

NJ Civil Union Review Commission Hearing

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RE: NEW JERSEY CIVIL UNION
REVIEW COMMISSION

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Wednesday, April 16, 2008
Trenton, New Jersey

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BEFORE: Civil Union Review Commission

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COMMISSIONERS:

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FRANK VESPA-PAPALEO, ESQ., CHAIR of CURC

STEVEN GOLDSTEIN, VICE CHAIR of CURC

13

BARBARA G. ALLEN, ESQ.

REV. CHARLES BLUSTEIN-ORTMAN

14

PETER HARTT

JOE KOMOSINSKI

15

BENN MEISTICH

ERIN O'LEARY, ESQ.

16

MELISSA H. RAKSA

BARBARA CASBAR SIPERSTEIN (via speakerphone)

17

REV. KEVIN E. TAYLOR

18

ALSO PRESENT: ESTHER NEVAREZ, CURC STAFF

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T R A N S C R I P T of the Civil Union

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Review Commission, taken in the above-entitled matter

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before Beth Vittor, Certified Court Reporter and

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Notary Public of the State of New Jersey, taken at

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the offices of New Jersey Civil Union Review

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Commission, Division on Civil Rights - 6th Floor,

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Walter Lucas Commission Conference Room, 140 East

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Front Street, Trenton, New Jersey, on Wednesday,

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April 16, 2008, commencing at 1:10 p.m.

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MR. VESPA-PAPALEO: Okay. Well, let's
start up.

4

Good afternoon, everyone.

5

Esther, would you mind?

6

MS. NEVAREZ: Not at all.

7

In compliance with Chapter 231 of the
Public Laws of 1975, notice of this meeting was given
by way of annual notice filed with the Secretary of
State, Press of Atlantic City, Camden Courier Post,
Jersey Journal, The Trenton Times, Asbury Park Press,
The Record and The Star-Ledger.

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Call to order:

14

Barbara Allen.

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MS. ALLEN: Present.

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MS. NEVAREZ: Charles Blustein-Ortman.

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REV. BLUSTEIN-ORTMAN: Here.

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MS. NEVAREZ: Barbara Casbar-Siperstein.

19

MS. CASBAR-SIPERSTEIN: Here.

20

MS. NEVAREZ: Steven Goldstein.

21

MR. GOLDSTEIN: Here. Hi.

22

MS. NEVAREZ: Joe Komosinski.

23

MR. KOMOSINSKI: Present.

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MS. NEVAREZ: Peter Hartt.

25

MR. HARTT: Here.

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MS. NEVAREZ: Steven Hyland.

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Erin O'Leary.

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MS. O'LEARY: Present.

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MS. NEVAREZ: Melissa Raksa.

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MS. RAKSA: Here.

6

MS. NEVAREZ: Kevin Taylor.

7

REV. TAYLOR: Here.

8

MS. NEVAREZ: And Frank Vespa-Papaleo.

9

MR. VESPA-PAPALEO: Present.

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MS. NEVAREZ: Thank you.

11

MR. VESPA-PAPALEO: This is a meeting of
the Civil Union Review Commission of April 16.

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Let's do the flag salute, if you don't
mind.

14

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(Salute and Pledge of Allegiance to the
flag is observed.)

MR. VESPA-PAPALEO: As we move along
with the meeting, I do want to just give you a little
happy birthday shout-out to the Law Against
Discrimination which today is celebrating its 63rd
birthday, and it was the nation's first civil-rights
statute. So we're very proud in this state that, you
know, we have a government that really believes
strongly in this law, and, you know, and we're here
to, kind of, share in its glory today, so we're very

happy about that.

MR. GOLDSTEIN: You wrote the coolest
e-mail.

Did you all see it?

I'm just saying, it was really stirring
and cool.

MR. VESPA-PAPALEO: Well, there's no
cake unfortunately. I was going to jump out of a
cake today dressed as LAD but I wanted to spare you
all after lunch.

REV. BLUSTEIN-ORTMAN: Just the thought
is precious.

MR. VESPA-PAPALEO: We also want to
welcome, at least for now, and as you know from our
e-mail last -- over the last several weeks, Sheila
Kenny has left state service and in her stead is
Peter Hartt from the Department of Banking and
Insurance. And we welcome Peter to --

MR. HARTT: Thank you.

MR. VESPA-PAPALEO: -- to the
commission. Thank you very much.

There are a few things that I do want to
mention in my chair's report.

We don't need to take a vote on this now
until everyone is ready, but in your packet I wanted

to highlight one item: There's a two-page, and it's
double-sided on white paper, it says "Civil Union
Review Commission Submitted Testimony" with some
dates. What this is is I asked Esther, she did this
wonderful job of putting everything into one binder,
letters that have come in from the public for
inclusion as testimony to the commission. People
that, many of whom couldn't come to one of our
hearings, as you recall, they'll send it by e-mail or
by mail and so we put it all together into one. This
is, what we provided you, basically just an outline,
table of contents, we didn't want to make copies of
all the testimony, but if you want it, its here.

But I would like to get a vote on this

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15 by the end of today, hopefully, so we can at least
16 include this as, you know, a demonstration of our
17 written testimony that's been submitted to the
18 commission.

19 REV. BLUSTEIN-ORTMAN: Why not do it
20 now?

21 REV. TAYLOR: I was going to say, what's
22 the nature of the vote that it would take any longer
23 than --

24 MR. VESPA-PAPALEO: No, I just didn't
25 know if you wanted to all have an opportunity to

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1 review each one of these. If you want to look at the
2 binder, you're welcome to. If we discover things
3 that are missing through our error, we will
4 certainly -- what we want to do with this going
5 forward is, you know, we'll just start at the next
6 page number and we'll just have one document, one
7 book with all the documents in it.

8 So we can -- if you're all ready for it,
9 then I'll take a motion to approve these documents
10 into our formal record.

11 REV. BLUSTEIN-ORTMAN: So moved.

12 MR. VESPA-PAPALEO: So moved by Charlie
13 Ortman.

14 MR. KOMOSINSKI: Second.

15 MR. VESPA-PAPALEO: And seconded by Joe
16 Komosinski.

17 All right. Any discussion?

18 REV. TAYLOR: Just the proviso per what
19 you just said that if we find anything is missing,
20 because it's already been recorded, that we can
21 enfold it into the record.

22 MR. VESPA-PAPALEO: Okay. Are you okay
23 with that?

24 MR. KOMOSKINSKI: That's a very friendly
25 amendment.

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1 MR. VESPA-PAPALEO: Kevin is always very
2 friendly, so that shouldn't be difficult.

3 Joe, you're okay with that, with the
4 second.

5 MR. KOMOSKINSKI: Yes.

6 MR. VESPA-PAPALEO: Okay. Then all of
7 in favor of this say aye.

8 Any opposed?

9 Okay. Thank you very much.

10 Esther, thank you very much for really
11 putting that together.

12 MS. NEVAREZ: You're welcome.

13 MR. VESPA-PAPALEO: Okay. As to my
14 report, also, we do not have any additional

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15 complaints of civil union discrimination filed with
16 the Division on Civil Rights since the March hearing.
17 There are currently eight -- well, we've had a total
18 of eight complaints filed with us. There are four
19 open, pending complaints; the other four have either
20 been withdrawn or, actually, resolved. The four
21 pending ones, you know, as settlement occurs or as
22 more action occurs, I will certainly report that to
23 you.

24 And that is it for my report.

25 MS. NEVAREZ: Frank, may we approve the
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1 minutes?

2 MR. VESPA-PAPALEO: Oh, I'm sorry,
3 absolutely.

4 In the packet is the minutes from
5 March 19. If anybody wants to move the approval of
6 these minutes, please let me know. Somebody needs to
7 make a motion to approve the minutes.

8 REV. TAYLOR: Okay. It's --

9 MR. VESPA-PAPALEO: This is the minutes
10 from our business portion of the meeting. Obviously
11 we have a transcript of the actual testimony, so we
12 didn't reprint all that.

13 REV. TAYLOR: Okay.

14 MR. VESPA-PAPALEO: But, you know, the
15 transcript is actually online on our website now from
16 each meeting, so this -- these minutes do not include
17 a recitation.

18 MS. NEVAREZ: They don't include the
19 public hearing portion, only the meeting portion.

20 MR. VESPA-PAPALEO: Yeah, this is just
21 for our meeting.

22 REV. TAYLOR: Okay. Got it.

23 REV. BLUSTEIN-ORTMAN: Move to accept.

24 REV. TAYLOR: Second.

25 MR. VESPA-PAPALEO: Okay. So moved by

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1 Charles Ortman, seconded by Kevin Taylor.

2 Any discussion?

3 All in favor say aye.

4 Any opposed? No?

5 Okay. It passes.

6 Thank you very much.

7 Okay. That's it with our report.

8 Mr. Vice Chair.

9 MR. GOLDSTEIN: The organization I lead,
10 my other walk of life, Garden State Equality,
11 received 752 complaints to date cumulative since
12 February 19, 2007.

13 Just the only observation, it spikes, it
14 feeds on itself, the more there are press stories and

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15 it's in the press, people come to us. And the less
16 it's in the press, people don't because they think
17 there's no where to go. This was an average month.

18 MR. VESPA-PAPALEO: Okay. Thank you.

19 Mr. Hyland is not here.

20 Okay. Joe Komosinski.

21 MR. KOMOSKINSKI: Sure. I have to
22 report that so far there are a total of 2592 civil
23 unions that have been registered for 2007. For
24 female-female couples there are 1,492; for male-male
25 couples there are 875. And thus far in 2008 for

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1 female-female couples we have 149 and for male-male
2 couples we have 76.

3 There are currently 58 reaffirmations of
4 civil unions that have been filed. And to date there
5 are 4962 domestic partnerships that have been filed;
6 thirty-four of those were after the implementation of
7 the Civil Union Act.

8 MR. VESPA-PAPALEO: Any questions for
9 Joe?

10 Okay. Thank you for your report, Joe.
11 Anyone else have anything that they'd
12 like to add?

13 Okay. Then we will start putting people
14 on the hot seat. Right, Erin?

15 MS. O'LEARY: All right.

16 REV. TAYLOR: Who goes first?

17 MR. VESPA-PAPALEO: We will move to this
18 next portion of the meeting. The process will be the
19 same as the last time.

20 We've reached out to a number of
21 agencies for this meeting and we should have on the
22 pink sheet who's going to be testifying today. We
23 focus today's hearings on, of course, the
24 implementation by state agencies but with particular
25 regard to those things that impact children and

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1 families. So we have folks from education,
2 Department of Education, the Higher Ed Student
3 Assistance Authority, and the Commission on Higher
4 Ed. But to begin with, we will invite Erin to
5 testify on behalf of children and families.

6 MS. O'LEARY: Thank you.

7 Thank you, Chairman, and members of the
8 commission, for providing the Department of Children
9 and Families with the opportunity to testify.

10 As you know, my name is Erin O'Leary and
11 I serve as the director of legal affairs and
12 licensing for the Department of Children and
13 Families. I have been asked by the commission to
14 testify regarding two matters: Number one, whether

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15 or not there will be additional financial impact on
16 D.C.F. between having civil union or marriage for
17 same-sex couples; and, number two, what are D.C.F.'s
18 impressions of the effectiveness of the Civil Union
19 Act implementation within our agency.

20 By way of background, the Department of
21 Children and Families was created as a cabinet-level
22 department just in 2006. D.C.F. is New Jersey State
23 Child Welfare Agency and has approximately 7,000
24 employees. Our department includes the Division of
25 Youth and Family Services which engages in child

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1 protection and permanency work, and the Division of
2 Prevention and Community Partnerships, the Division
3 of Child Behavioral Health Services, as well as a
4 24-hour child-abuse hotline and licensure offices
5 regulating foster homes, childcare centers, adoption
6 agencies, and child residential facilities.

7 With regard to the financial impact on
8 D.C.F., I cannot report anything beyond the most
9 minimal of costs. To be sure, D.C.F. has been
10 required to update all forms and policies to address
11 the new status of civil union; however, D.C.F. has
12 not incurred beyond incidental costs to achieve this
13 necessary change. Likewise, any new provision for
14 marriage for same-sex couples would require minimal
15 change to our policy and forms.

16 As for the second question, our
17 impressions of the effectiveness of the Civil Union
18 Act's implementation, I come to you with good news.
19 Perhaps a bit early to conclude effectiveness, I was
20 able to reach out to both our department- and
21 division-level constituent communication units. Both
22 have advised me that they have not received or
23 processed any complaints, concerns or inquiries from
24 our constituents regarding the implementation of this
25 new law. However, I am not completely surprised

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1 regarding the lack of issues that have come before us
2 in that our organization for several years has
3 maintained a policy of non-discrimination as it
4 refers to sexual orientation. Not that the issues
5 are interchangeable in any sense, but instead we have
6 well-established in our department and reflected in
7 written policies since 1984, that a decision to place
8 or not place a child in a specific foster home shall
9 not be based solely upon a foster parent's sexual
10 orientation.

11 In addition, over 10 years ago our
12 agency adopted a policy to indicate that unmarried,
13 cohabitating couples seeking to adopt shall not be
14 prohibited by DYFS from jointly adopting due to their

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15 marital status or sexual orientation. As such, it is
16 my hope and belief that at the very least from an
17 organizational perspective, the policy and practice
18 is done with clarity towards non-discrimination based
19 on sexual orientation, marital status or civil union
20 status.

21 Thank you for the opportunity to testify
22 and I'd be happy to take questions from the
23 commission.

24 MR. VESPA-PAPALEO: Thank you very much,
25 Erin.

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1 MS. O'LEARY: You're welcome.

2 MR. VESPA-PAPALEO: Any questions from
3 the commission?

4 MR. GOLDSTEIN: I just want to comment,
5 a real compliment your department.

6 We have 752 complaints of some gruesome
7 noncompliance with the law which this commission
8 heard in terms of employers; and certainly there are
9 significant psychological and other mental effects of
10 couples and their children having separate but equal
11 status of civil unions and not of marriage equality,
12 but that's very different. What we've not heard
13 ever, at least in the history of the organization's
14 founding, that there were any problems with either
15 foster care or adoption or any way that kids of
16 same-sex couples or gay individual parents have been
17 treated any different, and that's remarkable.

18 It's not that there are not severe
19 psychological effects we're hearing, as people will
20 testify later, but in terms of implementation and
21 fairness of the law, and this has -- in all fairness
22 to the state and to your department, there were no
23 problems before even the Civil Union Law. Like, it's
24 -- I think it's the only instance where, at least
25 Garden State Equality could say, New Jersey was in

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1 great shape. It's not -- nothing is perfect in life,
2 obviously, but even before -- it's impressive. And
3 we call our -- it's really a tribute to your
4 department and New Jersey that even before the Civil
5 Union Law there were no problems.

6 We call our other LGBT agencies across
7 the country and they have massive caseloads,
8 instances of government treating foster-care kids and
9 adoptive kids differently in same-sex families, even
10 progressive families.

11 So you really should be proud of your
12 agency and New Jersey should be proud.

13 MS. O'LEARY: Thank you, Commissioner.

14 MR. GOLDSTEIN: Truly, actually.

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15 MR. VESPA-PAPALEO: Any other questions
16 or comments?

17 MS. O'LEARY: We don't always hear such
18 positive feedback in general.

19 MR. GOLDSTEIN: Truly, truly, I would
20 say this on the record, truly, we get so many
21 complaints, our position, our commission is this law
22 is so screwed up, we never get complaints. It was
23 the case before the Civil Union Law and everybody
24 likes to bash up, bash on government agencies. We
25 talked to other states, you really all deserve a

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1 compliment.

2 MS. O'LEARY: Thank you.

3 MR. VESPA-PAPALEO: Erin, is there any
4 indication of what percentage of your placements,
5 either into foster care or adoptions, have been by
6 either same-sex couples or couples that identify
7 themselves as gay or lesbian or transgendered?

8 MS. O'LEARY: You know, Frank, we don't
9 keep that data. I actually asked that question in
10 particular. We don't keep that data. It would all
11 be just, kind of, anecdotal. But I can tell you that
12 it's not an uncommon occurrence. In other words, my
13 conversation with our foster-care staff who does the
14 licensure of homes to become a foster parent was that
15 it's a common occurrence for them to have same-sex,
16 you know, couples, or, you know, single folks. It's
17 very -- part of their routine.

18 MR. VESPA-PAPALEO: But the fact that
19 you don't ask that is a wonderful thing, because
20 that's how people can be segregated from
21 participating in certain programs, and to not ask
22 that sounds like it makes it equal for anyone so long
23 as they otherwise qualify, you know, and are
24 appropriate parents and all of that.

25 So thank you very much.

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1 Charlie, anything?

2 REV. BLUSTEIN-ORTMAN: Always looking
3 for the teaching moment.

4 I'm wondering, Erin, if, you know, other
5 states are going to learn from New Jersey, if you can
6 attribute to what we owe the success of your
7 department, where did it start in the department?
8 And, you know, if others are going to learn from us,
9 do we know?

10 MS. O'LEARY: Right. Well, actually
11 there are a couple of different places. I mean, I
12 think there's been a movement afoot in -- you know,
13 from the Human Rights Campaign, as well as other
14 organizations, that has been very proactive in terms

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15 of advocating. But where it started specifically I'm
16 not sure, Charlie.

17 I know that there was an ACLU lawsuit
18 against the state regarding the ability or the
19 allowing people to adopt who are not married and
20 being, you know, together, and so we changed some of
21 our policies regarding that. But -- and that
22 obviously would affect folks who were cohabitating
23 who couldn't get married or same-sex couples.

24 REV. BLUSTEIN-ORTMAN: That was in about
25 '97?

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1 MS. O'LEARY: '84.

2 MS. ALLEN: I think the
3 statutory language -- DYFS used to be part of the
4 Department of Human Services when they all started,
5 and I think the statutory language was interpreted to
6 allow same-sex couples. There was never any language
7 in the statute itself that prohibited same-sex
8 couples or independent people wanting to adopt.

9 MS. O'LEARY: Oh, that wasn't '84; that
10 was '98. I'm sorry.

11 MS. ALLEN: I think the statutory
12 language allowed it before; there was no prohibition
13 ever in the language that I'm aware of.

14 MR. VESPA-PAPALEO: Okay. Any other
15 questions for Commissioner O'Leary?

16 MS. O'LEARY: You know, just to follow
17 up on one thing that Charlie said, I think it is
18 important to remember what our goal is as an agency,
19 and actually we are happy to have foster parents who
20 are same-sex foster parents or not same-sex foster
21 parents because what our goal is is to find people
22 and homes for children who have been removed from
23 child abuse and neglect, and to find homes that are
24 meaningful and caring and thoughtful for those
25 children is one of our biggest goals as an agency.

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1 We work very hard to try to find the right homes for
2 our children, and the fact that the gay community is
3 part of that process is certainly something that
4 we're happy and proud of because it's supported that
5 goal. And so that's really the heart of what's
6 happening here, it's about serving the children of
7 New Jersey from a citizen perspective. So thank you.

8 MR. VESPA-PAPALEO: To that end, Erin, I
9 had read something in the news a few weeks back about
10 the year 2007 and the statistics about adoptions.
11 Could you reflect on that?

12 MS. O'LEARY: Sure. We've had our -- in
13 2007 we had more adoptions than any other year ever
14 regarding the children who are in our system who have

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15 been placed in our system for child abuse, neglect,
16 and then we move to terminate parental rights. And
17 that's part of, actually, a huge reform effort that
18 our agency is undergoing related to a class-action
19 lawsuit filed by an organization called Children's
20 Rights Incorporated, and we are currently under
21 what's called a Modified Settlement Agreement, and
22 part of that is to reform our adoption practice and,
23 you know, kind of break through the barriers that
24 we've struggled with to get those kids moved to a
25 permanent position in their lives.

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1 And for us it's an extreme achievement,
2 because what we do know is that children who spend
3 too much time in foster care are truly affected by
4 that. And we believe strongly that we have an
5 obligation first to spend some time with the parent
6 to try to reunify, but then if we're unable to do
7 that within a reasonable amount of time, we need to
8 move expeditiously to get those children into
9 permanent homes. So that's what that number is
10 related to; it's the largest number ever of adopted
11 children in the last year.

12 MR. GOLDSTEIN: Erin, this, I confess --
13 if this is not on point, I apologize: I'm curious,
14 in terms of foster-care and adopted children, what
15 percentage of foster-care kids, again, have
16 successful foster-care placements or have to go to
17 other foster care?

18 MS. O'LEARY: Well, okay, so that's a
19 pretty complex issue. I mean, if you're asking me
20 about replacement rates, I don't have the number off
21 the top of my head, and that's what we call when we
22 put a child into a foster home and then need to move
23 them to a different foster home because of
24 disruption.

25 There are -- we do have homes that we

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1 consider to be very temporary homes like
2 emergency-based homes where we put children and then
3 intentionally find a more, kind of,
4 temporary-permanent foster home. I know it's a
5 strange word, but you know what I mean. Like, two or
6 three nights where we can put a child while we look
7 for the right foster home for that child.

8 So a lot of those affect the number of
9 replacement rates, but we're about average upon -- in
10 the nation on replacement. It's a struggle, though.

11 MR. GOLDSTEIN: Are there instances or
12 is there a philosophy, a theory, about placing kids
13 in a -- in a same-sex home, or it's totally blind?
14 So my question is, do kids ever go from a same-sex

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15 home to an opposite-sex home to a single-parent home?
16 And does it have no effect on kids because they're
17 just resilient or because there's so much else going
18 on in their lives that they're foster kids that that
19 all doesn't matter?

