

# Current events journal 3



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Current Events The legalization of gay marriage is an emotional issue. Those that oppose sanctioning the practice believe they are carrying the cross for Christian morals. Proponents claim that allowing homosexuals to marry is simply a civil right and disallowing them the legal rights afforded to married couples is much the same as disallowing voting rights to an ethnic group. Should what constitutes civil rights be determined by legislators, judges or the public by virtue of the vote? Last summer, citizens and lawmakers from the state of Massachusetts considered this question as have many other states during the past few years. The Federal government has also contemplated this issue. Many Republican congressmen would go as far as to amend the U. S. Constitution to ban gay marriage. An article by Steve LeBlanc that appeared recently in the Boston Globe examined this issue. An important concept of the Constitution provides that those of a minority opinion cannot have their rights as Americans taken away by those that subscribe to the current majority opinion. Thus, a vote should not determine whether or not gays should be able to marry. Opponents to gay marriage argue that democracy is based on the will of the people thus the decision should be in the hands of the voters. They also say that a judge should not be able to abolish centuries of tradition with no consideration of majority opinion. Being gay is a choice and therefore their civil rights are not being violated and they are not experiencing discrimination. By contrast, a person of minority heritage, women and the disabled do not have a choice. A letter was issued to Massachusetts lawmakers from 165 prominent business and civic leaders asking that legislators frame the gay marriage issue as a civil rights concern when debating the question of amending the State's Constitution. The letter read, in part, "...we should not write

discrimination into the Constitution and oppose efforts to amend the Constitution that would take away rights, including the right of gay and lesbian citizens to marry.” Another letter, released by the four Catholic bishops in the state supported a gay marriage ban amendment. “ The debate over the meaning of marriage should not be limited to government officials since the magnitude of the issue calls for the full participation of the public. Neither the judiciary nor the legislature should substitute itself for the sovereignty of the people, especially on such a foundational matter as the meaning of marriage.”

The Governor of Massachusetts, Mitt Romney, is running for re-election in 2008 and has straddled the fence on this issue not wanting to draw the ire of either side. Romney said during a press conference that state legislators should put the question on the ballot. “ Who’s going to tell us what a civil right is and what’s not? Well, the people will.” In a later interview, Romney is quoted as saying, “ I’m not saying that civil rights should be up to a popular vote.” Evidently, Romney believes that the gay marriage issue is not a civil rights issue.

The issue could be made much clearer if homosexuality was widely acknowledged as a being caused by a genetic or chemical difference. If being gay is not a choice, then clearly it is, by definition, a civil rights issue. Some would argue that even if it were a choice, it would still be considered a human rights issue. Of course there are some that would deny the same rights to gay people in either circumstance. However, those that interpret civil rights legislation, judges, would be compelled to rule for the rights of homosexuals on the basis of their being denied their civil rights if there was overwhelming evidence supporting the fact that homosexuality is not a

choice. That seems to be the issue on a legal grounds but the ‘ moral’ issue will probably never be resolved by those citizens who oppose gay marriage.

#### Works Cited

LeBlanc, Steve. “ Gay Marriage Dilemma: Civil Rights Versus the Will of Voters.” The Boston Globe. (July 7, 2006). October 26, 2006