



NJ court grants gay couples equal marriage rights

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By Jon Hurdle

TRENTON, New Jersey (Reuters) - New Jersey's highest court on Wednesday guaranteed gay couples the same rights as married heterosexuals, but left it up to state lawmakers to decide if such unions can be called marriage.

"Times and attitudes have changed," the New Jersey Supreme Court said in a nuanced 90-page ruling certain to fuel America's culture wars ahead of November 7 elections, when eight states will vote on same-sex marriage laws.

Advocates on both sides declared varying degrees of victory and disappointment on the latest twist in a battle that has divided the country over issues of gay culture and morality.

"I am happy but not ecstatic. This is about 80 percent of what we wanted," said Leslie Farber, who is gay, at a rally in Montclair, New Jersey.

Comparing the decision to the days when black people were forced to ride in the backs of buses during U.S. segregation, she said, "At least now we are on the bus."

Same-sex marriage has faced legal and political roadblocks in much of the United States and has been a hot-button issue since 2003, when Massachusetts' highest court ruled it was unconstitutional to ban gay marriage, paving the way for America's first same-sex marriages in May 2004.

Some gay activists pledged to stop at nothing short of full marriage rights, while opponents took heart that the court chose to give the legislature a role in deciding the issue.

"We now hold that ... committed same-sex couples must be afforded on equal terms the same rights and benefits enjoyed by married, opposite-sex couples," the court said in a 4-3 ruling. Gay advocates must now "appeal to their fellow citizens whose voices are heard through their popularly elected representatives," the court said.

CONSERVATIVES VOW TO FIGHT

James C. Dobson, chairman of the conservative advocacy group Focus on the Family, said the decision highlights the need for voters to enact laws to protect traditional families.

"Nothing less than the future of the American family hangs in the balance if we allow one-man, one-woman marriage to be redefined out of existence," Dobson said in a statement.

"And, make no mistake, that is precisely the outcome the New Jersey Supreme Court is aiming for with this decision."

The court gave the New Jersey Legislature six months to amend state marriage statutes to include gay people or write a new law in which same-sex couples "would enjoy the rights of civil marriage."

At a news conference in Newark, plaintiffs in the lawsuit said anything less than full marriage rights for gays and lesbians would make them second-class citizens.

"Civil unions leave me cold, empty -- a marriage is a marriage," said Dennis Winslow, who is an Episcopalian minister as is his partner, Mark Lewis. "We want to get married in this state with the blessing of the Legislature."

Lesbian couple Marcye and Karen Nicholson-McFadden wanted marriage as they raise their 7-year-old son and 3-year-old daughter. "I hope to one day say this is my wife," said Marcye, surrounded by Karen and their children. "We will not be relegated as a separate class."

RIGHTS ADVOCATES BRACE FOR BACKLASH

In the 2004 election, many states had ballot initiatives limiting gay marriage -- a factor credited with boosting the vote for President George W. Bush.

On November 7, voters in eight states will decide on constitutional amendments limiting gay marriage or unions.

The court stressed its decision "significantly advances the civil rights of gays and lesbians," and Matt Foreman, executive director of the National Gay and Lesbian Task Force, braced for a backlash.

"Sadly, we know that politicians on the right and their allies in the anti-gay industry will do everything in their power to exploit this decision for political gain on November 7. Again they will denounce 'activist judges' and defame gay people and our families to inflame their base," Foreman said.

Tony Perkins, president of the Family Research Council, said the ruling "should give momentum to the eight states with marriage protection amendments on the November ballot."

Gay activists said they would launch a television advertising campaign, hold town meetings and solicit support from residents across the state.

(Additional reporting by Christine Kearney in Newark and Mark Egan in Montclair)