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Connecticut Supreme Court Overturns Gay-Marriage Ban

State, which previously granted civil unions, becomes third to allow same-sex marriage.

By Gil Kaufman

Following a 4-3 ruling Friday morning (October 10) by its Supreme Court, Connecticut became the third state in the U.S. to allow gay marriage. Citing the equal-protection clause of the state constitution, the justices in the case ruled that civil unions for gay and lesbian couples were discriminatory and that the state's "understanding of marriage must yield to a more contemporary appreciation of the rights entitled to constitutional protection," according to the *Hartford Courant*.

"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," the majority opinion in the case stated. "To decide otherwise would require us to apply one set of constitutional principles to gay persons and another to all others."

In 2005, Connecticut passed the first civil-union law in the nation that was enacted without a court mandate, and while Governor M. Jodi Rell said she disagreed with the court's decision to overturn the ban on gay marriage, she vowed to uphold it. "The Supreme Court has spoken," Rell 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."

Opponents of the decision said the court had "usurped democracy" in the state and "redefined marriage by judicial force," according to Peter Wolfgang, executive director of the Family Institute of Connecticut. The organization will now join with similar groups to help promote an initiative on the November 4 ballot asking whether the state should convene a constitutional convention to allow "direct initiatives," which would presumably allow anti-gay-rights groups to seek a state constitutional ban on same-sex marriage.

The case stemmed from a group of eight same-sex couples who were unsatisfied with the civil-union decision and sued after being denied marriage licenses in 2004, the *Courant* reported. Arguing that civil unions already provided all the rights and protection of marriage, the state won the case in a Superior Court ruling in 2006, which the couples appealed to the

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Supreme Court, arguing that civil unions were a "less prestigious, less advantageous institution." Lawyers for the couples also argued that same-sex marriage was a fundamental right guaranteed under the ban on sexual discrimination in the constitution and that the couples were being discriminated against based on sexual orientation.

The *Courant* reported that the court's ruling will likely be the final judicial judgment on the case because it's based on the state constitution, but opponents could still seek a constitutional amendment to ban gay marriage.

Before Friday's ruling, only Massachusetts and **California** had allowed same-sex couples to marry. Proposition 8, a ballot initiative that would outlaw same-sex marriages in California, will be put to a vote on November 8. According to *The Associated Press*, groups supporting the ban have reportedly taken in more than \$25 million so far in their efforts to pass the measure, while a number of celebrities — including Fall Out Boy, Brad Pitt and Steven Spielberg — have donated large sums to oppose the ban.



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helbertswimnot (10.12.08 | 6:56 AM)

what a bunch of chickens! :D :/



helbertswimnot (10.10.08 | 8:25 PM)

laws and emotions about gay marriage may be a bit misguided, but its nothing to be afraid of -is this the first comment here??!?

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