Mark Britt

“Gay Marriage”

The topic of gay marriage itself is going to stir up a large amount of controversy. The people who are supporters of gay marriage will most likely tend to argue the fact that love is what decides marriage, sexual orientation has nothing to do with it. Those who are completely against the idea of gay marriage bring up religious views and their concerns on the issue. In legal terms, the right of marriage should be up to the couples who are of opposite sex. Marriage is indeed a civil right, in which there shouldn’t be restrictions to those of the particular sex.

There are some legal issues with the concept of gay marriage including the fact, that in the US this is determined by the nations federal system of gov’t, in which the status of a person’s marriage in general is determined by the individual states. During 1996, the federal gov’t did not have a definition for marriage; any marriage seen by the state was recognized by the federal government, even in which if it was not seen by one or more other states which is the same as the case with inter racial marriage before 1967 due to anti-miscegenation laws. The passing of the Defense of Marriage Act (DOMA) in 1996, a marriage was then defined in the federal law as a union of one man and one women.

In section 3 of the 1996 Defense of Marriage Act, the two most common themes are federalism and liberty. The federal gov’t throughout the US history has made state policy decisions with the respect to domestic relations. DOMA itself might be invalidated on federalism grounds alone. Then again it is very unnecessary to actually find out whether this federal act on state power is truly a violation of the Constitution. Congress has granted the authority to design laws to fits its own conception of sound national policy, this cannot deny the liberty protected by the Due Process Clause of the Fifth Amendment. The main purpose and the necessary effect of this law is to demean those people who are in lawful same-sex marriage, as a result DOMA must fall.

The Supreme Court absolutely struck down the Defense of Marriage Act in June, gay couples have been actually challenging state laws that don’t allow them to marry, “claiming” that they are too unconstitutional. The new law suits from a case which was pending in texas in which same-sex couples want to actually divorce, this more challenges state defence of marriage laws. The Palladino v. Corbett is the first case to successfully attack a state law in which it declares a same-sex marriage from another state “void”. If this challenge was to succeed it was most definitely tear down the whole idea of refusing to recognize same-sex marriage, and serve as some type of model for attacks across the country.

Cara Palladino and Isabella Barker, were married in MA around early 2005 and they then decided to move to Penn. later that year so Mrs. Barker could have the opportunity to take a postdoctoral fellowship at Byrn Mawr College. Penn’s had then refused to even recognize their union which has caused the couple numbers of legal complications. Both of the two had to go through multistep processes just so that they could both be able to become legal parents of their child. They also had to run a what is called a gauntlet of estate planning, legally married couples don’t couples avoid this. Their suite emphasizes a lot of extremely less tangible deprivations, arguing, with language that was taken from the Supreme Court’s June ruling, US v. Windsor, that their child is disappointed by the states refusal to “see” his parents be married, they are denied the dignity and status that Penn. otherwise accords too married couples.

Gay marriage is a right that should not be left up to the states. Including the recent legislation in Rhode Island, Colorado, and North Carolina excessively tend to demonstrate, federal laws in which seem to be necessary to help enforce the right to same-sex couples to potentially marry. In Rhode Island, Governor Lincoln ordered all state agencies to recognize same sex marriages to be practiced out of state as legal. This change will surely alter the health and life insurance benefits for all of the same-sex couples. Republican lawmakers in Colorado set to vote down a bill in which it would legalize civil unions between same-sex couples. In this case an issue that is fundamentally about equality is far too important to actually be determined at that state level. The US has rightfully read a very critical point towards the movement for gay rights. Barack’s open support for same-sex marriage has the ability to create what I consider to be a new era of justice to our society.

Marriage is a human right, not allowing this is prevention of unfair discrimination. When staring gay marriage directly in the eyes prohibition of gay marriage is clearly a violation of human rights. People with basic rights have the right to marry regardless of the distinction because it serves as a natural right. “Men and women full of age can marry in the first clause, and in the second provides the only requirement for a marriage to be rightfully existent is if both intending spouses provide free and full consent to marry”. The economy after the passing of legalization of same-sex marriage shows everybody that the legalization is a great supplement to commerce because of its very high increase in the demand for products.