lew Fidler of Queens, Brooklyn, I'm sorry,  
4 Brooklyn [laughter], Council Member Karen  
5 Koslowitz of Queens; Aysha Schomburg, the Counsel  
6 to the Education Committee; and to my left is our  
7 colleague, Fernando Cabrera of The Bronx and our  
8 colleague Debbie Rose of Staten Island and our  
9 colleague Vincent Ignizio of Staten Island, and  
10 our colleague Helen Diane Foster of The Bronx, and  
11 [laughter, background comment] our recorder--  
12 what's the name again? [background comment]  
13 Billy Martin. With that, let me indicate to you  
14 that I've read basically what resolution 1155-A is  
15 about, and I read to you what Preconsidered  
16 Resolution regarding the standalone field testing  
17 is about. So, let me turn to the primary sponsor  
18 of Resolution 1155-A, and they will entertain any  
19 of our colleagues with comments. Okay? So, our  
20 colleague, Fernando Cabrera of The Bronx.

21 COUNCIL MEMBER CABRERA: Thank you  
22 so much to the Chair and for the opportunity to  
23 speak. And I also want to thank the 36 sponsors  
24 of this Resolution and the Public Advocate, and  
25 the Black Latino Asian Caucus, for being so

1 supported. I believe now is the time to stop  
2 discriminating religious people fro--who are in  
3 religious organizations, from the opportunity  
4 given to all other nonprofit organization. As you  
5 know, we have about 10,000 applications that are  
6 introduced every year for nonprofit organizations,  
7 to be able to rent, and yet a very small group is  
8 being targeted from not allowing them to be able  
9 to rent from public school. And so, you know, it  
10 baffles me that we even have to go through this  
11 resolution, a day and age when we talk a lot about  
12 equality and tolerance. And this is what it's  
13 really all about, equality. Treating all  
14 nonprofit organizations the same, in light of the  
15 fact that these particular groups that represent  
16 all religions, we have Baha'i Faith, we have  
17 Muslims, we have Catholics, we got Christians, we  
18 got Jewish congregations, that are protected under  
19 the Constitution for free speech. And it's an  
20 anomaly. We are the only, the only school  
21 district in America that has such a policy in  
22 place. And when I go all across the United States  
23 and speech engagements, people are always asking  
24 me, "How could this be possible?" They're really  
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2 baffled about it. There has been the question as  
3 to why this houses of worship want to rent, and  
4 they want to stay there forever. That's a myth.  
5 If you look back seven years ago, you'll find that  
6 only five houses of worship that were there from  
7 all the other houses of worship five years ago are  
8 still there. So the vast majority move on and  
9 they get their own places to, so they could have  
10 their worship experience. We are able to draw  
11 funding from these houses of worship, at a time  
12 and moment when these public schools are not being  
13 used. So, see this is a great opportunity to  
14 bring out some revenue. I know some of these  
15 houses of worship pay in the thousands of dollars  
16 to be there. And I also want to thank the Mayoral  
17 candidates, that are being very supportive. Bill  
18 Thompson, Bill de Blasio, John Liu, even Mayor  
19 Koch, our beloved Mayor, who was supportive of  
20 this bill. So we have, you know, progressive,  
21 moderates, conservative, that have stood with us.  
22 And so I urge all my colleagues today to support  
23 the houses of worship to be able to have equal  
24 access just like every other nonprofit  
25 organization does. Thank you so much, Mr. Chair.

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CHAIRPERSON JACKSON: Thank you.  
We've been joined by our additional colleague,  
Council Member Charles Barron of Brooklyn. And  
now I'm going to turn to our colleague, Jessica  
Lappin of Manhattan for a comment. Council Member  
Lappin.

COUNCIL MEMBER LAPPIN: Thank you,  
Mr. Chair, for giving me the opportunity to speak  
out in opposition to the Resolution today.  
Freedom of religion is one of the core principles  
of our democracy. And while I have worked  
alongside many religious institutions, and have  
seen them do great work in our city, the wall  
separating church and state is a critical  
component of our democracy. And nowhere is that  
more important than 21st Century New York City, a  
city that is more culturally, ethnically and  
religiously diverse than any other city in  
history. And when a church or a religious  
organization takes over a school for the same time  
period each and every week, it looks like the  
government is endorsing that religious group. And  
by definition, if you're endorsing one group, that  
means you are excluding another. The government

1 cannot endorse or subsidize religion. And I want  
2 to be clear, there is a difference between having  
3 school prayer, which is permitted, or a bible  
4 study class, or even a Hebrew school class after  
5 school. That is different from using a school  
6 building, a public school, for worship services  
7 each and every week. And that's what the courts  
8 have said very clearly. And I agree. In fact,  
9 it's been almost two decades that this issue has  
10 been bouncing around the court system, and time  
11 and time again, the Second Circuit Court of  
12 Appeals has upheld the Department of Education's  
13 policy. In fact in 2011, the last time they  
14 upheld it, they said, "The church has made the  
15 school the place where it performs its rites, and  
16 might well appear to have established itself  
17 there. And that churches holding Sunday services  
18 in city schools tend to dominate the schools on  
19 the day they use them." The court also recognized  
20 that some of these churches exclude certain groups  
21 from participating. Bronx Household of Faith, for  
22 example, excludes people who are not baptized, who  
23 have been excommunicated, and those who have, for  
24 example, advocated the Islamic religion. We  
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2 should not threaten or cross the line between  
3 church and state, we should not approve  
4 legislation in this body that flies in the face of  
5 the First Amendment. And as a graduate of our  
6 public schools, as a mother of a son in a public  
7 kindergarten classroom, I believe very strongly  
8 that our public schools should remain schools, and  
9 not become houses of worship. I will be voting  
10 against this and I urge you to join me today.

