

1 RE: NEW JERSEY CIVIL :
UNION REVIEW :
2 COMMISSION :
- - - - -

3

4 Wednesday, October 24, 2007

5 Nutley, New Jersey

6

7 BEFORE: CIVIL UNION REVIEW COMMISSION

8

9 COMMISSIONERS:

10

FRANK VESPA-PAPALEO, ESQ. CHAIR of CURC
11 STEVEN GOLDSTEIN, VICE CHAIR of CURC
BARBARA G. ALLEN, ESQ.
12 REV. CHARLES BLUSTEIN ORTMAN
BARBARA CASBAR SIPERSTEIN
13 PATRICK DEALMEIDA, AAG
SHEILA KENNY, ESQ.
14 ERIN O'LEARY, ESQ.
ROBERT BRESENHAN, JR. NOT PRESENT
15 STEPHEN J. HYLAND, ESQ. NOT PRESENT
JOSEPH A. KOMOSINSKI, NOT PRESENT
16 REV. KEVIN E. TAYLOR, NOT PRESENT

17

18 ALSO PRESENT: ESTER NEVAREZ, CURC STAFF

19

20 ROSENBERG & ASSOCIATES, INC.

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22 425 Eagle Rock Avenue - Suite 201

23 Roseland, New Jersey 07068

24 (973) 228 - 9100

25 www.rosenbergandassociates.com

1 MR. VESPA-PAPALEO: Let's get
2 started. Good evening. My name is Frank
3 Vespa-Papaleo. I am the Chairman of the New
4 Jersey Civil Union Review Commission.

5 We're going to take attendance.
6 I'll have the Commissioners introduce themselves
7 and then I will go through the rules of this
8 evening's public hearing. Steven, also, when you
9 speak on the mic, press this button.

10 MR. GOLDSTEIN: Hi, everyone, I'm
11 Steven Goldstein. I'm Vice Chair of this
12 Commission. Happy fall to everyone.

13 MS. ALLEN: I'm Barbara Allen. I'm
14 a representative of the Department of Union
15 Services.

16 ERIN O'LEARY: Representative of the
17 Department of Children and Families.

18 MR. DEALMEIDA: I'm Patrick
19 DeAlmeida. I'm Assistant Attorney General in the
20 State of New Jersey and I'm the Attorney General
21 Designee.

22 MR. VESPA-PAPALEO: Before we
23 continue, we're having a technical issue.

24 SHEILA KENNY: I'm Sheila Kenny.
25 I'm a representative from the New Jersey

1 Department of Banking & Insurance.

2 REV. CHARLES BLUSTEIN ORTMAN: I'm
3 the Reverend Charles Blustein Ortman. I'm Pastor
4 of the Unitarian Universal Congregation at
5 Montclair.

6 MS. SIPERSTEIN: Barbra Casbar
7 Siperstein, Director of the Gender Rights Advocacy
8 Association of New Jersey.

9 MR. VESPA-PAPALEO: Okay. First of
10 all, thank you to Mayor Joanne Cocchiola and the
11 Commissioners from the Township of Nutley, and for
12 giving us the opportunity to have this public
13 hearing here in Nutley this evening.

14 We have some rules I want to share
15 with everyone. First of all, anyone interested in
16 testifying this evening, we welcome you to just
17 sign up in the hallway as you enter in order to be
18 sure that you get called to testify.

19 Anyone that has signed up to testify
20 is welcome to speak for up to four minutes. We'll
21 give you a one minute extension if you go after
22 that.

23 I'll be Chairing this meeting and be
24 making sure that the meeting is conducted in a
25 civil and respectful manner so whatever testimony

1 people have, please keep those to demonstrations
2 of civil liberty in mind when giving your
3 testimony.

4 Any of you that may have a written
5 testimony that you would like to share with us
6 that we could take back with us and put it into
7 the record, feel free after you testify. Give it
8 to Ester Nevarez.

9 Also, those of you that are here
10 tonight and could not make it and want to get the
11 word out to others, we are taking testimony
12 electronically. You can e-mail that to our
13 website or our e-mail address which is
14 CURC@NJCivilRights.org.

15 We would be happen to take your
16 testimony in that fashion as well.

17 When you come up to testify, I will
18 call the names. When you come up to testify,
19 please speak slowly and clearly as the testimony
20 is being registered by a court reporter and also
21 by our CART Service for people with hearing loss.

22 Finally, there are seven
23 responsibilities of this Commission and I want to
24 be sure that you are aware of them so I will read
25 them from the Statute. It establishes we are

1 Review Commissioners.

2 This Commission is to meet for a
3 period of three years and issue reports every six
4 months.

5 Our first report will be issued in
6 December of this year and we are limited to the
7 following seven items and only the following seven
8 items:

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

12 Number two, to collect information
13 about the Civil Union Act's effectiveness for
14 members of the public, state agencies and prior
15 and public sectors, businesses and organizations.

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

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

22 Number five, to evaluate same sex
23 couples, their children and other family members of
24 being provided civil unions rather than marriage
25 since we evaluate the financial impact on the

1 State of New Jersey of same sex couples being
2 provided civil unions rather than marriage, and
3 finally, to review the Domestic Partnership Act
4 and make recommendations whether or not in fact
5 they should be repealed.

6 You are welcome to further testify
7 to any of those seven items. If anyone moves in
8 to testify and it's not one of those seven items,
9 you will be ruled out of order and your testimony
10 will be stricken from the record because we are
11 here today to speak to those seven items.

12 Okay? Great. As we go throughout
13 the evening if other people want to come up and
14 testify, we will come back to you and then we will
15 keep you to the four, five minutes.

16 Anyone who wants more time after
17 that, we will put you on at the end of the list
18 afterwards so that everyone gets an opportunity
19 who wants to testify.

20 We'll be going in the following
21 order. I'll give you four minutes of time. Ed
22 Barocas, Charles Paragian, Brunner and Brunner,
23 Cathy Hume and Kayla Paragian.

24 MR. BAROCAS: Thank you very much
25 for allowing me to testify today. My name is Ed

1 Barocas. I'm Legal Director for the ACLU of New
2 Jersey representing 15,000 New Jerseyans.

3 Rights cannot exist merely in theory
4 or on paper. They must exist in reality or they
5 are meaningless and where rights are not equal in
6 application, then equal rights do not exist.

7 By creating a separate system of
8 rights and by ejecting language and titles not
9 understood or easily incorporated into existing
10 real life events and transactions, the Civil Union
11 Law has failed to fulfill its promise of equality.

12 The continued injustice for gay and
13 lesbian citizens exists on levels both profound
14 and mundane.

15 The profound, it affects families,
16 including children which you will hear more from
17 others so I won't speak on now.

18 On a more mundane level, we live in
19 a society where we deal in daily transactions, not
20 only with national corporations, but international
21 corporations.

22 The new language of civil unions as
23 the Legislature created is a foreign concept much
24 less to those corporations. The result is actual
25 disparity and treatment for those who are married

1 versus those who are forced to be "something other
2 than married."

3 A quick example, last week I went to
4 a bank to open a line of credit. In so doing, I
5 was asked whether I was single or married.

6 A married man would simply say,
7 well, I'm married. I asked the employee what I
8 should do if I was in a civil union. The employee
9 responded that he didn't think New Jersey allowed
10 civil unions.

11 So after explaining the law, I asked
12 again what I was required to put down. He said
13 that civil unions were simply not contemplated in
14 the bank's computer system and he didn't know what
15 the proper answer would be or how he could
16 proceed.

17 The obstacle and aggravation
18 encountered in just trying to fill out a simple
19 bank form might seem minimal or a petty complaint
20 to some, but it's just one example of what's far
21 from an isolated problem as I'm all sure you have
22 heard from others who have testified.

23 Obstacles like bank transactions
24 happen daily and death by a thousand tiny cuts is
25 just as harmful and often more immutable.

1 Marriage is an accepted term that
2 carries weight and currency. Civil unions is
3 simply something other than marriage.

4 Problems like the ones -- are not
5 simply a lack of education. The injection of the
6 term "civil union" requires companies to spend
7 untold dollars to alter systems and forms to
8 account for this new category that is neither
9 single or married, but somewhere in-between.

10 Not only will the alteration of
11 systems in foreign state money, it will also take
12 time during which same sex couples will be
13 burdened in achieving the simple life activities.

14 Someone answered that the bank
15 should simply click off marriage since its civil
16 unions are supposed to mimic marriage.

17 Wouldn't that be easier, less
18 expensive and ensure that everyone's rights are
19 treated equally and not ---

20 I would agree. But if that's so,
21 then we need to ask those same questions of the
22 State of New Jersey. Why place the onus on
23 businesses to ignore or overlook differentiations
24 that the State itself so distinctly chose to
25 construct.

1 And why put the onus on certain
2 segments of individuals to have to fight for their
3 rights, whether through spending time and energy
4 and aggravation or to retain lawyers and
5 instituting costly lawsuits.

6 The Civil Union Law also imposes
7 clear-cut legal disabilities on certain New Jersey
8 citizens.

9 I think this goes to Number 4 that
10 you mentioned, Commissioner Papaleo.

11 Rights don't exist in a vacuum. The
12 laws of this state affect how New Jersey citizens
13 are treated in other states.

14 In short, by denying same sex
15 couples the rights to marriage, the law denies
16 some of the rights and actual benefits of
17 marriage. And I have two quick examples.

18 Other locations in the United States
19 and around the globe, Massachusetts, Canada,
20 Spain, recognize same sex marriages that are
21 performed in other jurisdictions. And because
22 they do not discriminate or differentiate based on
23 sexual orientation, unlike New Jersey, their laws
24 don't contemplate the term "civil union."

25 If New Jersey permits same sex

1 couples to marry as heterosexuals do, then the
2 couples who have rights are recognized in those
3 jurisdictions.

4 However, since same sex couples are
5 precluded from marriage in their home State of New
6 Jersey, their relationships are not recognized or
7 enforceable in those locations. And it's not
8 those locations that have created the disparity of
9 rights and recognition, but rather, New Jersey,
10 which has segregated and differentiated the rights
11 of one group from that of all others so same sex
12 couples traveling abroad do not have the same
13 rights recognized as heterosexual couples because
14 New Jersey doesn't allow that. Same sex couples
15 from New Jersey who moved to Massachusetts would
16 have to refile --

17 MR. VESPA-PAPALEO: You have one
18 minute left, Mr. Barocas.

19 MR. BAROCAS: Thank you. In
20 Massachusetts for actual marriages whereas
21 heterosexual couples don't. It's automatically
22 recognized.

23 Another example, the same problem
24 exists when married same sex couples from other
25 jurisdictions move to New Jersey.

1 Attorney general Paul -- agreed in
2 2007 results in all same sex marriages legally
3 entering in other jurisdictions is being
4 transformed to civil unions.

5 That means that these couples now
6 have two separate legal relationships, a marriage
7 recognized by certain jurisdictions and civil
8 unions recognized in New Jersey. Should they end
9 their relationship, the dissolution in New Jersey
10 doesn't dissolve the marriage. There is no
11 divorce.

12 And therefore, it requires two
13 separate legal processes, two lawyers involved and
14 additional money, time, and legal problems.

15 In closing, we should be well beyond
16 the time when we believe that separate can ever
17 truly be equal.

18 There's ample evidence showing that
19 without the right to marriage for same sex
20 couples, the State will forever place the rights
21 of certain New Jersey families in peril and
22 subject them to the same "Social indignities and
23 economic difficulties that they daily face due to
24 their inferior legal standings of their
25 relationships." That the Civil Unions Law was

1 meant to rectify to which it has failed miserably.

2 That's about half of my full written
3 testimony. I submitted the full written testimony
4 which you can read. Thank you very much.

5 CHAIRMAN VESPA-PAPALEO: Thank you.
6 Charles Paragian, Mrs. Denise Brunner, Mrs. Fran
7 Brunner, Cathy Hume and Kayla Paragian.

8 MR. PARAGIAN: Good evening. I came
9 to the first hearing and I wouldn't pass up the
10 chance to come for the last hearing for the main
11 reason that I'm only coming here to speak as a
12 parent and while parenting, we teach our children
13 right from wrong and I pretty much stated this the
14 first time and we in our family like to keep open
15 discussions on all of the current events that are
16 going on, not just the rallies that we've attended
17 fighting for marriage but my partner of 17 years
18 and I who is my legal husband along with four of
19 our adopted kids, Justin, Kayla, Maddy and Jada.

20 We became foster parents nine years
21 ago right when they made the law happen and from
22 there, we started to foster and then adopted our
23 children and some of you know about our family
24 from the documentary.

25 In our community we're also the

1 Founders of Everybody's Children's Foundation,
2 which is a nonprofit organization that raises
3 money for group kids and group homes.

4 I state this because our family is
5 very, very involved in our community, not just the
6 gay community, but our community, meaning, the
7 human community, that's in Little Ferry, New
8 Jersey.

9 My partner and I did not endorse
10 civil unions and we did not endorse the domestic
11 partnerships for the main reason that we wanted
12 our children mainly to know that settling for
13 second best was not -- it wasn't in the question
14 so it wasn't part of it.

15 We didn't want to go to the middle
16 of the bus. We wanted to go to the front of the
17 bus.

18 For those that endorse civil unions,
19 we went to the civil unions and we thought it was
20 fantastic that they wanted to do that. But we
21 were hoping there was some legal reason that they
22 would have to be able to stand up here and tell
23 why it was not working and why it was not equal to
24 marriage.

25 Teaching children that their family

1 is different. We know that we're different.
2 That's inevitable. But at the same time, we have
3 more things that we have in common with the other
4 families that we go to school with than what we
5 don't have in common as far as being two dads or
6 two moms.

