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English 131 BE

11/3/03

### 2.3 Assignment

Today, many gay couples are denied the right to have same sex marriage. As a result gay people are faced with civil rights issues that have nothing whatever to do with the ecclesiastical origins of marriage; they are excluded from the state constitutional rights that only legal married couples can enjoy. Ever since Vermont and Hawaii made it clear that gay marriages are legal inside their states, many gay couples have eloped into one of these states to get married. Since then, many gay activists are working towards legalizing gay marriage in several states. Many politicians along with the older generations of American who were taught that homosexuality is a sin, feel that same-sex marriage would threaten the institution of marriage. They came up with the Federal Marriage Amendment (FMA) to banned same sex marriage. The FMA clearly states, "Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any state, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups" (Bork 1). There shouldn't be a constitutional definition of marriage. If we are to be a country that claims to protect citizens' basic human rights then no form of government should attempt to take away someone's pursuits of happiness. Laws shouldn't be created based on personal opinions that are based on a religion that

condemns homosexuality. Societies have long recognized that allowing civil rights to certain groups may offend some people. Which is why the constitutional government was established to ensure that powerless and unpopular minorities are still protected from the tyranny of the majority.

Today, most people are in favor of equal rights for homosexuals. They agree that gays should have the same rights in housing, jobs, public accommodations, and should have equal access to government benefits, equal protection of the law, and so on. Yet when people are asked how they feel about gay marriage? The result showed that 55 percent of Americans opposed to gay marriage, while 37 percent support it. However, those who are opposed to the same sex marriage idea don't think that we should ban it. Unfortunately, in the MSNBC our own president deliberately said that the definition of marriage is a union between a man and a women and he feels that gay marriage is a sin and it is morally wrong. Garner and Pham who are Democrats feel that his comments were unacceptable and disrespectful towards some of those who might have supported him all these years. Pham believes that president Bush is not upholding his country's constitution. Garner rationalized that his morals are guided by his Christian beliefs therefore his comments are merely and opinion. The Bible has absolutely no standing in American law, and because it doesn't, no one has the right to impose rules anyone else simply because of something they perceive to be mandated by the Bible. Not all world religions have a problem with homosexuality. For instance, Ms. Pham who practice Buddhism said that her religion celebrate gay relationships freely and would like to legalize same sex marriage. Anna rationalized that Bush's morals are guided by his

Christian beliefs therefore his comments are merely an opinion. In response to Bush's comments, the Human Rights Campaign took his remarks as an insult, "We are very disappointed that the president is trying to further codify discrimination into law" (Curry 2). They believe that people should be free to love anyone they want and there shouldn't be a policy that prohibited their behavior.

The Federal Marriage Amendment is clearly discrimination towards homosexuality. To argue that marriage should only be a union of a man and a woman is more like an expression of prejudice than any kind of a real argument. The U.S. barely erased discrimination between races, now we are creating discrimination among sexuality. How would the world view us? Anna addressed that the FMA could potentially jeopardize our government and legitimacy. She made a point saying that the government is threatening the basic of human rights that the people are guaranteed in the constitution. There are many stereotypes towards gay people. Yet these are just normal human beings whom like heterosexuals also value family life. The government does not understand that these people can't help it if they are attracted to their own gender. To force the FMA into the constitution and discriminate homosexuals would be a big mistake in part of the government. Similarly to the mistake made by the criminal justice system in the incident of Trisha Meili's rape. The police made false accusation towards five young Hispanic and African American boys without any real evidence that they were responsible for Meili's rape. Because the boys were minorities and happened to be in the park the night of the rape that the police immediately came to the conclusion that they were the attackers. In this case the boys were being discriminated in the form that "there was under way a conspiracy to

destroy blacks, particularly black boys, a belief in the innocence of these defendants, a conviction that even their own statements had been rigged against them or wrenched from them, followed logically” (Didion 211). The prosecutors had made this false accusation and used racism to exploit the case to advance their own private agendas. These are the individuals who wish to divide the race (Didion 215). With this in mind, the Republicans are exploiting that homosexual marriages would threaten the institution of marriage, which is why they are using the FMA as an excuse for their private agendas. In brief, discrimination against homosexual is morally wrong. The government is working hard to put a stop in discrimination among races and is promoting diversity. Yet how is the discrimination towards gay people any different?

