

Subj: **Homosexual "Marriage" Lawsuit - New Jersey**
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New Jersey Likely to Be Gay Marriage Battleground

By **ANDREW JACOBS**
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JERSEY CITY, June 25 — The contentious battle over gay marriage, previously fought in distant Hawaii and rural Vermont, will move into the New Jersey court system on Wednesday, when a national gay rights group plans to file a lawsuit in state court here on behalf of seven same-sex couples who have been denied marriage licenses.

But groups opposed to gay marriage, like the New Jersey Catholic Conference and the New Jersey Family Policy Council said today that they would seek to head off the effort by pushing for legislation to prohibit same-sex unions. That is the method opponents used in Hawaii after a court decision in 1993 recognized gay marriage. The Legislature there explicitly limited marriage to unions between a man and a woman.

Drawn by New Jersey's activist Supreme Court and a Democratic-controlled State House, the national group Lambda Legal had been drafting the suit for more than a year. But the group said it was spurred to act now after the surviving partners of people killed in the Sept. 11 World Trade Center attack often went unacknowledged by governmental and charitable organizations.

While several states have enacted domestic partnership legislation — and Vermont allows gay couples to enter into civil unions that resemble marriage — the New Jersey plaintiffs are seeking to marry without caveats. Lambda, based in Manhattan, said it was prepared to take the case to the State Supreme Court, the farthest it can go since the suit is based on the state, not the federal, constitution.

Lambda's lawyers argue that New Jersey is violating the state constitution's right to equal protection by excluding gay and lesbian couples from the institution of marriage and the hundreds of benefits bestowed upon the legally wed. They include spousal inheritance rights and pension and Social Security benefits upon a spouse's death.

"Our lawsuit seeks full equality so same-sex couples are treated no different than heterosexual couples," said David S. Buckel, the lead attorney on the case. "Domestic partnership and civil unions are incredibly meaningful to our families but not having the choice to marry means they are still second-class citizens."

The decision to file suit in New Jersey was not a random one, as homosexuals and same-sex couples with children already enjoy a comparatively generous array of rights and protections here. The state was among the first to enact antidiscrimination and hate-crimes legislation that included gay men and lesbians in its protections, and its Supreme Court is considered among the most liberal in the nation.

Courts here have rejected the Boy Scouts of America ban on gay members, a ruling later overturned by the United States Supreme Court. New Jersey courts have also upheld the adoption rights of unmarried couples, both gay and straight, making the state something of a magnet for such families.

Robert F. Williams, a law professor at Rutgers University's Center for State Constitutional Studies, said the New Jersey Supreme Court has not been shy about interpreting the constitution as it sees fit. "It has a long record of being innovative and very active in dealing with what a lot of people might call hot-button social issues," said Mr. Williams.

Len Deo, president of the New Jersey Family Policy Council, said gay marriage was a threat to traditional American culture. "Marriage between a man and a woman has stood the test of time for thousands of years," he said. "It creates the best environment for raising children and traditionally carries the benefits that help create a stable family."

But the gay and lesbian plaintiffs make the same argument for marital rights. High school sweethearts who have been together for 28 years, Cindy Meneghin and Maureen Kilian live in suburban Morris County with their two children, Joshua, 9, and Sarah, 7. As PTA members, first-aid volunteers and soccer coaches, they view themselves as model citizens and responsible parents.

But although they have been jointly paying a mortgage for 16 years, neither are protected from potentially ruinous inheritance taxes should one of them die. And when it comes to hospital visitation and health insurance coverage, their relationship is all but invisible.

"We're good citizens, we pay our taxes and one of us always waits for the kids to get off the school bus," said Ms. Meneghin, 44, the director of Web services at Montclair State University. "In many ways we embody the ideal of American family values, so why can't we have the same rights to raise our family as everyone else?"

WASHINGTON, DC - The Alliance for Marriage issued a statement today calling attention to the filing of another gay activist lawsuit to destroy the legal status of marriage as evidence of the need for the Federal Marriage Amendment. Last month, in response to the accelerating national legal strategy of gay activist groups, the Alliance for Marriage introduced the Federal Marriage Amendment in the House of Representatives with bi-partisan support.

Matt Daniels, Executive Director of the Alliance for Marriage, said: "Gays and lesbians have a right to live as they choose. But they don't have a right to redefine marriage for our entire society." Daniels said that the Alliance for Marriage introduced the Federal Marriage Amendment in Congress because, "Our nation cannot go forward unless our laws send a positive message to our children about marriage, family and their future."

What Does the Federal Marriage Amendment Do?

The Federal Marriage Amendment says two things: Marriage in America is the union of male and female, and let the people of the states -- not the courts -- decide all issues related to marital benefits through the democratic process.

Why Are Current Legal Defenses for Marriage Insufficient?

The federal Defense of Marriage Act (DOMA) cannot prevent activist groups from overcoming public opinion and undermining marriage laws through state court lawsuits -- like the suit filed today in New Jersey. Other examples include activist lawsuits filed in MA and VT. Moreover, most legal experts agree that neither state marriage laws nor the federal Defense of Marriage Act are likely to survive constitutional challenges in court.

Why Is a Constitutional Amendment Needed to Protect the Legal Status of Marriage?

The entire effort to undermine the legal status of marriage in the courts is premised upon constitutional law. Activist groups plan to use the Equal Protection and Full Faith and Credit clauses of the United States Constitution to export same-sex "marriage" around the country. The only question is whether the legal status of marriage will be determined by un-elected judges or the American people.

Additional information is available online: www.allianceformarriage.org