7 I'm wondering, and I have a question
8 because I don't know how to explain this as a
9 father, but we watched and witnessed the
10 lieutenant fight until the end of her life just
11 for benefits for her partner so she could keep her
12 home.

13 And how do you explain to children
14 that this is okay with any state and especially
15 the State of New Jersey?

16 I'm an emotional person, but I want
17 my children to learn right from wrong and so far
18 what New Jersey is telling us with maybe a three
19 year review, my children are getting older, I'm
20 getting older, all of our children are getting
21 older, all of our families and how do we explain
22 this to our children because as a parent, we don't
23 have the answers for this except what we're
24 hearing from the opposite side which is not
25 correct or accurate.

1 We're hearing a lot of accusations
2 and assumptions about gays and lesbians and
3 transsexual, trans-gendered, bisexual, all of us,
4 the whole community, but they are not facts.

5 Now, we have the benefit of having
6 documentaries now that teach people and allow them
7 to be educated about us. But here in New Jersey,
8 we're living it.

9 Now, if my partner and I were able
10 to adopt our children but we were not allowed to
11 get married, this is backwards from the way that I
12 was brought up.

13 I was brought up in a family that
14 even though I was gay and I knew from the day I
15 was six, seven years old, I knew this is how I
16 was, but I also knew that some day I would choose
17 to marry the person I would love and then get
18 married and then have a family even when it wasn't
19 real.

20 So I ask you please think about this
21 because this isn't just for gay people anymore.
22 This is about our children and the future of what
23 our children look at as right from wrong.

24 CHAIRMAN VESPA-PAPALEO: 30 seconds.

25 MR. PARAGIAN: I'll close with just

1 saying I can't thank you enough for what you are
2 doing. Although it's going very slowly for me,
3 it's going. We've made some grounds but I would
4 love to see this go way before three years because
5 I don't want to have to explain this to my five
6 year old when she's eight years old.

7 I've already had to explain it to my
8 13 year old and then my 10 year old and then my
9 nine and my eight year old and it's time that we
10 don't have to explain that our relationship is
11 different because we are equal. We benefit the
12 community. We add to the community. Thank you
13 very much.

14 CHAIRMAN VESPA-PAPALEO: Will you
15 spell your name?

16 KAYLA PARAGIAN: K A Y L A. I have
17 a question. Why can't my two dad's get married?
18 And can you please explain why (inaudible).

19 CHAIRMAN VESPA-PAPALEO: Okay, next,
20 the Brunners, Mrs. Denise Brunner and Mrs. Fran
21 Brunner.

22 MRS. BRUNNER: Good evening,
23 Commissioners, audience, you may think that here
24 in New Jersey we don't have any legal, same sex
25 marriage. You're wrong.

1 New Jersey does have legal same sex
2 marriages. And I have a marriage license to prove
3 it.

4 Fran is my legal wife under New
5 Jersey State Law. That is because most of my life
6 to this day I live as Donald Brunner.

7 In 2005, I had a legal name change
8 to Denise Brunner. This past year I've become a
9 female in every way possible. I am legally a
10 female in the State of New Jersey.

11 Fran and I got married in May 1980.
12 We are happily married for 27 years and have three
13 gorgeous children. There's Jessica, age 21, a
14 senior in college who gets nothing but Honors.
15 Scott, age 18, a senior in high school doing
16 absolutely great. And Alissa, who is 16.

17 My kids know what marriage is all
18 about. My community knows what marriage is all
19 about. Nothing has changed.

20 The world hasn't fallen apart
21 because New Jersey has a same sex marriage.

22 There is not one straight couple in
23 this state that has been harmed because we are
24 same sex marriage. Nobody has been hurt.

25 Our community accepts us as we are.

1 We are a loving family. We are no different than
2 our next door neighbor who has a straight
3 marriage.

4 I'm on the Ambulance Corp. I'm an
5 EMT. When I go into a house to help somebody,
6 they don't ask are we a same sex marriage.
7 No. They just want help and our family is there
8 for it. Thank you very much.

9 MR. VESPA-PAPALEO: Next is Cathy
10 Hume, then Cindy Meneghin, Maureen Kilian and Tom
11 Prol.

12 MS. HUME: Thank you. Good evening.
13 My first awareness of homosexuality was 40 years
14 ago.

15 MR. VESPA-PAPALEO: I'm sorry, I
16 forget to mention, would you kindly all please
17 spell your name so the reporters can get that.

18 MS. HUME: K A T H Y H U M E. My
19 first awareness of homosexuality happened 40 years
20 ago when I was 12 years old and my family had
21 taken a trip to Washington D.C. and we saw Gay
22 Liberation people marching and protesting for
23 homosexual rights and homosexual freedoms.

24 Not knowing what it was, I turned to
25 my father and I asked him and his answer had

1 nothing to do with sex or sexuality.

2 His answer I think was applicable
3 then as it is today, that it was another group of
4 people that society found a way to discriminate
5 against who had to fight, beg, been denied dignity
6 equal to what I would call being an American
7 citizen.

8 Little did he know at that time that
9 one of his daughters would turn out to be lesbian
10 and that his grandson, my late son, would be a
11 homosexual man.

12 It bothers me that this change
13 happened in an era when everything going on in our
14 country at the time had to do with civil rights
15 and we're four decades later, nothing has changed.
16 The fights are still the same.

17 What I see happening here in New
18 Jersey with civil unions is that the state is
19 basically considered to be a state of
20 discrimination and supporting selective civil
21 rights, choosing which of our citizens have rights
22 and which don't have rights.

23 I don't really know how you justify
24 that, but to keep that legal, who is the next
25 group that is going to be cut down?

1 I think that not only is
2 homosexuality not about sex, or sexuality, I think
3 marriage is not either. I think that is the big
4 thing being used against people.

5 But part of this family, I raised my
6 children that monogamous relationships, working at
7 it, all the problems that come with it, all the
8 joys that come with it, that's what life is about.
9 That's what marriage is.

10 And now, I have a son who cannot
11 live to those standards that I taught him because
12 he's denied, and I like to think that even people
13 in parts of our society are completely denied.

14 It's not about sex. It's not about
15 sexuality. It's not about religion. It's about
16 legalized discrimination. I thank you very much.

17 MR. VESPA-PAPALEO: Next will be
18 Cindy Meneghin and Maureen Kilian and I'm taking
19 the Chair's prerogatives and after that will be
20 Gina Pastino.

21 If there's anyone else that has
22 young children and would like to be moved up, we
23 could accommodate you and your children, let my
24 staff know.

25 MS. KILIAN: I'm Maurren Kilian

1 K I L I A N .

2 MS. MENEGHIN: I'm Cindy Meneghin
3 M E N E G H I N and these are our children Joshua
4 and Sarah Kilian.

5 MS. KILIAN: Every day couples in
6 love that have made a legally, personal life-long
7 commitment to each other who are married celebrate
8 their anniversary.

9 They remember how they met, became
10 friends, fell in love, ultimate plans to marry,
11 celebrated their love and commitment with family
12 and friends and made the legal agreement to love,
13 honor and cherish till death do they part by
14 signing their marriage license and from that day
15 on they were known within our society as married
16 spouses, wife or husband.

17 MS. MENEGHIN: Their relationship
18 was understood by everyone and everywhere; no need
19 for explanation, defense or negotiations.

20 No need for the Governor of New
21 Jersey to speak to their employer to hopefully
22 convince them to extend benefits to their
23 employee's partner.

24 No need to be afraid to go into the
25 emergency room and wonder at a time of crisis

1 where minutes count if the person behind the desk
2 will understand and recognize their relationship.

3 MS. KILIAN: That's the difference
4 between being married and being partners in a
5 total union.

6 One year ago tomorrow, the New
7 Jersey Supreme Court unanimously ruled that gay
8 and lesbian couples in New Jersey were
9 discriminated against when denied the legal
10 economic and social benefits that came from the
11 Federal Institution of Marriage.

12 They instructed the State
13 Legislature to rectify that inequity. Instead of
14 simply applying all the rights, protections,
15 responsibilities, and privileges that come from a
16 civil marriage, they created a separate and
17 unequal definition for gay and lesbian couples.

18 That still leaves us dangerously
19 vulnerable to the same injustice that we fought
20 and judicially overcame one year ago.

21 MS. MENECHIN: For over 33 years, my
22 partner in a civil union, I'm not legally allowed
23 to say spouse or wife, Maureen and I have made a
24 lifetime commitment to each other.

25 We work, pay our taxes, serve our

1 home-made desserts at our church's soup kitchen,
2 gather the family a month to celebrate blessed
3 birthdays and anniversaries, go to our son's
4 basketball games and take our daughter to her
5 dance class every Friday night, decorate our house
6 in great anticipation of trick or treaters to come
7 on Halloween.

8 We go apple-picking and make pies
9 and crisps for the holidays, and have settled into
10 the average, everyday life of a suburban, New
11 Jersey family.

12 MS. KILIAN: And yet, even though we
13 are the very epitome of the backbone of our
14 society, the family, with all the love, devotion,
15 commitment and responsibility, we were denied our
16 society's established fundamental institution that
17 provides protections and benefits for couples and
18 their families to marry.

19 Five years ago, we joined six other
20 couples seeking justice for our families suing for
21 the right of civil marriage.

22 We're still waiting for that justice
23 to become a reality like all the other couples we
24 meet in New Jersey who have entered into a civil
25 union, we still face rejection of our

1 relationship. We are still here. You're not
2 really married. We still live the denial of our
3 rights and protections that only come from a real
4 marriage license.

5 MS. MENEGHIN: We'll keep fighting
6 for equality for our families because that is what
7 you do for the person you love and the family you
8 have built.

9 How long must we wait for the
10 equality the New Jersey Supreme Court ruled we
11 deserved? Why must we wait even one more day for
12 equality? Tomorrow is the one year anniversary of
13 the day we were told our commitment, our families
14 deserve equal rights, equal protection.

15 Instead of getting equality from
16 America, we got the unequal label, "civil union."
17 It is not a happy anniversary. It never will be
18 until the State of New Jersey fulfills that
19 unanimous mandate and gives us the full equality
20 of a marriage license. Thank you.

21 MR. VESPA-PAPALEO: Thank you, next,
22 is Gina Pastino and following Gina, are there any
23 other marriages for people that want to testify
24 that have young children? Have you already
25 registered? What's the name? Okay, you'll be

1 next.

2 MS. PASTINO: Hi, my name is Dr.
3 Gina Pastino. That's G I N A
4 P A S T I N O. I'm here with my partner of 13
5 years and our two children. We live in Montclair,
6 New Jersey. We own a house. And we actually
7 worry about the same things that most families
8 worry about. You know, how are we going to pay
9 our taxes, whether Sophia brushes her teeth in the
10 morning, what they are going to be for Halloween,
11 whose house are we going to go to for Thanksgiving
12 this year.

13 But there are some things that we
14 worry about that heterosexual married couples
15 don't worry about.

16 I was fortunate enough to work for a
17 company that has provided me and my domestic
18 partner benefits and so for a long time I was
19 actually treated better by my company than I was
20 by my own state.

21 In any case, this year we've had the
22 misfortune of finding ourselves in the emergency
23 room four times. Two of those times were for
24 myself and one of those incidences involved a
25 potentially life-threatening condition.

1 And rather than being able to focus
2 on getting myself the treatment, we had to sit
3 there and explain what our relationship was to
4 each other. And so it took time away from my
5 medical care.

6 The third time was when my partner
7 Naomi was in the hospital for two herniations.
8 She couldn't walk. She was in the emergency room.

9 Once again, we found ourselves
10 having tried to explain to the people what we
11 meant to each other.

12 We also had to take the time before
13 we left to go to the emergency room to make sure
14 we had our healthcare power-of-attorney, our
15 power-of-attorney, all the necessary documents.

16 But the real significant event was
17 when we had to take our son Griffin to the
18 hospital emergency room. He had a fever of 104
19 that had not been responding to any medication and
20 so we took him to the emergency room and once
21 again, we had to find ourselves explaining to the
22 people who we were to each other. And that's just
23 something we shouldn't have to do. I mean, can
24 you look at him? He's cute. He's my son.

25 This is affecting not just couples,

1 but families and it affected the health of my son,
2 so thank you for giving me this opportunity to
3 speak.

4 MR. VESPA-PAPALEO: Okay. Come up.
5 Come on up. Laura Tramontin.

6 Oh, you were actually next anyway on
7 the list. Anyone else after this with young
8 children that would like to be moved up on the
9 agenda? If not, okay.

10 MS. LAURA TRAMONTIN: Laura
11 Tramontin, L A U R A, last name,
12 T R A M O N T I N. My partner and I have now been
13 together for 10 years. We have a six year old
14 daughter named Hannah and a two year old son
15 Carson and we live a normal life.

16 We have a house, and we go to church
17 and we have jobs and -- except -- as a married
18 couple. And you think that that doesn't mean a
19 whole lot because we have a civil union. We have
20 -- our medical is covered. We actually work for
21 the State of New Jersey.

22 But it is hard to explain to your
23 kids when someone says to my daughter that it's
24 illegal to have two moms. She doesn't understand.

25 I just ask, thank you, please enact

1 a marriage equality here in New Jersey so that we
2 can be recognized as the family we are. Thank
3 you.

4 CARSON TRAMONTIN: I have two moms.

5 MR. VESPA-PAPALEO: For those of you
6 that didn't hear that, the young boy said, "I have
7 two moms."

8 Okay, next on the list, Tom
9 Prol, Daniel Epstein, Joan Rivitz, Leah Fowler.

10 MR. PROL: Good evening, Mr.
11 Chairman, and members of the Commission, the last
12 time I appeared before the Commission was at the
13 New Jersey Law Center which is the headquarters of
14 the New Jersey State Bar Association.

