



Legislation Text

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Res. No. 997

Resolution calling on the New York Governor to pardon lesbian, gay, bisexual and transgender individuals convicted under historical, discriminatory laws.

By Council Members Dromm, Van Bramer, Menchaca, Cornegy, Levine and Reynoso

Whereas, New York City counts over 750,000 gay, lesbian, bisexual and transgender (LGBT) among its citizen population according to 2015 survey data; and

Whereas New York City, site of the Stonewall Uprising and, thus, the birthplace of the LGBT rights movement, possesses cultural and historical import to the LGBT community; and

Whereas, However, the legal system has a history of discrimination against the LGBT community that has too long been unacknowledged and unatoned for; and

Whereas, For example, in 1787 sodomy laws punished same-sex intimacy as a capital offense, which was reduced to life imprisonment in 1801; and

Whereas, These laws characterized physical intimacy among men and among women as “deviate sexual intercourse” and remained in effect in New York until 1980, when the State Court of Appeals ruled in *People v. Onofre* that such laws were unconstitutional; and

Whereas, In 1923 the State enacted laws criminalizing loitering with the intent to solicit another man for sex; and

Whereas, Despite a successful lawsuit brought against the State in 1983 in which the loitering law was declared unconstitutional, the State continued to enforce it though 2010; and

Whereas, In 1937 Mayor Fiorella H. LaGuardia instituted a policy that required persons convicted of sex crimes - including “deviate sexual intercourse” - be under medical observation and committed to Bellevue

Hospital if they were found to be insane; and

Whereas, Until 2011 New York enforced laws criminalizing a person's dressing "in a manner to conceal his being identified" against men and women who wore clothes purportedly designed for the opposite sex; and

Whereas, Law enforcement officers carried out such statutes by forcibly investigating individuals' biological sex and mandating that they wear at least three articles of clothing that conformed with said sex; and

Whereas, Authorities have used many other laws throughout New York's history directly and indirectly to prosecute and persecute the LGBT community; and

Whereas, Arrests and convictions disrupted the lives of LGBT individuals, leading to loss of jobs and careers, ostracization from family and neighbors, and harm to mental health, sadly leading to suicide in some cases; and

Whereas, Other countries have rejected their past discrimination against the LGBT community and taken affirmative steps to remedy those injustices; and

Whereas, In 2016, for example, Germany pardoned LGBT persons who suffered under Section 175, which criminalized homosexual acts, and, the following year, made reparations to individuals convicted and incarcerated under the law; and

Whereas, In 2017 the United Kingdom reckoned with its own history by posthumously offering a royal pardon to men in England and Wales who had been convicted under legislation that outlawed homosexual acts; and

Whereas, The United Kingdom issued a specific pardon to Alan Turing, one of the founders of computer science and a hero of World War II, who was arrested for "gross indecency" and chemically castrated when it was discovered that Turing was in a same-sex relationship; and

Whereas, In 2018 Scotland, following the lead of England, passed similar laws, which pardoned those convicted under prior anti-homosexuality laws and posthumously pardoned those convicted but who have since died;

Whereas, In 2018 Canada expunged the records of those criminalized under anti-LGBT laws; and

Whereas, New York may only reconcile its relationship with its LGBT populations by acknowledging its past wrongs and offering a legally substantive resolution; now, therefore be it

Resolved, That the New York Governor pardon lesbian, gay, bisexual and transgender individuals convicted under historical, discriminatory laws.