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Connecticut

State Supreme Court hears same-sex marriage case

Michelle Tuccitto Sullo, Naugatuck Valley Bureau Chief
05/15/2007

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—HARTFORD — Gay and lesbian advocates tried to convince the state Supreme Court Monday that same-sex couples should be allowed to marry, while the state argued that gays and lesbians already enjoy the same benefits because they can obtain civil unions.

GLAD senior staff attorney Bennett Klein told the Supreme Court that the state violates its own constitution by denying same sex couples the right to marry.

"Separate institutions (like civil unions) for a minority group are unheard of," Klein said. "It marks one group of citizens as inferior and less worthy. Our history has taught us that separation serves no other purpose than to mark a class of citizens as inferior. Separation cannot create equality. Here, lesbian and gay couples are relegated to a less prestigious institution."



Elizabeth Kerrigan and her partner, Joanne Mock, right, embrace after State Supreme Court justices heard arguments in the same-sex lawsuit. Arnold Gold/Register

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Assistant Attorney General Jane Rosenberg argued the case for the state, and asserted that it is a matter that belongs in the legislative realm, rather than before the judicial branch.

"The civil union law grants all the rights and benefits of marriage," Rosenberg said. "Is the legislature constitutionally required to use the word 'marriage'? The answer is clearly 'No.'"

In 2004, eight gay and lesbian couples who were denied marriage licenses in Madison sued the state Department of Public Health. Superior Court

Judge Patty Jenkins Pittman in 2006 denied the plaintiffs' claims, determining that civil unions provide them with the same benefits under the law. The plaintiffs then appealed to the state Supreme Court, which held a hearing Monday and is expected to take several months to issue a ruling.

The General Assembly approved civil unions in 2005. It has a marriage equality bill under consideration, but will not be voting on it this legislative session.

Klein, of GLAD, said no person may be subject to discrimination or segregation because of sex.

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"Same-sex couples have the same interest in entering into the loving bond (of marriage) as heterosexual couples," he said. "This state has acknowledged the sameness of two classes of citizens, but created separate institutions."

"What is being withheld is something this society values: marriage," Klein added. "It has profound personal meaning to individuals."

He said plaintiffs like Barbara and Robin Levine-Ritterman of New Haven want their children to know that their family is equal, and they want the same dignity as other couples in the state.

The Supreme Court justices frequently asked the attorneys questions, such as questioning Rosenberg about whether having a separate institution stigmatizes same-sex couples.

"They personally feel that way," Rosenberg said. "But from a legal standpoint, the same rights have been granted. Their license happens to say civil union instead of marriage on it. There is nothing in the term 'civil union' that is intended to be derogatory."

Rosenberg rejected the claim of sex discrimination, as she said no one sex is being singled out for differential treatment. She said marriage has historically been defined as being between a man and a woman. Rosenberg also asserted that having a separate term will help ensure that the individuals' rights will be recognized across state lines.

"Other states might not recognize their relationships if they are called marriages," she said.

Klein, however, argued to justices that there is no basis to say that civil unions are more likely to be recognized than marriages.

"Everybody knows that 'marriage' is not just a word," Klein said. "It is the way the government recognizes couples going back hundreds of years."

All of the plaintiff couples attended the hearing, and several became teary-eyed while talking outside the courthouse afterward about what being able to get married would mean to them.

The Levine-Rittermans obtained a civil union when it became available, but say they still want to get married. The couple has two children.

"The justices have been asking great, intelligent questions of both sides and want to do the right thing," Robin Levine-Ritterman said. "I think they'll do the just, fair thing and rule in our favor."

Barbara Levine-Ritterman added that the couple will be happy to someday have a choice of where to get married.

"Our kids would be ready for it tomorrow," she said.

Plaintiff Garrett Stack of Woodbridge, who was there with his partner, John Anderson, said he felt it was an "extremely positive" and "fair" hearing.

"The word 'marriage' is defined as being between a man and a woman, but we feel married," Stack said. "We feel we are being told we are not quite equal."

Supporters of the current system also attended the hearing.

The Family Institute of Connecticut, which submitted a brief in the case, is committed to preserving marriage as the union of one man and one woman. Peter Wolfgang, director of public policy for the organization, said it is planning a rally for 10 a.m. May 23 at the Capitol building steps in support of the current definition of marriage.

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