15 I appeared before you as a trustee
16 of the State Bar along with the President of the
17 State Bar.

18 MR. VESPA-PAPALEO: Mr. Prol, move a
19 little closer to the mic.

20 MR. PROL: (Continuing) I know you
21 used to work for Oprah. The last time I appeared
22 before the Commission was at the New Jersey Law
23 Center which is the headquarters of the New Jersey
24 State Bar Association. And I appeared as a
25 trustee of the State Bar along with the State Bar

1 President and we reiterated that the State Bar had
2 taken a position on this bill on the Civil Unions
3 Law in opposition.

4 At that time, we said it created a
5 burdensome and flawed statutory scheme that failed
6 to create for same sex couples the same rights,
7 remedies that those provided to heterosexual
8 parent couples as required by the New Jersey
9 Supreme Court in Lewis v. Harris.

10 The Legislation created a separate
11 and unequal amount of unnecessary conflict
12 statutory scheme.

13 Today, I'm not appearing before you
14 as a trustee of the State Bar, but as a life-long
15 citizen, a resident of New Jersey.

16 I'm also an Attorney at Law and I
17 practice at Scarinci & Hollenbeck.

18 I want to tell you that when the
19 Domestic Partnership Act first came out, a number
20 of highly motivated attorneys took to the task of
21 explaining this law to members of the Family Law
22 Bar and other areas impacted by that law.

23 We spent a considerable amount of
24 time and effort educating people on that law.

25 Shortly thereafter, a few years, the

1 New Jersey Legislature passed its Civil Unions Law
2 and because that law was not married, we had to
3 spend considerable hours and time again to educate
4 members of the family law on other areas of
5 practice on how that law impacts attorneys in the
6 practice of law.

7 If we had had a Marriage Equality
8 Statute, we would not have had to do that.
9 Tonight, I want to show you. This is the book
10 that we used to educate attorneys and the Bar,
11 about the 71 page law that was a Civil Unions Law.

12 I would say I had probably, my
13 courses, I had posted 700 attorneys to learn about
14 this law because the impact of the Civil Law,
15 Civil Unions Law are for all practices, family
16 law, real estate.

17 My main practice area which is
18 environmental law, is probably the only area
19 that's not impacted by this law.

20 And I touch on this because I know
21 Ed Barocas from ACLU New Jersey talked about the
22 considerable cost that this has put on business
23 and industry.

24 And I'll tell you that the lectures
25 that I gave on the Domestic Partnership Act as

1 well as the New Jersey Civil Unions Law, we had
2 quite a number of representatives from the
3 business community, and I understand that their
4 professional organizations also understood to
5 explain to their members how to interpret and
6 apply the Civil Unions Law.

7 I give this as an example to show to
8 you the considerable cost and expense and problems
9 that the Legislature created for business and
10 industry in this state as well as for the Bar by
11 enacting a law that on its face should have been
12 equal to marriage but was not.

13 So now we spent countless hours,
14 countless costs to business, industry, attorneys
15 in order to educate on this law when the Supreme
16 Court gave the State Legislature a choice.

17 That choice was to enact marriage
18 equality or to enact civil unions. I understand
19 my time is up. I would like to come back later on
20 if there's more time. Thank you.

21 MR. VESPA-PAPALEO: We'll let you on
22 afterwards. Thank you. Next is Daniel Epstein,
23 then Dr. Joan Rivitz, Leah Fowler and Anthony
24 Giarmo and Reverend Rose Levant-Hardy.

25 MR. EPSTEIN: My name is Daniel

1 Epstein, E P S T E I N. I live in Fair Lawn. I'm
2 a conservative Rabbi and I take the intent of the
3 Bible very seriously and attempt to live by it.

4 We are all different. In Genesis 1
5 we are told we are all created in the image of
6 God. In Genesis 2 God creates Adam (inaudible)
7 and God proclaims, "It not good for Adam to be
8 alone." Then and only then does God create Eve.
9 And for most people that works, but not for all.

10 As a straight man with a disabled
11 child, I know what it is like for someone to be
12 alone, to be isolated. I see my daughter's pain
13 and struggles everyday.

14 In spite of very specific laws
15 requiring equal rights, reasonable accommodations
16 and the least restrictive environment for her,
17 time and time again, I have had to fight for her
18 rights and only because there are clear and
19 unambiguous laws protecting her and granting her
20 equality, my wife and I are in a position to
21 advocate for my daughter's rights and get her the
22 services and education she deserves.

23 She was created by God with Autism
24 and we celebrate her uniqueness and now only
25 because the laws protected her rights, does my

1 daughter work and is able to advocate for herself.

2 It is her God-given right to be
3 treated as a full human being and because of the
4 laws such as the American Disabilities Act can she
5 achieve her basic human rights.

6 Lesbians and gay men were created by
7 God as they are and we should celebrate their
8 uniqueness. It is from God.

9 Each was created in the image of God
10 and like any other child of Adam, it is not good
11 for one to be alone. This is not a call to
12 require the clergy of more traditional
13 denominations to perform these marriages.

14 Each person can decide on his or her
15 own, but please, for God's sake, for the sake of
16 all humanity, enable all human beings the dignity
17 and the sanctity granted them by God.

18 Enable all adults the right to have
19 full marriage rights, that they should not be
20 alone. Make it a state mandate that no one should
21 have to be alone. Enact laws with teeth to
22 protect their civil rights just as you do for
23 people with different religions, racists and
24 ability levels. Thank you.

25 MR. VESPA-PAPALEO: Thank you. Dr.

1 Joan Rivitz.

2 MS. RIVITZ: Dr. Joan Rivitz.

3 J O A N R I V I T Z. I am a Commissioner on the
4 Civil Rights Commission and the State of New
5 Jersey and on December 12, 2006, the Commission
6 endorsed same Sex Marriage Resolution 2006 12
7 12(2).

8 WHEREAS, by an Act of the
9 Legislature of the State of New Jersey the New
10 Jersey Commission on Civil Rights was created;and

11 WHEREAS, the Commission on Civil
12 Rights is charged under the law with consulting
13 and advising the Attorney General with respect to
14 the work of the Division on Civil Rights,
15 surveying, studying the operations of the
16 Division, and reporting to the Governor and the
17 Legislature with respect to such matters relating
18 to the work of the Division and at such times as
19 it may deem in the public interest;and

20 WHEREAS, the Legislature has
21 historically shown extraordinary leadership and
22 vision in protecting the Civil Rights of the
23 citizenry of New Jersey by enacting the first
24 statewide Civil Rights Law changing the Division
25 on Civil Rights with preventing and ending

1 discrimination in New Jersey; and

2 WHEREAS, New Jersey is seen as one
3 of the "safe havens" for protecting people from
4 discrimination; and

5 WHEREAS, the Legislature acted to
6 protect people from discrimination in employment,
7 housing and public accommodations based on
8 affectional or sexual orientation by amending the
9 New Jersey Law Against Discrimination in 1992; and

10 WHEREAS, the Legislature recognized
11 in 2004 that same sex couples deserved additional
12 protection by passing the Domestic Partnership
13 Act; and

14 WHEREAS, the New Jersey Supreme
15 Court has ruled that state lawmakers must provide
16 the full rights and benefits of marriage to gay
17 and lesbian couples; and

18 WHEREAS, the Legislature and the
19 Supreme Court recognize the equal rights and
20 obligations of gays and lesbians of New Jersey;
21 and

22 NOW, THEREFORE, BE IT RESOLVED on
23 this date, December 12, 2006, by the New Jersey
24 Commission on Civil Rights that the Members of the
25 Commission, hereby urge passages and fully endorse

1 "civil marriage" as the formal language to be used
2 in conferring full marital rights to same sex
3 couples; and enact passage of such legislation as
4 soon as possible so that the civil rights of more
5 New Jerseyans are protected; and now

6 NOW, THEREFORE BE IT FURTHER
7 RESOLVED, that the Division shall ensure that a
8 copy of this Resolution is transmitted to the
9 Legislative Leadership, Attorney General, and the
10 Governor.

11 Having said that, I would like to
12 say that I applaud each and every person who came
13 up before me for their eloquent words and for the
14 beautiful families that I saw before me.

15 I could not say, and I am a member
16 of the straight community, I could not say more
17 from my heart that I am in agreement with all that
18 you have brought to this microphone and to this
19 proceeding and I hope and I pray that some day
20 everyone will have equal rights and there will be
21 marriage equality. Thank you.

22 MR. VESPA-PAPALEO: Leah Fowler,
23 Anthony Giarmo, Reverend Rose Levant-Hardy, Lori
24 Davenport, Lisa Hardaway and Russell Griggs.

25 MS. FOWLER: Hi, my name is Leah

1 Fowler, that's spelled L E A H F O W L E R. I am
2 one of the ministers at Union Congregational
3 Church in Montclair, New Jersey and
4 on July 7, 2007, my partner Chris and I celebrated
5 a very special ceremony.

6 It was a ceremony that we chose to
7 call a marriage in the religious sense. It was a
8 ceremony in which we felt like before God, before
9 family, before friends, before our church we were
10 married.

11 It was a ceremony we chose to make
12 at this point in time, even though there is not
13 any legal recognition. But yet, because we were
14 at the point we felt like we wanted to be married
15 and eventually have children and I've certainly
16 been listening to these family stories with a lot
17 of interest wondering if we are lucky enough to
18 have kids, what it will be like for our children.

19 I hope that by the time that happens
20 and if we're blessed with kids, we will be able to
21 tell them their mothers are married both in the
22 religious sense and in the legal sense.

23 For now, we are wearing our wedding
24 rings on our middle finger rather than our ring
25 finger. We hope that soon we'll be able to take

1 them one finger over.

2 I also want to let you know as a
3 minister I do perform marriage ceremonies and
4 civil unions and it's troubling in my soul to sit
5 before a couple and go through the same process of
6 premarital counseling, the same process of
7 designing the ceremony in a way that really meets
8 their needs spiritually and speaks who they are as
9 a couple.

10 Then to recognize the fact that
11 their relationship while honored in our church is
12 not recognized in the same way by our State.

13 It is interesting to me that we have
14 this power as a minister to perform the legal
15 marriage, that as ministers we also have the power
16 to recognize rights in our own sanctuaries.

17 I wish that as a minister I would be
18 able to equally offer what my church recognizes as
19 marriage. Thank you.

20 MR. VESPA-PAPALEO: Thank you.

21 MR. GIARMO: Good evening. My name
22 is Anthony Giarmo A N T H O N Y G I A R M O. I'm
23 from Paramus. I'm the father of a 24-year-old gay
24 son.

25 Shortly after the State Supreme

1 Court made its ruling, I sent a letter to every
2 single one of our state legislators and I would
3 like to share that letter with you now, if I may,
4 and I have a copy for your records.

5 I write this letter to you not as a
6 constituent speaking to a legislator regarding a
7 specific law. But rather, as a father expressing
8 himself honestly and openly to an individual who
9 has no small amount of power over my son's
10 opportunity for happiness.

11 When 10 years ago our only child
12 Chris, then 13 years old, shared with us his
13 sexual orientation, my wife Barbara and I were
14 pleased that we had created an environment in
15 which he could speak freely without fear of
16 rejection about who he was.

17 I immediately embraced him telling
18 Chris that we would always love him and that all
19 that really mattered to us was that he some day
20 finds someone who could bring to him the
21 fulfillment that Barbara and I have known in our
22 lives.

23 Of course, I was realistic enough to
24 know that homophobia was alive and well in the
25 world.

1 Apparently, however, I was naive in
2 believing that New Jersey, a state known for its
3 open-mindedness and progressiveness, would be a
4 place where Chris as an adult could get married
5 and raise a family of his own.

6 It appears that something more
7 insidious was at large in our great country. In
8 place of blatant prejudice against gays, there
9 arose the condescending notion that having the
10 same list of rights in a civil union was the same
11 as a civil marriage, and therefore, homosexuals
12 justifiably could be placed in a separate
13 relationship category.

14 It may be difficult for parents of
15 straight children to appreciate just how insulting
16 and downright infuriating such a category is.

17 The reason civil unions ultimately
18 abridge true equality is that time and time again
19 across this country gay and lesbian couples within
20 the civil union category are met by various
21 officials and administrators in the public and
22 private sectors who say a resounding no to access
23 the same benefits and rights held by straight
24 married couples.

25 And when it is pointed out to these

1 naysayers, that civil union is by law supposed to
2 hold the equivalent weight of marriage, the answer
3 is, we don't care what the law is, you're not
4 married.

5 This puts the burden upon any gay
6 couple to take an institution or business to court
7 rather than have the assurance that the state will
8 automatically uphold the couples' rights.

9 Indeed, even with our country's high
10 divorce rate, marriage is still the coin of the
11 realm. The true symbol of acceptance by our
12 society.

13 Our society at large are the two
14 people committing themselves to one another. You
15 would be hard-pressed to find any one average
16 straight couple who would want to have the option
17 of marriage removed forever from their future.

18 It is safe to say that if our state
19 removed indefinitely the option of civil marriage
20 for straight couples presently in civil unions,
21 those couples would not consider themselves to be
22 treated equally.

23 Thus, true equality must mean not
24 really a listing of the same rights, but actual
25 access to the same range of relationship

1 categories that straight couples have.

2 The absurdity of civil unions but
3 not for the married for gays and lesbians becomes
4 obvious if we imagine the same standard for people
5 with red hair and blue eyes or left-handed people
6 or people over six feet tall.

7 All of those characteristics of
8 sexual orientation are biological, not cultural.

9 Who among us would apply the word
10 equality to a system that told short --

11 MR. VESPA-PAPALEO: One more minute.

12 MR. GIARMO: To a system that told
13 short left-handed redheads that they could have
14 civil unions but not get married.

