

Opinion Editorial



new jersey family policy council

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Same-Sex “Marriage”, Civil Rights & Preserving Marriage *New Jerseyans Await NJ Supreme Court Decision*

How many times have you read in the newspaper or heard on TV the false claim that denying same-sex couples the right to marry is discriminatory and a denial of their civil rights? This claim is at the heart of the same-sex “marriage” lawsuit in NJ. To understand why this claim is false, citizens need to know what our state Constitution really says, the definition of civil rights, and the public purpose and basis for our state’s marital laws. In addition, New Jerseyans must be aware that when false civil rights are created, the civil rights of the majority are in jeopardy.

Regarding the state constitution both the NJ Superior Court (2003) and the Court of Appeals (2005) have made it clear that (1) no right to same-sex “marriage” appears in the Constitution, (2) comparing the state’s marriage statutes to laws perpetuating racial prejudice is not appropriate, and (3) redefining marriage is the role of the legislature – not the courts.

However, New Jerseyans now await the decision of our state supreme court, who’s liberal bent cause some to predict that they may usurp the role of the Legislature by re-writing state law as was done by the high court in Massachusetts. Since Massachusetts legalized same-sex “marriage”, other activist judges have based rulings on civil rights claims. In January, for example, Baltimore Circuit Judge Murdock, struck down Maryland’s marriage law because it didn’t include unions that exclude a bride or a groom. According to him the very nature of marriage as we have always known it is discriminatory. Unbeknownst to Judge Murdock and a growing host of other judicial activists, preserving the definition of marriage is *not* bigotry.

This charge of bigotry must be evaluated using the Civil Rights Act of 1964, which grants protection based on personal characteristics that are inborn or immutable, do no harm to society, or are in the Constitution. In truth, sexual orientation does not meet any of these criteria and therefore homosexuals are not being denied civil rights. Marriage law is applied to everyone equally: must be two humans; a man and a woman, of required age, and not married to another. Homosexuals do not meet these requirements of marriage law any more than polygamists do, and therefore what they seek is a redefinition of marriage based on self interest.

In addition, marriage is not simply a private matter – it has a vital public purpose. It is a privilege the government supports because of the benefits it brings to society. Mountains of social science research have demonstrated that the well-being of children, the emotional and physical health of adults and even the state of the workforce are all tied to the existence of stable one-man one-woman marriages and families. Therefore the state government has a reasonable interest (as stipulated in the constitution) in preserving its integrity by preserving its definition.

Neither is marriage a special interest issue. The issue is activists taking an already troubled institution, most responsible for the protection of children and throwing out its most basic assumption in order to further adult interests in sexual freedom. You can no more remove the unique compliment of either a man or a woman out of marriage and

call it “marriage” than you can leave chocolate out of a “chocolate brownie” recipe. It becomes something else. Giving non-marital relationships the same status as marriage does not expand the definition of marriage; it destroys it.

It’s one thing for people to have freedom to have ceremonies and declare their affections. But it is another thing entirely for the state to recognize a union, create incentives for such a union, and to impose that definition on all organizations and institutions. Since such false civil “marriage” rights were extended in the Netherlands and Canada, the rights of the majority to express an opinion and to regulate their lives and businesses accordingly have been restricted. Pastors have been brought into court regarding speech against homosexual behavior. Private business owners have been sued and suffered penalties for refusing to accept business from homosexuals because it is against their morals. Public airwaves have been censored to eliminate criticism of homosexual behavior, and citizens have been prohibited from publicly disseminating medical information regarding homosexual practices. In the state of Massachusetts, parents are being told they have no right to remove their children from the public school classroom, even in the first grade, where children are being taught that homosexual “marriage” is equal to heterosexual marriage. Banning the “marriage” of same-sex couples preserves marriage’s nature and purpose in a civil society. Homosexual “marriage” is not a civil right. It is a political demand that must be denied.

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