11 CHAIRPERSON JACKSON: Thank you,  
12 Council Member. My colleagues, before I got to  
13 the next colleague to speak on this particular  
14 matter, I'm going to read into the record a couple  
15 of items concerning both resolutions, and then I'm  
16 going to move to ask one of our colleague who  
17 requested to vote so he can go over back to the  
18 Finance and other committee meeting, if you don't  
19 mind. So, on the record, we received testimony  
20 from Lisa North, a teacher at PS3, in favor of the  
21 Preconsidered Resolution to [background comment]  
22 calling on the New York State Department of  
23 Education to immediately stop all standalone field  
24 testing for students. It's very short. "I am  
25 writing in support of the New York City Council

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2 Resolution calling for an immediate stop for all  
3 standalone field tests. As a New York City  
4 teacher, I can certainly verify that students are  
5 overwhelmed with testing by this time in the  
6 school year. Our third, fourth and fifth grade  
7 students spend hours and hours of class time  
8 getting ready for the April tests, and then hours  
9 upon hours taking the test. They do not need to  
10 spend more time taking tests. The fourth grade  
11 students are even now getting ready for their  
12 science test. Remember, we are discussing eight,  
13 nine and ten year olds. They need no more stress  
14 or loss of class time to testing." For the  
15 record, this is from Lisa North, PS3, in favor of  
16 Preconsidered Resolution. Also, a Resolution in  
17 favor, testimony in favor from Fred Smith, who is  
18 a testing specialist and consultant, and retired  
19 as an administrative analyst for the New York City  
20 Public School System, and he is a member of Change  
21 The Stakes, a parent advocacy group. [background  
22 comment] "I strongly support the Resolution under  
23 consideration concerning standalone field testing.  
24 Stoppage of the June field tests will end the  
25 charade that this procedure is--that this

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2 procedure is needed to ensure the development of  
3 good instruments for next year's April exam.  
4 Field testing in the public schools allow  
5 publishers like Pearson [phonetic] to do market  
6 research for free on the products that it will  
7 sell us in the future. In this case, the New York  
8 State Education Department, SED, is letting  
9 Pearson try out test items in June to see how  
10 samples of students react to them. Are the items  
11 too hard or too easy? Question. Are they  
12 confusing or undiscriminating? Question.  
13 Publishers gather statistics on how each item  
14 performs. Not to measure students' achievement,  
15 but to evaluate their potential for use on  
16 subsequent operational exams, like the ones that  
17 will be given next year. The fatal flaw inherent  
18 in standalone approach is that the information  
19 obtained on each item is unreliable. And items  
20 are the bricks used to build tests. Constructing  
21 exams based on weak data makes them meaningless.  
22 The problem is glaring when tests are used to  
23 reach high stakes decisions in such matters as  
24 student promotion, teacher effectiveness, and  
25 school rating. Why are the data unreliable?

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2 Because students take the field tests, know the  
3 results have no consequences for them. The  
4 results don't count. It's June, and students have  
5 been battered by tests all year. They are not  
6 motivated to do well on the standalone field  
7 tests, the data they generate on each item are not  
8 predictive of how students will respond to the  
9 same items when they appear on tests that really  
10 count. This is not a theory. The English  
11 language arts exams and math tests that students  
12 take, that students took just four weeks ago, were  
13 developed from last June 2012's standalone field  
14 tests. Reports from teachers and parents  
15 indicated that students couldn't finish these  
16 exams that the items were extremely hard. And  
17 beyond the grade level of the students taking  
18 them. And less time was allotted to each item  
19 than the year before. If students had taken the  
20 June 2012 standalone field test seriously, these  
21 shortcomings would have been identified and the  
22 problems would have been addressed. Now, SED, the  
23 State Education Department wants us to embark on  
24 the same excursion we took last year, replicating  
25 standalone field test procedures that fail us

1 miserably. While the evidence that failure is  
2 still warm, it has tapped no fewer than 1,282 New  
3 York City public schools for the field testing.  
4 1,282. That will involve spending more than just  
5 one hour taking field tests. The effort and  
6 disruption involved in these assignments add up to  
7 sacrificing at least a full school day, to say  
8 nothing of the vast cost and lost teacher salary  
9 and learning opportunities. And beyond  
10 perpetuating the same type of damaging high stakes  
11 testing, thereby precluding better assessment  
12 techniques for emerging, continuing the standalone  
13 field tests imposes ethical questions that SED  
14 ignores. Why aren't children treated as subjects  
15 in a commercial research and development projects  
16 and paid for the time? And why are parents kept  
17 in the dark after the field tests, keeping them  
18 uninformed about procedures they might otherwise  
19 object to? In sum and summary, standalone field  
20 tests yield shaky data, rendering tests that rely  
21 upon the information invalid and supporting the  
22 conclusion that the approach to field testing is a  
23 nonstarter. Without doubt, halting the June  
24 standalone field tests is a right action for this  
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2 City Council to take." So, those are the two that  
3 I had to read in the record, as I read them.  
4 We've also received, for the record, from the  
5 Catholic Community Relations Council, in favor of  
6 Resolution 1155-A, submitted by Joseph Rosenberg,  
7 Executive Director of the Catholic Community  
8 Relations Council. And that's for the record,  
9 also. So let me turn to our colleague, Vincent  
10 Ignizio for a vote on [background comment] Okay--

11 COUNCIL MEMBER IGNIZIO: Thank you  
12 very much - -

13 CHAIRPERSON JACKSON: Several of  
14 our colleague: Ignizio, Barron, Vann, to vote on  
15 Resolution 1155-A, regarding calling upon the New  
16 York State Legislature to pass and the Governor to  
17 sign into legislation, amending the New York State  
18 Education Law to afford houses of worship equal  
19 access to school property; and Preconsidered  
20 Resolution regarding the New York State Department  
21 of Education to immediately stop all standalone  
22 field testing. Council Member Ignizio, how do you  
23 vote on these items?

