

# State of Connecticut

GENERAL ASSEMBLY



## PERMANENT COMMISSION ON THE STATUS OF WOMEN

18-20 TRINITY STREET  
HARTFORD, CT 06106-1628  
(860) 240-8300  
FAX: (860) 240-8314  
Email: [pcsw@cga.ct.gov](mailto:pcsw@cga.ct.gov)  
[www.cga.ct.gov/PCSW](http://www.cga.ct.gov/PCSW)

Testimony of  
Teresa C. Younger  
Executive Director  
Permanent Commission on the Status of Women  
Before the  
Judiciary Committee  
March 26, 2007

**Re: S.B. 1447 An Act Concerning Family and Medical Leave for Municipal Employees**  
**S.B. 1449 An Act Concerning the Recognition of Legal Unions from Other States and Jurisdictions**  
**H.B. 7395 An Act Concerning Marriage Equality**

Good afternoon, Senator McDonald, Representative Lawlor, and members of the Judiciary Committee. My name is Teresa Younger and I am the Executive Director of the Permanent Commission on the Status of Women. Thank you for this opportunity to testify on behalf of the Commission, and to reaffirm the Commission's support for extending equal legal rights and responsibilities to same-gender partners through civil marriage.

Some may ask why PCSW is taking a stand in the debate over same-gender marriage. In fact, we at PCSW regularly consider whether particular issues are "women's issues" as we assess whether proposed positions or activities fall within the scope of our statutory mandate. Our determination on that score depends on an affirmative answer to one or more of the following questions:

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1. Does the issue disproportionately affect women (e.g., domestic violence and access to reproductive health care services)?
2. Do women seem to care more broadly – or more deeply – about the issue than do men (e.g., gun control)? Or, finally,
3. Does the issue involve policies or practices that grant or withhold benefits to individuals based on gender, or that are grounded in and reinforce stereotyped notions of gender roles – what women and girls (and conversely, what men and boys) “should” or “shouldn’t” do, solely by virtue of the fact that they are women and girls, or men and boys?

In our view, same-gender marriage, and more generally, all issues related to full equality and respect for gay, lesbian, and bisexual individuals, fall squarely into this third category. Connecticut’s current marriage policy, which affords access to the rights and responsibilities associated with marriage only to individuals in opposite-gender couples, denies those benefits to many other individuals *solely* on the basis of the gender of the partners they wish to marry, and is grounded in and reinforces stereotyped notions of the roles men and women should play in their intimate associations.

As the United States Supreme Court acknowledged in 1965, in declaring unconstitutional a state statute that prohibited interracial marriage, the freedom of choice to marry is a fundamental *civil* right, a right that has “long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free [people].” Loving v. Virginia, 388 U.S. 1, 12 (1967). PCSW agrees, and urges this Committee, the other members of the General Assembly, and our Governor to extend this fundamental civil right to all Connecticut citizens, regardless of sexual orientation.

It is important to note that the bills under consideration today, both the marriage equality bill, which would extend access to all of the rights and responsibilities associated with *civil* marriage to same-gender couples, and the marriage recognition bill, which would provide express recognition to same-gender marriages and civil unions solemnized in our sister states, would have no legal force with respect to *religious* marriage in Connecticut. Under both bills, faith-based communities remain free to offer religious marriage to, or withhold religious marriage from, same-gender couples, as their religious beliefs dictate.

Even so, opponents of this bill, with arguments frequently grounded in theology, contend that the long history of marriage as between one woman and one man compels the conclusion that *civil* marriage was meant to be, and therefore must remain, an exclusively heterosexual institution. We respectfully disagree.

As an initial matter, we should remember that, even though the institution of marriage does have a long history, the rules governing civil marriage in our state have never been etched in stone – and thankfully so. Rather, they have evolved over time, in the direction of broader access, greater equality, and more respect for the privacy and individual choice essential to liberty. Under Connecticut law, married women are no longer deemed the property of their husbands, nor denied the right to own property or bring suit in their own names. People of all races can marry, and men and women can marry across racial lines. Alimony is available to both men and women, and joint custody of children after divorce is no longer an anomaly. Each of those changes was controversial in its time, but each was required to correct an injustice.

However, even if the form of marriage codified in Connecticut today *had* been in place since the beginning of time, that fact would not necessarily lead to the conclusion that the perpetuation of marriage in its historical form works no constitutional injustice. That argument is no more persuasive with respect to same-gender marriage than were similar assertions by those opposed to equal treatment under law for women and people of color, who likewise could cite to long “traditions” in support of their views. There, as here, traditions of injustice were the sorts of traditions that no society committed to liberty and equality under law could uphold.

