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May 30, 2008 -- Meanwhile, when the governor *does* feel the need to act decisively, he can.

Even when it means unilaterally ordering a seismic shift in New York state's recognition of same-sex marriage - and then keeping it quiet for fully *two weeks*.

Go figure.

Back on May 14, it turns out, Paterson's counsel ordered all state agencies to recognize as valid all same-sex marriages performed in jurisdictions where it is legal to do so.

That makes New York the only state that recognizes same-sex marriages legally entered into elsewhere - even though such unions may *not* be performed here.

The order could affect thousands of people and will require rewriting some 1,300 different state laws and statutes.

Paterson insisted he wasn't making "an end run around the Legislature" - which has refused to legalize gay marriage. Of course, he was doing exactly that.

The directive is based on a Rochester appellate-court ruling last February that ordered the state to recognize a same-sex couple's 2004 marriage, which was performed in Canada.

Under New York's "marriage recognition rule," that court said, out-of-state marriages must be recognized unless they involve incest or polygamy or are specifically banned by law. And New York (unlike 41 other states) hasn't *explicitly* outlawed same-sex marriage.

The Court of Appeals, the state's highest tribunal, has not yet evaluated the Rochester court's ruling. But the high court's own 2006 decision on same-sex marriage was crystal clear: The emotionally charged issue is a matter for the Legislature to decide.

Which is precisely how any such ground-breaking change to centuries of accepted social policy should be made.

Not by an activist governor and his counsel. And not by a single, or even a panel, of activist judges.

We remain convinced that marriage should be limited to opposite-sex couples. But that's a decision for the people of New York to make.

And since the Constitution doesn't allow for statewide popular referenda, the only way for that to happen with the consent of the governed is through their elected representatives in Albany.

Paterson has erred, and badly.