

Court says gay couples have equal rights: Use of term "marriage" not guaranteed

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The New Jersey Supreme Court has ruled that the state's constitution requires that marriage rights be available to same-sex couples on an equal basis with heterosexuals. But the court left it to state legislators to decide whether to refer to the unions by the term *marriage* or a different one.

The October 25 decision leaves New Jersey in a situation akin to Vermont's, where legislators in 2000 created the nation's first law legalizing civil unions for same-sex couples. Vermont's civil unions, which followed a similar court decision, offer the same rights and benefits as marriage without being called that.

All seven New Jersey justices agreed that the state's constitution requires it to extend to gay couples the same rights as married couples. However, only three justices said those rights include equal use of the term *marriage*, while the four-justice majority said use of the term is not guaranteed.

"The state has not articulated any legitimate public need for depriving same-sex couples of the host of benefits and privileges" that married couples enjoy, wrote Justice Barry Albin, who authored the majority's opinion. "There is no rational basis for, on the one hand, giving gays and lesbians full civil rights in their status as individuals and, on the other, giving them an incomplete set of rights when they follow the inclination of their sexual orientation and enter into committed same-sex relationships."

Vermont and Connecticut have civil-union laws that provide identical benefits to same-sex couples as married heterosexual couples. Massachusetts, following a decision by its highest court, legalized same-sex marriage in 2004. -*Associated Baptist Press*