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Connecticut judges allow same-sex marriage

Same-sex couples in Connecticut need not be satisfied with civil unions and may marry, the state Supreme Court of Connecticut ruled in a just-released decision.

Writing for the majority in the 4-3 decision, Justice Richard Palmer found:

We conclude that, in light of the history of pernicious discrimination faced by gay men and lesbians, and because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm.

The case found in favour of eight same-sex couples who in 2004 were denied marriage licenses by officials in Madison, Connecticut. The couples sued, arguing the ban on same-sex marriage violates the state constitutional prohibition against sex discrimination (because a woman may not marry a woman, though a man may). They also argued the ban discriminates against gays, who are a separate class under state equal-protection law.

The defendants, who included the state public health commissioner and the Madison town clerk, argued the same-sex couples had suffered no harm because the state's civil union statute affords them all the rights and privileges of heterosexual married couples. Also, "The defendants contended that, in light of the universally understood definition of marriage as the union of a man and a woman, the right that the plaintiffs were asserting, namely, the right to marry 'any person of one's choosing,' is not a fundamental right."

In another election year, say 2004 or 2006, I would fear this would gain traction as a wedge issue for the Republicans, and we would see Republican candidates railing against "activist judges" and riling up social conservatives to drive them to the polls. But my sense this year is voters are far too focused on their dwindling retirement portfolios to care whether gays in Connecticut can marry instead of merely civilly uniting. Also, Connecticut is now the third state, after Massachusetts and California, to grant full marriage to same-sex couples. , so The right may by now have expended all of its demagoguing energy on those states and on the 2004 anti-gay marriage amendments in more conservative states.

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