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News

In controversial ruling, state supreme court says gay marriage ban is unconstitutional



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Saturday, October 11, 2008 5:37 AM EDT

By Angela Carter, Register Staff

The Connecticut Supreme Court's ruling Friday that same-sex couples have the right to marry was both heralded as a "victory for human dignity" and condemned as an "undemocratic fiat."

"This victory for human dignity is a victory for all people who are discriminated against based on their sex, race, ethnicity, ability, gender expression or any other immutable God-given aspect of their being," said Frank O'Gorman, director of People of Faith CT.

"Today, one of the most marginalized and dehumanized groups in society is taking its rightful place at the marriage table. This ruling has been centuries in the making and many months in anticipation," O'Gorman said.

As of spring 2008, there were 1,855 same-sex couples living in civil unions in Connecticut. They make up about 20 percent of same-sex couples statewide, according to researchers at the Williams Institute at the UCLA School of Law.

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The institute is dedicated to research on issues related to sexual orientation law and public policy and it is the only research center at a law school that focuses on lesbian, gay, bisexual and transgender matters.

The Catholic Bishops of Connecticut and the Connecticut Catholic Conference issued a statement saying they were “extremely disappointed” in the ruling, a decision they said goes beyond the parameters set by the legislature and “imposes” the recognition of same-sex marriage upon state residents.

“The Connecticut Supreme Court has not just extended a supposed civil right to a particular class of individuals, but has chosen to redefine the institution of marriage,” the statement said. “The real battle in this court case was not about rights, since civil unions provide a vast number of legal rights to same-sex couples, but about conferring and enforcing social acceptance of a particular lifestyle; a lifestyle many people of faith and advocates of the natural law refuse to accept.”

Michael Culhane, executive director of the Connecticut Catholic Conference, said Friday that the organization believes marriage is defined as a union between a man and a woman.

“The basic concern of the bishops is that this ruling goes against thousands of years of tradition as upholding the institution of marriage between a man and a woman,” he said. “It goes against natural law.”

State Attorney General Richard Blumenthal said that an appeal to the U.S. Supreme Court is not possible because the decision was solely an interpretation of state constitutional law.

“The state’s highest court today (Friday) ruled that the Connecticut law limiting marriage to heterosexual couples violates the state constitutional guarantee of equal protection for all,” he said. “The (court) determined that the law fails to meet state constitutional standards.”

But Peter Wolfgang, president of the Family Institute of Connecticut, issued a statement saying the organization would seek other remedies, such as a constitutional ban on same-sex marriage.

“Connecticut does not want judges to impose same-sex marriage by undemocratic fiat,” Wolfgang said.

Carolyn Kaas, associate professor of law and director of the Family Law Concentration at Quinnipiac University Law School in Hamden, said the court’s decision can not be reversed by the legislature or any federal court. The only option for opponents of same-sex marriage to undo the Supreme Court’s decision would be to have it disallowed under the state constitution.

“That’s a high-risk proposition,” Kaas said. “You can’t just re-open a piece of the constitution. The whole thing would get re-opened.”

She was a signatory on one of the amicus briefs filed in the case. The legislation enabling civil unions, she said, was a step forward but it left some legal problems unresolved, especially when it comes to questions of equality.

Kaas also noted that the historic ruling has a limited reach. The federal government does not have to recognize gay and lesbian couples living in Connecticut as married when it comes to federal income tax filing or in administering Social Security or pension benefits, for example. Also, Connecticut can not force other states to recognize the marriages.

“That’s still not exactly equal,” Kaas said. “No state by itself can change what the federal government has done.”

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.

Kaas said she believes the entire country will eventually recognize same-sex marriage. "It's so fundamentally fair," she said.

The Associated Press contributed to this report. Angela Carter can be reached at 789-5752 or acarter@nhregister.com.

Comments

The following are comments from the readers. In no way do they represent the view of nhregister.com.

bob wrote on Oct 11, 2008 6:13 AM:

" Why do we not allow a man to marry a tree? Or call a pumpkin a cow. It makes as much sense as saying that people with the same sex can marry. Anyone with any sense can see that it is not a marriage. We all know what a marriage is, this is just social engineering at its worst. "

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Chuck Anziulewicz wrote on Oct 11, 2008 7:23 AM:

" It is not the courts' job to uphold the precise will of the majority of the people. That's what elections are for. The job of the courts is to uphold the Constitution, regardless of whether the necessary decisions fall in line with the will of the majority. It is up to the judges to determine, without bias from the rest of the population, what constitutes equality under the law, or equal protection. It seems more than obvious to me that to exclude Gay couples from the institution of marriage is a clear violation of any notion of "equality," and I have yet to see anyone dispute that on a rational level. Therefore, it is not "activism" on the part of judges to declare that Gay and Straight couples should be treated equally under the law, rather it is an example of judges performing their rightful duty. "

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Marriage wrote on Oct 11, 2008 8:12 AM:

" I can not agree with the court's decision. Marriage is between a man and a woman. Unfortunately, the court did not have a guideline in the Constitution, so we, the citizens of Connecticut, will just have to give it to them by way of a Constitutional Convention.

