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# Sun Setting on Gay Marriage Ban

Local couple at heart of legal fight in Arizona

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Sarah Ruf/Maricopa Monitor

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By SARAH RUF, Staff Writer @sarah\_ruf | 0 comments

With the expected announcement of Arizona's same-sex marriage ban ruled unconstitutional just days away, thousands of gay and lesbian couples may soon have the door opened for them to either tie the knot or apply for marriage recognition in the Grand Canyon State.

Two landmark lawsuits in Arizona are currently challenging the ban – one of those is Connolly vs. Roche, which asks the Arizona court to allow gay couples to marry and officially recognize couples married outside of the state.

Connolly is Joe Connolly, and he just so happens to reside in the city of Maricopa.

He married Terry Pochert on July 4, 2008, in a Lutheran ceremony during California's short-lived flurry of same-sex marriage licenses that year.

The couple – who met in Michigan in 1995 – then returned to their Maricopa home, only to be rejected as a married pair under Arizona law.

This past July, the Maricopa couple was featured in *The Arizona Republic* as one of seven couples suing the state for the right to legally marry under the lawsuit.

Each has their own motivation; for Joe and Terry, it's all about their faith.

"It started through our church," Connolly said.

He works at an engineering firm, and Pochert, an Air Force veteran, owns a media consulting business.

The pair helped out in a mentoring program at Tempe-based University Lutheran, and soon met a lesbian couple with kids in a unique situation.

"They both had parental rights as foster parents, but as soon as they adopted the children, only one of them could (have) rights," said Connolly, 55. "That's state law."

### Late Thursday afternoon, Joe Connolly reflected on the pending decision:

"Whenever the decision arrives, as people of faith, Terry and I hope everyone carefully, thoughtfully, and prayerfully take their own journey, in their own time and will plan a wedding that speaks to them, their families and friends.

"We wish for all couples to take their time, experience the joy of planning a wedding that



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celebrates and consummates their engagement with a celebration befitting their love. It is important to us that every couple celebrate with family and friends, something we were never able to do back in 2008 when we were under deadline to marry before the window of opportunity closed the following November in 2008."

"It's terrible," Pochert, 66, added.

The Supreme Court struck down the Defense of Marriage Act last summer, but lawyers told Connolly and Pochert that no lawsuit would be happening in Arizona.

So they let it go – until the encounter with the adopted children.

"If we weren't motivated by the other family with the kids, I don't know if we would have filed this based on ourselves," Connolly said. "I feel God has driven this entire process."

In early December 2013, they asked a fellow church member if he knew someone who would be willing to take on a lawsuit against the state of Arizona. Their lawyer friend considered the question for about a week, then came back with a surprise.

"I would like to take the case," he told them.

As the legal wheels started turning, more and more couples joined the lawsuit.

"When we started this whole thing, we were scared," Connolly said. "I feel like we became poster boys for marriage equality in Arizona, and it's not something we wanted."

And as opposition rose up, the pair struggled to

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understand the reasoning.

"I feel like this is a social justice issue out of our church," Connolly said.

What puzzles them most, however, is the view that private Christian law firm Alliance Defending Freedom, which the state of Arizona brought on to defend the suit, is fighting for Arizonans' religious liberty.

For churches who don't agree with same-sex marriage, nothing will change, the pair argue.

"Nothing has changed as far as people's religious freedom," Pochert said. "Stable, life-long relationships are nothing but an asset to foster kids and adoptive kids (in) society."

"We are not gay rights activists," Connolly said. "If anything, I would merge two words together and call us 'faithtivists.'"

"Our case is not technically a religious issue," Pochert said. "Even though we see this as much of a religious issue, it's really a civil suit that is filed against the state of Arizona."

Of course, there are other reasons Connolly and Pochert want Arizona to recognize their California union.

The burden of filing five tax returns, the possibility of denied hospital visits, trouble obtaining long-term insurance and taxes on partner health benefits – if they receive them at all – weigh on their minds, too.

But the couple insists those benefits take a backseat to the hardship their church friends face every day.

In the end, it all comes down to Judge John Sedwick, who is actually a visiting judge from the U.S. District Court for the District of Alaska. He is also hearing the second Arizona case fighting for same-sex marriage, *Majors v. Jeanes*, which deals with death certificates of same-sex partners.

Ultimately, whether their legal team defeats the state is almost beside the point, the men said.

The real work – in churches, at individual homes, with broken families – has just begun.

"There's a lot of healing with this issue that needs to happen," Pochert said. "If there is a single suicide that can be prevented by healing somebody with this issue, it's all worth it."

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