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The Upside Of A Losing Vote

The Capitol

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People can disagree about whether the defeat of the gay marriage bill in the State Senate on Dec. 2 was a sad defeat or a reaffirming victory.

But they cannot dispute that it was an important day for democracy: amazingly, the Legislature convened for a vote without knowing well in advance what each member would do, or even what the ultimate outcome would be. Right or wrong, when the dust has settled, a bill had gone before the New York State Senate, floor debate and all, and failed.



And the Capitol did not fall down.

And the State Constitution did not spontaneously combust.

And somehow, New Yorkers were able to go on with their lives without riots in the streets. Even the legislators themselves seem to have survived.

Gay marriage is an important topic, and one that understandably excites the passions of advocates on both sides of the issue. But far too much time this year was spent debating whether or not to have the debate. The answer is simple: of course it should have been debated, of course there should have been a vote, just like there should be votes on any piece of legislation that has the support of a substantial number of the members or supposedly can be settled with an up or down vote.

Bills need to come to the floor—controversial or resisted as they may be. They need to be hashed out in public and with a full recording of yeas and nays. There will be consequences, governmentally and politically. There will be people who lose elections. And as for the bills, some will pass and some will fail.

There were those who argued that the gay marriage bill was a waste of government time, not significant enough for the Senate to focus on in light of all the other pressing business it faced. Maybe this argument would have felt more substantive if not for the month and a half of the Senate coup, or the weeks of five-minute sessions



procrastinating from passing the DRP. Maybe.

Of course, the gay marriage vote was significant—as the passion over just holding it proved. For a few hours on a Wednesday afternoon, New Yorkers got to see how their elected representatives actually felt, and how those people defended the decisions they were making on behalf of their state. Agree or disagree with the outcome, cheer or sneer at the senators' speeches, this was a beautiful thing.

Now the trick will be to make a habit out of it.

The great lesson in Joe Bruno's conviction is that when decisions about state government and spending are made in the private offices and side chambers of the Capitol, those decisions can go wrong. No majority leader, however powerful, could have brought so many questionable projects and authorizations to the floor of the Senate without, at the very least, raising some questions. No majority leader, however wily, could have been so interconnected and still escape the notice of his colleagues—or outside watchdogs—if the appropriations were part of an open debate.

Back in July, as the Senate emerged from the dark days of the coup, New Yorkers were promised something different coming out of their state government. Things would be better. More democratic. More open.

Six months later, senators have yet to deliver many of these promises. And the state is suffering for it.

But on one afternoon earlier this month, for once, even though supporters of the bill have every reason to be crestfallen, and opponents overjoyed, every New Yorker could deservedly feel proud of their legislature. In the grand tradition of public debate, senators attempted to persuade their colleagues, revealed their thought processes and, in some cases, publicly anguished.

There was no horse-trading going on, no promises of district appropriations in exchange for votes in either direction. For once, the system worked.

By the time they return in January, the senators need to have recommitted themselves to their promises, and to start with the one from which all others would flow. It will be a frightening process. But eventually, Albany will begin to look like a real democracy.^[9]



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