20 MS. O'LEARY: I guess I don't feel
21 informed enough to really figure out if that's what
22 matters. What I do know is that replacement affects
23 our children. So if they go from one foster home to
24 another, regardless of the context or sexual
25 orientation or coupling perspective, that that action

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1 of them moving homes having after already been
2 removed from their own, is extremely disruptive for
3 those children.

4 And I don't -- and you're right, we do
5 not say, Okay, well, they're with a same-sex couple,
6 let's look for another same-sex couple. So I think
7 that's probably an interesting sociological study.
8 But my instinct would tell me there are a lot of
9 issues that those kids face based on the very concept
10 of replacement and I don't even know if we've been
11 able to reach the issue of whether or not the nature
12 or the sexual orientation of their caretaker or
13 relationship would reflect on it, so I don't have a
14 lot of good information --

15 REV. BLUSTEIN-ORTMAN: One of many
16 dynamics.

17 MS. O'LEARY: Many.

18 MR. GOLDSTEIN: Many.

19 MR. VESPA-PAPALEO: In terms of the
20 placement of children into foster care or when going
21 through, let's say, an older child, you know, a child
22 that's middle school, is there any -- are there ever
23 any situations that your department has come across
24 where a child who is ready for adoption or placement
25 identifies themselves as a member of a sexual-gender

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1 minority and wishes to be placed in a home of someone
2 who is comfortable with, you know, gay or lesbian or
3 transgender people?

4 MS. O'LEARY: Anecdotally I know of
5 children only because I used to do caseloads where
6 there were children who did identify as, you know, of
7 a sexual minority is how you refer to it, and
8 certainly their placement is -- when we place
9 children, it's about placing them in the right home
10 for them. So if that was -- if that was a particular
11 issue that the child was facing or challenging with,
12 we would definitely find a home that we thought was
13 capable of dealing with that particular, you know,
14 challenge. You know, we would probably raise that

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15 before placement.

16 MR. VESPA-PAPALEO: Okay.

17 MS. O'LEARY: But I don't know, Frank,
18 of any particular circumstance, it's just totally
19 anecdotal, again, where we may have made an effort to
20 particularly place them into a home where there may
21 be, you know, a same-sex couple, for instance. So I,
22 unfortunately -- and that's information we don't --
23 we don't even keep sexual orientation on the
24 children, unlike, you know, keeping other
25 information, so -- but there certainly are those

0025 1 children.

2 MR. VESPA-PAPALEO: Okay. Well, sounds
3 like you have a system in place that really allows
4 their situation to be expressed when determining
5 placement.

6 MS. O'LEARY: It's our hope.

7 MR. VESPA-PAPALEO: And it's very much
8 appreciated.

9 Any other questions? If not, thank you
10 very much.

11 MS. O'LEARY: You're welcome.

12 MR. VESPA-PAPALEO: Appreciate it.

13 Okay. Jane Oates? Hello. Welcome.

14 MS. OATES: Hi. How are you?

15 MR. VESPA-PAPALEO: Feel free to come up
16 here if you'd like.

17 MS. OATES: As you indicated, my name is
18 Jane Oates and I'm the executive director of the
19 Commission on Higher Education. We are a very small
20 state agency, 18 employees, and we have seen no
21 financial impact on civil unions, quite honestly.
22 The only way that I would know about a civil union is
23 that I was invited to the ceremony or the reception.
24 Our employees deal directly with the authority, the
25 human resource people at the Department of State, to

0026 1 make changes.

2 When I received the call, I was very
3 happy to accept the invitation to testify before you,
4 I suggested that you be in touch with Michael Angulo
5 who is the executive director of HESAA, the Higher
6 Education Student Assistance Authority, because the
7 only constituent complaints that the commission has
8 received revolve around student aid.

9 Students, if they're applying for aid to
10 colleges for undergraduate, graduate or professional
11 school, have to fill out a federal form called the
12 FAFSA, and since today our federal government doesn't
13 recognize civil unions, there is no way to identify a
14 civil union. So what that would mean, and did mean

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15 in the case of the several constituents who called us
16 and we referred to HESAA, was that they couldn't list
17 their spouse as a dependent, and, therefore, lacking
18 that dependent status, they didn't qualify for either
19 unsubsidized loans, or in the case of a very few,
20 grants, those that were still going for
21 undergraduate.

22 So I suggested that Michael come, or
23 someone from the agency, so that they could give you
24 a more informed and detailed explanation of that. I
25 think that's going to be a bigger problem as same-sex

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1 couples adopt students and are looking to send their
2 students to college because the income of one non- --
3 of the parents, of both parents wouldn't weigh in,
4 which might be to their favor; but more importantly,
5 it may very well deal with this issue of having
6 dependency. Obviously student aid is doled out based
7 on the number of folks in your family as well as your
8 income.

9 In response to your call, I also put a
10 note out to all of the colleges in New Jersey and
11 asked them only to respond if they were either seeing
12 a financial impact on the civil unions or the
13 implementation of civil unions, or if they were
14 seeing problems with their employees.

15 Happy to report to you that no one
16 reported any problems; and not only did they not
17 report problems, but eight colleges felt the need to
18 get back in touch to say that it was actually working
19 very well saying that they had employees, faculty
20 members, administrators and other employees at the
21 colleges who had engaged in civil unions. They gave
22 kudos to the state for changing the forms to indicate
23 that civil union was, at least on a form, as
24 important as marriage. All of the colleges consider
25 civil union as marital status so that's where

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1 employees place it.

2 The only thing that they said that they
3 had done at several of the colleges were if same-sex
4 couples in a civil union had adopted students who had
5 a different last name, they required the same
6 certificate of dependency that they require of any
7 individual, heterosexual couple or individual
8 adopting to do the same thing.

9 So delighted to report to you that it
10 looks like in this one area, higher ed, has no
11 problems. But certainly willing and anxious to work
12 with the commission if you hear anything differently,
13 we'll be happy to work with the colleges and work
14 through any issues.

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15 MR. VESPA-PAPALEO: Thank you. I have a
16 question.

17 MS. OATES: Sure.

18 MR. VESPA-PAPALEO: Your organization
19 deals with public higher ed institutions or also
20 private?

21 MS. OATES: Two-year and four-year
22 public; private, the 14 private institutions with a
23 public mission. Those would be the private
24 institutions that you would be aware of, the Seton
25 Halls, the Princetons. We don't deal with private

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1 institutions like Lincoln Tech; we don't license
2 them. We do license four proprietary schools:
3 Gibbs, DeVry, Strayer and University of Phoenix.

4 MR. VESPA-PAPALEO: Now, those higher ed
5 institutions that are public, Rutgers, Montclair
6 State and the like, when it comes to providing
7 insurance benefits for their employees, are required
8 to provide them for civil union partners. Correct?

9 MS. OATES: That's correct.

10 MR. VESPA-PAPALEO: My question --
11 because that's the way the law is.

12 When it comes to the private educational
13 institutions, let's say Princeton University or Seton
14 Hall, that's a great example of one, my question is,
15 are they providing -- the Seton Hall University, for
16 example, allow an employee who is in a civil union to
17 add his or her partner onto the insurance plan? Do
18 you know that?

19 MS. OATES: I don't know the answer to
20 that specifically, and the reason Seton Hall is a
21 good example would be because of the extreme views of
22 the Catholic church on issues regarding same-sex
23 anything. Maybe we could just say sex anything. But
24 I would -- because I disagree with them on so many
25 other issues about reproductive rights, but I -- my

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1 personal anecdotal experience is that at Catholic
2 institutions in this state, those rights have not
3 been denied, but, again, that's anecdotal.

4 I could go back and ask that question to
5 see. Again, I asked them only to respond if there
6 were problems; they did not self-report any problems.
7 And we also sent it out to faculty organizations. So
8 when we sent the call out, we did it to the
9 presidents and the faculty organizations.

10 Of course I would agree with you that
11 the private institutions aren't as well-represented
12 by active faculty organizations like the AFT and the
13 AAUP, although Seton Hall does have an AAUP chapter
14 and their representative did not respond that there

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15 was any problem.

16 MR. VESPA-PAPALEO: That would be very
17 helpful to us in terms of -- and I'm talking about
18 the private institutions that provide insurance for
19 employees. And I'm not sure if these are -- if these
20 institutions are self-funded in terms of their
21 insurance plans or not, so there may -- you know,
22 there's some complexity in what their obligation
23 might be under the law. And so I would like to get
24 that information. We can follow up with you,
25 perhaps, after the meeting, but that would be very

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1 helpful for us as we develop our next report to the
2 governor and legislature.

3 We want to answer the question of what
4 are the private colleges and universities in New
5 Jersey doing with regard to recognition of same-sex
6 civil-union partners. Do they extend -- to the
7 extent that they're not required to extend
8 protections, are they doing so any way as a matter of
9 their policy?

10 MS. OATES: I'm happy to ask that direct
11 question to them.

12 You should know that the 14 that I
13 mentioned do get operating aid from the state.

14 MR. VESPA-PAPALEO: They do.

15 MS. OATES: So that I would imagine that
16 that made them more liable to provide the same
17 benefits. Now, whether they wall it off and say they
18 don't use any of that for personnel would be very
19 difficult. I mean, walk away from the bigger ones,
20 some of them are so small that their money is
21 spongeable, you know, they have very small budgets.
22 So it would be really hard for them to prove that
23 none of their state money went to providing things
24 like health benefits.

25 MR. VESPA-PAPALEO: But there are 14 --

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1 14 of them are private. Okay.

2 All right. I appreciate that.

3 Any other -- any questions?

4 Charlie?

5 REV. BLUSTEIN-ORTMAN: Comment. Thank
6 you, Jane. And my comment really is for the
7 commission, and that is I wonder if we would do well
8 to be in touch with Jane's counterpart in
9 Massachusetts to learn if the Massachusetts' law has
10 mitigated the issue regarding the FAFSA forms and aid
11 to students in Massachusetts.

12 MS. OATES: My counterpart in
13 Massachusetts is Pat Plummer. The commission may not
14 be aware of it but I spent the last part of my life

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15 before coming to New Jersey working for Senator
16 Kennedy, so I'm very familiar with Massachusetts law.
17 And this is a -- I can tell you, again, from past
18 conversations, this was a problem in Massachusetts
19 and continues to be a problem in Massachusetts.

20 REV. BLUSTEIN-ORTMAN: In the same way
21 that it is in New Jersey?

22 MS. OATES: Yes.

23 MS. ALLEN: Is that because of the
24 Defense of Marriage Act?

25 MS. OATES: Yes. It's because the FAFSA
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1 doesn't allow you to select same-sex partners; you
2 know, you're either married or not married. Now in
3 Massachusetts they put married when the law first
4 passed there, as did Vermont, and they sent it back
5 saying this is not a marriage.

6 REV. BLUSTEIN-ORTMAN: How do they know?

7 MS. OATES: I guess we needed some more
8 paths on the names, because I guess the names gave it
9 away. I don't know.

10 MR. VESPA-PAPALEO: Oh, I had one other
11 question. This may be better directed at Mr. Angulo
12 next but I'll ask you now.

13 You had mentioned a FAFSA form and that
14 is for qualifying for federally-funded aid. Is there
15 any aid for upper education in New Jersey that's
16 completely state funded?

17 MS. OATES: Yes, there is; it's the TAG
18 grants and EOF grants, and Michael can probably
19 address that better. The one thing that I would
20 point out to you is that since people engaging in any
21 kind of marital status, and some day hopefully this
22 will be marital status in New Jersey, I hate to refer
23 to it as a separate term, or civil union, would
24 probably be over 18 and most likely would be over 22,
25 most of the people who contacted us were looking for

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1 graduate aid; they had already had a baccalaureate
2 degree. I think that will probably change as civil
3 unions become more the norm, as there's more of them,
4 so I think that it will become a bigger problem. But
5 I think Michael will probably address that.

6 REV. BLUSTEIN-ORTMAN: Is it not the
7 case that even state scholarship comes from the FAFSA
8 form?

9 MS. OATES: That's correct.

10 REV. BLUSTEIN-ORTMAN: Yeah.

11 MS. OATES: Right now I believe, unless
12 Michael has done something that I'm not aware of
13 which is possible, something good, but there's not a
14 separate form; they still use the FAFSA for any kind

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15 of state aid.

16 MR. VESPA-PAPALEO: Okay. All right. I
17 appreciate that.

18 MS. OATES: Thank you. I'll get back to
19 you on this.

20 MR. VESPA-PAPALEO: Any other questions
21 from anyone else?

22 Very much appreciate your assistance.

23 MS. OATES: And speaking of Michael --

24 MR. VESPA-PAPALEO: Michael, hello.

25 Welcome. Come on up.

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1 MR. ANGULO: It's always easy following
2 Jane because a lot of the subject matter is already
3 covered.

4 MS. OATES: I like following you better.

5 MR. ANGULO: So good afternoon,
6 everybody. As Jane mentioned, my name is Michael
7 Angulo. I'm the executive director for the New
8 Jersey Higher Education Student Assistance Authority.
9 We are an agency of approximately 200 employees who
10 are responsible for the administration of all of the
11 state's financial aid program and services, as well
12 as delivering financial aid information to students,
13 families, financial-aid counselors, guidance
14 counselors, high schools, etc. We also administer
15 federal student loan programs on behalf of the U.S.
16 Department of Education.

17 And I'm happy to work with the
18 commission.

19 And, first and foremost, to answer the
20 priority question, the agency has not incurred any
21 additional fiscal cost or encountered any issues with
22 implementation of the Civil Union Law. So --

23 MR. VESPA-PAPALEO: Would you anticipate
24 any change to that position if the state moved to
25 marriage?

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1 MR. ANGULO: At this point our H.R.
2 function is generally a pass-through through the
3 Division of Pensions and Benefits, so any forms we
4 utilize or any processes that we utilize is based on
5 what the division's protocol is. I would assume they
6 would update all of their forms and procedures, you
7 know, so that we would simply implement it.

8 But in terms of actual training, our
9 E.E.O. officer actively participates with Bear Atwood
10 and do training seminars, and to the extent that
11 guidance is provided, we update our training manuals
12 which we provide to our employees on a periodic
13 basis.

14 MR. VESPA-PAPALEO: All right. Thank

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15 you, Michael.

16 Can you -- Jane, you heard Jane's
17 testimony. Can you share with us a little detail
18 about what's the process for someone applying for a
19 grant or scholarships?

20 MR. ANGULO: Yep. Generally if a
21 student is seeking either federal or state financial
22 aid, the foremost form that must be filled out is
23 what Jane referred to as FAFSA, which is the free
24 application for federal student aid. This is the --
25 you know, this is the standard across the country in

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1 terms of applying for financial aid. And based on
2 the data that's entered into that form, any number of
3 either state or federal grants and aid and student
4 loans are then -- eligibility is determined based on
5 that form. As also mentioned under the Defense of
6 Marriage Act, unfortunately civil unions or, you
7 know, same-sex marriages are not recognized by that
8 federal FAFSA form. It would have to be incumbent
9 upon the federal government to make the change to
10 recognize that; states cannot individually make
11 changes to that form.

12 MR. VESPA-PAPALEO: And now, who fills
13 out that form, the student or the parent or
14 guardians?

15 REV. BLUSTEIN-ORTMAN: All of the above.

16 MR. ANGULO: Yeah. Generally it's the
17 student. And there is also information seeking
18 household income, so based on parental income levels.
19 New Jersey has a program called NJ Class. This loan,
20 it's a supplemental loan, is available to students
21 and borrowers based on their individual
22 credit-worthiness. So that's why the issue of
23 same-sex marriage or civil unions does not come up in
24 that program because it's really individual to the
25 applicant or the borrower or co-borrower. We don't

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1 look into marital status or anything like that; it's
2 based on the applicant's income levels, and that's
3 how we determine eligibility for loan amounts.

4 MR. VESPA-PAPALEO: Now, is that the --
5 are there any grant programs that the state funds?

6 MR. ANGULO: Yes, there are grant
7 programs. The tuition-aid-grant program is the
8 cornerstone program for the state. Through that we
9 deliver over \$230 million in grant assistance to our
10 students. I believe we assisted over 62,000 students
11 last year with this program.

12 The issue has not come up for that.
13 Generally we just look at household income and
14 financial need of the student, and to date we haven't

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15 encountered any. But as Jane said, as more children
16 approach the age of going towards higher education
17 that are children of civil unions or same-sex
18 marriages, I'm sure we will encounter that.

19 MR. VESPA-PAPALEO: Now, to become
20 eligible for this tuition-aid-grant program, I would
21 have to fill out a FAFSA form?

22 MR. ANGULO: Correct.

23 MR. VESPA-PAPALEO: So if my parents are
24 two women in a civil union and I want to get part of
25 this \$230 million in grants that the state taxpayers

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1 pay for, I have to fill out a FAFSA form that doesn't
2 recognize my parents' civil union. Right?

3 MR. ANGULO: Yes.

4 MR. VESPA-PAPALEO: Is there some
5 alternative mechanism that is available to, kind of,
6 red-flag those so that those -- you know, I would
7 still be considered for this grant?

8 I mean, okay, let me put it this way:
9 Does it matter if I have one parent or two parents in
10 determining my eligibility for this grant program?

11 MR. ANGULO: If that question were to
12 come up, we would probably direct them to provide
13 information of their legal guardian, and if there's
14 an adoption, we haven't crossed that threshold yet,
15 but when we do, I'm sure that's something we'll have
16 to put our heads together on. But right now this
17 actually works to the benefit of the student --

18 REV. TAYLOR: I was going to say.

19 MR. ANGULO: -- believe it or not,
20 because if only one parent is reporting their income
21 rather than both, their household income is actually
22 less than what it, in reality, is.

23 REV. BLUSTEIN-ORTMAN: And they can
24 choose the parent with the lowest income to use.

25 MR. ANGULO: Yes.

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1 MS. O'LEARY: Unless one of the parents
2 doesn't work and then they don't get counted.

3 MR. ANGULO: That's right, and that's
4 the flipside of this.

5 REV. BLUSTEIN-ORTMAN: How does that one
6 work?

7 MS. O'LEARY: If one of the parents is
8 not working outside of the home and the other parent
9 works, they don't get counted in as a dependent in
10 that family. So when you fill out your --

11 REV. BLUSTEIN-ORTMAN: Right.

12 MR. ANGULO: Right.

13 MR. VESPA-PAPALEO: So in terms of
14 calculating potential eligible --

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15 (There is an interruption off the
16 record.)
17 MR. VESPA-PAPALEO: In terms of
18 calculating eligibility for this grant program, is
19 the calculation made based solely on the income of
20 the people on the form or is it also based on the
21 number of people in that household?
22 MR. ANGULO: It's based on the income on
23 the form and based on the dependents in the
24 household.

25 MR. VESPA-PAPALEO: Dependents in the
0041 household. Okay. I see.

1 MR. ANGULO: So that is where --
2 MR. VESPA-PAPALEO: Okay. So there may
3 be situations, I guess hypothetically, where a
4 student applies, has, you know, two women as mothers
5 who are in a civil union, but can only count one of
6 them and might be disqualified from this grant
7 because it only shows a household of two people as
8 opposed to a household of three people?
9 MR. ANGULO: Yes. It's not necessarily
10 disqualification; it would just move you to a
11 different tier where you'd be eligible for less grant
12 assistance.

13 MR. VESPA-PAPALEO: Okay. Okay. Thank
14 you, Michael.

15 Any questions? Any other questions?
16 Okay. I really appreciate --
17 REV. TAYLOR: If I could, because I'm
18 having a moment.

19 So are you saying that as per the
20 recognition of civil unions, that the other parent
21 not being recognized in any kind of fiduciary way,
22 but do they count in the dependency? So it's just
23 you and I and our son, and the son only gets to go --
24 so I don't even exist in the house, is that what
25

0042 we're saying? So the relationship doesn't exist,
1 neither does the dependency, so it's just a --

2 MS. O'LEARY: Neither does the --
3 MR. ANGULO: That's, unfortunately, the
4 downside of the federal guidelines that we are forced
5 to go under.

6 MR. VESPA-PAPALEO: Wow. So this could
7 really impact a lot of students going forward as
8 more --

9 MR. ANGULO: Absolutely.

10 REV. TAYLOR: Because we have got so
11 many couples whose kids --

12 MR. VESPA-PAPALEO: But in a few years
13 if civil unions continue and as kids get older and
14

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15 become eligible for college, it might impact. You
16 know, I mean there's what, 2500 civil-union couples
17 in the state. Let's assume 10, 15 percent of them
18 will have children that go on to college. So it
19 could affect those couple hundred students as they
20 apply for grants from the State of New Jersey.

21 MR. ANGULO: Absolutely. And this is
22 something we are working on with the Department of
23 Education in Washington, we're working with our
24 congressional delegation.

25 Jane mentioned Massachusetts; I know

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1 that their delegation is active on the issue, as is,
2 I believe, Vermont. So a lot of -- there is movement
3 to make changes to the federal FAFSA form. I don't
4 know how successful it will be in the short-term but
5 hopefully changes will be made.

6 MS. O'LEARY: So how much state-only aid
7 is there available that you don't take any money from
8 the federal government but it's straight State of New
9 Jersey aid?

10 MR. ANGULO: Collectively, based on last
11 year, we have a total of \$265 million.

12 REV. BLUSTEIN-ORTMAN: But the FAFSA is
13 still the form that's used for state-only aid?

14 MS. O'LEARY: Right. So, in other
15 words, just for point of clarity then, if there is a
16 civil-union couple who is vying for some of that
17 money, they will still be required to use the FAFSA
18 form, in effect you will base our grants out of that
19 265 on the FAFSA form?

