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Connecticut Supreme Court Reserves Judgment In Gay Marriage Case

by 365Gay.com Newscenter Staff

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(Hartford, Connecticut) The Connecticut Supreme Court heard arguments Monday in a case involving 8 same-sex couples seeking the right to marry.

Last July a lower court ruled that said same-sex couples do not need marriage because they already are entitled to civil unions.

Gay & Lesbian Advocates & Defenders, the Boston-based legal group that won same-sex marriage in Massachusetts, told the court Monday that civil unions creates a "separate but equal" situation in which same-sex couples become second class citizens.

"What the state calls something does matter," attorney Bennett Klein told the court.

"The only possible reason that the legislature denied marriage here and created a separate institution just for one minority group was because they thought marriage meant something."

Klein argued that denying same-sex couples access to marriage violates the state constitution in two ways: under the equal protection provision and the clause guaranteeing due process.

"How can it reasonably be done or logically be done to sort of delink the long-standing, deeply held institutional aspect of marriage, that it's a union between a man and a woman, and then define marriage as something other than that for purposes of this argument?" asked Justice Richard Palmer.

"It is really a relationship of two legal equals based on mutual consent by which they take responsibility for each other," replied Klein.

"And that relationship is protected by the state."

The state Attorney General's staff argued that the landmark civil-union statute is sufficient. The Attorney General's lawyer told the court that the rights and benefits same-sex couples have are identical to those opposite-sex couples have in the state.

The court was packed by both supporters and opponents of same-sex marriage.

Outside the court Peter Wolfgang a spokesperson for the conservative Family Institute of Connecticut said the issue of gay marriage should be left up to voters.

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"We hope the court will realize that something this radical should be left to the people, that something this disruptive, divisive and controversial should be left to the people to decide and not handed down from above," he said.

The court did not indicate when it would issue a ruling, but a decision is expected later this year.

The high was missing its chief Justice Monday.

Chase T. Rogers recused herself because of a potential conflict of interest. Rogers' husband's law firm prepared a friend-of-the-court brief in the case on behalf of a national LGBT civil rights organization. ([story](#))

Last week the justice named to replace Rogers on the panel, Senior Justice William J. Sullivan, also stepped aside. ([story](#))

Sullivan did not say why he was removing himself from hearing arguments in the case. Nor did he say why he initially agreed to replace Rogers on the panel, only to declare a potential conflict of interest a week later.

Appellate Judge Lubbie Harper Jr, was been named to replace him in hearing the case.

Meanwhile, the chairs of the Connecticut Judiciary Committee announced on Friday that they will not ask legislative leadership for a floor vote this session on the marriage equality bill. ([story](#))

The co-chairs, State Senator Andrew McDonald (D-Stamford) and State Representative Mike Lawlor (D-East Haven), both of whom are gay, said that although it appeared a vote would be close, many lawmakers requested more time.

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