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VERTEFEUILLE, J., dissenting. I respectfully disagree with the conclusion of the majority that sexual orientation is a quasi-suspect classification for equal protection purposes under our state constitution and that our marriage statute barring same sex marriage therefore is subject to heightened or intermediate scrutiny. I agree, instead, with the dissenting opinion of Justice Borden and join in that opinion. In a highly persuasive opinion, Justice Borden concludes, in pertinent part, that sexual orientation does not constitute either a quasi-suspect or suspect classification under our state constitution, and that our marriage and civil union statutes satisfy the state constitution when analyzed under the traditional rational basis test. I cannot improve upon Justice Borden’s analysis, and I therefore write separately simply to emphasize two points.

First, “[i]t is well established that a validly enacted statute carries with it a strong presumption of constitutionality . . . . The court will indulge in every presumption in favor of the statute’s constitutionality . . . . Therefore, [w]hen a question of constitutionality is raised, courts must approach it with caution, examine it with care, and sustain the legislation unless its invalidity is clear.” (Internal quotation marks omitted.) State v. McKenzie-Adams, 281 Conn. 486, 500, 915 A.2d 822, cert. denied, U.S., 128 S. Ct. 248, 169 L. Ed. 2d 148 (2007).

Moreover, because of this strong presumption favoring a statute’s constitutionality, “those who challenge its constitutionality must sustain the heavy burden of proving its unconstitutionality beyond a reasonable doubt.” (Emphasis added; internal quotation marks omitted.) Id. Our jurisprudence thus requires the highest possible standard of proof in order to sustain a challenge to the constitutionality of a statute validly enacted by our legislature. In my view, Justice Borden’s compelling opinion respects both of these fundamental, time-honored principles.

Accordingly, I respectfully dissent.