



1 (Whereupon, the hearing commences at 6:40 p.m.)

2

3 MR. VESPA-PAPALEO: Good evening. This is  
4 the first hearing of the New Jersey Civil Union  
5 Review Commission, Wednesday, September 26 in New  
6 Brunswick.

7 I'm Frank Vespa-Papaleo. I serve as Chair  
8 of the New Jersey Civil Union Commission. Welcome  
9 everyone. We are going to introduce the  
10 Commissioners, lay out some ground rules for our  
11 first public hearing, and then begin the testimony.

12 We are here tonight for you. So you're  
13 not going to hear much from us. That's not the  
14 point of this hearing. This is a public hearing to  
15 really elicit testimony from members of the public  
16 and the community about how civil unions are  
17 working in New Jersey.

18 Our charge is to evaluate the input of  
19 the public and other data information that we are  
20 accessing, and to report that information every six  
21 months to the State Legislature and the Governor.  
22 That's what we will be doing. Our first report will  
23 be due in December of this year.

24 Before I ask the Commissioners on the  
25 Commission to introduce themselves, I want to also

1     advise you of a few things. We have service for  
2     persons with disabilities, C.A.R.T. service seated  
3     to my left. And this meeting is also being tape  
4     recorded and we anticipate having audiotaping. So  
5     audiotaped recordings will be available. They'll  
6     be on our Commission website. The information will  
7     be available on the website so you can obtain free  
8     copies if you're interested in doing. That  
9     probably not be till next week. We will also have  
10    a transcript from the recorder available on our  
11    website for those of you are interested in that.

12                 So I ask that those of you who do decide  
13    to testify, please speak, slowly so that we get all  
14    the information in for the court reporters and the  
15    C.A.R.T. service and sign language interpreters and  
16    we will begin. Those of you who have not already  
17    signed in outside, if you are interested in  
18    testifying, we do ask that you sign in just so that  
19    we can make sure we don't miss anybody, okay?

20                 So before we go on to the first speaker,  
21    I will introduce the Commission members.

22                 MR. GOLDSTEIN: Steven Goldstein, Chair of  
23    Garden State Equality.

24                 MR. HYLAND: Steven Hyland. I'm an  
25    attorney and I'm from Cherry Hill. So I'm sort of

1 the South Jersey representative.

2 REV. TAYLOR: Reverend Kevin E. Taylor,  
3 Pastor of the Union Fellowship Church here in New  
4 Brunswick, New Jersey..

5 REV. BLUSTEIN ORTMAN: Reverend Charles  
6 Blustein Ortman. I serve the Unitarian Congregation  
7 at Montclair.

8 MS. CASBAR SIPERSTEIN: Barbara Casbar  
9 Siperstein, I'm Vice Chair of the Garden State  
10 Equality and also Director of the Gender Rights Act  
11 Association of New Jersey.

12 MR. KOSMOSINSKI: Joseph Komosinski.  
13 State Registrar with the Department of Health and  
14 Senior Services.

15 MS. KENNY: I'm Sheila Kenny. I'm the  
16 representative from the Department of Banking and  
17 Insurance.

18 MR. DE ALMEIDA: I'm Patrick DeAlmeida,  
19 Assistant Attorney General. I'm the Attorney  
20 General's designee.

21 MS. ALLEN: Barbara Allen, New Jersey  
22 Department of Human Services.

23 MR. VESPA-PAPALEO: Okay. The Legislature  
24 back in December passed the New Jersey Civil Union  
25 Act. And part of that act established the New

1 Jersey Civil Union Review Commission. On the table  
2 outside we did provide you copies of the statute  
3 setting forth the functions and mission of this  
4 Commission. We have very limited focus, very  
5 specific responsibilities.

6 So that everyone is on the same page I'm  
7 going to read those seven specific missions that  
8 the Legislature has set forth as the  
9 responsibilities of this Commission.

10 Number one, to evaluate the  
11 implementation, operation, effectiveness of the  
12 Civil Union Act.

13 Number two, to collect information about  
14 the act's effectiveness from members of the public,  
15 state agencies, and private and public sector,  
16 businesses and organizations.

17 Number three, to determine whether  
18 additional protections are needed.

19 Number four, to collect information about  
20 the recognition and, treatment of civil unions by  
21 other states and jurisdictions including the  
22 procedures for dissolution.

23 Number five, to evaluate the effect on  
24 same sex couples, their children and other family  
25 members being provided civil unions rather than

1 marriage.

2           Number six, to evaluate the financial  
3 impact on the State of New Jersey of same sex  
4 couples being provided in civil unions rather than  
5 marriage.

6           And finally, number seven, to review the  
7 New Jersey Domestic Partnership Act and make  
8 recommendations whether this act should be  
9 repealed.

10           So without further ado I would like to  
11 bring up to give some opening welcome remarks as we  
12 are in her house tonight here at the State Bar  
13 Association and to provide testimony, Lynn Fontane  
14 Newsom who is the President of the New Jersey State  
15 Bar Association.

16           MS. FONTANE NEWSOM: Thank you and welcome  
17 to the New Jersey Law Center. It's a privilege to  
18 have all of you here. I'm very honored to be in the  
19 location for this first public hearing on such an  
20 important topic.

21           My name is a Lynn Fontane Newsom. I'm  
22 President of the New Jersey State Bar Association.  
23 On behalf of nearly 17,000 members, welcome to our  
24 Law Center. I am joined here by Tom Prol who is one  
25 of our trustees in the association. He sits on our

1 board as well as Leslie Farber, Chair on Gay  
2 Lesbian Bisexual Transgender & Intersex. You'll be  
3 hearing from them as soon as I am finished here.

4 I would like to briefly outline the bar  
5 association's position as to 483787 which  
6 establishes civil unions in New Jersey and 83685,  
7 Civil Marriage and Religious Protection Act. I then  
8 will turn it over to Tom Prol who will provide you  
9 with a brief description of our understanding of  
10 the state of law and its impact. And Leslie Farber  
11 to provide anecdotal information on how civil  
12 unions effect the lawyers and their clients.

13 But first let me say that the New Jersey  
14 State Bar Association undertook a careful and  
15 studied review of these bills. Both bills are  
16 circulated widely throughout the association. We  
17 solicited comments from all interested sections and  
18 committees including the Family Law Section, the  
19 Individual Rights Section as well as other  
20 sections. Each was extensively debated among the  
21 members of the Gay Lesbian Bisexual Transgender  
22 Sexes, the minorities and the profession section,  
23 the Family Law section, Individual Rights, the  
24 Legislative Committee and ultimately our Board of  
25 Trustees. The New Jersey State Bar Association

1 Board of Trustee voted to impose as to 2S2407 which  
2 establishes civil union with higher priority. We  
3 maintain our opposition to this day. We believe  
4 the civil union law created a burdensome and flawed  
5 statutory scheme that fails to afford same sex  
6 couples the same rights and remedies provided to  
7 heterosexual married couples as required we believe  
8 and we know by the New Jersey Supreme Court and its  
9 landmark Louis v. Harris decision.

10 As a result, we continue to believe the  
11 civil union law violates the New Jersey  
12 Constitution's guarantee of equal protection and  
13 does not comport with the dictates of Louis v.  
14 Harris. The civil union law created a separate and  
15 equitable and unnecessarily complex legal scheme.  
16 And the New Jersey State Bar Association is  
17 convinced that this law does not satisfy the  
18 Supreme Court's determination. And I quote, "The  
19 unequal dispensation of rights and benefits to  
20 committed same sex partners can no longer be  
21 tolerated." Indeed, we feel recent events and  
22 publicized events of the civil union law bears this  
23 out.

24 In addition, at the time of its  
25 introduction the New Jersey State Bar Association

1 questioned the prudence of the law without great  
2 deliberation. The state legislation took a mere  
3 two weeks to consider a vast and far reaching bill  
4 that significantly impacts people's lives. And in  
5 the most fundamental ways we do not dispute that  
6 the civil union law was enacted with the best  
7 intent, as best it is minimum Supreme Court called  
8 for in Louis v. Harris decision.

9 From the bar's perspective civil unions  
10 are a failed experiment. They have shown to  
11 perpetually unacceptable second class legal status.  
12 Members of the bar association tell me more stories  
13 of the countless additional hours of work that must  
14 go into representing gays, lesbians, bisexual  
15 clients and their families.

16 Leslie Farber will speak to the anecdotal  
17 stories we heard from many more members practicing  
18 in family law, estate planning, and many other  
19 areas about difficulties encountered when advising  
20 and representing same sex clients. Sometimes the  
21 legal work performed for these clients is double  
22 that which is performed for married couples to  
23 insure that they are afforded equal rights.

24 You may have read in the newspapers about  
25 the inequities and difficulties experienced by

1 couples in civil unions. Our members, Mr. Chairman,  
2 are on the front line representing real people and  
3 real families in every county of the state. They  
4 can and will share their experiences with all of  
5 you which verify the impracticality, unfairness and  
6 non-clients that the current legislation embodies.  
7 We know the Star Ledger, New York Times have  
8 reported on many failures of this law and cost  
9 throughout New Jersey. The law denies same sex  
10 couples and their families important rights and  
11 protections, value -- by every person. Louis v.  
12 Harris promised equality, but civil union simply do  
13 not provide.

14 For these reasons the New Jersey State  
15 Bar Association supports as one of its highest  
16 priorities still passage of marriage equities  
17 legislation.

18 We commend those legislators who work on  
19 the front line for such legislation. Most notably  
20 the Star Ledger and the New Jersey lawyer newspaper  
21 have called on New Jersey legislature to pass this  
22 important bill. We join in that call. The New  
23 Jersey Supreme Court has spoken making it clear  
24 that the marriage of equality, the goal of each,  
25 for gay, lesbian, transgender and bisexual persons.

1 Again, we echo the Supreme Court's clear direction  
2 and urge you, this Commission, to recommend support  
3 such legislation to the state legislation.

4 With that said, once again, we welcome  
5 you will and commend the work of this Commission  
6 and its historic public hearing. I highlight to  
7 you the importance of this issue from the state bar  
8 and ask that the bar association continue to be  
9 part of the dialogue over this issue through the  
10 assistance of our member attorneys.

11 On a personal note, again, thank you for  
12 the opportunity to speak this evening on behalf of  
13 our members. And with your permission, Mr.  
14 Chairman, allow me to turn it to Tom Prol.  
15 Thank you very much.

16 MR. VESPA-PAPALEO: Thank you. Right  
17 before we hand this over to Tom Prol, I want to lay  
18 out four simple rules so we can make sure everyone  
19 that wants a chance to speak gets a chance.

20 Number one, when I call out names of the  
21 people that have signed up to testify, I'll call  
22 out a few names at a time for the people here in  
23 order so you can prepare, so you don't have to wait  
24 in a long line.

25 Number two, we ask that you try to limit

1 your comments to about four minutes so that  
2 everyone gets a chance who wants to testify.

3           Number three, when you do come forward to  
4 testify please clearly recite your name so that the  
5 court reporter can obtain that, and please limit  
6 your testimony to the purposes of this hearing  
7 specifically.

8           And finally, those of you here and others  
9 who would like to submit further testimony in  
10 writing, you can certainly do that through our  
11 website, [www.NJCivilRights.org/curc](http://www.NJCivilRights.org/curc). You can submit  
12 testimony electronically to us so that we have a  
13 record later on. And for those who couldn't be  
14 here, please let them know as well. We're going to  
15 take the rest of the testimony from this microphone  
16 up front here rather than from the stage so that  
17 all Commissioners have a better chance of seeing  
18 the speaker, okay?

19           So the order now will be to call on Tom  
20 Prol. Then Leslie Farber. And then after that on  
21 deck will be David Shin. Craig Ross and Richard  
22 Cash. Tom?

23           MR. PROL: Thank you, Mr. Chairman,  
24 Members of the Commission. I appreciate the  
25 opportunity to speak tonight. I echo President Lynn

1 Fontane Newsom's comments from the state bar and to  
2 the work this Commission does and commend  
3 appreciate.

4 Governor Corzine's recent remarks which  
5 were widely reported to declaring his support to  
6 full marriage of equality in New Jersey, Governor  
7 Corzine's leadership has helped to propel the state  
8 transition of marriage equality from discussion of  
9 it's not if we could do it. It's when we will do  
10 it. Thank you Governor Corzine for your leadership  
11 on this issue.

12 This support acknowledges the reality  
13 that this law is just not working in the real  
14 world. While the Governor feels the name may come  
15 in 2009 it begs the question if this law is a  
16 failure and people's civil rights are at stake,  
17 then why must we wait to fix the problem? Is it  
18 right for any community to be asked to hold off on  
19 getting their place at the table of equality for  
20 same of political expediency.

21 When the Supreme Court handed down its  
22 landmark *Louis v. Harris* decision in favor of equal  
23 rights for same sex couples a slim majority of the  
24 justice authorized the legislation to choose  
25 between, choose including same sex couples in the

1 marriage laws or trying to experiment new statute  
2 to keep civil unions.

3           As we know, the legislature chose to  
4 experiment and create a separate category for gay  
5 and lesbian relationship was, in fact, unequal.  
6 The New Jersey Bar Association issued its strongest  
7 -- at the outset while the laws were being  
8 liberated, while the law was being stating that  
9 civil unions are "unequal and unnecessary." We felt  
10 that they would cause problems for thousands of  
11 attorneys who counsel same sex clients across the  
12 state. These were just not just word of proffecy.  
13 They were words of experience and wisdom. The  
14 product of great deliberation caused our bar  
15 association and the wide wrath of knowledgeable  
16 scholars, leading practitioners within the state  
17 bar.

