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High Court Grants Marriage Rights For Same-Sex Couples

By MARK SPENCER, ALAINE GRIFFIN, DANIELA ALTIMARI and BILL LEUKHARDT | Courant Staff Writers
1:25 PM EDT, October 10, 2008

Plaintiffs React To Same-Sex Marriage Ruling 01:14



10-10-08 | Beth Kerrigan and Jody Mock are overcome with joy at Connecticut's Supreme Court ruling on same-sex marriage, which will allow them to marry. (Video by...)

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The state Supreme Court's 4-3 decision Friday that same-sex couples have the right to marry swept through the state with the force of a cultural tidal wave.

While lead plaintiff Beth Kerrigan and her partner -- soon to be wife -- embraced and sobbed after learning of the ruling, opponents vowed to pursue a long and complicated route to change the constitution to ban gay marriage.

The Supreme Court released its historic ruling at 11:30 a.m. Citing the equal protection clause of the state constitution, the justices ruled that civil unions were discriminatory and that the state's "understanding of marriage must yield to a more contemporary appreciation of the rights entitled to constitutional protection."

"Interpreting our state constitutional provisions in accordance with firmly established equal protection principles leads inevitably to the conclusion that gay persons are entitled to marry the otherwise qualified same sex partner of their choice," the majority wrote. "To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others."

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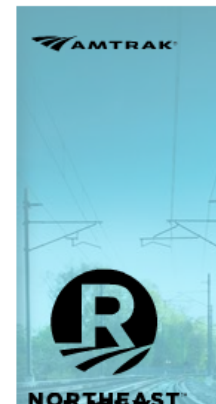
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In one of three separate dissents, Justice Peter Zarella said any decision on gay marriage should be left to the legislature, which approved civil unions in 2005 but has been reluctant since then to go further.

"The ancient definition of marriage as the union of one man and one woman has its basis in biology, not bigotry," Zarella wrote. "If the state no longer has an interest in the regulation of procreation, then that is a decision for the legislature or the people of the state and not this court."

Justices Flemming L. Norcott Jr., Joette Katz, Richard Palmer and



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disappointed in the ruling. "The court has just usurped democracy in Connecticut and redefined marriage by judicial force," said Peter Wolfgang, executive director of the Family Institute of Connecticut.

The opposition will now turn its sights to the November election, when voters will be asked whether the state should convene a constitutional convention. "Connecticut voters will have one opportunity on Nov. 4 to reassert their right to self government. We must vote yes."

Unsatisfied with the civil unions, eight same-sex couples had brought the case, Kerrigan v. the state Commissioner of Public Health, after they were denied marriage licenses in 2004 by the Madison town clerk, who was following instructions issued by the state attorney general's office.

The state, arguing that civil unions already provide all the rights and protections of marriage, prevailed in a Superior Court ruling in July 2006. The couples appealed the ruling to the Supreme Court, which heard three hours of arguments on the case in May 2007.

Attorney Bennett Klein, arguing on behalf of the couples, told the court that civil unions were a "less prestigious, less advantageous institution."

The Boston-based Gay & Lesbian Advocates & Defenders law firm representing the

Appellate Judge Lubbie Harper, sitting for Chief Justice Chase T. Rogers, who recused herself, formed the majority. Justices David M. Borden and Christine Vertefeuille joined Zarella in dissenting.

In a statement released minutes after the decision was announced, Gov. M. Jodi Rell said she disagreed with it, but would uphold it. She said she was proud to sign the state's civil unions law in 2005, the first in the nation enacted without a court mandate, and thought it was "equitable and just."

"The Supreme Court has spoken," Rell said. "I do not believe their voice reflects the majority of the people of Connecticut. However, I am also firmly convinced that attempts to reverse this decision -- either legislatively or by amending the state Constitution -- will not meet with success. I will therefore abide by the ruling."

Attorney General Richard Blumenthal, whose office represented the state in the case, said the decision, which takes effect Oct. 28, "must be respected" and cannot be appealed to the U.S. Supreme Court because it was based on the state constitution.

"My office is reviewing the decision to determine whether any further action is necessary to conform our laws and procedures to the state Supreme Court's ruling," he said.

State Sen. Andrew J. McDonald, a Stamford Democrat and leading voice for gay rights in the legislature, praised the ruling, calling it "a bright day for Connecticut and all her citizens."

He said the legislature must now take steps to clarify state law to comply with the court's ruling.

"The Supreme Court has admirably done its job and now we are required to do ours," he said. "And I predict that we will do it in a bipartisan fashion."

Opponents were obviously

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... couples pursued numerous legal arguments, contending that same-sex marriage was both a fundamental right.

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