

A study of same-sex marriage movements in the united states

[Family](#), [Same Sex Marriage](#)



Throughout the history of equality, restitution and human rights of the United States of America same sex marriages has been one of the roughly as well as scandalize debates in the country. Homosexuals and lesbians citizens of the U. S knew that their constitutional right has been denied or put aside by their own government. They are citizens from lower class all away to the upper economic class, whom pays their taxes, serves their society and by the law they should not be denied of any right that is giving to other citizens. The discrimination, isolation, judgment and injustice against sexual orientation have been some of the issues that the gay community has suffered for many years. However while it is stated in the constitution that nobody should be denied of their right due to sex, gender, or color, the society and some leaders had condemned this community and put them in isolation. The church for example said that the bible condemns homosexuality for this reason many states with Christian belief stated that gay relationships are immoral and violate the sacred institution of marriage. Meanwhile many states forget that the constitution said that citizens of the U. S are allowed to practice any religion or no religion. Religious views and condemnation was clearly one big challenge of the gay marriage face during their whole path of success. Through many legal fights and uncountable public protests throughout the nation the fight for same sex marriage is and has been a very harsh and unstoppable battle for the gay community. Cases after cases and failed after failed have been the resilient battle of the gay community for many years without not giving up until they get what they want "equality for all American". Marriage equality was obtained by persistence and dedication, here are some of the main, notorious, and no mention paths that

the Gay community walk through to gain same sex marry in the United States.

One of the first court encounters of same sex marry took place in Minnesota.

“ On May 18, 1970, two University of Minnesota students, Richard John ‘ Jack’ Baker and James Michael McConnell applied to Hennepin County District Court clerk Gerald Nelson for a marriage license. He denied the application, because the applicants both were men. The couple was angry with the decision and they decide to take the case to court. This case took place in October 10th 1972 and it was the case of Baker v Nelson in which the Minnesota supreme court rule that a state law limiting marriage to persons of the opposite sex did not violate the U. S. Constitution but same sex marry did not felt into that constitutional right. Eventually the case was taken to the supreme court in Washington DC to be here but they were dismiss because the court assumed that the applicants of this civil case had violated the United States Constitution in one way or another which was not said at the time. Eventually this court case many states use the court decision as a stepping stone to block any effort of marriage equality in the country. Subsequent to this court case in 1973 the state of Maryland becomes the first stated to prohibit same sex marriage in the country as many others to follow a similar or worst prohibition on gay marriage.

Many little protested were taking place here and there but of the most significant and with political upstanding view was the “ Firsts mass sex weeding ceremony of October 10th of 1987”. During this events hundreds of same sex couples march in Washington DC dressing like they had just marry

showing a straight political act that challenged the social, religious, and political hindrance against same sex marriage. This was an act of telling every state that they were men and women protected by the constitution as every other citizen in America. They responded to the unfairness and inequality of a nation that were blocking their happiness, liberty and freedom rights of the U. S constitution in a unique way. This protest was a way of saying to everybody let's get over our hatred to what we go up against for ridiculous, irrational reasons, based on ignorance, lack of information , immorality, and faulty assumptions, from religious and homophobic groups instead they want to show themselves as human being with the right to be happy as everybody else.

Another breaking point of same sex marriage was the case of Baehr v. Miike (1993). The road of this case was that Nina Baehr alleged that the state of Hawaii refused to issue her and her same-sex partner a marriage license. For this reason she sued the state of Hawaii for illegal discrimination of sex. She took the case to court and the Hawaii Supreme Court considers that her case had a good point. The Court ruled the state's prohibition of same-sex marriages prove to be discrimination on the basis of sex and that violates the Equal Protection Clause of the state of the fourteen amendment of US constitution that was writing in 1868. However this case just shows that same sex marriage was illegal under the constitution but did not change anything about same sex marriage in the Sates. Eventually the Supreme Court sent this case to lower courts and put it in evaluation through a compelling states interest test. This means that the case needs to be

scrutinized by the states and prove that it will be for the best interest of the society as whole. In 1998 subsequent political events and laws allow that same sex marriage in the states of Hawaii to be ban. On the other hand, during the beginning of this case it was the first time that a state Supreme Court rules that the gay marriage was constitutional and that creates more awareness in the gay community to push forward their goal.

