
STATE OF CONNECTICUT
SUPREME COURT

S.C. 17716

ELIZABETH KERRIGAN, *et al.*,

Plaintiffs-Appellants

vs.

COMMISSIONER OF PUBLIC HEALTH, *et al.*,

Defendants-Appellees.

BRIEF *AMICUS CURIAE* OF THE KNIGHTS OF COLUMBUS
IN SUPPORT OF DEFENDANTS-APPELLEES

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Statement of the Issue

Whether the reservation of marriage to opposite-sex couples denies equal protection of the law or discriminates on the basis of sex in violation of Article First, § 20, of the Connecticut Constitution.

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Statement of the Interest of the *Amicus*

The Knights of Columbus is a Catholic fraternal benefit society based in Connecticut. The Knights were founded in New Haven in 1882 by Fr. Michael J. McGivney to care for and strengthen oppressed Catholic families and specifically to support men and women as husbands and wives in raising their families. Since then the Knights have grown into the world's largest Catholic lay charitable and family-based fraternal service organization, with more than 1.7 million members, who meet regularly in 12,000 local councils. Defending family life lies at the heart of who we are. In 2005, our members, 25,000 of whom live in Connecticut, donated nearly \$140 million and 64 million hours to charity, and raised and donated more than \$10 million to aid people devastated by Hurricanes Katrina and Rita.

For more than eighty years, the Knights have defended marriage and family in the public square, beginning with *Pierce v. Society of Sisters* (1925), the landmark Supreme Court decision vindicating the superior rights of mother and father, as against the State, to educate their children. Since then we have participated as *amicus curiae* in many cases in state and federal courts, including one last year in the Maryland Court of Appeals (*Dean v. Conaway*) discussing whether marriage, properly understood, is unfairly discriminatory. We have defended marriage at both the state and federal level by supporting state ballot initiatives preserving traditional marriage and the federal Marriage Protection Act. As the solemn union of one man and one woman, marriage is the foundation of society and promotes the common good. Now, in this Court, we seek to defend again the traditional view of marriage in the State where we were founded. Reserving marriage to opposite-sex couples neither denies the equal protection of the law, nor does it discriminate on the basis of sex in violation of Article First, § 20, of the Connecticut Constitution.

Counterstatement of the Facts and Proceedings

Amicus curiae adopts the defendants-appellees' Counterstatement of the Facts and Proceedings.

ARGUMENT

THE RESERVATION OF MARRIAGE TO OPPOSITE-SEX COUPLES DOES NOT DENY EQUAL PROTECTION OF THE LAW OR DISCRIMINATE ON THE BASIS OF SEX IN VIOLATION OF ARTICLE FIRST, § 20, OF THE CONNECTICUT CONSTITUTION.

Plaintiffs argue that the definition of marriage in Connecticut law “as the union of one man and one woman,” CONN. GEN. STAT. ANN. § 46b-38nn (West Supp. 2006), is a sex-based classification prohibited by Article First, § 20, of the Connecticut Constitution. See Plaintiffs’ Br. at 23-32. Section 20 provides: “No person shall be denied the equal protection of the law nor subjected to segregation or discrimination in the exercise of his or her civil or political rights because of religion, race, color, ancestry, national origin, sex or physical or mental disability.” CONN. CONST. Article First, § 20. The word “sex” was added to § 20 by an amendment approved by the voters in 1974. *Amicus* submits that nothing in the history of the amendment requires Connecticut to recognize same-sex marriages.

A. Standard of Review

The construction of the Connecticut Constitution presents a question of law subject to plenary review. See *Ramos v. Town of Vernon*, 254 Conn. 799, 829-30 (2000).

