



Gay & Lesbian Advocates & Defenders

Marriage Developments Across the Country and Around the World



The Connecticut Case

The plaintiffs in *Kerrigan & Mock v. State of Connecticut* are seven couples with deep personal commitments and responsibilities to one another in relationships from 10 to 28 years long. They are challenging the Connecticut government's denial of marriage rights to them and their families under the state's guarantees of equality and due process.

Other Cases Pending Across the Country

Same-sex couples across the country are fighting in court for the right to take responsibility for their partners in marriage. The Kerrigan & Mock suit is one of 10 other cases where there are pending challenges to a state government's marriage discrimination. Cases are on appeal in Indiana, New Jersey, Oregon, and Washington. Trial level cases are pending in California, Florida, Maryland, New Mexico, New York, and Washington.

Most of these cases were filed after the Massachusetts Supreme Judicial Court's ruling in *Goodridge v. Department of Public Health* that denying marriage rights to gay and lesbian couples violates the Massachusetts Constitution. Prior to the Goodridge case, there were favorable but lesser rulings in Vermont, Alaska and Hawaii, with Vermont creating a civil union structure and remedy for gay and lesbian couples. GLAD was counsel in the Vermont case as well.

In addition, GLAD is challenging an archaic state law (the so-called 1913 law) in Massachusetts that was resurrected after the Goodridge decision to deny out-of-state same-sex couples the right to marry there. (See www.glad.org/marriage for more information on *Cote-Whitacre v. Department of Public Health*.)

New Statutes and Laws Denying Marriage Rights to Gay Men and Lesbians

Some courts have found that the states may deny marriage rights to same sex couples (e.g. Arizona). The California Supreme Court just dissolved more than 4,000 marriages performed in San Francisco, but the constitutionality of the laws denying marriage rights is still an open question and will face a certain court challenge.

In addition, some state legislatures have recently enacted new bans on marriage for committed gay couples. Thirty-nine states and the federal government have laws or constitutional provisions discriminating against same-sex couples and their marriage rights. While there has been a recent rash of proposals to amend state constitutions, only half – 13 out of the 28 proposed – will actually face voters in ballot initiatives this November 2004. In Congress, a move to enact a Federal Marriage Amendment to deny marriage and other "incidents of marriage" to same-sex couples failed in the Senate on a

procedural vote. Nonetheless, Washington observers expect some sort of anti-marriage legislation to be proposed again.

Marriage Gains International Acceptance

While marriage continues to face opposition in the states, other countries have increasingly moved to end discrimination against same-sex couples. The Netherlands and Belgium allow gay and lesbian citizens access to full and equal civil marriage.

In Canada, the provinces of Ontario, British Columbia, and Quebec and the Yukon Territory began issuing marriage licenses to same-sex couples following court rulings that excluding those couples from marriage is unconstitutional. The Canadian federal Supreme Court is now considering questions posed by the federal government regarding the unconstitutionality of excluding same-sex couples from marriage. In fact, the court is expected to hear arguments on the issue in October 2004.

Many other countries have enacted registered partnership legislation giving gay men and lesbians many of the protections of marriage. The legal landscape internationally is changing to reflect the growing realization that same-sex couples are entitled to equal treatment.

'Freedom to Marry Rings' image upper right © H. Mitchell.

Gay & Lesbian Advocates & Defenders (GLAD) is New England's leading legal rights organization dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression.

[[About GLAD](#) || [Rights & Resources](#) || [Hotline](#) || [GLAD Cases](#) || [Marriage](#) || [News Room](#) || [Join Us](#) || [Events](#) || [Donate to GLAD](#)]
[[Home](#) || [GLAD en Español](#) || [Contact GLAD](#) || [Site Map](#)]