

Statement by Patrick R. Brannigan, Executive Director, New Jersey Catholic Conference

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I have submitted to the Committee three documents: two reports from the New Jersey Division of Civil Rights and a three page statement by the Catholic Bishops of New Jersey. The Bishops' statement speaks for the Catholic Church in New Jersey.

The New Jersey Catholic Conference urges the New Jersey Legislature to continue to recognize marriage as a union between one man and one woman. This is critical as marriage is the foundation of the family. The family, in turn, is the basic unit of society.

Marriage as a union of one man and one woman has its roots not only in human tradition and history, but also in natural law, which transcends all man-made law. Marriage is a natural institution.

New Jersey, like other states, has from the beginning recognized marriage, honored it, and sought to support and protect it. Today, we ask you to continue the tradition of protecting marriage as a union of one man and one woman.

I would like to make three important points.

**First**, the Catholic Catechism teaches that gay individuals “must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided.”[CC2358] The fundamental human rights of homosexuals must be defended and we must strive to eliminate any forms of injustice against homosexual persons.

But it is not discrimination to treat different things as different. Same sex unions are not the same thing as the union of one man and one woman. Therefore treating one type of union as “marriage” and the other not, is not only permitted, but required. Indeed, treating this differentiation as bigotry constitutes an injustice.

**Second**, there has been a constant claim that the Civil Union Act is not working. The record shows that not to be accurate. I have provided the members of the Committee two reports from the New Jersey Division of Civil Rights. One report indicates that since the passage of the Civil Union Act in 2007 – there have been only 13 complaints – 10 in the first year and only three complaints in the last four years. In the 2<sup>nd</sup> report the Division of Civil Rights indicates that it found PROBABLE CAUSE in only one of the thirteen complaints. These two Division of Civil Rights findings are substantial evidence that the Civil Union Act is working.

**Third**, there are constant claims that civil union couples are not able to participate in the health care decisions of their partners. There is no documented evidence of this. The Civil Union Act clearly states:

*Civil union couples shall have all of the same benefits, protections and responsibilities under law, whether they derive from statute, administrative or court rule, public policy, common law or any other source of civil law, as are granted to spouses in a marriage. [N.J. Statutes 37:1-31(a)]*

The Act also provides that civil union couples are entitled to the benefits and protections of “laws relating to insurance, health and pension benefits.” [N.J. Statutes 37:1-32(e)] In addition, the Act prohibits an array of unlawful employment practices by employers who do not fully implement the Act.

In addition, the Physician Orders for Life-Sustaining Treatment (POLST) Act, signed into law by Governor Christie in December 2011 guarantees by law that all adult patients have the right to designate a representative of their choice with the power to make health care decisions on behalf of the patient.

Further, many organizations, including the Catholic Church, have approved Advanced Directives for Health Care that allow individuals to designate anyone they wish as a health care decision maker.

In short, there is no evidence for claims that in New Jersey same sex couples are not able to assist in making health care decisions together with or for each other. That right is guaranteed by law. Let’s continue to enforce the law.

Mr. Chairman, Thank you for the opportunity to testify.