

Opinion Editorial



new jersey family policy council

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Marriage – One Man, One Woman – The People Have Spoken!

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The preamble to the New Jersey Constitution contains these words:

“We, the people (emphasis added) of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.” The Constitution reaffirms the strong belief of its framers in the people in the “rights and privileges” section which follows by saying, “All political power is inherent in the people.”

Earlier this month, “the people,” as represented in Trenton by their duly elected Senators spoke loud and clear: They believe that marriage should be defined as the union between one man and one woman. Only a little more than a third (14 of 40) of the Senators voted otherwise. Following the Senate vote, the Assembly declined to get involved but the outcome there would have been much the same.

Advocates for same sex marriage – having failed to convince the people’s elected representatives and having dismissed out of hand the right of the people to decide the issue at the ballot box – now say they will take their cause back to the courts. Why? Because, they say, the people are not to be trusted. Indeed, some of the Senators who held the minority view on same sex marriage actually said the issue absolutely cannot be left to “the people” in rejecting calls for a ballot referendum.

As evidence that the people of New Jersey are not to be trusted, they cited a single vote a century ago when New Jersey’s voters rejected suffrage for women. It is difficult to know what was on the minds of the Garden State’s electorate (all men) nearly one hundred years ago, but it is not hard to understand them today.

The 21st Century New Jersey electorate is certainly not a Neanderthal gathering. New Jersey voters overwhelmingly elected progressive Barrack Obama, who, by the way, believes as they do on marriage, to the Presidency. This past November, they elected a new Governor – Christopher J. Christie – with a passion for urban education and renewable energy who also believes as they do that marriage should remain as the union of one man and one woman. At the same election, the voters once again dedicated their hard earned tax dollars to the acquisition of open space – something they have done time and time again. New Jersey’s public policy makers have trusted the voters on issues as divergent as hazardous underground storage tanks, school budgets, the death penalty and whether Legislators should have more oversight over the actions of the Executive Branch.

But for some unknown reason, on this issue, the people are not to be trusted.

Instead same-sex marriage advocates seek what they perceive to be a more favorable venue: the New Jersey Supreme Court. And why is it they think they have a right to go back to the court for a second bite at

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the same sex marriage apple? Because, they say, the civil union law the Legislature and Governor chose to enact following the last Supreme Court decision “isn’t working.”

The “proof” of the legal shortcomings of New Jersey’s civil union statute primarily reveals itself in the form of hours of unsworn testimony before the Senate Judiciary Committee when advocates were attempting to persuade the Legislature to enact same sex marriage. I have no idea whether the anecdotal evidence presented to the committee is true or indicative or a systematic failing of the statute or the enforcement thereof. I do believe, however, that these complaints should be investigated by the New Jersey Civil Rights Commission where, in fact, only a handful of civil union cases have ever been vetted. If a comprehensive investigation reveals legal flaws in the legislation enacted in haste by the Legislature – less than two months after an October 2006 Supreme Court decision – then there have already been assurances from the Legislature that it is willing to revisit the issue.

The very last place the good people of New Jersey should want this important societal matter decided is in an unaccountable body where the will of those very same people can be totally ignored. There is no reason for the New Jersey Supreme Court to sidestep the will of the people and get involved in the definition of marriage.