The civil union law was apparently not enough for those who wish to ram their perverted view of reality on us all. By nature, marriage has always been between a man and woman.

This is not over. Too bad that many of these so-called marriages will take place and will then have to be nullified by our new constitution. "

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UNCLE SAM wrote on Oct 11, 2008 8:52 AM:

" Our country is sliding into the ground. Why bother with elections just let the liberal courts dictate how we should live. My god a man marrying a man forty years ago we would send them to the bug house, twenty years ago we tolerated them now they are better then us. "

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mr cheech wrote on Oct 11, 2008 9:03 AM:

" Now that the court has deemed gay marriage legal Catholics must now come to realize that gay couples can now marry in the Catholic church. If a priest refuses on the grounds of religious principles the church will be sued for discrimination. The separation of church and state no longer is a viable option and the U.S. constitution goes out the window with the blessing of the Connecticut Supreme court.How nice,huh? "

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Barry wrote on Oct 11, 2008 9:15 AM:

" What a shame that Catholicism is being used to slander other Catholics, many of whom are gay. When I grew up Catholic, and went to Catholic schools, its beliefs were symbolized by leaders who advocated basic fairness and fair treatment for all. What has become of its leadership and many, but not necessarily a majority of its congregants, who are filled with such hatred for those who they view as different and, therefore, threatening? Is it any wonder that many Catholic churches have and are closed and its pews less full? When a religion loses its way and its basic goodness, it is less attractive as it reflects the Gospel less fully. "

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Tom wrote on Oct 11, 2008 9:19 AM:

" A Church is not required to perform civil marriages. As a result, there is no basis to the claim that a Church must perform a marriage for anyone, gay or straight. It is typical fearmongering to allege, as "cheech" does above. "

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Teg wrote on Oct 11, 2008 9:35 AM:

" Why are people so afraid of gays and lesbians?

Does it really matter or do closed minded people get to make the decisions for evryone? "

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Minky wrote on Oct 11, 2008 10:02 AM:

" Seems that the population self-identified as lesbian, gay, bisexual or transgender (LGBT) becomes more and more. According to my experience on the site *BiLoves dotcom* (a site for LGBT coming out, explore sexuality, etc.), there are about 150 members per day and they are very active. You can imagine. And if you often are online, you may find what you are looking more easily. "

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manfred wrote on Oct 11, 2008 10:23 AM:

" Big deal, gays can marry now
In a few months they'll be as miserable as married heteros! "

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NowinCT wrote on Oct 11, 2008 10:57 AM:

" So it may offend the Religious Right. Whoop-De-Darn-Do !

Saying Gay's don't have the sames rights as heterosexuals is just more of the Gov't telling people how they think you should run your life.

BTW.. I'm Heterosexual, Married, and have no Homosexual relatives. I just hate it when Gov't interferes with people's right to do as they choose.

As long as it doesn't hurt anyone else... Who really cares?

I guarantee just abou everyone has a gay couple somewhere living in your neighborhood. What's the difference now that they have a Legal Document? In waht way does that change/affect your life?

Answer.... It doesn't.

So get a grip people. "

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marybee wrote on Oct 11, 2008 11:26 AM:

" I am thrilled with the court's ruling for equal marriage rights for all Connecticut citizens. I am so proud of my state and its residents and feel my heterosexual marriage of 44 years is more special and meaningful to me because of this ruling.

It is love, not genitalia, that makes a family. "

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michael wrote on Oct 11, 2008 11:35 AM:

" Kudos Connecticut! Civillywedd.com wishes the best to all LGBT's who plan to marry. "

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Dario wrote on Oct 11, 2008 12:04 PM:

" This is yet another attack on the American people's democratic freedoms. It is interesting to note how none of the states that wound up legalizing gay marriage did it through either a vote or legislative process, but through the corrupt back-room dealing of the Supreme Courts. I hope that Connecticut will do the right thing and open to citizen initiatives in order to have a true and legal referendum on the issue, and we'll see how people will actually vote. "

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Ernesto wrote on Oct 11, 2008 12:05 PM:

