

Connecticut's top court hears gay marriage case



Reuters Photo: Roberta Luciano (L) and Toni Kokoros wait for their turn as they watch another couple...

By Av Harris
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HARTFORD, Connecticut (Reuters) - Eight gay and lesbian couples urged Connecticut's highest court on Monday to follow Massachusetts and legalize same-sex marriage, saying the state is violating their fundamental rights.

"Depriving same-sex couples of the word marriage is a way of depriving them of equality as couples and families," said Bennett Klein, an attorney at Gay and Lesbian Advocates and Defenders, which represents the couples and successfully sued for same-sex marriage in Massachusetts in 2003.

Connecticut is one of three U.S. states allowing same-sex civil unions that grant nearly the same rights as marriage. It was the first state to authorize gay civil unions through a legislative act without a court order.

The eight couples sued the state in August 2004 after they were denied marriage licenses. Superior Court Judge Patty Jenkins Pittman dismissed the case in March 2006, saying the couples received equal rights when Connecticut legalized same-sex civil unions in 2005.

The case follows a string of setbacks for gay marriage advocates last year in state courts in New York, Nebraska, Washington and Georgia.

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Supporters of the Connecticut couples say they are optimistic because the case is the first in a state which already allows same-sex civil unions. Such unions offer state-level rights and protections but not federal benefits.

"Marriage is not just a bundle of legal rights," Klein told the hearing. "It is a status that the state confers on people, and it's a status that has with it profound personal meaning to individuals."

The eight Connecticut couples have been together between 9 and 31 years. Combined, they are raising a total 14 children, according to court documents.

State attorney Jane Rosenberg argued the enactment of civil unions means there are no legal rights denied to gay and lesbian couples.

"We're talking about a word here," Rosenberg said.

"It was rational for the legislature to preserve the opposite sex definition of marriage, which has existed throughout history and which continues to represent the common understanding of marriage in most other countries and states in our union."

The state's Supreme Court may issue its decision by November, according to attorneys involved in the case.

Similar cases are pending in California, Iowa and Maryland. Twenty-six states have constitutional amendments barring gay marriage, while 19 other states, including Connecticut, have statutes limiting marriage to a man and a woman.

Same-sex marriage has been a divisive political issue since 2003, when Massachusetts' highest court ruled it was unconstitutional to ban gay marriage, leading to the country's first same-sex marriages in May 2004.

Connecticut, Vermont and New Jersey allow civil unions. California, Maine, the District of Columbia and Hawaii offer gay couples some legal rights as partners.

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