

October 10, 2008

How will Conn. court's gay marriage ruling play in NJ?

By TOM BALDWIN
GANNETT STATE BUREAU

TRENTON -- Both sides in New Jersey's debate over gay marriage predicted Friday that Connecticut's decision to allow gays and lesbians to marry would hop-sotch across the tri-state area and have an impact here.

But they disagreed on how Friday's decision by the Connecticut Supreme Court would play in New Jersey, with a gay-rights group saying the region will trend toward agreeing with that sentiment while an opponent said the public will want to vote on the issue.

Connecticut's high court ruled that gay and lesbian couples have the right to marry, making the state the third, behind Massachusetts and California, to legalize the unions through the courts.

The 4-3 Connecticut decision said civil unions do not protect the rights of gay couples.

"Marriage equality is now coming to our very own metropolitan region," said Steve Goldstein, chairman of Garden State Equality, an advocate for such marriages.

Goldstein said Connecticut and New Jersey had similar civil-union laws that the Nutmeg State court found inadequate. "These are exactly the point we have been making in New Jersey," Goldstein said.

"This decision can't help but have enormous persuasive impact on New Jersey," Goldstein said.

"It (the Connecticut ruling) is typical of judges who wish to legislate from the bench," said John Tomicki, president of the New Jersey Coalition to Preserve and Protect Marriage.

"Again -- by a slim, one-vote majority -- the courts are saying that the people may no longer ascribe what their laws should be," Tomicki said. "It will accelerate the desire to move swiftly on a constitutional amendment."

Democrats who control both chambers of the New Jersey Legislature say they have no plans to consider that.

Since civil unions became legal on Feb. 19, 2007, more than 3,100 couples have applied for that legal designation, through Sept. 17 of this year, said Donna Leusner, spokeswoman for the state Department of Health and Senior Services.

Same-sex partnerships -- called either 'domestic partnerships' or 'civil unions' -- are offered in Vermont, New Jersey, New Hampshire, Oregon, Hawaii, Maine, Washington and the District of Columbia.

Civil-union laws grant gay couples adoption, inheritance, hospital visitation and medical decision-making rights, as well as the right not to testify against a partner in state court.

Those couples cannot be entitled to the same benefits as married couples in the viewpoint of the federal government because of a 1996 law that defines "marriage" as between a man and a woman.

Gay partners cannot collect deceased partners' federally administered Social Security benefits, for example.

BY THE NUMBERS: For county-level numbers about civil unions in New Jersey, visit the Gannett State Bureau's new Capitol Quickies blog at <http://blogs.app.com/capitolquickies>