20 MR. ANGULO: Correct, yes.

21 MS. O'LEARY: And there's no
22 technological -- I guess it's a technology issue?

23 MR. ANGULO: Well, the problem is in
24 order to have a separate database, we have to create
25 a new form, new process, duplicate the application

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1 process, duplicate, I guess, the information process,
2 and that's just something that's extremely expensive
3 and almost impossible with the current fiscal
4 information.

5 REV. BLUSTEIN-ORTMAN: And really rough
6 for the families.

7 MR. VESPA-PAPALEO: You're saying to do
8 that, I mean, to bring full equality to potential
9 college students who are looking for state-only
10 grants, you would have to put in a system --

11 (There is an interruption off the
12 record.)

13 (There is a discussion held off the
14 record.)

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15 MR. VESPA-PAPALEO: I'm just trying
16 to -- to get a state grant that's just funded solely
17 by the state taxpayers in New Jersey, are there
18 federal laws that require us to use FAFSA forms or is
19 that just for our own convenience?

20 MR. ANGULO: Not for state awards, but
21 again, it's an issue of duplicative process and the
22 cost involved.

23 MS. O'LEARY: So the reality is if --
24 (There is a discussion held off the
25 record.)

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1 MR. VESPA-PAPALEO: Go ahead, Erin, you
2 had a --

3 MS. O'LEARY: So the reality is that it
4 could be a positive or a negative for them because it
5 could be one of two situations: It could be good
6 that they're not including two incomes and then they
7 get more aid because the same-sex partner's income
8 doesn't get counted; or the other end or the flipside
9 of that being that if one partner doesn't work, then,
10 of course, the dependent issue comes in. And nobody
11 really knows which end of that stick could be the end
12 of -- but what we know is it's a different stick.

13 MR. ANGULO: I would assume students who
14 are in the latter situation would apply for a
15 separate form if there was a separate process, and,
16 you know, to qualify for more if we don't want to
17 include your -- you know, your spouse's income, just
18 remain silent. So there are a lot of issues involved
19 in that; how do you police it, how do you tell
20 students in such a family to apply if there was a
21 separate process in place. But right now since we're
22 only using the federal form and that process, you
23 know, we're subject to the Defense of Marriage Act.

24 MR. VESPA-PAPALEO: But we're using that
25 federal form, that's our choice to use the federal

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1 form for state grants?

2 MR. ANGULO: Yes.

3 MR. VESPA-PAPALEO: How much would it --
4 do you have any idea, estimation wise, how much it
5 would cost if our state scrapped using the federal
6 form and said for any students that are applying for
7 grants funded by the State of New Jersey, we are now
8 going to use this form and this process? How much --
9 everyone, not just segregating, but how much would
10 that cost us in terms of creating the form? And I
11 know computer systems, training staff, I mean, that
12 sounds like a huge amount of money.

13 MR. ANGULO: Another 5 to 10 million a
14 year.

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15 MR. VESPA-PAPALEO: Wow.

16 MR. ANGULO: I mean, we process

17 millions --

18 MR. VESPA-PAPALEO: That would be 5 to
19 10 million that probably wouldn't -- that would be
20 coming out of that same pool that would be going to
21 kids for grants but you're using it for your
22 operational cost. Okay.

23 MR. KOMOSINSKI: Now, if there was
24 same-sex marriage and use the same federal form,
25 could you --

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1 (There is an interruption off the
2 record.)

3 MR. KOMOSKINSKI: -- could we, from New
4 Jersey tax, our New Jersey dollars only, could you
5 look at the federal government is going to deny
6 because it says it's John and Joe and you know that
7 that's a same-sex couple, but in New Jersey we can
8 ignore that option and use that marital status for
9 same-sex couples?

10 MR. ANGULO: That's a difficult question
11 to answer only because we receive data after it's
12 been entered on the FAFSA form. That's all
13 centralized through the federal government, we just
14 receive the output of whatever's been entered on the
15 form. From that we make our decisions. So it's hard
16 to self -- to identify the students that may be in
17 that situation.

18 I know that there have been instances
19 where students have brought this issue up to the
20 financial-aid officers of their campuses, and we did
21 receive one call about completing the FAFSA, how do
22 we go about that, and we directed them to the website
23 that the federal government maintains for the FAFSA
24 form. But that's something that is difficult to
25 monitor.

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1 MR. VESPA-PAPALEO: Charlie.

2 REV. BLUSTEIN-ORTMAN: With this
3 exception, and this is an enormous exception, the
4 process is a really excellent one because it allows
5 colleges across the country to have a uniform kind of
6 a program for discerning what the aid is going to be.
7 So with this exception, it's a really good thing.

8 Aside from this, this conversation makes
9 me wonder on this

10 oh-we're-one-day-late-on-getting-our-taxes-in day, if
11 we might do well to hear testimony from somebody in
12 the tax world that would talk about the impact of
13 doing taxes for the State of New Jersey and the
14 federal government and what the wash there is and how

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15 that all works.

16 MR. GOLDSTEIN: Nightmare.

17 REV. BLUSTEIN-ORTMAN: I got to think
18 so.

19 MR. VESPA-PAPALEO: We actually have,
20 and anticipating that, for May and June hearings,
21 we're going to be focusing on fiscal impact issues.

22 REV. BLUSTEIN-ORTMAN: Too bad they
23 couldn't do it this week with this being tax day.

24 MR. VESPA-PAPALEO: Right. It really
25 had to do more with -- we will be inviting Department

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1 of Treasury and other people and some accountants and
2 so on to share some of those specifics with us.

3 But I know Commissioner Taylor had a
4 question.

5 REV. TAYLOR: Because this really is
6 starting to bang me upside the head.

7 So if -- if I could, just because I'm
8 looking at two women, if Barbara and Melissa are a
9 couple, and Barbara comes into the relationship with
10 a child and Melissa has three children, and Barbara
11 is making \$100,000 and that \$100,000 is being
12 calculated as what's taking care of the house, so
13 you're telling me when her college-age child fills
14 out the FAFSA that it looks like only two people are
15 living on \$100,000 because she doesn't count nor do
16 her dependents?

17 MR. ANGULO: I would think that how that
18 family files its taxes governs and would determine
19 into the head of the household who the dependents are
20 declared that on form. Since that's a federal
21 process, it would be the same under the federal
22 guidelines we follow, so --

23 REV. TAYLOR: Having said that, the kids
24 could count and the partner not? I really want to be
25 -- because mathematically that's really --

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1 MR. VESPA-PAPALEO: Depends who is
2 declaring them as their --

3 MS. ALLEN: If the partner didn't work,
4 they could be declared as dependent, but if they were
5 also working, then they wouldn't.

6 MR. VESPA-PAPALEO: It seems clear that,
7 to me at least, you know, obviously there are
8 challenges when it comes to federal forms and federal
9 requirements and that impact the use of federal
10 funds.

11 I'm getting a little more troubled about
12 the use of state-only funds and why there is no
13 system in place now, a year after the Civil Union Act
14 was implemented, to say that all people that are

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15 applying for the use of New Jersey state tax dollars
16 don't have to fill out a form and use a process that
17 makes sure everyone is equally counted. And I
18 understand that it's -- you know, there's a major
19 cost, 5 to 10 million dollars, and that's --

20 MS. ALLEN: But how do you account for
21 that cost? I know you're estimating but what would
22 the 5 or 10 million dollars encompass?

23 MR. ANGULO: Additional printing cost,
24 mailing cost, additional work. We're built out,
25 essentially, in our facility right now; we probably

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1 could lease new space. Have a new database created.
2 Create infrastructure so you could communicate with
3 the campuses. Bring in staff.
4 Pension-and-salary-related cost to that. So --

5 REV. BLUSTEIN-ORTMAN: The federal
6 government administers the FAFSA?

7 MS. ALLEN: I understand you're just
8 getting the federal form and then you're extracting
9 information from the form?

10 MR. ANGULO: And changing some
11 terminology, putting in additional inputs; but you
12 have to create software to monitor that, create a
13 separate, I guess, web portal. A lot of these forms
14 are filled out online now; I think 96 percent of all
15 those forms are filled out online. But you still
16 have to generate paper copies and mail them out
17 because you don't know which students may or may not
18 qualify for this additional process.

19 REV. BLUSTEIN-ORTMAN: And with the
20 FAFSA form, you've got the federal government with
21 the tax returns right there being able to hold a
22 FAFSA application accountable.

23 MR. ANGULO: We assume, yes.

24 REV. BLUSTEIN-ORTMAN: But you wouldn't
25 have access.

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1 MR. ANGULO: No. I mean, financial-aid
2 forms through the FAFSA, usually there is a check
3 internally within the federal system to make sure
4 they match up with the tax return information.

5 MR. VESPA-PAPALEO: So let's assume that
6 DOMA was no longer law, then we would still have -- I
7 mean, and if New Jersey had created a system for
8 state grants, you know, that's separate but everyone
9 has to apply for -- whether it's -- I guess basically
10 a mirror image of the FAFSA stuff but allowing
11 civil-union partners to be considered in the
12 calculation, you know, that's about, you said, 5 to
13 10 million dollars a year, so that's a -- I mean,
14 that's a chunk of change to the taxpayers that could

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15 be going to scholarships.

16 So if DOMA wasn't in place, then I guess
17 you'd be able to just use the FAFSA form, presumably
18 that would be changed to recognize any sort of
19 marital-type relationship.

20 MR. ANGULO: Well, historically
21 speaking, this predated my time at the authority,
22 there were two separate forms, there was a state form
23 and a federal form, and from what I understand, it
24 was a nightmare. And those of us who predated the
25 electronic financial-aid process, like myself, I just

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1 remember stacks of carbons, papers, it was a very
2 confusing process. And the reason why it became
3 centralized through the federal form is, number one,
4 because the federal database could be checked against
5 the IRS database, but also because it's a uniform
6 process nationally. Each state used to have a dual
7 system and that was extremely burdensome on families,
8 on the kids filling out those forms.

9 So to get to where we are right now, if
10 they were to get rid of DOMA, I would hope the
11 federal system would recognize civil unions, same-sex
12 marriages. Or maybe if "marriage" were just the term
13 for same-sex unions. I mean, that ultimately, I
14 think, I would hope, could solve all the problems
15 that we're dealing with right now.

16 MR. VESPA-PAPALEO: So if DOMA was gone
17 but New Jersey used the word "marriage" instead of
18 "civil unions," we wouldn't have to spend 5 to 10
19 million dollars a year on a separate system?

20 MR. ANGULO: Absolutely.

21 MR. VESPA-PAPALEO: That's a big savings
22 of the tax dollars.

23 Do you have any -- this may be unfair to
24 ask you, but in Massachusetts do you have any
25 indication what they do in terms of State of

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1 Massachusetts grants or financing? Do they have --

2 MR. ANGULO: I do not.

3 MR. VESPA-PAPALEO: No? Okay.

4 REV. BLUSTEIN-ORTMAN: I think that's
5 what Jane asked -- I was asking her that same
6 question, and what she said was that they do it the
7 same way we do and have the same mess that we have.

8 MR. VESPA-PAPALEO: Well, we'll contact,
9 she said, this Pat Plummer in Massachusetts, so
10 we'll --

11 MR. ANGULO: My suggestion would be to
12 reach out to our delegation on this issue, and I'd be
13 happy to work with this commission as we reach out to
14 the delegation as well on trying to change the FAFSA

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15 form.

16 MR. KOMOSKINSKI: And when someone does
17 apply and they have indicated a same-sex marriage or
18 civil union and it's denied at the federal level, is
19 there any notice, that you're aware of, that they're
20 given? Because I'm wondering if we were to say --
21 because right now there're limited states, for
22 Massachusetts, for New Jersey, if the federal
23 government denies that based on that one category, if
24 they were able notify us to say for New Jersey these
25 individuals aren't eligible for federal aid but they

0055
1 were denied just based on this one characteristic,
2 that they may be eligible in New Jersey, and allow us
3 to still use that form and get that data denied at
4 the federal level but we get some kind of rejection
5 notice based on that.

6 REV. BLUSTEIN-ORTMAN: That could be
7 something.

8 MR. KOMOSKINSKI: It might be a cheaper,
9 simpler way to get that data stream to us, but I
10 don't know about that.

11 MR. ANGULO: Yeah, I don't even know if
12 the students can get the FAFSA form. It just says
13 "spouse" and then they define "spouse" under DOMA.
14 And if the child's situation doesn't qualify, there's
15 no additional check for "other" or explanation, so we
16 may never have that brought to our attention.

17 MR. VESPA-PAPALEO: Thank you very much,
18 Michael, for taking these questions.

19 MR. ANGULO: And, again, I look forward
20 to working with you. And if you have any questions,
21 Frank knows how to reach me.

22 MR. VESPA-PAPALEO: Yes, I appreciate
23 it.

24 Any other questions for Michael?

25 Thank you very much, I appreciate you

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1 taking the time.

2 (There is a discussion held off the
3 record.)

4 MR. VESPA-PAPALEO: Brooke, welcome.

5 MS. STOLTING: Thank you. Hi, everyone.
6 My name is Brooke Stolting. I'm special assistant to
7 the commissioner at the Department of Education.

8 I actually have written testimony from
9 her, but I'm happy to just let you know basically
10 what it says rather than read it.

11 MR. VESPA-PAPALEO: Sure. You can
12 submit that to us, that would be great, afterwards.
13 Feel free to just highlight what you'd like.

14 MS. STOLTING: Sure. I can hand it up.

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15 Basically there has been no issues in
16 the department. There's been no issues in the
17 Department of Education with implementation of the
18 Civil Union Act. We're very happy to report that.
19 And also there's no financial impact between civil
20 unions and marriage. So should there be any change
21 in the terminology, we foresee no problems in the
22 department in terms of implementation or extra
23 expense to the department should there be a change in
24 terminology.

25 I'm anticipating a question on school

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1 districts. It looks -- we haven't really done a
2 thorough review. It seems like it would be a similar
3 situation with school districts, but, you know, I'm
4 happy to get back to you. And I would also suggest
5 that maybe the commission reach out to educational
6 associations to see if there's any financial
7 implications, but we're happy to work with you on
8 that and help you make that reach-out.

9 And that's about it. Very short
10 testimony. Any questions?

11 MR. VESPA-PAPALEO: Sweet and to the
12 point. Thank you.

13 Any questions?

14 What is the department's relationship
15 with -- what are some of these associations that you
16 recommend that we reach out to?

17 MS. STOLTING: I was just thinking. New
18 Jersey Education Association. There's also School
19 Boards Association. I think they would probably be
20 two organizations to reach out to. And, again, we
21 can help that along and reach out to them as well and
22 see what that -- if there's any impact.

23 MR. GOLDSTEIN: A crazy question: With
24 civil unions, do state -- and I apologize for not
25 phrasing this right based on a lack of knowledge.

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1 Do curricula for kids, to the extent
2 that I guess in health classes, marriage, etc., comes
3 up, have they included -- this is a bigger issue of
4 diversity. I know that there's inclusion of same-sex
5 families because the schools are required, don't
6 always abide by diversity. Has the term "civil
7 union" been introduced in the curriculum?

8 MS. STOLTING: That is a good question.
9 Just for background, we don't actually -- the state
10 doesn't have state-approved curricula.

11 MR. GOLDSTEIN: You don't?

12 MS. STOLTING: No. Basically what we do
13 is we provide standards for school districts to then
14 create curricula, and the standards would basically

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15 drive the curricula that is out there in the schools.
16 So it's -- it would be tough for us to know, you
17 know, and have to be basically a survey, I think, of
18 all -- trying to think, you know, survey of the
19 school districts to see what terminologies they do
20 use.

21 MR. GOLDSTEIN: Now, do curricula -- I
22 guess I should ask our chairman wearing his other
23 hat.

24 Do curricula have to meet the Law
25 Against Discrimination standards? Does Law Against

0059

1 Discrimination apply to curricula?

2 MR. VESPA-PAPALEO: No. That really
3 becomes an issue that the educators have that
4 expertise in terms of what to include in it.

5 I mean, but tying into what Steven was
6 asking, I know there are state guidelines as to what
7 curricula needs to include. I know you have
8 guidelines on what should be included in
9 healthcare -- in health and family and all of that,
10 you know, from, you know, your cleanliness to sex
11 education to all other things. Are you aware if
12 those guidelines include any discussion about family
13 bonds, marriage, things of that nature, whether it
14 includes civil union?

15 MS. STOLTING: I could definitely check
16 to see.

17 MR. VESPA-PAPALEO: Could you?

18 MS. STOLTING: I can definitely get back
19 to you real quickly on that. I'm not myself aware
20 but I will check and see what the words are.

21 MR. VESPA-PAPALEO: Okay. Perhaps that
22 would be helpful to what the commissioner was asking,
23 you know, in terms of those. And if you could, you
24 know, send that to us, you know, by e-mail or a
25 letter, that would be helpful and I'll share it with

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1 them.

2 MR. GOLDSTEIN: My question was only
3 inspired by, you know, part of the first report that
4 this commission issued was a point that people don't
5 know, society doesn't know what civil unions are.
6 And I suspect whether civil unions remain or evolve
7 into marriage equality, it will still be an education
8 issue that same-sex people can enter relationships
9 and what better age to start them than a young age.

10 MS. STOLTING: Right.

11 MR. GOLDSTEIN: So I'm curious to know.

12 MS. STOLTING: I will definitely follow
13 up and let you know what is in our standards.

14 MR. GOLDSTEIN: That would be great.

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15 MS. CASBAR-SIPERSTEIN: Hi, this is
16 Babs.
17 Brooke, I think we met on Capitol Hill a
18 few years ago.
19 MS. STOLTING: Oh, hi. How are you?
20 Oh, yes, yes. How are you doing?
21 MS. CASBAR-SIPERSTEIN: Okay. And in
22 line with the questioning and I think there was some
23 concern about some of the happenings that happened in
24 the public schools in Kearny of I think with a
25 student, problem with the student and a particular

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1 teacher. I don't know whether something like that
2 that you would get involved in, where a teacher was
3 evidently -- in a public school was giving -- talking
4 about religious issues as if they were fact.

5 MS. STOLTING: I'm not aware of that
6 particular issue. That usually -- I mean, schools
7 should have policy on -- should have their own local
8 district policies. That being said, you know, the
9 department also has to ensure that the schools are
10 following the law.

11 But that sounds like it might be a local
12 district issue, but I have to look into -- I have to
13 get a few more details to see what the department's
14 role, if any, would be in that situation.

15 MS. CASBAR-SIPERSTEIN: Okay. Thank
16 you.

17 MS. STOLTING: No problem.

18 MR. VESPA-PAPALEO: Okay. Just to
19 follow up on that question that Steven asked earlier,
20 too, in terms of the Law Against Discrimination, kind
21 of, interplay with what happens at the school level
22 in terms of content: We don't typically get involved
23 in terms of investigating cases of, you know, exactly
24 what's going to be put into the curriculum every day
25 and all of this and science and all of that.

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1 However, we certainly have, I believe, a policy. I
2 mean, it's certainly our policy, our belief that, you
3 know, if schools, educators intentionally exclude the
4 discussion of protected groups that are recognized in
5 the Law Against Discrimination, you know, that could
6 be perceived as a violation of the Law Against
7 Discrimination.

8 So, for example, if teachers,
9 administrators or whatever specifically exclude
10 schools from discussing the adoption of a
11 gay-straight alliance, for example, or of a community
12 program that would help educate parents and students
13 about being victims of bullying or respecting
14 same-sex couples and African-American couples and all

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15 of this, that is something we would speak strongly
16 on. It's certainly a violation of state policy. The
17 LAD says, the point of the law, really, is to
18 engender respect for those people in our community of
19 all those different backgrounds and so we would get
20 involved in that regard.

21 Any other questions for Brooke?

22 All right. Thank you very much, and
23 thank Commissioner Davy for having you here.

24 MS. STOLTING: Take care.

25 MR. VESPA-PAPALEO: All right. We're

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1 going to take a five-minute break and head back here
2 for 2:30.

3 (There is a brief recess taken.)

4 MR. VESPA-PAPALEO: We're back on the
5 record with the Civil Union Commission hearing.

6 We're taking testimony today earlier
7 on -- through several state government agencies on
8 the implementation of the Civil Union Act and their
9 respective agencies. And the remainder of this
10 afternoon will be focused on the impact of the Civil
11 Union Act on families and children who are affected
12 by civil unions. So let's first start with
13 Dr. Marshall Forstein from Harvard Medical School and
14 the American Psychiatric Association.

15 DR. FORSTEIN: Hello?

16 MR. VESPA-PAPALEO: Hello, Doctor.

17 Dr. Forstein?

18 MR. KOMOSKINSKI: Dr. Forstein? Dr.

19 Forstein?

20 DR. FORSTEIN: Yes, I'm here.

21 MR. GOLDSTEIN: Okay. Whoever is
22 typing, could we -- we hear it. So what we're going
23 to do is take you ad seriatim.

24 So, Dr. Forstein, can you begin?

25 DR. FORSTEIN: My name is Marshall

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1 Forstein. I'm an associate professor of psychiatry
2 at Harvard Medical School. I'm also, in the interest
3 of full disclosure, a gay man, partnered for 24 years
4 before being legally married for the past four years
5 here in Massachusetts. My spouse and I have raised
6 two adopted children who are now young men, and so I
7 have some experience with the implications of this
8 both personally and then professionally.

9 As a psychiatrist I've worked with gay
10 and lesbian people professionally for 25 years
11 providing medical and mental healthcare and have
12 testified either in writing or in person in
13 Massachusetts and New Hampshire in the quest for
14 marriage equality.

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15 The research, though limited, provides
16 evidence that same-sex marriage has a positive impact
17 on --

18 (There is an interruption off the
19 record.)

