

THE COURT OF APPEALS
STATE OF NEW YORK

MARGARET GODFREY, ROSEMARIE JAROSZ,
and JOSEPH ROSSINI,
Plaintiffs-Appellants,

v.

ANDREW J. SPANO,
in his official capacity as the

Westchester County
Index No. 16894/06

Westchester County Executive,
Defendant-Respondent,

v.

NEW YORK STATE COMPTROLLER,
Defendant-Intervenor-Respondent,

v.

MICHAEL SABATINO and ROBERT VOORHEIS,
Defendants-Intervenors-Respondents.

BRIEF *AMICUS CURIAE* OF NEW YORKERS FOR
CONSTITUTIONAL FREEDOMS
In Support of Plaintiffs-Appellants

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INTEREST OF *AMICUS CURIAE*

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SUMMARY OF THE ARGUMENT

Limiting marriage to one man and one woman *by definition*, as New York traditionally has, is not tautological. A helpful analogy is provided from the world of chemistry. Just as one molecule of sodium and one molecule of chlorine are required to produce the entity that is defined as salt, so one man and one woman are required to produce the entity called marriage.

With this key understanding in place, one can see that New York's current marriage recognition rule is only helpful to resolve questions about the recognition *vel non* of foreign marriages that involve one man and one woman. Putative

