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Court: Gays and lesbians can marry

Plaintiffs celebrate victory, can now marry in state

By KEN DIXON
Staff writer

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HARTFORD -- By mid-November, gay and lesbian couples will be getting married in Connecticut after a landmark 4-3 ruling from the state Supreme Court on Friday that says the state's 3-year-old civil union law is unconstitutional.

Victorious gay activists said the four-year legal fight was worth it.

After the high court's decision gets filed on Oct. 28, where the initial court battles were held in New Haven Superior Court, they will be able to obtain marriage licenses in about 10 more days, according to their legal team.

For Garret Stack and John Anderson, two retired Stratford educators who were among the eight plaintiff couples in the landmark case, it means imminent plans for a wedding in their hometown of Woodbridge.

Anderson, a retired Bunnell High School teacher, was on their home computer, reading the 80-page ruling at about 11:30 Friday morning when he finally realized the victory.

"I shouted at [Garret] -- he was in the other room -- and I said I think we won," Anderson said amid a crowd of dozens of happy gay and lesbian activists after a news conference in a ballroom at the downtown Hilton. "Then I went and read a dissent and then I was sure."

Anderson, 65, said "it was incredible that I lived long enough to see this. Then the tears kick in." He said they'll get married "fairly soon."

Stack, 61, the former principal at Stratford's Franklin School, said he was getting out of the shower when Anderson gave him the good news.

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"There I was soaking wet and I said what?" Stack said. "We just went crazy right there." The ruling was so fresh that the couple wasn't sure whether they'd have to dissolve the civil union or whether nuptials will supercede it.

Still, under federal law that does not acknowledge gay unions, civil or otherwise, they remain a pair of single men, filing their taxes singly, from the same address.

"Under the rules of the IRS, we cannot file a joint income tax return, even in the state of Connecticut, because it has to be the same as the federal law," Stack said.

"The federal government won't recognize that marriage, therefore we're still legal strangers for Social Security benefits, Medicare benefits, the real nitty gritty stuff of life, we still have that battle to fight," he said. "But today is a day of elation."

The shortcomings on benefits, according to Bennett C. Klein, lead attorney for Boston-based Gay & Lesbian

Advocates & Defenders, is one of the grounds that could eventually bring the issue before U.S. Supreme Court.

action in Next session

State lawmakers, whose 2005 civil union statute was the subject of the ruling, will bring up the issue in the next session of the General Assembly in January, overturn the current law and rewrite the statute to include marriage equality for gays.



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Associate Justice Richard N. Palmer wrote the majority decision, upon which Associate Justices Joette Katz and Flemming L. Norcott Jr., concurred, along with Appellate Judge Lubbie Harper Jr. Dissenting opinions were written by Associate Justices Christine S. Vertefeuille, David M. Borden and Peter T. Zarella.

"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," Palmer wrote.

"In accordance with these state constitutional requirements, same sex couples cannot be denied the freedom to marry."

Technically, the court granted the plaintiffs' motion for summary judgment and will direct the trial court to grant their motion.

Opponents, led by the Family Institute of Connecticut and the Connecticut Catholic Conference, said Friday they will step up opposition by pushing for voters to approve the November ballot question on whether there should be a constitutional convention next year.

Leading majority Democrats said Friday that even if the constitutional convention question gets approved by voters, they'll make sure that the issue of gay marriage would not become part of the agenda at a constitutional convention, which they oppose and want voters to reject on Nov. 4.

Gov. M. Jodi Rell, who personally opposes gay marriage, said in a statement Friday said that she opposes the ruling but will uphold the decision. "I continue to believe that marriage is the union of a man and a woman," Rell said. "I also believe that the historic civil union law that I proudly signed in 2005 is equitable and just."

Connecticut was the first state to adopt an equal-rights law for same-sex couples without a court order forcing it, like those actions in Vermont and Massachusetts.

"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."

'Clear-cut victory'

"It's a clear-cut victory," said state Rep. Michael P. Lawlor, D-East Haven, the co-chairman of the Judiciary Committee, who crafted much of the 2005 law. "Basically, what the finding is, is that it is an unconstitutional form of discrimination."

The Supreme Court finding will return the case back to Superior Court Judge Patty Jenkins Pittman in New Haven on Oct. 28. The new marriage law would then go into effect 10 days later, Klein told reporters at the Hilton news conference.

The court first heard the case called, Kerrigan and Mock v. the Connecticut Department of Health, on May 14, 2007. It pitted gay and lesbian activists against state and local officials, citing that the civil union law, drafted by the General Assembly to expand rights, was actually separate and unequal to the freedoms enjoyed by heterosexual couples.

Lawlor said the General Assembly has been moving closer and closer to approving a gay-marriage law in recent years and this ruling will relieve some lawmakers' anxiety. He recalled that a gay-marriage bill passed the Judiciary Committee 28-18 in 2007, but it failed to reach a floor debate in the House.

Lawlor said that religious institutions would not be forced into providing marriage venues for same-sex couples when the state recrafts the civil-union statute into a civil-marriage law.

But Peter Wolfgang, director of the Family Institute of Connecticut, said during an afternoon news conference in the Capitol complex that gay-marriage opponents will come together and work harder to win voter approval of the constitutional amendment question. He called the Supreme Court "robed masters" who are creating a gay-marriage law by judicial decree.

"Even a Legislature as liberal as ours has heeded the will of the people and said no to same-sex 'marriage' year after year," Wolfgang said in a statement issued right after the court decision.

"By ruling in this way, the Court has undermined its own legitimacy and called into question whether we are still a free and self-governing people in Connecticut."

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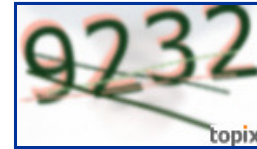


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