15 Could you my dear legislator look
16 your own child in the eye and honestly say, sorry,
17 but because you're allergic to chocolate, you
18 can't be married, no matter the depth of your
19 heart.

20 You see my child, the rest of us who
21 aren't allergic to chocolate, want you to be equal
22 and hip, hip hooray for us, but somehow, we can't
23 quite take that final step. No, we can't quite
24 accept you as being as human as we are.

25 Sorry, my child, but you are just

1 this much short of being worthy of the same range
2 of relationship categories to which your loving
3 parents had access. So, so sorry my beautiful
4 innocent child.

5 If the strategy of an entire society
6 saying these things to its own offspring does not
7 shame you, then I suppose you will vote for civil
8 unions and for the illusion of separate but equal
9 rights, but as you cast your vote, remember,
10 marriage equality is not a minority issue.

11 Every gay and lesbian individual is
12 somebody's child or parent or brother or sister or
13 uncle or aunt or cousin or friend and when all
14 those people are added up, we discover that we
15 individuals are left untouched or unhurt when we
16 fail to fully recognize and celebrate the
17 wonderful diversity of New Jersey citizens, human
18 beings, each and every one.

19 I'm convinced there will come a day
20 in our state, in our nation, when not only our
21 legislators, but our entire civilization will have
22 evolved culturally to an elevated plane of
23 compassion and wisdom.

24 I'm convinced that we will some day
25 realize how deeply we have hurt our sons and

1 daughters and correct that injustice by bestowing
2 upon all consenting adults regardless of sexual
3 orientation, the full array of relationship
4 categories, including marriage and thereby impart
5 to the kids growing up in those varied future
6 family structures the assurance of love and
7 acceptance that all those little ones also
8 deserve. As a politician --

9 MR. VESPA-PAPALEO: Your time has run
10 out. Thank you. Reverend Rose Levant-Hardy. Than
11 Lori Davenport, Lisa Hardaway, and Russell Griggs.

12 REVEREND LEVANT-HARDY: Good
13 evening, Reverend Rose Levant L E V A N T hyphen
14 H A R D Y. My wife Randy and our son (inaudible)

15 I'm the Assistant Pastor of
16 Liberation Truth Unity Fellowship Church in New
17 Jersey. I'm here wearing many hats.

18 As a female clergy woman who has
19 performed holy civil unions and I say holy civil
20 unions because we are clear who we belong to, that
21 God knows us just the way that we are and, in fact,
22 when you find your spouse for life, it is because
23 God had sent them to you.

24 My wife and I celebrated a civil
25 union on May 19. We have become very aware that

1 we do not have full-fledged Federal protections.

2 We do not have benefits that would
3 keep our family fully protected.

4 Our civil union, though it provided
5 some benefits which we are very grateful for is
6 not marriage. We still as a couple have
7 experienced separate, unequal, discouraging,
8 frustrating and insulting treatment.

9 We had to do what we call
10 educational seminars. When we purchased the house
11 a few short months ago, we found ourselves
12 explaining to mortgage brokers, bankers, real
13 estate agents as well as lawyers what we were,
14 what civil union meant when we had to check off
15 the box of what our relationship was when we were
16 applying for the mortgage that we did, in fact,
17 get.

18 But I had to explain to the agent
19 what that was. She smiled and said "Oh, you're
20 married." It's frustrating but ourselves and the
21 many couples that I counsel, pastoral counseling
22 for the couples that I have performed ceremonies
23 for the frustration of wanting to be sure that
24 you're fully protected, fully understood.

25 Our community embraces us. The

1 school loved us. They understood who we were and
2 they respect us. But when it gets down to the
3 nitty gritty things that would really protect us
4 legally, we find ourselves trying to figure out
5 could we budget for the financial expense of
6 getting lawyers to protect us and our families.

7 We don't have that kind of income
8 and in fact the community that I serve in Newark
9 and Essex County, the people in my church, the
10 many children that are in my church, they live in
11 fear that they will not be able to afford the
12 things that many more affluent community members
13 in our community can take of making sure they are
14 protected.

15 We just don't come from that socio-
16 economic class. We're very clear that we deserve
17 the same rights to marry as everyone else does,
18 that God cares about our relationship the same way
19 God cares about heterosexual relationships.

20 We make the same commitment. We
21 have the same responsibilities to each other. We
22 deserve the same rights and responsibilities under
23 the law that married couples have.

24 I'm often times asked by folks is
25 this a civil rights issue. And I'm a historical

1 kind of cat and I also stand on the shoulders of
2 some very proud African-American ancestors and my
3 mom shares with me too, which I will share with
4 you, when it comes down to civil rights and
5 marriage and the history of it.

6 In 1858, a quote from a North
7 Carolina Judge referring to marriage between two
8 slaves, "Their relationship is essentially
9 different from that of a man and woman joined in
10 lawful wedlock."

11 In 1960, a quote made at the hearing
12 of Loving versus the State of Virginia about
13 inter-racial marriage.

14 "This sort of marriage is not in the
15 best interests of children. God has a plan for
16 marriage and this isn't it." Marriage survived
17 slaves being married. Marriage survived inter-
18 racial marriages.

19 I urge the State Legislature to
20 change the law to include the word of marriage.
21 Our cities, our communities, our state, our
22 country, you'll survive, history says so. Thank
23 you.

24 MR. VESPA-PAPALEO: Lori Davenport.
25 Lisa Hardaway, Russell Griggs. We will keep this

1 going because we end at 8:30 so if we don't move
2 this along, some people will not be able to
3 testify.

4 MS. DAVENPORT: Good evening, Lori
5 L O R I Davenport, D A V E N P O R T.

6 Good evening, just briefly, one
7 question in a nutshell. Why do we have to have
8 this Commission convene for three years to
9 determine that this is unequal?

10 Two, New Jersey is our home state.
11 Five years ago my partner and I, we've been
12 together for 15 years, purchased a home down in
13 Florida.

14 New Jersey is considered to be the
15 state that is a non-discriminatory place to live
16 if you're gay and lesbian, that you really don't
17 have to worry.

18 When we purchased our home down in
19 Florida, we had less trouble obtaining insurance
20 having both of our names on the deed than when we
21 purchased our home here in Brick about a month ago
22 and that would be our third home actually.

23 Our first home we had purchased back
24 in '93. We lived in Bloomfield. So we had a
25 second home here in New Jersey. And I had to

1 explain to my own insurance company and send them
2 a copy of our civil union from Vermont to have my
3 name or to even speak to them with regard to
4 purchasing insurance for our home here in New
5 Jersey. I didn't have to do that down in Florida.

6 Both our names are on everything.
7 No questions asked. I had to explain myself in
8 our own home state.

9 You know how Florida is considered a
10 little bit kind of behind the times? I have family
11 that live there and my aunt always does speak that
12 I wish I were back in New Jersey. It's kind of
13 backward down here. You don't know how it is down
14 here until you live here.

15 I got to tell you New Jersey needs
16 to be embarrassed to be compared to Florida in our
17 experience in terms of insurance and the whole
18 real estate process. Like I said, it was much
19 easier down in Florida than it was here in our
20 home state.

21 So in terms of having equality, we
22 didn't experience that. And when I was in the
23 hospital recently, like the family that had to
24 bring all of the documents with them, we had to
25 bring my living will.

1 We had to bring our civil union and
2 we had to show all of that for my partner to be in
3 the same room with me. And it wasn't our doctor
4 that was the problem. It was the hospital itself
5 and it was by the hospital saying for HIPPA.
6 That's ridiculous. That's absolutely ridiculous.

7 And we had to explain to them what a
8 civil union is. We thought when the civil unions
9 were passed here in New Jersey that people
10 understood. But I find myself 10 months later,
11 almost a year later explaining, and I work for a
12 municipality and my own municipality doesn't
13 understand what a civil union is.

14 So explain that to me as a public
15 servant, but I think it needs to go further up the
16 chain. Thank you.

17 MR. VESPA-PAPALEO: Thank you. I
18 might mention one thing at this point. Any
19 individuals here that would like to file a
20 complaint tonight with the Division On Civil
21 Rights that we could investigate.

22 Two of my colleagues from the office
23 are here. Raise your hand. Feel free to go up to
24 them to take your complaint on the spot so that
25 kind of circumstance of a hospital are a crime to

1 show documents that married couples do not have to
2 show, that's illegal.

3 And people need to file complaints
4 with the Division On Civil Rights or else those
5 rights will not go to court and be exercised and
6 be proven to be wrong so filing a complaint this
7 evening if that happens we will gladly investigate
8 those.

9 Next is Lisa Hardaway, Russell
10 Griggs. Please line up now so we could move this
11 along. Kenneth Kaplan and Dr. Kevin Slavin.

12 MS. HARDAWAY: Thank you. My name
13 is Lisa Hardaway, H A R D A W A Y. I'm the
14 Director of Medial (inaudible). I'm here on
15 behalf of Kevin (inaudible), our Executive
16 Director who asked me to submit for the record the
17 letter we sent to Governor Corzine, President
18 Codey and Peter Roberts on Monday of this week.

19 October 25, 2007, marks the one year
20 anniversary of a landmark decision in lieu of a
21 lawsuit, Lewis v. Harris unanimously (inaudible)
22 that same sex couples must be treated equally
23 under the law (inaudible) the time has come to
24 reach our final destination. It's time to
25 establish equality and allow same sex couples to

1 marry.

2 MR. VESPA-PAPALEO: Kindly slow down
3 for the reporters. I know we hold you to a time
4 limit. You have to have a balance there.

5 MS. HARDAWAY: The New Jersey
6 Supreme Court referred this matter to the
7 Legislature. It did so on the grounds that the
8 Legislature should have the first chance to decide
9 how to correctly (inaudible) same sex couples
10 (inaudible)

11 Marriage is the state's constitution
12 of equality, but the Court left the door open for
13 other options, at least for now, and the
14 Legislature has thus far shown the Civil Union
15 Law.

16 But now a year has passed since the
17 Court ruling and there is clear evidence that the
18 Civil Union Law does not work.

19 By creating a separate status for
20 same sex couples, the Government has invited
21 others to discriminate against them and some sadly
22 have taken the invitation.

23 And even where same sex couples
24 appear to have the same concrete benefits that
25 married couples do, they do not have the security

1 and dignity of being able to explain to their
2 children, their neighbors and their children's
3 teachers that they are married.

4 Some unions are a discriminatory
5 label that renders same sex couples different and
6 inferior and no amount of tinkering with the rules
7 and benefits can embrace that standard of
8 equality.

9 Since the law has passed,
10 (inaudible) has worked directly with over 100
11 individuals who have called us for unequal
12 treatment or disregard for their civil unions.

13 Garden State Equality. Often we
14 confront civil union law failure when employers
15 deny family health insurance. One such employer
16 was United Parcel Service or UPS. (Inaudible)
17 what UPS specific terms of the law and still
18 reached the wrong conclusion. Most New Jerseyans
19 will never read the law.

20 Instead, they know gay people are
21 denied marriage and they take way a discriminatory
22 message from that. That's the common denominator
23 of the matters we've handled at (inaudible). The
24 Civil Union Law invites discrimination.

25 Of course, neither UPS nor anyone

1 else should hate New Jersey's indignation to
2 discriminate. But a far greater importance, New
3 Jersey Government should not be inviting the rest
4 of New Jersey to discriminate in the first place.

5 We are grateful for Governor Leonard
6 in our successful legal action against UPS that
7 same sex couples in New Jersey cannot walk through
8 life with their Governor on one side, and a lawyer
9 on the other.

10 Same sex couples and their families
11 should not have to fight these battles.

12 I was born and raised in New Jersey
13 and I am proud whenever my own state sets an
14 example as it has in the past for fairness.

15 On this first Lewis v. Harris
16 decision I am writing to urge you to fulfill the
17 state's constitutional promise of equality and
18 enact a law to allow same sex couples (inaudible).

19 MR. VESPA-PAPALEO: Thank you.
20 Russell Grigg.

21 MR. GRIGG: My name is Russell
22 Grigg. It's spelled G R I G G. Thank you for
23 allowing us to be heard tonight. I moved here
24 about a year and a half from Ohio and I'm in a
25 relationship with my partner Cory who is also here

1 and I just don't understand the whole concept of
2 the United States in general about marriage
3 equality.

4 And I certainly don't understand how
5 a state can come so close to marriage equality and
6 not enact marriage equality. It just doesn't make
7 sense.

8 And I really believe that a Civil
9 Unions Law the way it's written allowed companies
10 and individuals, businesses, governments, to
11 interpret what they believe you should receive and
12 I believe as a taxpayer and someone who fulfills
13 my obligations to society and Cory fulfills his
14 obligations to society, that we should be able to
15 have the exact same rights as everyone else.

16 And we should be able to live our
17 lives like everyone else and be married like
18 everyone else because marriage is really the only
19 term that carries weight and we deserve that as
20 citizens of New Jersey and New Jersey had a chance
21 and New Jersey has a chance to show other states
22 that it can be done to show other states that we
23 do treat all of our citizens with true equality
24 and thank you again for allowing us to speak.

25 MR. VESPA-PAPALEO: Thank you.

1 Kenneth Kaplan, Kevin Slavin, Rabbi William Kraus.

2 MR. KAPLAN: My name Kenneth Kaplan.

3 K A P L A N. I'm 60 years old, a life-long

4 resident of New Jersey.

5 I'm the divorced father of two
6 children and I'm straight. Now, why am I here?

7 Well, because when any minority is
8 discriminated against, the majority has to
9 recognize that and has to support them and has to
10 help them fight for their rights.

11 I was only seven years old in 1954
12 when the Supreme Court ruled in Brown versus Board
13 of Education which was a Kansas case which held
14 that even though white children and black children
15 were theoretically getting the same education,
16 they were getting it in separate places and that
17 separate but equal was inherently unequal.

