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Court OKs gay marriage

By Brian Lockhart and Lisa Chamoff
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Staff Writers

HARTFORD - Stephen Davis was on his way to work in New York City on Friday, and his partner, Jeffrey Busch, was preparing for a family bat mitzvah when the Wilton couple received news they had been awaiting since spring 2007.

Their attorney phoned to say the state Supreme Court would, after nearly 18 months, rule at 11:30 a.m. on the lawsuit Busch, Davis and seven other gay couples filed to overturn Connecticut's ban on same-sex marriage.

In a change of plans, the two instead drove to Hartford with their adopted son, Elijah, for a victory news conference with the other plaintiffs from across the state.

"Both Stephen and I cried when we read the first page of the decision," Busch said afterward. "I read it aloud to him in the car all the way to Hartford."

Connecticut is the third state after Massachusetts and California to legalize same-sex marriage through the courts.

Friday's groundbreaking, 4-3 ruling marks the first time a state that willingly offered an alternative to marriage - lawmakers legalized civil unions in 2005 - was told by a court that it is not enough to protect the rights of same-sex couples.

"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 Palmer wrote in the majority opinion.

Chief Justice Chase Rogers of

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New Canaan recused herself last year from the case because of a possible conflict with her husband's law firm, whose attorneys wrote a friend-of-the-court legal brief on behalf of a group supporting same-sex marriage. Out-of-staters will be eligible, but few other states are likely to recognize the unions.

Busch and Davis, who have been together for 16 years, entered into a civil union quietly because they did not want to celebrate what they considered unjust treatment.

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"You get one chance to cry at your wedding," Busch said. "We didn't want to blow it."

State Attorney General Richard Blumenthal said Friday's ruling goes into effect Oct. 28. There will be no appeal, he said.

State Sen. Andrew McDonald, D-Stamford, co-chairman of the legislature's Judiciary Committee, helped spearhead legalizing civil unions and gay marriage bills in the legislature. He said lawmakers will need to repeal the civil unions law and "clean up" other state regulations to conform with the court's ruling.

McDonald, who is gay, said his late mother, former state Rep. Anne McDonald, D-Stamford, would be proud. She passed away last October at the age of 74.

"I regret she didn't live to see this day," he said. "You've got to remember, my mom and dad used to run the NAACP press out of their basement in the early 1960s

because they thought discrimination was wrong. . . . This is not a victory for gay couples in Connecticut. It's a victory for all of Connecticut."

One of the dissenting justices, Peter Zarella, wrote he believes there is no fundamental right to same-sex marriage and that the court's majority failed to discuss the purpose of marriage laws to "privilege and regulate procreative 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."

Toward that end, opponents' options are limited.

The General Assembly could try to pass a Constitutional amendment banning gay marriage. But Republican Gov. M. Jodi Rell and Senate Minority Leader John McKinney, R-Fairfield, cast doubt on that move in separate statements.

"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."

McKinney 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."

House Minority Leader Lawrence Cafero Jr., R-Norwalk, could not be reached for comment.

Spokesmen for the Family Institute of Connecticut and the Connecticut Catholic Conference on Friday said they would step up efforts to convince voters in November to pass a ballot measure calling for a state constitutional convention.

Considered every 20 years, the conventions' agenda, set by the legislature, could include same-sex marriage.

"Even the legislature, as liberal as ours, decided that marriage is between a man and a woman," Family Institute of Connecticut Executive Director Peter Wolfgang said, referring to a portion of the 2005 civil union law. "This is about our right to govern ourselves. It is bigger than gay marriage."

Asked how the ruling harmed heterosexual married couples, Wolfgang said it will limit religious and parental rights for those who oppose same-sex marriage.

"This is going to make us more and more second-class citizens," he said.

The fight for same-sex marriage rights is often compared to efforts in the United States to overturn archaic laws preventing mixed race couples from marrying.

Wolfgang, who is white, was backed Friday by black and Hispanic supporters, some of whom said that unlike race, sexual preference is a choice.

"I was born black," said the Rev. Eric Thompson Sr., the center's director of religious outreach.

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News of the Supreme Court's ruling quickly spread among same-sex couples in Fairfield County.

Chris Spiegelman and Michael Fishman of Stamford entered into a civil union "for the protections it offered us," Spiegelman said. "It was a step in the right direction, but this is what full equality is all about."

Westport residents Suzanne Sheriden and Rozanne Gates, who entered into a civil union in 2005, traveled to Hartford on Friday for a celebration rally on the steps of the Capitol.

Sheriden said she was "thrilled and excited" but concerned voters could back a state constitutional convention.

The couple will be seeing lesbian singer-songwriter k.d. lang in concert in Bridgeport on Oct. 28 when the decision takes effect.

"We're thinking about having an en-masse ceremony," Sheridan said.

David Frishkorn of Norwalk learned about it after his partner of 20 years, Jack Hellaby, "called me and asked me to marry him."

Frishkorn and Hellaby entered into a civil union three years ago this week, holding a ceremony and celebration with 120 friends and family members at Norwalk's Oak Hills Park.

The two have discussed what they would do if the Supreme Court supported same-sex marriage and would probably take "another honeymoon."

Busch and Davis have not gotten that far, although there is one thing they have decided - their son Elijah will be the ring bearer at their wedding.

- The Associated Press contributed to this story.



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