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Gay couples win right to marry in state

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By A.J. O'CONNELL

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STAMFORD-- Jeffrey Busch and Stephen Davis, of Wilton, have been a couple for 20 years. In that time, they've become many things: fathers, domestic partners and partners in a civil union. On Friday, they became engaged.

"He's no longer my significant other, he's not longer my domestic partner, he's my fiancé," said Busch. "The State of Connecticut popped the question on Friday morning."

"This is a particularly nice anniversary present for us," said Brian Rice of Stamford, who married his partner Jason Kelliher eight years ago when the pair lived in Massachusetts. Their anniversary was Monday.

Connecticut's Supreme Court ruled, in a 4-3 decision Friday, that same-sex couples have the right to marry. Busch, 45, and Davis, 56, were two of 16 plaintiffs in the case, Kerrigan & Mock et al v. Connecticut Department of Public Health. 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.

"Today's decision is a true affirmation of Connecticut's history of protecting the rights of all her citizens," said State Senator Andrew McDonald, D-27,

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The audience cheers at a rally at the State Capitol in Hartford, Conn., Friday, Oct. 10, 2008 held to celebrate a ruling by the Connecticut Supreme Court to allow same-sex weddings. (AP Photo/Bob . . .

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on Friday morning.

McDonald, who is from Stamford, was one of two Connecticut legislators who pushed through the civil union law in 2005. First, however, McDonald, who is gay, pushed for same-sex marriage. Last year, the Connecticut General Assembly Judiciary Committee passed a marriage equality bill, which contains provisions that will allow same-sex couples who have been civilly united to become married.

"They will have the opportunity to transfer (a civil union) into a marriage," said McDonald.

The state Department of Vital Records will have gay marriage licenses within the next two weeks, according to Norwalk Town Clerk Andrew S. Garfunkel. Although the U.S. Supreme Court compels the state legislature to abandon civil unions and embrace marriage, no action can be taken by the legislature until it convenes for its next session, in January, 2009.

Connecticut will be the third state behind Massachusetts and California to legalize such unions.

The divided Supreme Court ruled Friday 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.

"Nobody seeks to intrude on deeply held religious beliefs," said McDonald. "(The decision) solely addresses the civil institution of marriage. But there are important social and cultural benefits denied to same-sex couples."

Busch and Davis say there's something even more important which marriage can give them -- safety for their six-year-old son Eli. The family was returning from an international vacation a few years ago when they were stopped by the border patrol and questioned about their son. The agent asked where Eli's mother was. When Busch and Davis explained that they are his parents, the agent simply said "Everyone has a mother."

Although Busch and Davis managed to convince the agent that they had not kidnapped Eli, they were advised not to travel internationally again. And although they believe that civil unions make same-sex unions second-class, the couple got one for Eli's sake. They made sure, said Busch, that it was as perfunctory as possible.

"You only get one chance to cry at your wedding and we were not going to blow it on a civil union," said Busch.

Connecticut will join Massachusetts and California as the only state to allow same-sex couples to marry.



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"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.

Gov. M. Jodi Rell said Friday that she disagreed, but will not fight the ruling.

"The Supreme Court has spoken," Rell said in a statement. "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."

Staff writer Steve Kobak and The Associated Press contributed to this story.

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