20 DR. FORSTEIN: My name is Marshall
21 Forstein, an associate professor of psychiatry at
22 Harvard Medical School, and in the interest of full
23 disclosure, I'm a gay man, partnered for 24 years
24 before being legally married in Massachusetts for the
25 past four years. My spouse and I have raised two

0065
1 adopted children who are now young men, so I have
2 some personal interest in the consequences of gay
3 marriage on children as well as the couple.

4 I've also worked with gay and lesbian
5 people professionally for 25 years providing mental
6 and medical care and have testified either in writing
7 or in person in Massachusetts and New Hampshire in
8 the quest for marriage equality.

9 The research, though limited, provides
10 evidence that same-sex marriage has a positive impact
11 on the lives of same-sex couples and on their
12 communities as well by reducing prejudice and stigma.
13 Based on research and my years of working with gay
14 people who have experienced stigma or discrimination
15 on the basis of sexual orientation, I believe that
16 second-class citizenship, now institutionalized in
17 some states in the form of civil unions, contributes
18 to increased rates of anxiety, depression and
19 substance-use disorders in marginalized populations.
20 This is true not only of gay and lesbian people but
21 of populations marginalized for any reason.

22 Research also provides evidence that gay
23 marriage supports stable families. Young gay and
24 lesbian people who face rejection, often by their
25 families of origin, and stigmatization by a society

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1 by virtue of being, quote, different are now
2 beginning to believe with the advent of civil unions
3 and more recently gay marriage that the future may
4 offer the same possibilities for them as their
5 heterosexual peers.

6 For young people coming out, which is
7 about 5 to 15 percent of the overall U.S. population,
8 the presence of such role models who have equal
9 status via marriage in society has significant
10 meaning both internally and socially and has
11 potential for reducing their isolation sense of
12 stigma that gay teens face in their everyday lives.
13 And I point out here the data on suicide among gay
14 and lesbian teens which is about three times that of

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the general teenage population.

Same-sex marriages provide stability for couples in terms of public acknowledgment of their commitment and provides legitimacy for the children being raised by gay and lesbian parents.

Let me parenthetically say that if I could show you a picture of my two sons' faces after the ceremony of our commitment marriage was made, the smile alone would convince your hearts that this was the right thing to do.

Civil rights, equal rights, are

essential for the sense of belonging to society and having obligations to that society to make it better. In other words, if I'm part of you, then I owe you the same obligations as my peers.

The mental health of the community at large and of every individual depends on the basic sense that one is valued, that one is whole, and that one is entitled to share in whatever life has to offer. This socially sanctioned right of gay marriage which is qualitatively different than civil unions, the right to choose one's spouse, has a positive impact on self-esteem, sense of being validated in the eyes of the community, and on the internalization of ideas of commitment and responsibility to others, something that is sorely needed in our society currently.

The State of Massachusetts has had thousands of same-sex marriages since May of 2004. The sky has not fallen and heterosexual marriages continue to occur at approximately the same rate as before. Marriage has never been compulsory in any state or by federal statute because not all humans decide to couple, much less marry. And at a time when legal marriages among heterosexuals are occurring less frequently than in previous times, it

would seem illogical to deny the right to marry to those same-sex couples who willfully choose to become part of the population that through marriage provides increased stability to themselves, their children and the larger community.

One might ask what possible benefit to the State of New Jersey is there in denying that opportunity for increased stability of same-sex couples in the face of the evidence that civil marriage creates a socializing, stabilizing experience for all involved, and that qualitatively civil marriage is quite different from civil union on so many levels that I know you will be discussing.

I learned, frankly, as a student that,

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15 quote, this will sound familiar to most of you, we
16 hold these truths to be self-evident that all men,
17 and I suspect we would add "woman" now, are created
18 equal, and that they are endowed by their creator
19 with certain inalienable rights, that among these are
20 life, liberty and the pursuit of happiness. The fact
21 that happiness and the pursuit of it were part of our
22 reason for declaring independence should be taken
23 very seriously. Since that time we've had to revise
24 those first intentions to include non-whites and
25 non-male, and I suspect that that indicates that

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1 progress over time is essential for the survival of
2 our nation.

3 Nothing is more basic from a mental
4 health perspective to happiness and liberty than the
5 right to love another human being with the same
6 privileges and responsibilities as everyone else.
7 While happiness itself may be ultimately elusive, the
8 pursuit of it is not. It would seem unethical for
9 any state to prohibit that pursuit when there's no
10 harm and only benefit that comes from it.

11 Thank you for listening to me.

12 MR. VESPA-PAPALEO: Thank you, Doctor.

13 Any questions?

14 Okay. Thank you very much, Dr.

15 Forstein, appreciate it.

16 MS. CASBAR-SIPERSTEIN: Doctor, there is
17 one question. This is Barbra Casbar-Siperstein.

18 You had stated that, I believe that teen
19 suicide among gays and lesbians was three times that
20 of the general population.

21 DR. FORSTEIN: The general teen
22 population.

23 MS. CASBAR-SIPERSTEIN: General teen
24 population.

25 Since Massachusetts has had legalized

0070

1 same-sex marriage, have you seen any change in that
2 general number?

3 DR. FORSTEIN: It's an excellent
4 question.

5 As far as I know there's no data yet to
6 say one way or the other, and it's only been four
7 years. So what we really need to be doing is
8 following young kids who grow up in this environment
9 as opposed to teens who find this out in the middle
10 of their teenage years.

11 It's a great study. Maybe the State of
12 New Jersey would like to fund it for me.

13 (There is a discussion held off the
14 record.)

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15 MR. GOLDSTEIN: Is your budget situation
16 in Massachusetts, Dr. Forstein, what it is in New
17 Jersey, because --

18 DR. FORSTEIN: Let me put it this way,
19 we need your help.

20 MS. CASBAR-SIPERSTEIN: We need help
21 here.

22 DR. FORSTEIN: But let me assure, gay
23 marriage hasn't broken the bank.

24 MS. CASBAR-SIPERSTEIN: One other
25 question: In that gay and lesbian, does that include

0071 1 transgender or gender-variant teens?

2 DR. FORSTEIN: In terms of the
3 information about suicide?

4 MS. CASBAR-SIPERSTEIN: Yes.

5 DR. FORSTEIN: It's a very good
6 question. Again, I think the data is not so
7 different there and may, in fact, be increased
8 because of the real marginalization even within the
9 sexual-minority community.

10 The difference might be that fewer teens
11 come out as transgendered as they do as gay or
12 lesbian until later on in late adolescence, so there
13 may be some population variance there.

14 MS. CASBAR-SIPERSTEIN: All right.
15 Thank you.

16 REV. BLUSTEIN-ORTMAN: Dr. Forstein,
17 this is Charles Blustein-Ortman.

18 I'm wondering if you could speak to a
19 difference in the qualitative level of therapeutic
20 experience that you've had with gay and lesbian youth
21 in Massachusetts since the passage of --

22 DR. FORSTEIN: Yes. I mean, actually
23 it's quite interesting. There has been a much more
24 common conversation among teens who are coming out
25 with the belief that they will be able to find

0072 1 lifelong partners. I think that people imagine, for
2 instance, marrying now when they didn't before. We
3 see in our clinical population teens assuming that
4 they will have not only the right to marry, but they
5 will have the right to adopt children or to bear
6 children. And I think that there is a slow increase
7 in the assumption of equality that is very positive.

8 I don't think this is true for all teens
9 who come from families where they're still dealing
10 with tremendous rejection and hostility. But I do
11 think that as a general group it is now very often
12 that you hear about gay marriage in Massachusetts.
13 You see in The Globe under the "marriage" section,
14 just the other day I saw a couple announce their

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15 marriage. And I hear young people talking about this
16 as more, Well, what's such a big deal about it now?
17 You know, we're going to get married. And, in fact,
18 I've counseled 20 year olds who were together for six
19 months deciding whether they should get married, and
20 I'm in the unfortunate position of having to say it's
21 only been six months, maybe you should wait a while.

22 REV. BLUSTEIN-ORTMAN: Thank you.

23 DR. FORSTEIN: But I would do that for,
24 you know, any 20 year olds who have been together six
25 months.

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1 REV. BLUSTEIN-ORTMAN: I'm a minister
2 and I would too.

3 DR. FORSTEIN: You know, I mean, some
4 things don't change.

5 But I do think we are hearing, for
6 instance, that children of parents who are gay and
7 lesbian, who by and large are not gay and lesbian
8 themselves, are now talking with their friends more
9 openly about their families because they're not
10 ashamed of their parents; they are married, they're
11 legal. There's a sense that the children themselves
12 have new status in the culture because their parents
13 are legal. So I don't think we can underestimate the
14 effect that that has on those children's mental
15 health as they will grow up with a much more positive
16 issue.

17 You know, my son, before the marriage
18 thing, we've been together since he was born and his
19 feeling about marriage was, Well, why should I get
20 married when my parents can't? So it's not just gay
21 and lesbian people that are thinking about this. I
22 think that many heterosexual teens are asking the
23 question, why do I have a privilege that my best
24 friend doesn't have? Why do I have the right to
25 marry when the people that I have gone to college and

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1 high school with don't have the right to marry? And
2 I think that there's an effect that may, in fact,
3 inhibit them from participating in this
4 socially-sanctioned activity as well. So we have to
5 think about all the ramifications.

6 REV. BLUSTEIN-ORTMAN: Um-hmm. Thank
7 you.

8 MR. VESPA-PAPALEO: Any other questions
9 from the commission?

10 Okay. Thank you very much, Dr.
11 Forstein, appreciate it. And the checks in the mail,
12 okay, about us funding any project unfortunately.

13 DR. FORSTEIN: I won't hold my breath.

14 MR. VESPA-PAPALEO: Right, right,

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15 exactly.

16 REV. BLUSTEIN-ORTMAN: We won't fill in
17 the memo line, you just go ahead.

18 MR. VESPA-PAPALEO: Okay. Ms. Meredith
19 Fenton.

20 MS. FENTON: Hi. Thanks.

21 I'm sharing this testimony as a program
22 director of COLAGE. My name is Meredith Fenton. I'm
23 the daughter of a lesbian mom and a straight father.
24 And COLAGE is a national movement of children, youth
25 and adults who have or had one or more lesbian, gay,

0075

1 transgender or queer parents. We work with hundreds
2 and thousands of people across the United States who
3 have gay parents and we also have significant
4 membership in New Jersey.

5 Children with LGBT parents in the United
6 States are living in a country where their families
7 don't have the same respect and don't have equal
8 protections as other families, and from a young age,
9 kids are aware of this difference. Many youth that
10 we work with have reported that one of the common
11 ways that they have been teased by other kids is that
12 kids have questioned the validity of their families
13 because their parents aren't able to get married.
14 Young people often equate the notion of a real family
15 with the idea of a family that has married parents.

16 A recently published study that COLAGE
17 co-published with Glisten showed that around
18 43 percent of students with one or more LGBT parents
19 experienced verbal harassment from their peers in
20 their schools on a regular basis. And denying
21 families marriage equality merely gives more fodder
22 to those bullies who can say, "Your family is not a
23 real family, your parents can't get married."

24 We also find youth in COLAGE who report
25 that hearing that their family can't have the same

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1 rights as other families leads them to feeling scared
2 or confused when they hear that folks are against
3 their families being married. They say that they
4 think somebody is going to come and break up their
5 family.

6 Youth have also shared that they're
7 confused about the idea of civil unions and why there
8 needs to be this separate category for their family.
9 Youth have talked about learning in their history
10 classes about separate not being equal when it comes
11 to their school education, so they don't understand
12 why the same principle doesn't apply to the marriage
13 rights of their parents and the way that their family
14 should be recognized by the state that they live in.

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15 All of these challenges impact youth in
16 really real ways from their safety at school to their
17 emotional happiness and health. And COLAGE, from our
18 work by and for folks with gay parents, believe that
19 youth are healthiest when their families are able to
20 receive equal respect and equal access to the rights
21 from government and from society, and marriage
22 equality is just one easy way for New Jersey to show
23 that they are willing to give that equal respect and
24 provide equal rights to youth with gay parents and
25 their families.

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1 Thanks a lot.

2 MR. VESPA-PAPALEO: Thank you, Ms.

3 Fenton.

4 I have a question. This is Frank.

5 In terms -- in your involvement with
6 parents and children in school districts throughout
7 America, I'm curious, especially in places that have
8 certain levels of protection, whether it's Vermont,
9 you know, New Jersey, Connecticut or, you know,
10 marriage in Massachusetts, what role does the school
11 play -- have schools played in ensuring that
12 curricula in the schools actually addresses or
13 recognizes same-sex marriages or civil unions or
14 other relationships? Have you come across that
15 issue?

16 MS. FENTON: It's not a policy or
17 statewide issue at this point. To the best of my
18 knowledge, California is the only state that has a
19 safe schools bill which has a curriculum piece in it
20 that requires there to be positive curriculum around
21 lesbian, gay, bisexual and transgender folks, and
22 that curricula bill is actually being attacked in
23 California.

24 Other states, though, that do have
25 protections for either LGBT students and/or in some

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1 of those states extend the protection to folks who
2 are associated with LGBT issues such as kids who have
3 a gay or lesbian parent, those schools do tend to
4 be -- this is an anecdotal observation not based on
5 any hard research, they tend to have more schools
6 that have more open environments where conversation
7 about lesbian and gay families or lesbian and gay
8 marriage can even take place.

9 That said, we have also heard that with
10 all the attention on civil unions, on same-sex
11 marriage, on marriage equality in the last five or so
12 years, that it's been, in some examples, a really
13 good opportunity for students to feel like their
14 peers are learning about these rights and learning

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15 about their families. But in other cases where
16 teachers aren't really prepared for those
17 conversations and where there isn't marriage
18 equality, it becomes a forum where people's
19 misconceptions about LGBT families, where their
20 notions that it's not a real family, come out and
21 that that can often be hurtful to youth who aren't
22 necessarily fully aware of what a civil union
23 actually is because it's such a new concept, and/or
24 are still noting that what gay and lesbian families
25 have access to is different than what straight or

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1 heterosexual families have access to.

2 MR. VESPA-PAPALEO: So having exposure
3 as a youth in schools and outside of schools is a way
4 to help minimize harassment and bullying and
5 discrimination?

6 MS. FENTON: Yeah. From the study that
7 we released that showed the high percentage of verbal
8 harassment that students with LGBT parents are
9 experiencing, we also saw that where students said
10 that their teachers and/or other adults involved in
11 their life were willing to intervene in incidents of
12 harassment or homophobia, those youths were generally
13 the ones who felt more safe in their schools and were
14 less likely to be dealing with bullying or verbal or
15 physical harassment.

16 MR. VESPA-PAPALEO: Okay. We had a
17 situation in New Jersey a couple months back, an
18 abysmal situation down in South Jersey in a town
19 called Evesham I think.

20 MS. FENTON: Yes, I'm familiar with that
21 incident.

22 MR. VESPA-PAPALEO: And what I'm
23 wondering is, you know, you being out there in the
24 community with children and with youth and with
25 adults and parents in particular, from what I've read

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1 about that situation, there was a school district
2 that ultimately refused to allow, as part of a
3 third-grade curriculum, the playing of videos showing
4 the diversity of what comprises a family,
5 single-parent family, mixed-race family, same-sex
6 families and all of this, with the fear that children
7 at the third-grade level should not be exposed to
8 seeing two women recognized as a family, or two men.
9 Can you speak to that and, you know, how that plays
10 out? We heard a little bit from Dr. Forstein. You
11 know, are third graders -- you know, what's -- are
12 third graders prepared to see, you know, two women or
13 two men recognized as a family unit?

14 MS. FENTON: Well, I think it's really

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15 important to know that there are thousands, maybe
16 even millions of elementary school students who do
17 have families that look like that family that has two
18 moms or two dads, and that those students deserve a
19 safe education and to be able to see their family
20 respected and reflected in their education just like
21 the other range of students and the diversity of
22 their families.

23 I think that there is a lot of fear that
24 gay and lesbian issues aren't accessible to
25 elementary students, but I think that that fear is

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1 really unfounded.

2 There was a study many years ago where
3 they interviewed first and second and third graders
4 and asked them what was the worst word that you could
5 be called. If somebody was going to say something
6 mean about you, what would be the most horrible thing
7 that they could come up with to say. And already by
8 first and second grade they were saying that "gay"
9 was this bad word and they didn't want to be called
10 "gay." So students are knowing and already learning
11 that gay has a negative connotation in first and
12 second grade, then they're definitely old enough to
13 be learning what "gay" actually means and to see
14 age-accessible portrayals of gay and lesbian people
15 in gay and lesbian families.

16 All reports tend to show that the
17 younger that this education can begin, and doing it
18 in age-appropriate ways, the more tolerant and open
19 minded folks will continue to be as they age.

20 MR. VESPA-PAPALEO: From your
21 experience, if a third grader -- third graders know
22 what marriage is. Right?

23 MS. FENTON: Yes.

24 MR. VESPA-PAPALEO: Would they
25 understand it to be the same thing if it just

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1 happened to be between two men or two women?

2 MS. FENTON: I believe they would.

3 MR. VESPA-PAPALEO: Yeah. Okay.

4 MS. FENTON: And I also believe that
5 most third graders, if you ask a broad range of third
6 graders outside of the lesbian and gay family
7 community, what a civil union was, I don't think most
8 of them would be able to answer that question.

9 MR. VESPA-PAPALEO: I don't think most
10 adults can answer that question. If we could, there
11 would not be the need for this commission right now,
12 so --

13 MS. FENTON: Of course.

14 MR. VESPA-PAPALEO: Thank you.

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15 Any questions from members of the
16 commission? I'll start with Babs since she's on the
17 phone.

18 Babs, any questions?

19 MS. CASBAR-SIPERSTEIN: Not right now.

20 MR. VESPA-PAPALEO: Thank you.

21 Anyone else here?

22 Okay. Thank you very much, Ms. Fenton,
23 appreciate it.

24 MS. FENTON: Thank you.

25 MR. VESPA-PAPALEO: Send some of your

0083

1 warm weather over here, please.

2 MS. FENTON: Yes, we'll try.

3 MR. VESPA-PAPALEO: Take care.

4 Ms. Caitlin McIntyre.

5 MS. MCINTYRE: Hello. My name is

6 Caitlin McIntyre and I live in Alpha, New Jersey, and

7 I was raised in the so-called typical perfect

8 American family; a mom, a dad, two sisters, a dog, a

9 yard.

10 When I was in the fourth grade my father
11 came out of the closet as a homosexual and that
12 changed a lot of things. Shortly thereafter he found
13 his life partner, Tony, who is a second father to me
14 and who I love very much and who my entire family
15 loves.

16 To me at the time I was very proud of my
17 father for finally finding his voice and being able
18 to be true to himself. Unfortunately most of my
19 peers did not feel the same way. In the fourth grade
20 immediately following my parents' divorce, I told
21 some close friends that my dad was gay and my parents
22 were getting divorced and their reactions were so
23 horrified that I didn't tell anyone again for eight
24 years, including my best friends in the whole world.

25 And I think that the message that the

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1 state is sending right now by not allowing marriage
2 rights and more recently by allowing second-rate
3 rights to gay couples is sending a message that these
4 families aren't as good as our typical mom-and-dad
5 families. These families don't deserve the rights
6 and they don't deserve the respect in our schools by
7 our youth and by anyone.

8 And I'm not under any illusions that
9 marriage is a magic wand that will fix any kind of
10 harassment in schools because it will always be
11 difficult until we reach some sort of social equality
12 for students to come out, students of LGBT parents to
13 be true to their families. However, it would be a
14 big step if the state legislature could recognize

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15 these families as equal under the law. If the law
16 says that someone is equal, people are going to
17 recognize it. And if the law is not willing to say
18 that, why should the common person out on the street,
19 in the schools, the teacher, students, recognize that
20 family as being the same?

21 So the State of New Jersey sent me a
22 very clear message that while my old family was great
23 and fabulous and wonderful, my new family was second
24 rate and didn't deserve those rights that were
25 offered to my mom and my dad; my dad and my

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1 stepfather did not deserve them. And it was really,
2 really difficult for me throughout elementary school
3 and high school because I grew up in an area where
4 there wasn't a lot of diversity and I really needed
5 someone to affirm me, and unfortunately the state
6 failed me in that.

7 MR. VESPA-PAPALEO: Wow. Thank you,
8 Caitlin, very much.

9 Any questions?

10 REV. TAYLOR: Caitlin, since we can't
11 see you I'd like to ask this: How old are you?

12 MS. MCINTYRE: I'm 19 years old.

13 REV. BLUSTEIN-ORTMAN: You don't have to
14 answer that question.

15 REV. TAYLOR: She already did.

16 MR. GOLDSTEIN: Caitlin, I just want to
17 tell the commission, I mean, you told me you're a
18 student, so congratulations, at a very fine
19 university; you're calling now from Houston where
20 you're a student at Rice University.
21 Congratulations.

22 MS. MCINTYRE: Thank you.

23 MR. GOLDSTEIN: Thank you.

24 MR. VESPA-PAPALEO: Thank you very much
25 for calling in. Very powerful testimony, and

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1 hopefully we got you to step out of an exam or
2 something for -- if you need a permission slip, let
3 us know, we'll send one down to you.

4 MS. MCINTYRE: Okay.

5 MR. VESPA-PAPALEO: Any other questions
6 from the commission?

7 MR. GOLDSTEIN: Caitlin, where is Alpha,
8 New Jersey? And I apologize.

9 MS. MCINTYRE: It's right on the border
10 right next to Pennsylvania, right next to, say,
11 Easton, Pennsylvania, right over the state line.

12 DR. FORSTEIN: It's right next to
13 Phillipsburg, isn't it?

14 MS. MCINTYRE: Yes. I went to

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Phillipsburg High School.