24 COUNCIL MEMBER IGNIZIO: I vote  
25 aye, sir, thank you.

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CHAIRPERSON JACKSON: Thank you.

Council Member Barron, how do you vote on each item?

COUNCIL MEMBER BARRON: I vote aye on all.

CHAIRPERSON JACKSON: Thank you.

And Council Member Vann, how do you vote on each item?

COUNCIL MEMBER VANN: Aye on both.

CHAIRPERSON JACKSON: Okay. So let's turn now to our colleagues for continued, continue the discussion on this particular matter. Our colleague, Council Member Lew Fidler of Brooklyn, followed by our colleague, Jimmy Vacca of The Bronx. [background comment] Okay, so Jimmy Vacca, how do you vote on each item, 1155-A and the Preconsidered Resolution?

COUNCIL MEMBER VACCA: I vote aye on both.

CHAIRPERSON JACKSON: Okay, thank you. So, now we turn to our colleague, Council Member Lew Fidler of Brooklyn.

COUNCIL MEMBER FIDLER: Thank you.

And I suspect, Mr. Chairman, that every, each of

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2 us already knows how we feel about the 1155, but  
3 I, while I have the greatest respect for  
4 Councilwoman Lappin, I think she's misstated the  
5 facts. She has said that what we're urging is the  
6 endorsement and subsidization of religion. In  
7 fact, it's exactly the other way around. We're  
8 not paying any religious institution to use our  
9 school buildings. They're paying us. All we're  
10 going is providing equal rights to every  
11 organization regardless, to use our school  
12 buildings to create a revenue source. The idea  
13 that on a Sunday or a Saturday, a religious  
14 institution might "dominate" the school building,  
15 I'm just kind of wondering why that matters. I  
16 mean, students aren't there. I don't see--and if  
17 we rent a school building to the Knights of  
18 Pythias, are all the students going to become  
19 Pythians? I just don't really get it. And you  
20 know quite frankly, I think we've allowed the  
21 pendulum to swing back to where we're embarrassed  
22 to tell people that they can embrace their  
23 religion, that there's something wrong with them  
24 embracing their religion. I support a complete  
25 separation of church and state, but I don't think



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2 what we're asking for in this bill does that. And  
3 quite frankly, I want to use my time to  
4 congratulate Council Member Cabrera for his  
5 persistence. Sometimes, you know, lawyers get  
6 stuck on stupid. And I think when you read the  
7 decisions in this area, and you really look at it,  
8 you know, you have to ask, "Why is, why are just  
9 the lawyers from the City of New York saying that  
10 this, these decisions prevent us from doing this?"  
11 I mean, clearly there's a difference of opinion  
12 elsewhere. So, I don't think we should get stuck  
13 on stupid. I don't think we should be embarrassed  
14 of allowing people to embrace their religion. I  
15 don't think we're subsidizing religion; if  
16 anything, it's the other way around. And I would  
17 urge my colleagues to vote in favor of the  
18 resolution.

19 CHAIRPERSON JACKSON: Thank you,  
20 Council Member. We've been joined by additional  
21 Council Members. As I indicated to you, because  
22 there's other committee hearings going on. We've  
23 been joined by our colleague Oliver Koppell of The  
24 Bronx, sitting over on this aisle all the way to  
25 the right, and by our colleague from Queens, Danny

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2 Dromm, who's sitting in the first row, all the way  
3 to the left. Is there anyone else who wishes to  
4 speak on this particular item? Colleague, Oliver  
5 Koppell of The Bronx.

6 COUNCIL MEMBER KOPPELL: I'm sorry  
7 to be late, Mr. Chairman. I--

8 CHAIRPERSON JACKSON: That's okay.

9 COUNCIL MEMBER KOPPELL: --I must  
10 say that I'm a little bit surprised at my  
11 colleague and friend to my left here talking about  
12 "stuck on stupid," and I wasn't going to say too  
13 much, but I think this is a very serious matter.  
14 I don't think it's a question of some, one side  
15 being stupid here. The guarantee of the  
16 government staying out of religion goes back to  
17 the founding of our republic. And it says that  
18 there shall, you know, there shall be no  
19 interference with free exercise, but also no  
20 establishment of religion. Making public schools,  
21 which are public buildings, into churches, even if  
22 it's only on Sunday or Saturday, or synagogues for  
23 that matter, in my opinion is in fact a government  
24 establishing religion. And that's--as I say, a  
25 guarantee that's extraordinarily important. When

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2 we see the degree of strife and antagonism that  
3 religious differences causes in so many parts of  
4 the world, we got to understand how important this  
5 is. And how essential it is as one of the  
6 fundamental pillars of our American democracy.  
7 It's not an idle matter, and it's a difficult  
8 judgment call. Because we cannot interfere with  
9 the free exercise of religion, that's part of the  
10 amendment. But we also can't have the  
11 establishment. And it calls for a lot of judgment  
12 calls that have by the courts' varied over time.  
13 But I think that, we especially in New York, where  
14 we have a Blaine Amendment, should respect very  
15 much this separation. And I regard making schools  
16 into houses of worship, even if it's only on  
17 Sunday, but after all, the kids and so on live in  
18 the community, they see what's going on there on a  
19 Sunday, or on a Saturday. And so, I, while I  
20 respect those who sponsor this and I know they  
21 don't intend to foist their religious belief on  
22 others, I'm not accusing of that, but the result  
23 may well be that. And therefore, I will vote in  
24 the negative on the Resolution.

25 CHAIRPERSON JACKSON: Thank you.

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2 Now we'll hear from our colleague, Danny Dromm of  
3 Queens.

