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EDUCATION & HUMAN SERVICES COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Education & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on June 13, 2017.

MEMBERS PRESENT:

Leg. Monica Martinez, Chairperson
Leg. Thomas F. Barraga, Vice Chair
Leg. Kate Browning
Leg. Robert Calarco, DPO
Leg. Kara Hahn
Leg. Leslie Kennedy

ALSO IN ATTENDANCE:

George M. Nolan, Counsel to the Legislature
Jason Richberg, Clerk of the Legislature
Amy Ellis, Chief Deputy Clerk/Legislature
Rosalind Gazes, Budget Review Office
Gail Vizzini, Suffolk Community College
Ben Zwirn, Suffolk Community College
Katie Horst, County Executive's Office
John Marafino, County Executive's Office
Jason Hann, County Executive's Office
Lisa Pinkard, Aide to Leg. Martinez
Justin Littell, Aide to Leg. D'Amaro
Alyssa Turano, Aide to Leg. Hahn
Ali Nazir, Aide to Leg. Kennedy
Rabbi Steven Moss, Suffolk County Human Rights Commission
Rick Brand, Newsday
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 12:50 PM

CHAIRPERSON MARTINEZ:

We will now enter our Education and Human Services Committee. I'm sorry, if we could all rise, we did not do our Pledge so please rise for the Pledge of Allegiance to be led by Legislator Calarco.

SALUTATION

PRESENTATION

Thank you. Okay, good afternoon. In continuing with our agenda here today in the Education and Human Services Committee, we do have a brief presentation by Rabbi Steven Moss, who is the Chair of the Suffolk County Human Rights Commission. Rabbi Moss, all yours.

RABBI MOSS:

Good afternoon, everyone. I want to thank Chair Martinez for enabling me and allowing me to address all of you this afternoon. I want to thank Legislator Browning for -- whose committee referred me to speak this afternoon. And, as always, I thank the Legislature for its continued support of all of the activities that are so vital to the wellbeing and quality of life of our citizens here in our County regarding human rights and, of course, the continued fight against bias and prejudice.

I stand before you today representing the Human Rights Commission, of which I am Chair, since, wow, 1991. I am also Co-chair of the Anti-Bias Task Force, Islip Anti-Bias Task Force, as well as the newly designated center for justice and human understanding with the Holocaust Collection over at Suffolk Community College, previously the Center for the Holocaust Diversity and Human Understanding. And also Director of Stop Bias, which is the only educational program for bias crimes offenders or people who do commit a crime or do something that has a bias aspect to it. And since 1991, we've had over 550 defendants go through the program; the youngest was ten years-old and the oldest was 64 years-old. And I've had the privilege of meeting with every single one of them. And we can talk about that at another time. It's a program actually this County should be very proud of, which most people have no idea even exists, but it does.

Anyway, I'm here to talk about hate speech. I want to -- I'm going to give a little bit of a different presentation by -- in honor of Legislator Browning today. And make this so because I have a little bit more time to speak, even though not a lot of time, I know, but a little bit more time.

A number of years ago in my town of Oakdale where my synagogue is, I was driving behind a series of stores, a strip mall kind of thing. I won't give you exact location, but it doesn't really matter, it's many years ago. And I noticed in the back of a Chinese takeout place there was the word Chinks graffitied on the back of the store. So it kind of bothered me. So I drove around the front of the store, went in and spoke to the people working in

1 the store, the Chinese takeout place. And they really had a lot of
2 difficulty fully understanding me as I was talking about the word
3 understanding exactly what I was trying to say to them. But I was
4 really very upset by the graffiti at the back of the store.

5
6 I did some research and I found out the owner of the stores. I
7 called the gentleman up and I said to him, *do you know this word is*
8 *graffitied on the back of the Chinese place over there in Oakdale?*
9 And he said to me, *yeah, I know it's there.* And I said, *don't you*
10 *think it should come off?* And, believe it or not, okay, he said to
11 me *what's the difference, they don't read English anyway so they*
12 *can't be offended.* Well, that got my, I was going to say Irish up,
13 but I'll say my Jewish up and -- or my sense of ethics and what's
14 right and wrong. I said to him, *guess what? I'm offended by it.*
15 And he said to me, *so what? It's on my store, I can keep it on*
16 *there if I want to.* And, guess what, legally he can.