B. General Principles for Interpreting the Connecticut Constitution

In considering a claim made under the state constitution, this Court “consider[s], to the extent applicable, six factors: (1) the text of the relevant constitutional provisions; (2) related Connecticut precedents; (3) persuasive federal precedents; (4) persuasive precedents of other state courts; (5) historical insights into the intent of our constitutional forebears; and (6) contemporary understandings of applicable economic and sociological norms.” *State v. Trine*, 236 Conn. 216, 230 n. 12 (1996). In this brief, *amicus* shall focus on the fifth factor, the history of the 1974 amendment prohibiting sex discrimination, a

factor on which this Court has often relied in *rejecting* expansive claims made under the state constitution. See *Washington v. Meachum*, 238 Conn. 692, 720-21 (1996) (reviewing history of state penal institutions in determining that Article First, § 7, at the time of its adoption in 1818, “was [not] intended by its creators to vest [state] inmates with enhanced privacy rights”). In particular, *amicus* shall present evidence of the public understanding of the 1974 amendment, as reflected in contemporary newspaper articles, editorials and letters to the editor, as well as statements of public officials and supporters of the amendment.¹ The public’s understanding of what the amendment was intended to accomplish and, more importantly, what it was *not* intended to accomplish, is critical to its proper interpretation.

C. The Contemporary Understanding of the 1974 Amendment

The proposed amendment prohibiting sex discrimination (often, if inaccurately, referred to as an “equal rights” amendment) enjoyed the overwhelming support of the Democratic and Republican parties and their gubernatorial candidates, major labor unions, including the AFL-CIO, the Permanent Commission on the Status of Women, the League of Women Voters and every other established women’s organization,² as well as virtually

¹ In researching this brief, *amicus curiae* has reviewed every newspaper published in Connecticut on a daily (or daily except Sunday) basis between October 1, 1974, and November 5, 1974 (the date of the election), for which microfilm records are available from the Connecticut State Library in Hartford. Plaintiffs cite none of this material in their brief.

² An Associated Press article published in several Connecticut newspapers reported this widespread support. See “Constitutional amendments face Connecticut electorate Nov. 5,” *The Advocate* (Stamford), Oct. 10, 1974, p. 7 (fourth paragraph); “Constitutional amendments on ballot,” *The Day* (New London), Oct. 28, 1974, p. 15 (same); “Amendment On Women’s Rights Widely Backed,” *Greenwich Time*, Oct. 28, 1974, p. 1 (same); “Also on the ballot: 4 constitutional amendments,” *The Journal* (Meriden), Oct. 28, 1974, p. 9 (same); “Constitutional changes face voters,” *The News-Times* (Danbury), Oct. 28, 1974, p. 10 (same); “4 Proposed Amendments Before Voters Nov. 5.” *Waterbury Republican*,

all newspaper editorial boards.³ Most published letters to the editor also supported the amendment.⁴ The amendment's supporters stressed the need to guarantee and protect women's rights and to treat men and women equally under the law so that neither would be

Oct. 28, 1974, p. 9 (same). See also Nancy Pappas, "Amendment Adding Word to Law Provokes Many," *The Hartford Courant*, Oct. 27, 1974, p. 31 (first paragraph); David Barrett, "State ERA Amendment Expected to Pass," *The Hartford Courant*, Nov. 3, 1974, p. 35 (same); "Four Questions Face Voters," *The Hartford Times*, Nov. 3, 1974, p. 8 (third paragraph); Margie Freaney, "Area women push and pull for Question 1" *The News-Times*, Oct. 28, 1974, p. 9 (eleventh paragraph); Joyce Starr, "8 Questions Face Waterbury Voters," *Waterbury American*, Nov. 4, 1974, p. 4 (third paragraph); *The Bridgeport Post*, Nov. 1, 1974, p. 30, letter to the editor (Joanne S. Kemmerer, League of Women Voters); *The Hartford Courant*, Nov. 2, 1974, p. 18, letter to the editor (Carol Anastasio); *The News-Times*, Nov. 3, 1974, A-6, letter to the editor (Alice J. Chapman, President, Danbury's National Organization for Women).