4 COUNCIL MEMBER DROMM: Thank you  
5 very much. I also am opposed to this Resolution.  
6 I believe in a strong separation between church  
7 and state. I believe that I country was founded  
8 on that principle, and Council Member Koppell  
9 rightfully brought up many of the issues and the  
10 feelings that surround religion. And specifically  
11 why our constitution was written the way that it  
12 was written, so that the State doesn't involve  
13 itself in these types of religious discussions.  
14 And, you know, I have deep concerns about the  
15 churches and other religious organizations that  
16 would want to rent the public schools, and the  
17 position that they take in violation of the New  
18 York City Human Rights Code, specifically against  
19 members of the lesbian, gay, bisexual and  
20 transgender communities. And in fact, we have  
21 seen a recent spate of attacks against the  
22 community, an assassination on Friday night of a  
23 gay man walking down the street. I have not seen  
24 these churches, in particular the churches that  
25 are involved in the lawsuit, speak out against

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2 these attacks upon the gay community, I have not  
3 heard from the Catholic Church about this. I see  
4 that they have submitted testimony, but they have  
5 been virulent homophobes in, ever since  
6 legislation was introduced into the City Council,  
7 in the late '70s, opposed to every piece of LGBT  
8 legislation proposed by this body. And it's for  
9 reasons like that that I am opposed to this.

10 Also, I would ask if any of these churches who  
11 want to be allowed to meet in the public schools,  
12 would allow gay organizations in their churches?

13 Well, of course not. And the New York City  
14 Department of Education rents school buildings  
15 from catholic churches, but they're not even  
16 allowed to teach the sex ed curriculum above 5th  
17 grade because the Catholic Church happens to  
18 disagree with that. So, I don't really see how  
19 this is much different. And I would urge my  
20 colleagues also to vote against this  
21 unconstitutional Resolution. Thank you.

22 CHAIRPERSON JACKSON: Thank you,  
23 Council Member. Any other Council Members wish to  
24 comment? Okay. Then I'll take the opportunity to  
25 comment, as--As I indicated to many of you before,

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2 when we've discussed this in the Democratic  
3 Caucus, I support the Resolution as an individual,  
4 but also the Black Latino and Asian Caucus of the  
5 City Council supports this Resolution. Clearly,  
6 let me disagree with some of my colleagues and  
7 some of their comments, more specifically as  
8 indicated by our colleague Lew Fidler, that I  
9 don't disagree with him, I agree with him that any  
10 religious institution that wishes to use any part  
11 of a school, they have to pay opening fees to open  
12 the building, and pay for any part of a building  
13 that they use. So, for example, many of them are  
14 using the auditorium, they have to pay a certain  
15 amount of money to use the auditorium. If they  
16 need a restroom for men, and a restroom for women,  
17 they have to pay a fee for each room that they  
18 use. It's not like they're dominating the entire  
19 school. For every room that they use, there's a  
20 fee according to the schedule, by the New York  
21 City Department of Education, that they must pay  
22 for. And the Department of Education or the City  
23 of New York is not subsidizing the use of any  
24 religious institution to use our schools. If in  
25 fact this Resolution called for, or if in fact

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2 what was occurring was if there was school going  
3 on, and then we allowed a religious institution in  
4 there where children could be exposed to religious  
5 teachings, I would oppose this Resolution. But to  
6 my understanding, what I've been told, and this  
7 Resolution is about using the schools when the  
8 schools are not being used. And in essence they  
9 are sitting there closed. And the religious  
10 institutions are part of our society. And while I  
11 agree with my colleagues on a lot of stuff, I  
12 disagree with them on this particular matter. So,  
13 I urge my colleagues from my personal perspective,  
14 and on perspective of the Caucus' 27 members we  
15 represent, to vote yes on this particular matter.  
16 Any other colleagues wish to speak before I call  
17 the vote?

18 COUNCIL MEMBER ULRICH: [off mic] I  
19 want to say something.

20 CHAIRPERSON JACKSON: Okay, good.  
21 Our colleague, Erik Ulrich of Queens, and then  
22 we're going to call the roll.

23 COUNCIL MEMBER ULRICH: Mr.  
24 Chairman, I didn't plan to speak but I feel  
25 compelled to address some of the comments that

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2 were made and regarding people's position on this  
3 bill. We all have a right to vote according to  
4 our own conscience and our beliefs, and what we  
5 believe to be within the confines of the law, and  
6 certainly there is some very thoughtful debate to  
7 be made and arguments to be made, regarding the  
8 wall of separation of church and state and its  
9 very important role in our democracy. But as much  
10 as I love Danny Dromm and respect him very dearly,  
11 I have to take exception to the fact when he says  
12 that Catholics are homophobes. I'm a Catholic.  
13 I'm not--

14 COUNCIL MEMBER DROMM: [off mic]  
15 Church.

16 COUNCIL MEMBER ULRICH: --Catholic  
17 Church, I don 't think the Catholic Church is  
18 homophobic, simply because of the positions that  
19 it's taking. I believe, by the way, I want to  
20 state for the record, now that we opened this up,  
21 that anti-Catholicism is probably the last  
22 acceptable form of bigotry in this country.  
23 Because nobody would get on the microphone in this  
24 hearing in any other Committee and say that  
25 Muslims, or that the Muslim Church is, are



