

# New Jersey To Recognize Gay Couples

## Bill Gives Some Benefits, Short of Marriage Status

By LAURA MANSNERUS

TRENTON, Jan. 8 — The debate was expected to be volatile, but members of the New Jersey Senate instead showed broad support on Thursday for a measure to give the state's recognition to same-sex domestic partnerships. The measure, passed by a 23-to-9 vote, goes to Gov. James E. McGreevey, who has said he is eager to sign it.

New Jersey is the fifth state to recognize domestic partnership in some form, though the status accorded gay couples in the new legislation is short of marriage, and of the civil unions allowed in Vermont.

Senators took less than 15 minutes to reach a vote, as opponents fell silent and supporters in the gallery struggled to contain their applause. Five senators spoke in support of the bill, and none voiced opposition.

In the gallery, despite a plea for silence from the Republican co-president of the Senate, John O. Bennett, elation broke out as supporters clapped, laughed and hugged. "I was in tears," said Deborah Smith of Scotch Plains, a mental health therapist who has lived with her partner for 14 years. "After listening to those speeches, I would have voted for whatever they were voting for."

The legislation, which also applies to heterosexual couples over age 62, permits those registered as domestic partners to make critical medical decisions for each other. It requires insurance companies to offer health care coverage to domestic partners equivalent to that for spouses.

The measure also extends health coverage and pension benefits to the domestic partners of state employees, but makes no requirements of private employers.

The legislation does not confer most of the entitlements of marriage, however, like the right to share property acquired during the marriage, to seek financial support when the relationship ends and to be recognized as a family member for many public benefit programs.

Steven Goldstein, who has directed lobbying for the bill for Lambda Legal, a gay-rights organization, said: "I'm on Cloud 27. It's not just that we won. It's that we won without rancor."

Mr. Goldstein, who lives in Brooklyn, added, "Tomorrow, my partner and I are going to see a real estate agent in New Jersey."

Mr. Goldstein contrasted the New Jersey

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legislation to the domestic partnership laws in California and Hawaii, which explicitly preclude marriage. "This is an important day for civil rights, because it gives us partnership benefits without asking us to give up marriage," he said.

But Sally F. Goldfarb, who teaches family law at the Rutgers School of Law in Camden, said the laws in those states, as in Vermont, were "far more ambitious and comprehensive."

Professor Goldfarb said that while the New Jersey measure was a powerful statement of support for gay couples, the Legislature seemed "to view this as a consolation prize for people who cannot marry."

The other state to recognize same-sex unions is Massachusetts, where the State Supreme Court ruled in November that gay couples have a constitutional right to marry. The Legislature was given six months to draft the necessary legislation.

The bill received scant public attention until the Legislature returned from recess this week, and there were no hearings. The Assembly approved it by a single vote in December. The bill's opponents had protested that public debate on the issue was stymied.

"Polls show that the public has swung strongly against the homosexual community," said John Tomicki, the director of the League of Ameri-



Keith Meyers/The New York Times

State Senator John H. Adler and Assemblywoman Loretta Weinberg celebrated the New Jersey Senate's passage of a same-sex domestic partnership bill yesterday. Gov. James E. McGreevey is expected to sign it soon.

can Families, a conservative social-policy organization. "They took this bill and jammed it through in lame duck."

Mr. Tomicki said the law, in applying only to gays and lesbians and people over age 62, was constitutionally flawed because it gives same-sex couples benefits not allowed opposite-sex couples in the same cir-

cumstances.

The measure was also opposed by the Catholic Conference of New Jersey, which in a letter to senators on Wednesday said that "it attempts to cast aside marriage as our legal standard of legitimate cohabitation."

On the Senate floor Thursday, Raymond J. Lesniak, a Democrat who spoke in favor of the bill, noted

the Catholic Conference's opposition and said he wanted to respond "because I love my church." He continued: "But on secular matters, on legal matters on relationships between two people, it is not infallible."

The nine senators who voted against the measure were all Republicans. Eight senators, five of them Republicans, did not vote.