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Gay Marriage Is Ruled Legal in Connecticut



Shana Sureck for The New York Times

In Hartford, Crystal Pretzman of Willimantic, Conn., celebrated the State Supreme Court's decision to legalize same-sex marriage.

By ROBERT D. McFADDEN Published: October 10, 2008

A sharply divided Connecticut Supreme Court struck down the state's civil union law on Friday and ruled that same-sex couples have a constitutional right to marry. Connecticut thus joins Massachusetts and California as the only states to have legalized gay marriages.

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Joanne Mock, right, and Elizabeth Kerrigan, with their son Carlos, 6, were among eight couples who sued to get marriage licenses.

The ruling, which cannot be appealed and is to take effect on Oct. 28, held that a state law limiting marriage to heterosexual couples, and a civil union law intended to provide all the rights and privileges of marriage to same-sex couples, violated the constitutional guarantees of equal protection under the law.

Striking at the heart of discriminatory traditions in America, the court — in language that often rose above the legal landscape into realms of social justice for a new century — recalled that laws in the not-so-distant past barred interracial marriages, excluded women from occupations and official duties, and relegated blacks to separate but supposedly equal public facilities.

"Like these once prevalent views, our conventional understanding of marriage must yield to a more contemporary appreciation of the rights entitled to constitutional protection," Justice Richard N. Palmer wrote for the majority in a 4-to-3 decision that explored

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compared with that of blacks and women.

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

The ruling was groundbreaking in various respects. In addition to establishing Connecticut as the third state to sanction [same-sex marriage](#), it was the first state high court ruling to hold that civil union statutes specifically violated the equal protection clause of a state constitution. The Massachusetts high court held in 2004 that same-sex marriages were legal, while California's court decision in May related to domestic partnerships and not the more broadly defined civil unions.

The Connecticut decision, which elicited strong dissenting opinions from three justices, also opened the door to marriage a bit wider for gay couples in New York, where state laws do not provide for same-sex marriages or civil unions, although Gov. [David A. Paterson](#) recently issued an executive order requiring government agencies to recognize same-sex marriages performed in other states.

The opinion in Connecticut was hailed by jubilant gay couples and their advocates as a fulfillment of years of hopes and dreams. Hugs, kisses and cheers greeted eight same-sex couples as they entered the ballroom at the Hartford Hilton, where four years ago they had announced they would file a lawsuit seeking marriage licenses.

One of those couples, Joanne Mock, 53, and her partner, Elizabeth Kerrigan, 52, stood with their twin 6-year-old sons, choking back tears of joy and gratitude. Another plaintiff, Garret Stack, 59, introduced his partner, John Anderson, 63, and said: "For 28 years we have been engaged. We can now register at Home Depot and prepare for marriage."

Religious and conservative groups called the ruling an outrage but not unexpected, and spoke of steps to enact a constitutional ban on gay marriage. Peter Wolfgang, executive director of the Family Institute of Connecticut, blamed "robed masters" and "philosopher kings" on the court. "This is about our right to govern ourselves," he said. "It is bigger than gay marriage."

But the state, a principal defendant in the lawsuit, appeared to be resigned to the outcome.

Gov. [M. Jodi Rell](#) said that she disagreed with the decision, but would uphold it. "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 state Constitution, will not meet with success."

Attorney General [Richard Blumenthal](#) said his office was reviewing the decision to determine whether laws and procedures will have to be revised — local officials will issue marriage licenses to gay couples without question, for example — but he offered no challenge and said it would soon be implemented.

*Sharon Otterman and Christine Stuart contributed reporting.*

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