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Thousands to marry: Rell says she won't contest ruling on same-sex marriage; laws to be changed

By Keith M. Phaneuf
 Journal Inquirer

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HARTFORD — Advocates of same-sex marriage predicted thousands of couples will move quickly to benefit from Friday's state Supreme Court decision opening marriage to all couples.

Gov. M. Jodi Rell and legislative leaders from both parties indicated they now will work to revise the state's marriage laws to conform to the ruling, rather than push for a constitutional amendment to overturn it.

"Carol and I have dreamed of being married for all of our 33 years together," Janet Peck of Colchester, one of the plaintiffs in the case, said standing alongside her partner, Carol Conklin, during a mid-day press conference at the Hartford Hilton. "For 33 years my heart has ached for that moment. And today I know that that ache is going to be replaced with tremendous, wonderful joy."

Garret Stack and his boyfriend of 28 years, John Anderson, both of Woodbridge, also plaintiffs in the case, said they also will marry.

"We can now register at Home Depot as we prepare for marriage," Stack said. "What do people do when they love each other? People who love each other get married."

Connecticut became the third state to allow same-sex couples to marry when the state Supreme Court ruled 4-3 on Friday that the existing civil union statute discriminates against such couples. That decision marked the second victory this year for advocates of same-sex marriage.

The California Supreme Court ruled on May 15 that the right to marry extends to all couples. Massachusetts' high court reached a similar conclusion four years ago. No state has legalized same-sex marriage through a vote of its legislature.

Anne Stanback, president of Love Makes a Family, a Farmington-based nonprofit organization, predicted that the decision will lead thousands of same-sex couples to choose marriage.

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Fairer place'

"Connecticut is now a fairer, more equitable place for all," said Stanback, whose group has lobbied for same-sex marriage at the Capitol for the past five years. "This historic ruling will provide additional security and respect to the thousands of loving, committed same-sex couples and their children living in our state."

According to The Williams Institute, a research center on sexual orientation law at UCLA, more than 9,500 same-sex couples currently live in Connecticut, and nearly 30 percent of them are raising children.

Mary Bonauto, a lawyer with Gay and Lesbian Advocates and Defenders, or GLAD, which filed the lawsuit on behalf of eight couples, predicted that the Connecticut ruling will lead other states to voluntarily open marriage to all couples.

"There are discussions in state houses ... all over the country," she said.

New Hampshire, New Jersey, Maine, Oregon, Vermont, and Washington all have laws allowing either civil unions or domestic partnerships. Hawaii extends certain spousal rights to same-sex couples and cohabiting heterosexual pairs.

Friday's ruling drew criticism from the Connecticut Catholic Conference and from the Family Institute of Connecticut.

Connecticut's Catholic bishops are "extremely disappointed" by the ruling, the conference said in a statement. "Four people have not just extended a supposed civil right to a particular class of individuals but have chosen to redefine the institution of marriage."

"Even a legislature as liberal as ours has heeded the will of the people and said 'no' to same-sex marriage year after year," added Peter Wolfgang, executive director of the nonprofit, Hartford-based family institute. "With today's ruling the Supreme Court has said to the people of Connecticut that 'No, even this victory will be denied to you. We, your robed masters, will decide the big questions of politics.'"

Parties agree: Issue settled

But at the Capitol on Friday, supporters and opponents of same-sex marriage largely agreed the issue is now settled.

Reil, who has said marriage should be limited to the union of one man and one woman, said she disagrees with the court's decision, but will uphold it.

"The Supreme Court has spoken," the Republican governor 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."

Similarly, Senate Minority Leader John McKinney, R-Fairfield, said, "While I believe these decisions are better left to elected representatives, it is ultimately the province of the state Supreme Court to interpret our constitution. ... Whether people agree or disagree, we all need to respect the court's decision and abide by the ruling."

Democrats, who hold large majorities in the House and Senate, now will begin reviewing all state laws pertaining to marriage and to civil unions, and prepare adjustments to create a uniform system, said Sen. Andrew J. McDonald, D-Stamford, co-chairman of the Judiciary Committee.

McDonald, whose panel backed a marriage equality bill in 2007 only to watch the House and Senate both refuse to take it up, predicted there will be no major effort within the legislature to amend the constitution to overturn Friday's decision.

"I'm sure there will always be a few legislators who will try to advance that argument, but the legislature clearly was already on a march to meet the same goal" as Friday's court decision, McDonald added.

Senate President Pro Tem Donald E. Williams Jr., D-Brooklyn, and House Majority Leader Christopher Donovan, D-Meriden, also issued statements applauding the ruling.

Supreme Court Associate Justice Richard N. Palmer wrote the majority decision.

'History of discrimination'

"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," Palmer wrote.

He was joined in the decision by Associate Justices Flemming L. Norcott Jr. and Joette Katz and by Appellate Court Judge Lubbie Harper Jr., who sat on the panel that heard the case.

Associate Justices David M. Borden, Christine S. Vertefeuille and Peter T. Zarella dissented in separate opinions.

While Borden and Vertefeuille concluded that sexual orientation does not constitute a specific class under the state constitution, Zarella argued that the majority failed to recognize the role of marriage law in regulating reproductive conduct.

"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."

Chief Justice Chase T. Rogers didn't participate in the case because members of her husband's law firm, Robinson & Cole of Hartford, wrote a friend-of-the-court brief for the Lambda Legal Defense and Education Fund, which supports same-sex marriage.

