

Opinion Editorial



new jersey family policy council

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NJ Supreme Court Decision on Same-Sex “Marriage” Where Does it Leave Us?

The majority of the NJ Supreme Court got it half right when they ruled on Wednesday that it is “not the role of the Supreme Court to legalize same-sex “marriage”. However they boldly ordered the legislature to set up a system of recognition within 180 days to give same-sex couples ALL the same rights as married heterosexuals, even if they do not call it “marriage”. The court stated in their ruling that same-sex couples are given non-discrimination rights here in NJ and that therefore they should also have equal marriage rights. This is where they become activist in their decision-making, finding rights in the Constitution that are not there.

There is no true basis in law to require the state to give marriage rights to same-sex couples. Both lower courts ruled that same-sex couples have no basis in history, the state constitution, or civil rights laws to claim equality in marriage. Individuals living in same-sex relationships currently have exactly the same rights as heterosexual couples living in cohabiting relationships, *plus* under the domestic partnership law they have even more benefits than all “committed” heterosexual couples with children under age 65. With regard to marriage however, the state must deny same-sex couples access on the same basis as they deny polygamous marriage, or even adult/child marriage because they do not meet the requirements of marriage law: a man and woman, two individuals, legal age, etc. In the Netherlands, after same-sex marriage was legalized, the government legalized the first polygamous marriage of three partners in 2005. They had no legal basis to deny it based on identical false civil rights arguments. Canada, **is** also on the fast track towards polygamy just one year after legalizing same-sex “marriage”.

The NJ Supreme Court’s distinction of not having to call their new proposed recognition of same-sex couple unions “marriage”, does nothing in reality to maintain the sanctity of one-man one-woman marriage. Creating a parallel system of marriage will have a similar effect on society regarding children and the rights of the majority. If the legislature yields to the activist court and enacts a system of same-sex “marriage” then the force of the state will be brought upon our children in school, as well as all citizens with regard to behavior and free speech. The consequences will be:

1. Children taught from as early as kindergarten that same-sex marriage is the equivalent of heterosexual marriage. In Massachusetts kids are being told how to have homosexual sex and impressionable teens are taught to be open to the idea that they may turn out to be homosexual. One eighth grade Massachusetts teacher who happened to be a lesbian told National Public Radio that she “makes drawings of various sexual activities for the kids”, showing “different kinds of intercourse”, and how lesbians have sex using sex toys. When someone challenges her teaching methods she says, “Give me a break. It’s legal now”.
2. The force of law will take away the freedoms of the majority to speak out on this issue and conduct their businesses according to their conscience. There have been numerous civil rights violations in **Massachusetts, Sweden, and Canada** ranging from: legally usurping parents’ rights to remove their children from

explicit homosexual instruction, denying pastor's speech and even denying private business owners the right to run their businesses as they see fit. Commercial printer Scott Brockie, a Christian, refused to print material for the Canadian Lesbian and Gay Archives, stating that it would be abetting a sin if he did so. The Ontario Human Rights Commission ordered him to pay \$5,000 in fines and to print the material. After \$100,000 in legal fees, Brockie decided against further appeal. When false civil rights are created the civil rights of the majority will be denied.

Now the issue goes to the legislature. Fortunately, the Supreme Court decision in and of itself does not redefine marriage. However, in order to preserve one-man one-woman marriage as the proven highest social good for society and for children, our legislature must exercise its power to ignore the court's activist ruling, and pass an amendment preserving marriage and its unique benefits.

In addition, citizens will need to become educated fast and take a strong stand. **In Massachusetts**, prior to the legalization of same-sex "marriage" under a similar activist court order, citizens were more ambivalent in their feelings about same-sex marriage. Polls hovered around the 50% level and **opposition** rose somewhat as the legislative battle heated up. Now, in the aftermath, citizens are petitioning the legislature to reverse the legalization of same-sex marriage and about 75%¹ of citizens are in favor of that move. Similarly, just this week Canadian citizens lobbied their legislators asking them to reverse the decision on same-sex marriage and **recent** polls show about 74%² of citizens **now oppose same-sex "marriage"**.

NJ citizens must begin calling their legislators now. While Governor Corzine has said that he will not support any legislative decision in opposition of to the Supreme Court giving marriage rights to same-sex couples, it is *not* his decision to make. It is the people's decision through the legislature, and it will require a strong 3/5ths majority decision for a constitutional amendment to preserve marriage. Preventing same-sex couples from high-jacking marriage preserves its nature and purpose in a civil society. Homosexual "marriage" is not a civil right. It is a political demand imposed by an activist court that must be denied.

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¹ FRC Action Alert, "Vote on Marriage in Massachusetts Being Avoided", October 23, 2006.

² Robert Jason, opinion editorial, St. Catherines Standard, October 25, 2006, Printed from www.stcatharinesstandard.ca web site.