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2 homophobes, or that the Orthodox Church is a  
3 homophobe, or that Southern Baptists are  
4 homophobes, because then you'd be racist, because  
5 you'd be speaking out against blacks or Muslims or  
6 Jews. Nobody would say that because it's not  
7 acceptable to say that. But people can get up and  
8 attack the Catholic Church, I have a big problem  
9 with that. The Catholic Church is the single, one  
10 of the single most important forces for good, for  
11 charity, around the world, and they've done a lot  
12 for people. And people come to Catholic  
13 hospitals, they don't ask them if they're gay or  
14 straight. If they're having a heart attack, they  
15 give them the care, or they're having a baby, or  
16 they have a gunshot wound, they don't care what  
17 the religions they are. I mean, the Catholic  
18 Church should not be attacked, should not be part  
19 of this. Catholic churches I don't believe are  
20 going to be renting a lot of these spaces, they  
21 have their own spaces, this is about the rights of  
22 other religious organizations to rent spaces in  
23 public schools. And I respect people who want to  
24 have deliberate debates, but demagoguery and name  
25 calling and attacking the Catholic Church has

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2 nothing to do with this legislation, and I for one  
3 am not going to sit here and be silent about it.  
4 And I'm going to vote for the Resolution because I  
5 think it's the right thing to do. And if you  
6 disagree with me, you know, don't resort to name  
7 calling or anything else, it's just--I'm voting my  
8 conscience like every other member here has to  
9 vote their conscience.

10 CHAIRPERSON JACKSON: Thank you.

11 With that, I'm going to close the discussion on  
12 this particular matter. I think, let me just say  
13 that every individual member has a right to  
14 express themselves as they did. And so, as  
15 colleagues, you know, and dealing with Robert's  
16 Rules of Order, and all of you know that, if you  
17 have any issue or concern about anything, address  
18 those to the Chair. And in order to keep civility  
19 and move forward, and I know that when we vote  
20 tomorrow, there's going to be a long discussion on  
21 the floor on this particular matter. And on both  
22 sides. And so we have to be respectful of one  
23 another and even though you may disagree with one  
24 or more colleagues on it. That's very, very  
25 important overall. So with that, I'm going to ask

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2 the clerk to call the roll. And I urge a yes vote  
3 on this particular matter. [background comment]  
4 Let's do them both on--each on separately, but  
5 call it on both.

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CLERK: Resolution 1155-A, Council  
7 Member Jackson.

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CHAIRPERSON JACKSON: I vote aye on  
9 both. 1155--aye on both. If you disagree, say  
10 which one you disagree. 1155-A is the one for  
11 religious institutions to use the school; the  
12 other one, the Preconsidered Reso is on the stop  
13 the standalone field tests. I vote aye on all.

14

CLERK: Fidler.

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COUNCIL MEMBER FIDLER: I would  
16 explain my vote further. I--I'm distressed at the  
17 comments made by my colleague Danny Dromm. Not  
18 necessarily for the same exact reasons as Council  
19 Member Ulrich said. I sit here as someone who had  
20 religious leaders actually put in writing that it  
21 was prohibited to vote for me in an election  
22 because of my support for the LGBT community. I  
23 am nonetheless, you know, really upset at the idea  
24 that we'd wave the bloody shirt of someone who was  
25 gunned down in the most despicable crime,

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2 despicable manner, as a reason to vote against  
3 this Resolution. It strikes me as completely  
4 inappropriate. And you know, I don't believe  
5 that, you know, all Catholics are homophobes, I  
6 don't believe that all Jews are homophobes. I  
7 think the essence of saying that all of somebody  
8 is something is the essence of prejudice. And it  
9 goes both ways. And I certainly, you know, I  
10 know, I know that Council Member Dromm is not that  
11 type of individual. But to raise the issue of  
12 some homophobic lunatic shooting down an innocent  
13 gay man as a reason to vote against this  
14 Resolution is way over the top, Danny. It really  
15 is way over the top. And I just, I guess the  
16 reply could be, maybe if that gunman had gone to a  
17 religious institution, he would've learned that  
18 murder is not something that one can do as a good  
19 human being. I mean, so it could kind of work  
20 both ways. Maybe he would've learned something  
21 good, maybe Mark Austin would still be alive. All  
22 right? I mean, you can't lay that on any  
23 religious group, I don't agree--if I agreed with  
24 everything the Catholic Church said, I'd be  
25 Catholic. Okay, I'm a Jew and I don't agree with

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2 everything that every rabbi said. But I do in  
3 fact [laughter] good timing, David. But I do  
4 believe that people have a right to their, you  
5 know, practice their religion. I don't think  
6 we're establishing a [time bell] a religion by  
7 allowing them to use a school, to pay rent to use  
8 a school--

9 CHAIRPERSON JACKSON: Thank you.

10 COUNCIL MEMBER FIDLER: --and I  
11 vote aye on both.

12 CHAIRPERSON JACKSON: Thank you.

13 So my colleagues, if in fact you're going to  
14 comment on, to explain your vote, you're limited  
15 to two minutes, and you cannot go beyond that.  
16 I'm just telling all of you, please. So we've  
17 been joined by our colleague David Greenfield.  
18 The Clerk continue the roll.

19 CLERK: Foster.

20 COUNCIL MEMBER FOSTER: Yes, I'd  
21 like to be excused to explain my vote. I hadn't  
22 planned on--

23 CHAIRPERSON JACKSON: Sure.

24 COUNCIL MEMBER FOSTER: --speaking.  
25 As the daughter of a minister, the second minister

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2 elected to the City Council after Adam Clayton  
3 Powell, and someone who is very versed in the  
4 history of the black church, if we voted based  
5 upon organizations that were vocal, if we look  
6 back when the AIDS epidemic first started,  
7 organizations like the Gay Men's Health Crisis  
8 only dealt with gay men, and black women and black  
9 men were dying hand and foot, and there was no  
10 response. And so, if we vote based upon people  
11 speaking up, we wouldn't be voting at all. When  
12 you look at the Civil Rights Movement and the  
13 gains that have been made, a lot of what the gay,  
14 lesbian, transgender community is able to reap are  
15 on the backs of blacks that were beaten and  
16 killed. And so, I take exception because I do not  
17 have historical amnesia, in terms of saying,  
18 "Where are these churches now?" Because I am a  
19 minister of a daughter, we--I'm a daughter of a  
20 minister--we have AIDS outreach, we have gay and  
21 lesbians in our community, we open our churches.  
22 There are homophobes everywhere. There are  
23 churches that preach it. But what god are they  
24 worshiping? Southern Baptists don't want to  
25 apologize for slavery. We cannot have historical

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2 amnesia and we cannot wave the flag when it's our  
3 so-called issue. And I just have such outrage  
4 that we are going to try to do it on this issue.  
5 And with that, I vote aye on both resolutions.  
6 Thank you.