" I'm a born again pentecostal man, who believes deeply that marriage is the union between two people that love eachother unconditionally regardless of gender who want to spend the rest of their lives together. I am disgusted with so called christians who are against to this ruling, Jesus said whoever is free of sin to throw the first rock. We are all Gods children and should have equal protection under the law. This ruling does not change the fundamental definition of marriage the union of two people who want to spend the rest of their lives together, if anything it should be praised that more people will be living right by God and not live in fornication for the rest of their lives. God bless all regarless of gender or sexuality. God made us all the way we are, its not a choice but a life given by God. "

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Upset wrote on Oct 11, 2008 12:11 PM:

" What is going on in this world today? By condoning marriage of two people of the same sex goes against God and nature. Even animals know better! "

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Mauna loa wrote on Oct 11, 2008 1:06 PM:

" Isn't that nice. Those Two gay men hugging and kissing, with their young son next to them. Finally OPEN & PROUD. IT really makes me feel so warm to live in this Great State of Connecticut. I Teach at Columbia, & thinking of starting a fund for a special Honeymoon trip to Iran to meet the President Mahmūd Ahmadinejād. A very fine Gentleman and Scholar. I know him Personally, & you will be very well perceived. Again, YES Finally. "

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Cathy wrote on Oct 11, 2008 1:38 PM:

" It's not Christians who are standing in judgment of gay marriage, the Bible clearly says it's wrong and we are just standing up for the Bible. It has pretty much been trampled on by those who claim their "rights" have been violated. If God says it's wrong, and please don't forget the fire and brimstone in Sodom and Gommorah, we are going to stand in God's face and tell him he was wrong? I don't care if people don't like what I believe, but I'm standing with what God says is right. Are we saying we're smarter than God by saying he will bless these unions? You are shaking your fist in God's face. It's not my opinion, it's the Bible. The "different interpretations" argument and "it's not for today" are just quotes people throw around because they do

not want to be corrected. Legalizing it will not make it right. For the first time in my life, I want to move from CT. God forgive those who think they are "progressive" but are bringing God's judgment on us. Look around, how are things going in the US right now?

I pray we all fall to our knees and ask God for his help before it's too late.

And for those in leadership positions

who clearly say they opposed this but there's nothing they could do, I just don't know what to say to you. And the media's bias helped usher this in against the clear will of the majority.

Get out and vote yes for a Constitutional Convention. "

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Chris Braun wrote on Oct 11, 2008 2:28 PM:

" Hartford is already an sanctuary city for illegal immigrants and New Haven is not too far behind. So why should any one be surprised by this gay marriage business. Connecticut, once a great state to be proud of is slowly going down the tubes economically and morally. My advice is get out if you can? I did! "

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Rob wrote on Oct 11, 2008 2:43 PM:

" Quote "Barry wrote on Oct 11, 2008 9:15 AM:

" What a shame that Catholicism is being used to slander other Catholics, many of whom are gay. When I grew up Catholic, and went to Catholic schools, its beliefs were symbolized by leaders who advocated basic fairness and fair treatment for all. What has become of its leadership and many, but not necessarily a majority of its congregants, who are filled with such hatred for those who they view as different and, therefore, threatening? Is it any wonder that many Catholic churches have and are closed and its pews less full? When a religion loses its way and its basic goodness, it is less attractive as it reflects the Gospel less fully. ""

how stupid can you get??? i mean wtf is your problem barry?? have you not realized that gay marriage is AGAINST THE BIBLE!!! how dare you even think that the church HAS to marry you.. definitely the catholic church. just because the government SAYS your being married doesn't make it holy. on the contrary a gay marriage is of satan. this country was made on freedom and if gays will have the freedom/equal right of marriage churches will have the freedom and equal right not to attempt to make it holy (of which i have already stated it is not). if the catholic church can choose to "not" marry a divorced man/woman to their heterosexual spouse they can do the same to gays. i will cry the day that the church goes against the bible and starts marrying gays.

it is starting to look like the only way to keep your kids in the right state of mind is to homeschool them. now the preschools are teaching kids under the age of 6 that gay marriage is acceptable... i could see saying that it's out there but it shouldn't be burned into little kids boy/girls heads that they can marry their friend that is of the same sex....

america is going way down... well maybe our economy will just fail and it'll split america into different sections/countries "

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rachel wrote on Oct 11, 2008 3:01 PM:

" sad to see in such a "free" country people have fight for such simple rights. if you are against same sex mariages don't have one....people who get married and divorced multiple times have ruined the sanctity of marriage. marriage is the bond between 2 people who love each other. to push your religious beliefs on others is an out right desecration to our rights (freedom of religion what this country was founded on). not all religions are anti gay-some of us accept people for who they are. to change this for religious reasons would be appalling. seperation of church and state. "

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Erick wrote on Oct 11, 2008 3:30 PM:

" To quote Rob

"how stupid can you get??? i mean wif is your problem barry?? have you not realized that gay marriage is AGAINST THE BIBLE!!! ... on the contrary a gay marriage is of satan... it is starting to look like the only way to keep your kids in the right state of mind is to homeschool them. now the preschools are teaching kids under the age of 6 that gay marriage is acceptable... i could see saying that it's out there but it shouldn't be burned into little kids boy/girls heads that they can marry their friend that is of the same sex...."

