

SUPREME COURT OF CONNECTICUT

Kerrigan v. Commissioner of Public Health, 289 Conn. 135

957 A.2d 407 (2008) · No. 17716 · Decided October 28, 2008

SUMMARY

The Connecticut Supreme Court considered whether the state's statutory prohibition on same-sex marriage violated the Connecticut Constitution. The court held that limiting same-sex couples to civil unions, despite providing equivalent legal rights, imposed a constitutionally cognizable injury and discriminated on the basis of sexual orientation. Applying heightened or intermediate scrutiny, the court concluded that the statutory scheme was unconstitutional and reversed the trial court's judgment.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Palmer, J.; Borden, J.; Norcott, J.; Katz, J.; Vertefeuille, J.; Zarella, J.; Harper, J.
JURISDICTION	Connecticut
DECIDED	October 28, 2008
DOCKET	17716
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a trial court judgment granting the defendants' motion for summary judgment and denying the plaintiffs' motion for summary judgment in a constitutional challenge to Connecticut's statutory prohibition against same-sex marriage.
STANDARD OF REVIEW	Constitutionality of a statute is a question of law subject to plenary review. A statute carries a strong presumption of constitutionality, but the court applied intermediate scrutiny to the sexual-orientation classification.
PARTIES	Elizabeth Kerrigan et al. v. Commissioner of Public Health et al., Dorothy Bean, acting town clerk of the town of Madison

QUESTIONS PRESENTED

- Whether reserving civil marriage to opposite-sex couples while making civil unions available to same-sex couples creates a constitutionally cognizable injury.

2. Whether Connecticut's statutory scheme discriminates on the basis of sexual orientation under the Connecticut Constitution.
3. Whether sexual orientation is a quasi-suspect classification under the Connecticut Constitution.
4. Whether the statutory exclusion of same-sex couples from marriage survives intermediate scrutiny.
5. Whether same-sex couples and opposite-sex couples are similarly situated for purposes of the equal-protection challenge.

HOLDINGS

1. The exclusion of same-sex couples from marriage, despite the availability of civil unions with the same legal rights, creates a constitutionally cognizable injury because marriage has a distinct status and significance that civil unions do not embody.
2. Same-sex couples and opposite-sex couples are similarly situated for purposes of an equal-protection challenge to Connecticut's marriage laws.
3. Sexual orientation is a quasi-suspect classification under the equal-protection provisions of the Connecticut Constitution.
4. The statutory exclusion of same-sex couples from marriage fails intermediate scrutiny under the Connecticut Constitution.

KEY QUOTATIONS

“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” (412)

FACTUAL BACKGROUND

The plaintiffs were eight same-sex couples who applied for and were denied marriage licenses by the town of Madison. Connecticut's civil-union law granted same-sex couples the same legal rights and responsibilities as married couples but defined marriage as the union of one man and one woman. The Supreme Court relied on the separate social and cultural status of marriage and the history of discrimination against gay men and lesbians in determining that the exclusion from marriage caused a constitutionally cognizable injury.

PROCEDURAL HISTORY

Eight same-sex couples who had been denied marriage licenses commenced an action for declaratory and injunctive relief under the Connecticut Constitution. While the action was pending, Connecticut enacted a civil-union law granting same-sex couples the legal rights and privileges afforded to married couples but reserving marriage to opposite-sex couples. The trial court concluded that the civil-union scheme caused no legally cognizable harm and entered summary judgment for the defendants. The Supreme Court of Connecticut reversed and remanded with direction to grant the plaintiffs' motion for summary judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the trial court's judgment and remand with direction to grant the plaintiffs' motion for summary judgment.

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