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Keeping His Word, Spitzer Asks for Same-Sex-Marriage Law

By [NICHOLAS CONFESSORE](#)

ALBANY, April 27 — Gov. [Eliot Spitzer](#) proposed legislation on Friday that would make New York the second state in the country to legally sanction same-sex marriage, fulfilling a longtime pledge to supporters of gay rights.

Mr. Spitzer has acknowledged that he does not expect the bill to pass the State Legislature and return to his desk anytime soon. Earlier this week, he said that he would submit the proposal anyway, “because it’s a statement of principle that I believe in, and I want to begin that dynamic.”

Only Massachusetts currently allows same-sex marriages, a result of a 2004 court decision. Many states have taken steps to ban such unions through legislation or ballot initiatives, but Mr. Spitzer is the country’s only governor to propose legislation to formally legalize such marriages.

Whether or not the bill passes in these final weeks of the legislative session, Mr. Spitzer’s proposal is likely to make same-sex marriage a live issue in Albany in a way that it never was before.

Many members of the State Legislature have never taken a position on the issue, something that will be harder to avoid doing with the governor’s bill now a reality. So it was no surprise that the proposal immediately reignited what has been an emotional and bitter debate.

Gay rights advocates were effusive in their praise. “Promise made, promise kept,” said State Senator Thomas K. Duane, Democrat of Manhattan, who has introduced similar bills several times, including one this year.

Opponents lashed out, particularly from the ranks of religious conservatives. State Senator Rubén Díaz Sr., a Bronx Democrat and a Pentecostal minister, said that the governor’s proposal was “a slap in the face to the millions of New Yorkers who support the moral, legal and traditional definition of marriage as between man and woman.”

A spokesman for New York State Catholic Conference, the [Roman Catholic Church](#)’s official public policy arm in the state, said that New York’s bishops would strongly oppose the proposal.

“The governor said that on Day 1, everything changes. But we didn’t think that included society’s definition of marriage and traditional morality,” said the spokesman, Dennis Poust. “We think that in his first year to try and overturn the fundamental building block of society is the height of arrogance.”

This was Mr. Spitzer’s latest foray this week into the kind of sharply ideological, red-meat issues he had largely avoided during his first few months in office. It was also one of several proposals he has made recently that have met with a palpably cold reception from one or both chambers of the Legislature.

After the Supreme Court’s recent decision upholding the federal Partial-Birth [Abortion](#) Ban Act, the governor on Wednesday proposed new legislation to shore up the abortion rights guaranteed by state law. On Thursday, Mr. Spitzer asked state lawmakers to put legislative redistricting in the hands of an independent commission and to increase the pay of state judges, though the lawmakers themselves have not had a raise since 1999.

[Joseph L. Bruno](#), the Republican majority leader of the State Senate, said: “In just the last week, Governor Spitzer has sent

us bills dealing with gay marriage, abortion, court reform and reapportionment and campaign finance reform. While these proposals may fulfill campaign promises, they do not speak to the pressing needs of the majority of the people of this state.”

Mr. Bruno said lawmakers should focus on tax relief and reinstating the death penalty for killers of law enforcement officers, among other issues. [Sheldon Silver](#), Democrat of Manhattan and the speaker of the Assembly, has not yet taken a position on same-sex marriage.

Befitting the bill’s poor prospects for passage — and the fact that the governor’s plan to propose it was well telegraphed — Mr. Spitzer did not stage any event to make his proposal. His staff issued a press release and a statement in the middle of the day, well after several gay-rights groups, alerted earlier to his plans, had issued their own statements praising the governor.

In his statement, Mr. Spitzer said that “this legislation would create equal legal protection and responsibilities for all individuals who seek to marry or have their marriage protected in the State of New York. Strong, stable families are the cornerstones of our society. The responsibilities inherent in the institution of marriage benefit those individuals and society as a whole.”

Under the bill, no application for a marriage license could be denied on the grounds that the parties were of the same sex. All rights, benefits, privileges and protections offered to spouses — including property ownership, inheritance, health care, hospital visitation, taxation, insurance coverage, child custody and pension benefits — would have to be offered to same-sex spouses, too. But no clergy member or religious institution would be required to perform such marriages.

Alan Van Capelle, the executive director of Empire State Pride Agenda, a leading gay-rights group, said, “I think that most legislators are astute enough to know that this was coming. They have formed opinions. We’re going to make sure that they hear from their constituents.”

Gay-rights groups had already scheduled a lobbying day in Albany next Tuesday, before this bill was announced.

Existing legislation to legalize same-sex marriage, sponsored this year and in years past by Senator Duane and other lawmakers, has the official support of only 61 members of the Assembly and 18 of the Senate, he noted.

“I think most legislators believe this will be a difficult issue for them to vote on,” Mr. Van Capelle said. “But in reality, there is enormous support in New York State for marriage equality, from people of faith, from organized labor, from the business community.”

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