³ Sixteen of the seventeen newspapers taking an editorial position on Question 1 (the state "equal rights" amendment) endorsed the amendment. See *The Bridgeport Post*, Nov. 2, 1974, p. 13; *The Bristol Press*, Nov. 1, 1974, p. 8; *The Chronicle* (Willimantic), Nov. 4, 1974, p. 6; *The Day*, Oct. 31, 1974, p. 16; *The Evening Sentinel* (Ansonia), Oct. 23, 1974, p. 4; *Greenwich Time*, Oct. 30, 1974, p. 4; *The Hartford Courant*, Oct. 29, 1974, p. 18; *The Hartford Times*, Nov. 3, 1974, p. 14; *Journal-Courier* (New Haven), Nov. 4, 1974, p. 10; *Journal Inquirer*, (Manchester), Oct. 28, 1974, p. 15; *Manchester Evening Herald*, Nov. 2, 1974, p. 4; *The Middletown Press*, Oct. 29, 1974, p. 6; *Morning Record* (Meriden), Nov. 2, 1974, p. 6; *New Britain Herald*, Oct. 26, 1974, p. 4; *The New Haven Register*, Nov. 3, 1974, 1B; and *The News-Times*, Oct. 2, 1974, p. 6, Oct. 22, 1974, p. 6, Oct. 29, 1974, p. 6. One paper opposed the amendment because "there are adequate laws today which protect the rights of women, . . ." *Waterbury Republican*, Oct. 31, 1974, p. 20.

⁴ In addition to the letters mentioned in n. 1, *supra*, see *The Bridgeport Post*, Nov. 1, 1974, p. 30 (Lynn McCorvie Wham); *The Bridgeport Post*, Nov. 2, 1974, p. 12 (Sonnie Clevenger); *Manchester Evening Herald*, Oct. 26, 1974, p. 4 (Leslie E. Wright); *New Britain Herald*, Nov. 1, 1974, p. 14 (Elaine P. Zottola, Legislative Chairman, The College Club of New Britain, American Association of University Women); *The New Haven Register*, Nov. 2, 1974 (Ruth V. Ostfeld); *Waterbury American*, Nov. 2, 1974, p. 8 (Helen Stahl Wilson, Richard S. Cunliffe); *Waterbury Republican*, Nov. 1, 1974, p. 16 (Sonnie Clevenger). A letter by Helen Z. Pearl, State Chairperson, People for Question 1, appeared in five different newspapers. See *The Evening Sentinel*, Oct. 31, 1974, p. 4; *The Journal*, Oct. 31, 1974, p. 6; *Naugatuck Daily News*, Oct. 29, 1974, p. 4; *New Britain Herald*, Oct. 29, 1974, p. 14; *The Register* (Torrington), Nov. 1, 1974, p. 10. Letters urging rejection appeared in *The Bridgeport Post*, Oct. 17, 1974, p. 24 (Michael Boyko); *Journal Inquirer*, Nov. 2, 1974, p. 12 (David Melechinsky); *The New Haven Register*, Nov. 2, 1974, p. 16, (Joan C. Stephens); *Waterbury American*, Oct. 30, 1974, p. 20 (Dorothy Guarino).

subject to discrimination.⁵ Although the federal equal rights amendment was still before the States at the time the state anti-discrimination amendment appeared on the ballot, the state amendment was necessary, in the view of its supporters, because the federal amendment might not be ratified by the required number of States and, even if ultimately ratified, would not take effect for two years thereafter.⁶ The state amendment would bring the state constitution into line with state statutes prohibiting sex discrimination; provide a firm foundation for further statutory reform; and embody in the constitution a judicially enforceable principle of equal treatment under the law.⁷ No supporter of the amendment

⁵ See n. 4, *supra* (letter to the editor by Helen Z. Pearl).

