



1991

Civil Rights Clause

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NEW YORK STATE CONSTITUTIONAL DECISIONS: 1990 COMPILATION

CIVIL RIGHTS CLAUSE

N.Y. CONST. art. I, § 11:

No person shall, because of race, color, creed or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

COURT OF APPEALS

People v. Kern¹
(decided March 29, 1990)

See the case analysis listed under EQUAL PROTECTION.² The court of appeals, in a unanimous decision, held that the civil rights clause of the state constitution prohibits the defense, along with the prosecution, from the exercise of race based peremptory challenges.³

1. 75 N.Y.2d 638, 554 N.E.2d 1235, 555 N.Y.S.2d 647, *cert. denied*, 111 S. Ct. 77 (1990).

2. *See infra* notes 387-410 and accompanying text.

3. *Kern*, 75 N.Y.2d at 653, 554 N.E.2d at 1243, 555 N.Y.S.2d at 655.