

Is it out right to deny a right?

[Family](#), [Divorce](#)



On May 17, 2004, Marcia Hams and Susan Shepherd became the first same-sex couple to accomplish a state-sanctioned marriage in the United States, according to Time Magazine's article, "A Brief History of: Gay Marriage". Gay marriage was first brought to national attention in 1993, when a judge in Hawaii ruled that a same-sex couple was not permitted to get married on account of the state's constitution.

The ruling of the judge persuaded Congress to create the 1996 Defense of Marriage Act, which prevented homosexual couples from receiving benefits traditionally granted by marriage. Since then, states have interpreted their own viewpoint on the issue. However, same-sex marriage proceeds to remain illegal in 44 states at the present time (Sullivan 1). America has supported equal rights since the nineteenth century, including the separation between contrasting races and genders, however, America is facing the ongoing battle of same sex marriage.

According to Connecticut Post's article, "Same-sex marriage: A Constitutional Right", only 6 states allow same-sex marriage in America at the present time. The Constitution exists to provide structure for the entire country and its citizens. It protects certain rights, ensures state laws do not violate them, and forms a fair government. In the past, the Supreme Court has verified 14 times that all citizens have the right to get married. Nevertheless, 44 states deny citizens their right to marry someone of the same-sex due to the fact that it violates religious morality, weakens the definition and respect for the institution of marriage, and it weakens the traditional family values that America has. Despite that, any law banning same-sex marriage exploits the privileges of the citizens and denies people

equal rights under the protection of the law. Although the popular vote is necessary in some cases, citizens should not be able to take away the freedom of speech and expression from other individuals that have different opinions and interests (Benedosso 1).

During the recording of “The View”, President Barack Obama announced, “I want everyone treated fairly in this country. We have never gone wrong when we’ve extended rights and responsibilities to everybody. That doesn’t weaken families, that strengthens families” (Killough 1). Furthermore, same-sex spouses pay as much as \$6,000 per year in extra taxes since the government refuses to recognize gay marriage, according to Cable News Network’s article, “Same-Sex Spouses Lose Big On Taxes”.

Due to the fact that same-sex couples are not allowed to file their federal returns jointly, they do not receive tax benefits in the same manner as heterosexual couples do (Benedosso 1). “It’s costing these families thousands of dollars a year, as well as the emotional pain and suffering,” said Ken Weissenberg, a partner at the accounting firm, EisnerAmper. In addition, same-sex couples are not permitted to inherit a shared home, assets, or personal items in the absence of a will after an unexpected death (Ellis 1).

They are also not allowed to assist their spouse in paying off their debt, take medical leave to care for a sick spouse or for their kids, cover their families on their health plans without paying taxes on the coverage, nor eligible for Medicare and Medicaid coverage, and many employers do not cover domestic partners or their biological or non-biological children in their health

insurance plans (Bernard 2). On top of that, same-sex couples can be denied or disfavored in

Their applications for public housing, denied the automatic right to joint parenting, joint adoption, joint foster care, and visitation for non-biological parents, and denied withdrawal rights and protective tax treatment given to spouses with regard to IRA's and other retirement plans (Bernard 3). According to Cable News Network's article, " DeniedDivorce: Some same-sex couples wed-locked", several states in America do not grant divorces for same-sex marriages that occurred outside the state's borders.

Same-sex couples can currently marry in six states. There is no residency requirement to get married in those states, which is how many same-sex couples are able to get married in the first place. However, if a marriage was to fall apart in a state that does not recognize the couple's legal status, they will not be able to dissolve their marriage. " In order to get a divorce from a same-sex partner, they would have to live in a state for six months to two years", said Susan Sommer, director of constitutional litigation at Lambda Legal (Landau 1).

Since several states in America do not allow same-sex marriages, many people do not understand why states are not willing to dissolve these marriages (Landau 4). As Obama announced in Cable News Network's article, " Obama Calls For MarriageEquality", all citizens should be treated equally in America. However, as shown in this paragraph, same-sex couples are not receiving the same rights as other citizens that marry the opposite sex. America has always expressed itself as a free and equal country.

Nevertheless, same-sex couples proceed to travel around the country to marry the individual that they desire to spend the rest of their lives with. As the 14th Amendment declares, " No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to Jensen 4 any person within its jurisdiction the equal protection of the laws".

Any law banning same-sex marriage exploits the privileges of the citizens and denies people equal rights under the protection of the law (Benedosso 1).

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