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Gay Couples Ask Conn. Court for Marriage

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HARTFORD, Conn. -- The state Supreme Court on Monday took up the issue of gay marriage in Connecticut, the first state in the nation to pass a civil unions law without court intervention.

Eight gay and lesbian couples, unhappy with civil unions, are suing over the state's refusal to grant them marriage licenses. They want the court to rule that the state's marriage law is unconstitutional because it applies only to heterosexual couples and denies gay couples the financial, social and emotional benefits of marriage.

The state argues that



Joanne Mock, left, and Beth Kerrigan speak to a reporter in front of the Connecticut State Supreme court in Hartford, Conn., on Monday, May 14, 2007. The two are part of the court case Kerrigan & Mock et al v. Connecticut Department of Public Health, which deals with same-sex marriage and will be argued before the state Supreme Court. (AP Photo/Fred Beckham)



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"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."

The hearing drew supporters, as well as opponents, including members of the Family Institute of Connecticut.

"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.

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

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.

The couples' claim was dismissed last year by a judge who said they received the equality they sought when Connecticut passed its civil unions law. The couples appealed. Their lawsuit names state Department of Public Health and the Madison town clerk's office, which denied marriage licenses to the couples based on state Attorney General Richard Blumenthal's advice.

"Our basic argument is, the trial court correctly recognized that there is a rational basis for the state to use a different name for the same rights and benefits accorded same-sex couples," Blumenthal said. "The rights and benefits are identical, whether the union is called a civil union or a marriage."

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.

Associated Press writer Susan Haigh in Hartford contributed to this report.

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