18           The civil unions law is really  
19 application of its principal --. All things being  
20 equal, the simplest solution tends to be the right  
21 one. The simplest solution here would be and  
22 remains marriage of equality. The public policy  
23 pronouncements in front of the civil unions law  
24 state "eliminating obstacles that hardships same  
25 sex couples face is unnecessary and is a necessary

1 and proper function of our government and a purpose  
2 of the law."

3           The reality unfortunately is that the law  
4 has not done that. The policy statements are  
5 important because if *Louis v. Harris* court majority  
6 called for them saying "if the legislature creates  
7 a separate statutory structure for same sex couples  
8 by name other than marriage, it probably will state  
9 its purpose and reasons for enacting such  
10 legislation."

11           Continuing on, the court said although we  
12 do not know whether the legislation will choose the  
13 option of a civil unions statute, the descenders  
14 presume in advance that our legislators cannot give  
15 any reasons to justify retaining the definition of  
16 marriage solely for opposite sex couples.

17           Members of the Commission, I report to  
18 you tonight the civil unions law does not on any  
19 basis allow -- rational basis to exclude gay men  
20 and from definition of marriage. This is  
21 significant not just because of the Supreme Court  
22 specifically called out from this or because of the  
23 fundamental legal flaw, but because it appears to  
24 represent the rush to get something done without  
25 engaging in the thorough deliberative process

1 applied to most legislators in the state house.  
2 This is a piece of legislation that will affect so  
3 many people in a most fundamental way. The lack of  
4 any legal or policy basis for maintaining exclusion  
5 -- marriage laws in New Jersey is probably an  
6 oversight but is -- great number of problems that  
7 the law criteria creates.

8 Let me highlight just a few of those for  
9 the Commission. Mr. Chairman, I respectfully submit  
10 my first example of failure of the New Jersey Civil  
11 Unions law. The state legislation approximately  
12 three weeks after enactment of the civil unions law  
13 amended the divorce termination statute providing  
14 for irreconcilable differences as a basis for  
15 termination of marriages.

16 However, unfortunately the civil unions  
17 law was not similarly amended and, therefore,  
18 attorneys who practice in the area of family law  
19 are left to develop constructive argument on very  
20 expensive motion practice for their clients in  
21 order to allege this basis for termination of civil  
22 union. I think this is one example, but it seems  
23 that we're going to have to follow every time  
24 marriage laws, we're going from to amend the civil  
25 unions law. This I respectfully submit to the

1 Commission is the essence of why separate is  
2 inherently --.

3           Mr. Chairman, I respectfully submit my  
4 second example of the failure of the New Jersey  
5 Civil Unions law. The New Jersey Business and  
6 Industry Association reports that 66 percent of New  
7 Jersey's insured are federally regulated for risk  
8 health plans. As many of you know there's a health  
9 plan that is preempted under federal law and,  
10 therefore, it has opened up a trojan for court law  
11 against discrimination that would permit employers  
12 to discriminate. However, let me be clear. The  
13 vast majority of employees and businesses in this  
14 state do not wish to discriminate but we find, and  
15 you'll hear later tonight testimony from  
16 representatives from Massachusetts who have come  
17 forward to tell you that risks are not a problem in  
18 their state. We only look to the UPS example.  
19 Again, we thank the Governor for his involvement in  
20 that, but there's a number of other examples which  
21 you'll hear as well tonight where there is a  
22 problem in this state and where employers are  
23 looking at the civil unions law and understanding  
24 that they cannot provide benefits. Again, in  
25 Massachusetts you will here this is not a problem

1 because Massachusetts has marriage.

2 Mr. Chairman, I respectfully submit my  
3 next example of failure of the New Jersey Civil  
4 Unions law. And I've previously submitted to the  
5 Commission an example of a former state employee,  
6 and as the practicing environmental I'm quite  
7 familiar with this. It's the A901 Solid Waste  
8 licensing application which is submitted under  
9 penalty of perjury and requires that individuals  
10 applying for solid waste license in the state  
11 submit their marital status as well as the name  
12 because the state Attorney General's office and  
13 state police do extensive and thorough background  
14 checks on anyone applying for solid waste license.

15 The bigger issue here is that there's  
16 countless numbers of forms out. The state is not  
17 taking or made any effort to amend the forms or  
18 change the designation on there which leaves a  
19 number of clients in a state of legal questioning  
20 whether they fill out a form that says they're  
21 married or not. It's not clear under the law. We  
22 had, in fact, been party to a civil union as  
23 they're called is legally married.

24 Mr. Chairman, I submit my next example of  
25 failure of the Civil Unions law. The state has

1     undertaken considerable amount of work to try to  
2     bring its departments into compliance. And yet,  
3     this has not been successful. And I note that as  
4     lecturer for New Jersey Institute For Continuing  
5     Legal Education, I've had hundreds of attorneys and  
6     business representatives come to me, lecture to  
7     spend four hours a course in which they have to  
8     learn about completely new and separate law when,  
9     in fact, again the simplest answer would be to have  
10    marriage of equality be the law of the land.

11           Mr. Chairman, I'm going to turn over the  
12    microphone back to you, but at this point I would  
13    like to introduce Leslie Farber who is the Chair of  
14    the GLBTI section of the state bar for some  
15    additional comments. Thank you.

16           MR. VESPA-PAPLEO: Thank you, Tom.  
17    Miss Farber?

18           MS. FARBER: Good evening, Mr. Chairman  
19    and other distinguished members of the Civil Rights  
20    Review Committee.

21           My name is Leslie Farber. I am the Chair  
22    of the New Jersey State Bar Association's Gay  
23    Lesbian Bisexual Transgender Section. I thank New  
24    Jersey State Bar President Lynn Fontane Newsom and  
25    Trustee Tom Prol for their remarks and support.

1           We do appreciate the New Jersey State Bar  
2 Association's strong support of our section and  
3 "high priority" position in advancing marriage of  
4 equality in New Jersey. There are several civil  
5 union couples here tonight who will testify that  
6 New Jersey Civil Unions law has failed them  
7 miserably. You will be hearing from an expert in  
8 Vermont who will tell you that in Vermont seven  
9 years after the civil unions law took effect their  
10 civil unions are still not being recognized as the  
11 equivalent of marriage.

12           If any of you believe that New Jersey  
13 Civil Union law will work if we only give it time,  
14 the Vermont experience provides powerful evidence  
15 otherwise. And you will hear from experts in  
16 Massachusetts who will tell you that even though  
17 federal law allows many employees they do not  
18 recognize same sex marriages.

19           As Tom mentioned under ERISA lesbian and  
20 gay married couples in Massachusetts are facing  
21 almost no problems with getting their relationship  
22 recognized. That's quite the opposite of what's  
23 been happening in New Jersey. Clearly, the word  
24 marriage carries the respect amongst employers in  
25 Massachusetts than the words "civil union" do not

1 carry in New Jersey.

2 Allow me to highlight a couple of  
3 specific examples that I have been told about of  
4 how New Jersey Civil Unions law is actually  
5 harmful. There's one case that was referred a gay  
6 couple where one of the partners was a member of  
7 the United States Armed Forces. As the Commission  
8 is aware, the military operates under, you know,  
9 so-called "don't ask, don't tell, don't pursue"  
10 which provide for dishonorable discharges for gay  
11 service members who disclose their sexual  
12 orientation. For obvious reasons this client is  
13 unwilling to appear here tonight for fear of  
14 getting outted. Likewise is unwilling to present a  
15 compliant to New Jersey Division of Civil Rights.

16 As an attorney, I am authorized to speak  
17 for this couple to shield them under note of  
18 confidentiality. With the very likelihood that the  
19 military service man will be called to service  
20 overseas in the near future, this client wants to  
21 protect his committed life partner. That he leave  
22 state side with as many protections and benefits as  
23 he can. New Jersey Civil Union may be able to  
24 provide many of those benefits and protections. A  
25 designation of "civil union" is usually a factual

1 statement this service man is a gay man.

2 Because only lesbian and gay couples can  
3 get civil unioned, in other words, the New Jersey  
4 Civil Union law automatically outs someone or  
5 anyone who gets civil unioned and in other cases a  
6 client of my own who wishes to remain anonymous for  
7 the same reasons, was a man who legally married a  
8 woman about 20 years ago and recently is  
9 transexual. This client went through sexual  
10 reassignment surgery and is now legally a woman.  
11 However, the entire family remains together and is  
12 happy.

13 However, even though the same two people  
14 remain married to each other because of her gender  
15 change this client is now married to another  
16 woman. In other words, a legally married same sex  
17 couple in New Jersey. However, this client is  
18 concerned that she now is at risk of having her  
19 once valid marriage downgraded to a civil union.  
20 Is this what the legislation intended? Isn't it  
21 truly cruel to leave this family in legal limbo?  
22 And, of course, marriage of equality would solve  
23 this problem instantly. Thank you.

24 MR. VESPA-PAPALEO: Thank you Miss  
25 Farber. Next is David Smith. Then Craig Ross and

1 Richard Cash. Following them will be Beth Robinson  
2 and Tom Barbera.

3 AUDIENCE SPEAKER: Good evening. Thank  
4 you Chairman and thank you Commissioners for  
5 allowing me the time to speak here tonight.

6 My name is David Smith. I am the Deputy  
7 Director of Garden State Equality with 21,000  
8 members in every county in the state. Garden State  
9 of Equality is New Jersey's largest advocacy  
10 organization for lesbian, gay, bisexual,  
11 transgender and intersex civil rights.

12 Since Garden State Equality's founding in  
13 2004, New Jersey has enacted 153 laws at the state,  
14 county and municipal levels advancing the Civil  
15 Rights of LGBTI community. That's more LGBTI civil  
16 rights laws enacted in less time than in the  
17 history of any other state in the United States.

18 Garden State Equality is also the only  
19 statewide LGBTI organization in New Jersey that has  
20 full-time staff. Because not even this  
21 distinguished Commission has its own exclusive  
22 full-time staff, Garden State Equality is in a  
23 unique position to hear about and investigate  
24 complaints of how the civil union law is working,  
25 and clearly not working.

1                   In addition, Garden State Equality  
2 appears in the press everyday.

3                   Because of our profile, Garden State  
4 Equality is the first place where most LGBTI people  
5 in New Jersey go when they have a problem.

6                   As of today, 304 couples have come to  
7 Garden State Equality to complain that their  
8 employers are not recognizing their civil unions.  
9 That means the New Jersey Civil Union law is  
10 failing. The New Jersey Civil Union law is failing  
11 civil-unioned couples in about 1 in every 6 cases,  
12 an astonishing rate of failure. In fact, the  
13 failure ratio of the law is likely way higher  
14 because the 304 complaints are only those that have  
15 come to Garden State Equality.

16                   Some of the couples coming to us ask that  
17 we keep their complaints confidential, but some  
18 others do not. Tonight we present this Commission  
19 a letter signed by 30 representative couples,  
20 couples who live all over the state. North,  
21 central and south, who have gotten civil unioned  
22 and whose civil unions are not being respected by  
23 employers. This letter is addressed to all of you  
24 on the Commission and to Governor Corzine, Senate  
25 President Richard Codey and and Assemblyman Joe

1 Roberts.

2           At tonight's hearing and at the other  
3 upcoming hearings of this Commission you'll hear  
4 from several of these couples. Like too many other  
5 couples across New Jersey their is civil unions are  
6 not being respected because employers don't respect  
7 civil unions as they respect marriage in the real  
8 world. In the end the first-hand experiences of  
9 these and other couples the people hurt most by the  
10 law will provide you the most important views of  
11 all.

12           I would now like to present one of the  
13 couples signing the letter, Richard Cash and Craig  
14 Ross.

15           MR. CASH: Thank you for inviting me.  
16 I've been asked to read the letter that has been  
17 sent to the group that David just mentioned dated  
18 today September 26.

19           "Dear Governor Corzine, Senate President  
20 Codey, Speaker Roberts and members of the New  
21 Jersey Civil Union Review Commission.

22           "We 30 couples, all residents of the  
23 State of New Jersey, have gotten civil-unioned  
24 under the civil union law that took effect in  
25 February. We are among the more than 300 civil

1 union couples who have been denied equal benefits  
2 by an employer employer in New Jersey. Several of  
3 us are testifying during the three hearings of the  
4 Civil Union Review Commission in September and  
5 October.

6 "When the civil union law took effect  
7 public officials promised us that the new law would  
8 be equal to marriage in all but name. That has  
9 turned out not to be the case. Our society, even in  
10 a progressive state like New Jersey, does not  
11 understand or accept civil unions like it does  
12 marriage.

13 "The law's deprivation of equality has  
14 wreaked its worst havoc on same sex families with  
15 fixed incomes, particularly in health care.  
16 Because employers in New Jersey are not recognizing  
17 civil unions on a consistent basis, the civil union  
18 law has in effect established one system of health  
19 care coverage for same sex couples and another for  
20 straight couples.

21 "To all same sex couples, the failure of  
22 the civil union law tells us that New Jersey does  
23 not respect our families equally. In a state where  
24 we all pay the same high taxes, straight or LGBT,  
25 this paradox pickpockets our dignity.

1           "Public officials have been quoted as  
2 saying the state government has not received many  
3 complaints about the law. With all due respect,  
4 that's not a fair argument to make. The agency  
5 before which several of us will testify, the Civil  
6 Union Review Commission has no budget and thus  
7 little ability to advertise its existence.

8           "Even older agencies in the state  
9 government, like the Division on Civil Rights, are  
10 not known by the average citizen. They have  
11 comparatively scant budgets to get the word out.

12           "Indeed, couples like us have not filed  
13 complaints with state government because we didn't  
14 know where in government to go. We, like other  
15 civil-unioned couples denied equality, have gone to  
16 advocacy organizations because we know whom they  
17 are and how to find them.

18           "We actually wonder whether the  
19 complaints received by these organizations  
20 constitute a significant underestimate of the  
21 problem. How many other couples don't know to  
22 complain even to them? And how many other couples  
23 won't complain to anyone because they are afraid of  
24 employer retaliation, however prohibited by law?