18 And the civil union status is
19 supposed to be all the same things but it's not
20 the same thing.

21 It doesn't pass the sniff test. No
22 matter what the date of the quart of milk on the
23 refrigerator is, to sniff it, it doesn't smell
24 right.

25 Civil unions are not marriage. And

1 we need full marriage equality in the State of New
2 Jersey.

3 A minister spoke earlier that she
4 was wearing several hats. I too am wearing
5 several hats. I happen to be a member of the
6 State Committee of the Libertarian Party and
7 sometimes legislators don't have the courage to go
8 ahead with something. They don't have the courage
9 to lead. They prefer to follow.

10 And I want them to know that support
11 is growing in the State of New Jersey for marriage
12 equality.

13 The Libertarian Party approved
14 including in their platform earlier this year a
15 section on family and marriage, and basically it
16 said that as long as the state defines the
17 regulation of the institution of marriage and I
18 quote, "We support the option of all couples
19 regardless of gender to enter into marriage with
20 all the rights, privileges, and responsibility of
21 heterosexual couples."

22 I hope the Democrats and the
23 Republicans will follow this lead and incorporate
24 and encourage our legislators to do the right
25 thing.

1 I think it was just mean-spirited or
2 lack of courage or a combination of both that kept
3 them from doing that in the first place and
4 resulted in a Civil Union Law instead of marriage
5 equality.

6 Now, I want to speak as a father.
7 All of you up here are either certainly children
8 of parents. You may be parents of children and
9 you know how parents fight battles for their
10 children. They do not want their children
11 discriminated against in any way.

12 They want their children to have the
13 same opportunity of anybody else's children. And
14 I happen to be the father of a brilliant 25 year
15 old son who graduated (inaudible) he's an engineer
16 today and he happens to be gay and some day I
17 would like to congratulate him on getting married,
18 not civil unionized. Thank you.

19 DR. SLAVIN: I'm Dr. Kevin
20 S L A V I N. This is my partner Bill Kouman,
21 K O U M A N. We've been together for 10 years and
22 as a couple we have now registered three times in
23 three different jurisdictions as a couple.

24 We had to register in San Francisco.
25 Then we moved to New Jersey as domestic partners.

1 We were finally allowed to be registered in the
2 town we were living in.

3 Then we had to register again as a
4 civil union couple. I'm assuming we're going to
5 have to register again as a married couple.

6 (Inaudible)

7 One of the things we've discovered
8 is that when we re-registered as a couple in a
9 civil union ceremony, it did not change anything
10 that was happening with my employer.

11 So I'm fortunate to work for a
12 company that has a pension plan. I'm fully vested
13 in that plan and yet, I cannot name him as a
14 beneficiary on my pension if I die first because
15 he is not my spouse and we're not recognized as a
16 legal couple.

17 Also, the way that our healthcare
18 benefits are administered is different because
19 we're not married, and I find that to be very
20 troubling.

21 MR. KOUMAN: Also, I handle all the
22 finances in our house. He's too busy helping
23 patients so I can tell you recently we took a trip
24 to Europe.

25 I called the credit card company. I

1 said, "You know, I just charged this trip. I want
2 to make sure we're both covered for any delays,
3 any kind of death, if the plane should go
4 down, insurance money."

5 So I said, "We're civil union in the
6 State of New Jersey." Of course, the person on
7 the other end, "What's that?" I said. "Well,
8 it's supposed to be the same as marriage." He
9 said, "Are you married?" I said, "No, I'm not."
10 She said, "I'm, going to have to call you back. I
11 have to check with my supervisor. I can't give
12 you any answers."

13 Three days go by. We get a phone
14 call back. You know, we went to court all the way
15 up to the top. They said the only way that Kevin,
16 I charged it on my card, is going to get any kind
17 of benefits, is to make him an authorized signer
18 on the credit card.

19 Had we been married, they would have
20 automatically given that right to us. We don't
21 have it.

22 Another thing that goes on and this
23 just hits right at the punchline. We enjoy a very
24 large income according to state levels. I'm a PAD
25 recipient because we're not married. I still get

1 all my benefits. I could get food stamps because
2 we're not married.

3 It doesn't make any sense. These
4 are our tax dollars being thrown out the door
5 because we're not married. Thanks.

6 MR. SLAVIN: The documentation that
7 we have to supply the people who not familiar with
8 the New Jersey state law extends above and beyond
9 the recent trip that we took. It extends to
10 everything that we have to do financially that
11 some of it occurring within the state we will have
12 to provide documentation that we are recognized as
13 a couple in the State of New Jersey. Thank you.

14 MR. VESPA-PAPALEO: Rabbi Kraus, Len
15 Deo and Richard Cash and Craig Ross.

16 RABBI KRAUS: K R A U S. I stand
17 here before you this evening unshaven and
18 exhausted having arrived back in New Jersey not
19 many hours ago from visiting my elder son who is a
20 Fulbright Scholar in Berlin.

21 For a week I lived the life of a 28
22 year old and I'm now sleepless in West Orange. I
23 had actually prepared my remarks prior to my trip.
24 They were built upon my passion as a Rabbi who is
25 gay.

1 Tonight, I hope that my thoughts
2 significantly modified and focused as a result of
3 my trip to a formerly divided city will resonate
4 longer and more powerfully.

5 I obviously speak as a Rabbi who is
6 gay, but this evening, I speak as an individual
7 who will never look at walls quite the same way
8 again.

9 I can try perfectly to describe
10 interrupted lives. Arid patches where life is
11 stunted. And churches blown up by border guards
12 who needed a clearer line of fire to shoot people
13 who simply wanted to have a life like everybody
14 else.

15 For almost 30 years a government
16 allowed its baser instincts to prevail. The
17 voices of control and of sameness, the bureaucrats
18 and party apparatchiks told their people what to
19 think and how to live and these were the good
20 people, not the jews or the gypsies or the
21 homosexuals. They were already dead. The wall
22 was built after the war. The wall didn't create
23 the war.

24 Their's was a government of some
25 people by some people and for some people. A

1 government that had lost sight of its basic
2 mission eventually the failures multiplied beyond
3 measures and strong and resilient East Germans
4 began to form its rebellion, and our president
5 stood up and said, "Enough is enough," which is
6 frankly what so many of us are doing here tonight.

7 We are hoping that you will join us
8 in finally tearing down a wall that keeps us in
9 our ghettos.

10 The crux of the issue is this: The
11 Berlin wall was called by its builders the anti-
12 imperial protection wall. The anti-imperial
13 protection wall. That's like calling the Garden
14 State Parkway, "The we know it's clogged but this
15 way you will drive fast and get hurt parkway."

16 It's also like calling a marriage
17 between two gay men or two lesbians a civil union.

18 As a governmental body you must
19 above all else work to enhance life, liberty and
20 the pursuit of happiness which includes ours.

21 I conclude with the thoughts that at
22 times intractable conflicts are unavoidable and
23 that some people will go home unhappy. But
24 tonight I say to those who oppose calling marriage
25 for gays and lesbians marriage, we can all go home

1 happy.

2 You to your spouses and we to our --
3 we can all go home to our children who by every
4 whole and measure agree with us.

5 My partner and I are the go-to
6 couple on our block. We take care of the elderly
7 and we feed the sick. We accept everyone and
8 everyone accepts us. Period. It's time I think
9 for the government to catch up.

10 However, I do understand and accept
11 the fact that some people just don't get this gay
12 thing because they mistake their walls as
13 protection and not as a ghetto wall.

14 But the old foundation is crumbling
15 and your responsibility is to help it fall. So to
16 all of you tonight, God bless you all and thank
17 you.

18 MR. VESPA-PAPLEO: David Smith, Len
19 Deo, Richard Cash. Then we will take a three
20 minute break.

21 MR. SMITH: Good evening. I'm David
22 Smith, Deputy Director of Garden State Following.

23 Today, 405 organizations from across
24 New Jersey representing gay, lesbian, bisexual,
25 transgender and intersex people and representing

1 straight people and representing people of every
2 national origin, religion, race and gender and
3 representing people from every county in the
4 state, Governor Corzine, President Codey and
5 Assembly Speaker Roberts calling on them to pass a
6 Marriage Equality Statute.

7 Together, these 405 organizations
8 represent more than one million residents of New
9 Jersey.

10 I would like to read that communique
11 now and ask you to insert it into the record.

12 "Dear Governor Corzine, Senate
13 President Codey and Speaker Roberts, on this one
14 year anniversary of the New Jersey Supreme Court
15 decision that led to civil unions, we 405
16 organizations together representing more than one
17 million New Jersey residents endorse marriage
18 equality for same sex couples.

19 We ask you to enact a marriage
20 equality bill as soon as possible to replace the
21 state's failing Civil Unions Law.

22 At the three hearings this fall,
23 the New Jersey Civil Union Review Commission,
24 dozens of civil union couples testified about
25 being denied equal benefits by employers

1 throughout New Jersey.

2 As the testimony made clear, these
3 employers do not need to be educated about the
4 law. They have made conscious decisions not to
5 recognize civil unions as the equal of marriage.

6 In addition, newspapers across the
7 country including the Star Leger, the New York
8 Times, the Washington Post, the Philadelphia
9 Inquirer, and the Bergen Record have run their own
10 investigation of how numerous employers across New
11 Jersey have refused to recognize civil unions as
12 the equal of marriage.

13 We are most impressed by the
14 testimony that Massachusetts Labor and Community
15 leaders delivered at the first Civil Union Review
16 Commission Hearing.

17 They explained that Massachusetts
18 employers by the persuasive weight of the word
19 marriage are not using the Federal ERISA loophole
20 to avoid recognizing same sex marriages.

21 In contrast, numerous employers in
22 New Jersey are using the Federal ERISA loophole to
23 avoid recognizing civil unions.

24 That striking testimony from
25 Massachusetts puts to rest the notion that New

1 Jersey cannot do anything about the inference of
2 Federal law with civil unions.

3 Yes, New Jersey can do something.
4 New Jersey can enact marriage equality.

5 We are also impressed by the
6 testimony from experts in Vermont stating that
7 seven years after Vermont's Civil Unions Law took
8 effect, civil unions there still don't work like
9 marriage.

10 The passage of time has been no
11 panacea.

12 As New Jersey State Bar Association
13 President Fontane Newsom testified at the first
14 Civil Union Review Commission Hearing and I quote,
15 "Civil unions are a failed experiment. They have
16 been shown to perpetuate second class legal status
17 for same sex couples and their families."

18 Governor Corzine said, "Governor
19 Codey, Speaker Roberts, you now have ample
20 evidence to reach the same conclusions.

21 The time has come for the state down
22 with the unions law, real marriage equality.

23 Sincerely, the 405 organizations
24 representing more than one million New Jersey
25 residents. Thank you.

1 MR. VESPA-PAPALEO: Len Deo. Then
2 we have Gary or Craig Ross and then we will take a
3 break.

4 MR. DEO: My name is Len Deo and I'm
5 here tonight representing the New Jersey Family
6 Policy Council.

7 I would like to acknowledge that the
8 Family Policy's first and foremost (inaudible) and
9 passion of this Committee and also the people in
10 this room.

11 We understand that the many hours
12 that are being spent in review of the civil unions
13 underscores that there are deep concerns on both
14 sides of this issue.

15 And I would like to personally
16 apologize for any of those who may misrepresent
17 our side for this discussion should not be about
18 personal insults, innuendos or sarcastic
19 accusations on either side.

20 The Committee here is charged we
21 understand your highest priority is to ensure the
22 effectiveness of the Civil Union Law and its
23 application.

24 You do also have an indirect
25 responsibility to the people of New Jersey as a

1 whole. Marriage and this was in the Griswold
2 versus Connecticut, is not a creature of statute
3 invented by the New Jersey Legislature or for that
4 matter, any other government.

5 It is a social institution with
6 groups that had the US Supreme Court as noted are
7 older than the Bill of Rights, older than our
8 political parties, older than our school systems.

9 The social understanding of marriage
10 is the union of a husband and wife, is associated
11 in the minds of many New Jerseyans with important
12 social and public goods, to alter that meaning
13 would render a profound change in the public
14 consciousness for social institutions of ancient
15 origin. That's from the Lewis v. Harris opinion.

16 We have just recently fielded a poll
17 and I would like to state that 61 percent of those
18 that were polled by our organization stated that
19 yes, same sex couples had the right to choose. No
20 one would deny that, the rights. But they do not
21 have the right to re-define marriage for the rest
22 of society. The numbers do make sense.

23 For instance, in New Jersey right
24 now, I assume I'm being filmed over there. Is
25 that correct? The camera? I want to make sure

1 I'm being clear on this. The numbers in New
2 Jersey there are 1.1 --

3 MR. VESPA-PAPALEO: You can hand it
4 in as well.

5 MR. DEO: There are 1.6 million
6 married couples consisting of one man and one
7 woman.

8 In New Jersey right now we know that
9 there are 1,514 civil union couples consisting of
10 two men or two women.

11 That number represents less than
12 tenth of one percent or 0.092 exactly.

13 On the contrary, one man, one woman
14 marriage represents 99.9 percent of all legally
15 joined unions in New Jersey.

16 Our concern is for the 1,514 civil
17 union couples as the last check with the Civil
18 Rights Commission, we understand that only six
19 formal complaints have been filed.

20 So from our perspective there we
21 believe that the Civil Unions Statutes are doing
22 what they intended to do, are doing what they
23 intended to do in starting to offer their rights.

24 I understand there are some issues
25 tonight where people have made complaints, but our

1 concern is why aren't those complaints being made
2 formally through the process that was set up.

3 This past weekend we were
4 participating in a rally that took place at the
5 State Capital as thousands of New Jerseyans that
6 do support marriages, the union of one man and one
7 woman, came to Trenton and yes, there is some
8 decisiveness of both sides of this issue.