⁶ Gloria Schaffer, the Secretary of the State, was widely quoted in the press stating that a state amendment “to protect Connecticut men and women” was necessary “in the interim” before the federal equal rights amendment was approved. See “Constitutional amendments face Connecticut electorate Nov. 5,” *The Advocate*, Oct. 30, 1974, p. 7 (ninth and tenth paragraphs); “Constitutional amendments on ballot,” *The Day*, Oct. 28, 1974, p. 15 (same); “Amendment On Women’s Rights Widely Backed,” *Greenwich Time*, Oct. 23, 1974, p. 1 (same); Nancy Pappas, “Amendment Adding Word to Law Provokes Many,” *The Hartford Courant*, Oct. 27, 1974, p. 31 (same); “Also on the ballot: 4 constitutional amendments,” *The Journal*, Oct. 28, 1974, p. 9 (same); “Constitutional changes face voters,” *The News-Times*, Oct. 28, 1974, p. 10 (same); “4 Proposed Amendments Before Voters Nov. 5,” *Waterbury Republican*, Oct. 28, 1974, p. 9. This theme was also picked up in numerous editorials, see *The Bristol Press*, Nov. 1, 1974, p. 8; *The Day*, Oct. 31, 1974; *The Hartford Courant*, Oct. 29, 1974, p. 18; *The Hartford Times*, Nov. 3, 1974, p. 14; *Manchester Evening Herald*, Nov. 2, 1974, p. 4; *New Britain Herald*, Oct. 26, 1974, p. 4; news articles, see “Proposed constitutional amendments pose voter quandary,” *The Hartford Times*, Oct. 27, 1974, p. 18; “4 Constitution Changes On Ballot In November,” *The New Haven Register*, Oct. 27, 1974, 3B; and letters to the editor, see *Manchester Evening Herald*, Oct. 26, 1974, p. 4 (Leslie E. Wright); *New Britain Herald*, Nov. 1, 1974, p. 14 (Elaine P. Zottola); *Waterbury Republican*, Nov. 1, 1974, p. 16 (Sonnie Clevenger). Several articles also noted the possibility that the federal amendment might not be ratified. See David Barrett, “State ERA Amendment Expected to Pass,” *The Hartford Courant*, Nov. 3, 1974, p. 35; “Equal Rights Amendment set for vote,” *New Britain Herald*, Nov. 1, 1974, p. 7; “Area Women push and pull for Question 1,” *The News-Times*, Oct. 28, 1974, p. 9.

⁷ See “Constitutional amendments face Connecticut electorate Nov. 5,” *The Advocate*, Oct. 30, 1974, p. 7 (eighth paragraph); “Constitutional amendments on ballot,” *The Day*, Oct. 28, 1974, p. 15 (same); “Amendment On Women’s Rights Widely Backed,”

ever stated or claimed that it would require recognition of same-sex marriages.

Organized opposition to the state amendment was limited to Citizens for the Preservation of Womanhood, an *ad hoc* organization formed to defeat the amendment, and the John Birch Society. Marie Martone, chairman of Citizens for the Preservation of Womanhood, issued a press release in late October 1974 charging that the amendment “would cause all rape laws to be stricken from the books, upset existing divorce laws, abolish the legal claims of a wife to support by her husband, and legalize homosexual marriages.” Nancy Pappas, “Amendment Adding Word to Law Provokes Many,” *The Hartford Courant*, Oct. 27, 1974, p. 18 (sixteenth paragraph) (emphasis added).⁸ When asked to explain the reasoning behind the charges, Mrs. Martone declined, saying that “questions would be answered only if submitted in writing to an address in Monroe.” *Id.*