25           "Governor Corzine, Senator Codey, Speaker

1 Roberts, members of the Civil Union Review  
2 Commission, newspapers across the country including  
3 the Star Ledger, New York Times, The Washington  
4 Post, The Philadelphia Inquirer, The Bergen Record,  
5 The Charleston Gazette and several others have now  
6 run investigations of the New Jersey civil union  
7 law's failure.

8 "Cumulatively, these investigations have  
9 mentioned many more couples by name than have  
10 complained to state government. Thus, the public  
11 record has provided ample evidence to assess and  
12 correct the civil union law by replacing it with  
13 real marriage of equality.

14 "We have read reports that the public  
15 officials believe marriage equality in New Jersey  
16 is a matter not so much of if but when. We plead  
17 with you to recognize that more than an electorally  
18 sensitive timetable is involved here.

19 "The failure of the civil union law has  
20 affected our lives deeply. It's not a political  
21 issue to us, but a personal one. The law's failure  
22 is harming not only us, but bus also the children  
23 of us who are parents. We cannot wait for the  
24 equality that the civil union law was supposed to  
25 provide, but does not.

1                    "We ask you, Governor Corzine, Senator  
2 Codey, and Speaker Roberts to accelerate your  
3 timetable for marriage equality, the evidence of  
4 the civil union law's failure has been in  
5 newspapers all around you. Our families need  
6 marriage of equality.

7                    "We ask you, the members of the Civil  
8 Union Review Commission to recommend to the  
9 legislature that it expedite the passage of a  
10 marriage equality bill."

11                    Thank you. And this is signed by the 30  
12 couples that were mentioned earlier.

13                    As David said, I'm Richard Cash. This is  
14 my partner, Craig Ross. We are one of the couples  
15 that is testifying. We've been together five and a  
16 half years. Civil-unioned since April.

17                    Very quickly, our story began when I was  
18 notified that my position with a Fortune 500  
19 company was eliminated at the end of last year  
20 which, of course, meant I lost my health care  
21 coverage. Although I went on to Cobra at the time  
22 Craig started making plans for our civil union  
23 hoping that perhaps his company would recognize it  
24 and provide me coverage through his plan.

25                    He contacted them in February through

1 their H.R.Department asking for clarification on  
2 their policy regarding providing medical benefits  
3 for civil union partners. And at this point I'm  
4 going to let Craig take over and tell you the  
5 story.

6 MR. ROSS: Hi. Like Richard said, we got  
7 civil-unioned on April 12. Before I even get  
8 there, my company's a Fortune 500 company. They're  
9 based out of upper midwest. We provide  
10 information, management services to financial and  
11 insurance industries. There's 23,000 employees  
12 worldwide. And I've been an employee for 22 years  
13 with them. I worked from home but there are six  
14 New Jersey locations here that the company has with  
15 over 600 employees.

16 It took 9 weeks for them to get back  
17 after I had initially asked in February whether I'd  
18 be able to get coverage for Richard. It took them a  
19 long time to come back. They eventually came  
20 back. I got a phone call and was told that they  
21 would not provide benefits. I asked them to provide  
22 a written summary of why not.

23 Basically, I wanted a record of the phone  
24 call. And I'm going to read you a couple of  
25 excerpts just to show you how real companies are

1 thinking, or how they actually treat the civil  
2 union couples.

3 First part was New Jersey Legislation  
4 regarding civil unions will not have an impact on  
5 the plans in which you participate. The companies  
6 health, medical and dental PPO are self-funded  
7 plans. As such they're governed by ERISA which  
8 preempts mandates by individual states. That was  
9 kind of what I was expecting.

10 I also asked whether I'd be eligible to  
11 change my plans mid year as they allow with  
12 marriage. Their response to that was ERISA also  
13 governs the provisions of the special enrollment  
14 rights.

15 So in this case, civil union -- excuse  
16 me. A civil union ceremony will not be considered  
17 a special event in which an employee can switch  
18 medical or dental plans mid year. So, therefore,  
19 look at it as a ceremony. Not even as a  
20 relationship legal standing. It's just a ceremony  
21 to them. It's just words. They add insult to  
22 injury.

23 I discovered since I got that phone call  
24 my company has changed their definition of spouse  
25 when it comes to health benefits. Before it used to

1 mention that the state, they would recognize  
2 certain state's definition of spouse. Now it reads  
3 spouse means legal spouse who is husband or wife of  
4 the opposite sex in accordance with federal  
5 Defensive Marriage Act. Pretty much shutting us  
6 all down.

7           And to really add insult to injury, it  
8 says in addition, for residents of California the  
9 term spouse includes registered domestic partner.  
10 Now I've got to ask you, what has California done  
11 that New Jersey hasn't that compels my employer to  
12 do the right thing?

13           And I plead with New Jersey, you know,  
14 please at the very least do that. Calling our  
15 relationship and legal status of civil union I  
16 believe gives my company an easy out. Calling it  
17 what it is, marriage, makes a denial of those  
18 benefits obviously for what it is, discrimination.  
19 Thank you.

20           (Whereupon, audience applauds.)

21           MR. VESPA-PAPALEO: Thank you. Next is  
22 Beth Robinson, Tom Barbera. Then followed by Jodi  
23 Weiner. And then David Buckle and his clients.  
24 Thank you.

25           MS. ROBINSON: Good evening. I'm Beth

1 Robinson. I'm from Vermont. I appreciate your  
2 allowing me to come speak with you tonight.

3 I'm an attorney in private practice in  
4 Vermont from 1997 to '99. I have had the privilege  
5 of representing three same-sex couples from 1997 to  
6 '99. I'm in private practice. I represent a lot  
7 of lesbian clients. I represent a lot of  
8 individual clients throughout the State of  
9 Vermont. And in addition, I am Chair of Vermont  
10 Freedom To Marry.

11 I traveled here to New Jersey tonight to  
12 deliver a simple message directly and  
13 emphatically. That is, please understand, and we  
14 know this is from seven and a half years of  
15 experience in Vermont. That the passage of time  
16 will not bring the civil union to -- with the  
17 marriage law. No passage of time will eliminate  
18 the inherent and inequality built into the separate  
19 legal institutions.

20 I've submitted some written testimony and  
21 I ask that that be incorporated in its entirety  
22 into the record. I'd like to cover a couple of  
23 points from my written testimony tonight but,  
24 obviously, won't be able to hit all of them. There  
25 are three areas that I'd like to talk about.

1           The first is we've heard about health  
2 insurance. I want to emphasize that now even seven  
3 and a half years after the civil union law passed  
4 in Vermont I still feel calls regularly from  
5 individuals whose employers are denying them health  
6 insurance coverage for their civil union partners,  
7 even when those same employers provide us health  
8 insurance coverage for married spouse of employees.  
9 This is the civil union law that we have in  
10 Vermont. I submit the civil law that you have in  
11 New Jersey does not just what same sex couple on a  
12 lessor footing that our married heterosexual  
13 counterparts but on lessor footing than  
14 counterparts in a State of Massachusetts where same  
15 sex couples can marry.

16           And the reason is this. ERISA  
17 notwithstanding -- I'm not an ERISA expert. I  
18 don't want to argue about whether it does or  
19 doesn't compel lawyers to provide --. We know  
20 they're in a civil union regime. The burden of a  
21 -- favors discrimination. An employer there wants  
22 not to discriminate. Needs to amend itself  
23 insurance plan to include civil union spouses  
24 within its coverage. An employer that wants to  
25 keep on discriminating simply needs to do nothing.

1           Likewise, or conversely in a state in  
2           which same sex couples can marry, the default  
3           position under most plans becomes coverage for same  
4           sex couples who are joined in civil marriage. An  
5           employer that wants to discriminate would have to  
6           take the step that they -- and we heard about  
7           moments ago, talk of affirmatively amending its  
8           plan. Most companies don't take that kind of an  
9           initiative.

10           In Vermont, and I've seen a lot of  
11           situations with lot of folks who work for companies  
12           that have national plans. They're not likely to  
13           tweak their plans to accommodate the needs of an  
14           individual state as with burden of -- becomes quite  
15           significant in terms of the scope of access to  
16           health insurance coverage of Vermont or same sex  
17           relationships.

18           Just last week I spoke to a gentleman,  
19           Joe, who got a new job from employer that's based  
20           outside Vermont. His employer said to him we can't  
21           provide health insurance for your partner who also  
22           happened to be named Joe notwithstanding Vermont's  
23           civil union law. But if you were married legally  
24           we would be able to provide you that health  
25           insurance.

1           It's not an unusual situation. Not only  
2           does the civil union law put the burden of -- on  
3           the side of discrimination, but I think underlying  
4           it puts the moral authority of the state behind  
5           discrimination. An employer isn't after all  
6           discriminating against gay people. They're just  
7           simply not providing insurance to couples joined in  
8           civil union. It's a separate status that the state  
9           itself created.

10           In a world in which the default option is  
11           marriage for same sex couples a company would have  
12           to take the affirmative step of saying, yes, we  
13           provide health insurance coverage for same sex  
14           couples, for couples who are married but not if  
15           they're married to someone of the same sex.

16           I submit to you that the vast majority of  
17           respected companies would not partake in a system  
18           in which the moral of the state was behind that  
19           equality and fairness. Thank you.

20           AUDIENCE SPEAKER: Members of the Civil  
21           Union Review Commission, my name is Tom Barbera. I  
22           am a resident of Massachusetts and have been a  
23           labor leader in Massachusetts for the past 30  
24           years.

25           I'm particularly happy to be here tonight

1 because I'm originally from New Jersey. South  
2 Jersey. I grew up in Atlantic City. And most of my  
3 family members remain in South Jersey. They own  
4 Barbera Seafood and Produce in Atlantic City. My  
5 grandfather was a Republican ward leader in the  
6 city. And cousins of mine serve as police officers  
7 there today. So I love this state. And I want New  
8 Jersey's same sex couples to have the equality that  
9 same sex couples have in Massachusetts.

10           Nationally, I'm founding member of the  
11 AFL-CIO LGBT labor organization, Pride at Work for  
12 which I have served as National Vice President of  
13 Organizing.

14           In Massachusetts, I've served as vice  
15 president of state AFL-CIO. For the past three  
16 years in Massachusetts I've worked for SEIU as an  
17 advocacy liason to constituencies throughout the  
18 state.

19           As a labor leader whose very job involves  
20 keeping the finger on the pulse of LGBT workers all  
21 across Massachusetts, and as an advocate in  
22 constant touch with every civil rights organization  
23 and agency throughout the state, I am in the unique  
24 position to learn about and report to you  
25 complaints that same sex married couples have had

1 with a ERISA.

2 ERISA, as you know, is the federal law  
3 that governs many employers' pension and health  
4 benefit plans. ERISA, in combination with a federal  
5 Defense of Marriage Act, allows ERISA covered  
6 employers not to recognize same sex relationships,  
7 even in a state like Massachusetts that has same  
8 sex marriage, or New Jersey, which has civil unions  
9 law.

10 This begs the question: If so many of the  
11 companies about New Jersey's civil unions law  
12 involve ERISA, what difference would it make to  
13 change the law to marriage equality in New Jersey  
14 when ERISA would still apply?

15 Commissioners, it would make all the  
16 difference in the world. From the immediate weeks  
17 after May 17th, 2004 when marriage equality took  
18 effect in Massachusetts, right on through today,  
19 ERISA has bearly been an issue in Massachusetts,  
20 certainly not compared to New Jersey.

21 In the first weeks of marriage equality  
22 in Massachusetts only a few companies chose not to  
23 provide retirement benefits under ERISA to same sex  
24 married couples.

25 And from the day our marriage equality

1 law took effect through today, civil rights  
2 organizations in Massachusetts as well as our state  
3 government, have received virtually no complaints  
4 about companies not providing health care benefits  
5 to same sex married couples. This is in stark  
6 contrast to what is New Jersey is experiencing  
7 today.

8           It is not that ERISA covered employers in  
9 Massachusetts don't understand that federal law  
10 allows them to refrain from providing benefits to  
11 same sex married couples. It's that employers also  
12 understand that without the term civil union or  
13 domestic partner to hide behind, if they don't give  
14 equal benefits to employees in same sex marriages,  
15 these employees will have to come forth with the  
16 real excuse for discrimination.

17           I just want to conclude with a personal  
18 note. You have my testimony. In 1984 -- excuse  
19 me. 1986 I received a telephone call from my  
20 father's doctor. My dad was rushed to the  
21 hospital. I was in Boston. I drove down from  
22 Boston. Took me four hours and 45 minutes. Thank  
23 God the cops weren't too vigilant.

24           I arrived at the hospital. The doctor  
25 basically was going to remove all extraordinary

1 means for my dad. And I didn't know what my father  
2 wanted. So I had to talk to him first. He wanted  
3 certain things to happen and certain things not to  
4 happen. A day later my partner arrived and I was  
5 lucky I didn't make that decision because on  
6 Christmas day, on the 25th, my partner presented me  
7 with a ring of engagement in the hospital that  
8 night. My dad basically said when I get out of  
9 here I'm going to cater your wedding.

10 On December 27th my dad died. This is  
11 not about a privilege. This not about a right. This  
12 is about justice. It's about justice for my dad to  
13 see his son be married. It's about justice for my  
14 Uncle Carmen who since died. He was from Atlantic  
15 City. He was with his partner for 30 years. It's  
16 about justice for my friend Sam here in  
17 Massachusetts at the age of 80 married his partner  
18 of 50 years. It's about justice for every single  
19 person in this room. Thank you.

20 (Whereupon, audience applauds.)

21 MR. VESPA-PAPALEO: Thank you, Mr.  
22 Barbera. Before we move on, anyone in this room  
23 that would like to file a complaint tonight with  
24 the Division of Civil Rights, we have an  
25 investigator right here who will take your

1 information. And we'd be happy to investigate that  
2 case for you.