MR. VESPA-PAPALEO: Okay. Thank you very much, Caitlin.

MS. MCINTYRE: Great. Thank you.

MR. VESPA-PAPALEO: Take care, bye-bye.

And our final call-in is Dr. Judith

Glassgold.

Dr. Glassgold.

DR. GLASSGOLD: My name is Dr. Judith

Glassgold. I'm a licensed practicing psychologist in the state of New Jersey who has provided

psychotherapy to children, adolescents and their families, including same-sex families and lesbian, gay and bisexual individuals for the last 17 years.

I am on the faculty of the Graduate School of Applied and Professional Psychology at Rutgers University, and am past president of the society for the psychological study of the lesbian, gay and bisexual issues of the American Psychology Association. I appreciate you inviting me to testify today.

A status or characteristic is stigmatized when it is negatively valued by society, and, as a consequence, is a basis for disadvantaging those who have it. Research has shown that the ongoing stigma against homosexuality, evidenced by the lack of societal tolerance, acceptance and support, can and does negatively affect the psychosocial and physical health and safety of lesbian, gay and bisexual adolescents and adults, at a minimum increasing the risk of anxiety and depression.

Children of same-sex relationships cope with the stigma of being in a family without the social recognition that exists through marriage. Children of same-sex relationships are the secondary

target of the stigma directed at their parents because of their parents' sexual orientation. Such stigma may be indirect such as the strain due to lack of social support and acceptance. Also, some children may be targeted due to teasing in school or from peers.

Further, although the children from civil unions are legally legitimate, children born into these relationships are born outside of marriage and still may be faced with the stigma of illegitimacy in the eyes of their peers.

There's a good deal of research on the way that children and their families cope with this stigma, and most cope well; however, this extra level

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15 of stress can become an unnecessary psychological
16 burden on same-sex families and their children.
17 Lesbian, gay and bisexual adolescents have to grow up
18 and pass through the milestones of development while
19 addressing a stigmatizing identity. Research has
20 shown unquestionably, like Dr. Forstein said, that
21 lesbian, gay and bisexual adolescents are
22 particularly at risk for negative mental health
23 effects due to the prejudice and isolation caused by
24 the stigma against homosexuality. Some adolescents
25 are even at a heightened risk of developing mental

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1 health issues such as substance abuse.

2 Although there is no current research on
3 the psychological impact of civil unions on the
4 children of same-sex relationships, or on lesbian,
5 gay, bisexual adolescents to adults, there is
6 anecdotal evidence gathered through these hearings,
7 like the testimony you just heard, and from a variety
8 of other sources, that many lesbian, gay, bisexual
9 adolescents and adults, same-sex couples and their
10 children believe denying same-sex couples the label
11 of marriage as devaluing and delegitimizing and
12 damages same-sex relationships, and many of these
13 individuals experience psychological distress from
14 this practice.

15 Civil unions can be perceived as
16 society's judgment that committed intimate
17 relationships with people of the same sex are
18 inherently different and potentially inferior to
19 heterosexual relationships, and that the participants
20 in the same-sex marriage are inherently less
21 deserving than heterosexual couples of society's full
22 recognition.

23 As a result of the lack of marriage
24 equality, both lesbian, gay and bisexual adolescents
25 and children of same-sex relationships face continued

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1 stigma. The stigma has negative mental health
2 effects. Children of same-sex families and lesbian,
3 gay and bisexual adolescents would benefit from their
4 reduction of the stigma and having any future threat
5 of discrimination and stigma removed from their
6 lives.

7 That's all I have for today. If you
8 have any questions, please ask.

9 MR. VESPA-PAPALEO: Thank you, Dr.
10 Glassgold.

11 Any questions?

12 Okay. Seeing none, thank you very much,
13 Doctor.

14 MR. GOLDSTEIN: Dr. Glassgold, thank you

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15 so much.

16 MR. VESPA-PAPALEO: Appreciate it.

17 Okay. We're going to move forward with
18 our in-person testimony if they are here.

19 MR. GOLDSTEIN: Everybody is here.

20 MR. VESPA-PAPALEO: Marsha Hams and
21 Susan Shepherd and Peter. Welcome.

22 (There is a discussion held off the
23 record.)

24 MR. VESPA-PAPALEO: Thank you very much
25 for being here. We have a court reporter so I ask

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1 that, if you can, please speak up, and if we
2 interrupt you to assist the court reporter, hope you
3 understand.

4 So welcome to our Civil Union Review
5 Commission.

6 MR. PETER HAMS-SHEPHERD: I guess I'll
7 start off. My name is Peter. I'm 28 years old and
8 these are my moms, Sue and Marsha. We're from
9 Cambridge, Massachusetts, the first state to have
10 marriage licenses. They were the first two to get
11 one, sitting outside all night, 24 hours, in the rain
12 and finally got one. It was pretty amazing.

13 I just want to share a little story from
14 my childhood that I think kind of relates to what's
15 going on here.

16 When I was a kid, we grew up in a small
17 town, small working-class town, sports were a pretty
18 big deal, you know, baseball, hockey. I chose
19 baseball but it was a little slow for me so I went on
20 and moved to hockey. It was really the first time
21 that I saw the marriage issue come up or my parents'
22 relationship come up among my teammates, among my
23 coaches, and I think that was one of the real
24 interesting things about that situation. And, you
25 know, as a kid and your parents are different, your

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1 family is different, you know they're different,
2 you're very guarded, you don't want to talk about
3 your family, because obviously being a kid in that
4 situation who's very vocal with their your parents,
5 and I was very vocal with mine, and they explained to
6 me that things could be a little sketchy when you're
7 in school or with your friends or with your teacher.
8 They may not understand what's going on at home, you
9 know, and that your family is a real family and that
10 your parents love each other and that your parents
11 love you. And so, you know, as a kid I was very
12 guarded with my friends, my teammates, my coaches.

13 And, you know, we talk about the
14 protection of the kids, you know, and I think one

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15 thing you're looking for as a kid is, you know,
16 protection from adults, other adults, your teachers,
17 your coaches, any kind of, you know, parental type of
18 individuals in your life. And I think when, you
19 know, they don't understand what your parents are,
20 that puts you in a scary situation as a kid, because,
21 you know, kids are extremely mean to each other and
22 that's just the way kids are. You know, they bully
23 each other around no matter what. And when they, you
24 know, see that not only are their peers not knowing
25 what their family is or being, you know, mean to them

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1 about their family, but also their -- you know, their
2 coaches or their parent -- or not their parents, I'm
3 sorry, their teachers are hesitant on how they feel
4 about their family and, you know, in being vocal
5 about that in not direct ways but indirect ways, I
6 think that puts huge pressure. And I know as a child
7 myself it put huge pressure on me.

8 You know, not only was I -- I was afraid
9 to ask my teammates or friends to stay at the house
10 because I was afraid that they would see that my
11 parents have one room and one bedroom, but I was also
12 afraid that my coach would either cut me from the
13 team or bench me, and that was something that, you
14 know, happened all the way up until my parents got
15 married. That was a fear for me as I went through
16 grade school. I went to a prep school in Marion,
17 Massachusetts, Tabor Academy. I was extremely
18 nervous that my roommate would find out. I was
19 extremely nervous that my coach would find out.
20 These are all huge, huge things that a child
21 shouldn't have to deal with.

22 And, you know, as I got older I got to
23 deal with them in certain ways and I got to let some
24 people in. But every time I let somebody in and I
25 said, "Hey, I have to tell you something," I'd say,

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1 "My parents are gay," and no matter what they said,
2 my next reaction was, "Don't tell anybody." There
3 was never any communication among any friends or my
4 coaches. People that were supposed to be the closest
5 to me, people that were supposed to make my
6 childhood, you know, full of, you know, great
7 relationships and fun, there was always something in
8 the back of my head that said be guarded, be careful.
9 And that's no way to grow up.

10 And, you know, after my parents -- after
11 May 17th, you know, when they got their marriage
12 license, all that changed. For the first time in my
13 life I could stand there and I had a word to describe
14 my family and that word could describe it to

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15 everybody because everybody already knew what a
16 marriage was. You know, they didn't have to
17 question.

18 You know, and I think that the kids in
19 this situation, you know, say you grew up in New
20 Jersey and say, for example, you kept, you know, you
21 know, civil unions, you know, if the coach doesn't
22 understand, you know, what a civil union is, you
23 know, the kids on the team aren't going to understand
24 either. And that kind of fear, you know, is still
25 going to be there, but if you bring in something like

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1 marriage like we've seen happen in Massachusetts, it
2 changes everything.

3 And I know one of the -- it's been the
4 biggest thing in my life. And, you know, I watch
5 kids walk around now, young kids, I've watched young
6 gay couples, you know, teenagers, 15 year olds, walk
7 up to my parents and say, "You guys are heroes." And
8 you can see in their eyes that they --- finally
9 there's hope that, you know, their relationship is
10 just as good as anybody else's. There's a future in
11 their relationship. And, hey, if they want to have
12 kids, they can have kids.

13 And, you know, the sky hasn't fallen in
14 Massachusetts. You know, it's been fantastic for
15 kids like myself. You know, I wish it came a lot
16 earlier but I'm happy to see it come. You know, I
17 can't stop talking about my parents. It's easier for
18 me to go around and talk to friends that I've had
19 for, you know, 20 years, to go up to them and speak
20 about my family openly now and, you know, they get
21 it. When you say that your family is married, they
22 just get it and there's not a question. You know,
23 they may not agree with it but they understand it.
24 They understand that marriage is this thing that
25 we've -- you know, society has built up to be this

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1 huge, huge thing and then when you're -- when you go
2 and say your family is married too, they say, Okay, I
3 understand that.

4 And you brought up third graders. Third
5 graders, you know, I mean half of them -- half the
6 boys think the girls have cooties and the girls feel
7 the same way. You know, it's the same thing with
8 them; if marriage is brought in and people just --
9 you know, they understand that, hey, their two moms
10 are married, their two dads are married, my mom and
11 my dad are married, you know, they're happy to just
12 go out and play at recess, play kickball and play
13 dodgeball.

14 I think it's been a fantastic thing in

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15 Massachusetts. I strongly urge you to do the same
16 here. I think it's going to do a whole lot for the
17 kids here, and it's done a whole lot for myself, my
18 family.

19 You know, I see the huge weight lifted
20 off my parents' shoulders. When they talk to their
21 co-workers at work or their boss, it's huge. To not
22 tell people for -- your lifelong friends or your boss
23 for 20 years, you know, about your family and about
24 your spouse, it's a tough thing to live with, and
25 it's something that people shouldn't have to live

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1 with, especially the kids. You know, I just -- I see
2 the smiles on their faces now walking around, it's
3 unbelievable, it's just been a fantastic thing, and I
4 strongly urge you because the marriage is the most
5 important to the kids. Thank you.

6 MR. VESPA-PAPALEO: Thank you, Peter,
7 very much.

8 Do your moms want to say anything or are
9 you the spokesman for the family?

10 MS. SHEPHERD: I will say something.

11 Marsha and I have been together for 30
12 years. We had Peter together in a little
13 working-class town, like he said. And, you know, all
14 of our friends, we lived in a place where there are
15 not a lot of gay people, so we grew -- he was with
16 other families who are all straight, and in some ways
17 we had to, like, clue him in that we were different
18 because he wouldn't have picked it up by just being
19 around.

20 And, you know, you talk about little
21 kids, you know, I'm just a regular person, I don't
22 think about this stuff all the time, you know, but
23 I'll never forget one time he was probably about
24 three or four, he had this six-year-old friend on the
25 street, and we lived in a great neighborhood, and she

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1 came up to the house and she knocks on the door and
2 she got her little brother with her, and I answered
3 the door. She says, "See, I told you Peter had two
4 mommies," and just turned around and walked away as
5 if, you know, just showing off that she knew
6 something. Okay, whatever, you know, and that was
7 the level of things.

8 And, you know, frankly, we did have to
9 tell him that things could be bad out there because
10 he didn't get that feeling where he grew up at all.

11 But, you know, we never talked about it
12 with people, we were terrorized. He was born in
13 1980; we were terrorized that somebody from the state
14 was going to come and take him away from us. We had

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15 to be honest with him and we told him to be careful,
16 so we didn't talk to the neighbors even though they
17 saw who we are.

18 And it was so great in 2004. I mean, we
19 didn't think about marriage. We never had a
20 commitment ceremony, we just lived, that's it, raised
21 our kid and we lived. And this came up and we did
22 it. We had to think, Wow, what is marriage? You
23 know, we had to think about it. What is it? What
24 does it mean to go over this -- I don't know, jump
25 over the broom as they say. Right?

0099

1 And it was -- we found out, we talked to
2 all the straight people we knew: So what is this
3 thing you've been doing? How come you guys are
4 married? How did you decide to get married? We
5 figured it out.

6 And we had this amazing wedding, 290
7 people at a potluck, of course, because that was the
8 only way we could afford that. And we figured out
9 that 80 percent of these people were straight because
10 that's all we knew. Once you have a kid, that is who
11 we knew in those days. And it brought back all these
12 people, brought back the hockey parents that we had
13 never -- we hung around in rinks with and the people
14 that he grew up with, and it was just -- you could
15 just feel it in the air in Massachusetts. You know,
16 I think a lot of straight people felt left out
17 because they didn't get invited to some gay wedding
18 somewhere, you know. And it's really true that
19 people understand.

20 I work a lot, I do health and safety
21 work with unions, in big construction unions, and I
22 went down to labor training center a few weeks after,
23 because we were on the front page of The Globe so
24 that took care of the coming-out piece, and the guys
25 polishing the hard hats and I'm not even thinking

0100

1 about this, you know, marriage, I'm thinking about
2 work, and so all these big burley guys come and say,
3 "Well, I guess we should say congratulations, huh?"

4 And I'm like, "Oh, oh, yeah. Thanks."

5 Then another guy walks in and says, "How
6 does it feel to be married now? How's married life?"

7 You know, because that's what people
8 understand. You know? What are they going to say,
9 "How is your partner?" "How is your" -- you know.

10 No. My wife. And they get it.

11 MR. VESPA-PAPALEO: I'm asked all the
12 time, "How is civil union life?"

13 MS. SHEPHERD: Do you?

14 MR. GOLDSTEIN: It's a joke, trust me.

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15 MS. SHEPHERD: It's been -- like Peter
16 said, it's been kind of amazing, amazing experience,
17 and every time we think about it it's still amazing
18 that we spent four years.

19 MR. VESPA-PAPALEO: You said something
20 quite interesting, I didn't want to interrupt, but I
21 am, yes, but I wanted to follow up on it, and it's
22 not really the topic for today. We're going to be
23 focusing in the couple hearings coming up on the
24 fiscal, the financial impact of having civil unions
25 or marriages, and you had mentioned that you never

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1 thought of having a commitment ceremony or anything
2 else before, so, but once marriage came you decided
3 we are going to go ahead and have a marriage. So I
4 assume, you know, money was spent on putting together
5 a wedding and letting people know, renting a place or
6 whatever. That would not have happened had you not
7 had marriage for your --

8 MS. SHEPHERD: Oh, yeah. Oh,
9 definitely. We got about \$6,000 worth of gift
10 certificates from Home Depot.

11 MS. HAMS: We used to build our kitchen.

12 MS. SHEPHERD: So, you know, we were
13 older.

14 MR. VESPA-PAPALEO: I'm sure that's good
15 fiscal impact. It's been fiscally beneficial to your
16 surrounding stores and community having a marriage.

17 MR. PETER HAMS-SHEPHERD: I'll tell you,
18 when we were standing at city hall, there was -- you
19 know, they were standing right in front of the doors,
20 I was standing with them, and there was obviously,
21 you know, for photographs and news reporters there,
22 but the second group of people that were all around
23 that area and kept coming up, kept coming up, were
24 the wedding planners and, you know, the people that
25 wanted to do the flowers. I mean, they were

0102
1 everywhere. So they made a bundle in Massachusetts,
2 I tell you.

3 MR. VESPA-PAPALEO: I bet.

4 MS. HAMS: Just in terms of, I mean, I
5 think that there is this whole sense of security. I
6 guess the thing that some of the other people said,
7 we talked about in terms of rights and then there's,
8 you know, you have rights, I mean, I'm on Susan's
9 health insurance now, she works with the state. I
10 know that we're going to have, you know, really
11 stable health insurance into our old age, and that
12 really means a lot.

13 We're thinking about -- you know, we
14 went through her mother being sick and having to be

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15 in a nursing home, so we went through the whole --
16 you know, all the financial issues around that. So
17 we're thinking about what it means to get older and
18 to have to deal with those issues, to have that kind
19 of protection is huge.

20 Susan was hospitalized a few years ago
21 before we were married, and luckily the hospital we
22 were at was really, you know, really great and I was
23 able to stay in her room for a number of days, but
24 that was kind of luck. You know, I mean, it happened
25 that that hospital was good with it. But now, you

0103

1 know, that, you know, if you have a car crash and you
2 end up in the hospital that you don't know, or an ER,
3 that you're going to be treated like anybody else,
4 that's a huge relief.

5 So there's the joy of this, there really
6 is the respect and the joy is something you feel
7 every day. I always -- you know, I think because we
8 didn't do this for a long time because we felt like
9 we had to be more closed to protect Peter, I'm so
10 aware that, you know, every day you come out. Every
11 day you're making a choice about whether you say, "My
12 wife this," because think about how you talk about
13 your family all the time. You're always speaking
14 about your spouse and I say, "My wife." And people
15 may have a minute of, "Oh," you know, but then they
16 know what you mean. There's no, "Oh, well, what's
17 that?" or whatever.

18 So you share and they learn and
19 everybody is learning from each other all the time.
20 So I really feel like it continues, this whole
21 process, and that makes such a difference in
22 everybody you have to deal with officially, whether
23 it's in a hospital or government, you know, agency or
24 whatever.

25 One favorite story I just have to tell

0104

1 you is right after, one of the gay organizations gave
2 an award to the city clerks in Massachusetts, which
3 they were incredibly proud about. Every city
4 clerk -- city clerks that didn't have couples that
5 were getting married were saying, "Where is our
6 married couples?" And they were -- you know, these
7 are city clerks and they were just so proud and happy
8 to be part of this, and that says so much that your
9 local town, government, so it's the court,
10 legislature and your -- you know, your friends down
11 at city hall that recognize you, and that's huge.

12 MR. VESPA-PAPALEO: You had mentioned,
13 Marsha, that -- correct me if I'm incorrect, but in
14 terms of prior to your marriage, the recognition of

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15 your long-time relationship would have required the
16 expenditure of funds to put together legal documents
17 and all of this, but once you became married, that
18 was taken care of by just having that marriage
19 certificate. Right?

20 MS. SHEPHERD: This is one of my
21 favorite topics because we've never made a lot of
22 money, we always worked at nonprofit jobs, and I
23 always felt that, you know, if you got money, it
24 doesn't -- marriage doesn't matter because you can
25 hire a lawyer to take care of this, take care of

0105
1 that, take care of the house, put the house a certain
2 way, take care of finances, you know, take care of
3 your relationship with, you know, my son, all of
4 these things, but, you know, these lawyers are, like,
5 500 bucks an hour, you know. And so the rest of us
6 who don't have that kind of money, we just cross our
7 fingers and hope everything works out. But once you
8 get married, that's it. All -- it's there. You
9 know, it all falls into place and it cost me -- what
10 was it, 10 bucks for a license? You know, and --

11 REV. BLUSTEIN-ORTMAN: Bargain.

12 MS. SHEPHERD: Huh?

13 REV. BLUSTEIN-ORTMAN: Bargain.

14 MS. SHEPHERD: A bargain, yeah. Was it
15 a bargain? It might have been 15. I don't know, I
16 was a little nervous that night.

17 You know, and I really see that's a huge
18 equity issue, you know, that there's -- and we don't
19 know what the things are that need to be fixed. You
20 know what I mean? You know, we haven't been through
21 them yet. We think about, of course, the Medicaid
22 issue, Medicare, those are federal programs. We
23 still -- when we do our taxes we're still trying to
24 figure out what's state, what's federal, blah, blah,
25 blah, because that's a disaster.

0106
1 But to know that, okay, a lot of these
2 things are on the house, this and that, they're
3 fixed.

4 My lawyer, I have a cheap lawyer, and I
5 says now that we're married we can fix the deed, make
6 sure. He knew how to do that, he didn't have to be a
7 special gay rights lawyer to do that, he knew what
8 married meant.

9 MR. VESPA-PAPALEO: Thank you.

10 Any questions?

11 Kevin.

12 REV. TAYLOR: I'd like to hear from you,
13 Peter. I was -- I'm sitting at the table with a full
14 grown man but I'd like to hear from the little boy

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15 who watched his moms get married, because we've been
16 talking about impact. I want to know what that felt
17 like to a 24 year old.

18 PETER: No, I'm 28 now and I tell you,
19 every time I talk about this I feel like I'm 10 years
20 old again.

21 Yeah, you know, it was one of those
22 things, like Sue said, we didn't really think about
23 marriage until all this came about. And I -- you
24 know, as a kid I never thought it would be possible.
25 And I tell you, I remember talking to them about it

0107

1 and being very, very nervous because at the time I
2 was playing college hockey at Merrimack College in
3 Massachusetts and it was the biggest thing in my
4 life, I worked very hard to get there, it was
5 Division I NCAA hockey, and I was extremely nervous
6 that I could somehow lose my spot on the team, you
7 know, if they got married or somebody saw them on TV.
8 So I was really, really nervous. And I remember
9 walking up the steps of the Cambridge City Hall and
10 seeing them there, and to be honest with you,
11 something just -- I don't know what it was but it
12 just hit me, it just seemed so right. And at that
13 point I just didn't care about whether I was going to
14 get cut from the hockey team or have trouble at
15 school or this or that. It was just I just knew that
16 it was that important and I couldn't get the smile
17 off my face. It was just the best feeling I ever
18 had.