Greenwich Time, Oct. 28, 1974, p. 1 (seventh paragraph); “Mrs. Schaffer Disputes ERA Opponents Claims,” *The Bridgeport Telegram*, Nov. 2, 1974, p. 6 (sixth paragraph); “Proposed constitutional amendments pose voter quandary,” *The Hartford Times*, Oct. 28, 1974, p. 18 (same); Marjorie H. Fay, “State Leaders Explain Proposal,” *The Hartford Times*, Nov. 2, 1974, p. 4 (eleventh paragraph); Vin D’Alessandro, “‘Sex’ Amendment Not ‘Libertine’ Bid, Schaffer Asserts,” *The Hartford Times*, Nov. 2, 1974, p. 12 (sixth paragraph); “Equal Rights Amendment set for vote,” *New Britain Herald*, Nov. 1, 1974, p. 7 (second paragraph); “4 Constitution Changes On Ballot In November,” *New Haven Register*, Oct. 27, 1974, 3B (sixth paragraph); Larry Williams, “Constitution Changes On Tuesday’s Ballot,” *New Haven Register*, Nov. 4, 1974 (eighth paragraph); Margie Freaney, “Area women push and pull for Question 1,” *The News-Times*, Oct. 28, 1974 (second last paragraph); *The Bridgeport Post*, Nov. 2, 1974, p. 12 (editorial) (third paragraph); *The Bristol Press*, Nov. 1, 1974, p. 8 (editorial) (second paragraph); *The Chronicle*, Nov. 4, 1974, p. 6 (editorial) (fourth paragraph); *The Hartford Times*, Nov. 3, 1974, p. 14 (editorial) (fifth paragraph); *Journal Inquirer*, Oct. 28, 1974, p. 15 (editorial) (sixth paragraph); *New Britain Herald*, Oct. 26, 1974, p. 4 (editorial) (third paragraph); *The News-Times*, Oct. 2, 1974, p. 6 (editorial) (seventh paragraph); *The News-Times*, Oct. 22, 1974, p. 6 (eighth paragraph); *Waterbury American*, Nov. 2, 1974, p. 8, letter to the editor (Helen Stahl Wilson) (fourth paragraph); *Waterbury Republican*, Nov. 1, 1974, p. 16, letter to the editor (Sonnie Clevenger) (second paragraph).

⁸ See also *The Journal*, Nov. 1, 1974, p. 19 (political advertisement paid for by Committee of Citizens for the Preservation of Womanhood) (fourth paragraph).

(seventeenth paragraph). And shortly before the election, the John Birch Society warned that the “equal rights amendment” would “legalize homosexual ‘marriages’”⁹ The claim by Mrs. Martone, Mr. Greene and other opponents of the anti-discrimination (“equal rights”) amendment that it would require recognition of same-sex marriages was widely reported in the press.¹⁰ Their view that the amendment would require recognition of same-sex marriages was consistently rejected by organizations and individuals supporting the amendment, who explained that the amendment would not deal with “personal rights,” but only with “civil and political rights and equal protection under the law.”¹¹ Helen Z. Pearl, chairwoman of People for Question One, a coalition of women’s and labor groups

⁹ *The Hour* (Norwalk), Oct. 28, 1974, p. 12 (political advertisement) (fifth paragraph). Harold Greene, a local leader of the Society, paid for a similar advertisement on the eve of the election. See *The Hour*, Nov. 4, 1974, p. 14 (political advertisement) (fifth paragraph). See also Marjorie Fay, “2 Political Groups Didn’t File,” *New Haven Register*, Nov. 1, 1974, p. 1 (identifying Greene as a leader in the John Birch Society).

¹⁰ See “Constitutional amendments face Connecticut electorate Nov. 5,” *The Advocate*, Oct. 30, 1974, p. 7 (fourth through sixth paragraphs); “Also on the ballot: 4 constitutional amendments,” *The Journal*, Oct. 28, 1974, p. 9 (same); “Constitutional changes face voters,” *The News-Times*, Oct. 28, 1974, p. 10 (same); “4 Proposed Amendments Before Voters Nov. 5,” *Waterbury Republican*, Oct. 28, 1974, p. 9 (same); “4 amendments on ballot Tuesday,” *The Evening Sentinel*, Nov. 1, 1974, p. 10 (third and fourth paragraphs); “Proposed constitutional amendments pose voter quandary,” *The Hartford Times*, Oct. 27, 1974, p. 18 (ninth paragraph); “Voters To Cast Ballots On 4 Amendments, VTD,” *The Journal-Courier*, Nov. 4, 1974, p. 22 (third paragraph); “4 Constitution Changes On Ballot In November,” *New Haven Register*, Oct. 27, 1974, 3B (ninth paragraph); Larry Williams, “Constitution Changes On Tuesday’s Ballot,” *New Haven Register*, Nov. 4, 1974, p. 2 (ninth paragraph).