7

CHAIRPERSON JACKSON: Thank you.

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So [time bell] Clerk, please continue the roll.

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And my colleagues, if you're going to comment at

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all, please--you're not going to go past two

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minutes. No one has so far, I just want to give

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ample warning. Clerk, please continue the roll.

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CLERK: Koppell.

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COUNCIL MEMBER KOPPELL: May I

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explain my vote?

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CHAIRPERSON JACKSON: Sure.

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COUNCIL MEMBER KOPPELL: My

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Chairman.

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CHAIRPERSON JACKSON: You may.

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COUNCIL MEMBER KOPPELL: Let me say

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that this debate is exactly why we shouldn't have

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religious worship in the schools. The religions

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have tenets that are strongly held, all religions

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do, and those tenets in almost all religions are

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different from other tenets, and often

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2 contradictory and negative from one point of view,  
3 while positive obviously from another. We  
4 shouldn't get involved in religious debate or  
5 religious preaching in our schools. For the very  
6 reason that this discussion here became as heated  
7 and as emotional as it did, it's a lesson as to  
8 why we should keep religion out of the schools.  
9 And I understand exactly why some people feel that  
10 certain religions have tenets that are  
11 antagonistic to their beliefs. And I understand  
12 that and it upsets them then to feel that those  
13 beliefs are going to be taught in a public school.  
14 There may be beliefs that I have, that someone  
15 else finds offensive. For that reason, I withdraw  
16 my request, Mr. Chairman, I vote in the negative.  
17 And I vote in the negative on both resolutions, I  
18 won't go into why on the second, I think it's  
19 premature. I vote no on both.

20 CHAIRPERSON JACKSON: Thank you.  
21 Continue the roll, please.

22 CLERK: Garodnick.

23 COUNCIL MEMBER GARODNICK: [pause]  
24 Thank you, Mr. Chairman. I promise to be less  
25 than two minutes. And I too was not going to



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2 comment, but I just wanted to note that for me  
3 this is not a question about subsidization, the  
4 churches are paying the City, not the reverse.  
5 It's not about the views or the content of anybody  
6 who might go into the schools, because we as a  
7 City don't want to be making the determinations as  
8 to who can or cannot use our public spaces based  
9 on what they believe. And it is certainly not,  
10 for me, about exposure to religion or  
11 discrimination against religion, or cutting off  
12 even debate about religion. To me, this is a  
13 question about worship, specifically. Religious  
14 organizations can already rent public school space  
15 for their activities. And that is important, they  
16 should be able to do that. But to my mind,  
17 allowing worship is something that goes too far.  
18 And I picture the flyer where somebody is inviting  
19 the members of the public in for a worship service  
20 on a Saturday or a Sunday at Public School 34 in  
21 whatever community it is. To me, I think that  
22 that is something which is beyond the line of what  
23 we should be allowing. And I think we need to  
24 maintain a distinction between our houses of  
25 worship and our schools, and I believe the First

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2 Amendment requires it. So with great respect for  
3 the sponsor, and I firmly understand and know the  
4 constraints that churches and synagogues and other  
5 religious groups are under, I'm going to be voting  
6 no on Reso 1155-A and yes on the Preconsidered  
7 Reso.

8 CHAIRPERSON JACKSON: Thank you.

9 CLERK: Lappin.

10 COUNCIL MEMBER LAPPIN: As I  
11 discussed my views during the discussion time, I  
12 will vote no on Reso 1155-A and yes on the  
13 Preconsidered Reso.

14 CHAIRPERSON JACKSON: Thank you.

15 CLERK: Cabrera.

16 COUNCIL MEMBER CABRERA: Permission  
17 to explain my vote in 30 seconds.

18 CHAIRPERSON JACKSON: Sure.

19 COUNCIL MEMBER CABRERA: I just  
20 want to address the issue of the word "worship."  
21 I don't think the government is in a position,  
22 they're not qualified, to be able to even try to  
23 determine what worship is. This is exactly why we  
24 have the constitution written the way it is, to  
25 have the free exercise of it. What's worship for

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2 one person might not be worship for somebody else.  
3 The U.S. Constitution clearly states that, as a  
4 matter of fact, the Supreme Court has stated we  
5 could pray, we could read the bible or another  
6 religious literature, or to sing. For some people  
7 that's worship. So, are we going to allow those  
8 who define it one way to go in and not the others?  
9 In that respect, then we'll be - - certain  
10 religions versus others. And so, and thought I  
11 understand my colleagues' concern and I greatly  
12 admire his work, as well, I want to encourage  
13 everyone to vote aye. I vote aye on both items.  
14 And let me just add one more thing, I feel like I  
15 have to. Council Member Dromm, I just want to  
16 share that when we had the situation, the Latin  
17 King Goonies [phonetic], I stood right there with  
18 the Speaker, with the LGBT community, and you know  
19 I'm a pastor of a church. And I just hope, and  
20 just what I hear from the pastors, that we don't  
21 all get painted with the same brush. But that's  
22 the beauty of democracy, and I hope that we can  
23 keep that going. Thank you so much.

