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HARTFORD, Conn. — The attorney for eight gay couples told the state Supreme Court Monday that their constitutional rights have been violated by the state's refusal to grant them marriage licenses.

Connecticut was the first state to allow **civil unions** without court pressure, but the couples in the potentially precedent-setting case say that's not enough. They want the court to rule that the state's marriage law is unconstitutional because it applies only to heterosexual couples, denying gay couples the financial, social and emotional benefits of marriage.

"What is denied to these families is something that goes to the heart of equal protection, which is the right to be part of the fabric of society when they are just the same as other couples and other families," said their attorney, Bennett Klein.

The state argued that Connecticut's civil unions law, passed in 2005, gives the couples the equality they seek under state law.

Arguments wrapped up in about three hours Monday, but justices are not expected to rule until later this year.

"I think when fair-minded people hear our story, they agree we should have the right to marry," said Janet Peck of Colchester, one of the plaintiffs along with her partner, Carol Conklin. "Marriage really reflects what Carol and I have shared for 31 years."

(Story continues below)

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Assistant Attorney General Jane Rosenberg, representing the Connecticut Department of Public Health, which oversees marriage licenses, argued that civil unions give gay

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couples the same rights by state law as married couples.

"(The question) is really, is the legislature constitutionally required to use the word marriage when it's referring to the package of rights and benefits it has given to **same-sex couples**. And the answer is clearly no," Rosenberg said.

If justices agree with the same-sex couples, they could order the case back to the trial court, with instructions to rule in favor of the couples. They could also order the General Assembly to overhaul the current marriage laws.

"What the state calls something does matter," Klein said. "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."

Attorneys on both sides say a ruling in the couples' favor could have nationwide implications for states that have adopted or are considering civil union-like legislation.

Currently, only Massachusetts allows same-sex couples to marry. Connecticut, Vermont, California, [New Jersey](#), Maine and Washington have laws allowing either civil unions or **domestic partnerships**, and a civil unions law is expected to take effect in New Hampshire in January. Hawaii extends certain spousal rights to same-sex couples and cohabiting heterosexual pairs.

The Connecticut couples, who have been together between 10 and 32 years, say civil unions are inferior to marriage and violate their rights to equal protection and due process.

Monday's hearing also drew **gay marriage** opponents, including members of the Family Institute of Connecticut.

"I hesitate to make any predictions, although 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," said Peter Wolfgang, the group's director of public policy.

Married couples have federal rights related to taxes, **Social Security** beneficiary rules, veterans' benefits and other laws that people in civil unions don't have.

Because civil unions aren't recognized nationwide, other rights, such as the ability to make medical decisions for an incapacitated partner, disappear when couples cross state lines.

Their lawsuit was filed in August 2004. A lower court dismissed the claim last year, saying the couples received the equality they sought when Connecticut passed a same-sex civil unions law.

The [state Department](#) of Public Health and the Madison town clerk's office were named as defendants in the case after denying marriage licenses to the couples based on state Attorney General Richard Blumenthal's advice.

A bill is pending in Connecticut's legislature to approve same-sex marriage, but leaders of the Judiciary Committee say they want to pull it from consideration this session because they do not believe enough lawmakers would vote to approve it.

Republican Gov. **M. Jodi Rell**, who signed the civil unions bill into law in 2005, has said she would veto a gay marriage bill. Rell has said she believes marriage is between one man and one woman.

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