

MARK LEWIS, et al.,

Plaintiffs,

v.

GWENDOLYN L. HARRIS, et al.,

Defendants.

SUPREME COURT OF NEW JERSEY

DOCKET NO. 58,389

CIVIL ACTION

**AFFIDAVIT OF
MARK LEWIS**

State of New Jersey)
 : ss.
County of Hudson)

Mark Lewis, having been duly sworn, states as follows:

1. I am one of the plaintiffs in this lawsuit, and I provide this affidavit in support of the Plaintiffs' Motion in Aid of Litigants' Rights.
2. I am 50 years old, and I am in a permanent committed relationship of more than 17 years with Dennis Winslow, who has also submitted an affidavit in support of the motion.
3. We live in Union City, New Jersey, and I am, as I was when I submitted my earlier affidavit in this case, the pastor at the Episcopal Church of Our Saviour in Secaucus, a chaplain in the police and fire departments of Secaucus, and chairman of the Nursing School Advisory Committee at Christ Hospital in Jersey City, New Jersey. Before my ordination, I was a magazine editor. But my career change was not a surprise, in part because I had clergy in my family. My grandmother was a country pastor in the Ozark Mountains. She worked hard for underprivileged people, and was a great source of pride to me while I was

growing up. I went to seminary in 1987, and was ordained in 1990.

4. Dennis and I entered a civil union on May 22, 2007. Getting the civil union did not feel the same as a wedding. We did it at home. It was a very small gathering, consisting of a married couple who are close friends of ours, and are Episcopal priests, and our attorney. It did not feel like a traditional wedding. Instead, it felt like what it was, formalizing a legal status with an attorney. When other people say that they have gotten married, people usually simply say “Congratulations!” but we have never had anybody congratulate us on our civil union.

5. As I explained when we first became a part of this case, one of the most valuable things in my life is my lifetime commitment to Dennis, and the relationship we share. We are like many couples, in that we strive to care for and support each other, and as time goes by we are developing a rich history of sharing both great joy and great pain. We nurture relationships with both of our families, and as a couple we share holidays and some vacation time with siblings and parents. I take my lifetime commitment to Dennis seriously. That commitment is part of who I am and part of what I think is most important in my beliefs. I continue to work very hard to abide by my obligations and promises to Dennis, and am a better person for it. Although our jobs are keenly demanding, because we are always on call, we are grateful for the joy of using our spare time strengthening personal bonds, notably with my three young goddaughters (Claire, Emma, and Eva). They are children of my childhood friends. The three girls come to visit us regularly with their parents and alone. When they are back home they look forward to Christmas and birthday gift boxes in the mail from us. It means a lot to me that Dennis prioritizes my

goddaughters as I do, just as any member of a committed couple would do.

6. In my mind when I initially decided to participate in bringing this case, was the memory of watching the World Trade Center towers fall from our home in Union City. We read about the bereaved survivors of gay couples broken by that disaster, whose relationships were utterly disrespected. We were shaken when we learned that one gay man committed suicide after experiencing official disregard of his relationship with his partner, who died in the attack. That kind of disregard would not have happened if they had been married.

7. We had two dear male friends from Teaneck, who had been in a committed relationship for 42 years, and were ages 76 and 78. They were killed by a truck that lost control on Route 78. I was with one of them the day before they died, and despite 42 years together and trying to patch together protections for their relationship, he still felt very uneasy and worried because he was not married to his partner. One of the last things he said to me, with thanks for our work on marriage equality and a smile, was, "I hope I live to be married."

8. As I have described, when the towers fell, and we lost our two dear friends, we experienced a growing uneasiness about what could happen to us in times of tragedy, without a marriage. After the previous court decision in this case, we hoped that our civil union would provide much of the security we had been seeking, but we have learned that too often, that is not the case. Even whatever acceptance we experience is completely arbitrary and dependent on individuals' attitudes toward us. It's the difference between rights and luck.

9. I act as an agent of the State of New Jersey when I officiate at weddings and sign

marriage licenses once a marriage is solemnized. I have signed dozens of such licenses. As part of my pastoral duties, I counsel couples, sometimes in advance of a marriage or civil union and sometimes when a marriage is floundering. I draw upon the lessons learned from my long-term committed relationship to counsel couples who are married or wish to be married. I know firsthand that when one takes lifetime commitment seriously, one learns to give up a certain individualism in order to become someone different and better in a partnership. I am gratified when my own experience can be conveyed to others, to their benefit. Despite all of this, New Jersey does not permit me to get married, as non-gay couples may choose to do.

10. Based upon our experience since the Court's decision in this case, and specifically our experience with being in a civil union, we believe that only by being married can we truly convey the full meaning of our relationship. Marriage is omnipresent in our lives, everywhere we turn, and everywhere reminding us of how we are fenced out by the government. It is the subject of one of the most common questions in adult conversation, key to establishing an understanding of others. Whether you are married or not is one of the very first questions you get asked when you meet people or see them after a long absence. And for good reason. For most people, the word "married" holds and conveys great meaning, like no other word can, about one of the most common aspects of our lives: the essential personal identity that comes with a committed and responsible adult relationship. For other relationships, it seems like only the words "father" or "mother" can carry that same kind of incredibly significant weight. When asked "are you married" time and again, I have to answer "no, but..." and instead struggle to explain what a civil union is and what it means. I felt humiliated at the beginning of this

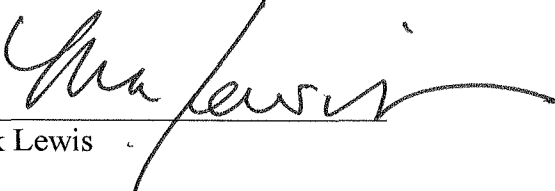
litigation, because I had to explain that Dennis and I cannot get married the same as any other couple, and this feeling has not decreased even after getting a civil union, because we are still marked by our government as different. Just as before, the words I'm forced to find fail to portray my relationship and its profound importance to me. At the very least, I am forced to decide whether I want to potentially bore someone with a complex legal explanation regarding the meaning of civil unions in an everyday conversation. In these exchanges, I continue to feel as I did before civil unions: because of the label my relationship can and cannot carry, when I present myself to the world, my dignity is on the line, my questioner free to make a casual, personal judgment about my family's legitimacy. There is no way around it. I'm denied marriage and relegated to a civil union, so I am compelled to declare myself a second-rate citizen every day of my life. As I continue to strive to be a first-rate person, pastor, partner, and taxpayer, the State of New Jersey makes clear that my citizenship is less than that of others who are allowed to marry. I am a second-rate citizen in my home state.

11. We have had one experience that gave us more of a sense of what it would feel like to be treated equally. We had to spend several months in an Albany, New York hospital after Dennis broke his leg in August 2009. When we told people that we were partners, several people there at first assumed we had been married in another state, like nearby Massachusetts, that permitted it. In New York, which recognizes marriages from other places, and doesn't have the separate civil unions that New Jersey does, one nurse told us that we "acted" like we were married. When we said that we were in a civil union and not married, people got confused. They didn't understand what a civil union meant, or how it meant we should be treated, and wondered out loud why we couldn't just get

married. It is frustrating to have to constantly explain myself, when I know that people would easily understand our relationship if we could say, "We are married."

12. Attached to this affidavit is a true and correct copy of a photograph of Dennis and myself.

13. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.


Mark Lewis

Sworn to me this 15th
day of March 2010.


Notary Public

PATRICIA F. SANTORE
Notary Public State of New Jersey
My Commission Expires Oct. 20, 2012