



Unitarian Universalist Legislative Ministry

A voice for justice, equality and compassion in New Jersey

Speaking out for Marriage Equality

Position: The Legislative Ministry of New Jersey supports full marriage equality legislation in New Jersey. Unitarian Universalist support for marriage equality stems from the belief in respecting "the inherent worth and dignity of every person" and in "justice, equity and compassion in human relations" – beliefs we share with many outside our faith tradition. These beliefs apply equally to people of all sexual orientations and gender identities and lead us to not only support, but embrace, marriage equality.

Unitarian Universalist congregations and clergy have long recognized and celebrated same-sex unions and marriages within our faith tradition. Therefore, we support overturning the veto of marriage equality legislation in New Jersey, Assembly Bill A-1, as well as achieving marriage equality through repeal or overturn of the federal law known as the Defense of Marriage Act (DOMA).

Background

The word "marriage" conveys a universally understood and powerful meaning. It has a meaning in both law and society which are not duplicated with New Jersey's Civil Union Law. Trying to create a separate but equal status for same sex couples fails to provide true equality. Treating same sex couples and their children fairly and equally is not only the correct thing to do for them, but enhances all in our society.

Civil union status is simply not clear to many, which creates a second-class status. Same-sex marriage does not cause harm to anyone else's marriage and family. In fact, several European countries, Canada have given full legal recognition to same-sex marriages and have reported no harm to marriages of opposite-sex couples and their families.

Children would benefit by society's recognition that their parents are married:

- Parental rights and obligations would be clear both in New Jersey and beyond, while they are not with "civil unioned" couples. Other states and nations are not required to recognize New Jersey civil unions and federal law also does not.
- The stigma of being a child of an unmarried or "civil unioned" couple would go away.

Civil unions do not effectively provide equal access to health care and that issue provides a potent example of how separate but equal does not work. There are many reported cases of hospitals in New Jersey and elsewhere not recognizing one to whom a patient is "civil unioned" for both visitation rights and decisions on care. Even if all New Jersey hospitals went into compliance and treated all "civil unioned" couples equally, once one leaves the state or country, there is no requirement that those out-of-state institutions respect a New Jersey Civil Union.

Civil unions perpetuate economic harm to same-sex couples:

- For example, under the Employee Retirement Income Security Act (ERISA), a federal law that sets minimum standards for pension and benefit plans in private industry, “self-insured” companies (i.e., companies which create their own insurance plans but may hire outside agencies to administer them) are governed by federal law rather than state law. In turn, because of the federal DOMA, any federal statute or regulation that provides benefits to spouses, husbands, wives, or married couples applies only to marriages between one man and one woman, thus resulting in covered employers continuing to discriminate against same-sex couples.
- Practically speaking, companies covered by ERISA, which comprise an estimated fifty percent of all companies in New Jersey, have an option, rather than a requirement, to offer equal benefits under the state’s Civil Union Act. Many companies are not exercising that option, even though New Jersey law provides that spouses and civil union partners are entitled to identical treatment.

The forgoing has noted some of the legal problems which result from denying same sex couples the right to many to marry under New Jersey law. But same sex couples receive unequal legal treatment in literally hundreds of other situations including parent rights, tax, inheritance, real property law and others. Some of this is a function of DOMA, but we believe that New Jersey must do its part to eliminate this discrimination.

Use of the law in New Jersey to deny same sex couples these rights, as well as the denial of the respect and understanding of the institution of marriage, makes the discrimination that exists in New Jersey unacceptable to us as humans and as Unitarian Universalists. Thus, we urge passage of legislation providing for full marriage equality in New Jersey.

For Further Information, Please Contact:

Rev. Craig Hirschberg, Executive Director

Unitarian Universalist Legislative Ministry of New Jersey

4 Waldron Avenue, Summit, NJ 07901

609-672-7331 director@uulmnj.org

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