19 And part of it, too, I think was I felt
20 like finally I was protected. You know, obviously my
21 parents' fears probably creeped into my subconscious
22 mind too as a kid, them being afraid to -- you know,
23 they would lose me for some reason or something like
24 that. So huge sigh of relief.

25 And, man, I tell you, I was just so, so

0108

1 happy and I just started telling all my friends. I
2 mean, if they hadn't seen us on the front page of
3 just about every paper there was, you know, I would
4 tell them anyway. Even guys I didn't even know too
5 well, people I knew from the weight room at school
6 or, you know, teachers, this and that, and, you know,
7 I just told them my parents were married, my parents
8 got married, you know, with a big smile on my face.

9 And it was tough, though, because I
10 thought, man, I just wish it would have happened when
11 I was little, you know, because I didn't have to go
12 through all this stuff. But then on the other hand,
13 you know, I was happy for every other little kid out
14 there and, you know, to make sure that they didn't

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15 have to go through the same stuff, that was huge,
16 that made me feel great.

17 And then when that first camera, you
18 know, was put in my face with the microphone and
19 said, "Hey, how do you feel?" I felt it was my job to
20 just, I don't know, share my life so that little
21 kids, you know, that were in my situation could kind
22 of hear, hear what was going on, hear that there was
23 other kids that had gone through the same thing.
24 Because it just felt like we were all this little
25 family that had been pushing for this thing for so

0109

1 long and, you know, it finally happened.

2 And it just -- it's absolutely amazing.
3 It's hard to even put into words, you know. It's
4 huge, it's absolutely huge. It's the biggest thing
5 in my childhood. I'm 28, I'm still a child. It's
6 unbelievable.

7 MR. VESPA-PAPALEO: Charlie.

8 REV. BLUSTEIN-ORTMAN: Thank you for
9 being here. It's great to have you here. It's great
10 to hear a young person articulate what that means.

11 Peter, one of the things that you said
12 was "it changed everything" were the words that you
13 used. And I can hear that it changed everything. It
14 changed your life of trying to keep your family
15 invisible to your life of putting your family right
16 out there and being very proud of that.

17 One of the things that -- one of the
18 dynamics going on in New Jersey I'm sure is a dynamic
19 you're familiar with in Massachusetts before the law
20 passed, and that is people saying how detrimental it
21 will be to the community, how detrimental it will be
22 to the state. And you've shared with us about what
23 it's meant in your family. I'm wondering if looking
24 outside of your family if you can see impacts, either
25 positive or negative, that your parents' marriage has

0110

1 had on the community, if you can share anything about
2 that with us.

3 PETER: I think it's been a huge
4 positive impact. It's been unbelievable.

5 For example, playing hockey, you know,
6 in the small town, it was very male-dominated sport,
7 all coaches were the male, obviously it's an all-boys
8 team, and nobody knew anything about gay people, gay
9 families. But, you know, as time went on, they
10 learned from my family and they learned that, hey,
11 you know, this family is different but they're a
12 great family, loving family, you know, great kid, not
13 to pump my own --

14 REV. BLUSTEIN-ORTMAN: We can see that.

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15 PETER: But, you know, they learned from
16 my family. And then there was no dialogue, you know,
17 between the two. There was no -- you know, there was
18 no time where my parents could go and speak to the
19 other kids about our family or them speak to other
20 parents about that.

21 And then once, you know, they got
22 married, all of a sudden all these lines of
23 communication just opened up. I mean, they're
24 speaking to people they've known for 20 years about
25 them. You know, I'm finally getting to, you know,

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1 speak to my best friends about my family in a way
2 that I hadn't been able to before.

3 And to not have that kind of
4 communication between people that you consider, you
5 know, your best, best friends is really, really hard.
6 It puts a strain on your relationship with them.

7 You know, even in, you know, my dating
8 life, you know, before my parents got married, I
9 couldn't meet a girl and, you know, go out on a date
10 with her and then all of a sudden tell them my
11 parents were gay. My first reaction was she's
12 probably going to say, "Bye-bye. I don't want to
13 talk to you again." But now it's different. You
14 know, I feel like there's a communication there. I
15 can say it and she'll understand. And, you know,
16 that takes a huge pressure off myself in anything
17 that I do.

18 And any time I meet somebody, whether it
19 be at work, my co-workers, you know, my boss, it's
20 just been such a positive thing to take away that
21 pressure. And I'm sure it's the same way for, you
22 know, kids just like me. That societal pressure that
23 was put on us about, you know, gay people and, you
24 know, gay relationships being so wrong, to that be
25 pretty much thrown out the window, you know, the

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1 state is now saying that there's nothing wrong with
2 that, so kids don't go to school and feel like, you
3 know, that there's big -- you know, that society
4 doesn't approve of their family and approve of their
5 way of life. The two people that they love with all
6 their heart, you know, are now, you know, embraced by
7 the community. And, yeah, obviously there's going to
8 be some people that don't feel that way but, you
9 know, in a larger picture, you know, it feels like
10 everybody does.

11 REV. BLUSTEIN-ORTMAN: And beneath what
12 you're saying, what I'm hearing you say, is that the
13 community itself is stronger as a result?

14 PETER: Oh, definitely stronger. I

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15 mean, you know, it's brought everybody together. And
16 I think that what's interesting is that it's
17 really -- and don't take offense to this, it's your
18 generation. But when I look at the people that I
19 went to school with and, you know, the younger folks,
20 it just doesn't make that big a difference. And this
21 is obviously something that's brought my generation
22 together because, you know, whether, you know, you're
23 a Republican or very religious, kids are just saying
24 it's not that big a deal. And, you know, and when
25 they see this, it's just bringing everybody together

0113

1 and saying, it's fine, a family, two people love each
2 other, you know, there's other things to worry about.
3 And I've seen -- I went to a Catholic
4 college, and, you know, I saw it bring that school
5 together. You know, people were just very
6 comfortable with what was going on and just thought
7 it was a great thing. You know, they thought there
8 was so many other things that they should be worried
9 about and this was just something that they
10 shouldn't. And they were extremely happy to see it
11 happen in Massachusetts.

12 REV. BLUSTEIN-ORTMAN: Thanks.

13 MR. VESPA-PAPALEO: Peter, would you be
14 interested in going to visit every single legislator
15 in New Jersey? You're a very -- your whole family is
16 very remarkable, and thank you very much for taking
17 your time coming down from Massachusetts, you know,
18 in the middle of a normal workday to be here.

19 Any other questions from members of the
20 commission?

21 Well, thank you very much, and I
22 appreciate you not --

23 MS. SHEPHERD: We're lonely in
24 Massachusetts, we need some --

25 MR. VESPA-PAPALEO: Right. So thank you

0114

1 very much.

2 MS. SHEPHERD: I have to tell you,
3 people are moving to Massachusetts because of this.
4 We meet people all the time in church who moved
5 there.

6 (There is a brief recess taken.)

7 MR. VESPA-PAPALEO: All right. Next up
8 is Laura Patey and Leigh Powers.

9 Okay. Welcome, and we're back on the
10 record.

11 Babs, are you still there?

12 MS. CASBAR-SIPERSTEIN: Yes, I'm still
13 here.

14 MR. VESPA-PAPALEO: Okay. Thank you.

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15 All right. Welcome.

16 MS. PATEY: Thanks so much. So glad to
17 be here.

18 I'm Laura Patey and this is my wife,
19 Leigh Powers. And it's great to be back in New
20 Jersey. I was born and raised in New Jersey. I grew
21 up in Rumson and lived here until I went away to
22 college, so -- and family has very strong roots in
23 the state.

24 So I was one of six kids, and growing up
25 in Rumson as one of six kids, knew what it was like

0115 1 to be part of a family and what family meant. Never
2 really thought about it, it was just the way things
3 were.

4 And, you know, it became abundantly
5 clear to me, though, as Lee and I connected and I was
6 in New Jersey as an out lesbian in New Jersey, and we
7 decided we wanted to expand our family. And so
8 through the Department of Social Services we
9 adopted --

10 MS. POWERS: In Massachusetts.

11 MS. PATEY: -- we adopted our first son,
12 Jesse, 11-year-old boy, amazing young man now. As
13 11-year-old boy in social services bouncing around in
14 foster care had been adopted and returned, had
15 experienced significant loss. And as a Latino boy
16 coming into a family with two moms as an 11-year-old
17 boy was a shock to all of our systems and it really
18 gave us pause to sort of think about, So what is
19 family and how do we make up a family and how is our
20 family, sort of, presented out there in the world?
21 Because when Lee and I were together, we could choose
22 to be out or not, we could choose in our own
23 individual ways. But I'll tell you, once you have
24 kids, it really becomes -- as you heard from Peter,
25 it becomes a burden to have to feel like you got to

0116 1 hide that. And with an 11-year-old boy who is very
2 chatty, it was never going to be the case. So we
3 knew right out we really needed to think about this.

4 We clearly understood the impact that
5 having two parents, what kind of an impact that had
6 on Jesse.

7 Flash forward a few years, not too many,
8 we adopted our second son, Alex, also an 11-year-old
9 Latino boy at the time, also a young boy who had been
10 placed for adoption and returned, experiencing
11 significant loss.

12 You know, kids who have not had family,
13 haven't had that sort of connection and real
14 understanding, attachment issues are huge. And a

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15 sense of validation of being part of a real family,
16 no longer being foster kids, no longer being
17 different, they sure see us as very different and we
18 are very different, you know, as a family structure,
19 but that sense of attachment and bonding and
20 connection that as a family we were able to provide
21 for those boys I think will pay off in years and
22 years to come as they are able to engage in healthy
23 relationships with other people. They would not have
24 been able to do that had they not had that sort of
25 experience.

0117

1 Now, Lee and I in 1995, we call it B.J.,
2 Before Jesse, had a commitment ceremony. We had what
3 we viewed as our commitment ceremony in our church
4 with 150 people and it was a big deal. But our guys
5 knew we weren't married. You know, in our church
6 community it was okay, but out there in the world how
7 everyone else viewed us was clearly as second-class
8 citizens. They viewed themselves as second-class
9 citizens based on all the loss and trauma that they
10 had experienced. And so, you know, maybe this was
11 the only kind of family that they could ever be part
12 of was a second-class family anyway.

13 We decided, when the opportunity
14 presented itself four years ago, to get married. And
15 we had a very private civil marriage with our priest
16 and our two boys, and it has been hugely powerful.
17 It was -- our boys have been, in the past, in
18 Catholic school, they were at Catholic Memorial which
19 is a Christian Brothers school, and really focused on
20 social justice issues. And Alex, as a seventh
21 grader, wrote an essay, his social justice essay, on
22 gay marriage. That's powerful stuff to be able to
23 own that. There's no way you can teach -- you can
24 show that to a kid or kid can read about that and
25 have that same sort of experience.

0118

1 You know, Jesse really wanted to be with
2 us today. Jesse is 21, he's living out in Western
3 Mass., and is working and couldn't be here. We -- he
4 was home for the weekend and we were talking and he
5 said -- you know, he wanted to send us some things to
6 say; so while I didn't want to have anything
7 prepared, I wanted to bring Jesse's voice into this
8 because there were a couple of things that he thought
9 were really important to say.

10 He said: "My parents should have had
11 the same rights as anyone else. They pay their
12 taxes, obey the law, they're outstanding people. And
13 I don't know why people need to see that something so
14 beautiful is inappropriate."

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15 He said: "My family may not be
16 traditional but that's what makes us so special."

17 And I'll tell you, our two guys are
18 incredible young men who we have already seen the
19 healing power of family and connection. And we've
20 seen the impact beyond our immediate family with our
21 extended family, within our community and across the
22 state. I've seen the impact in Florida as I've gone
23 down and sat with -- sat with my family of birth and
24 had my niece, you know, witnessing as we're sitting
25 around a table and Jesse said, "Mom, can I have some

0119 milk?"

1 And I said, "Oh, yeah."

2 And then a few minutes later, "Mom, can
3 I" -- and Lee answered. And Nora, who's like 12,
4 looks over and she looks at her mother and she said,
5 "That's so unfair, he has two moms."

6 We expand, it goes beyond. It's an
7 important -- really important thing, the ripple
8 effect is huge. And that sends a security and sense
9 of real stability that we can offer kids as a married
10 couple is huge.

11 MS. POWERS: Well, I knew my wife was a
12 tough act to follow, I didn't realize Peter was such
13 a tough act. Where are you?

14 Thank you all for having us here today
15 and thank you to our host for getting us here. We're
16 very grateful for that and allowing us the
17 opportunity.

18 I was trying to think of what I would
19 say that hasn't already been said, and there are far
20 more eloquent people that can say it, but I think I
21 can best sum up the situation and how it impacts our
22 kids by saying prior to 19- -- or 2004, we did have a
23 mixed marriage; it wasn't quote/unquote legal, but
24 I'm a Yankees fan and Laura is a Red Sox fan, so, you

0120 know --

1 MS. PATEY: Hi.

2 MS. POWERS: -- I don't know.

3 MS. PATEY: It's a long and complicated
4 story. Far more time than we have.

5 MS. POWERS: Don't ask, don't tell.

6 But prior to that, that was, sort of,
7 our in-joke about being a mixed-marriage family.

8 But I cannot tell you the impact that 15
9 minutes and the marriage license had on our two young
10 guys, and we're talking 16, 17 year old, and, you
11 know, 12, 13 year old.

12 I think -- don't misunderstand me but I
13 think it almost meant more to them in some ways

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15 because our commitment had been solidified through
16 our church service and through our life together for
17 16 years, something like that, so, but to them it
18 made all the difference in the world. And for at
19 least two, three, four weeks later we would get
20 teased about finally not living in sin any longer, so
21 it was such a profound impact.

22 And I think Peter's eloquent words
23 around the sports, it even impacted the sports life
24 because our older son is really into baseball and
25 many times, you know, one of us would be there and

0121

1 one of us wouldn't and somebody would say to me, "My
2 gosh, your husband must be tall."

3 And I'd say, "Well, my wife's a little
4 taller."

5 But getting back to what people said in
6 here today, I could say that a little more freer,
7 although it never stopped me before quite honestly,
8 but I could say that and that person knew exactly
9 what I meant. I didn't have to say "my partner" and
10 they had to guess is it my business partner, my what
11 partner. You know, you knew what I meant and I knew
12 what you meant when you talked about your spouse.
13 And I think that's the most important part of it.

14 By far -- I was so glad to see that your
15 topic today is the emotional well-being of kids,
16 because that, by far, has probably had more
17 ramification than we'll ever know, frankly. I think
18 it will ripple out and out and out and out.

19 I think I've --

20 MS. PATEY: You just reminded me, I
21 mean, it was interesting because after our -- after
22 our civil marriage, you know, I'd be in the car with
23 Alex and he'd say, "You know what?"

24 And I'd say, "What?"

25 And he'd go, "You're married."

0122

1 And he'd just -- and it would just come
2 up for weeks. He'd say, "You know what? You're
3 married."

4 It was a big deal. It was always in the
5 forefront of his thinking.

6 MS. POWERS: And I think for maybe, for
7 our life experience myself growing up, I never
8 thought I could get married so it really wasn't that
9 large to me. But I -- you know, seeing what I saw in
10 their eyes after that ceremony and also seeing now
11 they treated it in such a way like, "Okay, what do
12 you want to do next?"

13 "We want to go see the Harry Potter
14 movie."

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15 "Okay. We'll go to see the Harry Potter
16 movie."

17 That's just the way it is, such a
18 wonderful joyous thing to be a part of.

19 MR. VESPA-PAPALEO: May I ask a
20 question?

21 MS. POWERS: Please.

22 MR. VESPA-PAPALEO: Since you've been
23 married, do you have any indication that your
24 marriage has caused heterosexual marriages to
25 actually have problems?

0123

1 I mean, has your marriage caused or
2 directly caused any straight couples who are married
3 to divorce?

4 MS. PATEY: No. And as a matter of
5 fact, I mean, interestingly, a number of people in
6 our church have talked to us about the significance
7 that our marriage in the church and our -- and our
8 presence in the church as a family has had
9 significant impact on their family in a very positive
10 way. That their kids talk about issues around social
11 justice that they never would have talked about
12 before. That they're engaged in conversations and
13 see us as, you know, just this amazingly, wonderful
14 and loving family. And it's -- no, it hasn't harmed
15 anyone.

16 MR. VESPA-PAPALEO: Okay. Any
17 questions?

18 Charlie.

19 REV. BLUSTEIN-ORTMAN: Laura, early in
20 your testimony you were talking about your family
21 being different and you said that you were different
22 in structure, and I'm not sure I understand how the
23 structure of your family was different.

24 MS. PATEY: Well, in the sense of two
25 women instead of a man and a woman, and that's simply

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1 it. Our lives are pretty typical. Our lives are
2 very typical.

3 REV. BLUSTEIN-ORTMAN: Family with a lot
4 of love.

5 MS. PATEY: Yeah, lots of love.

6 MS. POWERS: Thank you.

7 MR. VESPA-PAPALEO: Thank you. Any
8 other questions?

9 MS. CASBAR-SIPERSTEIN: Yeah, Frank.
10 This is Babs again.

11 Two questions, actually the first: Can
12 you verify that no one is wearing a David Ortiz
13 jersey there?

14 MS. POWERS: I wouldn't let her get on

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15 the train with it, no.

16 MS. PATEY: Little does she know.

17 MS. CASBAR-SIPERSTEIN: The other was I
18 think what you were trying to say, it seemed
19 impressed, that because you were married, the
20 children were -- seemed to be much, much more secure
21 in themselves and about the family. Is that correct?

22 MS. PATEY: Without a doubt. They're
23 part of a real family, they're not just living with
24 two women.

25 MS. POWERS: And they're not just living

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1 in a foster home with two people that got, kind of,
2 stuck with them because that was the only thing they
3 could get; that they were chosen.

4 MS. CASBAR-SIPERSTEIN: Thank you.

5 MR. GOLDSTEIN: Those of us in New
6 Jersey who are in same-sex relationships, I refer to
7 my partner -- actually I hate the phrase so I say "my
8 better half" which is true in many ways. And, you
9 know, it's interesting because I've never used the
10 phrase, even though we have been legal in every
11 jurisdiction that allows it, I never said "my
12 husband." I'm dying to. I'm just curious, what is
13 it like to say the word "my wife" and what was it
14 like the first time you got to say that? What does
15 it feel like inside?

16 MS. PATEY: It felt even today just
17 saying it and introducing Lee as my wife, it's an
18 incredibly empowering thing. And it feels inside
19 like I hear myself say it and I'm like, wow, that
20 it's just absolutely amazing.

21 MS. POWERS: It's an incredible thing,
22 too, to go on a job interview, and in the past I
23 probably wouldn't have stopped from saying "my wife"
24 just because that's the way I am, but to be able to
25 say that with some full protection. Obviously that

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1 person, if they're not going to hire me, they're not
2 going to hire me, I know that. But at the same time
3 to be able to say, "Oh, my wife works at blah, blah,"
4 if they ask the question, it's such a freeing thing.
5 And I don't know who said it earlier but it let's me
6 go on with what I'm there for and it reduces the
7 stress around what really shouldn't matter anyway and
8 it puts us all at ease, I think.

9 MS. PATEY: It's also, you know, as
10 empowering to be able to cross out on every form that
11 says, mother and father, you know, mother and mother.
12 "Are the parents married?" which is the next -- yes,
13 you know, we are married. Our kids live with us
14 together, we as two women are a married couple. Very

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15 powerful.

16 MR. GOLDSTEIN: You have no idea the
17 romance involved in the term "party to a civil
18 union," it's fabulous. I'm just saying, it's really
19 fabulous.

20 MS. PATEY: You know, you'll have to
21 tell me about it some time.

22 MR. GOLDSTEIN: It's awe inspiring, I'm
23 just saying.

24 MS. POWERS: Sounds like an invitation
25 we should get in the mail.

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1 MR. GOLDSTEIN: Yeah, right.

2 MS. PATEY: Again, thank you very much.

3 MR. VESPA-PAPALEO: Thank you very much
4 for coming down here, appreciate it.

5 (There is a discussion held off the
6 record.)

7 MR. VESPA-PAPALEO: All right. Next on
8 the list is Mary Jane Weston. She's actually seated
9 over here so that the reporter can be sure to take
10 everything down, from the National Association of
11 Social Workers.

12 Welcome.

13 MS. WESTON: Thank you. Thank you, Mr.
14 Chairman and committee members. Thank you for having
15 me.

16 I'm very pleased to be here today to
17 address the commission on behalf of the board and
18 also the membership of the New Jersey chapter of the
19 National Association of Social Workers.

20 My name, as the chairman has mentioned,
21 is Mary Jean Weston. I am the assistant executive
22 director of NASW-New Jersey and I'm also a licensed
23 clinical social worker.

24 NASW-New Jersey is an association that
25 represents more than 7600 professional social workers

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1 in this state. Our association is committed to
2 advancing the social-work profession and professional
3 social-work practice, as well as promoting human
4 rights, social and economic justice, and unimpeded
5 services for everyone. Our members work in a broad
6 range of settings which include hospitals and other
7 healthcare systems, community agencies, government,
8 academia, business, nursing homes, schools, and
9 private practice.