24 CLERK: Chin.

25 CHAIRPERSON JACKSON: I'm sorry.

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How do you vote on each item? [laughter]

COUNCIL MEMBER CABRERA: I said  
aye.

CHAIRPERSON JACKSON: Okay, thank  
you.

COUNCIL MEMBER CABRERA: Thank you.

CLERK: Council Member Chin.

COUNCIL MEMBER CHIN: Can I explain  
my vote?

CHAIRPERSON JACKSON: No.  
[laughter] Of course you may. [laughter]

COUNCIL MEMBER CHIN: To me, you  
know, yes, you know, we should have debate. For  
me, the schools are a community facility and I  
think when we talk about freedom of religion,  
there's so many groups in my district that cannot  
afford to have a big building, you know. But they  
are able to gather together every week in the  
school, with children, with family, and I think  
the time they share, you know, the love, I think  
that's what we need in this society in our  
community. And for them to be able to do that is  
very, very important. And I think if we could use  
our school to promote more love, promote more

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2 respect and understanding and people coming  
3 together, I think it's a good thing. So I  
4 strongly support this Resolution and I, and I also  
5 support the second Resolution about field testing,  
6 'cause I do not think that our children should be  
7 used as guinea pigs. If these testing agency  
8 wants to do field testing, pay the kids to do it  
9 on a day when they're off, just like, you know,  
10 they pay people to do focus groups. So, I vote  
11 aye on both resolutions. Thank you.

12 CHAIRPERSON JACKSON: Thank you.

13 CLERK: Dromm.

14 COUNCIL MEMBER DROMM: Permission  
15 to explain my vote.

16 CHAIRPERSON JACKSON: You may.

17 COUNCIL MEMBER DROMM: Thank you.

18 Of course, I don't want to paint everyone with a  
19 broad brush. I do not believe that all Catholics  
20 or all believers in any one faith are bad people.  
21 And that would be, that's twisting my words and  
22 what I said. I was very clear to say some of the  
23 churches that would be using these buildings,  
24 some, okay, are responsible for a lot of stuff and  
25 the anti-homophobia that goes on in this world.

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2 Do you know, my colleagues, that I'm not allowed  
3 to go into the Catholic churches in my district?  
4 Okay, because I'm gay and because I support  
5 marriage equality. And it is precisely as Council  
6 Member Oliver Koppell said, that it's this type of  
7 discussion that emotes so much emotion, that it's  
8 the reason why we should not being all--should not  
9 allow having this to go on in our public school  
10 buildings. Okay. The Catholic Church spent \$12  
11 million to defeat anti-marriage equality  
12 amendments across the United States. The Mormon  
13 Church has taken a stand against us. And many,  
14 many churches have been the root cause of a lot of  
15 harm and bad feelings to LGBT people. They cannot  
16 deny that. And that's what I was trying to  
17 address. And to say that that, to me, is  
18 ultimately what's wrong. To allow that type of  
19 discrimination to be brought into a public school  
20 building, which ultimately really is subsidized,  
21 because they're getting a lower rent than they  
22 would get otherwise, they would go somewhere else  
23 to rent, if it wasn't so cheap. So they are  
24 getting subsidized. But to allow that to happen,  
25 in a public school, sends the wrong message to the

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2 youth and to people who would continue to violate  
3 the rights of LGBT people. And there is a  
4 definite connection between what some of the  
5 churches do and the violence that occurs to the  
6 gay community. And that cannot be denied. That's  
7 why I vote no [time bell] on 1155 and on the other  
8 Resolution, I vote yes.

9 CHAIRPERSON JACKSON: You finished  
10 just in time, too. [laughs] Okay, next please?

11 CLERK: Koslowitz.

12 CHAIRPERSON JACKSON: I see  
13 everyone is watching the clock, which is a good  
14 thing. [laughs]

15 COUNCIL MEMBER KOSLOWITZ: I'm  
16 going to take less than two minutes.

17 CHAIRPERSON JACKSON: Okay.

18 COUNCIL MEMBER KOSLOWITZ: I vote  
19 no on 1155 and yes on the other Resolution.

20 CHAIRPERSON JACKSON: That was  
21 pretty easy. [laughter] Next, please.

22 CLERK: Rose.

23 COUNCIL MEMBER ROSE: I thought I  
24 was going to be the different one. I vote aye on  
25 both. Thank you.

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CLERK: Weprin.

COUNCIL MEMBER WEPRIN: Just briefly to explain my vote. I'm not the most religious person in the world, but I do think that we all could use a little religion in our lives, and I think religion is a good thing. I don't agree with a lot of aspects of a lot of religions, including my own, so you know, every religion, if I was to look at, I'm sure they'd find things that we don't agree with. But I do think that having people have religious organizations, and in a City like New York City, it's very hard to find space to have a church group. In other parts of the country, it should be, it would be less of an issue where you can find a space more available. It's very hard to find space. We have space, it's available, it's being rented to whoever wants to use it. So, I don't think religious groups should be left out of that. And I think it's a good thing for the community, I want to follow up on Margaret Chin's, I'm pro-love and I'd like to see more of it. But I think I think it's important that we allow church groups to have the same rights as everybody else, to rent it like



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2 everybody else is doing. So, I vote aye on that  
3 resolution, and aye on the field test one, as  
4 well, since I like Margaret Chin's idea, also, of  
5 making the kids, pay the kids outside of school in  
6 order to test them. And to test those field tests  
7 that Pearson wants. Thank you.

