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Conn. court overturns same-sex marriage ban

Court finds law discriminates by limiting marriage to heterosexual couples

msnbc.com news services
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HARTFORD, Connecticut - Connecticut's Supreme Court ruled Friday that same-sex couples have the right to marry, making that state the third behind Massachusetts and California to legalize such unions.

The divided court ruled 4-3 that gay and lesbian couples cannot be denied the freedom to marry under the state constitution, and Connecticut's civil unions law does not provide those couples with the same rights as heterosexual couples.

"I can't believe it. We're thrilled, we're absolutely overjoyed. We're finally going to be able, after 33 years, to get married," said Janet Peck of Colchester, who was a plaintiff with her partner, Carole Conklin.

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Justices overturned a lower court ruling and found in favor of the plaintiffs, who said the state's marriage law discriminates against them because it applies only to heterosexual couples, therefore denying gay couples the financial, social and emotional benefits of marriage.

"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," Justice Richard N. Palmer wrote in the majority opinion that overturned a lower court finding.

"To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others," Palmer wrote.

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."

Attorney General Richard Blumenthal said the ruling goes into effect Oct. 28 when it is implemented by action of the of the Superior Court. There will be no appeal, he said.

Gov. M. Jodi Rell said she disagreed with the ruling.

"The Supreme Court has spoken," she 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

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state Constitution — will not meet with success."

Law to go into effect

State Sen. Michael Lawlor, chairman of the legislature's Judiciary Committee, said he expects the General Assembly will 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 court was sharply divided in the decision, with three justices issuing separate dissenting opinions.

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

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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."

'Dreamed of being married'

The lawsuit was brought in 2004 after eight same-sex couples were denied marriage licenses and sued, saying their constitutional rights to equal protection and due process were violated.

They said the state's marriage law, if applied only to heterosexual couples, denied them of the financial, social and emotional benefits of marriage.

Supreme courts in Massachusetts and California also have ruled in favor of gay and lesbian couples, concluding the domestic partnerships were unequal to the rights given in heterosexual marriage.

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.

Peck said that as soon as the decision was announced, the couple started crying and hugging while juggling excited phone calls from her brother and other friends and family.


"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."

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