

# Gay marriage

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



Kendra Worley ENG 102 03/31/2012 Research Paper/Rough Draft Same Sex Marriage and American Rights Do laws prohibiting same sex marriage violate constitutional rights? I have always taken pride in the fact that I was born American. In grade school, every morning we would rise for our country's Pledge of Allegiance. I remember I would always be so overcome with pride; namely, " one nation, under god, indivisible, with liberty and justice for all. " What exactly does liberty and justice for all mean? Liberty is defined as the state of being free within a society from oppressive restrictions imposed by authority on one's way of life (Dictionary. com). The definition of justice is as follows: the quality of being just; righteousness, equitableness, or moral rightness (Dictionary. com). These two, very powerful words can be found in our country's Pledge of Allegiance but are they found in our society? Banning gay marriage is directly against the constitution and the pledge America knows verbatim, violating the unalienable right to the pursuit of happiness. The Constitution was written to protect each and every individual from " oppressive restrictions. " The Constitution itself promises the right to pursue happiness. The United States of America has been known throughout history as a place of freedom and courage and our pledge clearly states this. Gay rights have come a long way in the last century but there is still so much more road to cover. " The number of lesbian, gay, and bisexual persons in the U. S. is subjective. Studies pointing to the statistics are estimates at best. The most widely accepted statistic is that 1 in every 10 individuals is lesbian, gay or bisexual (Johnson). That would mean that 1 in every 10 people you meet is part of the Lesbian Gay Bisexual Transvestite community. 1 in every 10 people has faced some sort of discrimination for being who they were

born to be. Some say being gay is a choice and that people choose to live this way. I am a 32 year old lesbian woman and I am here to tell you that being gay is about as much of a choice as being born African American or being born a woman. This is not an arguable fact, but a fact never the less. The individuals, who " know" that being attracted to the same sex is a choice, do not have the understanding of what it is to be gay. Many studies have proven that homosexuals have a different genetic make-up than heterosexuals do. It has been proven that homosexuals carry an extra chromosome than straight individuals do. (Johnson) Also, being in the gay community myself, I have asked many of my friends and acquaintances when, in fact, they knew they were gay and the answer always seems to remain the same: " I knew since I was a child. " As children, we do not know what it is to be gay or homosexual. However, as children, everyone I spoke to knew when they started to look at individuals it was individuals of the same sex. It is not a choice to be gay, but it is a choice to live in freedom and courage of being who you are or living in shame and fear of being who you are. That is the only choice involved with homosexuality. Our country has seen a great deal of discrimination. Fortunately, our country has been able to overturn a majority of what I refer to as " hate laws. " African Americans were considered slaves and not people well into the mid to late 1800's. After the Civil War, the slaves were freed and all black men were given the right to vote but in reality, they weren't able to vote. African Americans were told they had to take tests they could never pass or pay money to vote. It wasn't until Martin Luther King Jr. worked diligently to help African Americans utilize their right to vote to change the government and to be treated equally.

Another example of civil rights being taken away within this society is the equality of women. Women weren't even allowed to attend school until 1880. The indigent women of that time period suffered a great deal of pain and humiliation. Imagine not being able to teach your children because you have zero knowledge of what they were learning. Women were meant to be seen and not heard in that time period. In the United States, women were granted the universal right to vote, thanks in part to the Women's Suffrage Movement. Both of these horrific acts of discrimination took place in a very different time period and both were overturned due in part to a big movement of some kind. The Women's Suffrage Movement, the Civil War, and of course, the great Dr. Martin Luther King era have all contributed in overturning such prejudice. Both parties lived in a world of hatred and fear just for being born different than most. A majority of gays in the United States still suffer from significant discrimination. " 1 in every 5 gay individuals will suffer some type of hate crime in the year 2013" (Human Rights Campaign). " In recent surveys, as many as 92% of lesbians and gay men report that they have been targets of antigay verbal abuse or threats, and as many as 24% report physical attacks because of their sexual orientation. "(Herek) These hate crimes can be defined as cyber bullying, physical abuse, violent crimes against them and family members, and unfortunately and most popular, murder. " An 18 year old gay man from Texas murdered by his classmate who feared a sexual advance, a 31 year old transgender woman found dead with pillowcase around her head, and a 24 year old lesbian brutally murdered by her girlfriend's father, who disapproved of their relationship. "(Peltason) These are just three to be

named. A question to the American people would be; how is this different then the burning of African Americans or dragging them behind a truck? Is this different than a woman who was brutally raped and beaten by her husband and forced to make dinner afterwards? Society is being taught that being gay is wrong or some kind of sickness. Just like being African American or being a woman was a century ago. It is unsettling to think of what happened to both of those parties so long ago. It is just as disturbing to see the hate crimes that take place today. America has come such a long way as far as diversity and acceptance that it is surreal to even think hate crimes and discrimination could still occur. A majority of states have overruled gay marriage. " In the United States gays and lesbians can legally marry in New Hampshire, Massachusetts, Connecticut, Iowa, Vermont, and Washington D. C. " (Belge) California is one state that recognizes gay marriage as well, but for how long? The anti- gay marriage activists are desperately fighting to have the right to marry taken away. Marriage has been taken away from the gay and lesbian population in a vast majority of The United States. Why do people care so much about who anyone else marries? Why are people vigorously working against the gay population and their day to day fights for equality? I have done extensive research on this and have come up with a handful of misinformed viewpoints. The first and most popular reason is religion. Individuals think that marriage is a state between one man and one woman because the bible says so. This is very interesting because our country proclaims to have a separation of church and state. This is the idea that government and religion should be separate, and should not interfere in each other's affairs (The Civics Glossary). If it is in fact true that politics and