3           Secondarily, if anyone needs any  
4 assistance we have several of my colleagues from  
5 the Division on Civil Rights here who will assist  
6 you. So thank you all for taking time out tonight  
7 to come and help us with this. Somebody did say  
8 the Commission actually does not have a legislative  
9 budget at this time. So we're relying on the  
10 kindness of our staff to assist while they do their  
11 jobs as well.

12           So the next speakers will be Jodi Weiner,  
13 David Buckle, Heather Oraden and Tom walton in that  
14 order.

15           AUDIENCE SPEAKER: Thank you Members of  
16 the Civil Union Commission and others gathered here  
17 tonight. I'm Jodi Weiner of Montclair, New Jersey.

18           Like you, I have read a lot in the  
19 newspapers about civil unions not working. And I  
20 have read a lot about activists saying that  
21 marriage would be much better to guarantee the  
22 equality for same sex couples in New Jersey, even  
23 if federal law would still apply and exempt many  
24 workplaces from the requirement of the recognizing  
25 same sex relationships.

1           I'm here tonight because my partner Sally  
2           and I have lived through the experience of how the  
3           word marriage can indeed make a difference. In  
4           fact, you might call my situation an advance look  
5           at how much better things would be in New Jersey  
6           when we enact marriage equality, as I urge this  
7           Commission to recommend.

8           My partner, Sally and I have been  
9           together for 9 years. We got married in  
10          Massachusetts, which, as you know, is the only  
11          state that allows same sex couples to marry.

12          Though being an electrician is my primary  
13          career I have taken sabbaticals from the profession  
14          from time to time to try other jobs. When I work as  
15          an electrician I receive health benefits through my  
16          union which IBEW Local 456 here in New Jersey.

17          In June of 2007 I resumed work as an  
18          electrician and therefore looked to receive  
19          benefits from the union after working the required  
20          hours for benefits eligibility, which I completed.  
21          I have previously been covered as a single woman  
22          but this time with New Jersey having the civil  
23          union law, I wanted to go on a family plan to cover  
24          my partner.

25          I called the benefits administration

1 company for the union and the first person there  
2 told me she didn't know civil union partners would  
3 be eligible for family coverage. I was then  
4 referred to another department. The next person  
5 told me the union's plan would not cover civil  
6 union partners because the plan is covered by  
7 federal law. She thought that federal law  
8 disallowed benefits for same sex partners.

9 At that point I decided to contact the  
10 representative at Pride At Work, the LGBT  
11 organization of the AFL-CIO. They contacted my  
12 union and described my situation in detail, that I  
13 was actually married in Massachusetts. I had  
14 originally described Sally and me as civil unioned,  
15 because I knew our civil union law recognizes same  
16 sex couples married in Massachusetts and living in  
17 New Jersey as civil union partners for the purpose  
18 for receiving benefits here.

19 I also spoke to another person who told  
20 me that the language in the collective bargaining  
21 agreement and used by the trustees of the benefits  
22 fund, specifically used the words marriage and  
23 spouse. I was told by another union officer to  
24 submit a special request to the trustees in order  
25 to gain equal benefits for my partner.

1           After Pride At Work called my union I  
2 followed up with the benefits administration  
3 company. This time I made it clear that Sally and I  
4 were married in Massachusetts. The company told me  
5 that our case of same sex couples married in  
6 Massachusetts seeking to obtain civil union  
7 benefits in New Jersey was the first one that they  
8 had seen. Finally, after Pride At Work intervened  
9 on my behalf I again contacted the head of the  
10 benefits administration company. He then said that  
11 yes because I am married I can indeed present my  
12 marriage certificate and become eligible for family  
13 plan that would also cover Sally.

14           The difference between the words civil  
15 union and the word marriage could not be greater.  
16 The words civil union were not good enough for  
17 Sally and me to get equality the in New Jersey, but  
18 the word marriage is. Members of the Commission  
19 and elected officials, we can all talk about how  
20 the civil union law is supposed to work just like  
21 marriage, but in my case and others, it doesn't  
22 work that way in the real world.

23           I understand that the same federal law  
24 loopholes applies to Massachusetts same sex  
25 marriages as it does to New Jersey civil unions,

1 but Sally and I now know when you tell employer or  
2 union you are married, there's something about that  
3 word that make them recognize your relationship in  
4 a way then don't recognize it when you tell them  
5 that you are civil unioned. And because of their  
6 respect for the word marriage which is something  
7 they understand, they are much less likely to  
8 invoke the federal law loophole. That's what  
9 happened with us.

10 I ask you on behalf of my myself and  
11 Sally and all the others civil union couples in New  
12 Jersey to face what we faced, to replace New  
13 Jersey's civil union law with equal marriage law  
14 that will work much better not only for same sex  
15 couples, but also for employers and unions.

16 As Sally and I have experienced  
17 personally, the word marriage is a world of  
18 difference. Thank you.

19 MR. VESPA-PAPALEO: Thank you Jodi.  
20 I didn't mention this, but anyone that has written  
21 testimony that they would like us to have a copy  
22 of, please don't hesitate to leave it with one of  
23 my staff colleagues, okay? Or you can follow up  
24 afterwards Mr. Buckle?

25 AUDIENCE SPEAKER: Good evening Mr.

1 Chairman and distinguished members of the  
2 committee. David Buckle. I'm Senior Counsel at  
3 Land of Legal and the lead plaintiff attorney in  
4 the New Jersey Supreme Court case Louis v. Harris  
5 which led to the civil union law under review by  
6 this Commission.

7           Since the law passed I worked personally  
8 with over 100 individuals who have called Land of  
9 Legal seeking help addressing disregard for their  
10 civil unions. Their struggles touch every  
11 dimension of human life including interaction with  
12 neighbors, co-workers and employers. Businesses,  
13 police doctors, emergency room staff and others. In  
14 the business sector alone specific instances  
15 including refusal to respect a civil union for  
16 banking transactions, rentals and auto insurance.

17           Often we confront the civil union law's  
18 failure in employers denial of family health  
19 insurance. One such employer was United States  
20 Parcel or UPS. I'm joined tonight with clients we  
21 represent who successfully in our legal action  
22 against UPS, and you will hear from those clients  
23 about what it meant to their families to be denied  
24 the health insurance that is provided automatically  
25 to spouses who can use those powerful words we're

1 married.

2           In its final public statement announcing  
3 that we had one UPS demonstrated civil union law's  
4 core failure. They agreed with our argument that  
5 the law specifically required civil union partners  
6 be treated as spouses. But they said their initial  
7 legal review of the law had indicated that civil  
8 union partners could not be treated as spouses.

9           Clearly in their minds the law's creation  
10 of a separate status for the gay minority overrode  
11 the laws more specific terms. And in the real world  
12 that is obviously what happens when government  
13 creates a separate legal structure for minority.

14           However, much of the government might  
15 otherwise say that discrimination is not allowed.  
16 Here, the government itself wrote discrimination  
17 into the law so the words are hollow. That is the  
18 civil union law's core failure in the real world.  
19 It discriminates by denying marriage and thus  
20 encourages discrimination by others while UPS and  
21 its lawyers read the specific terms of the law and  
22 still reached the wrong conclusion. Most New  
23 Jerseyans will never read the law but they know gay  
24 people were denied marriage and they take away  
25 discriminatory message from that. That is the

1 common denominator.

2 I can tell you of over -- of the over 100  
3 matters we've handled at Land of Legal the civil  
4 union law invites discrimination. Of course,  
5 neither UPS or anyone else should take New Jersey's  
6 invitation to discriminate, but a far greater  
7 importance New Jersey's government should not be  
8 inviting the rest of New Jersey to discriminate in  
9 the first place.

10 In 2003 the United States Supreme Court  
11 confronted just such a law that separated gay  
12 minority for different treatment calling it "an  
13 invitation to subject them to discrimination." Even  
14 closer to this Commission's review the Supreme  
15 Court of Massachusetts declared a civil union bill  
16 unconstitutional because the label of civil union  
17 in the court's words is considered choice of  
18 language. That is, assign same sex couples to  
19 second class status. It -- lifetime relationships  
20 of committed same sex couples as unworthy of  
21 marriage. -- respect for their relationships. And  
22 lastly, as former New Jersey Supreme Court Justice  
23 Poritz wrote, ultimately the message is that what  
24 same sex couples is not as important or is  
25 significant.

1           In summary, when the government itself  
2     discriminates and sets an example for others to  
3     follow and cause more discrimination everywhere  
4     else, the harm has only just begun and it will  
5     never stop as long as same sex couples are assigned  
6     a separate status. The New Jersey legislation  
7     should escalate the harm has created any civil  
8     union law by ending discrimination of marriage.  
9     Thank you for this opportunity.

10           (Audience applauds.)

11           It's my privilege to introduce our  
12     clients in the UPS matter. First you'll hear from  
13     Heather Herrand (phn). Then Tom Walton.

14           AUDIENCE SPEAKER: Hi. I'm Heather. My  
15     partner Nicki Brasher (phn) who is at home with our  
16     children works for UPS. We were recently  
17     represented by Land of legal when UPS refused to  
18     respect our civil union and provide health  
19     insurance benefits like they do married couples.

20           Nicki and I made the choice before we  
21     even had kids that I would stay home and take care  
22     of care of them when they were young and the  
23     government is making it financially harder for  
24     families to choose to have one parent stay at home.

25           Because the state of New Jersey treated

1 my family differently than a married couple UPS had  
2 an easy excuse to follow suit. With the civil union  
3 law the legislature did not solve some problems --  
4 the legislation did solve some problems that were  
5 created for families like the marriage, but it is  
6 still giving everyone an excuse to treat us  
7 differently. That's a huge problem and as a mom I'm  
8 very worried what it means for my three children as  
9 they grow up in a family that the government says  
10 can be treated differently. A married couple  
11 doesn't have to fight for their legal status. If  
12 civil unions were treated equal to marriage we  
13 would not have to fight either. But that's what we  
14 had to do. And in the end Governor Corzine  
15 weighted on the matter. While we were -- great for  
16 his support, we wish instead of signing one letter  
17 to help just --, that the governor would sign one  
18 bill, a marriage bill, and help thousands of  
19 couples around the state.

20 I understand that my testimony here  
21 tonight will be provided to the members of the  
22 legislature. I'd like to pose two questions to  
23 them. First, look into your heart and honestly  
24 answer. Which would you choose if you had to? A  
25 marriage or a civil union?

1                   And second, there's almost 20,000 same  
2 sex couples throughout the state. Can you look at  
3 them and say that their relationship is less worthy  
4 than yours? Thank you for this opportunity to speak  
5 on an issue that so deeply affects my family.

6                   (Audience applauds.)

7                   AUDIENCE SPEAKER: Hi. My name is Tom  
8 Walton. And this is my partner Merman Davis. We  
9 were both born and raised in New Jersey. We met in  
10 New Jersey and we've made our home here.

11                   I currently work for UPS. We've always  
12 contributed to our community and our state, but yet  
13 our state is treating us like second class  
14 citizens. We were recently represented by Land of  
15 Legal when UPS refused to respect our civil union  
16 for the purposes of health insurance. Because we  
17 have a civil union and not a marriage UPS said they  
18 didn't have to provide health care for Merman who  
19 has insurance but is far inferior and more costly  
20 to our family.

21                   Married couples get to make the decision  
22 about which insurance is the better deal. And until  
23 UPS changed their mind we weren't able to make that  
24 choice. Because the State of New Jersey treated my  
25 family different than a married couple UPS did,

1 too. If it had been called a marriage, as it is in  
2 Massachusetts, this would not have been an issue.  
3 UPS recognizes all marriages there.

4           On the same day that we received the  
5 notice from our UPS that they had changed their  
6 minds, we were applying for a home equity loan and  
7 spent a fair amount of time having to explain what  
8 is civil union was. The woman looked at us like  
9 she had no idea what we were even talking about.  
10 And, obviously, there was no box to check. It was  
11 either married, single or divorced. And that was  
12 your choices.

13           We feel like this is going to be our  
14 lives now, explaining to people what a civil union  
15 is. Having to explain automatically devalues it.  
16 Even if it gives all the rights of a marriage it  
17 certainly doesn't give us -- second word is never  
18 equal. Even if legislature says it's a matter of  
19 education, bring everyone up to speed knew civil  
20 union law consider this. There are educated people  
21 to treat same sex couples and gay people in  
22 generally differently than everyone else. That is a  
23 lesson that the government should be teaching.  
24 Same sex couples are often at the mercy of many  
25 people for many different situations. We shouldn't

1 be. Our hope is that we find kind people along the  
2 road who understand who we are and what we mean to  
3 each other without having to explain it and carry  
4 legal documents around with us.

5 We've been together for 15 years. We  
6 were married in a religious ceremony nine years  
7 ago. We're committed to each other and our family.  
8 And we want to spend the rest of our lives  
9 together. We just want our state to treat us fairly  
10 and allow you to be legally married. If we're  
11 treated badly or differently by someone it should  
12 be based on their own ignorance and bias and not  
13 because they've had someone saying from the  
14 government that it's okay to do so.

15 (Audience applaudes.)

16 MR. VESPA-PAPALEO: Thank you all for your  
17 very heroic testimony so far this evening. I'd  
18 like to call on next Sylvia Rhue and then following  
19 that because there are some that might have to go  
20 home and do homework, Paragee Family will be next.

21 AUDIENCE SPEAKER: Hello. I'm Dr. Sylvia  
22 Rhue. I'm Director of Religious Affairs for the  
23 National Black Justice Coalition which is a civil  
24 rights organization dedicated to empowering  
25 African-American lesbian, gay, bisexual and

1 transgender people. The Coalition works with our  
2 communities and our allies for social justice,  
3 equality, and an end to homophobia.

