

Same-Sex Marriage Battle Reemerges in New York

The battle for the redefinition of **traditional marriage** may get its day in New York's highest court.

The New York Court of Appeals has been asked to review a challenge to the state legislature's vote to recognize **same-sex marriage**.

Liberty Counsel filed suit in the New York Supreme Court against the law, which became official on June 24, 2011. The state asked the court to dismiss the case, but Judge Wiggins sided with Liberty Counsel on the Open Meetings complaint, ruling that the case can proceed to trial.

Liberty Counsel represents New Yorkers for Constitutional Freedoms and several other plaintiffs. An appellate court reversed the ruling, and now the state's highest court has been asked to review the matter.

"New York law requires that meetings of the legislature be open to the public. The arm-twisting and closed-door meetings used to pass this law **redefining marriage** violated the open meetings requirements," says Mathew Staver, founder and chairman of Liberty Counsel.

"The legislative process must be transparent, not shrouded in mystery where the people have no opportunity for input. When government operates in secret and freezes out the very people it is supposed to represent, the entire system fails. The law should be set aside, and the process should begin again to allow the people a voice in the process."

Here's the backstory: New York law requires that a bill be printed and in its final form on the desks of the legislators three days prior to a vote, unless an emergency exists. Gov.

Cuomo ignored the provision and declared an emergency, stating that waiting three days would deprive **same-sex couples** of marriage.

Trial court Judge Wiggins wrote: "Logically and clearly this cite by the governor is disingenuous. The review of such concept-altering legislation for three days after generations of existing definitions would not so damage same-sex couples as to necessitate an avoidance of rules meant to ensure full review and discussion prior to any vote." The judge also wrote that "although the disregard for the statute seems evident, the Court feels constrained to not rule on the governor's certification of necessity."

However, on the Open Meetings complaint, Wiggins wrote that "clear arm-twisting by the Executive on the Legislative permeates this entire process." The court noted that New York law requires every meeting of a public body to "be open to the general public," with few exceptions, none of which apply here.

On this significant aspect of the complaint, the court allowed the case to proceed to trial, but the appellate court reversed that ruling earlier this year. Liberty Counsel is now pursuing review before the Court of Appeals, the state's highest court of review. The remedy sought is the voiding of the law.