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Connecticut 3rd state to allow gay marriage

BY DAVE COLLINS • ASSOCIATED PRESS WRITER • OCTOBER 10, 2008

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HARTFORD, Conn.-- A sharply divided Connecticut Supreme Court ruled today that gay couples have the right to get married, saying legislators did not go far enough when they approved same-sex civil unions that were identical to marriages in virtually every respect except the name.

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The 4-3 ruling will make Connecticut the third state, behind Massachusetts and California, to allow same-sex marriages, decisions that in all cases were made by the highest state court. The decision marks the first time that a court rejected civil unions as an alternative to granting gay couples the right to marry.

Californians will vote next month on a ballot measure that would reinstate the gay-marriage ban, but Connecticut's governor and attorney general said there is little chance of a similar challenge to today's ruling.

"The Supreme Court has spoken," said Gov. M. Jodi Rell, a Republican who opposes same-sex marriage. "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."

Same-sex weddings are expected to begin in Connecticut in less than a month. Out-of-staters will be eligible, but few other states are likely to recognize the unions.

The ruling was thrilling for the plaintiffs, eight couples who sued in 2004 after they tried to get wedding licenses.

"I can't believe it. We're thrilled; we're absolutely overjoyed. We're finally going



ASSOCIATED PRESS

Janet Peck left, embraces her partner, Carol Conklin, after Peck spoke at a news conference in Hartford, Conn., Friday, Oct. 10, 2008.

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to be able, after 33 years, to get married," said plaintiff Janet Peck of Colchester.

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Peck said that when the decision was announced, she and her partner, Carole Conklin, started crying and hugging while juggling excited phone calls from her brother and other relatives and friends.

"We've always dreamed of being married," she said. "Even though we were lesbians and didn't know if that would ever come true, we always dreamed of it."

A year after the suit was filed, Connecticut's General Assembly approved a civil union law that gave same-sex couples the same rights as married couples. At the time, no other state had granted so many rights to gay couples without being ordered to do so by a court, but the plaintiffs declined to drop their lawsuit and said they wanted full marriage rights.

In the majority opinion, Supreme Court Justice Richard N. Palmer wrote that denying marriage to same-sex couples would create separate standards.

"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.

Three justices issued separate dissenting opinions.

Justice Peter T. Zarella wrote that he believes there is no fundamental right to same-sex marriage, and that the court's majority failed to discuss the purpose of marriage laws, which he said is to "privilege and regulate procreative conduct."

Zarella added, "The ancient definition of marriage as the union of one man and one woman has its basis in biology, not bigotry. 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."

Senior Associate Justice David M. Bordon cited Connecticut's civil union's law passed in 2005 and said there is no conclusive evidence that civil unions are inferior to marriages.

"It is simply too early to know this with any reasonable measure of certitude," Borden wrote.

The ruling cannot be appealed to federal courts because it deals with state constitutional issues, Attorney General Richard Blumenthal said.

The ruling overturns a decision from New Haven Superior Court. It becomes effective Oct. 28, and weddings are expected to begin within days after the lower court holds a hearing to implement the high court's ruling.

The Family Institute of Connecticut, a political action group that opposes gay marriage, called the ruling outrageous.

"Even the legislature, as liberal as ours, decided that marriage is between a man and a woman," said executive director Peter Wolfgang. "This is about our right to govern ourselves. It is bigger than gay marriage."

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Getting a constitutional amendment banning gay marriage on Connecticut's ballot would require the approval of three-quarters of the General Assembly — a highly unlikely prospect, with both houses controlled by Democrats sympathetic to same-sex marriage.

A gay marriage ban also could be approved by a constitutional convention. Connecticut law requires a state referendum every 20 years asking whether it should hold a convention at which delegates would consider rewriting anything in the state's Constitution. The referendum happens to be scheduled for next month, but there is little, if any, appetite for such a move among state leaders, regardless of party.

State Sen. Michael Lawlor, chairman of the legislature's Judiciary Committee, said he expects the General Assembly to pass a gay marriage law next year codifying the Supreme Court ruling.

"It's important that both the legislature and the court weigh in," he said. "The court is saying that it's a constitutional requirement that marriage should be equally available to gays and straights and the legislature should weigh in saying whether or not it's constitutionally required, it's the right thing to do."

The couples who sued said the state's marriage law violated their constitutional rights to equal protection and due process, denying them the financial, social and emotional benefits of marriage enjoyed by heterosexual couples.

The vast majority of states do not allow gay marriage. Voters in 27 states have taken the extra step of approving constitutional amendments to reinforce that prohibition.

Civil unions and a similar arrangement, known as domestic partnerships, are offered to same-sex couples in Vermont, New Jersey, New Hampshire, Oregon, Hawaii, Maine, Washington and the District of Columbia.

Associated Press reporters Pat Eaton-Robb, Stephanie Reitz and Larry Smith in Hartford contributed to this report.

In your voice

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she_angel wrote:

That good for them, they've been trying to get same sex marriage legalized for a while. They got three states, more to come. But what ever floats your boat.

10/11/2008 2:29:12 a.m. EDT

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jozzmenia wrote:


Replying to PhillipMaCracken:

*“What more does marriage offer homosexuals over civil unions?
Really just asking to learn and not trying to be controversial. :)”*

I don't try to be that way either but it's worth asking. The weird thing is they say it's "symbolic" but if marriage is actually symbolic of opposite sex couples who actually attempt to NOT live in sin, why would gay people want that as a symbol of THEIR relationship?

This is why I'm independent. I don't like how liberal the world is getting AT ALL. People won't be happy until the world is like the last scene in the movie "Blindness"

10/11/2008 1:11:15 a.m. EDT





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PhillipMaCracken wrote:

What more does marriage offer homosexuals over civil unions? Really just asking to learn and not trying to be controversial. :)

10/11/2008 1:02:06 a.m. EDT

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i_love_penguins wrote:

Good for Conneticut. Wish Michigan was this smart and accepting.

Seriously, as long as two people are happy, I could care less if they're hetero- or homosexual. I hope someday soon we can end this hated and stigma toward gays and lesbians.

10/10/2008 11:39:05 p.m. EDT





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nicegir11 wrote:

I think same-sex marriage is OK. Same-sex couples are just as committed in their romantic relationships as heterosexual couples, say researchers who have studied the quality of adult relationships and healthy development. I have a friend getting married with the same sex under the help of the site ****BisexualMingle dotcom**** (a site for exploring sexuality, coming out, enjoying life, etc. And there are about 150 members per day and they are very active). And they live happily and wonderfully

10/10/2008 10:51:51 p.m. EDT

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