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Same-sex marriage issue heats up

By Paul Hughes, Record-Journal staff

After 24 years together, John Anderson and Garrett Stack are suing for the right to marry because the two gay men from Woodbridge do not see why the state of Connecticut should stop them.

"We need the protection of marriage, and nothing short of marriage will work," the 57-year-old Stack said Wednesday.

Seven gay and lesbian couples from across Connecticut challenged the state's denial of marriage rights to same-sex couples in a lawsuit filed Wednesday in New Haven Superior Court.

The couples all went to Madison recently to apply for marriage licenses, and the town clerk denied them, setting the stage for a court battle.

The Connecticut Civil Liberties Union and New England's Gay and Lesbian Advocates and Defenders, GLAD, are representing the seven gay and lesbian couples, who have been together for between 10 and 28 years, some of them raising children.

"In the end, this is a case about real people with real families asking their government to treat them fairly," said Mary Bonauto, GLAD's civil rights director and the lead attorney on the case.

The lawsuit names town officials in Madison and Department of Public Health Commissioner J. Robert Galvin. The public health agency handles the administration of marriage licenses in the state.

Attorney General Richard Blumenthal will represent the state. In a statement, he said that the legislature has not authorized the issuance of marriage licenses to same-sex couples in the state or approved same-sex marriage ceremonies.

"Several statutes and court decisions indicate clearly that the General Assembly has authorized a marriage relationship only

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between a man and a woman," Blumenthal said. "These laws, like any duly enacted state statues, are entitled to a presumption of constitutionality."

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The legal challenge represents a shift in strategy for advocates of equal marriage rights and the opening of a new front in their campaign for the ultimate legal recognition of same-sex couples.

"We were expecting this," said Brian Brown, executive director of the Family Institute of Connecticut, a group that opposes same-sex marriage.

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The effort to secure marriage rights in Connecticut had been confined to the General Assembly, though supporters of same-sex marriage had never ruled out a court challenge.

"That will stay our focus, but we strongly support the filing of this lawsuit," said Anne Stanback, president of Love Makes a Family, an advocacy group that has been leading the legislative effort. "This is too important an issue not to be fighting on all fronts."

Brown said the lawsuit was filed because advocates of same-sex marriage are unable to change state law through the legislature.

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"This is an end-run around democracy," he said.

Stanback said Loves Makes a Family, which is not a party to the suit, will continue its legislative efforts to change state law.

"We'll be back in the legislature in 2005," she said.

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The Family Institute of Connecticut will also return to the state Capitol in January, pushing an amendment to the Connecticut Constitution to ban same-sex marriage.

Brown said changing the state constitution is the only way to assure elected legislators decide how to define marriage, rather than appointed judges.

Stanback said the lawsuit might provide some leverage for advocates of same-sex marriage in the Connecticut assembly.

Court challenges in Vermont and Massachusetts resulted in rulings that forced each state's legislature to recognize same-sex couples. GLAD successfully challenged marriage laws in Massachusetts.

Brown said the suit may well have the opposite effect on the legislature than what advocates of same-sex marriage anticipate.

Plaintiffs Suzanne Artis, 33, and Geraldine Artis, 35, said they could not speculate on how the court challenge might affect the legislative debate.

They said they only know they want to get married, and they do not care if it is the legislature or the state Supreme Court who gives them that right.

"We are a family," Suzanne Artis said. The lesbian couple from Middletown said they have been together for 10 years, and have three children, a 6-year-old and 4-year-old twins. The legal rights that come with marriage would help them protect their family, both women said.

Bonauto, the lead attorney from GLAD, said she expects the court challenge to take three years. She was the attorney behind the landmark Massachusetts case that led to the legalization of gay marriage, beginning May 17. She was also involved in legal action in Vermont, where same-sex couples can now seek civil unions.

Katy Gossman and Kristen Gossman of Meriden, who were married in Massachusetts in May, are plaintiffs in a different case challenging a 1913 law in Massachusetts barring out-of-state gay couples from marrying there. They said they hope to see the marriage laws change in Connecticut so they can save their own marriage.

"We're happy about this lawsuit, because if we win, then there would be no questions asked about our marriage license in Massachusetts," said Katy Gossman, a special agent with the FBI.

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