4           The National Black Justice Coalition  
5 envisions a world where all people are fully  
6 empowered to participate safely, openly and  
7 honestly in family, faith and community regardless  
8 of race, sexual orientation or gender identity or  
9 expression..

10           I'm here to say that marriage equality is  
11 an African-American issue. 14 percent of the  
12 lesbian, gay, bisexual, transgender and intersex  
13 Americans are African-American. 45 percent of  
14 African-Americans same sex couples reported stable  
15 relationships of five years or longer on the United  
16 States census.

17           Several African-American couples have  
18 been parties to the lawsuit seeking marriage  
19 equality in several states including New Jersey.  
20 I'm so proud of my sister congregants at the  
21 Liberation in Truth Unity Fellowship Church in  
22 Newark. The Reverend Alicia Heath-Toby and Saudra  
23 Toby-Heath who are plaintiffs in New Jersey's  
24 marriage lawsuit.

25           This is not the first time

1 African-Americans have been denied the ability to  
2 legally marry the person of our choice. In enslaved  
3 African-American were once forbidden to marry. The  
4 discrimination was based on the racist argument  
5 that African-Americans are incapable of love or  
6 commitment.

7           When civil unions fail to work, like  
8 what's happening in New Jersey, it particularly  
9 harms the can African-American community.

10           Employers are failing to recognize 1 in  
11 every 6 civil unions, according to Garden State  
12 Equality statistics. Marriage is widely understood  
13 and accepted by our society, whereas civil unions  
14 are not.

15           When employers fail to recognize civil  
16 unions as equal to marriage, the couples who get  
17 hurt the most are poor couples who are often  
18 African-American couples who cannot afford  
19 thousands of dollars to hire fancy lawyers to draft  
20 documents like wills, health care proxies, and  
21 powers of attorney.

22           And when employers fail to recognize  
23 civil unions as equal to marriage and deny health  
24 care benefits to civil union partners, there's a  
25 profound effect on those families' health care.

1 And who are among the families who can least afford  
2 cuts in their health care? African-American  
3 families. Approximately one in five African  
4 Americans is currently without health insurance,  
5 some of whom are in same sex relationships.

6 Civil unions are separate and unequal.  
7 Haven't we African-Americans already suffered  
8 enough of that?

9 Equating the marriage-equality movement  
10 with the African-American civil rights movement  
11 does not diminish the unique struggles  
12 African-Americans have faced.

13 We don't need to establish a hierarchy of  
14 whose troubles are worse. New Jersey's law against  
15 discrimination stands equally strong and outlawing  
16 discrimination based on gender, race, religion,  
17 sexual orientation or gender identity or  
18 expression, among many other factors. All of these  
19 forms of discrimination are problematic.

20 In fact, arguments against same sex  
21 marriage today are very similar to those used to  
22 create and expand interracial marriage bans decades  
23 ago.

24 And we need to remember that many members  
25 of the lesbian, gay, bisexual, transgender and

1 intersex community are members of the African-  
2 American community. Some of our greatest African-  
3 American civil rights leaders have been members of  
4 the LGBTI community including the late Bayard  
5 Rustin, the trusted advisor to Dr. King, and the  
6 late visionary Audre Lorde.

7 I have fought too hard and too long  
8 against discrimination based on race and color not  
9 to stand up against discrimination based on sexual  
10 orientation. Thank you.

11 (Audience applauds.)

12 MR. VESPA-PAPALEO: Okay. Pargean (phn)  
13 Family, come on up. Then you can go home and do  
14 your homework.

15 AUDIENCE SPEAKER: Thank you very much.  
16 My name is Charles Paregean (phn). This is Justin,  
17 Kala (phn) Jada. My other son couldn't make it.  
18 My illegal husband of 17 years is at work, so he  
19 couldn't make it either.

20 But I wanted to come this evening because  
21 I wanted to put a face to the name of some of the  
22 families that are in New Jersey that have been  
23 fighting very hard to end the legal discrimination  
24 that is going on by calling our relationships civil  
25 unions.

1                   Our children have asked many questions.  
2                   One of the questions being that was asked of us was  
3                   if all men are created equal, why can't you and  
4                   Poppy get married? I can't answer that question at  
5                   this time. One of the most recent questions that  
6                   came up by one of my children was I don't  
7                   understand how someone on TC that has murdered  
8                   someone can get married but you and Poppy cannot  
9                   get married.

10                   So as a parent I'm speaking because we're  
11                   very proud to be parents. We're very privileged in  
12                   New Jersey because we were able to adopt our  
13                   children legally as a couple. And when we went  
14                   nine years ago to court it was not a law yet. So  
15                   the first time that we went into the courtroom we  
16                   did not know whether the Judge would legally grant  
17                   us both custody or not. That's probably one of the  
18                   most degrading things that's happened in our lives  
19                   as a couple.

20                   Being a parent we have faced many  
21                   different kinds of discrimination. We were  
22                   privileged enough to be featured in the documentary  
23                   with Rosie O'Donnell. And those who have seen it  
24                   saw the people that protested as we got off the  
25                   ship. And that kind of protesting doesn't bother

1 us. But having a law that states that our  
2 relationship is less than anybody else's while our  
3 children's friends' parents can get married and  
4 remarried is not something that's acceptable to us  
5 as parents.

6           And the last thing that I would like to  
7 say is I was given permission by my family to say  
8 my one sister was married twice and my other sister  
9 was married six times. We've watched this in the  
10 17 years that Danny and I have been together. And  
11 yet, we cannot get married. My sister who was  
12 married six times told me I should mention this  
13 because she's had the privilege of trying to make  
14 it work six times. Well, Danny and I have sat back  
15 and watched the marriage end and divorce and buy  
16 wedding gifts and losing the money and all the  
17 other things that go with marriage.

18           So as I'm trying to make light of it, our  
19 family takes it seriously because our family is  
20 based on morals. And I would like to be able to  
21 teach my children right from wrong. And right is  
22 the word marriage which is equal. It means love.  
23 It means committment. It means equality. It means  
24 protection under the law for families like ours.  
25 Thank you very much.

1 (Audience applaudes.)

2 MR. VESPA-PAPALEO: Thank you David for  
3 bringing your children here tonight.

4 Next we will hear from Lucille O'Brien.  
5 Then in this order Donald Rogers, Reverend L.L.  
6 Dubrel. Bruce Moskowitz and Robert Powell.

7 AUDIENCE SPEAKER: Lucille O'Brien. I've  
8 lived in Montclair, New Jersey for 19 years. And  
9 during that time I've been pretty actively involved  
10 in civic affairs. I was co-founder of Blue Wave  
11 New Jersey. Although Blue Wave actively supports  
12 marriage equality, I'm here tonight really as a  
13 member of the straight community who simply does  
14 not understand why on earth gay people should not  
15 be allowed to get married.

16 I'm also here as a mother of three sons,  
17 one of whom happens to be gay. Like a lot of  
18 people, or a lot of straight people I guess, I used  
19 to not really get what the big deal was about using  
20 the term civil union rather than marriage. I  
21 thought it's the same thing. What's the big deal?

22 Then one of kids one night, who was 16 at  
23 the time, said to me, you know, all I really want  
24 is to get married and have children and I said to  
25 him well, you know, you have several friends whose

1 parents are gay, which Montclair is a nice place to  
2 be gay. And he looked up at me. He kind of stared  
3 at me. He said but they're not married. And  
4 suddenly I got it. In a flash I knew my son is  
5 acutely and perpetually aware that he is second  
6 class citizen and that he cannot attain the status  
7 that the rest of us treasure.

8           It's hard enough to know that he knows  
9 that being gay in some places is to risk physical  
10 abuse. It's bad enough that he has endured taunts  
11 from his peers at school when they found out that  
12 he was gay. But he's also enduring the fact that  
13 the government of the state of in which he lives,  
14 to which his parents pay taxes, is the same one  
15 trying to discriminate against him.

16           The fact is that legislating civil unions  
17 as a way of defending gay people to get married and  
18 -- is in itself discriminatory. And that when  
19 discrimination against any group of people is  
20 actually endured by government, we're all  
21 discriminated. Not only those who are being  
22 discriminated against.

23           So since this testimony is going to the  
24 legislature I would like to ask volunteer from  
25 someone the members of the legislature who voted

1 civil union rather than marriage. I want them to  
2 come to my house and meet my three sons. And I  
3 want them to say -- to meet them. Look the boys in  
4 the face and say you can get married David. You  
5 two have a long and happy marriage. Tom, I'm  
6 afraid you can't.

7           Finally, there are lots of other ways as  
8 we've heard tonight, as we know, anecdotally that  
9 civil unions aren't working. Too many people being  
10 denied the same rights as people who are married.  
11 But what I really don't understand is why this  
12 Commission is not funded to actively go out and  
13 seek testimony like this? If I had hadn't been on  
14 the Garden State Equality e-mail list and read my  
15 e-mails I would never have known about this  
16 Commission. I mentioned it to about three or four  
17 people that I was doing this. They all live in New  
18 Jersey. Not one of them knew that you existed.  
19 When I want information, I go out and get it. I  
20 don't wait for information to come to me.

21           So it feels like maybe there are certain  
22 members of the legislature who don't really want to  
23 know the evidence that, in fact, as well as in law  
24 civil unions confer second class status, not equal  
25 status. Thank you. (Audience applauds.)

1                   MR. VESPA-PAPALEO: Donald Rogers,  
2 Reverend L.L. Dubrell, Bruce Moskerwitz, Robert  
3 Powell, and then Maggie Hill.

4                   AUDIENCE SPEAKER: Commissioners, my name  
5 is Don Rogers and like one of our former governors  
6 I'm a gay American. I'm a gay American. I'm 54  
7 years old and live in Pennsauken, New Jersey in a  
8 home bought and paid for with my partner, Joe.

9                   Joe and I are both veterans of the  
10 Vietnam War. I'm medically retired from the U.S.  
11 Navy because of injuries received during that time.  
12 23 years ago Joe and I met during the trading  
13 program to help A.I.D.S. victims. This was before  
14 the cause of A.I.D.S. was known or the disease even  
15 named.

16                   Over the next two years we fell in love  
17 and finally moved in together. We've worked  
18 together on A.I.D.S. issues for six years till  
19 emotional and physical toll caused us to quit. We  
20 have maintained a home and live together  
21 continuously since that time.

22                   On February 23rd, 2007 three days before  
23 Joe's 65th birthday Joe and I were married in a  
24 civil union ceremony by the Mayor of Pennsauken.  
25 21 years ago when Joe and I first got together

1 marriage for the two of us was inconceivable. I  
2 thank the legislature and the people of New Jersey  
3 for that opportunity. I use the word marriage here  
4 based on a quote from the New Jersey Supreme Court  
5 Louis v. Harris decision.

6           However, the legislature may acknowledge  
7 same sex couples will be free to call their  
8 relationships by the name they choose. I choose  
9 marriage. Joe's not with me this evening. Nor have  
10 I used his last name because his job would be in  
11 jeopardy if it was known by his boss or his company  
12 workers that he's gay. This fear limits the -- we  
13 can enforce for civil rights.

14           After our marriage I attempted to contact  
15 the company that I work for to seek benefits which  
16 based on civil union Joe doesn't receive any  
17 benefits from his work. For months I called and  
18 sent e-mails asking about medical benefits for Joe.  
19 All of my attempts to get this information were  
20 simply ignored. Calls, e-mails were never returned  
21 or even acknowledged.

22           Only this month did I receive a reply  
23 that medical benefits were only available to  
24 legally married spouses. I was also told civil  
25 unions were not marriage and were certainly not

1 recognized by the State of Georgia where medical  
2 the plan was contracted.

3 As for the future, there's much talk of  
4 ending something repealing don't ask, don't tell.  
5 And passing the federal --. Should this happen Joe  
6 should be eligible for retirement benefits based on  
7 his being my spouse. However, you can be assured  
8 that the U.S. Navy, the Social Security  
9 Administration and the rest of the federal  
10 government will recognize marriage, not civil  
11 unions. Spouses, not partners.

12 I have with me on the table there an  
13 armband worn by a man in prison for being gay.  
14 These are in the Holocaust museum in Washington,  
15 DC. One in its entire collection. Almost all of  
16 these were destroyed.

17 It's a constant reminder to me of what  
18 being second class means. That anything short of  
19 full rights may mean no rights. The Louis v. Harris  
20 decision said although the courts can insure legal  
21 treatment they cannot guarantee social acceptance  
22 which must come through those of a maturing  
23 society.

24 Plaintiffs' request does not end here.  
25 The next appeal must be to the fellow citizens. I

1 believe that the legislation has essentially passed  
2 equal laws for marriage in civil and unions.  
3 However, because of the difference in the name Joe  
4 and I do not have equal rights. I'm willing to  
5 fight for acceptance. I've done that for the past  
6 34 years. What I need is equal treatment. What I  
7 want is the word marriage. Thank you.

8 (Audience applaudes.)

9 MR. VESPA-PAPALEO: Thank you, sir. In  
10 order to to expedite this because we have about 25  
11 more people that have signed up to testify. To  
12 keep this moving I ask that the next four or five  
13 people please line up so that we can move along.  
14 And please limit your statement to no more than  
15 four minutes because we really do have to be out of  
16 here at about 8:30 which is in half an hour.

17 So next is Reverend L.L. Dubrell.

18 Then Bruce Moskovitz.

19 AUDIENCE SPEAKER: I'm Reverend L.L.  
20 Dubrell (phn) of Faith United Church of Christ in  
21 Union, New Jersey. And I need to make two points  
22 tonight. The first one my colleagues already  
23 know. It is assumed when you are a person of  
24 devout faith that you hold certain beliefs and you  
25 are for or against certain things. I represent an

1 organization called We've Been Waiting. I  
2 represent the Faith United Church of Christ which  
3 on a national level has come out in support of gay  
4 marriage. So I'm here asking you to not paint us  
5 with all the same paint brush and know that our  
6 belief exclusive love of God should be reflected in  
7 our exclusive love of each other.

