The Honorable Robert Wiggins, Livingston County Supreme Court Judge, has upheld New Yorkers for Constitutional Freedoms' (NYCF) right to present evidence questioning the legality of the process and procedure whereby same-sex "marriage" became law in New York.

The State Attorney General's office filed court papers seeking to dismiss *New Yorkers for Constitutional Freedoms v. New York State Senate*, the suit brought by NYCF and other plaintiffs that could overturn New York's same-sex "marriage" law, but **Judge Wiggins' decision** soundly denied that action.

Rev. Jason J. McGuire, NYCF's Executive Director and a plaintiff in the suit, said, "I'm grateful that Judge Wiggins carefully weighed the arguments and agreed that this case has sufficient merit to move forward."

The Liberty Counsel's Rena Lindevaldsen did a masterful job representing NYCF's concerns with the illegality of the process surrounding New York's passage of gay "marriage" legislation.

Lindevaldsen said, "The judiciary is the only check left. We are not challenging Senate rules, but seeking a check and balance on an out-of-control legislature."

In the recent hearing, Judge Wiggins was particularly interested in the court's role regarding the Governor's use of the message of necessity (a legal mechanism that allows legislation to immediately move to the floor for a vote, rather than age the normal three-day waiting period). Wiggins decided:

"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."

When it came to alleged Open Meetings Law violations, Wiggins decided:

"…The Court must consider allegations by Plaintiff as true. Considering Plaintiff's allegations, and without deciding matter at this time, the Court feels that is a justiciable issue presented whether there was a violation of the Open Meetings Law."

It was on this point that the Honorable Judge Wiggins decided that NYCF's suit should be heard.

"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," concluded McGuire.