9 At this point in time, we believe
10 that the civil -- we believe that the Civil Union
11 Commission and the formal complaints that are
12 being filed are more indicative of what's going on
13 out there, that, in fact, the Legislation is doing
14 what the Legislature wanted it to do and what the
15 Court instructed the Legislature to do and not so
16 much failing. Otherwise, we would have seen a
17 large influx of formal complaints. I thank you
18 for your time. Thank you.

19 MR. VESPA-PAPALEO: The Division on
20 the Civil Rights. It's not the Civil Rights
21 Division that investigates discrimination. You
22 can get that by checking Google and I would be
23 happy to explain the process to you in the future.

24 We're going to take a little later a
25 three to five minute break. There are restrooms

1 on the second floor and also on the first floor
2 and then we'll reconvene back here.

3 MR. CASH: Good evening. My name is
4 Richard Cash. This is my partner
5 Craig Ross. We testified in the first hearing and
6 attended the second hearing in Blackwood. We
7 wanted to thank the Chairman for the
8 professionalism you demonstrated conducting these
9 hearings and commend you for the job you are
10 doing.

11 Craig and I are among the dozen of
12 couples who have testified at these hearings about
13 employers refusing to recognize our civil unions.

14 We are here tonight to give you an
15 update. We are tired for waiting for marriage
16 equality.

17 We attempted to file a complaint
18 with the Division of New Jersey on Civil Rights
19 exactly as this Commission suggested at the first
20 two hearings.

21 Craig and I had initially an intake
22 interview with a representative of the Division.
23 Tonight we can report to you that the Division of
24 Civil Rights has told us that at this time there
25 is nothing they can do to help us.

1 The Division also told us they can
2 not compel Craig's employer to recognize us as
3 civil union partners and to provide us the equal
4 benefits under the law.

5 The Division points out that many
6 others at these hearings that also pointed out
7 Federal ERISA Law provides many employers in New
8 Jersey with the perfect loophole whereby they do
9 not have to follow the Civil Union Law.

10 Tonight we would like you to tell
11 you how fed up we are.

12 MR. ROSS: We are fed up with being
13 told opponents of marriage equality passing
14 marriage equality in New Jersey would make no
15 difference because of ERISA. These hearings have
16 proven that to be totally untrue.

17 At the first hearing, experts from
18 Massachusetts testified that employers there are
19 not using ERISA loophole to recognize -- to avoid
20 recognizing the same sex marriages.

21 Massachusetts, the persuasive weight
22 of the word marriage that everyone understands is
23 enough to influence Massachusetts employers to do
24 the right thing.

25 Whereas too many New Jersey

1 employers refuse to do so. We're fed up with
2 being told marriage equality in New Jersey gives
3 civil unions, the Civil Union Law time, civil
4 Unions will eventually be recognized here just as
5 marriage. These hearings have also proven that to
6 be untrue.

7 At the first hearing, experts from
8 Vermont testified that today seven and a half
9 years after the Vermont Civil Union Law took
10 effect civil unions in Vermont still don't work
11 like marriage.

12 We're fed up with opponents of
13 marriage equality claiming the failure of the
14 Civil Union Law is exaggerated only because a
15 handful of civil union couples have filed
16 complaints of discrimination with the state
17 government.

18 This is an insult to the truth that
19 this Commission has seen with its very eyes.
20 Dozens of civil union couples from every part of
21 New Jersey have come forth at these hearings to
22 describe their experiences with their employers
23 refusing to recognize their civil unions.

24 These couples alone represent an
25 exponentially higher number than those who have

1 successfully filed complaints on the Division of
2 Civil Rights. Couples are afraid of employer
3 retaliation.

4 Couples that have testified at these
5 hearings have still chosen not to contact the
6 Division given our own experience with the
7 Division of Civil Rights who told us there's
8 nothing. Why would any couple want to waste the
9 time of filing a complaint when the only
10 consequence may be employer retaliation?

11 Let face it, given the reports,
12 ERISA applies to two thirds of all employers in
13 New Jersey from the numbers being reported.

14 Let's face it. Reports that ERISA
15 applies to two thirds of all employers in New
16 Jersey, the numbers being reported by advocacy
17 organizations of the Civil Union law's failure are
18 different, under-estimates, if anything.

19 We're fed up with being told by
20 opponents of marriage equality they don't believe
21 the Civil Union Laws are harming same sex couples
22 of New Jersey. How could our opponents boycott or
23 chosen not to participate in the two hearings?
24 They can't say the failure of the civil union law
25 isn't a problem. Yet refuse to participate in the

1 hearings. That clearly illustrates that is a
2 problem.

3 Finally, we're fed up with being
4 told by opponents of marriage equality, the
5 outcome of this Commission is predetermined to
6 recommend marriage equality.

7 This Commission reached the
8 conclusion that there is no way to fix the failed
9 Civil Union Law other than to replace it with
10 marriage equality. It's not because this
11 Commission is biased. It's because this
12 Commission sought the mountain of evidence and has
13 accepted the truth before its eyes. Thank you.

14 MR. VESPA-PAPALEO: Next, Harry
15 Nussbaum, then Robert Landau and then Susan
16 Waldman.

17 MR. NUSSBAUM: Harry Nussbaum.
18 N U S S B A U M and Thomas Leurita.
19 L E U R I T A. Tom and I have been partners of 29
20 years. I work for a large nonprofit organization
21 in New York. I'm an Associate Vice President.
22 Tom is a realtor in New Jersey. I work for a very
23 large nonprofit organization of 4,000 employees
24 throughout New York and Long Island funding
25 sources for state, federal, city funds.

1 Myself and other senior managers,
2 gay and lesbian senior managers approached our CCO
3 concerning domestic partner benefits.

4 It's something that although we're a family
5 organization and we're very giving when it came to
6 that, they were not so giving.

7 To make a long story short, on a
8 practical note, I want marriage. Tom could have
9 the same health benefits that I enjoy through my
10 employer rather than having to pay more than \$700
11 a month out of our income for his benefits.

12 MR. VESPA-PAPALEO: Thank you.
13 Robert Landau. Luanne Peterpaul. And then Susan
14 Waldman and I have to lower the mic.

15 MR. PETERPAUL: Good evening. My
16 name is Luanne Peterpaul. I'm an attorney in the
17 State of New Jersey. I'm here to speak upon the
18 personal and professional hearing that Bob
19 Korach(ph) sat before you and spoke about a
20 personal story he had with his nephew and the fact
21 that he was denied health benefits through his
22 partner's policy.

23 I want to relate some stories I have
24 about clients who have called me and on a personal
25 level how I became involved in this.

1 I've been in a relationship with my
2 partner for 24 years. This year we're going to
3 celebrate our 25th. I was 12 at the time.

4 MR. VESPA-PAPALEO: You're not under
5 oath.

6 MR. PETERPAUL: And a few years back
7 we talked about getting married because we have a
8 place up in Massachusetts and I said to her, "I'm
9 New Jersey born and bred. I'm going to get
10 married and we're going to get married in New
11 Jersey."

12 Shortly after that, my nephew was
13 diagnosed with leukemia and in his hospital bed we
14 were talking and I said to him, "Thomas, one day
15 Robin and I are going to be able to get married
16 and I want you to be part of the wedding."

17 Without blinking an eye with that
18 innocent child look, he looked at me like I was
19 crazy. "Of course I'm going to be in your
20 wedding."

21 Unfortunately, Thomas passed away.
22 But I promised him and I promised my partner I'm
23 going to continue to fight. And it shouldn't be a
24 fight. It really shouldn't. But let me relay
25 some practical.

1 My law practice is primarily
2 employment law. I get calls from employers and
3 from employees. I get calls from employers who
4 say to me, so and so just came into my office and
5 they want health benefits. Our plan only says
6 spouse for marriage. What do I do? You have to
7 follow the law. What's the law. You have to
8 provide them with benefits. Unless you have ERISA
9 which is a based plan, then you have an out.

10 One response that I got was who is
11 Alissa? But the fact is that employers are still
12 questioning whether they have to provide benefits
13 because the plan says spouse or marriage is mind
14 boggling to me.

15 I have a client now who I'm trying
16 to help who is employed with a national company
17 who is applying for benefits as a civil union and
18 is being denied. It's an ERISA based policy.

19 However, they do provide benefits to
20 their employees of Massachusetts because our
21 statute does not say spouse or marriage. It's
22 quite outrageous to me at this time in everyone's
23 life that we still make a distinction.

24 I stand before you and applaud you
25 for the work that you're doing and I just want to

1 make one response to the gentleman that was Mr.
2 Deo who said there aren't many complaints,
3 1,500 have been civil unions.

4 I chose not to be civil union. I'm
5 waiting until the time I can be married.

6 MR. VESPA-PAPALEO: It's important to
7 state I served also as the Director of the
8 Division on Civil Rights. You heard several
9 people testified about it. I don't want a
10 misconception to be out there. I can get fired
11 for saying what I'm going to say, but I'm going to
12 say it any way.

13 There are many places people go to
14 to express their displeasure or problem of what's
15 happening to them.

16 The Division on Civil Rights is just
17 one little place people can go to. There aren't
18 many places people can go to to express their
19 displeasure.

20 There are houses of worship. Other
21 places, the courts. Another place is advocacy
22 groups. Those are all places that have been
23 receiving complaints about discrimination because
24 of the Civil Union Law. So don't get the mis-
25 impression that because our Division has only six

1 complaints, that the problems aren't out there and
2 being heard by the multiple parties that people
3 feel comfortable going to. There are hundreds and
4 hundreds and hundreds of complaints.

5 When I use the word six complaints,
6 I'm using the term that's in the statute that I
7 enforce which is a very specific narrow type of a
8 complaint.

9 However, we have received in the
10 course of the last several months over 400
11 inquiries from the public about what happens to
12 them because of this word civil union and the fact
13 that they don't have the word marriage in the law.

14 So don't get the mis-impression that
15 it's only six complaints. There are hundreds and
16 hundreds of examples of people not knowing what's
17 going on.

18 Like I said, if I'm not here next
19 year, if I get fired for saying that, but it's
20 important to note for the record that's the
21 reality of it happening. They are no different
22 than us. We receive hundreds of race
23 discrimination complaints in a year. That doesn't
24 mean there's only 300 times that race
25 discrimination happened in New Jersey. It happens

1 everyday. So the numbers don't speak to the
2 volume of what's really happening out there. I'm
3 going to shut up at this point. This isn't my
4 hearing, but I wanted to be sure you were all
5 aware of that since you hear it, you see it quoted
6 in the press a lot.

7 Next is Susan Waldman, Dwight
8 Grogan, Bill Hutson and Bert Morris.

9 MS. WALDMAN: Good evening. Thank
10 you for the opportunity to testify. I am Susan
11 Waldman W A L D M A N.

12 I'm testifying under the word
13 implement in Number 1. That's what I'm qualifying
14 tonight.

15 It's about time that we let same sex
16 couples get married. I am a straight person who
17 has been married for 42 years and my marriage may
18 have been written by various things over those
19 years, but same sex marriage is not one of them.

20 Isn't it better to have happy
21 families in New Jersey? I would say yes to same
22 sex marriage. Yeah.

23 MR. VESPA-PAPALEO: I would like to
24 hire you to write my speeches. Next is Cheryl
25 Restaino.

1 MS. RESTAINO: Cheryl Restaino.

2 C H E R Y L R E S T A I N O. Actually, I'm here
3 representing North Jersey People Act. I'm a
4 People Act mom. I actually grew up in Nutley so
5 when I was growing up, I was very comfortable and
6 now tonight in Nutley I'm a little uncomfortable.

7 I'm uncomfortable because my gay son
8 can't have the same rights as my straight
9 daughter.

10 Also, as a teacher, I've been a
11 teacher for almost 30 years and when I'm telling
12 my students to treat everybody equally and fairly
13 it seems that it's not exactly true here
14 especially with marriage equality and a former
15 student of mine who I kept in touch with over the
16 years just told me one of her stories.

17 She actually lives in South Jersey.
18 She got civil unioned and she works for the
19 Federal Government and her partner isn't insured
20 and in order to get her partner insured, they have
21 to get lawyers and pay X amount of dollars so
22 we've heard it tonight over and over again civil
23 unions are not working.

24 I just wanted to let you know I feel
25 the same way and hopefully, my son and other gay

1 students and gay people that I have come to love
2 can have the same rights that my husband and I
3 have. Thank you.

4 MR. VESPA-PAPALEO: Thank you.
5 Dwight Grogan, Bert Morris, Pamela Weir, Henri
6 Simonetti.

7 MR. GROGAN: Good evening. My name
8 is Dwight Grogan. D W I G H T G R O G A N. My
9 partner Larry and I and that's partner as in civil
10 union partner, not my business partner which most
11 people assume when I say my partner Larry.

12 We've been together for 13 years.
13 We own property. We are members of our
14 neighborhood. We take part in things that happen
15 in our neighborhood. Yet, we're not entitled to
16 the same rights as everybody else in the
17 neighborhood.

18 A lot of people are talking about
19 E R I S A to block benefits. I have that same
20 problem in my organization.

21 I've turned to Garden State
22 Equality. I did not realize we could go to anyone
23 else. I find Garden State Equality helped me.
24 They wanted me to go on television or the
25 newspapers to try to push it through but fearful

1 for my job I pulled back.

2 I did have to fight harder to get
3 benefits. It took four months but overall, after
4 all the fighting, I did win out and I have
5 benefits for my partner.

6 And one of the pieces of information
7 I did have to refer to, and I kind of jammed down
8 their throat, was the State of New Jersey
9 Department of Banking and Insurance Bulletin
10 07-04 which states in it that "It is not an option
11 that the same things have to be given to
12 everyone."

