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[News](#) | [Classifieds](#) | [Community](#) | [Directory](#) | [Today's Ads](#) | [CapitalCentralJobs.com](#) | [CapitalCentral.c](#)

Saturday 6 March, 2004 | [Home](#) > [News](#) > [News](#) > [Editorial](#)

News

Top Stories
 Business
 Community News
[Editorial](#)
 Obituaries
 Local Marketplace
 Weather
 Staff Awards
 AP - The Wire
 Get Directions
 National News

▶ Reader Mail

▶ Sports Wire!

▶ Entertainment

▶ Today

▶ Classifieds

▶ Place a Classified Ad

▶ Announcement forms

▶ Personals

▶ Business Directory

▶ Reader Polls

▶ About Us

▶ Subscriptions

▶ Our Newspapers

▶ Fun and Games

▶ Consumer Guide

▶ Personal Finance

▶ Lifestyles

▶ USA Weekend



Editorial

Law must be observed in same-sex marriages

By:

03/06/2004

We believe legal officials are acting properly in charging New Paltz Mayor Jason West with 19 criminal counts for performing marriages for same-sex couples.

At the same time, we believe West is acting with great courage and conviction in holding the ceremonies despite the possibility of doing jail time.

West is apparently trying to show what he believes to be the absurdity of not allowing same-sex couples to marry, of allowing a discriminatory law to remain on the books.

He also believes that the way the law is worded allows him to marry individuals, period, with no mention made of gender, no prohibition on marrying same-sex couples.

That strikes us as disingenuous. Marriage has traditionally and historically been a contract between a man and a woman.

On that basis, the criminal counts against West have been validly lodged. Perhaps Attorney General Eliot Spitzer put it best when he said he'd like to see the law changed, but that the law as it now stands must be deserved. As Spitzer said, it is up to the courts to determine if the law is constitutional, not individuals, even though they have courage and convictions of their own.

We think much of the controversy is a matter of semantics. Marriage is increasingly performed by civil officials, but it is still at its root a religiously grounded ceremony, the blessed union of a man and woman, with legal sanctions by the government.

And that is as it should remain.

Fully recognized civil unions or domestic partnerships are another thing altogether. We believe all loving couples with ties both emotional and financial have a right to enjoy all legal rights, regardless of gender or sexual orientation. We are not at all sure that civil unions threaten the sanctity of marriage in any way.


Still, that is not the law as it now exists. And unless that law is changed through the efforts of activists such as West, it must be observed and enforced.

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