¹¹ See “Constitutional amendments face Connecticut electorate Nov. 5,” *The Advocate*, Oct. 30, 1974, p. 7 (seventh paragraph); “Constitutional amendments on ballot,” *The Day*, Oct. 28, 1974, p. 15 (same); “Also on the ballot: 4 constitutional amendments,” *The Journal*, Oct. 28, 1974, p. 9 (same); “Constitutional changes face voters,” *The News-Times*, Oct. 28, 1974, p. 10 (same); “4 Proposed Amendments Before Voters Nov. 5,” *Waterbury Republican*, Oct. 28, 1974, p. 9 (same); “4 Constitution Changes On Ballot In November,” *New Haven Register*, Oct. 27, 1974, 3B (tenth paragraph).

supporting the amendment, said that she had never heard the argument about homosexual marriage before, adding:

“I don’t know how to answer because I don’t know what they’re saying,” she said. “They seem to be confusing sex-role stereotyping with sexual orientation. The two are very separate and distinct.”¹²

In a letter to the editor that was published in five different newspapers, Mrs. Pearl elaborated on the intent of the amendment:

The goal of equal protection for all citizens is not an attempt to make men and women to be the “same” or “uni-sex,” nor even to make us equal; rather, legal equality would ensure, not that we all be treated the same, but that individual men and individual women would be treated with regard to their own individual abilities, individual characteristics and individual functions.¹³

Newspapers endorsing the amendment also challenged the “homosexual marriage” argument. In an editorial appearing one week before the election, *The Hartford Courant* repudiated this argument:

Claims by some that passage of either [the federal equal rights amendment or Question 1, the state anti-discrimination amendment] would force both sexes to use the same restrooms, that rape laws would be stricken from the books, that protective labor laws would be destroyed *or even that homosexual “marriages” would automatically become legal* are nonsense.¹⁴

The News-Times characterized as “scare tactics” claims that the amendment “would destroy labor legislation designed to protect women, *would legalize homosexual marriages,*

¹² Nancy Pappas, “Amendment Adding Word to Law Provokes Many,” *The Hartford Courant*, Oct. 27, 1974, p. 31 (twenty-third and twenty-fourth paragraphs). See also “4 amendments on ballot Tuesday,” *The Evening Sentinel*, Nov. 1, 1974, p. 10 (fifth paragraph) (“[s]upporters of the amendment deny these claims”); “Proposed constitutional amendments pose voter quandary,” *The Hartford Times*, Oct. 27, 1974, p. 18 (tenth paragraph) (“[a]dvocates charge that the arguments of opponents are false”).

¹³ See n. 4, *supra* (listing newspapers in which letter appeared).

¹⁴ *The Hartford Courant*, Oct. 29, 1974, p. 18 (emphasis added).

would strike down all rape laws from the books and would upset all existing divorce laws and cause the loss of a wife's legal claim of support by her husband." *The News-Times*, Oct. 22, 1974, p. 6 (emphasis added). "In truth," the editorial stated, "it would do none of these things." *Id.* See also *The Evening Sentinel*, Oct. 23, 1974, p. 4 (Question 1 "would not legalize homosexual 'marriages'").

