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3rd state OKs gay marriage

Conn. high court widens scope of same-sex unions

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HARTFORD, Conn. — A sharply divided Connecticut Supreme Court ruled Friday that gay couples have the right to get married, saying legislators did not go far enough when they approved same-sex civil unions that were identical to marriages in virtually every respect except the name.

The 4-3 ruling will make Connecticut the third state, behind Massachusetts and California, to allow same-sex marriages, decisions that in all cases were made by the highest state court. The decision marks the first time that a court rejected civil unions as an alternative to granting gay couples the right to marry.

Californians will vote next month on a ballot measure that would reinstate the gay-marriage ban, but Connecticut's governor and attorney general said there is little chance of a similar challenge to Friday's ruling.

"The Supreme Court has spoken," said Gov. M. Jodi Rell, a Republican who opposes same-sex marriage. "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."

Same-sex weddings are expected to begin in Connecticut in less than a month. Out-of-staters will be eligible, but few other states are likely to recognize the unions.

The ruling was thrilling for the plaintiffs, eight couples who sued in 2004 after they tried to get wedding licenses.

"I can't believe it. We're thrilled; we're absolutely overjoyed. We're finally going to be able, after 33 years, to get married," said plaintiff Janet Peck of Colchester.

Peck said that when the decision was announced, she and her partner, Carole Conklin, started crying and hugging while juggling excited phone calls from her brother and other relatives and friends.

"We've always dreamed of being married," she said. "Even though we were lesbians and didn't know if that would ever come true, we always dreamed of it."

A year after the suit was filed, Connecticut's General Assembly approved a civil union law that gave same-sex couples the same rights as married couples. At the time, no other state had granted so many rights to gay couples without being ordered to do so by a court, but the plaintiffs declined to drop their lawsuit and said they wanted full marriage rights.

In the majority opinion, Supreme Court Justice Richard N. Palmer wrote that denying marriage to same-sex couples would create separate standards.

"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," Palmer wrote.

Three justices issued separate dissenting opinions.

Justice Peter T. Zarella wrote that 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, which he said is to "privilege and regulate procreative conduct."

Zarella added, "The ancient definition of marriage as the union of one man and one woman has its basis in biology, not bigotry. 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."

Senior Associate Justice David M. Bordon cited Connecticut's civil union's law passed in 2005 and said there is no conclusive evidence that civil unions are inferior to marriages. "It is simply too early to know this with any reasonable measure of certitude," Bordon wrote.

The ruling cannot be appealed to federal courts because it deals with state constitutional issues, Attorney General Richard Blumenthal said.

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