

The gay marriage vote: For once, Legislature takes a stand on a deeply divisive issue

Editorials

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The democratic process has spoken, and the right to marry will not be extended to same-sex couples in the State of New York.

The Senate's 38-to-24 vote comes as a crushing disappointment to the many passionate advocates, both gay and straight, who view marriage as a human right that should not be denied based on sexual orientation.

At the same time, it is a relief to the many whose heartfelt view is that marriage should remain a legal bond between one man and one woman, as has been understood throughout history.

It's a polarizing debate that touches deep-seated feelings. And it was argued out exactly where it should have been - not in the courts, but in the state Legislature, by the elected representatives of 19 million New Yorkers.

Yesterday, the Assembly approved gay marriage for a third time, and the Senate voted it down. The percentages voting for and against in each house were almost exactly reversed.

In the heavily Democratic Assembly, 63% voted yes

and 37% voted no. In the Senate, where Democrats have only a two-vote margin over Republicans, the tally was 61% against and 39% in favor. The results say nothing so much as that, measured by their representatives, New Yorkers are deeply divided on the issue.

Gov. Paterson and gay rights activists had lobbied for a Senate vote. They were owed that, and the Senate took the step, highly unusual for the Legislature, of debating an issue in public and allowing a bill to go down to defeat.

And that settles the matter - at least for now. But the democratic process is by no means over.

Lawmakers concerned about the legal quagmires faced by same-sex couples trying to share health coverage or write wills or raise children should consider a civil union law that would address those needs.

And advocates on both sides can campaign for senators who share their views. For better or worse, for richer or poorer, in sickness and in health, that's the democratic way.

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