8 CHAIRPERSON JACKSON: Thank you.

9 CLERK: Greenfield.

10 CHAIRPERSON JACKSON: Sure, you  
11 have two minutes, Council Member.

12 COUNCIL MEMBER GREENFIELD: Thank  
13 you, Mr. Chairman. I do agree with my colleagues  
14 that it's an emotional issue, and I think that  
15 quite frankly, it's not the job of the Legislature  
16 to shy away from emotional issues. I think it's  
17 our job to tackle these issues. And that's why  
18 I'm pleased that we're discussing it here today.  
19 I also agree that it is an issue of  
20 discrimination, I think it's an issue of  
21 discriminating against religious groups. I think  
22 that religious groups are entitled to their First  
23 Amendment rights like any other groups. And I  
24 think that what we're seeing is a pattern of  
25 discrimination against these religious

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2 organizations, and I think that quite frankly is  
3 outrageous. And when you look at the reality is  
4 that I don't agree with everything of every single  
5 civic group. So maybe we should have a new test,  
6 maybe every Council Member should decide in their  
7 district whether they will or will not allow a  
8 civic group that perhaps they find offensive. But  
9 no, when you talk about discrimination, it's a  
10 blanket discrimination against every religious  
11 group, and quite frankly I think that's what I  
12 find so offensive. To speak of all religious  
13 groups that all religious groups are evil and all  
14 religious groups do harm and everybody's to be  
15 responsible for that behavior, I think that's  
16 wrong. And quite frankly, it is a slippery slope,  
17 because what's next? Maybe we're going to say you  
18 can't preach anymore on public sidewalks. After  
19 all, the public sidewalks and the parks belong to  
20 the City of New York. There is no end to this  
21 harassment and this discrimination against  
22 religious groups. And that's why I think it's  
23 incumbent upon us to vote in favor of this bill.  
24 I vote in favor of both of these bills, thank you  
25 very much.

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CHAIRPERSON JACKSON: Thank you.

CLERK: Ulrich.

COUNCIL MEMBER ULRICH: I'm going to vote yes, but I want to explain my vote again. And reiterate some of the points that I made in my previous comments. And also address some of the concerns that Danny Dromm brought up again. Danny said that there was a direct correlation between what the Catholic Church teaches and a rise in violence against the LGB community. That is completely false and untrue. There is not one bishop, one priest, one pope that has gone in the pulpit or on television to condone acts of violence against any individual, regardless of their sexual orientation, regardless of their religion, regardless of where they come from, whatever their status may be. Matter of fact, the Catholic Church believes in the inherent dignity of every human person, from the moment of conception until natural death. And there's lots of controversy in between there, from the beginning until the end. And you can't embrace and say, "Oh, we like, you know, this is a menu, we're going to pick and choose the things that we

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2 like about the church" because the church also  
3 stands for comprehensive immigration reform. The  
4 church is also against capital punishment, the  
5 church is also in favor of helping people come out  
6 of incarceration. They have a great - - ministry  
7 there, and healing people who are sick, and we  
8 like Catholic hospitals because we need hospitals.  
9 We don't want St. Vincent's to close, in the  
10 Village, in Chelsea. So, we like certain things  
11 that the Catholic Church does, but when they say  
12 other things, we don't like it, and therefore  
13 we're going to discriminate against them. David  
14 Greenfield is 100 percent correct, this is reverse  
15 discrimination, we're discriminating against  
16 religious groups who are entitled to use public  
17 spaces. And I'm a Roman Catholic, I don't agree  
18 with everything that my religion says, we--a lot  
19 of people have said that. But I take exception  
20 when someone gets on this microphone and attacks  
21 my religion and my church and your church, that's  
22 right, and you can go into that church, by the  
23 way, nobody can stop you. [background comment]  
24 And say that that's the reason why you're voting  
25 against this legislation. I think that's wrong.

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2 And you can go into that church and Saturdays they  
3 have confession, so you can go there anytime  
4 [laughter, time bell] anytime you want.

5 CHAIRPERSON JACKSON: So do you  
6 vote yes on both items, Council Member?

7 COUNCIL MEMBER ULRICH: Oh, yes.

8 CHAIRPERSON JACKSON: Thank you.  
9 Next, please.

10 CLERK: Council Member Levin.

11 COUNCIL MEMBER LEVIN: I'm not  
12 going to take the time to explain my vote, but I  
13 do want to vote aye on all. Thank you.

14 CHAIRPERSON JACKSON: Thank you.  
15 So our colleagues, we have completed the vote,  
16 every member of this Committee has voted, is that  
17 correct, Aysha? 19 members, I appreciate your  
18 input and your opinions. My advice to all of you  
19 tomorrow, when we're on the floor, is to try to  
20 stick to the topic and be civil in your opinions  
21 about the matters that are being discussed and  
22 just remember Robert Rules of Order, refer back to  
23 as your colleague and you don't have to  
24 necessarily mention the individual colleague's  
25 name, not unless you absolutely, absolutely have

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2 to. Then we, we keep it on a straight and narrow  
3 path towards either saying yes or no against this  
4 Resolution. So my colleagues, I thank you very  
5 much. This hearing is now [background comments]  
6 I'm sorry, Billy, you want to call the vote,  
7 please, I'm sorry.

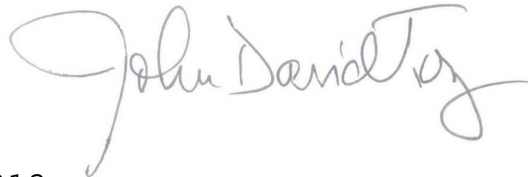
8 CLERK: Resolution 1155-A is  
9 adopted by a vote of 14 in the affirmative, five  
10 in the negative, and no abstentions. And  
11 Preconsidered Resolution in relation to stop  
12 standalone field testing is adopted by a vote of  
13 18 in the affirmative, one in the negative, and no  
14 abstentions. Members, please sign the Committee  
15 reports. Thank you.

16 CHAIRPERSON JACKSON: Thank you.  
17 The hearing is hereby adjourned at 2:18 p.m.  
18 [gavel]

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 June 6, 2013