

# Emma rosen

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



Emma Rosen Professor Lucas Rhetoric and Composition November 24, 2012

Love is Equal Federal and state governments have an obligation to protect the rights of individuals. The general population may feel that they are doing their job, but in the issue of same-sex (gay) marriage this is not the case. As recently as the 1970s, homosexual marriage was considered a crime in most states in America and such laws were ruled unconstitutional in only 2003.

America is the land of the free, where citizens can fulfill their wildest dreams.

People can get the job they desire, choose to pursue an education or not, or even choose to join the military. In a land where we are presented with all this freedom, why is it that there are laws preventing love between the same genders? Nowadays it seems more individuals are comfortable with

themselves and are making it known that they are gay, unlike in the past where these individuals remained behind closed doors. However this does not mean that homosexuals are no longer discriminated against; the topic of homosexuality certainly still creates constant controversy in our nation.

Without the protection of our government and laws, same-sex couples are not just denied the right to get married, but also all the rights that come hand-in-hand with marriage. Life, Liberty, and the Pursuit of Happiness is an ideal on which our nation was founded and we see this in the Declaration of Independence. It states, " all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness" (Declaration of Independence, 1776).

According to HumanRightsCampaign.org, one of the largest organizations advocating for civil rights in the United States, there are over 1, 000 rights of heterosexuals that are denied to homosexuals. That does not seem to

support the Declaration of Independence that states that, " all men are equal. " Everyone has different interpretations for the word " happiness", and everyone is entitled to be happy in a way that goes along the lines of their definition. There is no right or wrong answer when it comes to what makes someone happy. Happiness comes in many different forms. Individuals are born with certain likes and dislikes; our happiness isn't always a choice we make. For homosexuals being with the same sex is what fulfills their personal need for happiness. Being gay does not define that person it is simply one characteristic that they have. The love one man or woman might have for another person of the same sex is the same love a different man may feel for a women. A major reason gay marriage was looked down upon for so long was because of the religious ideals tied to the institution of marriage. According to the Catholic definition, " Marriage is the union of a man and a woman who make a permanent and exclusive commitment to each other of the type that is naturally fulfilled by bearing and rearing children together" (<http://www.catholiceducation.org>). The idea that homosexuality is wrongful behavior derives from religious beliefs; however America is supposed to have separation of church and state. The First Amendment clearly states, " Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. " Why in this one case are millions of people denied their rights to just love another person due to other peoples' beliefs? If the church shouldn't govern the state, same gender marriage shouldn't be such a prevalent issue in America. In the past, interracial marriage was illegal in the United States. Interracial marriage also used to have very similar arguments against it. However, now

it's legal and happens often. They were both considered "unnatural" for marriage. It used to be thought that interracial marriage would lead to "unhealthy children, perhaps mentally retarded" (<http://www.law.virginia.edu>). Gay marriage is thought of as unnatural because they can't produce children. In the 1940s, interracial marriage was said to undermine the institution of "real" marriage, which is said about same gender marriage today. Today interracial couples seem to be thriving more than ever. Most people find nothing wrong with interracial marriage and they have accepted it as a normal part of life. Currently in the United States more than half of the country does not even recognize and has banned same-sex marriage in their state. Oregon, Colorado, Delaware, California, Wisconsin, New Jersey, Nevada, Illinois, Rhode Island, and Hawaii certify civil unions and domestic partnerships. The nine states of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Maryland, Washington, and Iowa have legalized same-sex marriage. Many people look at the amount of states that allow gay marriages and civil unions and are proud of how far the country has come. There is nothing to be proud of. A civil union is like letting gay couples get one foot in the door and not letting them enter all the way. Does creating a separate and unequal institution to substitute for marriage sound commendable? Besides the humiliation of not being able to check the "married" box on the hundreds of legal papers that are filled out throughout time, there are many legal rights that do not come along with civil unions as they do with marriage. Due to the fact that not all states recognize civil unions, if you and your partner move there are some questions on whether or not the state will respect your civil union. Also if you move and decide

later on to get divorce you would have to reclaim residency in a state that acknowledges your status. As mentioned before, there are over 1, 000 legal protections from the federal government that marriage has the priority to enjoy, which civil unions do not. This includes things such as taking leave from work to take care of sick family member, the right to sponsor a spouse for immigration purposes, and Social Security benefits. Unfortunately, without the ability to get married, same-sex couples become prone to many other discriminations. HumanRightsCampaign. org enlightens its readers with just a small example of how couples and their kids could be impacted by couples who are forbidden marriage. In the matter of Social Security benefits: Married couples who are both " biological parents" of any children get both " surviving child and parent benefits. " Same-sex couples when " deceased worker" was either " biological parent or adoptive of the child" would only receive " surviving child benefits. " In a same-sex couple where the " deceased worker" was neither the biological parent nor able to be the adoptive parent, they would not qualify for any benefits, even though they might have been raising them their whole lives. This shows how this does not only affect the couple, but the children who are involved as well.

HumanRightsCampaign. org also informs the public on Employee Benefits for Federal Workers and how it affects a same-sex couple. Under current law, domestic partners of federal employees are excluded from the Federal Employees Health Benefits Program (FEHBP). Although married couples are eligible for reimbursement for expenses incurred by a domestic partner are not reimbursable. As of August 2003, nine states and the District of Columbia and 322 local governments offer health benefits to the domestic

partners of their public employees, while the nation's largest employer — the federal government — does not. So due to the fact that somebody is in love with somebody else of the same gender, the government forbids their marriage, and they are denied health benefits. Does this even remotely sound fair? This is the federal government practically spitting in gay couples' faces, saying they are not good enough or worthy. One of the main questions some people have when it comes to homosexual marriage is simply, why? Why should it bother anyone if two people that love each other want to get married? Gay marriage doesn't harm anyone and there are more important things to worry about in this country than who someone wants to spend the rest of their life with. The issue of gay marriage is so prevalent in America that it overshadows many of our other problems. It shouldn't have to be such an issue; it should just be accepted. The discrimination towards homosexual marriage is unjust and uncalled for. Gay marriage is something that has been a popular issue for much longer than it should have been. There is no actual reason as to why it shouldn't be legal all throughout the United States. The reasons that people oppose it aren't logical and are easily countered. America was founded so everyone could have the ability to make their own decisions and live their dream. In a land of such personal freedom, is it really fair to take away someone else's? Bibliography " An Overview of Federal Rights and Protections Granted to Married Couples." Human Rights Campaign. N. p., n. d. Web. 11 Dec. 2012. " Gay Marriage Opponents Mimic Objections to Interracial Marriage, Forde-Mazrui Says." University of Virginia School of Law. N. p., 4 Oct. 2004. Web. 28 Sept. 2012. . George, Robert. " RECENT ARTICLES." What Is Marriage? N. p., 2010. Web. 28 Sept. 2012. . . "

Sexuality and Public Policy." Sexuality and Public Policy. N. p., n. d. Web. 27  
Sept. 2012. .