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## News Coverage on Message of Necessity for Immediate Vote

### Anti-SSM lawsuit may proceed

[Casey Seiler](#) <sup>[1]</sup> <sup>[2]</sup> <sup>[2]</sup> <sup>[2]</sup>

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<http://blog.timesunion.com/capitol/archives/91931/anti-ssm-lawsuit-may-proceed/> <sup>[3]</sup>

The lawsuit brought by New Yorkers for Constitutional Freedom seeking to overturn the passage of same-sex marriage may proceed, according to a ruling from state Supreme Court Judge Robert Wiggins.

The four-page decision includes some tough language for the way things get done at the Capitol, including what the judge labels as “disingenuous” justifications from Gov. Andrew Cuomo for issuing a message of necessity that rushed the legislation onto the Senate floor on the final evening of session. In the case of same-sex marriage, the message stated that speed was required as long as 50,000 New York gay couples were being denied their right to marry — a set of circumstances that had pertained for the previous 200-odd years without prompting emergency action.

But ultimately, Wiggins decides that since the Senate accepted the message, the matter isn't one for the courts to meddle in. From the decision:

<http://blog.timesunion.com/capitol/wp-content/themes/multi-author-niche-...>); background-attachment: initial; background-origin: initial; background-clip: initial; line-height: 15px; background-position: 0% 0%; background-repeat: no-repeat no-repeat; ">

“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. Nonetheless, this Court is reluctantly obliged to rule that that the

message of necessity submitted by the Governor was accepted by vote of the Senate, and is NOT within this Court's province to nullify."

"...Although the disregard for the statute seems evident, the Court feels constrained to not rule on the Governor's certification of necessities."

"It is ironic that much of the State's brief passionately spews sanctimonious verbiage on the separation of powers in the governmental branches, and clear arm-twisting by the Executive on the Legislative permeates the entire process."

Arm-twisting? By the *governor*? The very idea!

Wiggins concludes the decision by shooting down all of the lawsuit's complaints — and cuts the Attorney General loose as a defendant — save for NYFCF's argument that the run-up to the vote included conclaves that violated the state's Open Meetings Law. Wiggins notes that since the court must assume the underlying facts in the suit's case to be true, the matter is therefore "a justiciable issue" to be determined in court.

"We have said all along that we look forward to our day in court. Now we will have it. The legality of our legislative process must be protected," said Kevin McGuire of NYFCF.

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