

COALITION TO SAVE MARRIAGE IN NEW YORK

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* All organizations listed for
identification purposes only.

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**For Immediate Release: The Coalition Comments on
Yesterday's Decision by the Supreme Court, State of New
York, County of New York in *Beth R. v. Donna M.***

Yesterday, the Hon. Laura E. Drager, J.S.C. of the Supreme Court, State of New York, County of New York handed down a decision in *Beth R. v. Donna M.* allowing a plaintiff to sue for a divorce of the same-sex marriage she entered into in Canada. The Coalition's response is as follows:

"Yesterday's decision, along with the recent Appellate Division, Fourth Department decision in *Martinez v. Monroe*, demonstrates the serious problems that are caused when activist courts seek to legislate from the bench," commented Coalition spokesperson Stephen P. Hayford. "To put it simply, same-sex marriage is not legal in New York. If same-sex marriage is not legal, how can same-sex divorce be legal?" Hayford stated that "despite strenuous, ongoing efforts by special interest groups, no same-sex marriage bill has become law in the Empire State. While some New Yorkers may disagree with our state's definition of marriage, those New Yorkers – even if they are judges – are not at liberty to override the will of our elected officials." Hayford continued, "The bottom line is that Canada's decision to legalize same-sex marriages does not place New York courts under any obligation to recognize such marriages or to dissolve them. Our elected officials have chosen to define marriage as an opposite-sex union, and that decision has been upheld as constitutional by our state's highest court." Hayford added, "These types of decisions just lead to a legal quagmire. The saddest thing about this particular situation is that two innocent children are caught in the middle of that quagmire."

In 2005, the Hon. Doris Ling-Cohan, J.S.C. issued an opinion striking down New York's opposite-sex marriage laws as unconstitutional in *Hernandez v. Robles*. That decision was reversed by the Appellate Division, First Department, and the reversal was upheld by the Court of Appeals. The Coalition respectfully calls upon the Appellate Division, First Department and the Court of Appeals to do the same in this case.

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The following organizations and individuals have endorsed the Statement of Position issued by the Coalition to Save Marriage in New York: The Rt. Rev. William H. Love, Bishop, Episcopal Diocese of Albany; The Conservative Party of New York State; New Yorkers for Constitutional Freedoms; Association of Hispanic Ministers; The American Family Association of New York; Caucus for America; Concerned Women for America of New York; New York Christian Coalition; United Chaplains of New York/Brooklyn Chapter; New York Family Policy Council; Marriage & Family Savers Institute; Nassau County Civic Association; National Traditionalist Caucus; The Association of Politically Active Christians.