

**The New York Times****December 3, 2009****EDITORIAL**

## **Voting for Discrimination**

The New York State Senate held an emotional debate on Wednesday in which there was talk of belief and conscience and eloquent reminders of earlier civil rights struggles. It then took a stand against equality and fairness.

By a 38-to-24 vote, lawmakers chose to continue the state's discrimination against couples who want to get married and simply happen to be the same sex.

Like Gov. David Paterson and advocates who pressed for the vote, we had hoped a sufficient number of senators would do the right thing when required to take a stand. In the end, though, not a single Republican possessed the courage or sense of justice to depart from an obsolete and narrow-minded party line, even the handful who had indicated that they might.

Also succumbing to what Senator Thomas Duane, a Democrat of Manhattan, called "contagious lack of backbone" were eight Democrats: Joseph Addabbo Jr., Darrel Aubertine, Rubén Díaz Sr., Shirley Huntley, Carl Kruger, Hiram Monserrate, George Onorato and William Stachowski.

Mr. Paterson was right to insist on the vote during the current special session, but he was too weak to get the job done. The Democratic Senate leaders — John Sampson of Brooklyn, Pedro Espada Jr. of the Bronx, and Malcolm Smith of Queens — also failed to deliver.

Beyond any ideological divide, the disappointing result, which is at odds with the sentiment of the majority voters registered in recent opinion polls, is yet another sign of Albany's ongoing squabbling and dysfunction.

The defeat was particularly stinging on the heels of last month's narrow approval in Maine of a referendum to block same-sex marriage and a vote last year in California overturning a State Supreme Court decision that acknowledged the right of same-sex couples to marry.

The heartening news was that the day before the disappointing Albany result, the City Council in Washington, D.C., approved a marriage-equality bill by a wide margin. A second vote is still needed, but it now appears likely that marriage equality will become the law in the nation's capital — barring improper interference from Congress. We remain hopeful that once fair-minded New Yorkers have a chance to digest Albany's insult on Wednesday to some American families, they will raise their voices and insist on another vote — and this time there will be a just outcome.

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