8 That's the first point.

9           The second point, again, nothing dramatic  
10 but it's my story. We have many celebrations in our  
11 church of families coming together. We have all  
12 sorts of Christians. We have all sorts of  
13 recognizing a family in the making. And one of  
14 those things we recognize is called marriage. And  
15 at the end of the marriage ceremony I am given  
16 permission to say by the law of the State of New  
17 Jersey I now pronounce you married.

18           The state walks into my sanctuary. When  
19 I do what has been called a covenant ceremony many  
20 times now a civil union that I call a sacred union  
21 and the state is against those words out of the  
22 possibility of me saying them. The state walks  
23 into my church and tells me I am not allowed to do  
24 something. To say words that are not only affirmed  
25 by my personal faith, my denominational tradition,

1 but I believe words that need to be said to  
2 recognize fully and completely a marriage that God  
3 has ordained and blesses. Thank you.

4 AUDIENCE SPEAKER: Thank you Members of  
5 the Civil Union Commission. It's a privilege to  
6 testify before you today. I'm Bruce Moskovitz  
7 (phn). I work for a major pharmaceutical company  
8 here in New Jersey that will remain unnamed. My  
9 partner and I have been together for nearly 25  
10 years now. We were civil unioned by our Rabbi on  
11 April 1st of this year. He works with me at the  
12 same company.

13 This speaks to the financial impact of  
14 the civil unions law. My company offers a benefit  
15 in the event of death before -- after we are vested  
16 in the company's pension plan, but before pensions  
17 begin. In the case of someone who is married they  
18 are automatically covered under a retirement 50  
19 percent joined and survivor annuity for life. That  
20 is to say that the surviving spouse will receive 50  
21 percent of your benefits for the rest of his or her  
22 life. In the event you are not married, you are  
23 covered under a 60 month survivor annuity. I would  
24 need to name a beneficiary, and that beneficiary  
25 would receive the benefit for 60 months at which

1 point it would stop.

2 Now, I inquired of my company how they  
3 would treat us as civil union partners. And the  
4 response I got was that we would not be treated as  
5 a married couple. We would only be entitled to the  
6 60 month survivor benefit.

7 And I read to you in part some of their  
8 response. Companies have traditionally not provided  
9 retirement 50 percent joint survivor coverage to  
10 unmarried employees because of the difficulty of  
11 identifying and proving that an individual was an  
12 employee's partner. Even today with the number of  
13 states allowing registration of civil unions,  
14 companies don't always offer this benefit. We  
15 recognize the concern you have raised but today we  
16 have not changed our pension plan rules because of  
17 the difficulty in tracking individual state laws  
18 and administering a country-wide federal program  
19 like the pension plan.

20 I maintain that they have to administer  
21 country-wide benefits and take into account the  
22 number of different state laws even with respect to  
23 the age and marriage, whether you have children or  
24 not. So this is an opportunity I believe that just  
25 simply makes it easier for them not to provide the

1 benefits that they would need to provide if we  
2 called it by what it would be called in every other  
3 state, marriage. Thank you.

4 AUDIENCE SPEAKER: Mr. Chairman and  
5 Members of the Commission, Rob Powell. I'm  
6 President of the Princeton Chapter of Parents and  
7 Friends of Lesbians and Gays.

8 Over the past seven years our Princeton  
9 Chapter has worked with literally hundreds of  
10 parents and families of lesbian and gay young  
11 people to help these families understand how to  
12 accept and celebrate the sexual orientation of a  
13 loved one.

14 Our mission has been our communities to  
15 make a safe place for all of our children straight  
16 and gay by support, one. And by educating our  
17 communities with information and training.

18 But I'm also here tonight as a parent. My  
19 wife and I have a son who is gay and who we love  
20 with all our hearts. The message conveyed to our  
21 son by the civil unions statute is very clear. And  
22 that is, that gay and lesbian couples have a second  
23 class status compared to straight couples who can  
24 be married in New Jersey.

25 Despite some good faith efforts by many

1 to try to equalize these two forms of unions to  
2 make them separate but somewhat equal our kids  
3 understand the difference. Civil unions are not now  
4 equal to marriage in the eyes of our society and  
5 they never will be.

6 And as a parent the issue for me and for  
7 my wife is only partly about the finances, the tax  
8 benefits, the health care rights. It's also about  
9 dignity. It's more about respect. And it's about  
10 New Jersey doing what is right for our young men  
11 and women.

12 So I'm here tonight as a straight parent  
13 to ask this Commission to take the steps required  
14 to use the full moral authority of your position to  
15 end this insidious distinction created by  
16 legislature last year between couples who are  
17 joined by the state and civil unions and those who  
18 can marry. I'm asking you very simply and from my  
19 heart to please help us put an end to this  
20 injustice. Thank you. (Audience applauds.)

21 MR. VESPA-PAPALEO: Hold on one second.  
22 You're the last speaker. We're going to take a two  
23 minute break so the court reporters can exercise  
24 their fingers.

25 AUDIENCE SPEAKER: Okay. Maggie Hill. I

1 live in Lambertville. First, I'd like to thank the  
2 New Jersey Civil Union Review Commission for these  
3 forums in which to analyze New Jersey Civil Union  
4 Act. I would like to thank the Princeton Chapter of  
5 Parents of Lesbians and Gays, especially Bob Powell  
6 who brought me here.

7           When my son Ryan was born 24 years ago on  
8 July 13th, 1983 I thought I had given birth to a  
9 privileged and fortunate white upper middle class  
10 boy. Before he was four years old, however, I  
11 strongly suspected that, in fact, I had given birth  
12 to the most special human being on the planet, a  
13 gay son. While I hoped to be wrong knowing how  
14 horribly gays and lesbians and transgender people  
15 are treated, when he came to me in tears at 16 with  
16 his own realization of his homosexuality, I was  
17 devastated he had come out, which to me was a  
18 redundant point. Horrific torture and murder --  
19 Matthew Shephard case. Why I mention that is  
20 because if Ryan was late getting home from school  
21 my mind immediately conjured up the vision of my  
22 son being beaten senseless in the back of the  
23 school yard or the local strip mall. His younger  
24 siblings were terrified for him. And his brother  
25 took him -- after Ryan graduated helping to form

1 the school's first Gay/Straight Alliance in order  
2 to encourage dialogue and understanding.

3 Ryan is shy by nature and found it hard  
4 to talk about his sexualality. Anyone of that age  
5 would to his curious fellow classmates who wanted  
6 to know. He did not and does not want to be the  
7 poster child for the gay community. He just wants  
8 to be who he is and share the same rights as the  
9 rest of us.

10 What's different about him is he's no  
11 threat to anyone. And he would be the first to  
12 respect someone else's differences be they race,  
13 culture, religion or political views. Ryan is now a  
14 young adult working for a prestigious hair salon.  
15 The other two of which are not gay, Ryan is the  
16 most secure in who he is. And what his priorities  
17 should be which are living a happy and honest life  
18 with a partner and a family. He hopes to have  
19 children one day with Kyle, his boyfriend, of two  
20 years. As an apprentice Ryan did not qualify for or  
21 make enough on his job for health insurance. Kyle  
22 who is in design has been and could extend to Ryan  
23 were they permitted to marry.

24 While the Domestic Partnership Act of  
25 2004 and the Civil Union Act of last December were

1 important for the steps in providing certain rights  
2 as enjoyed by married couples, it has been limited  
3 by diluted passage of federal -- by limitation of  
4 New Jersey state laws that use traditional terms  
5 such as marriage, spouse, husband and wife when  
6 determining the benefits received.

7 The fact is regardless of how much better  
8 things are for gay couples who share their lives  
9 together my son and his partner are still  
10 considered second class citizens and denied more  
11 than a thousand benefits and obligations afforded  
12 to heterosexual married couples.

13 Ryan and Kyle dream of marrying and  
14 raising a family together. I cannot imagine anyone  
15 wanting to deny my son and his partner that very  
16 simple and honorable dream.

17 Finally, I want to thank all of the brave  
18 and determined members of the LGBTI community for  
19 their moving testimony tonight, and also for -- in  
20 the trenches and -- to demand equality so that the  
21 road ahead for my son and other young generation of  
22 LGBTI citizens hopefully don't have to fight so  
23 hard for what seems so painfully simple. Yet, has  
24 been so painfully difficult to attain.

25 (Audience applauds.)

1                   MR. VESPA-PAPALEO: Thank you. We're  
2 going to take literally 120 second break.

3                   (Whereupon, a recess is taken  
4                   at 8:11 p.m.)

5                   (Whereupon, the hearing reconvenes  
6                   at 8:21 p.m.)

7

8                   MR. VESPA-PAPLEO: SPEAKER: Is Mr.  
9 Corcoran here? Okay, sir.

10                  AUDIENCE SPEAKER: Yes. Good evening  
11 Members of the Commission. My name is Robert  
12 Corcoran. I'm an attorney and partner in a small  
13 firm in Springfield. I'm also one half of a  
14 beloved 17 year monogamous committed relationship.

15                  My partner, Christopher Dreher, couldn't  
16 be here tonight. Chris left for work this morning  
17 at 4:30 a.m. and I just spoke to him. He's still  
18 at his desk working for the employer. The very  
19 same employer who's denying me health insurance  
20 benefits.

21                  Garden State Equality is sponsoring a  
22 fundraiser on October 14th and I agreed to chair  
23 the host committee for that event. In an effort to  
24 raise attendance at this event Chris and I sent  
25 personal written invitations to many of our friends

1 and family members.

2 Our youngest nephew on Chris's side, to  
3 whom I am my Godfather to, Lucas age 7, asked his  
4 mother why Uncles Bob and Chris were having a  
5 party. His mother told him because Uncle Bob and  
6 Uncle Chris want to get married and they can't. So  
7 we're going to this party so maybe some day they  
8 can.

9 Lucas inquired why can't they get  
10 married? His mother replied because they're not  
11 allowed. Lucas pressed further. Well, if you and  
12 daddy are married, and Uncle Timmy and Aunt Nancy  
13 are married and Aunt Debby and Uncle Bruce are  
14 married, why can't Uncle Bob and Uncle Chris get  
15 married? Lucas's mother told him because it's  
16 against the law. Lucas's reply was well, does that  
17 mean they're criminals mommy? No Lucas, they're not  
18 criminals. But the law won't allow them to get  
19 married to which Lucas replied well then the law  
20 has to be changed. As the saying goes, out of the  
21 mouths of babes.

22 Between Chris and I we have 16 nieces of  
23 nephews. Our friends and families make examples of  
24 us to their children pressing upon them there's  
25 nothing wrong or untoward about being gay. Our

1 friends and family look up to us and characterize  
2 our relationship as a model of what marriage should  
3 be. Chris and I have ushered many of these children  
4 from adolescence to the alter. Yet, we are  
5 prohibited from following in their footsteps.

6 On December 22nd, 1986 I took my oath of  
7 office and was admitted to practice law in the  
8 State of New Jersey. In taking that oath I swore to  
9 uphold the laws of this state and this country  
10 against all enemies foreign and domestic. I swore  
11 that I would bear truth faith and allegiance to the  
12 same. And that I have. I have kept my end of the  
13 bargain. The State of New Jersey has not.

14 As I journey through my legal career I  
15 learn that the New Jersey law against  
16 discrimination outlaw discrimination based on one's  
17 sexual orientation. I learn that our state Bias  
18 and Intimidation Act makes it illegal to commit any  
19 act with the purpose to intimidate an individual or  
20 group based upon their sexual orientation. I learn  
21 that discrimination in the workplace based upon  
22 sexual orientation is prohibited under the New  
23 Jersey law against discrimination. I personally  
24 have prosecuted civil matters where gay employees  
25 were discriminated against by their lawyers because

1 of their sexual orientation.

2 I read cases like in the matter of an  
3 adoption by of a child by JMG written in the mid  
4 90's by Judge Friedman that paved the way for  
5 adoption by same sex couples and thereafter had the  
6 pleasure of ushering many gay couples through the  
7 adoption process in court.

8 I read cases like LG versus Toms River  
9 Regional High School where the court held that the  
10 Board of Education was accountable for failing to  
11 protect a gay student from harrassment which they  
12 knew was occurring but failed to stop.

13 I read our state's constitution. I read  
14 the equal protection guarantees contained in  
15 Article 1 Paragraph 1. And I read our Supreme  
16 Court's decision in the matter of Louis v. Harris  
17 where Justice Albin wrote, "in protecting the  
18 rights of citizens of New Jersey the New Jersey  
19 Supreme Court has never slavishly followed the  
20 popular trends in other jurisdictions, particularly  
21 when the majority approach is incompatible with the  
22 unique interests, values, customs and concerns of  
23 its people."

24 I read where Justice Albin wrote to  
25 comply with the equal protection guarantee of

1 Article 1 Paragraph 1 of the constitution the  
2 legislation must enact a law to provide equal  
3 rights the same to same sex couples. And finally,  
4 I read the civil union law when it was enacted to  
5 comply with the Supreme Court's mandate.

6 What's sad is that the body politic of  
7 this state truly believes that civil union law  
8 confers equal rights. And point of fact it does  
9 not. What it does do is state that some of our  
10 citizens are more equal than others. The civil  
11 union laws says equality. It is not equality. It's  
12 an inferior label. It gives many employers and  
13 insurance carriers an invitation to treat me as an  
14 inferior citizen.

15 My firm certainly provides me with health  
16 insurance benefits, but Chris's company is a large  
17 company with offices around the world. And as  
18 commonly the case with larger companies, his  
19 benefit plan is far more comprehensive and far less  
20 costly.