13 My problem with this is if we're
14 supposed to have all the same rights, well, all
15 the same rights would be Larry as my spouse. I
16 don't have the right to call him my spouse. That
17 is one right I don't have.

18 I don't have the right for my mother
19 in-law to be my mother in-law if we're technically
20 not married. But she's as much my mother-in-law
21 as my mother is my mother. I love her as much as
22 she loves me.

23 My nephew came to me one day and
24 said, "You're not really my uncle." And I asked
25 him, "Why would say that?" He said, "Because

1 you're just Uncle Larry's friend." I said, "No,
2 Uncle Larry and I are married." It's the only
3 term that the young boy will understand.

4 He is as much my nephew as he is
5 Larry's nephew but unfortunately, because of the
6 word civil union having described itself as a
7 partner or being unionized just doesn't sink in to
8 a small child's head. So if you want to do the
9 right thing, let us be married. Thank you.

10 MR. VESPA-PAPALEO: Bill Hutson.

11 MR. HUTSON: Hi, my name is Bill
12 Hutson H U T S O N. I wanted to thank the
13 Chairman and the Committee for allowing me to
14 testify.

15 The first thing I'm against is the
16 Civil Union Act. I think it should be dissolved.

17 You know, if people talk about
18 making marriage legal tonight, I think we should
19 allow the public of New Jersey to vote.

20 MR. VESPA-PAPALEO: What's on the
21 agenda for tonight is what was in the statute that
22 I've read.

23 MR. HUTSON: I understand that.

24 MR. VESPA-PAPALEO: The Civil Union
25 Act is the law now. We are not going to discuss

1 whether or not the Civil Union Law should be in
2 place.

3 The question before you to testify
4 about is the Civil Union Act working well enough
5 or is marriage a better option.

6 MR. HUTSON: I understand that. I
7 would just like to make one comment. I understand
8 that.

9 I would like to make one comment to
10 the Commission. I think you should be unbiased in
11 the way you have conducted the hearings and the
12 last few comments makes the Commission very biased
13 so I think that you should conduct these in a very
14 fair manner and not be biased, sir.

15 Anyway, I'll continue. We've heard
16 ministers tonight and Rabbis state God a number of
17 times and the Rabbi especially and the minister
18 should know in the Bible God states that marriage
19 is between one man and one woman and until God
20 changes that in the Bible, and men can have sex
21 with men and can have biological babies, they
22 can't be married.

23 MR. VESPA-PAPALEO: Are you
24 testifying that marriage is improper? We should
25 stick to civil union?

1 MR. HUTSON: No.

2 MR. VESPA-PAPALEO: If you are not
3 answering that question, then you're going to be
4 ruled out of order.

5 The only thing before you right now,
6 it's either civil union or marriage. That is the
7 statutory question we can hear. We are not
8 permitted by law to hear anything beyond that.

9 MR. HUTSON: I'm testifying for
10 marriage, that marriage should be between one man
11 and one woman.

12 MR. VESPA-PAPALEO: Same sex marriage
13 or same sex civil unions. That is the charge of
14 this Commission. If you are not here to testify
15 about either of those, I apologize, but you're
16 going to be ruled out of order.

17 MR. HUTSON: I'm still against the
18 Civil Union Act. Thank you very much.

19 MR. VESPA-PAPALEO: Thank you. Next
20 is Bert Morris, Pamela Weir, Henri Simonetti, W. Paul
21 Beckwith and Shayne Miller. Bert Morris.

22 MR. MORRIS: My name is Bert Morris.
23 My first name is B E R T, last name M O R R I S
24 and I myself is a single person, not in any
25 relationship to be with a man or a woman. It

1 should not depend on whether it's with a man or a
2 woman, about being able to get married and having
3 the same benefits.

4 Talk about family values and we've
5 really seen some family values up here tonight,
6 same sex couples who in particular have children
7 and as long as they are in a relationship
8 together, they are families just as much as we
9 have heterosexual people and it should not really
10 depend on peoples' sexual orientation or gender
11 identity.

12 God, I don't see in the Bible where
13 it says God's marriages are only between a man and
14 a woman. I don't think there's a lot in
15 particular God is saying. But I think what
16 pleases God is when they are happy, young
17 relationships, whether they be between straight or
18 lesbian or gay or bisexual, transgendered.

19 I don't think it makes a difference.
20 I think that they are like blessed and happy
21 relationships and that really is the most
22 important thing.

23 And I just want to say very much
24 that I believe really in the end only like
25 marriage equality will bring the true equality.

1 Here we have true examples of people
2 really very much being hurt because it is civil
3 union and not a marriage and talking about the UPS
4 case in Massachusetts, UPS does recognize same sex
5 couples as being like married because in
6 Massachusetts it is a marriage.

7 So I just really want to thank the
8 Division on Civil Rights and the Civil Union
9 Commission for having these hearings to hear
10 testimony about the problems that there are with
11 the Civil Unions Law.

12 Hopefully, there will eventually be
13 true marriage equality here in New Jersey. New
14 Jersey has a long way also to go for that marriage
15 equality. I just want to thank everybody. Thank
16 you very much.

17 MR. VESPA-PAPALEO: Pamela Weir,
18 Henri Simonetti, W. Paul Beckwith, Shayne Miller.

19 MS. WEIR: My name is Pamela Weir
20 P A M E L A W E I R and before tonight I never
21 heard of Commission on Civil Rights. If I had a
22 complaint I wouldn't know to go there. But I
23 probably would go to Garden State Equality. That
24 is the name I would know, I'm familiar with.

25 But my partner and I, my civil union

1 legal partner and I got legally civil unionized on
2 June 1 and her family is very, very supportive and
3 my family is not. They are from rural
4 Pennsylvania. They don't understand the whole
5 thing. But I changed my last name to my partner's
6 last name for three reasons.

7 Number one, I never really liked my
8 given last name. Number 2 is because her family
9 accepted me into their family. I am part of their
10 family now, even though they technically call me
11 their daughter, sister, but I'm not legally to say
12 that.

13 But the third reason is because of
14 hospitals. My partner, my legal civil unionized
15 partner has Diabetes Type 1, Juvenile Diabetes
16 since she was very young and that was one of the
17 main reasons why I took her last name and God
18 forbid we are out of state and we need to go a
19 hospital, at least we have the same last name. I
20 don't know, maybe we could say we are sisters or
21 something.

22 But even in this state, people just
23 don't get it. I didn't know -- I have a degree
24 but not an education to be a teacher but since
25 June 1, I had no idea how many teaching seminars I

1 had to be giving just by questions and answers for
2 people, my employers.

3 We each have our own. We are both
4 employed and have our own health insurance. We
5 haven't gone any route to move into eachother's
6 health insurance but I had to explain to my
7 employers changing my last name and explaining
8 what it all means and everything and hand all over
9 documentation.

10 Even at DMV, you can do that? You
11 can change your last name? Most people understood
12 it. But I was surprised an employer there did
13 not understand. Just time and time again, you got
14 civil union. Why not call it marriage?

15 Most people say that to me. Well,
16 that's what it is, why isn't it called that? I
17 can't call her my spouse, but I mean, it's what
18 she is, it's the same thing.

19 I can't say we have been really
20 discriminated against. But we had to explain it
21 over and over and over again. I don't know, to me
22 it is somewhat discriminatory because people get
23 married. Congratulations. Even being here
24 tonight kind of proves that it's not equal for us
25 or else we wouldn't have to be standing here

1 tonight.

2 To me, I didn't think that your
3 comment was biased at all. To me, where can I
4 make a complaint? I can make a complaint to a
5 number of different organizations if I wanted to.
6 To me, that was just knowledge. I didn't find it
7 biased at all.

8 I don't know, we had a family
9 reunion on my side of the family and my sister
10 said, my legal civil union partner and I could
11 come and stay at their place.

12 My sister said I could go stay with
13 them and I'm okay, that's what our plans were
14 going to be. And then the day before she goes,
15 "Okay, but you have to sleep in separate
16 bedrooms." I said, "What? What are you talking
17 about?" She said, "You're not married." I said,
18 "Well, we are legally civil unionized. It's the
19 same thing as marriage." And she said, "It's not
20 the same words. It's not the same thing."

21 That is just a minor example within
22 my family. But it's kind of the same thing we
23 face everyday on a daily basis and hopefully some
24 day we won't have to keep explaining myself over
25 and over again.

1 The documentation, ever time I go to
2 the doctor's office I can't check off my spouse.
3 I can check off if I'm divorced, single.
4 Sometimes there's a box for other that I can
5 check. But I can't check off anything else
6 because it's just not there. Thanks.

7 MR. VESPA-PAPALEO: Thank you. Henri
8 Simonetti, Shayne Miller Anthony Pietrangolare,
9 Faith Pressla.

10 MR. SIMONETTI: Hi,my name is Henri
11 spelled H E N R I Simonetti S I M O N E T T I.

12 I'm very pleased to be able to be
13 here tonight. I'm very happy to be a resident of
14 the State of New Jersey. I'm very happy to live
15 in the US with the separation of church and state.

16 I've been living in the northeast
17 since 1991. I lived in New York for a number of
18 years. I moved to New Jersey three years ago.

19 My partner and I have been together
20 15 years. I work for a large corporation.
21 American Airlines. I'm the flight attendant. And
22 I'm very fortunate to work for a company that has
23 Domestic Partnership Benefits. We have travel
24 benefits. We have health insurance benefits. And
25 my partner is able to take advantage of those.

1 However, once again, we get back to
2 the fact that this is the same but it's not equal.

3 My partner has travel benefits but
4 since I am giving a benefit to a non-family
5 member, I have to pay additional income tax based
6 on what the company determines is the value of
7 that benefit.

8 My partner has health insurance
9 benefits. But again, because the company or I am
10 giving that benefit to a non-family member, I pay
11 additional taxes for his health insurance based on
12 the value of that service.

13 We had a crisis last year during the
14 month of October when my partner was suddenly
15 taken very sick. I was supposed to be on a trip.
16 I had to call in sick for the trip at the last
17 minute.

18 We do have Family Medical Leave. I
19 went through the steps of applying for medical
20 leave before they asked me.

21 I submitted all the paperwork, the
22 documentation and when the crisis had passed, I
23 found out that American Airlines does not
24 recognize family leave for domestic partnerships,
25 only for spouses.

1 And I spoke with someone in Human
2 Resources today. She verified, yes, that is true,
3 American Air Lines does not recognize civil
4 unions. They do not recognize family leave for
5 domestic partnerships. They only recognize
6 marriage.

7 I'm a 45 year old man. It seems
8 strange to me that at this point in my life I have
9 to come before officials and ask to have my civil
10 rights -- that's what I'm doing. I'm asking for
11 civil rights that I'm entitled to, my partner is
12 entitled to.

13 I am also very tired at this point
14 in my life of having to listen to people wherever
15 I am who believe that somehow my partner and I
16 getting married is a threat to their marriage, to
17 their family, to their values, to their belief
18 system, to their way of life.

19 Frankly, I don't care whether they
20 are threatened or not. What I'm concerned about
21 is my rights as a U.S. citizen, and as a resident
22 in the State of New Jersey.

23 My mother is French-Canadian. She's
24 been living here for many years. My partner and I
25 have said at certain points in time should we

1 consider leaving the U.S. and move to Canada where
2 at least we know we'll have some civil rights.

3 It seems like an extraordinary thing
4 to think about and I would like to think we don't
5 have to do that. We would like to stay here. We
6 would like to stay in the State of New Jersey but
7 it seems obvious that this civil union does not
8 work and I don't think it should take several more
9 years before the Legislature determines that it
10 does not work and we are entitled to the same
11 rights and benefits that everyone else has.

12 MR. VESPA-PAPALEO: I have a question
13 for you. You mentioned Family Leave Rights not
14 extended to you for your partner. Are you in a
15 New Jersey Registered Domestic Partnership or a
16 New Jersey Civil Union?

17 MR. SIMONETTI: Domestic
18 Partnership. This happened last October.

19 MR. VESPA-PAPALEO: The New Jersey
20 Domestic Partnership Act does not extend to New
21 Jersey Family Leave Act Benefits.

22 However, the New Jersey Civil Union
23 Act does extend New Jersey Family Leave Act
24 Benefits to the Civil Union partner.

25 MR. SIMONETTI: Thank you. .

1 MR. VESPA-PAPALEO: If you will stick
2 around and talk with me afterwards or speak to
3 Agnes -- there are two different Family Leave
4 Acts. There is the Federal and a State Family
5 Leave Act. They are different. We can see if
6 maybe there were some issues that we can attest
7 to. But you bring up there's another conflict.
8 But thank you for testifying. You can speak to
9 Agnes.

10 MR. SIMONETTI: Thank you all for
11 being here.

12 MR. VESPA-PAPALEO: W. Paul
13 Beckwith, Shayne Miller, Anthony Pietrangolare,
14 Faith Pressla, Deranie Ali, Leslie Farber, the
15 Reverend Peter Defranco and Jim O'Keefe and then
16 that will be the end of our hearing. No one else
17 will testify after that.

18 MR. PAUL BECKWITH: Sir, good
19 evening. Thank you for this opportunity. My name
20 is Paul, that's P A U L, B E C K W I T H.

21 I contacted Steve Goldstein in
22 October of last year about a situation I had with
23 my lover's company where I was not being allowed
24 the same benefits as someone who would be a
25 married spouse.

1 That conflict at this point here is
2 a moot point. On April 23rd of this year, my
3 appendix ruptured and I was taken to the hospital
4 a less than a mile from my home in Plainfield, New
5 Jersey. I was admitted for emergency surgery.

6 When my partner was not allowed to
7 see me, he was removed by hospital security. I
8 was getting ready to leave. I was restrained by
9 separate hospital security.