17
18 And so, therefore, I said to him *well, it does offend me, my*
19 *synagogue is around the corner* and then maybe I exaggerated my bit
20 of power that I probably don't have anyway, but I said to him *if*
21 *it's not off by the end of this week, I'm going to have 200 people*
22 *outside the store with signs telling them that you're a racist.*
23 Well, guess what? By the end of the week it came off.

24
25 However -- another story. There was a gentleman who's been
26 identified by the Southampton Police Department, has actually been
27 spoken to by the Hate Crimes Unit of Suffolk County Police
28 Department, I said Suffolk both times? Southampton I meant the
29 first time. He is wonderful gentleman who actually's running off
30 all these pamphlets that appear all over the County at various
31 times all the way from Moriches, probably even further east all the
32 way to Melville, I believe; over time these KKK recruitment
33 pamphlets and hate pamphlets. And, guess what? It's not illegal
34 what he is doing. It is protected by the first amendment of our
35 constitution. At least that's what he says. Unfortunately, it is
36 not considered to be a crime.

37
38 And then these picture here, by the way, I have many more of them,
39 these are hate crime photos, obviously. **[Indicating]** The one I
40 have over here -- the one on the furthest left over there is the
41 well known incident, which actually got me started in part of doing
42 a lot of the things that I do. And that was the very well known
43 Commack incident, 1991, in which two young men, 17 year-old
44 graffitied the field where their graduation was going to occur the
45 next day. Well, this was before 2000 -- the year 2000 when our New
46 York State did finally sign on to have a hate crimes law. Today,
47 this could be punishable, obviously, as a hate crime. But in those
48 days, guess what? There was no law against this. A town could get
49 it, I guess, theoretically, as a nuisance law for disturbing the
50 peace of a County -- of a town rather, as graffiti law. However,
51 the only thing -- the only way that these boys ended up going to
52 Riverhead jail for 40 days was because it was a felony due to the
53 \$25,000 worth of damage.

54
55 Many of these other posters and pictures here, **[Indicating]** they
56 are crimes under the law now since 2000 when they can prove intent

1 of one who commits the crime. However, if no intent can be proven,
2 then simply they are what, a misdemeanor graffiti.

3
4 I'm here to speak to you today about hate speech. My feeling is,
5 and I don't know if you share this with me, I hope you do, that I
6 do not believe that the first amendment protects hate speech. And
7 actually what inspired my presentation before Legislator Browning's
8 committee, was the recent report out in Southampton of Valerie
9 Smith. It's on the record. It's in the papers. Although it's in
10 papers doesn't mean it's on the record, but it is. And she has not
11 denied it, although I just read a few moments ago that on Facebook,
12 believe it or not, she actually apologized for what she said; and
13 that is to use the N-word to describe her neighbors.

14
15 She is a woman, a Caucasian living in a primarily African American
16 neighborhood. And as reported, according to, I believe the article
17 in Southampton Press, between 100 and 200 complaints about her
18 neighbors during this year that she's lived there and quite often
19 would describe them using the N-word. When she was -- and by the
20 way, she's running for town council. I don't know if I can say
21 this on the record but parenthetically I hope that she has declined
22 and rescinded her desire to run.

23
24 However, let me say this: Is is that when she was asked by the
25 press, *should you be using this word* or something to that effect,
26 her response was, *I'm protected by the first amendment, I can say*
27 *what I want to talk about people.* And I'm going to add my own
28 words, and that is, I guess basically any time I want to, I can say
29 anything I want to.

30
31 I'm sure you understand when I say this, from Washington all the
32 way down to the streets of our County, there are those both average
33 people, so to speak, and people entering into terms of leadership
34 who are leaders, who fail to understand that what we say does make
35 a difference. From my 550 defendants that I met with, is that
36 sticks and stones may break my bones but names will never harm me,
37 it is not true; names severely hurt.

