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Friday, October 10, 2008

Connecticut Supreme Court strikes down same-sex marriage ban

Joe Shaulis at 12:34 PM ET



[JURIST] The Connecticut Supreme Court [official website] on Friday ruled [opinion, PDF] that the Connecticut Constitution [text] requires that same-sex couples [JURIST news archive] be allowed to marry. In a 4-3 decision, the court reversed a lower court's judgment, concluding that state statutes [text] discriminate on the basis of sexual orientation, that such a classification is "quasi-suspect" under the equal protection provisions of the state constitution and is therefore subject to heightened judicial scrutiny, and that the state failed to provide sufficient justification for excluding same-sex couples from marriage. In an 85-page opinion, the majority wrote:

Like these once prevalent views, our conventional 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. To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others. The guarantee of equal protection under the law, and our obligation to uphold that command, forbids us from doing so. In accordance with these state constitutional requirements, same sex couples cannot be denied the freedom to marry.

The court remanded the case with instructions to grant summary judgment and injunctive relief to the plaintiffs, who are eight same-sex couples denied marriage licenses by the town clerk of Madison, Connecticut. Reuters has more. The Hartford Courant has local coverage.

In May, the California Supreme Court overturned [JURIST report] that state's ban on same-sex marriage, ruling that it violated protections on the right to "form a family relationship" enshrined in the California Constitution. In 2003, Massachusetts became the first state to legalize same-sex marriage [opinion text; JURIST report].

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