Filed in 2004

Seven same-sex couples filed the Connecticut lawsuit in late August 2004, three months after Massachusetts became the first state in the nation to legalize same-sex marriage. An eighth couple later joined in the suit.

The plaintiffs applied for and were denied marriage licenses in Madison.

Originally filed in New Haven Superior Court, the lawsuit contended that Connecticut's marriage laws violate the equal protection and due process clauses of the state constitution.

The General Assembly and Rell enacted a law in April 2005 that created civil unions for same-sex couples. The measure grants same-sex couples all of the rights guaranteed under state law to married heterosexuals.

It was adopted only after a bipartisan coalition in the House forced an amendment that defines marriage as the union between one man and one woman.

But Friday's decision was about more than the use of the word "marriage." Zarella said in his dissenting opinion that civil unions are purely a legislative creation, and thus could be changed or abolished by the legislature, while marriage enjoys constitutional protection.

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Reader Comments

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Upset wrote on Oct 11, 2008 10:45 AM:
" What is going on with the world today? We have gone against God and nature! I believe God is upset with us. Just look at the weather realted disasters, the stock market. the housing crisis, etc. If we keep up this behavior, we may not see another year! "

Cheez wrote on Oct 11, 2008 9:12 PM:
" Gay people know in their hearts that this was a cheap way to circumvate the democratic process. Until they gain the support of the electorate i.e. the legislature the victory is moot. "

cheez wrote on Oct 11, 2008 9:17 PM:

" The institution of marriage was established by the church to control the distribution of property. At one time marriage determined the fate of entire countries.

It is outmoded and due for a revision in terms of civil law. "

not upset wrote on Oct 13, 2008 1:02 PM:

" To Upset:

What's going on in the world today is more love and acceptance, and less hate, judgment, and intolerance. Isn't that what the Bible and Jesus and God are all about? "

Ct Taxpayer wrote on Oct 13, 2008 10:26 PM:

" Of course Rell isn't going to fight it....she set the state up for this with the civil union bs. This state stinks. "

CT Voter wrote on Oct 14, 2008 4:31 PM:

" Taxpayer - will gay marriages impact your family?

And, do you prefer a society that doesn't necessarily believe in all [people] being created equal?

Using the Constitution to justify excluding a group of people seems somehow...well..UNAmerican, doesn't it?

If you are in favor of exclusion, what will happen when something about people like you (pick a trait you have) are considered undesirable and are then treated by the people and the government as pariahs?

Food for thought. "

Who Cares wrote on Oct 14, 2008 7:28 PM:

" I am so sick of people who say gay marriage causes harm to the institution of marriage. The biggest harm to marriage is DIVORCE. Why isn't there a push by the pro-marriage crowd to ban divorce? Marriage in a church is one of God's sacraments. The state cannot force priests, ministers and rabbis to perform marriages. The court is merely ruling on civil marriages - not religious marriages. "

Ct Taxpayer wrote on Oct 15, 2008 10:40 PM:

" Taxpayer - will gay marriages impact your family?

And, do you prefer a society that doesn't necessarily believe in all [people] being created equal?

Using the Constitution to justify excluding a group of people seems somehow...well..UNAmerican, doesn't it?

If you are in favor of exclusion, what will happen when something about people like you (pick a trait you have) are considered undesirable and are then treated by the people and the government as pariahs?

Food for thought. "

It is morally wrong....this country is going to hell in a handbasket because we've lost our moral compass and our moral fiber. Personally I wouldn't be so offended if they didn't have to throw their "gayness" in our face. But every time there is a "gay pride" event, the freakazoids come out of the closet. What's next, NAMBLA is going to be considered mainstream? Remember what happened to Rome when it lost it's moral compas..... "

CT voter wrote on Oct 16, 2008 5:09 PM:

" It is morally wrong....this country is going to hell in a handbasket because we've lost our moral compass and our moral fiber. Personally I wouldn't be so offended if they didn't have to throw their "gayness" in our face. But every time there is a "gay pride" event, the freakazoids come out of the closet. What's next, NAMBLA is going to be considered mainstream? Remember what happened to Rome when it lost it's moral compas..... "

that's funny, because I always thought judgment, prejudice, and delusions of moral superiority helped send our country to Hell.

How does their marriage throw their "gayness" in your face? Are they getting married on your lawn?

(and how are you comparing NAMBLA, a group that advocates grown men having sexual relationships with children, to what goes on between consenting adults? They're not comparable.) "

For Gay Rights wrote on Oct 17, 2008 3:26 PM:

" I'm not gay and I see no reason why gay people shouldn't be able to marry each other. If they love each other then who are we to say they don't deserve what we have.
So what, the church says it's not acceptable. Who is the church to say that when they hide and have priests that hurt children. But that's okay right. I think the church should take care of their own problems and let the people live their own lives. Whether you like it or not we have freedom of choice and that should include gay marriages. "

Monica Blewclintsky wrote on Oct 18, 2008 7:12 AM:

" Why didn't Connecticut see this coming? We continue to vote for liberal socialists, yet we expect sanity in our legislation and judicial branches. That will never happen. The worst is yet to come. Obama will win this state easily because the blind idiots in CT want this kind of craap. This state is a joke. "

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