Significantly, only four days before the election, Gloria Schaffer, the Secretary of the State, and Kay Bergin, Executive Director of the Permanent Commission on the Status of Women, held a joint news conference for the express purpose of refuting unsupported claims as to the amendment's intended purpose and effect. At that news conference, Mrs. Schaffer dismissed claims by Citizens for the Preservation of Womanhood and the John Birch Society that the amendment "would legalize homosexual marriages and open public toilet facilities to both sexes" as "unfounded." Vin D'Alessandro, "'Sex' Amendment Not 'Libertine' Bid, Schaffer Asserts," *The Hartford Times*, Nov. 2, 1974, p. 12 (first paragraph). Mrs. Schaffer characterized the information disseminated by these organizations as "misleading and inflammatory, calculated to frighten and to distort the true meaning of the proposed amendment." *Id.* (fifth paragraph). Addressing the issue of "homosexual marriages and common public toilets," Mrs. Schaffer said, "There is no way you can possibly read that into the question." *Id.* (eighth paragraph). Both Mrs. Schaffer and Ms. Bergin "emphasized that the amendment would simply give a constitutional foundation to existing state laws that prohibit sex discrimination and would make it easier to change other laws to make them sex neuter." *Id.* (sixth paragraph). The Associated Press report on which *The Hartford Times* article was based was carried in several Connecticut papers

on the Saturday immediately preceding the election.¹⁵

Opponents of the 1974 amendment adding the word “sex” to Article First, § 20, claimed that the amendment would require recognition of same-sex marriages. But “ballot measure opponents frequently overstate the adverse effects of the challenged measure, and . . . their ‘fears and doubts’ are not highly authoritative in construing the measure.” *Legislature of the State of California v. Eu*, 816 P.2d 1309, 1315 (Cal. 1991) (citation omitted). For that reason, “a statement in opposition to a ballot measure does not carry weight in construing an enacted measure.” *Anderson v. King County*, 138 P.3d 963, 989 n. 19 (Wash. 2006) (rejecting argument by opponents of a state equal rights amendment that it would require recognition of same-sex marriage).¹⁶ And neither do such statements here.

Supporters of the 1974 amendment uniformly denied that the amendment would require recognition of same-sex marriages. Their denial was echoed by leading newspaper editorials, as well as Gloria Schaffer, the Secretary of the State, and Kay Bergin, Executive Director of the Permanent Commission on the Status of Women. *Their* understanding, not that of the amendment’s opponents, should be attributed to the voters who approved it. The amendment does not require Connecticut to recognize same-sex marriages.

¹⁵ See “Foes of sex amendment charged with using unfounded arguments,” *The Advocate*, Nov. 2, 1974, p. 3; “ERA Opponents Claims Denied,” *Bridgeport Post*, Nov. 2, 1974, p. 3; “Mrs. Schaffer Disputes ERA Opponents Claims,” *Bridgeport Telegram*, Nov. 2, 1974, p. 6. Other reports of the news conference were also published. See “Ads Opposing ERA Called ‘Inflammatory,’” *The Hartford Courant*, Nov. 2, 1974, p. 8; Marjorie H. Fay, “State Leaders Explain Proposal,” *The Hartford Times*, Nov. 2, 1974, p. 4.

¹⁶ See also *Knight v. Superior Court*, 26 Cal. Rptr. 3d 687, 695-96 (Cal. Ct. App. 2005) (accepting the proponents’ understanding of the limited scope of a ballot proposition restricting marriage to opposite-sex couples, and rejecting the opponents’ claims that the proposition would effectively prohibit same-sex domestic partnerships), *rev. denied*, 2005 Cal. LX 7127 (June 29, 2005); *Armijo v. Miles*, 26 Cal. Rptr. 3d 623, 636-37 (Cal. Ct. App. 2005) (*same*), *rev. denied*, 2005 Cal. LX 6680 (June 15, 2005).

Conclusion

For the foregoing reasons, and for those set forth in the brief of the Attorney General, *amicus curiae* respectfully requests that this Honorable Court affirm the judgment of the superior court.

Respectfully submitted,

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Certification of Compliance

I hereby certify that the foregoing brief complies with the formatting requirements set forth in Practice Book § 67-2, and that the font is Arial 12.

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Certification of Service

I, Paul Benjamin Linton, hereby certify that the a copy of the foregoing brief was mailed, first class postage prepaid, on February 22, 2007, to the Hon. Patty Jenkins Pittman, J., at the address listed below, and the following counsel of record:

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