Since the beginning, citizens of the United States of America have struggled to have equal access to the basic rights guaranteed by the Constitution. Women, African-Americans, and other minority groups have all fought for their rights in our country’s history. Now homosexuals take the stage and want equal access to marriage rights, but are those rights guaranteed to them? In this policy memo I will give a recent history of gay rights, explain the situation we face, and give two alternatives to the current way America handles same-sex marriage.

Although homosexuality is not a new topic in American politics, the Gay Rights Movement is relatively new. According to an article by Professor Kenneth Jost, an author and Harvard graduate, the movement began catching on in the 1980’s and 1990’s. Along with supporters, it has received an equal amount of backlash that slowed the movement considerably. Some major events in a timeline created by Jost include President Bill Clinton’s signing of the Defense of Marriage Act that refuses the recognition of same-sex couples by the federal government, Alaska prohibiting gay marriage in 1998, and Vermont’s Supreme Court giving full legal benefits to same-sex couples in 1999. This ruling created the idea of civil unions, basically the definition of marriage with a different name. (Jost 2003)

Since the turn of the 21st century, events in relation to gay rights have escalated in the United States. At the moment, individual states vote and remain divided on the extent of gay rights. A map made by Author Reed Karaim shows that as of January of 2011, The District of Columbia and five states issue marriage licenses. In addition to those five, there are 12 more that
either recognize or grant spousal rights to same-sex couples. (Karaim 2011) This is a problem because according to The Constitution of The United States, “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State” (US Const., art. 4, sec 1). This could be interpreted as when a marriage license is issued in one state, it must be valid in all states. Since both the Gay Rights Movement and its opposition have recently gained more attention, The Federal Government and the citizens of America need to make a decision and vote on a solution to this problem.

When discussing how many people would be affected by a solution to the issue, it is not easy to give an exact number. Many gay people are not comfortable with being openly identified and do not answer honestly during surveys and polls, thus making it hard to obtain accurate data. Writers David Smith and Gary Gates at The Population Studies Center wrote that the Voter News Service exit polling showed that by the year 2000, up to 5 percent of voters recognized themselves as gay; and when the population census of 2000 was done there were 1,202,418 same-sex couples reported. Support and opposition groups argue over the exact number, but it is estimated that between 2 and 10 percent of America’s over 300 million citizens are homosexuals (Smith, and Gates 2001).

Now that I have stated why this topic is important to American politics and who would be affected by a future decision, I will give alternatives to the current way states individually vote on their own laws for same-sex marriage. The Federal Government can either recognize same-sex partnerships, or ban them. Although the alternatives seem clear, both are complex decisions that require fine-tuning. And like any controversial topic in politics, there are also different groups supporting these alternatives that are dedicated to their views.
The strongest opposition to gay marriage comes from many conservative or religious groups in the country. Groups like the Massachusetts Family Institute are also known for their belief that families should have both a father and a mother. The president of this the Institute in 2003, Ron Crews, pointed out that there are permanent chromosomal differences found between a male and female. He said:

“These permanent distinctions make for a permanent definition of what it means to be married. This has been the legal, social, historical and theological definition of marriage throughout the ages.” (qtd. in Jost showdows 2008)

Many do not wish to change the definition of marriage because of religious or personal beliefs.

The first alternative is supported by the groups mentioned that are against gay marriage. It possibly includes banning recognition of same-sex partnerships in the United States by the Federal and state governments. The most significant modern act that has been passed in relation to gay marriage ban is The Defense of Marriage Act (DOMA) signed by Bill Clinton in 1996. DOMA declared that states did not have to recognize same-sex marriages that were issued in other states. It went further to define that at the federal level, marriage is a partnership between a man and women. This meant homosexual couples could not file joint tax returns or receive spousal benefits from federal programs (Jost Showdowns 2008). Although this act didn’t exactly create a ban in the United States, it did and still does discourage states from legalizing gay marriage. The GOP and most other conservative politicians support this act today.

A recent CBS news article by Brian Montopoli shows that the opposition still strongly supports DOMA. President Obama stated this year that his administration would no longer defend DOMA in court because he believes it is unconstitutional. House Speaker John
Boehner(R) plans to hire a GOP lawyer to defend the act, but it is unsure of where funds would come from to defend it. (Montopoli 2011) If groups that truly oppose same-sex marriage or unions in the United States, they might look to successfully add an amendment to the Constitution stating it is illegal. The problem with this alternative is that the public usually does not support adding amendments to The Constitution that restrict the rights of citizens. (Jillson 385)

As seen in CBS News article by Montopoli, most groups supporting gay rights are liberal. Not all liberals and Democrats are exactly in favor of gay marriage, but many promote the idea of equal rights. Since the Gay Rights Movement gained momentum at the end of the 20th century, groups supporting the rights have increased in power and numbers all over the world (Karaim 2011). In 2003 the Civil Rights Project Director for Gay and Lesbian Advocates and Defenders (GLAD), Mary Bonauto, said:

“Marriage is also a social institution of the highest importance, the ultimate expression of love and commitment. While it remains exclusive to opposite-sex couples, gay men and lesbians will continue to fall short of the status of full citizenship, marking them and their children with a stamp of inferiority. Denying the security that marriage can bring only serves to weaken gay and lesbian families and the communities of which they are a part.” (qtd. in Jost showdows 2008)

The alternative this group stands behind is legal recognition of same-sex relationships by the Federal Government. This either means permitting gay marriage in America, or civil unions. Civil unions are basically legal relationships that have almost all the benefits of marriage, but the
name is changed (Jilson 385). If same-sex couples were recognized by the Federal Government, they would be able to enjoy the same legal benefits that heterosexual couples do. They could file joint tax returns and receive spousal benefits from Social Security. It may also make it easier for the couples to adopt children (Jost 2003). Supporters of this alternative, like their opposition, might push to amend the Constitution. But it would be to allow equal marriage or civil union rights available to same-sex relationships instead of restricting these rights. Either way, passing new amendments is not an easy task (Jillson 385).

Taking a stance on this topic, I would side with the supporters of gay rights. Homosexual couples deserve to be recognized by the Federal Government, just like heterosexual couples. It does not matter to me if the name is changed to “civil unions”, as long as gays receive equal rights. I do not see homosexuals destroying the basis of society by getting married, rather I see couples raising children in stable households and strengthening family bonds. In my opinion, denying gays these rights is discrimination. I hope that in the near future, America can take another step towards true equality and give homosexuals what they deserve— the opportunity to be in a relationship that is recognized by the Federal Government.
Works cited


