



New Governor, Old Friend

Advocates, Mourning Eliot Spitzer, Upbeat on David Paterson

By: PAUL SCHINDLER
03/12/2008

With the resignation of one of only two governors in the US elected on a same-sex marriage platform, LGBT leaders in New York are breathing a huge sigh of relief that Eliot Spitzer's successor, David Paterson, comes to office with an even stronger record of support for the community's goals.

Recalling last June's historic vote by the State Assembly to pass the marriage equality bill that Spitzer introduced in his first 120 days in office, longtime gay activist Ethan Geto recalled, "David, in what may have been an unprecedented act for a lieutenant governor, or any executive official, worked the floor of the State Assembly on the night that the vote on gay marriage was about to occur, encouraging and cajoling Assembly members to support the bill and, importantly, making the crucial point that gay rights are fundamental civil rights."

Paterson's high profile visibility the day of the Assembly vote was also recalled by Alan Van Capelle, the executive director of the Empire State Pride Agenda (ESPA), the state LGBT rights lobby.

"Part of our winning strategy on the marriage bill was based on the counsel and advice of the lieutenant governor and his willingness to reach out to members of the Assembly," Van Capelle said. "And his commitment showed particularly on the day of the vote when he went to members he had spoken to right on the Assembly floor to shore up their vote. In my years going to Albany, I never saw a lieutenant governor, in fact any member of the executive do that."

Prior to his election as lieutenant governor in Spitzer's 2006 landslide, Paterson served as a state senator from Harlem for more than two decades, the last four years as the Democratic minority leader. He held the seat earlier held by his father Basil, an iconic Harlem Democratic leader. Knowing David Paterson throughout his Senate career, Geto told Gay City News that one of the new governor's guiding political principles is "that gaining equality under the law for blacks was the civil rights battle of his father's generation, but that achieving full equality of opportunity for LGBT people is the core civil rights battle of his own generation."

When he takes office next Monday, March 17, Paterson will become New York's first African-American governor. Born in 1954, he grew into adolescence during the height of the black civil rights movement. Vision problems in his youth led to loss of sight in one eye and limited sight in the other, and Paterson has been legally blind since then. In college he learned that two men he knew well in his youth were gay, and Paterson says that helped him recognize the common obstacles posed by discrimination and disadvantage.

"When I was growing up nobody was openly gay," he told Gay City News in a 2006 interview during his lieutenant governor run. "If they appeared to be gay they got ridiculed with all sorts of epithets. I'm a human being and I once felt as they did."

It was not long into his Senate tenure that Paterson proved his mettle on gay rights. In the late 1980s, as hate crimes legislation was first discussed seriously in Albany, Republicans hoped to claim credit on an issue popular among constituencies including the African-American and Jewish

communities. The GOP was unwilling to include protections for gay and lesbian New Yorkers, but counted on black legislative leaders to embrace any progress possible on the issue.

Howie Katz, a gay activist who led the hate crimes bill coalition in New York for more than a decade, and **Matt Foreman**, who headed ESPA when the bill finally passed in 2000, both recall that Paterson was one of two African-American legislators who spearheaded the refusal to compromise on the inclusion of sexual orientation in the legislation.

"He was just great, our key point person in the Senate on hate crimes legislation," Foreman told Gay City News in 2002 at the time Paterson became Senate minority leader.

"I know of no more principled person in the political community," Katz said at that time.

Jeff Soref, who was a co-chair of ESPA when the hate crimes law was enacted and also two years later when the Sexual Orientation Non-Discrimination Act (SONDA) was passed, also spoke to Paterson's integrity.

"He's an honorable guy," Soref said in an interview, as news of Spitzer's resignation became known. "David keeps his word on political matters."

Soref recalled that during the last-minute debate in 2002 over whether SONDA should include protections based on gender identity and expression, Paterson "was a very strong advocate of trans rights and had reservations about going forward without including them."

In fact, months before, prior to becoming minority leader, Paterson, recalling his earlier insistence on keeping sexual orientation in the hate crimes bill, told Gay City News' Andy Humm, "Sometimes it takes a little longer... Without gender identity, my inclination would be to vote against [SONDA]."

In fact the bill proceeded with his support but without transgender protections, and now five years later, advocates remain impatient that the Gender Expression Non-Discrimination Act (GENDA) has not even received a vote in the Democratic Assembly - where it has about 20 more supporters than it needs - much less in the Republican-dominated Senate. Van Capelle, Soref, and Emily Giske, an openly lesbian vice-chair of the state Democratic Party, all predicted that the bill will receive careful attention in a Paterson administration.