10 As part of our mission at NASW-New
11 Jersey we fully support the rights of lesbian, gay,
12 bisexual and transgendered individuals, families and
13 communities. In 2006 in a friend-of-the-court brief
14 which was filed by NASW's national office and

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NASW-New Jersey, we noted that same-sex couples are already a part of existing families and provide important caregiving services to children as well as other family members. NASW also noted in the brief that marriage strengthens family bonds and increases the stability of families. NASW has been on record in these matters for many years. Our national organization adopted a policy statement on gay and lesbian issues in 1977, and then revised and expanded this statement in 1987, 1993, and 1996. NASW stands with other medical and mental health

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organizations in support of same-sex marriage.

I'm here today to support the effort to upgrade New Jersey's current Civil Union Law to real marriage equality. You've already heard testimony both today and in several other venues from many people who are in families with same-sex couples. They have explained brilliantly the rationale for real marriage equality. We at NASW-New Jersey would like to add that we believe marriage equality has a positive psychological impact on children.

First, marriage equality would enable gay children to grow up knowing that they would be able to marry like their peers. This has already been commented on and we certainly know the importance of this. This would reduce the many stressors that gay youth already face in a society that continues to threaten their safety and challenge their right to a normal life.

Second, marriage equality would allow children being raised by same-sex couples to call their parents married rather than to be forced to understand and, worse yet, explain the stigmatizing and cumbersome label of civil union. Were they civilized or were they unionized? is the question I hear most often.

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Finally, we believe that for all people, and especially for children, fitting in and being like others is an important component of good mental health. However, we would suggest that civil union establishes a category that implies a separate but equal status for couples in the State of New Jersey. This doctrine became the law of the land with regard to race in 1896 when the supreme court ruled in the case of Plessy v. Ferguson. However, we should also remember that separate by equal was later determined to be unequal in the eyes of the law and was overturned in 1954 when the supreme court ruled in the case of Brown v. The Board of Education.

On the one-year anniversary of New

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15 Jersey's Civil Union Law, your commission released a
16 report on the law's serious shortcomings. You have
17 detailed the widespread suffering by same-sex couples
18 because they cannot marry. For this we truly thank
19 you, but we believe that it is now time to move
20 forward on this issue.

21 We at NASW-New Jersey will not stand by
22 ideally as the Civil Union Law wreaks legal,
23 financial and emotional havoc on same-sex couples and
24 their children. We cannot wait while New Jersey
25 maintains the well-intentioned but ultimately

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1 unsuccessful plan that promotes a separate but not
2 fully equal status for same-sex couples.

3 Now New Jersey must take the next step.
4 We must ensure that every public official takes a
5 position on real marriage equality. A ZOGBY
6 International poll from August 2007 tells us that New
7 Jersey voters would support this measure by a margin
8 of 2 to 1.

9 Therefore, NASW-New Jersey is prepared
10 to work with couples who have been joined by civil
11 union, as well as others in New Jersey, to recognize
12 that civil unions are not marriage, that civil unions
13 are discriminatory, and that we must, through real
14 marriage, ensure adequate healthcare and economic
15 security for gay and lesbian couples. We will urge
16 every NASW-New Jersey member to join with you, with
17 other coalitions, and with the voters of this state
18 to secure the benefit of real marriage for gay and
19 lesbian couples in New Jersey.

20 And NASW-New Jersey stands ready to work
21 with this commission to press Governor Corzine and
22 state legislatures to replace the failed Civil Union
23 Law with real marriage equality.

24 Again, I want to thank the chair and the
25 members of the commission for the opportunity to

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1 present this information from NASW-New Jersey.

2 MR. VESPA-PAPALEO: Thank you very much.

3 MS. WESTON: You're welcome.

4 MR. VESPA-PAPALEO: Any questions?

5 Babs, any questions on your end?

6 MS. CASBAR-SIPERSTEIN: No, not right

7 now. Thank you.

8 MR. VESPA-PAPALEO: Anyone else?

9 That was very, very thorough. Very much
10 appreciate that. Thank you for being here.

11 MS. WESTON: Thanks for having me.

12 MR. VESPA-PAPALEO: Okay. Next up is

13 Mr. Tom O'Brien.

14 MR. O'BRIEN: My name is Tom O'Brien.

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15 I'm a 17-year-old gay male from Montclair, New
16 Jersey, born and raised, Jersey-bred boy.
17 Ever since I was little I've had myself
18 pretty figured out. I've known since I was real
19 young that I've been gay, but as I got older I became
20 a little confused because I was wondering why all my
21 friends' parents, they were all male-female. Every
22 character in every book I read, there was no
23 same-sex, male-male or female-female couples, until I
24 got to the point where my all friends started dating
25 girls and then I decided, well, I want to be normal,

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1 I want to be just like them, so I had my run with a
2 few girlfriends and I was in middle school.
3 Obviously it didn't really work out. And so I guess
4 I came to the point now in my life where I realize
5 that I don't have to conform to what everyone else
6 tells me I should be.

7 So I'm here today to tell you that I'm
8 tired of being a second-class citizen. I'm tired of
9 being in my high school and not being allowed to give
10 blood at the high-school blood drive, or I want to be
11 able to, in the future, talk to my brothers and say,
12 "Nick, you have a wife, you love her very much.
13 David, you have a wife, you love her very much. But
14 I have a husband and I love him too."

15 And I'm just tired of having my future
16 be in jeopardy because certain people don't feel
17 comfortable giving equal rights to gays and lesbians
18 alike.

19 And I'm not really sure what to say, but
20 it's just the emotional damage that's been done by
21 knowing that it's not -- that I don't have the equal
22 rights that both my brothers have I don't think can
23 ever be undone. Even if I'm allowed to have marriage
24 now, which would be an amazing thing, like, the
25 damage that's been done since I was really little to

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1 now, I don't think it can ever be undone.

2 But being able to be married now would
3 be such an amazing feeling, to know that some time in
4 my life I can be equal to everyone I know, to both my
5 brothers and all my friends that I have. Like, I
6 don't understand why I can't have the same rights
7 that everyone I grew up with has. It's just a
8 confusing situation to be in, and the more I think
9 about it, the more angry I get, the more confused and
10 upset.

11 The people who passed the laws that say
12 civil unions are equal, even though everyone knows
13 that they're not, I guess that's why we're here
14 today.

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15 Any questions?
16 MS. ALLEN: Why are you not allowed to
17 give blood?

18 MR. O'BRIEN: Because I'm gay and gays
19 can't give blood.

20 MR. VESPA-PAPALEO: There's still
21 federal law.

22 MR. GOLDSTEIN: Is that a federal
23 direction or is that --

24 MR. VESPA-PAPALEO: An executive
25 directive. Trust me, we've looked at this issue

0135 1 repeatedly. It is federal law governed by the United
2 States. Yes, yes. And they've changed it slightly
3 to allow -- it's any gay -- any man at any --
4 actually the way it's written is any gay man that has
5 had a sexual relation since 1977. Not women that may
6 have --

7 MS. ALLEN: All blood is screened now.
8 Why would that --

9 MR. VESPA-PAPALEO: Because there was --
10 there's some movement now through the medical
11 profession to finally fix that at the federal level
12 to -- you know, recognizing that all blood gets
13 tested and all of this so it's really not an issue.
14 But you're right, and it's just another example of,
15 you know, confusion about the rights of certain
16 people in this country.

17 And our commission is here to take
18 testimony to give to the legislature and governor,
19 ultimately, with a recommendation of whether or not
20 civil union is working in New Jersey or whether
21 marriage is actually the appropriate mechanism to
22 recognize full rights.

23 And your testimony was really short,
24 succinct, but very powerful, so I thank you very
25 much.

0136 1 REV. BLUSTEIN-ORTMAN: I do have a
2 question.

3 REV. TAYLOR: I do, too. You go first.

4 MR. VESPA-PAPALEO: Go ahead, Charlie.

5 REV. BLUSTEIN-ORTMAN: Tom, my fellow
6 Montclairian.

7 MR. O'BRIEN: You're from Montclair?

8 REV. BLUSTEIN-ORTMAN: Yes; I'm at the
9 Unitarian church.

10 So can I do a little supposing with you?
11 I'm supposing that a chunk of education at Montclair
12 High School takes place at the lunchroom table?

13 MR. O'BRIEN: Or the hallways.

14 REV. BLUSTEIN-ORTMAN: Or the hallways.

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15 And I'm wondering, you know, as you
16 gather with other gay students at Montclair High and
17 this conversation is the topic -- is that the case
18 that this conversation is the topic?

19 MR. O'BRIEN: Not as often as it should
20 be.

21 REV. BLUSTEIN-ORTMAN: When it is the
22 topic, then, in those too short of times that it is,
23 how does the conversation go?

24 MR. O'BRIEN: It's more people -- I
25 think the conversations about gay rights that happen

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1 in the high school are more so people talking about
2 why we're still called faggots in high school and,
3 you know, verbally and physically abused by the
4 people in the school. And it's -- I think it's
5 more -- the conversations we have are more directly
6 what's happening to us currently than the rights we
7 might have in the future. But I would like to see
8 more conversations happen about gay marriage and
9 civil unions.

10 REV. BLUSTEIN-ORTMAN: Maybe we should
11 talk about forums.

12 MR. O'BRIEN: That would be a great
13 thing.

14 MR. VESPA-PAPALEO: Are there
15 conversations, Tom, about marriage in general? I
16 mean, you've gone through the school system now, I
17 assume, from being, you know, a young kid now to an
18 adult. In health education classes and so on were
19 there conversations in the curriculum about what
20 families are and, you know, marriage and what that
21 all means growing up, or no?

22 MR. O'BRIEN: Unfortunately Montclair
23 High's health and family education system is almost a
24 joke. But what we do learn, we don't learn about
25 same-sex marriages. The only time I can remember

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1 learning about marriage was when I was really
2 younger, maybe in first or second grade or
3 kindergarten, learning that a family was a mommy, a
4 daddy and kids. But I come from a family of two
5 straight parents, two straight brothers, and I'm
6 tired of not fitting in with them.

7 MR. GOLDSTEIN: By the way, Tom, I'm
8 astounded because Montclair, everybody knows here
9 that Montclair is, arguably, one of the most
10 progressive suburbs, towns in America, and it was
11 actually ranked in some survey as the number one most
12 progressive town in America excluding --

13 REV. BLUSTEIN-ORTMAN: The safest.

14 MR. GOLDSTEIN: Progressive, actually

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15 too. Safest. But there was progressive based on
16 voting behavior?

17 MR. O'BRIEN: I think that says
18 something, also.

19 MR. GOLDSTEIN: I'm astounded.

20 REV. BLUSTEIN-ORTMAN: Maybe progressive
21 means room to grow.

22 MR. O'BRIEN: -- what progressive means
23 and about what status in this country is at right now
24 and what level of progression we have right now.

25 MR. GOLDSTEIN: Tom, why don't you feel

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1 civil unions are enough?

2 MR. O'BRIEN: Because besides the
3 obvious legality issues, it's a separate word. It's
4 a totally different -- it's like if my two brothers
5 can be married and have their relationship with their
6 partner/wife be called a marriage and I can't, that
7 puts me in a second-class citizen state which I never
8 want to be in, which I currently am in right now but
9 I am desperately trying to get out of. I think most
10 people are if they're in the situation. I think
11 everyone is. So --

12 MR. GOLDSTEIN: Understood.

13 REV. TAYLOR: I'd, if I could, like to
14 dream with you, because I heard you say earlier that
15 even if it happens now, you know, you'd still be
16 angry. But at 17 does it change the ways and the
17 words of dating? Does it -- you know, because now
18 you get to, perhaps, consider I'll go to college and
19 then I'll and then I'll.

20 MR. O'BRIEN: Well, I was talking
21 earlier with someone about how if gay marriage is
22 allowed, then there's almost a finish point for gay
23 relationships, there's a point where you want to
24 reach. But there is none for me right now except for
25 a civil union which is not --

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1 REV. BLUSTEIN-ORTMAN: Not working.

2 MR. O'BRIEN: -- much at all.

3 So I think dating would change because
4 then it kind of makes it more serious if we're
5 considered a real relationship, which we're not for
6 the most part.

7 MR. KOMOSKINSKI: Can I ask, for other
8 17 year olds straight or gay, I guess more straight
9 actually, civil unions, we talked a lot about people
10 don't understand what that is. Is there any
11 understanding at the 17-year-old level what a civil
12 union is versus --

13 MR. O'BRIEN: Not much, unfortunately.
14 And I know it's -- I know legally it's not the same

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15 as marriage even though technically it's supposed to
16 be, but I know that emotionally it's very different.

17 MR. VESPA-PAPALEO: Have your
18 colleagues, you know, in your age group, whether at
19 your school or other friends, been made aware of
20 Massachusetts' role in providing marriage of same-sex
21 couples and how has that played out in terms of their
22 perspective?

23 MR. O'BRIEN: I think most people are
24 aware but I personally happen to not have many gay
25 friends, unfortunately, so I wouldn't be totally

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1 aware. But I imagine that -- for me it's almost
2 infuriating that people so close, just like a short
3 drive away, have rights that I don't have two states
4 south. And it's really -- it's kind of encouraging
5 actually because it can be done, obviously, because
6 it has been done before as you just heard from two
7 amazing couples.

8 MR. GOLDSTEIN: How does it feel to hear
9 them?

10 MR. O'BRIEN: I was holding back tears
11 most of the time because I was envious, and also just
12 really proud that it can be done and that it was
13 done. I think I remember seeing Marsha and Susan, I
14 think I remember seeing you on TV once, actually on
15 the lesbian and gay channel and just seeing you in
16 person is amazing to me.

17 MR. VESPA-PAPALEO: They are the Rosa
18 Parks -- I'm not kidding, they are the Rosa Parks of
19 marriage equality in this country. So they really --
20 you know, what you were saying about holding back
21 tears, I think many of us around the table felt the
22 same way.

23 MR. GOLDSTEIN: Beyond belief.
24 All of you came down from Massachusetts,
25 both couples.

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1 MR. VESPA-PAPALEO: Melissa, do you have
2 a question?

3 REV. BLUSTEIN-ORTMAN: Tom, you said
4 something that was really significant to me and it
5 was so brief that I just want to hold it up a little
6 bit, and that is that when marriage equality is real,
7 then you can take dating seriously. And, you know,
8 we all know that dating is a significant part of
9 adolescence and growing up, and for you to not be
10 able to take that seriously is an incredible loss.
11 And the prospect of being able to take it seriously
12 is the prospect of an incredible gain.

13 MR. O'BRIEN: It's -- it was -- it's
14 hard to take something seriously when it's not taken

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15 seriously by society and when you're not taken
16 seriously by other people. I feel like a law that
17 says you have to take it seriously will force people
18 to take it seriously and over time people will take
19 it seriously and get more comfortable with the idea,
20 make it a lot easier for me and everyone my age or
21 younger or older to feel comfortable doing what
22 they're doing.

23 REV. BLUSTEIN-ORTMAN: Thank you.

24 MR. VESPA-PAPALEO: Any other questions
25 for Tom?

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1 REV. TAYLOR: Tom, I wish for you the
2 day that you can tell your grandkids that your
3 husband was your college sweetheart.

4 MR. O'BRIEN: I hope that can happen
5 some day.

6 MR. GOLDSTEIN: So cool. That was
7 eloquent, Rev. Kev. That was cool.

8 MR. VESPA-PAPALEO: Thank you very much,
9 Tom, appreciate it. Thank you very much for coming
10 down here.

11 MR. GOLDSTEIN: But I know that some of
12 you have to leave, we have two more witnesses. I
13 just want to thank you on behalf of all of us,
14 especially -- not just Tom -- those of you who came
15 down from Massachusetts, I know you schlepped down on
16 a train. You touched -- I speak for me but I'm sure
17 I speak for others here as well, us beyond belief. I
18 mean, you have no idea. It was much more -- it was
19 much more than just -- it's indescribable. I mean,
20 honestly, you just did what we called mitzvah for
21 coming here.

22 (There is a discussion held off the
23 record.)

24 MR. VESPA-PAPALEO: Stephani and Sally
25 Sharp-Fried and their daughter Miriam, come on up.

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1 Welcome. Welcome, and please introduce yourselves.

2 THE WITNESS: Hi, I'm Miriam, I'm 16,
3 and these are my moms, Stephani and Sally. They've
4 been together for 28 years. I have a brother, Max,
5 who's 20, and we live in a really small town,
6 Milltown, New Jersey. It's like a square mile; it's
7 really tiny, really sheltered.

8 When I was little I actually always
9 thought my parents were married. I had all these
10 friends and they had two parents and they were
11 married and I was like, I have two parents and
12 they've been together, they're married. I just
13 thought that, I grew up thinking that. And then I
14 think I was probably in elementary school and I

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15 realized that they weren't, and that was really hard
16 for me because it kind of took away this thing that I
17 thought was there and it wasn't. And I know how much
18 my parents love each other and I just couldn't
19 comprehend how other people couldn't accept that or
20 see that, and how they couldn't get the same rights
21 as other people. And that kind of, like, opened my
22 eyes and I went from being kind of this innocent
23 child and everything, I have a normal family when I
24 always thought I was younger, to kind of realizing I
25 was different and I was forced to realize that I was

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1 different.

2 And, like, going to school with, like,
3 other kids and it kind of went from when I was
4 younger, oh, I have two moms, from kids being like,
5 "That's really cool," as being a little older and
6 kids being, "You have two moms? That's weird." And
7 that's kind of when I stopped coming outright and
8 telling people.

9 And it kind of got harder for me because
10 I kind of just kept it more to myself. And then, of
11 course, all my good friends knew and stuff in my town
12 and stuff because it is really small. It's like
13 we're kind of known. I'm still known as the girl
14 with two moms, the girl with the lesbian parents in
15 my high school and stuff.

16 And high school is definitely difficult
17 for anyone, but it's really difficult for someone who
18 stands out as much as I do, especially in this town
19 where everyone is so similar.

20 And people still come up to me sometimes
21 and be like, "Oh, are you the girl, you have two
22 moms, right?" And it's like, "Yeah."

23 And now since they had a civil union a
24 year ago, which, you know, was nice, it was a nice
25 ceremony, it was beautiful, but I kind of had to

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1 explain to people, to my friends, my few friends that
2 I told, my parents are getting married. Well, no,
3 they're not really getting married; they're having a
4 wedding but they're not getting married, they're
5 having a civil union. And honestly I can't -- I
6 would say maybe, like, .01 percent of high schoolers
7 know what a civil union is. Like, no one knows what
8 that is. So I have to kind of explain that.

9 And I don't see what the reason is that
10 they can't get married. Why do they have to have the
11 separate thing? It's, like, with equality comes
12 acceptance, but there's no equality right now so how
13 can we expect people to accept them? It's not fair
14 in any way, shape or form.

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15 I just -- I don't know what to say.
16 REV. BLUSTEIN-ORTMAN: Well done.
17 MR. VESPA-PAPALEO: Wow. Thank you,
18 Miriam. Are you running for president because you're
19 an outstanding speaker, really. You should be very
20 proud of that, and I'm sure your moms are very proud
21 of you.

22 Would either of you like to say
23 anything?

24 MR. STEPHANI SHARP-FRIED: I'm Stephani
25 Sharp-Fried, and I -- besides being the mother of

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1 Miriam, Sally and I are the mothers of our son, Max,
2 who is almost 21 and isn't here today because he's
3 studying engineering at the University of Vermont,
4 but he's here in his heart. I'm going to get
5 emotional because that's just my middle name.
6 I'm a psychologist. I have a private
7 practice in North Brunswick, New Jersey, and I work
8 with kids, adults, adolescents and families, and work
9 within the general population community. I also work
10 a lot within the gay community, with the gay families
11 or with gay kids and gay adolescents. I also work
12 with families who are gay and lesbian and have
13 children. So I sort of wear a lot of different hats
14 sitting here, but I'm going to talk a little bit more
15 with my personal hat on today.

16 Sally and I, we have a 21 year old. We
17 were the very first second-parent adoption in the
18 State of New Jersey, and we were granted that in 1993
19 when Miriam was not yet two and Max was not yet six.
20 Now, that meant for six years or almost six years --
21 I'm the birth mother of both of our children. We
22 were -- at that time we had been in a loving,
23 committed relationship for a very long time, eight,
24 nine years, before we had our -- eight years before
25 we had a child, yeah. And that Sally, who was by my

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1 side, we got together, we fell in love, we actually
2 connected because we both just always wanted kids.
3 We wanted the white picket fence and we wanted a
4 little house, and we wanted, you know, to just sort
5 of go about our business, you know, and have a
6 family. And, you know, this is back in, you know,
7 the late '70s. We were -- we were unwitting
8 pioneers, you know, just trying to carve out our
9 little life and create, you know, a loving family and
10 sort of do our thing. And we did have an awful lot
11 of support to have our children and to have our first
12 child, but because we're not married, we had
13 absolutely no protection under the law, we had no
14 protection. Yeah, on paper when that birth

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certificate in the hospital had to be signed, Sally's name was not allowed to be put on that birth certificate, and she is our son's mother just as much as I am. And later when Miriam was born, the same thing occurred.

So when we fought to see the legality of the second-parent adoption, it legitimized us. It legitimized us as parents but not yet as a family.

One of the really interesting stories, sort of just, I don't know, logistically and governmentally that happened is after Miriam was

born, the very first time I, sort of, filed my tax with the IRS that first year, a couple months afterwards I was being -- I was told that I was being audited. Now, why was I being audited? I was being -- the audit was regarding where did these children come from; you're not married. They saw my tax return, I was a single parent, you know, I was not married, and all of a sudden these children appeared. And if I tell you the run-around that the federal government gave me because we couldn't be married, because we weren't married, it was harassment of the nth degree. And what we had to do and what I had to do to prove that I had children, that they were my children, it was a nightmare, a nightmare that no one should ever have to go through. That's the first interesting story.

