



FACT SHEET

Lewis v. New York State Department of Civil Service

ABOUT Lewis v. New York State Dept. of Civil Service

On behalf of New York taxpayers, Alliance Defense Fund attorneys filed a lawsuit against the New York State Department of Civil Service, alleging that it illegally ordered all state agencies to recognize out-of-state same-sex “marriages.” The department redefined the term “spouse” to include “the parties to any same-sex marriage performed in jurisdictions where that marriage is legal.” This was done to set up its directive to all state agencies to provide health insurance benefits to same-sex couples “married” in other states or countries. The directive unconstitutionally undermines state law and replaces it with law from foreign jurisdictions at the expense of taxpayers and families who have not consented to it.

CURRENT STATUS OF Lewis v. New York State Dept. of Civil Service AS OF 10/14/08

In May 2007, ADF attorneys representing New York taxpayers filed suit in the New York Supreme Court for Albany County against the New York State Department of Civil Service for directing all state agencies to recognize out-of-state same-sex “marriages,” in contradiction to state law. In April, ADF attorneys filed an appeal and later filed an opening brief in the New York Appellate Court in June. ADF Senior Legal Counsel Brian Raum is scheduled to present opening arguments in appellate court Oct. 15.

FOCUS OF HEARING – WHAT IS AT STAKE?

The court will decide in this case whether state officials will be allowed to unconstitutionally seize the authority to rewrite and undermine state law in favor of foreign laws and political agendas. A ruling will also determine whether state officials will be allowed to illegally give away taxpayers’ dollars without their consent. If the court rules in their favor, same-sex couples living or planning to live in New York state can get “married” in California, Massachusetts, Canada, or another jurisdiction where same-sex “marriage” is legal and avoid New York law and public policy.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Brian Raum

Brian Raum is senior legal counsel with the Alliance Defense Fund and heads its Marriage Litigation Center. Before joining ADF in 2006, he engaged in constitutional and civil litigation for 11 years in New York and Virginia.