



December 3, 2009

Justice denied

For years, members of the New York Senate have been pushed and prodded to take a stand on marriage equality, perhaps the leading civil rights question of the day. Their Assembly counterparts have done so thrice, each time approving gay marriage bills by decisive votes. On Wednesday, the senators finally took the plunge in Albany; the result was a surprisingly lopsided defeat for fairness.

The vote was 38-24 against the Marriage Equality Bill, which would have made New York the sixth state to allow gay marriage. Eight Democrats joined all 30 Senate Republicans who cast "No" votes. Earlier Wednesday, the Assembly backed the measure, 86-51; that chamber has consistently stood up for marriage equality, without members facing any voter backlash of note. The New York Court of Appeals, the state's highest court, previously ruled that it was up to lawmakers, not the courts, to decide if gays and lesbians should be allowed to marry. Wednesday, though, was not the day for justice — or for the Senate to come up other than small.

Sen. Eric Adams, D-Brooklyn, was among legislators who had called on their colleagues to put aside personal religious objections and back the measure. He reminded the chamber that even slavery was once legal. All told, some 18 proponents gave impassioned speeches about family members who had survived the Holocaust or had otherwise suffered discrimination.

Because so many economic and other rights are tied to marriage, the vote assumed even greater significance in this Great Recession. But the issue has always been about personal dignity, not merely economics.

The outcome was a blow to equal protection and fundamental fairness. It also was against the tide of public opinion. It came the same day a new Marist Institute poll showed New Yorkers favoring same-sex marriage 51 percent to 42 percent.

Expect that margin to grow as more people of good will appreciate the prevailing unfairness and come to terms with the inevitable march of history.