



**Testimony of  
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**Before the  
Assembly Judiciary Committee  
Thursday, December 7, 2006**

Re: A 3787, An Act concerning marriage and civil unions, establishing a commission and revising and supplementing various parts of the statutory law

Good morning Chairwoman Greenstein and distinguished members of the committee. My name is David Buckel. I am senior counsel at Lambda Legal and the lead attorney on the New Jersey Supreme Court case, *Lewis v. Harris*. It is the decision in that case, and the lives and needs of our plaintiffs, and of New Jersey's 20,000 same-sex couples and their 12,000 children, that bring us all here today. Thank you for this opportunity to testify on a matter that so deeply affects so many lives in this state.

I respectfully urge you to oppose bill A 3787, which creates discriminatory civil unions. That bill labels the lifetime relationships of committed same-sex couples as unworthy of marriage, robbing those couples of respect for those relationships. I cannot think of a married couple that would willingly choose to convert their marriage to a "civil union," and there is an obvious reason for that. The name of marriage matters. I got a call from South Jersey the other day, from someone who said that "Marriage is to civil union as Mom is to legal guardian." Most parents would not want a child to refer to them as "legal guardian," just as most couples, gay or straight, would not want others to refer to their relationships as "civil unions."

When the New Jersey Supreme Court referred this matter to the Legislature, it did so on the grounds that the Legislature should have the chance to decide in the first instance how to correct the constitutional violation. Everyone is clear that the legislative choice of marriage would fulfil the state constitution's promise of equality. But the Court left the door open otherwise, explaining that whether a separate status of civil unions would be constitutional depends on the Legislature's reason for withholding marriage. In sixty-three pages of this bill, I have yet to find a reason stated to create a status separate from marriage solely for the gay minority. That says something, that despite the Court's keen interest in the reason, it evidently cannot be put in writing.

I acknowledge that the civil union bill adds rights and responsibilities to those the Legislature created through the Domestic Partner Act. And I acknowledge that of course more protections for the families we serve are always better than fewer protections, even in the context of ongoing harm from discrimination. But here is what sets New Jersey apart on this issue. For nearly two years, we've been hearing from same-sex couples throughout the State who have registered as domestic partners. The need to talk about their relationships comes up as often as it does for married couples: by the water cooler at work, with the human resources department, in the neighborhood, at their children's schools, for the forms at the doctor's or the dentist's office, and, when it sometimes counts the most, in the hospital. They cannot use the word everyone immediately understands: married. So they have to explain what a domestic partnership is, which of course cheapens the relationship and undermines their dignity. And they always have to worry, because the government has sent the message that the relationship is not as worthy as a marriage, that someone will follow the government's example and treat them with disrespect. That has happened in health care settings, and even where we can resolve the problem by phone, perhaps by contacting a hospital's lawyer, often the damage is already done in turning a difficult medical emergency into an emotional nightmare.

This is the experience in New Jersey. This is why New Jersey should not replace one discriminatory status with yet another, a civil union, forcing these couples and their families to struggle through more years of indignity, harm, and sometimes tragedy.

This was also the experience in California, where there has been a domestic partnership law. There the Legislature passed a bill honoring the right to marry for same-sex couples, but the Governor vetoed it. That same bill was introduced again in the California Legislature this past week. Assemblyman Gusciora introduced a similar bill in the New Jersey Legislature on November 20, 2006. It is bill A3685, and it is entitled the "Civil Marriage and Religious Protection Act." I urge you to support bill A 3685. Governor Corzine has said he will honor a decision by the Legislature to pass a marriage bill rather than a civil union bill, and will not veto as did the Governor of California.

New Jersey has a proud history of legislatively protecting civil rights, and I can tell you as a civil rights lawyer that this State's Law Against Discrimination is revered as a model throughout the nation. In ending discrimination in marriage, this Legislature will have one of its finest hours. I urge you to oppose the civil union bill, and support the "Civil Marriage and Religious Protection Act."