



HUMAN  
RIGHTS  
CAMPAIGN

1640 Rhode Island Ave., N.W.  
Washington, D.C. 20036  
Phone: 202/728-4168  
TTY: 202/216-1572

[www.hrc.org](http://www.hrc.org)

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## Marriage in New York

### March 5, 2004 -- Lambda Legal Files Historic Lawsuit Seeking Full Marriage for Gay Couples in New York

On March 3, 2004, New York State Attorney General Eliot Spitzer issued an informal opinion saying that same-sex couples who have legally married in San Francisco; Portland, Ore.; Canada or elsewhere are also married under New York law and must be given all the rights and protection of marriage.

Spitzer recommended, however, that state officials only honor those licenses given to same-sex couples who have married out of state. New York courts, he said, would not support any cases because state law does not specifically authorize the issuance of licenses to same-sex couples in the state. (In contrast, the Bar Association of the City of New York has argued that New York law does not prohibit the state's issuance of same-sex marriage licenses. Like the attorney general, however, it says state law allows for recognition of same-sex marriages carried out in other states.)

On Feb. 27, the mayor of New Paltz, a town outside Manhattan, began marrying couples without licenses. Mayor Jason West pleaded not guilty March 3 after the local county district attorney charged him with 19 criminal counts. A day later, John Shields, mayor of Nyack, N.Y., said he would lead a group of same-sex couples to the clerk's office to apply for marriage licenses. In Ithaca, Mayor Carolyn K.

Peterson said March 2 that while the city will not issue same-sex marriage licenses, it will accept applications and forward them to the state's health department for individual determinations.

New York is one of 12 states without laws explicitly defining marriage as between a man and a woman.

**For more information:**

- [Freedom to Marry](#)