The second, of course, is I am -- besides "emotional" being my middle name, I am a Jewish mother, and, you know, as a parent, the most important thing, the most important thing is that our children are loved and cherished and nurtured, and that they feel safe and secure. And that their psychological development -- I'll put the other hat on for a moment -- is normal, that it's normal. And so as a lesbian parent who's not allowed to be

married to my children's other parent, duh, and I kind of -- you know, they're gone but I kind of relate a lot to Tom's feelings because when I'm given an opportunity to speak, besides the sadness comes the rage, so you'll get both today.

So how in the world have we been able to, I mean, raise two extraordinary young people who are both good people. I mean, in their souls and their hearts, good people, who care, who are bright, who are very involved in, you know, the world, in their communities, who add and contribute so much to their communities, and they have growing up. How, though, can we as parents, Sally and I, protect these children from cruelty, from hatred, from ignorance,

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15 from absolute prejudice that comes out in the form of
16 rejection and harassment, but most of all, as a
17 parent, safety, their safety. The level of
18 harassment can change on a dime to violence, and
19 everyone in this room knows that and we've all seen
20 it, we know the stories. But that, I live with that
21 every single minute since my children were born.
22 Would someone harm me, okay, that's one issue, but
23 the harm that can come to my children because their
24 lives, their family, their parents are not
25 legitimized.

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1 And the world takes advantage of that
2 illegitimacy that they live with, and that sucks. No
3 child should have to live with that. No child should
4 have to grow up like that.

5 And my children have done -- they've
6 grown up beautifully, articulately. They're
7 activists, again, you know, unwitting activists, you
8 know, because it's what our kids have to do.

9 In terms of being able to keep my kids
10 safe, I mean, you know, over the years, you know, I
11 mean, what starts to happen and you see it, I see
12 this professionally and, you know, I think as Tom
13 spoke and Miriam speaking, you know, kids get to
14 middle-school age and, you know, begin to separate
15 out and see who's different and what's different and
16 they all want to blend in. If you don't blend you're
17 at risk, you're just at risk. What are you at risk
18 for? Once again, depression, suicide or being a
19 target of violence, that's what you're at risk for.

20 Now, you know, it started happening in
21 middle school, our son Max who, you know, you know,
22 was just very involved. I mean, I was the Girl Scout
23 leader in our town, Sally was the den leader of Boy
24 Scouts. You know, we both coached soccer and, you
25 know, little league respectively over the years, very

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1 integrated into our small town and we're very active
2 and very involved. We're out everywhere. It's just
3 not -- when you have children it's not even --
4 doesn't really -- it's not a possibility to not be
5 out. You just are who you are, you present yourself
6 and people get it or they don't get it and they go
7 with the program. But middle school comes and there
8 are your children and they're in this place of
9 unsafety with their peers who are not taught the
10 right things at home and who see all the wrong things
11 at home.

12 And so it started, you know, with both
13 kids, probably with Max it was in sixth grade and
14 with Miriam it was in fifth grade, what was going to

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15 come their way in terms of being targeted. When our
16 son, who was -- he's an athlete and he played
17 baseball, and as a freshman in high school started,
18 he was on the baseball team, this very funny, earnest
19 young man all of a sudden showed up a couple of
20 months into his freshman year of high school a very
21 different person emotionally. He was sullen, he was
22 sad, he was not able to express what was going on for
23 him. And, you know, we knew something was up and,
24 you know, did what every good parent does to try and
25 sort of, you know, find out, you know, what's hurting

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1 your child. And he said nothing for way too long and
2 finally he decided to come clean with us; it was
3 because he was being harassed and targeted in his
4 freshman English class. It was going on constantly
5 and his teacher was doing nothing and she just sat
6 by, witnessed it and absolutely did nothing about it.
7 And he was also being targeted on the baseball field.
8 The coach also knew about it and brushed it off and
9 laughed it off and did absolutely nothing about it.
10 And he was depressed not because it was happening but
11 because he felt he needed to be the man in the family
12 and valiantly protect Sally and I.

13 Once he told us and once we talked about
14 it and we went into the school and spoke to everybody
15 from guidance to principals to -- because, again,
16 we're the unwitting pioneers in this area, our
17 children are just that much older, and the school was
18 extremely supportive and we were able to bring in
19 Christian and Carol Wexler (phonetic) and all sorts
20 of trainings occurred and, you know, happened for,
21 you know, professionals in the district and it
22 became -- you know, it became -- you know, at least
23 we have point people in the high school building with
24 Miriam now so that we felt that things were a little
25 bit safer for our children, a little bit. They had

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1 someone to go to.

2 MR. VESPA-PAPALEO: Stephani, do you
3 think that any of that might have been different for
4 even Miriam if you were both in a marriage?

5 MS. STEPHANI SHARP-FRIED: No question.
6 If Miriam and Max had grown up with two parents who
7 were married, there's, again, the legitimacy and the
8 awareness that Miriam talked about. I mean, it's --
9 they go hand in hand, they dovetail. Being
10 legitimately legally, you know, honored by society,
11 brings about a world of difference in society in
12 terms of understanding these issues and marking these
13 issues as okay.

14 MS. SALLY SHARP-FRIED: And I think in

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15 this day and age, people would be a little more
16 reticent to be so bigoted in that event. It's like,
17 you know, I'm a high-school teacher, I don't hear
18 racist remarks, but I hear the, "Oh, he's so gay,
19 that's so gay," you know. I think if the legality,
20 if the laws were changed, it would give that much
21 more oomph to not expressing prejudice.

22 I didn't mean to cut you off.

23 MS. STEPHANI SHARP-FRIED: Go for it.

24 MS. SALLY SHARP-FRIED: I know we been
25 here a long time; I just want to add a couple of

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1 short things.

2 Part of, I think, how Miriam and Max got
3 to be who they are was the safeguards that we tried
4 to put in place for them. One was the second-parent
5 adoption. The other was before Max was to start
6 public school as a first grader, Stephani and I, you
7 know, took a big breath and marched into the
8 principal's office and introduced ourselves and let
9 that gentleman know that we expected him to do the
10 right thing and be the right person, which he did.
11 And the schools were, you know, for the most part,
12 until, I'd say, really high school, the teachers were
13 great. But we spent a lot -- we have spent a lot of
14 our time and energy in raising our children to go out
15 and, you know, pave the way for them so that they
16 could have, you know, some safety, some, you know,
17 semblance of normalcy in a world that might not look
18 at them that way.

19 And we did what we could. Obviously,
20 you know, it's not a perfect world, but we took a lot
21 of energy that could have gone into, you know, I
22 don't know, making more cookies or whatever. But,
23 you know, it's like, you know, we have had to spend a
24 lot of our time raising children also, you know,
25 going out and raising awareness about -- and changing

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1 the world. And it's not a bad thing but, you know,
2 there could be other ways that we could be putting
3 that energy.

4 So thank you.

5 MR. VESPA-PAPALEO: Thank you very much.
6 We very much appreciate you being here especially at
7 this late hour. And thank you, Miriam, for
8 introducing us to your moms.

9 All right. And then last up is Jill
10 Powell and Ashley.

11 MS. POWELL: Hello. I'm Jill Powell. I
12 am a gay single mom. I live in Maplewood, New Jersey
13 with my daughter Ashley who is also gay.

14

So where do we begin? There's so much

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15 to talk about and so little time.

16 Ashley, do you want to --

17 MS. ASHLEY POWELL: Yeah. I'm an eighth
18 grader at Maplewood Middle School and I came out at
19 the beginning of this year, end of the summer. I
20 have a girlfriend that I've had for almost a year
21 now, and I can honestly say that I am truly in love
22 with her. And, you know, whether the state
23 recognizes it or not, it's legitimate love, as
24 legitimate as any love that she would have with an
25 adult and as legitimate as any love that any straight

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1 relationship would have.

2 And we, you know, of course, sit around
3 and dream about how we'd love to get married and
4 have -- we want to start a family and live in that
5 white picket -- white house with the white picket
6 fence and the blue shutters. And whether that's
7 reality or not and whether we'll actually be able to
8 be married we don't know. And when it comes down to
9 thinking about that, it ruins -- you know, it ruins
10 all of our romantic dreams.

11 And so -- and I can remember growing up
12 with a gay mom and how that affected me when I was
13 little, and it didn't really start until sixth grade.
14 When I was little, third grade, fifth grade, none of
15 it mattered. Kids, it was I had a mom, she was I
16 think at the time with a partner? Were you with
17 Beth? With a partner for -- and she had been with a
18 partner for about two, three years at the time. And
19 it was a non-issue, there was no problem with that.
20 Everyone knew that my mom -- she was a cool mom,
21 related with all the kids and she had a girlfriend.
22 They weren't married, she had a girlfriend. And then
23 when I changed schools, went to, I think it was
24 Central 6, it was just sixth grade in West Orange,
25 you know, I wasn't surrounded by a great crowd of

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1 kids anyway, but on top of that everyone knew that I
2 had a gay mom. And I was harassed many times. On
3 weekends when I was out with friends, "Oh, you're the
4 kid with the lesbian mom." You know, "You're weird,
5 you're this, you're that." But, and then I got down
6 to a point where I got into an argument with a kid,
7 and he said -- I can't remember, he said, "Oh, oh,
8 you have a lesbian mom. You know, you're weird.
9 That's not the way it's supposed to be, that's not
10 what it says in the bible."

11 And my answer was, "You must not know my
12 mom because anyone who knows my mom knows that she's
13 awesome and that everyone loves her and she can
14 relate to all my friends."

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15 But it's still, it was hard, because if
16 you -- the state can't recognize that lesbian or gay,
17 gay love is love, then how do you expect a
18 nine-year-old little kid to understand that.

19 So -- and now the way it is, we live in
20 Maplewood now and I'm out completely, everyone knows,
21 everyone, and I walk down the street holding -- we
22 hold hands, you know, it's fine. At school even, we
23 went to a school event two days ago and we were out
24 there, too, we were holding hands, everything was
25 fine. We're not -- you know, we're not all over each

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1 other, we're respectful there. And we get looks, we
2 get looks from parents, we get looks from kids, like,
3 "Oh, look, there they are" kind of looks. And, you
4 know, it doesn't matter, you know, we're in our own
5 little world and everything is fine. But still, we
6 get the looks on the streets and going to
7 restaurants. And obviously we're not created
8 equal -- treated equal.

9 And we don't dream of, you know,
10 having -- not -- like, not being able to call our
11 marriage marriage, that's not what we dream about.
12 We dream about getting married and having a family
13 and being able to call that a family and knowing that
14 that's love and it's true love no matter what sex we
15 are.

16 And it's not -- right now we know that
17 that's not the way it is in New Jersey and that it's
18 a problem. I mean, that's where we get into
19 conversations that are outside of just our love
20 relationship. It's more, you know, are we actually
21 going to be able to be married. And it turns from
22 romance to anger really quickly. And --

23 MR. VESPA-PAPALEO: Ashley, may I ask a
24 question before your mom speaks?

25 In terms of, you know, friends of yours

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1 or other people that you deal with your age, do you
2 feel that if the state recognized marriage for
3 lesbians and gay men, that you as a lesbian, a young
4 lesbian woman, would be treated differently if there
5 was marriage out there?

6 MS. ASHLEY POWELL: Definitely.
7 Actually a situation happened today that involves
8 that exactly.

9 I was walking around gym, during gym
10 class, with a special-needs kid. There's a woman who
11 walks around with two -- there's a blind girl and a
12 kid with a mental disability. I think he's the
13 sweetest kid in the world personally and everyone is,
14 "Oh, why are you hanging out with him?" I walk

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15 around with him in gym, he's a nice kid. But today
16 he asked me, "Do you have a boyfriend?"
17 I said, "No, actually, I have a
18 girlfriend. You might know her."
19 And he said, "You have a girlfriend?"
20 That's wrong, that's a disease. You need to go get
21 help for that."
22 And I was like, "Why is it a disease?"
23 And he was like, "You can't get married.
24 Well, that's why, you can't get married. Obviously
25 something is wrong with it."

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1 So --
2 MS. POWELL: Which leads me to the point
3 that I'd like to make.
4 You know, it's not the way the numbers
5 roll out for a gay mom to have a gay child, it's just
6 not the way it happens, but, nevertheless, I have an
7 extraordinary child and very proud of her. I'm
8 emotional, too.
9 I grew up in the deep south where you
10 cannot be gay even still today, it is just not safe
11 to be gay. And I knew, actually, I was gay from the
12 time I was eight years old, absolutely knew it. Knew
13 that I was attracted to girls, not boys, just was
14 what it was. And I knew that I had to hide it. But
15 I also had this other thing in growing up was that I
16 had an innate desire to be a mommy and to have a
17 family and to sit down at dinner at 6:00 and just
18 live a normal life. To, sort of, right the wrongs of
19 my own childhood, I guess, to have that. And so
20 there was this -- there's this dilemma: I needed --
21 I wanted to be a mommy and I thought, Well, the only
22 way I can be a mommy is I have to be married, and the
23 only way I can be married is to find a man. So
24 that's what I did; I went and I found a man and I
25 married him. And, you know, my process was what it

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1 was and I didn't come out until I was 35 years old.
2 I'm 42 now. And it has been an incredible journey in
3 itself.

4 To your point, I don't know your name --
5 MR. VESPA-PAPALEO: Frank.

6 MS. POWELL: -- Frank, early on in the
7 first testimony you said, I think you were playing
8 the devil's advocate a little bit about the third
9 grader. You know, I think it's an amazing thing that
10 when Ashley was six, I came out, and she -- I guess
11 if I do the math, I've been out longer than I
12 thought, but --

13 REV. BLUSTEIN-ORTMAN: Math is always a
14 problem, isn't it?

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15 MS. POWELL: She accepted it, you know.
16 It was the divorce that was hard. It wasn't the fact
17 that I had fallen in love with a woman. Love is
18 love, period, the end. Will I be safe? Can I get a
19 dog? To bridge that gap, that experience, that
20 moment, that was hard times. But it wasn't about
21 loving a woman. Love is love.
22 We teach them in society by separating
23 us out of society, by saying you are civil union,
24 you're not marriage. Two people who love each other
25 of the same sex are not married, we teach these

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1 children to judge. They are born not judging, they
2 are innocent and lovely and they accept it. If you
3 ask any -- any three year old, any third grader, you
4 know, they're totally fine with it. We teach them to
5 hate, we teach them to discriminate.

6 And so we go back to the word
7 "marriage." If it did exist, I think it would have a
8 trickle-down effect. And I use this parallel and
9 it's a really goofy one, but I'm going to go ahead
10 and throw it out here because I think it actually
11 works.

12 So they've offered us civil union and
13 that's all -- that's a step. Let's -- that's a
14 beautiful step towards equality. It's not equality.
15 There have been many laws that have changed over time
16 as we've evolved in society and learned that this is
17 not appropriate any more for what we know now. My
18 mother used to smoke when she fed me; now I think
19 she'd probably be locked up if she did that now
20 because we know more. We now know more, we've
21 evolved. Laws change when we evolve.

22 You used to not have to wear a seat belt
23 in life, if you remember. We wore -- we had all
24 those cars and they had those seat belts that went
25 across those bench seats but we didn't always wear

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1 them and we piled tons of kids in the front seat, the
2 back seat, the whatever, right, and there was no
3 problem with it. None of us ever thought about it
4 being a problem.

5 But then the law came and they changed
6 it and they said you must wear a seat belt because we
7 now know that seat belts will keep you safe. So we
8 got in our car and we buckled our seat belt. Damn
9 it, why do I have to wear it? Oh, God, I'm going to
10 put the seat belt on. Okay, I'm going to put the --
11 all right, I'm getting in the car, I'm going to put
12 the seat belt on. You didn't want to put the seat
13 belt on, you didn't believe, necessarily, that you
14 had to. You did it because you didn't want to get a

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15 ticket. But over time you put that seat belt on
16 enough, now when I get in the car -- and I was one of
17 those, hated to wear a seat belt, I get in the car
18 and when I forget to put my seat belt on, I'll get
19 down the road and I have this moment where I go, Ah,
20 I'm unsafe, put your seat belt on.

21 So the law taught me something,
22 actually, and I think that this is a funny parallel.
23 However, if you tell society that we are normal,
24 which is why I fly a flag and put something on my car
25 because people would never assume I was gay, but if

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1 every gay person in the world identified themselves,
2 felt safe enough to identify themselves in society,
3 then we would have to accept that we are part -- a
4 normal part of society. We are in every church,
5 every neighborhood, every school, every everything,
6 every government. We are everywhere. We are a
7 normal part of society.

8 And because it's a catch-22, you're not
9 safe if you come out so you don't, la, la, la, la,
10 la, it's the same thing. I do it because I'm a
11 soccer mom, I pay taxes, I live in a great house, I
12 have a good job, we have a great life, and, oh, by
13 the way, when you stop by my garage sale, you're
14 going to learn that I'm gay. So when you go to vote,
15 maybe you'll think twice about your thinking about
16 gay people. We're normal, we're okay.

17 The label marriage, the entitlement, the
18 privilege, the beautiful privilege of marriage, I
19 think, has that same effect. You start off and
20 you're going to get rah, rah, you're going to get
21 people fighting against it. But what happens over
22 time is there's the trickle-down effect and everyone
23 says, Okay, since it's the law, it must be okay. You
24 know, discrimination against -- you know, what was
25 the woman in here earlier that said she's a teacher,

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1 she doesn't hear racial discrimination because
2 everybody knows that it's absolutely not okay, they
3 may say it behind closed walls and that's their
4 business, they have a right to feel however they
5 feel, it's their right, but don't stand in my way and
6 make me feel bad and make me separate of you in
7 society because of your own personal beliefs.

8 Church and state, keep religion out of
9 it. The only reason we're not married really does
10 boil down to religion. And so we must -- there's
11 such a trickle-down I think we teach everyone when
12 you allow us to be married. I don't even have a
13 partner, I don't have the love of my life, but you
14 bet when I meet her I'm going to want to marry her.

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15 You know?

16 And, you know, then you talk about your
17 child. What do you want more in life for your child?
18 You want them to grow up in a society where they're
19 okay, where they're safe, where they're loved, where
20 they're celebrated just for who they are.

21 She's a really good kid, makes excellent
22 grades, loves everybody. She's the counselor to all
23 the kids; they all come to her to talk about their
24 issues. And she's gay and she is experiencing, for
25 the first time, love. And I want to raise her in a

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1 society and in a community where she knows that she's
2 equal and that she doesn't -- she made a Freudian
3 slip earlier where she said -- what was it she said,
4 something about being created equal. I don't know if
5 it truly indeed was a Freudian slip because it was
6 funny, I thought, Well, isn't that something because
7 if you tell somebody long enough they're not okay,
8 they're not okay. I mean, we know this, there have
9 been a million studies, it's in every psyche book.
10 What's the big deal? It's working in Massachusetts.
11 Let's give this generation a chance.

12 And, oh, by the way, I work with kids.
13 I work with kids every day, teens. This generation
14 is so exciting, they're amazing. They are beautiful
15 thinkers, they are independent thinkers. I go to
16 rural parts of America and work with kids in a
17 program about self-empowerment and it is amazing when
18 you get these kids away from their families and you
19 try to get them to figure out what their core beliefs
20 are not having anything to do with the way they're
21 being raised, it is unbelievable how open and
22 beautiful and accepting they are. And I just think
23 it's timely. You know, let's do it.

24 New Jersey -- I left Manhattan to come
25 to Maplewood, New Jersey. I specifically chose

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1 Maplewood, New Jersey because I was leaving New York
2 City where I knew I was going to be okay to raise a
3 gay kid -- I mean, to be a gay mom. At the time she
4 wasn't gay, she hadn't come out yet, but I was a gay
5 mom raising a kid. Where is my kid going to be okay?
6 Chose Maplewood, New Jersey because of two articles
7 in The New York Times talking about how diverse it
8 was and how accepting. Not just accepting, but
9 celebrated people in our lifestyle.

10 So, you know, let's put our money where
11 our mouth is, let's go for it 100 percent, because
12 civil union just says we're going to keep those gay
13 people happy but they're still separate. We're still
14 in the other category. And, you know, I'm okay, I'm

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15 on my way, I'm 42 years old, but this one, I want her
16 to have every opportunity for a beautiful and equal
17 life, really.

18 Any questions?

19 MR. VESPA-PAPALEO: Thank you very much.
20 Very powerful. Thank you to both of you. And to you
21 especially, Ashley, for being so articulate. You're
22 outstanding.

23 MS. POWELL: Fourteen, my baby girl.

24 Thank you.

25 MR. VESPA-PAPALEO: Thank you so much.

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1 Have a safe drive back. Thank you very much.

2 And if there are no further questions,
3 we are going to adjourn the meeting.

4 REV. BLUSTEIN-ORTMAN: Do we have to?

5 MR. VESPA-PAPALEO: Any questions?

6 REV. BLUSTEIN-ORTMAN: Do we have to
7 adjourn?

8 MR. VESPA-PAPALEO: What do you have?

9 Do you have a comment or anything?

10 REV. BLUSTEIN-ORTMAN: No, no.

11 MR. VESPA-PAPALEO: Okay. Then let's go
12 ahead and adjourn the meeting. We're back in May --
13 yeah, May. May 21st. May 21st. Thank you very
14 much.

15 (Whereupon the proceeding is adjourned.)

16 (Time noted: 5:04 p.m.)

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CERTIFICATE OF OFFICER

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I CERTIFY that the foregoing is a true and
accurate transcript of the proceedings as reported
stenographically by me at the time, place and on the
date as hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney or counsel of any
of the parties to this action, and that I am neither
a relative nor employee of such attorney or counsel,
and that I am not financially interested in the
action.

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BETH VITTOR, C.C.R., R.P.R.
Certificate No. XI01463
Notary Public of the
State of New Jersey

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