38
39 Um, I -- it's amazing to me that in a town, there are, sometimes
40 they're called nuisance laws, unfortunately, in which if one plays
41 music, guess what, you're allowed to, okay, it's a free country,
42 you can play music. However, above a certain decibel level, guess
43 what? You can be cited for making too much noise. Well, I don't
44 understand why it cannot be, that even on a town level, there
45 cannot be decibel speech levels by which, guess what? The words
46 that are being spoken, one person against another, can also come
47 under a nuisance law; in other words, basically unacceptable. I
48 have no problem being intolerant of, guess what? Intolerance.

49
50 So as to why I'm coming before you and came before the other
51 committee, in truth, I'm not sure except it gives me a chance to
52 kind of speak out about this. I was very upset by this report of
53 Valerie Smith and what happened there. And this was brought to my
54 attention by one of your wonderful colleagues and a caring
55 individual. And that, of course, is Bridget Fleming, who brought
56 this all to my attention. But I -- and I'm not sure what I'm

1 asking of you except to hear me out.

2
3 I'd like to say three things: One is, I doubt very much if our
4 County is able to actually create a hate speech law because that
5 would have to come under the State penal law, which obviously you
6 have no effect upon. In truth, I would like to think that the
7 County could actually have a nuisance law about hate speech. I'm
8 not sure, it'd be really tough to really define this and write it
9 up; however, I do believe that speech -- hate speech is
01:00PM 10 intolerable, especially in the climate that we're living in today.

11
12 So, I think, what I could ask of this Committee to be able to refer
13 to the full Legislative body; and that is, and I've heard recently
14 that the Legislature no longer does sense resolutions. Well, I
15 think, that it is time for this body to be able to stand up at
16 least in this issue, and I know you stand up -- I don't mean to
17 imply that you don't on other issues, but to actually pass a
18 resolution stating very, very clearly that hate speech on the part
19 of citizens wherever they are, whatever they serve, whatever they
01:00PM 20 do, wherever they live, is unacceptable because it effects the
21 very, very climate, all right, and the wellbeing of our
22 communities. These words do hurt so very, very much.

23
24 And, in conclusion, I do want to share with you, my wife and I
25 spent a couple of wonderful four days, this past -- five days, this
26 past week in New Orleans and went to the World War II Museum. If
27 you haven't been there and haven't had a chance you should see it,
28 it's an incredible museum. And they have an exhibit right now on
29 Nazi propaganda. And I want to read to you, we took a photograph,
01:01PM 30 of one of the posters that was on display at the exhibit. *The*
31 *Holocaust and other Nazi crimes shocked the world's conscious and*
32 *triggered an ongoing discussion on how to best combat harmful forms*
33 *of speech. The conviction of Julius Streicher and acquittal of*
34 *Hanz Fritzsche at the international military tribunal set*
35 *international legal precedents that still influence the prosecution*
36 *of individuals charged with quote "incitement to genocide." A*
37 *crime under international law established by the United Nations*
38 *sponsored genocide convention 1948. Some countries including*
39 *Germany have criminalized Nazi propaganda as well as speech aimed*
01:02PM 40 *at inflaming national, religious, ethnic and racial hatred. In the*
41 *United States, by contrast, hate speech, including the use of a*
42 *Nazi swastika, anti-Semitic images and rhetoric is generally*
43 *protected on the right of freedom of expression. The majority of*
44 *states in our country do not have hate crimes laws, such as New*
45 *York does. In the marketplace of ideas free speech advocates claim*
46 *truth will triumph over evil and restrictions on speech, even bad*
47 *speech, undermine democratic liberties.*

48
49 Well, I would like to say, you've all heard these words so very
01:02PM 50 often: Evil occurs when good people do nothing. You, us, me, God
51 willing, represent the good people. I just would like to suggest
52 strongly that this is an area where maybe we can take a stand to
53 send out that clear message. I meet with these students of mine in
54 the Stop Bias Program. In truth, how can I say to a 14-year-old
55 who says words of speech to another person and is sent to me
56 because this happens in a school setting, they're not going to be

1 charged with a hate crime of any sort, no crime at all, how can I
2 say to this young person, guess what? What you said is
3 unacceptable when apparently it is acceptable for some under the
4 constitution.