Who went and made the Law that the bible is always right and that You will go to hell if you dont obey every single word in that book. The way that I see it the bible is just a book of stories passed down from many generations ago that has crammed down our throats as law of the land. I dont hate religion at all, but at the same time I dont live in fear or this "great book" I mean really where does it say anywhere that a gay marriage is the work of Satan because I sure as hell cant find it anywhere.

I also cant see where there is an issue with kids being schooled about Gay marriage as it is a piece of current news and pop culture and definitely not something that Is going away any time soon. But you feel that it is ok to try to make God fearing individuals out of anyone who feels different about your views.

If you choose to be attracted to a person of the same sex then have at it and do as you please. Whos right is it to say that you cannot spend you life with that individual just because you are of the same sex, to me that is like telling someone you cant like this person because they have red or brown hair.

I always thought that the good word of "Our savior" Jesus Christ was to live by god and to love him... never to fear him." The bible and ways of God are a system of beliefs and values for an individual to live by, it was in no way ever meant to be seen as law of the land. "

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Muslims Would Never Tolerate Such Filth wrote on Oct 11, 2008 4:28 PM:

" HOW SICK PEOPLE REALLY ARE ACTUALLY FIGHTING FOR THESE LOW SCUM OF THE EARTH..I'M SO HAPPY TO BE MUSLIM...BUT HEY IF YOU CAN CHEAT ON YOUR WIFE, SLEEP WITH PROSTITUTES, SECRETARIES,NANNIES, DRESS LIKE SLUTS,MAKE PORNOGRAPHIC MOVIES, DRUG, DRINK, STEAL, CHEAT, LIE SO WHY NOT A LITTLE HOMOSEXUAL PLEASURE IT'S FITS IN WITH THE REST "

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robert wrote on Oct 11, 2008 5:52 PM:

" Terible reporting.....Name the judges and how they voted and who appointed them and what party they are "

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Michael wrote on Oct 11, 2008 6:06 PM:

" Let's not forget natural law and "majority rules" forbade straight people of different color from marrying in parts of the US until a supreme court ruling - in 1967. It was against natural law for women to vote in much of the US until 1920 after 60 long years of politicing. "Majority rules" did not free the slaves, nor integrate the schools, civil liberties are not often granted at the ballot box, but in the courthouse.

Same-sex marriage does not force straight people to do anything differently in their union, their marriage is as sound or faulty as it was before yesterday. "

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203 Supporter wrote on Oct 11, 2008 6:24 PM:

" Well it is about time, Right people?! A quick note..no dry citations or lengthy constitutional references. Whatever was believed back in the day, those days are over people. How many straight couples do we all know who's relationship is on the rocks because of varioius reason. Now, howabout straight single people who disagree with gay relationships, yet can not seem to aquire one themselves. I challenge you all to become friends with a gay person, to understand better that OFCOURSE there all normal people like everyone else. And for those who can care less about gay people...you are probably of the single people or dumped who can not bare to see other people living happier than yourselves. lol. Am i correct?

CONGRATS CT. We overcame the terrible ban on gay marriage. Now we can truely let all people live as one body, and try worrying about what really is affecting the state. CONGRATS gays and lesbians of CT. "

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bob wrote on Oct 11, 2008 7:46 PM:

" Unfortunately, the court did not say that a gay marriage ban is unconstitutional. They did say that the civil union law doesn't afford equal due process. (Yea, that's a junk argument). SO, simply REPEAL THE CIVIL UNION LAW. And that ends the court memorandum. I have asked my legislature reps to do just that .. no reply yet "

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wolfie wrote on Oct 12, 2008 12:56 AM:

" i am so glad that connecticut is joining the forefront on a new era, and joining the states where acceptance is first and foremost. i am now extremely proud to live here and support this amazing revelation "

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George Sincavage wrote on Oct 20, 2008 7:06 AM:

" Now that gay people can marry isn't it discrimination to continue domestic partner benefits for only same sex couples? Otherwise THIS is discrimination. "

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