

# JUDGE: DOMA UNLAWFUL

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## ABSTRACT

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## FULL TEXT

A federal judge in Hartford ruled Tuesday that a federal law that defines marriage as a legal union between a man and a woman is unconstitutional.

U.S. District Judge Vanessa L. Bryant ruled that Section 3 of the federal Defense of Marriage Act illegally prevents gay married couples from receiving the same benefits under federal law as heterosexual married couples.

Bryant's ruling may have limited significance when considered among similar rulings in related challenges filed around the country by gay rights groups or their legal advocates. Bryant's decision is expected to be appealed, as are related suits in New York, Boston and elsewhere.

The Obama administration has asked the Supreme Court to decide the issue. At the center of all the suits is the question of whether the Defense of Marriage Act violates the equal protection clause of the U.S. Constitution by discriminating against gay, married couples

Section 3 of DOMA requires that the word marriage, when included in any federal law or regulation, "means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

The six gay couples from Connecticut, Massachusetts and Vermont whose suit reached Bryant argued that the act prevents their marriages, legal in states such as Connecticut, from being recognized under more than 1,000 federal laws.

As a result, the couples said they are excluded from a host of federal programs and protections, such as paid medical and family leave and survivor benefits under some Social Security laws.

The couples were opposed by The Bipartisan Legal Advisory Group, which consists of senior members of the U.S. House of Representatives empowered to direct that body's legal activities. The group is challenging gay rights suits around the country, moving a disagreement with the administration to the federal courts.

Bryant concluded that the House failed to put forward any rational justification for the narrow definition of marriage as a union between a man and a woman.

Bryant wrote in her 104-page opinion that "no conceivable rational basis exists" for Section 3 of DOMA. "The provision therefore violates the equal protection principles incorporated in the Fifth Amendment to the United States Constitution."

Mary L. Bonauto, the civil rights project director for the Gay & Lesbian Advocates & Defenders, which represents the plaintiffs in the suit, said GLAD was pleased that the judge "recognized that DOMA's creation of second-class marriages harms our clients who simply seek the same opportunities to care and provide for each other and for their children that other families enjoy."

"Judge Bryant's ruling is very clear: Married people are married and should be treated as such by the federal government," Bonauto said. "There is no legitimate basis for DOMA's broad disrespect of the marriages of same-sex couples."

If Bryant's ruling is appealed, as expected, the matter will move to the 2nd U.S. Circuit Court of Appeals in New

York. A related gay marriage suit filed in Manhattan already is pending at the 2nd Circuit.

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