



Written by [Dave Bohon](#) on July 14, 2011

## Town Clerk in N.Y. State Forced to Resign Over Same-Sex Marriage Law

As the state of New York prepares to officially legalize homosexual marriage on July 24, at least one local government official has made the decision to put moral principle above political expediency. On July 11, Laura Fotusky, clerk in the Town of Barker in central New York, submitted her resignation to the town board, explaining that her Christian beliefs would not allow her to issue marriage licenses to same-sex couples, as her position would require. Municipal clerks in New York issue and sign marriage licenses, and under the state's new same-sex marriage law, Fotusky would eventually have found herself faced with the dilemma of following the new mandate or obeying a higher authority.



In her letter of resignation Fotusky, who has served as the Town of Barker's clerk since 2007, explained that she would be compromising her "moral conscience" if she were to administer marriage licenses to homosexual couples. "Therefore, I will be resigning as of July 21," she wrote. "I wanted you to know my position as I understand the marriage law goes into effect on July 24. It has been a pleasure and privilege to serve as Barker Town Clerk."

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Governor Andrew Cuomo, who made passing a homosexual marriage law one of his premier campaign platforms, said "the law is the law," and state officials would have to toe the line or resign. "When you enforce the laws of the state, you don't get to pick and choose which laws," the Governor explained. "You don't get to say, 'I like this law, I'll enforce this law. I don't like this law, I won't enforce this law.' You can't do that. So if you can't enforce the law, then you shouldn't be in that position."

Fotusky wrote in her letter that she believed "there is a higher law than the law of the land. It is the Law of God in the Bible." Noting that Acts 5:29 states, "We ought to obey God rather than men," Fotusky pointed out that the Bible "clearly teaches that God created marriage between male and female as a divine gift that preserves families and cultures." She cited Deuteronomy 10:12, which commands Christians to "fear the Lord your God, to walk in all His ways, to love, to serve the Lord your God with all your heart and soul, and to observe the Lords commands and decrees..." Concluded Fotusky, "Since I love and follow Him, I cannot put my signature on something that is against God."

Fotusky is not the only official in the state to express her moral concern over the new law. Jean Baker, clerk in the nearby Town of Fenton, was quoted by the *Ithaca Journal* as saying that she, too, is conflicted over how she will respond to the forced requirements of her position, which she has held since 1995. While emphasizing, "I am not a hater," Baker said that her religious beliefs would most



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likely hinder her from accommodating homosexuals who came to her for marriage licenses.

The problem, the *Ithaca Journal* noted, is that “Baker’s family depends on her income, and resigning would affect her retirement. Same-sex marriage wasn’t part of the deal when she took her oath of office ... but now the clock is ticking down to July 24.” Said Baker: “I don’t know what I’m going to do. This goes to the core of your belief system.”

Jason McGuire of the conservative group [New Yorkers for Constitutional Freedoms](#) (NYCF) told *The New American* that there are probably many individuals in New York’s government and private sectors who will find themselves facing the same dilemma as Fotusky and Baker. “I expect that when gay ‘marriage’ legislation takes effect on July 24, we will soon see a host of religious freedoms violations heading to court across the Empire State,” McGuire predicted.

He said that those willing to face the consequences of their moral convictions will extend beyond town clerks and county justices. “You’ll probably see wedding photographers, caterers, DJ’s, limousine companies, and others who just don’t feel comfortable violating their convictions to serve a politically correct crowd,” he said. “There are people of strong faith that believe marriage is between a man and a woman. They have no protection under the current legislation.”

Unlike Fotusky, a core of Republican State senators — lawmakers whose constituents might reasonably have expected them to honor their “conservative” credentials by making a principled stand for traditional marriage — had few qualms about throwing moral convictions to the wind and voting for Cuomo’s homosexual marriage bill.

As reported by [The New American](#), passage of the bill was only possible because four GOP Senators (click on each name to visit their Web pages) — [James Alesi](#), [Roy MacDonald](#), [Stephen Saland](#), and [Mark Grisanti](#) — “caved in to political pressure and announced that they would vote for the bill.”

A press release by NYCF noted that the Republicans who voted for homosexual marriage attempted to justify their support by pointing to a half-hearted amendment included with the bill that supposedly guarantees religious protection for clergy unwilling to marry same-sex couples. “The problem for the religious community, however, is that the language [of the amendment] is sorely lacking,” said the press release. “New York’s gay ‘marriage’ law failed to include religious freedoms protections for individuals and non-religious affiliated organizations.”

Noted Fotusky in her resignation letter: “There was no protection provided in the legislation for town clerks who are unable to sign these marriage licenses due to personal religious convictions, even though our U.S. Constitution supports freedom of religion.”

Said McGuire: “It is unfortunate that when state senators were busy protecting liberal special interests and padding their campaign accounts, they failed to protect good people of faith. It is a shame that some senators would find political cover by leaving those with strong convictions exposed to the elements of political correctness.”

The compromising lawmakers may face consequences of their own for the invaluable aid they provided in passage of the homosexual marriage bill. One major pro-family group, the [National Organization for Marriage](#) (NOM), promised to give at least \$2 million to help defeat the Republican lawmakers who turned the tide for same-sex marriage in the state. The group’s president, Brian Brown, said that the “Republican Party has torn up its contract with the voters who trusted them in order to facilitate Andrew Cuomo’s bid to be president of the U.S. Selling out your principles to get elected is wrong. Selling out your principles to get the other guy elected is just plain dumb.”



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Brown said he doesn't think passage of the homosexual marriage bill is the final word on the issue. "The notion that you pass same-sex marriage and the issue goes away, that's one of the biggest lies told by proponents for redefining marriage," he told the [New York Times](#).

Ultimate determination should be made by the people, he argued. "The people of New York want to vote on this issue," he said. "They don't believe the process was either transparent or fair, and it basically stole the right of the people of New York to vote."



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