A major event that blows the path toward same sex marriage happened in the sates of Utah. In 1995 the governor of Utah Mike Leavitt signs into law the first state Defense of Marriage statute, which specifies that Utah does not have to recognize out of state marriages that violate state public policy. This law just condemns and discourages many gay residents of Utah because even if any other sates legalized same sex marriage there will be still not validation in their own state. To make things even harder to the same sex movement in 1996 the president Bill Clinton sing the Defense of Marriage Act know as well as DOMA. This law defines marriage as a legal union between one man and one woman as husband and wife' and defines a spouse as ' a person of the opposite sex who is a husband or a wife. This was very controversial because this law will deny many federal benefits to those whom have a same sex partner. Many lawmaker's congressman and judges federal as well as state were afraid that the lawsuit case of Baehr v. Miike would force the states to legalize same sex marriage and later on to be introduce to other states in the country. Congress and people whom oppose same sex marriage knew that if a legislation rule was dictated in one state, other states would be in the obligation to respect and authorized the

decision, through Full Faith and Credit Clause writing in the constitution. The Full Faith and Credit Clause said that a judicial decision rendered by the court in one states are recognized and honored in every other state. DOMA was created as a deterrence of further expansion of the idea of same sex marriage and to stablish that gay marriage is less worthy than the marriages of heterosexual couples.

By the 1998 fruits of the unstable fights started to flourish in the Hawaii states against DOMA. In that year the Hawaii became the first state to offered domestic partnership benefits to same sex couple but restrict the amount of items that they can claim. Additionally, in 1999 the state of Vermont did a similar approach and the sate wrote a bill those grand benefits to all their same sex couples living the state. This bill eventually becomes a law by the following year. By June of 2000 the state of Vermont allow civil union for same sex couples. In 2003 the supreme court of Massachusetts legalizes same sex marriage. The legalization of same sex marriage was follow by states like Connecticut, Iowa, New York New Jersey and others states. In fact, by 2009 even the president of the United Sates Barrack Obama announces his supported toward same sex marriage. All over the United Sates more and more supporters were starting to accepted same sex marriage as a normal social way of life. The country was ready and fully prepare to give same sex marriage couples the constitutional right that they being looking for a very long time.

All the effort and unstoppable fight against discrimination, humiliation, and injustice toward gay couples was about to end by 2013. The issue the

concluded this unconstitutional discrimination was the case of Windsor v. United States. What happened in this case was the end of a battle against inequality in the US. Edith Windsor and Clara Spyer contracted marriage in Canada and later decide to move to New York where still their marriage was valid in the state. Subsequent years, Clara Spyer died but as a marry women her widow whom was Edith Windsor was the primary successor of all her wealth. According to DOMA this marriage was not recognize by the federal government which means that the Unlimited Marital Deduction did not recognized their marriage to be part of the free tax transfer process. Instead the federal government imposed a penalty of \$363, 000 in taxes to Edith Windsor. This make Windsor to take the case to court and argued the DOMA was unconstitutional because it violate the 5th amendment of equal liberty. The case court was heard and was rule on the benefit of Edith Windsor. The case rule 5 to 4 that DOMA was unconstitutional. This case does not only allow Windsor to gain her money back but also allow the many others gay marriage now can enjoy of full federal benefits of their partners as any heterosexual marriage will.

However, many states were very upset with the decision and did not want to approached or allow same sex marriage in their cities. Additionally Bill Clinton, the president who signed the Defense of Marriage Act in 1996, rejected the legislation and called for it to be revoked. Even though the Supreme Court rule DOMA was unconstitutional sates like Louisiana that argued the marriage is between man and women, Arkansas, Georgia, Texas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, Tennessee, Ohio north

and south Dakota which are thirteen in total that for one reason or another do not allow same sex marriage in their state now. While the other thirty seven response with a very positive attitude allowing full federal and state recognition, rights, and benefit to same sex couples.

In conclusion, even that in some states in the country same sex marriage is still ban their protest, and legal fight has been astonished. From the beginning in the 1960's up to now many thing has change because of their persistence. Case after case and barrier after barrier same sex couples from every class, color, race and ethnicity have shown that with effort patient and dedication things can change to create an equal America society. They show that religious and political adversities cannot win against justice and equality.