21 MR. VESPA-PAPALEO: Please take 15  
22 seconds.

23 AUDIENCE SPEAKER: Okay. My request to be  
24 added to his health insurance policy was flatly  
25 denied. I submit to this committee that the civil

1 union law has failed misery to comply with the  
2 mandate of the Supreme Court. Perhaps some of you  
3 would consider attending our fundraiser on October  
4 14th. And perhaps some of you would like to meet  
5 Lucas and look into Lucas's sweet face and tell him  
6 why his favorite uncles, one who is his Godfather,  
7 cannot get married. You see. I don't have an  
8 answer for Lucas. Perhaps you do. Thank you.  
9 (Audience applaudes.)

10 MR. VESPA-PAPALEO: Thank you.  
11 Martina Thomas.

12 AUDIENCE SPEAKER: Good evening. Thank  
13 for allowing me to be here tonight. My name is  
14 Martina Thomas. This is my daughter Ryan. I have  
15 another daughter who is not here along with my  
16 partner Angie. We've been together for 12 years.

17 My 5 year old daughter wants to know why  
18 we're not married. Her friends' parents are  
19 married. You know, what's different? When the  
20 civil unions came along my our children were there  
21 with us. They came to the courthouse with us along  
22 with some friends and family. And we basically  
23 looked at it as paperwork situation because until  
24 it's marriage that's all it is, is paperwork.

25 My company the day after I got the

1 certificate of my civil union took it to my  
2 benefits department which the people there are  
3 friends of mine that I worked with for many years  
4 and they didn't know what to do with it. They took  
5 a month to come back and tell me ERISA. We don't  
6 think we can give you coverage. They took two more  
7 months to finally say well you've already got two  
8 kids covered. You're paying the family rate. We  
9 can add her as a dependant, but she's not added as  
10 a spouse. She's added as if she were a fourth  
11 child. Not number two on the plan. She's number  
12 six.

13 A lot of the things in our community we  
14 live here in Edison. We're no different. We're  
15 parents. We're there with our kids. My partner is  
16 actually coaching soccer tonight. She's head coach  
17 for my daughter's soccer team. We're no different  
18 except for on paper. We need to change this. We  
19 need to be able to give our children a legacy that  
20 does not say New Jersey is separate but equal.  
21 Separate is never equal. Thank you.

22 (Audience applauds.)

23 MR. VESPA-PAPALEO: Thank you Miss Thomas.  
24 Next is Margaret Maloney.

25 AUDIENCE SPEAKER: My name is Margaret

1 Maloney. I actually for work another large unnamed  
2 pharmaceutical company here in New Jersey. This is  
3 my partner Marcie Horowitz. Marcie and I have been  
4 together for 23 years. We have been registered  
5 domestic here in New Jersey and we're having our  
6 civil union on October 28th.

7 Like any other couple that was getting  
8 married I went to my benefits department just  
9 yesterday to find out what would happen once we  
10 were civil unioned. And remarkably even though the  
11 civil union law has been in affect for nearly a  
12 year, there's no category in my company for civil  
13 union. The choice that I have or that we have are  
14 either spouse or domestic partner.

15 Now, the definition of a domestic partner  
16 is either -- actually, there are two. I'm sorry.  
17 Spouse. There are two definitions. One is spouse  
18 is a person of the opposite sex to whom you are  
19 legally married. Obviously, that's not us. The  
20 second definition is your spouse is the person  
21 you're legally married to under the law of the  
22 state in which you live. And, again, because New  
23 Jersey does not allow us to get married that is not  
24 us either.

25 So now we're left with domestic partner.

1 Now the problem with domestic partner is that there  
2 are all these restrictions around being a domestic  
3 partner that do not apply to married people, such  
4 as a 12 month wait period. So remarkably it is  
5 possible to be civil unioned in New Jersey and not  
6 be allowed to have benefits as a domestic partner  
7 because you don't meet certain requirements.

8           And, again, if New Jersey would allow us  
9 to get married that would not be an issue. And the  
10 next thing did was I said to the benefits  
11 department well, what happens if I die? Marcie's  
12 covered under my benefits. What happens if I die?  
13 And this is actually what frightens me the most. I  
14 wanted to read what they said to this question.  
15 First of all, they said -- this is unbelievable.  
16 Congratulations!! on your pending union! If you  
17 were to die due to whatever circumstances your  
18 domestic partner's health benefits would end.  
19 Domestic partners are not eligible for Cobra  
20 coverage as per federal regulations regardless of  
21 your union in New Jersey.

22           Now, there's nothing that precludes d my  
23 company from covering us with Cobra. Many  
24 companies have done this. But what a law such as  
25 having a distinction between civil unions and

1 marriage allows companies and gives them permission  
2 to treat us differently. Just so you understand the  
3 impact of this, what this means to us is that what  
4 this would mean is if we're driving home tonight  
5 and I'm killed in a car accident, Marcie is  
6 seriously injured, she is cut off immediately from  
7 her benefits. She has no medical coverage. You  
8 think that doesn't scare me? It scares me.

9           So I think that what New Jersey needs to  
10 do is not only change this and make this marriage  
11 rather than civil union, you really need to mandate  
12 that any company that wants to do business in New  
13 Jersey has to treat same sex couples exactly the  
14 same as married couples. Thank you.

15 (Audience applauds.)

16           MR. VESPA-PAPALEO: Is Jan Moore here?  
17 Steve Carter? After Steve Carter Joe Wort. Then  
18 Alicia Heath-Toby and Sandra Toby-Heath.

19           AUDIENCE SPEAKER: Hi Steve Carter. I'm a  
20 resident of Piscataway New Jersey, okay? Sorry I  
21 didn't prepare anything in advance. I just have a  
22 gift of having a best friend whose oldest son is  
23 gay. I have two families where the couple is same  
24 sex. And they both have a daughter and son.

25           I know the first time this really came up

1 with me was years ago we found out that my best  
2 friend's oldest son was gay. And I mean what came  
3 up immediately was Jesus, he's not going to be able  
4 to get married just like his brother and his  
5 sister. And that's grossly unfair. He is a  
6 wonderful person. A teacher. I think he takes a  
7 lot in terms of providing valuable services to the  
8 state. And takes what should I say? Unreasonable  
9 low pay to do it.

10 For me having talked to my friends  
11 marriage is basically a civil union plus endless  
12 litigation. The prospect of litigating from now  
13 into each eternity to get the benefits and  
14 protections you're supposed to have that married  
15 people have without facing the incredible expense  
16 of basically being in litigation the rest of their  
17 lives.

18 These internal delays fighting for what  
19 has been promised and yet not really delivered by  
20 any other means other than litigation over and over  
21 again is just -- it's justice that is denied.  
22 Justice delayed is justice denied. And that's what  
23 they know. If you're gay, bi, lesbian intersex,  
24 transgender, you have to look forward to all kinds  
25 of litigation. Each and every company has to be

1 taken to court over and over and over again. Such a  
2 barrier is just intolerable.

3 I often talk about portability, if you  
4 will. What I know as a computer programmer but the  
5 world knows what marriage is no matter where you  
6 go. Everybody knows is what marriage is. It's a  
7 portable word. You say I'm married. People say I'm  
8 civil unioned, the product of a civil union, well  
9 you run out of takers real quickly. You'll run into  
10 well, what in the world is that? Well, I need  
11 marriage. You know I need single. But when you  
12 come up with civil union they just don't know what  
13 that is. So whenever you travel either to a  
14 different country or to different state Lord knows  
15 what your status is. They're not going to know  
16 that well, you know, the New Jersey legislature  
17 meant for civil union and marriage to be identical.  
18 There just not going to know that. And you find  
19 you lose rights and protections. Your insurance may  
20 appear or disappear as you cross different legal  
21 borders.

22 Some friends I have who were recently  
23 civil unionized and had a regular wedding  
24 ceremony. I mean I talked to them about it. They  
25 felt so down. They said, you know, I feel like I

1 had more rights as a domestic partner than I do  
2 now. After years of working with my company they  
3 know what a domestic partnership is. And now here  
4 I'm civil unionized. They don't know what it is.  
5 I need to do everything all over again.

6 I live in New Jersey or these friends of  
7 mine live in New Jersey and one of the partners  
8 lives in New York or works in New York. So their  
9 legal status changes every work day when one of  
10 them goes into the city to work. I don't know what  
11 on earth, you know, they would do if one of them is  
12 hurt. They wind up in a hospital in New York  
13 versus New Jersey.

14 Well, I just wanted to say that we need  
15 marriage equality. We need it now. And it has to  
16 be the word marriage to guarantee the benefits and  
17 protections that the Supreme Court intended for  
18 lesbian, bi, gay, transgender and intersex  
19 deserve. Thank you. (Audience applaudes.)

20 MR. VESPA-PAPALEO: Thank you, Mr.  
21 Carter. And Joe Wort? Okay. Alicia and Sandra.  
22 And following them in this order Thomas Mannix,  
23 Reverend Dr. Greg Jones. Colletta Leon and Merna  
24 and Suzanne.

25 AUDIENCE SPEAKER: Good evening,

1 Commission. Thank you for allowing us to speak.  
2 My wife Alicia and I have been together -- January  
3 will be 19 years. Yesterday we celebrated our 8th  
4 anniversary of a religious ceremony.

5 We had a hard time making a decision on  
6 doing the civil union when it became law. But we  
7 talked about it and we decided because we had  
8 fought so hard for five years in this lawsuit.

9 Before we did the civil union I contacted  
10 my HR person to ask what my job's position was on  
11 it. I work for that other express freight company.  
12 She sent me an e-mail back. She says also per your  
13 question about New Jersey civil union laws, the  
14 information I gave you was correct. This law does  
15 not impact Fed Ex -- oops. Did I say Fed Ex?  
16 Benefits as federal. So, therefore, there is no  
17 plan at this time to offer domestic partner  
18 benefits in New Jersey.

19 First of all, I ask about civil union.  
20 They talked about domestic partner. I find out  
21 tonight from Dave Buckle at Landa that Fed Ex has  
22 incorporated into its contract -- you cannot  
23 imagine how I feel. I've been with Fed Ex for 21  
24 years. Given 21 years of my work life and it's  
25 like the states that put in their ballot that you

1 can never do what we just did in New Jersey, sue  
2 the state to fight for the right to marry. You  
3 know, it's like they blocked us. I can't tell you  
4 how I feel about that.

5           So the fight is going to be different. I  
6 don't know that they won't change but right now it  
7 doesn't look like it. But we still need marriage.  
8 We still need marriage even though I wouldn't be  
9 able to participate in it and protect my wife with  
10 health coverage and that kind of stuff. Other  
11 people deserve the right to be able to do that.  
12 But I'm hurting right now because the company that  
13 I've given so much of my life to does not respect  
14 who I am and who I love or how I live.

15           So, you know, the fight is on. It's not  
16 over but it's just going to look different for me.  
17 But I'm going to tell you something. Brown never  
18 looked so good. Brown never looked so good.

19           AUDIENCE SPEAKER: Saundra Toby-Heath.  
20 She's mad as hell. And it's a good mad. When we  
21 were asked to be one of the seven couples in the  
22 lawsuit *Louis v. Harris* we knew that it would be a  
23 fight. And we were in it for the fight. And when  
24 the Supreme Court said that we could have the same  
25 rights as heterosexual couples who want to commit

1 their lives in marriage, we got excited. But there  
2 was a caveat to that. And that was that the  
3 legislator then had to decide if we were worthy  
4 enough to have it be called marriage or civil  
5 union. The legislator decided they would call it  
6 civil union. Who the hell knows what that is?

7 Then it became much more confusing when  
8 we go to our employers and say we need me to be  
9 covered or my wife of 19 years needs to be covered.  
10 Then the confusion turned into discrimination. This  
11 is unacceptable. We're in this fight. And we will  
12 be in this fight until it's complete and told  
13 marriage and equality. (Audience applauds.)

14 MR. VESPA-PAPALEO: Okay. Thomas Mannix.  
15 And then Reverend Dr. Greg Jones. Is he here?  
16 No? Okay. Then Collette Leon. Is she here?  
17 Okay. Then Merna.

18 AUDIENCE SPEAKER: I want to thank the  
19 committee for giving us this opportunity to speak  
20 tonight. My name is Thomas Mannix. This is my  
21 partner Kevin Pilla. In less than two weeks we'll  
22 be celebrating our 24th anniversary. And on  
23 February 22nd of this year at a minute past  
24 midnight we were joined in a civil union in the  
25 State of New Jersey making us arguably the first

1 couple united under this law.

2 We were anxious to take advantage of this  
3 law the moment it became available because we  
4 wanted all the rights and responsibilities that we  
5 were told we would be granted. We have found it's  
6 not everything it was touted to be.

7 I am self-employed. My partner at the  
8 time was working for a firm that did offer domestic  
9 partner medical benefits. In June of this year he  
10 left that in order to start his own venture also  
11 now self-employed which would leave us without  
12 benefits. We applied to get Cobra benefits to  
13 continue at a corporate rate the health coverage  
14 that we had and we were told that we will be denied  
15 that. So in spite of the fact that they did offer  
16 domestic partner medical coverage they did not  
17 offer that in our condition as a civil unioned  
18 couple.

19 We sent our paperwork in. We argued the  
20 point. They said they were exempt. I'm assuming  
21 it was because of the ERISA. I don't know the  
22 details of that. But we just wanted to come  
23 forward and to say that we were anxious. We were  
24 enthusiastic about civil unions. And we have found  
25 out that it is not panning out the way it was

1     supposed to. And that we have suffered and we have  
2     now had to take additional expense to cover our own  
3     medical benefits at higher cost than were we  
4     married, were we able to get Cobra. Thank you.  
5     (Audience applauds.)