The fact of the matter is we live in a free society, and freedom means freedom for everybody. However is we passed the FMA, the homosexual’s freedom will be taken for granted. A passage in Didion’s work exemplify this freedom “The romantic capitalist pursuit privacy and security and individual freedom, so taken for granted nationally, plays a locally, not much role (Didion 200). “People should be free to enter into any kind of relationship they want to enter into. It's really no one else's business in terms of trying to regulate or prohibit behavior in that regard. I think that there shouldn’t necessarily be a federal policy in this area”, said president Cheney. Ms. Garner feels that marriage is one’s personal choice and not a social aspect. She argued that government claimed they support freedom yet they’re telling people whom they should marry? Ms. Pham agreed with Garner by adding that the FMA is a stereotype that only men should married women. She believes that marriage is a citizen’s right. A citizen’s right is similar to what

was addressed on page 197 in Didion's book about a citizen's right to be able to run at night and Trisha Meili's represent "the primacy of freedom over fear" (Didion 197). She was warned by many of her co-workers not to go running at such a dangerous place especially at night. Yet she ignored their suggestions because she should be able to run at the hours that she wishes and when she feels most comfortable or relaxed. Overall a citizen's right is guaranteed to his or her by the constitution. "The Constitution has never been amended to limit basic rights," said Wisconsin Democrat senator, Russ Feingold. He adds, "If the Federal Marriage Amendment is ratified, it would do just that." Therefore, he or she has the right to choose how they live and whom they spend it with. By doing so, same sex marriage should be able to have the same rights as heterosexual marriage.

There are more than 1,000 federal protections and responsibilities denied to gay, lesbian, bisexual, and transgender families because they cannot legally marry in this country. Some of these constitutional rights include: the fact that they cannot make medical decisions for their partners, they don't have the right to inherit their partner's will, they don't have the permission to make arrangements for their partner's burial or cremation, they don't have the right to exemption from conveyance tax, and the list goes on. Legalizing gay marriage would offer homosexuals the same deal society now offers heterosexuals. Together homosexual couples are no longer strangers before the law. Since it has become acceptable for gay people to acknowledge their loves publicly, more and more will be able to committed themselves to one another for life in front of their families and their friends. With this in mind there's no reason gays should not be allowed to adopt or be foster parents, they are capable of nurturing children.

One of the many reasons that Americans opposed the idea of same sex marriage is that they are afraid that gay couples are not capable of raising their own family and that these people might be harmful to their children and future generation. This is an interesting fact, considering that the society is deciding on whom one is allow to married and bring children into their marriage. Consequently, murderers, convicted felons of all kids, even known child molesters are all allowed to freely marry create babies with merely a second thought by these same critics. The fact is that many gay couples raise children, adopted and occasionally their own from failed attempts at heterosexual marriages. The outcomes of the children raised in the homes of gay and lesbian couples are just as good as those of straight couples. What makes the difference is the love of the parents, not their gender. The studies are very clear about that. And gay people are as capable of loving children as fully as anyone else. Ms. Pham made an observation by saying that she works at a children's shoes store and the gay couples who comes into her store appeared to be better parents. She also adds, they don't come out as threatening people. Garner is positive that gay parents are normal human beings and that they have the ethics to raise a loving family.

In conclusion, if the government wants to claim they represent a democratic nation then they should not ratify the FMA, which violates and discriminates against a minority group. The reason why our founding fathers created the concept of amending the constitution was to provide a way of modifying our laws as a new concepts in situation occurred. Amendments are not methods in which one group's opinions can take away the rights of another's.

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