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Connecticut Supreme Court Legalizes Gay Marriage

By Kerry Eleveld, *The Advocate* | Article Date: 10/10/2008 9:42 AM

The Connecticut supreme court Friday issued a 4-3 decision in favor of eight gay couples who were the plaintiffs in *Kerrigan and Mock v. the Connecticut Department of Public Health*, effectively legalizing same-sex marriage in the state.

Connecticut will now become the third state in the country behind Massachusetts and California where gay couples are allowed equal access to marriage. As in California and Massachusetts, out-of-state couples will be eligible to marry in Connecticut.

The court found that it was unconstitutional to deny marriage rights to gay and lesbian couples and that civil unions, which are available in the state, were an unequal institution.

"We conclude that, in light of the history of pernicious discrimination faced by gay men and lesbians, and because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm," Justice **Richard N. Palmer** wrote for the majority.

Gay and Lesbian Advocates and Defenders filed the case in 2004 on behalf of eight same-sex couples who were denied marriage licenses in Madison, Conn.. The couples had been in committed relationships ranging from 10 to 30 years, with many of them raising children. The defendant, the state's Department of Public Health, oversees the registration of all Connecticut's marriages.

In June of 2006, Judge **Patty Jenkins Pittman** ruled that excluding same-sex couples from marital rights did not violate the Connecticut constitution, at which point the plaintiffs appealed the decision to the state supreme court.

Oral arguments for the case took place in May of 2007. "Separate institutions for different classes of citizens are now unheard of anywhere in American jurisprudence," GLAD senior attorney **Ben Klein** told the high court. "Our history has taught us that separation serves no other purpose than to mark a class of citizens as inferior."

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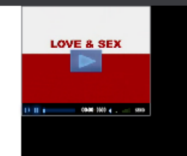
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