10 After leaving the hospital, JFK
11 Medical Center, I had an emergency operation. And
12 I was in the hospital for the next three days.

13 Not that it should matter, but my
14 combined personal household income this year
15 exceeds \$2 million.

16 It means that we can readily afford,
17 correct inaccurate legal protections and we
18 thought that we had them. All I's were dotted and
19 T's were crossed.

20 And yet, the woman who I see around
21 town, I see in church, benefits, asked us to bring
22 our checkbooks, stood there and actually said to
23 us, "We are not married."

24 Things worked out. I'm here. He
25 needs serious medical surgery on his spine. We

1 are not having that surgery in the State of New
2 Jersey where we live. If we were and that
3 happened again, you would be reading my name. I
4 wouldn't have to spell it for you.

5 I thought by being quiet and just
6 letting people like Steve and others who are
7 braver turn around -- and then I lived it.

8 The first time I contacted Steve
9 about it, it doesn't matter anymore. It's time.

10 My State Legislature worked hard
11 because Steve has worked hard and the other people
12 in this organization and you are taking the ball
13 right up to the line.

14 There are certain people in this
15 state that think they stand on the law because
16 they don't agree with it or they don't understand
17 it and they use it against you as well as I.

18 They are denying my state
19 legislature's neighbors, their pride and they are
20 taking a chance on doing the right thing and it's
21 wrong and it's time to stop this.

22 I know what was said in the Bible.
23 It also says you can own people. Mr. Hutson, if
24 you are still here, I'll be glad to buy you.
25 Thank you for this opportunity. I couldn't

1 believe this happened today, in this world, in my
2 state. The people in my State of New Jersey don't
3 hate. If they do, they don't belong here. Thank
4 you very much.

5 MR. VESPA-PAPALEO: Thank you.
6 Shayne Miller, Anthony Pietrangolare, Faith
7 Pressla, Deranie Ali.

8 MR. MILLER:. Good evening. My name
9 is Shayne Miller, M I L L E R. I'll be very
10 brief. I only have one issue.

11 My partner and I had a civil union
12 on August 19 of this year. And he decided to take
13 my last name.

14 Back in 1974 when my parents got
15 married, my mother simply had to take her marriage
16 certificate to have her name changed to my
17 father's.

18 I however have to spend more than
19 \$1,000 to have a legal name change for my partner
20 not to mention we have to have his name printed in
21 six different newspapers just in case creditors
22 are asking for us.

23 Also, that is something that a
24 heterosexual married couple does not have to do.
25 I thank you very much for your time.

1 MR. VESPA-PAPALEO: Thank you.
2 Anthony Pietrangolare, Faith Pressla.

3 MR. PIETRANGOLARE: My name is
4 Anthony Pietrangolare. P I E T R A N G O L A R E.
5 I'm here and I will speak briefly because a lot of
6 what was said you already heard. But I do want to
7 say my partner and I have been together for 13
8 years.

9 We moved to New Jersey because when
10 they passed the Partnership Law, we lived in New
11 York. Then we moved to New Jersey. We were
12 hoping and very happy to hear there was the
13 possibility of getting married one day.

14 I will say that when the Civil Union
15 Law got passed, I was a bit disappointed but I
16 work for a very progressive company. They
17 extended domestic partnerships, and most major
18 things, not all things but things that really
19 count like health insurance and dental. And I was
20 able to cover my partner just by signing a paper
21 with them. They had a form to fill out, domestic
22 partners, okay, we will cover you.

23 When we decided to get civil
24 unionized, I called them because I went to a
25 website trying to figure out what do I do because

1 you have to do something when you get married.

2 I was married and I know it was by
3 law I had to go to my lawyer and legally say I was
4 married because that was something I had to do and
5 I was looking on the web page trying to figure out
6 what to do and there was nothing that I should do
7 so I called and said I'm going to get civil
8 unioned, what do I do. She couldn't tell me.
9 This is the main Human Resources person at a major
10 institution in New Jersey.

11 Okay, one of the things it was group
12 life insurance, but you have to be a spouse for
13 that.

14 So I asked about that because that
15 was something I would like to have with my partner
16 and they said, "No, it's not offered now." I
17 said, "Well, if I get civil unioned, will it be
18 offered?" They said, "Probably not. We don't
19 know."

20 This is once again a major financial
21 institution. It turns out that they changed their
22 plan and I can get the insurance. I think it's
23 just easier to just give the benefit to the people
24 who are asking for it as they ask for it rather
25 than change their policy. I don't know. I don't

1 want to do it because like everybody else, I've
2 got a good deal.

3 I want to express to you all I
4 shouldn't have to do this. I shouldn't have to do
5 this.

6 I tried to explain to my mother what
7 I wanted to do and she couldn't get it. This is
8 my mother and she knows John and we're together
9 all this time. I was trying to explain. She's
10 like, "What is this?" That's unfortunate that my
11 own family wouldn't understand what I was doing.
12 I was going to plan a ceremony. I just stopped.
13 I just said, it's just not worth it. That's my
14 two cents. Thank you.

15 MR. VESPA-PAPALEO: Thank you. Is
16 Faith here? All right. Deranie Ali. Leslie
17 Farber. I know she's here. After Leslie Farber,
18 The Reverend P. DeFranco, Thomas Prol and the last
19 is Tim or Jim O'Keefe.

20 MR. FARBER: Good evening, everyone.
21 As you may remember, I did testify at the first
22 hearing.

23 I am the Chair of the New Jersey
24 State Bar Association Gay Lesbian, bisexual
25 transsexual. However, I'm speaking here tonight

1 on my own behalf as an attorney and I won't go
2 through all the -- you heard last night, you heard
3 the other two nights because there was quite a few
4 of them.

5 As a practitioner, I am still
6 hearing them. Ever since the first hearing that I
7 testified, I've had people coming up to me saying
8 I went to my accountant trying to file my taxes.
9 He doesn't understand what civil unions are.

10 We have to prepare special
11 documents, even a Prenuptial Agreement, Pre-Civil
12 Union Agreement. We have to put special
13 paragraphs in there because we don't have the New
14 Jersey law books. We have to explain what a civil
15 union is.

16 I just wanted to say I think we've
17 all been seeing that marriage, the actual word
18 marriage is a label. That labels do matter. It's
19 the only concept that the universe and the world
20 understands. Thank you.

21 MR. VESPA-PAPALEO: Thank you. The
22 Reverend Peter DeFranco, Tom Prol and Jim O'Keefe.

23 REVEREND DEFRANCO: I'm Peter
24 DeFranco. That's spelled D E F R A N C O. I'm an
25 Episcopal priest in the Diocese of Newark, and St.

1 Peters Episcopal Church in Clifton, New Jersey,
2 and I want to thank all of you for listening to me
3 tonight.

4 During my ministry I've been blessed
5 to perform holy unions well before the State of
6 New Jersey allowed for civil unions and I am
7 delighted to continue to counsel couples as they
8 prepare for their civil and holy unions.

9 But I must say that I feel like a
10 priest pedaling to the secondhand rows in the
11 community.

12 The couples consider each other
13 married in everything but name and yet they know
14 they've been given a second class offering. Some
15 couples with whom I am speaking are delaying their
16 services until they can receive the benefits of
17 marriage.

18 I encourage you to extend full
19 marriage rights to all New Jersey and I encourage
20 you not to delay this. Thank you.

21 MR. VESPA-PAPALEO: We did have one
22 written comment that was forwarded to the
23 Commission which we'll be adding into the record.
24 I'm not going to read it tonight but it is written
25 by a certified public accountant which explains at

1 least his position that the Civil Union Law and
2 Domestic Partnerships do not provide equal
3 treatment as a matter of practice of accountancy.
4 Tom Prol and Jim O'Keefe and that will terminate
5 our hearing.

6 MR. PROL: Thank you, Mr. Chairman,
7 if you will give me a little leeway, something was
8 raised to the Commission that I just want to put
9 something on the record to make it clear.

10 The integrity of this Commission was
11 questioned tonight and it was questioned by a
12 couple of people. But I just wanted to point out
13 that a testimony was brought forward by the New
14 Jersey Candidate Policy Council and they made
15 another comment in the press about how this
16 Commission is staffed, and that the net effect of
17 the law creates a vehicle by which -- and I'm
18 quoting "The homosexual activist is a dog and pony
19 show to force the Legislature (inaudible) same sex
20 marriage rather than civil unions."

21 And I think it's brave of our
22 democratic process for people to have something to
23 say and to a number of those people on this
24 Commission.

25 I know that the Attorney General

1 representatives Mr. Dale Mega (Ph) we don't
2 necessarily see eye to eye on this thing but I
3 think that you have a clear purpose here. But I
4 also think that it is well-reasoned and sound to
5 render a judgment based on the facts that have
6 come before you and the testimony and the Attorney
7 General.

8 I know that the Department of Health
9 and Human Services was actually a named defendant
10 in the matter.

11 I do think that the Commissioners
12 may have varied viewpoints that they will bring
13 forward and they will hear the testimony and
14 render a decision based on the objective testimony
15 of our colleagues.

16 I also wanted to note that this was
17 the first time that organization and its
18 entourage, about 10 people appeared. That's
19 unfortunate because I know that at the prior
20 hearing a number of people that came forward, they
21 came in here, dropped off their testimony and
22 walked out the door about five minutes after they
23 spoke and I would like that reported on the
24 record.

25 I just want to highlight a couple of

1 points of testimony that came forward.

2 The representatives from the
3 National Black Justice Coalition Sylvia Rhue as
4 well as -- Galante (ph) of the Latino Department
5 who spoke of the extraordinary impact of this law
6 Community For Color.

7 I think that's very important
8 because often times we find layers within the
9 discrimination of the Black and Latino and the
10 experience is now this added layer of
11 discrimination that gay, Black, Latino people
12 experience.

13 And often times you have layers of
14 poverty, which is another form of discrimination
15 and people don't have the resources to hire an
16 attorney, to go through the name change process,
17 to deal with banks and credit unions and all these
18 problems across the board and these are the
19 organizations, the entities whether they do it on
20 purpose or not, that perpetuate discrimination
21 because our Legislature and our government by
22 enacting a separate and unequal statutory law they
23 said it's okay in our society to discriminate
24 against these people and these institutions,
25 societys' citizens follow suit. Sometimes it's

1 within an intense discriminatory purpose.
2 Sometimes it's just simply because they just don't
3 know. In fact, most of the time.

4 That's where this law is causing a
5 problem. You all heard Leslie Farber. She spoke
6 about her client for whom she had to invoke her
7 attorney/client privilege because her client is a
8 member of the military service and by enacting the
9 Civil Unions Law the State Legislature
10 unintentionally I think has created a separate
11 list of the gays in our state, the lesbians in our
12 state and so this relationship is only confined to
13 gays and lesbians.

14 There's a list out there so to
15 identify your partner, puts you in jeopardy of
16 don't ask, don't tell. So again, that's another
17 example of how this law perpetuates
18 discrimination. And when the government says that
19 that's okay, this will only increase the problem
20 because we see the Federal Government now
21 discriminates and it just says it okay across the
22 board.

23 I also want to point out that Jodi
24 Weiner testified that her employer would not give
25 her benefits until they found out she was married.

1 And that's significant. Her employer was
2 declining to give benefits to civil unions but as
3 soon as she said I'm married in Massachusetts,
4 then the employer said it's okay. That's a
5 significant important thing I would like to
6 highlight here at this point.

7 Couples, families have come forward
8 to share their personal stories and the fact that
9 these hearings had to be held has breached the
10 dignity of their families, has made them come
11 forward with some very personal information that
12 otherwise would not be required from heterosexual
13 couples.

14 I think it's sad that this failed
15 experiment as the Bar President said, that this
16 failed experiment in discrimination that we call
17 civil unions is on the books and so I would ask
18 this Commission and along with all the people that
19 you heard from we're all here asking that you go
20 to the Legislature and then you tell them that we
21 want marriage equality. Thank you.

22 MR. VESPA-PAPALEO: Thank you. The
23 final person is Jim O'Keefe. Is there a Jim
24 O'Keefe? The camera man.

25 MR. VESPA-PAPALEO: You have a tape

1 in there?

2 MR. O'KEEFE: I'm okay. I'm Jim
3 O'Keefe. J I M. K E E F E. Having covered these
4 three meetings and having seen hundreds of people
5 testify, a small portion, a small majority were
6 identified as heterosexual. As a guy who likes
7 women, I just wanted to speak about how I feel
8 about that, having been married for 24 years but
9 not to one woman.

10 I feel strongly about marriage
11 equality. In fact, the company I work for fully
12 endorses marriage equality and all the rights that
13 go with it. Of course, we don't have any
14 benefits.

15 There is one gay person that I spoke
16 to that doesn't want marriage equality. He's been
17 in this kind of close relationship with my gay son
18 and I asked him a few months ago about marriage
19 and he just wasn't interested whatsoever.

20 So I just want to close by saying,
21 that I want it said that it's not just gays and
22 lesbians who think this is a good idea. I have
23 never seen an issue with it.

24 What I care about is families,
25 loving families who are loved. Thank you.

1 MR. VESPA-PAPALEO: I wanted to ask
2 if you needed any extra time, Anthony I see you
3 are still here.

4 MR. GIARMO: I just had another
5 sentence. I'm all right.

6 MR. VESPA-PAPALEO: Thank you very
7 much for being here this evening. This meeting is
8 adjourned.

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11 (Whereupon Hearing was Adjourned at

12 8:30 p.m.

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C E R T I F I C A T I O N

I, Jane E. Clancy, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing hearing was taken stenographically to the best of my ability.

Jane E. Clancy
Certified Court Reporter
Dated: October 26, 2007