

Judge dismisses charges against West, says state shouldn't block gay marriages



New Paltz Mayor Jason West, center, and his attorneys, Andrew Kossover, left and E. Joshua Rosenkranz, leave the courtroom at the Ulster County Courthouse in Kingston Tuesday, May 18th, 2004. West has been sued by a village trustee who alleges West's performing gay marriages was illegal.

By JESSE J. SMITH
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NEW PALTZ — A judge on Thursday dismissed criminal charges against village Mayor Jason West for presiding over gay weddings and questioned the constitutionality of New York denying marriage licenses to same-sex couples.

There is "no evidence tending to show that there is a legitimate state interest in refusing marriage to same-sex partners," New Paltz Town Justice Jonathan D. Katz wrote in his

five page ruling.

"I understand the historical, cultural and religious opposition to same-sex marriage," he added, "but find that none of the reasons stated in opposition to same-sex marriage is paramount to the equal protection guarantees enshrined in the state and federal constitutions."

Katz noted previous court rulings and legislative actions in New York that have, among other things, afforded death benefits to same-sex partners and allowed same-sex couples to adopt children.

West applauded Katz's ruling.

"We have gained a wonderful ally for civil rights and the concept of equal protection under the law in New York state," said the 27-year-old Green Party mayor, who thrust himself and his village into the national debate over gay marriage by presiding over more than two dozen same-sex weddings on Feb. 27.

Ulster County District Attorney Donald A. Williams filed 19 misdemeanor charges against West on March 2 for presiding over

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