5
6 So, I guess I would like to thank -- not, I guess, I would like to,
7 I'm saying, I guess, I'm suggesting this to all of you from the --
8 from the bottom of my heart is a -- is an area where this
9 Legislature can take a very important stand and maybe -- you know,
01:03PM 10 we've done a lot of wonderful things in the County. I don't know
11 how many of you know this but Suffolk County was the first County
12 under on our local Human Rights law to actually include the
13 protective category of the homosexual transgender community under
14 our law. We were the first one in the entire state. We have done
15 things in Suffolk County that has not been done anywhere in New
16 York State as well as the nation. I think this is another area
17 where we can be the first again.

18
19 So I thank you very much for your consideration and time and God
01:04PM 20 bless you all and, yes, God bless America.

21
22 **CHAIRPERSON MARTINEZ:**

23 Thank you, Rabbi. And actually we just had a forum where
24 Legislator Kennedy and I along with other individuals and Presiding
25 Officer Gregory where we spoke with students from the school
26 district on first amendment rights and the limitations and if there
27 are any limitations, especially within the schools. And I can tell
28 you as an educator and former administrator, we do not tolerate
29 that. We do not tolerate any type of language towards children
01:04PM 30 that would harm them in any way. And there were definitely
31 repercussions for a student to do such things. You know, every
32 school district is different, but this is something when you go
33 into the schools and in the confines of the school building, rights
34 are definitely limited for a child within the four walls of the
35 schools.

36
37 **RABBI MOSS:**

38 But then, you know, a child sees -- hears, reads these things in
39 the newspapers such as with Valerie Smith, to use her as an
01:05PM 40 example, and they say *why do I have to listen to that teacher, I*
41 *can say what I want to also*, you know, that's the tough part of
42 this. Or what goes on --

43
44 **CHAIRPERSON MARTINEZ:**

45 I agree, I agree. And no one -- no one's dismissing what you're
46 saying because it's true, it's out there. And I think from what
47 you saw at the Public Safety Committee, we're all very surprised to
48 even hear, there's those of us who did not know about it.

49
01:05PM 50 So definitely thank you for bringing this to our attention and we
51 will continue our discussions on this.

52
53 **RABBI MOSS:**

54 Thank you. And obviously through my offices and things I do in any
55 of our groups and committees, if we can be of any assistance in
56 helping to draft something, we certainly will offer our services

1 and that's without question.

2
3 **CHAIRPERSON MARTINEZ:**

4 Perfect. Thank you.

5
6 **RABBI MOSS:**

7 Thanks, everyone.

8
9 **INTRODUCTORY RESOLUTIONS**

10
11 **CHAIRPERSON MARTINEZ:**

12 Okay. So we will continue with our agenda. We do not have any
13 Tabled Resolutions so we'll move onto Introductory Resolutions
14 starting with **1513 - Approving the reappointment of Rabbi Dr.**
15 **Steven A. Moss**, who was just here with us to the **Suffolk County**
16 **Human Rights Commission. (Co. Exec.)** After that I think we should
17 approve him.

18
19 **LEG. BARRAGA:**

20 Second.

21
22 **CHAIRPERSON MARTINEZ:**

23 Second by Legislator Barraga. All in favor? Opposed?
24 Abstentions? The motion carries. **Approved (VOTE: 6-0-0-0)**

25
26 **1514 - Approving the reappointment of Michele T. Delmonte, to the**
27 **Suffolk County Human Rights Commission. (Co. Exec.)** Same motion,
28 same second. All in favor? Opposed? Abstentions? Motion
29 carries. **Approved (VOTE: 6-0-0-0)**

30
31 **1515 - Approving the reappointment of Lynda Perdomo-Ayala, to the**
32 **Suffolk County Human Rights Commission. (Co. Exec.)** Same motion,
33 same second. All in favor? Opposed? Abstentions? Motion
34 carries. **Approved (VOTE: 6-0-0-0)**

35
36 And last one, **1516 - Approving the reappointment of Carolyn G.**
37 **Peabody, to the Suffolk County Human Rights Commission. (Co. Exec.)**
38 Same motion, same second, same vote. Motion carries, 1516.
39 **Approved. (VOTE: 6-0-0-0)**

40
41 There are no table subject to calls. This ends today's Committee.
42 Have a great day. Thank you.

43
44 **THE MEETING CONCLUDED AT 1:07 PM**
45 **{ } DENOTES SPELLED PHONETICALLY**
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