religion are separate, then why does religion even come into deciding whether the gay community can marry each other? This is a civil right issue. This is not a religious issue. People of America have very different religious beliefs. Some people have declared themselves Mormon, Jehovah witnesses, Buddhists, Catholics, Christians etc. All of these religions have very different viewpoints. Each religion believes in something very different than the next. If America relied upon religion to guide us, we would have so many different ways of life. This is why it is essential to keep religion out of politics and what is best for the country. Besides, isn't it written in the bible " though shall not judge? " That would mean that judgment is left for a higher being. The great thing about America is, you can believe in whatever you want to believe in. No one will tell you that you cannot be Christian, Mormon, or anything else. That is a civil right that was bestowed upon Americans just for being born in this country. The same civil right should be bestowed upon the LGBT community. Another viewpoint found, is the divorce rate in this country. It has been documented several times that same — sex marriage will raise divorce rates to an all- time high. " Marriage is already threatened with high divorce rates (between 40% - 50%) and with 40. 6% of babies being born to unmarried mothers in 2010. Allowing same — sex couples to marry would further weaken the institution of marriage" (GayMarriageprocon. org). Yet studies show that, " Massachusetts, which became the first state to legalize gay marriage in 2004, had the lowest divorce rate in the country in 2010. Its divorce rate declined 21% between 2003 and 2010. Alaska, the first state to alter its constitution to prohibit gay marriage in 1998, saw a 17. 2% increase in its divorce rate. The seven states with highest divorce rates from 2003-

2010 all had constitutional prohibitions to gay marriage. "

(Gaymarriageprocon. org) Other viewpoints are directed towards the institution of marriage and/or ruining the sanctity of marriage between a man and a woman. Thinking about this statement is enough to make one ponder the sanctity of heterosexual marriage. The United States is one of the top ten countries with the highest divorce rate. (Mount) The sanctity of marriage has been in question since the United States started allowing heterosexual couples marry for money on reality TV. (The Bachelor/The Bachelorette), since the United States allowed an individual to marry inebriated in front of Elvis to a stranger they met in a casino 4 hours earlier in Vegas, and since the adultery and domestic violence rates are at an all-time high. This is not to say that homosexuals would not conduct themselves in the same manner but as Americans, shouldn't they have that right? Society seems to have no problem with situations when people marry outside of love and for other reasons as long as it is between a man and a woman. The right to marry your loved one brings forth some economic rights as well. Without marriage, the gay population does not receive the 1, 168 federal benefits and responsibilities that heterosexual couples do. (Bonnell) Just to name a few rights denied, homosexuals are denied the right to immunity from spousal testimony in court. A hetero married couple cannot be forced to testify against each other in a court of law. Another right denied, is the right to transfer property ownership. If homosexuals were to transfer property to their spouse they would have to pay all of the taxes and fees that come along with a first time buyer. Yet another right, which is the worst of all in my opinion, is the automatic legal and medical next of kin. When a hetero

couple is married they automatically have next of kin rights to their significant other. Homosexual couples have to go through various types of paperwork and power of attorney's to obtain the next of kin right of their spouse. What about the right to start a family as well? Homosexuals as human beings have to go through so much just to start a family with their loved one. These are just a few of the thousands of civil benefits that same — sex couples are denied just because they were born different than the majority. These are basic equal rights and it is Un-American and unjust to not allow homosexual Americans to relish in all that America has to offer its citizens. Discrimination is defined as a treatment or consideration of, or making a distinction in a favor of or against, a person or thing based on a group, class, or category to which that person or thing belongs rather than on individual merit. (Dictionary. com) Based on this definition alone, it is certain that homosexuals are faced with discrimination daily. Societal attitudes towards same — sex couples have led to discrimination against the LGBT community. Not allowing gays to marry is setting the bar for the discrimination that is endured by lesbians, bisexuals, and gays all over the country. If the government who has promised its citizens " freedom and equality for all" cannot even recognize couples who wish to happily marry and love each other than how is society supposed to accept and love homosexuals? Discrimination did not work for African- Americans or women and it will not work for homosexuals either. In 1967, a similar case was brought to attention in regards to marriage. It wasn't in regards to same — sex marriage but marriage ever the less. In the case of Loving vs. Virginia, the Supreme Court held that it was unconstitutional to stop people from



marrying on the basis of race. It stated: " Marriage is one of the " basic civil rights of man, " fundamental to our very existence and survival.... To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the state's citizens of LIBERTY without due process of law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discrimination. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the state. " (Supreme Court) This is not much different than same —sex marriage. In the above case, it was written by the Supreme Court that marriage is a civil right of all Americans. It is determined by the individual who they wish to marry or not marry. It is also stated that this is not a government decision. The words LIBERTY and DISCRIMINATION were mentioned as well. How is this different than same sex marriage? Various races were being told they could not marry outside of their race, however that was deemed unconstitutional. Gays are being told they cannot marry within their same — sex but this is considered constitutional? It is about EQUALITY, LIBERTY, and FREEDOM for an individual to make the choice of who they would like to marry. The Supreme Court clearly stated in 1967 that marriage is a " basic civil right of man. " Banning same — sex couples the right to marry is an injustice to humanity and denies homosexuals the three basic unalienable rights laid out by our founding fathers: Life, Liberty, and the Pursuit of happiness. If not granted the right to marry whomever an individual chooses, the " liberty" and " justice"

proclaimed in the Pledge of Allegiance can be considered a constitutional lie.

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