6             AUDIENCE SPEAKER: Good evening. Thank  
7     you for the opportunity. My name is Collette  
8     Leon. I'm from Hunterdon County in New Jersey.  
9     I've been here my whole life. So have my parents  
10    so. Have my grandparents. Anyway, I had the  
11    privilege of getting married in New Jersey 26 years  
12    ago which I now don't take for granted. And a  
13    couple of years later my daughter came around in  
14    1985. A couple years after that my son. We have  
15    built our entire lives around family values. Our  
16    families are very close knit and what happens to  
17    one happens to all.

18            And that's why I'm here tonight. I raised  
19    my children to believe that if they stand up for  
20    themselves, respect themselves, respect others,  
21    that the world will also respect them. Well, I'm a  
22    little afraid that that may not happen completely  
23    for my daughter Stephanie. Stephanie graduated from  
24    college last year and decided to give something  
25    back to her community in New Jersey, and has been

1 employed now with Teachers for America a for couple  
2 of months. Has her own classroom in Newark, New  
3 Jersey and lives there. And her entire philosophy  
4 in her classroom has been built around mutual  
5 respect, responsibility, and standing up for what's  
6 right. I wonder where that came from.

7           Anyway, since she's been at the school a  
8 couple months she has come to realize that there's  
9 quite a bit of students in her class that have from  
10 the gay community. And she started a GSA there a  
11 couple weeks ago. Anyway, the children are a bit  
12 confused though because she's teaching them that  
13 respect is important in the classroom. And that  
14 they will be treated with respect in their  
15 lifetime. However, they know that they can never  
16 celebrate her marriage with her. And they know  
17 that they may never celebrate marriage and they're  
18 coming to realize that unless the state does  
19 something about it, respect is going to stop at the  
20 end of Stephanie's classroom door. So please help  
21 to make her job a little easier to show these kids  
22 in Newark that respect in the State of New Jersey  
23 is taken very seriously for all citizens. Not just  
24 the chosen few. Thank you. (Audience applauds.)

25           MR. VESPA-PAPALEO: Thank you.

1                   AUDIENCE SPEAKER: Merna -- from Hasbrouck  
2 Heights, New Jersey. Thanks for holding this  
3 important meeting. Basically I'll make it quick  
4 because I know everybody wants to go home. After  
5 entering into a civil union this year, or sometimes  
6 I like to call it marriage-like.

7                   I asked my employer if I could add my  
8 partner to my plan. After two weeks I received a  
9 courteous e-mail reply stating that my benefits are  
10 governed by ERISA and, therefore, it did not  
11 provide benefits for same sex couples.

12                   After having a couple of medical  
13 procedures this year which were only covered 80  
14 percent and left me with balances which I'm forced  
15 to go into a payment plan to pay we thought we  
16 might prevent this in the future by adding me to  
17 her state employer plan because she's a teacher.  
18 So what my plan didn't cover the other one might  
19 supplement. When she inquired she was told that  
20 while they would extend benefits to me they would  
21 be considered income for her and, therefore,  
22 taxable by the federal government. We decided  
23 against it at that time.

24                   Basically, the civil unions in my opinion  
25 have been like a diluted version of, you know, what

1 was promised is a farce. Like many other couples  
2 have said when you go into the explanation of, you  
3 know, I have entered into a civil union. She's my  
4 domestic partner. In this fast-paced world and  
5 abbreviated world, I really would like to just see  
6 the day hopefully soon where I can just use like a  
7 two syllable word and say I'm married. I'm  
8 married. So thank you. (Audience applaudes.)

9 AUDIENCE SPEAKER: Hi everybody. My name  
10 is Suzanne Kinsler. I want to thank everybody for  
11 being here. This is a great opportunity for us to  
12 share and get information together. I want to thank  
13 Steven Goldstein especially and everybody again for  
14 being here.

15 I want to keep it really simple. I'm a  
16 teacher. I believe in breaking this down. Keeping  
17 it simple. Bottom line is, you know, this is not  
18 equal. It is separate and it is definitely not  
19 equal.

20 Civil unions are not working. And we  
21 know that. It's a fact. I also wanted to just  
22 share briefly some of my notes -- I just take a  
23 couple of notes because I'm a teacher. I like to  
24 remain teachable. So I've been listening. I'm  
25 hearing things like, you know, treat me like a

1 whole person. Treat me like I am someone. I am  
2 not part of a person. I'm a whole person. I'm a  
3 whole individual. I'm not a part. So I shouldn't  
4 be given part responsibility in my commitment  
5 relationship. I should be given the ability and  
6 all of the benefits that I can say I'm a whole --  
7 part of a whole relationship.

8           We have a sunshine fund in our school.  
9 And they give away money and they give cards and  
10 they give birthdays and marriages. And you know  
11 what? Millie and I had our civil union April  
12 11th. I didn't get a card. I didn't get any  
13 recognition. But other couples do. And I just  
14 feel less than. I know we're committed. And I like  
15 to say this is my wife.

16           The last thing I want to share was that  
17 about a year ago I wrote to the New York Times and  
18 not many letters get published but mine did. And I  
19 was really thrilled that it was. And it was in  
20 response to an article that they wrote in the  
21 editorial about Civil Unions in New Jersey, Is It  
22 Equal?

23           And I wrote about an experience. I won't  
24 go into details. But they came to me and they  
25 published my editorial. And they said we want

1 yours in the paper. Because the point is that  
2 people thought we were sisters. And I said no,  
3 this is not my sister. This is my wife. You know, I  
4 wanted to say this is my wife. I want to be able to  
5 to tell my students yeah, I'm married. Because  
6 kids and people know marriage. They don't  
7 understand the term civil union. They don't get  
8 with it. And that's what I wrote in the editorial  
9 with the New York Times. I said people don't get  
10 civil union. You say yeah, married. Married means  
11 committment. Married means being together.  
12 Married means sharing and having a future, you  
13 know.

14 For me, I like oil and garlic and tomato  
15 sauce, for those of you who are a little hungry.  
16 It's a very nice marriage with spaghetti.

17 I think that Millie and I together have a  
18 very nice marriage. We like to call it marriage.  
19 And I do. I say this is my wife. People do not  
20 question me because I say it very strongly. This  
21 is my wife. But I would like to be able to to  
22 literally say that this is my wife and we are  
23 married and be validated. Thank you.

24 (Audience applaudes.)

25 AUDIENCE SPEAKER: Hi. My name is Jesse

1 Thompson Adams. And I was civil unioned June 23rd  
2 of this year. And I'd just like to talk about a  
3 couple of things that have come to me. Nothing  
4 hugely life threatening. But one example or  
5 problem I've had, my husband works for a company  
6 that I do have equal health benefits but he gets a  
7 cafeteria card because their deductible is 1100 a  
8 year. So he gets this credit card. He gets 1100  
9 dollars a year to go towards his deductibles.

10 I'm a civil union partner. I don't get  
11 it. If I was married -- if he can show them a  
12 marriage certificate I'd get 1100, too. Company's  
13 not in Massachusetts. I mean they're using ERISA  
14 as the excuse. But I'm curious if they had stores  
15 up in Massachusetts if it would be the same thing.

16 Today actually I have a pay pal account.  
17 I do business with that. And it's like a bank  
18 account. And I went to change my name to my  
19 married name and I had to show a photo I.D. with a  
20 driver's license which has my correct name. And  
21 then to prove that because I was married or what --  
22 I had show a marriage certificate, a divorce paper  
23 or a court order. And I didn't have any of them.  
24 And they wouldn't take it.

25 So I'm actually kind of curious what -- I

1     could close the account and start another one with  
2     a different e-mail account. This is what's set  
3     up. And also when I went to the D.M.V. to change  
4     my name, our names, we both want the same last name  
5     Thompson Adams. And at first they wouldn't do it.  
6     They said either I had to take his last name or we  
7     could both hyphenate our names with our married  
8     husband's name at the end. But we couldn't both  
9     have the same name.

10             And finally, the manager of the D.M.V. we  
11     went and got him. Coincidentally the same day as  
12     our civil union he was at a civil union. He said  
13     his friends are having the same problem. He said  
14     well, no one's told me that I can't do this. So  
15     I'll do it until they tell me I can't. Still I had  
16     -- we were there like an hour trying to get this  
17     done.

18             And the last thing, I mean those are the  
19     kinds of real things where the word marriage would  
20     make a difference. The last one is just my  
21     husband's family cut him off. They're Pentecostal  
22     Christians. He really doesn't have any contact  
23     with them any more. One of the reasons we got  
24     civil unioned as quickly as we did he's really  
25     terrified if something happens to him they would

1 snoop in and take him away and we actually both  
2 walk around with these flash drives that have our  
3 health care directives and our power of attorneys  
4 that I paid a lot of money to Steve Hyland there to  
5 write up.

6 MR. GOLDSTEIN: How much did he charge  
7 you?

8 AUDIENCE SPEAKER: More than I'm used to  
9 spending. But anyway, you know, these are rights  
10 that if we were married -- I mean I get it in New  
11 Jersey that we're not supposed to have to worry  
12 about that. But we also don't want to take that  
13 chance in an emergency or crisis. And definitely  
14 if we were out-of-state, you know. I think if we  
15 had the word marriage it would help a little for  
16 them to get it. But the fact I've got to carry  
17 this thing around all the time because we're so  
18 scared is very sad. I hope that you change the  
19 word marriage so that I can get the cafeteria plan  
20 and not have to worry about this. Thank you.

21 (Audience applauds.)

22 MR. VESPA-PAPALEO: Ma'am?

23 AUDIENCE SPEAKER: Daphne Hawks. I'm an  
24 Episcopalean priest. I'm retired. I'm a  
25 grandmother of six grandchildren and four children

1 who produced the six grandchildren. Let's see. I  
2 was married for 25 years. My husband was a surgeon  
3 and died in a plane crash in 1985. I brought up  
4 four teenagers at the time. So we continued to  
5 live in the same place. And when my husband died  
6 there was no question, of course, about the fact  
7 that I was his spouse and I inherited everything  
8 that we owned together. Legally there was no  
9 problem. 25 years. Financially or legally or  
10 emotionally except for a great deal of grief.

11           And 15 years later -- well, in between  
12 that I was a Chaplin and an ethics teacher. I've  
13 been in different parishes in New Jersey, but I  
14 went up to Massachusetts when my youngest went to  
15 college and was a Chaplin and taught ethics at an  
16 Episcopal boarding school. I found that so many of  
17 my students who -- okay. That's not right. I'll  
18 rephrase that.

19           A number of my students who were  
20 depressed and two or three who had made attempts,  
21 suicide attempts, would come to me and tell me that  
22 it was about their sexual orientation. And that  
23 really really hit me because I have four kids. And  
24 then 15 years after my husband died I fell in love  
25 with a woman. And she was a doctor also and had

1     been married, and we decided to live together. My  
2     kids who were in their thirties by then loved her  
3     very much. Thought she was wonderful. Neither of  
4     us wanted to be married to each other. She had  
5     been married.

6             Two years after, three years actually  
7     after we became partners. We had a domestic  
8     partnership in New Jersey. Or, you know, legally.  
9     And about four months later she was diagnosed with  
10    Stage 4 cancer. I'm eight years older than she  
11    was. We were a little bit close in age but she was  
12    younger. I never thought something like that would  
13    happen.

14            In the time between my husband's death  
15    and say five years or so later, my first child was  
16    married and I did the wedding. And it was a great  
17    joy. They have three children now. Second child  
18    was married. I did that wedding as an Episcopalean  
19    priest. And they have two children. And the third  
20    child, he's not married. The fourth child was  
21    married and has a small little boy now. And they  
22    all really loved my partner. So they were very  
23    horrified when she found out she had cancer.

24            She was pretty much -- she was a  
25    psychiatrist, lecturer, analyst and taught around

1 the world. She also had been at Rutgers for a long  
2 time and had a pension from Rutgers. And after she  
3 died we found that 22 years before she had written  
4 a statement for beneficiary but it was ERISA. Is  
5 that the title? The word? The funds?

6 So my lawyer who was settling the estate  
7 assumed that I was the legal beneficiary because we  
8 were domestic partners which, as you know, wasn't  
9 the case. And I wasn't. So for me personally it's  
10 not about whether I think that made me angry. It  
11 made me very sad for all the other people who have  
12 had to live that way. But I've seen such a  
13 difference when you've known two different  
14 relationships. My children all spoke at her  
15 funeral. All their kids came. All her nephews and  
16 nieces and everyone. It was just absolutely as such  
17 a marriage or relationship as I had had for 25  
18 years with my husband.

19 But anyhow, I want to say something just  
20 because I've known the two different states of  
21 being. Being married and being in a domestic  
22 partnership. I think all those kids that I knew  
23 including a nephew of mine who was gay and killed  
24 himself, all the young people who will never know  
25 that equality. And I think it's a great

1       injustice. I was the first woman ordained in the  
2       Episcopal church. So I think -- and I was involved  
3       in several rights. I think this is a good example  
4       once again of prejudice and fear keeping people  
5       from equality. Thank you.

6       (Audience applauds.)

7                       MR. VESPA-PAPALEO: That concludes our  
8       testimony for this evening. There are two more  
9       hearings coming up of this Commission. October  
10      10th in Camden. October 24th in Essex County in  
11      Nutley at the town hall. And please get the word  
12      out for people to join us.

13                      Thank you very much for your testimony  
14      everyone. Have a good night.  
15      We're hereby adjourned.

16

17                      (Whereupon, the hearing is adjourned  
18                      at 9:05 p.m.)

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C E R T I F I C A T E

I, MADALENE PALAZZO, a Certified Court  
Reporter and Notary Public of the State of New  
Jersey, do hereby certify that the foregoing is a  
true and accurate transcript of my stenographic  
notes of the within proceedings, to the best of my  
ability.

\_\_\_\_\_

MADALENE PALAZZO, C.C.R.