

COALITION TO SAVE MARRIAGE IN NEW YORK

CAPITOL STATION POST OFFICE

P.O. BOX 7252

ALBANY, NEW YORK 12224

(518) 364-5324

www.savemarriage.org

Steering Committee:

Rev. Duane R. Motley
*New Yorkers for
Constitutional Freedoms**

Anne F. Downey, Esq.
*Concerned Women for
America of New York*

Rev. Jason J. McGuire
*New Yorkers for
Constitutional Freedoms*

Shaun Marie Levine
*The Conservative Party of
New York State*

Rev. Bill Banuchi
*New York Christian Coalition
Marriage & Family Savers
Institute*

James P. Trainor, Esq.
*Allied Attorney, Alliance
Defense Fund*

Stephen P. Hayford, Esq.
*Allied Attorney, Alliance
Defense Fund*

Advisory Committee:

Tony Perkins
*Family Research Council**

Rabbi Aryeh Spero
Caucus for America

Michael R. Long
*The Conservative Party of
New York State*

Rev. Stanley Key
*Loudonville Community
Church*

* All organizations listed for
identification purposes only.

February 4, 2008

For Immediate Release: The Coalition Denounces the Decision of the Appellate Division, Fourth Department in *Martinez v. County of Monroe*

On Friday, February 1, the Appellate Division, Fourth Department issued a decision in *Martinez v. County of Monroe*; in that decision, the court held that a New York employer must recognize an employee's same-sex marriage license obtained in Canada for purposes of spousal benefits. Stephen Hayford, a spokesperson for the Coalition to Save Marriage in New York, calls the decision "a victory for special interest groups and a loss for the people of the State of New York."

"The Appellate Division, Fourth Department's decision is disappointing and disturbing on many levels," says Hayford. "First, this ruling undercuts not only our Court of Appeals, but also our state legislature, by requiring employers to recognize same-sex marriages from other countries. In 2006, the Court of Appeals issued a decision entitled *Hernandez v. Robles* affirming that New York law does not allow same-sex marriage, and that our opposite-sex marriage laws are constitutional. It is absurd to suggest – as the Fourth Department implicitly has – that our state legislature, in defining marriage as the union of one man and one woman, intended to allow same-sex marriages solemnized in other countries to be recognized here. If our Legislature had intended to pass a same-sex marriage bill, it would have done so. The reality is that Governor Spitzer's same-sex marriage bill died in our State Senate. Given that a same-sex marriage bill has not become law, the Appellate Division, Fourth Department has overstepped its bounds. Courts are responsible for interpreting the law, not legislating from the bench."

Hayford added, "As a matter of public policy, this decision is appalling. In effect, it allows other countries – and other states – to redefine marriage for the State of New York. The fact that other nations or states have legalized same-sex marriage does not empower them to export same-sex marriage to New York and to compel New York employers to recognize it. This decision compromises the sovereignty of our state and violates the public policy of our state."

Hayford continued, "In light of this decision, the Coalition and other pro-family organizations around the state will intensify our efforts to protect the future of New York by opposing the legalization of same-sex marriage, civil unions, and any other legislation conferring marriage-like rights and responsibilities upon same-sex partners. Our laws should promote healthy families."

The Coalition would support an appeal of the *Martinez* decision, and is optimistic that the decision would be reversed by the Court of Appeals.

Contact: Stephen P. Hayford (518-364-5324)

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; New York Family Policy Council; Marriage & Family Savers Institute; Nassau County Civic Association; National Traditionalist Caucus; The Association of Politically Active Christians.