Like the legal changes that recognized property rights in married women, custody and alimony rights in divorcing fathers and husbands, and the right of individuals to choose marriage partners across racial lines, the changes you are considering today are necessary to correct an injustice. Connecticut law now denies lesbian, gay, and bi-sexual people the freedom to participate in one of our most important civil institutions solely on the basis of the gender of the partners to whom they wish to commit their lives.

Notwithstanding the dire predictions of opponents of equal marriage rights, the changes you are considering today will not weaken marriage. Rather, they will *strengthen* marriage, by affirming its importance as an institution for establishing and protecting families – an institution based on individual choice and consent, and giving rise to an extensive set of mutual rights and obligations. Moreover, unlike proposed alternatives, such as shunting same-gender couples into “marriage-like” domestic partnerships or civil unions, allowing same-gender couples to marry will *not* consign to second-class citizenship people who, under both our state and federal constitutions, are entitled to equal treatment under law.

Connecticut has always been in the forefront of efforts to eliminate discrimination based on gender and sexual orientation. Our adoption statutes

permit homosexual individuals and same-sex partners of biological parents to adopt; our anti-discrimination statutes forbid discrimination on the basis of gender or sexual orientation in housing, employment, education, public accommodations, credit practices, licensing, even golf club membership. **We hope that the members of this Committee, your colleagues in the General Assembly, and our Governor will act in this session to eliminate discrimination based on gender and sexual orientation in marriage, as well.**

**S.B. 1449, An Act Concerning the Recognition of Legal Unions from Other States and Jurisdictions.**

**We also support S.B. 1449 that would provide same-sex couples who legally marry in another state the same benefits, protections and responsibilities that are granted to couples who have entered into a civil union under Connecticut law.** The PCSW continues to support equal legal rights for same sex couples and believes this measure would provide protection to couples who have legally married elsewhere or who move to this state after obtaining a legal marriage in another jurisdiction.

**SB 1447, AAC Family and Medical Leave for Municipal Employees**

**PCSW supports S.B. 1447 which would allow employees of municipalities or local or regional boards of education to have the same family and medical leave benefits that are available to state employees.** As you are aware, the PCSW has long supported proposals family and medical leave proposals because society and the labor force have changed so that balancing the needs of work and family is now a priority for most workers.

Many women manage multiple roles – parent, spouse, caregiver, and employee – yet recognition of the impact on their own and their families' health and economic well-being is sometimes overlooked. Nearly one-half (48%) of women ages 18-64 have children under age 18 at home; 71% are working full-time and the remaining 29% are working part-time.<sup>1</sup> Half of working mothers and 30% of working fathers report that they miss work when their child is sick.<sup>2</sup>

In the majority of American households, there is no "stay-at-home" adult to take care of family needs. Whether there is a single parent or two parents in the home, they are most often out of the home working. More than 1 in 3 families need at least 2 weeks each year to care for an ill family member; 1 in 4

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<sup>1</sup> The Henry L. Kaiser Family Foundation, *Women, Work, and Family Health: A Balancing Act*, April 2003.

<sup>2</sup> *Ibid.*

families need at least 3 weeks each year.<sup>3</sup> Additionally, our population is also aging and more employees are finding themselves to be members of the "sandwich generation." Such workers need family and medical leave to care not only for children and spouses, but also for elderly relatives.

*The Real Cost of Living and Getting Health Care in Connecticut: The Health Economic Sufficiency Standard (HESS)*<sup>4</sup>, a report that measures the economic burden of health care and illness on Connecticut, found that a family illness or temporary disability can cause serious setbacks for working families – even for those who are self-sufficient with employer sponsored insurance. For working-class families living at the margin or in poverty, a family illness can cause hardship or even bankruptcy. HESS found that Connecticut families incur losses ranging from \$800 to \$6,900 per year due to lost wages during a family illness, and; that CT families incur income losses ranging from over \$300 to more than \$3,500 per year due to lost wages from the wage-earner's own illnesses (depending on work patterns, family composition and type of illness/disability). This does not include associated health costs such as medicine, medical equipment, out of pocket expenses, etc.

In 2006, PCSW commissioned a poll, conducted by the University of Connecticut's Center for Survey Research & Analysis, to find out the concerns of Connecticut residents. More than a half of Connecticut workers (56%) worry about losing pay or their job if they are sick; and, 36% worry about having trouble at work because of taking time off to care for a family member.

SB 1447 will provide some employment protection while employees care for family members or themselves. We thank you for your attention and urge your support of this proposal.

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<sup>3</sup> S. Jody Heymann, Harvard School of Public Health study, 1996

<sup>4</sup> *The Real Cost of Living and Getting Health Care in Connecticut: The Health Economic Sufficiency Standard (HESS)*, February 2006.

