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## News

### Gay couples suing state

By MICHELLE TUCCITTO , Journal Register News Services

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**NEW HAVEN -- Seven gay and lesbian couples who were recently denied marriage licenses in Madison filed a lawsuit here Wednesday, challenging the constitutionality of the state's marriage laws.**

The couples, who hail from New Haven, Woodbridge, Stratford, Middletown, Colchester, Wilton and West Hartford, are suing the state Department of Public Health, which supervises the registration of all marriages, and Dorothy Bean, the acting town registrar of vital statistics in Madison.

"This case presents a historic opportunity for Connecticut," said Mary Bonauto, civil rights director for New England's Gay & Lesbian Advocates & Defenders (GLAD), which is representing the plaintiffs.

"Marriage is both a profound personal commitment and unique legal relationship that provides enormous protections to families. As a simple matter of equality, it is time for Connecticut to end this discrimination against same-sex couples and their families."

The lawsuit asks the court to declare unconstitutional any law denying marriage rights to same sex couples, and to order public officials to issue marriage licenses to the couples in this case.

Five of the seven couples have young children, and some have faced health issues and denial of access to one another in times of medical crisis because they aren't considered immediate family, according to the lawsuit.

Teresa Younger, executive director of the Connecticut Civil Liberties Union, said the plaintiffs are entitled to the same protections and rights as other Americans.

"The American dream is embedded in equality and fairness, and marrying the one you love is part of the American dream," she said. "No one should be denied that right."

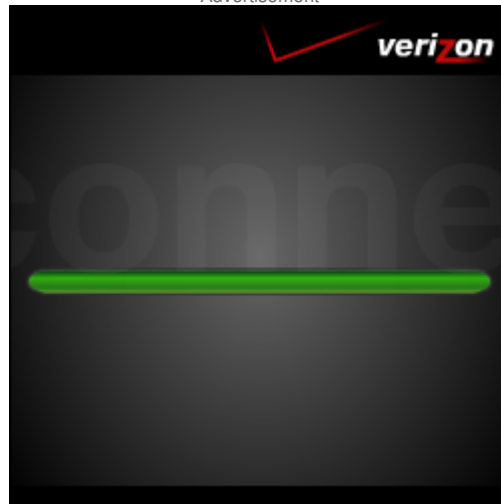
While the lawsuit was filed in Superior Court, the plaintiffs believe the issue will ultimately be decided by the Connecticut Supreme Court.

The plaintiffs include Beth Kerrigan and Jody Mock of West Hartford, Janet Peck and Carol Conklin of Colchester, Jeffrey Busch and Stephen Davis of Wilton, Jane EllenMartin and Denise Howard of Stratford, Barbara and Robin Levine-Ritterman of New Haven,



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John Anderson and Garrett Stack of Woodbridge and Geraldine and Suzanne Artis of Middletown.

Stack, a retired Stratford elementary school principal turned radio broadcaster, met Anderson in 1980 at an education conference.

"For 24 years, we have been together, building a life and home together," Stack said. "Why do people get married? To make a public statement that they love each other and are committed to each other. We also want to protect what we've built over the years."

While the couple had planned to go to Massachusetts to get married this summer, they wanted to make sure their marriage would still be recognized back in Connecticut.

The men also want to protect their financial security. According to the lawsuit, they cannot place their home in both their names even though they shared the maintenance and mortgage costs because of the gift tax consequences.

"Those very significant tax implications are not imposed on a married spouse," the lawsuit says.

When one partner dies, their Social Security won't be available to the surviving partner, the lawsuit notes.

Anderson, a Latin teacher at Bunnell High School in Stratford, said he wants their home and investments protected.

"If one of us dies, the other will have to fight to keep our house," he said.

"I'm 61 years old, and I'm tired of being a second class citizen. I work and pay taxes. If we have marriage, then we're equal."

Another plaintiff couple had difficulty securing a home construction loan because they were not viewed as a couple with a joint income, according to the lawsuit.

Madison Assistant Town Clerk Suzanne Ashman said she couldn't recall any same-sex couples seeking marriage licenses there - until Monday.

On Monday afternoon, between 1 and 3 p.m., seven same-sex couples came in to apply for a marriage license. The clerk's office informed them all that the state of Connecticut doesn't authorize it.

"Every state is ultimately going to have to deal with this issue, and clerks' offices are going to need guidance and clarification," said Ashman.

According to Stack, Madison was solely selected because it was a convenient spot for all the plaintiffs to meet, though he called it a nice place to get married too.

Madison Town Attorney Judith Ravel said it was not a matter of the town's discretion.

"Town clerks have to follow state rules, regulations and laws," she said.

The office showed Attorney General Richard Blumenthal's May ruling on the topic to the couples.

The state Department of Public Health deferred comment to Blumenthal.

Blumenthal said his office has a duty to defend state statutes against constitutional challenges, as it will do against this action.

"The courts have a duty to make the final determination," Blumenthal said. "As I stated in my May 17, 2004 opinion, the Connecticut legislature has not authorized the issuance of a Connecticut marriage license to a same sex couple, or the performance of a same sex marriage ceremony in Connecticut."

"Several statutes and court decisions indicate clearly that the General Assembly has authorized a marriage relationship only between a man and a woman," Blumenthal said. "These laws, like any duly enacted state statutes, are entitled to a presumption of

constitutionality."

State Rep. Michael Lawlor, D-East Haven, said he hopes the issue will be resolved in the legislature, which has debated it before.

"I certainly agree with what they are saying - you can't discriminate against same sex couples," Lawlor said. "I think the majority of people support some sort of recognition of these couples."

State Rep. T.R. Rowe of Trumbull, said he isn't surprised that the lawsuit has been filed, based on the legalization of gay marriage and civil unions in states like Massachusetts and Vermont.


"Under our current law, I don't think there is any basis for it," Rowe said. "A strong majority of Connecticut residents believe in traditional marriage and want to keep it that way."

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