Geto highlighted another factor he considers significant in Paterson's posture toward the LGBT community - the role of an openly gay man, Charles O'Byrne, as his chief of staff for the past several years. O'Byrne, a former Jesuit priest who left his order because of the Catholic Church's hostility toward gay rights, first worked in politics under Geto when Geto headed up the Howard Dean presidential campaign in New York State. In the wake of that campaign Geto introduced O'Byrne to the Senate minority leader, who took him on as a policy adviser.

O'Byrne quickly became Paterson's chief of staff and will surely have an inside track to continue in that role for the new governor.

Jeff Simmons, who served the 2006 Paterson campaign as its communications director, recalled a gay pub crawl he and out lesbian Assemblywoman Deborah Glick took the candidate on in Manhattan that fall. After a number of stops, Simmons recalled, Paterson admitted to being depressed, "because no one was flirting with him."

Nobody interviewed for this article cited any differences between the outgoing and incoming governors on key LGBT issues. In 2006, however, Paterson was candid about policy areas - including HIV testing and the death penalty - where he and Spitzer did have disagreements.

During his hotly contested 1998 Democratic primary contest for attorney general, Spitzer harshly

criticized an opponent, State Senator Catherine Abate, for her failure to support a 1996 law that required that all newborn babies in the state be tested for HIV, with or without the mother's consent. Opponents of that law had argued it amounted to mandatory testing of pregnant women, discouraging them from seeking testing voluntarily and perhaps driving them away from the health care system. Paterson opposed the so-called Baby AIDS bill, and said prenatal HIV transmission was best prevented by winning the mother's cooperation and treating her with AZT during her pregnancy.

That disagreement was paralleled by the two Democrats' split on legislation to allow for HIV testing of accused rapists, which cleared the Legislature last year overwhelmingly. "I think it is fair for a victim to seek medical information on a suspect," Spitzer told Gay City News, while Paterson, pointing to the advice of AIDS experts, argued that the most important step a rape victim can take is immediate post-exposure-prophylaxis to prevent infection, coupled with periodic testing. A negative test result on an alleged rapist will not provide definitive information to a victim in any event, since the suspect could be newly infected.

But Paterson was careful to couch this disagreement on a medical, rather than civil liberties basis. "With respect to people who get arrested for rape, in that respect I basically agree with Eliot," he said, "I could care less what happens to them, because they probably did it."

Paterson also walked a careful line on his differences with Spitzer over the death penalty, explaining that post-9/11 he had a new appreciation for those who think differently than himself on the issue.

"As a person who never thought they would even entertain a view that the death penalty is valid, I think I began to entertain that on September 11 and then on September 12. It didn't change my view on the death penalty; I am against it," Paterson said. "But it enhanced my respect for people who believe in it."

For all their praise of Paterson, LGBT leaders were decidedly reluctant to offer anything but expressions of sadness about Spitzer's downfall-and gratitude for his follow-through on his campaign pledge to get the ball rolling on marriage equality legislation.

"I don't think you can fault the job Eliot Spitzer did on gay marriage or on our issues generally," Soref said. "He kept his promises. I never expected him to make marriage such a priority. He made more money available for LGBT social services and delivered in terms of getting openly gay people in positions of authority. In terms of our community, he is a friend. And we have to be honest enough today to acknowledge that."

Asked whether Paterson's taking office offered Democrats a fresh start after 14 months in which Spitzer lost ground in the polls due to a number of high profile flaps - the most famous of which involved his administration's use of the State Police to embarrass Joe Bruno, the Republican leader of the Senate - Tom Duane, the Senate's one openly gay member, would only say, "I am confident that the transition will be seamless on our community's agenda."

Still, some observers acknowledged obliquely that Paterson could prove more effective in the job than Spitzer.

The Pride Agenda was among the few organizations willing to come to Spitzer's defense last summer when the Bruno-State Police controversy blew up, but this week Van Capelle stated, "If Spitzer had stayed there the tone in Albany would not have improved." With the Senate Republicans no longer able to tie up the administration with an unending probe of the State Police matter, the Democrats can focus on their goal of finally regaining control of the Senate, where the GOP holds a two-seat edge.

"Our chances of winning the State Senate have improved," Van Capelle argued, a precondition

for the marriage equality bill to even be considered there.

Alan Fleishman, an out gay Democratic district leader from Park Slope, while offering praise for Spitzer, said, "Things might even go better" with a new governor in office.

And in a subtle comment on Spitzer's reputation for a hardheaded insistence on always having the right answer, Giske noted, "David has always been open to learning."