

NY Gay Marriage Legislation Fails to Protect Christian Conscience

Much has been made of the fact that an amendment guaranteeing religious freedom was included in New York's recently-passed same-sex "marriage" law. Senators Mark Grisanti (R-Buffalo) and Stephen Saland (R-Poughkeepsie) touted this effort, saying it was instrumental to securing their support for the legislation.

The problem for people of faith, however, is that the language is sorely lacking. The bill claims to protect pastors from having to perform same-sex ceremonies and churches from having to host gay weddings or receptions, but these protections were already present under existing constitutional protections. The "Marriage Equality Act" failed to include religious freedoms protections for individuals and non-religious affiliated organizations.

For licensed Christian counselors, not directly affiliated with a church, a day may come when the state may refuse licensure to those who practice reparative or ex-gay therapy. Wedding photographers and caterers will similarly find no protection. Refusal to photograph or serve a gay nuptial and people with strong convictions concerning the authentic definition of marriage will find themselves vulnerable to a lawsuit.

Soon town clerks and justices will also be required to issue gay "marriage" licenses. New York City Mayor Bloomberg announced that city clerks' offices would be open throughout the city on Sunday (July 24)—the first day that New York's new same-sex "marriage" law takes effect. The Big Apple won't be the only city making special accommodations for gay nuptials.

Albany, Binghamton, Rochester and many others have announced similar intentions. Not all are excited about this new law though.

Laura L. Fotusky, Town Clerk in Barker, may be the first New York state clerk to actually resign, rather than place her name on a same-sex “marriage” license. In a resignation letter presented to the Barker Town Board on July 11, Fotusky presented the following letter of resignation:

“To the Town of Barker Board, Supervisor Dilworth, Attorney Lewis and the Town Residents,

“I have been in contact with Jason McGuire from New Yorkers for Constitutional Freedoms, our Town Attorney, Richard Lewis and a constitutional lawyer regarding the Marriage Equality Act that was passed June 24, 2011. There was no protection provided in the legislation for town clerks who are unable to sign these marriage licenses due to personal religious convictions, even though our U.S. Constitution supports freedom of religion.

“I believe that there is a higher law than the law of the land. It is the law of God in the Bible. In Acts 5:29, it states, ‘We ought to obey God rather than men.’

“The Bible clearly teaches that God created marriage between male and female as a divine gift that preserves families and cultures. Since I love and follow Him, I cannot put my signature on something that is against God. Deuteronomy 10:12 says, ‘...What does the Lord your God ask of you but to fear the Lord your God, to walk in all His ways, to love Him, to serve the Lord your God with all your heart and soul, and to observe the Lord’s commands and decrees that I am giving you today for your own good.’

“I would be compromising my moral conscience if I participated in the licensing procedure. Therefore, I will be resigning as of July 21. I wanted you to know my position as I understand

the marriage law goes into effect on July 24.

"It has been a pleasure and privilege to serve the Town as Barker Town Clerk."

Rev. Jason J. McGuire is the executive director of New Yorkers for Constitutional Freedoms.