CLEVELAND STATE UNIVERSITY

POLICY BRIEF

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LEGLIZATION OF SAME SEX UNIONS

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SWK 300 : SOCIAL WELFARE POLICY

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1. **GOAL STATEMENT**

The goal is to have same sex unions recognized just as a domestic union. Advocating for the civil rights of same sex unions is the goal. Not legalizing same sex unions in the United States is a violation of civil rights and the constitution should be amended to protect the rights of same sex unions.

1. **SCOPE OF THE PROBLEM**

There are people in this country that are as normal as you and I, but there is only on defining deference in these people there preference in matrimony. Some people with same gender that to become life partners’ such as in husband and wife. Same sex marriage is against the law of the land in most of the United States.

The Definition of Marriage. “The state of being united to a person of the opposite sex as husband or wife in a consensual relationship by law. Or –The state of being united to a person of the opposite sex in a relationship like that of a traditional marriage” (marriage, 2009). That depends on what we call traditional but at this point we will talk about a Western culture of traditional marriage. Depending whether someone some one prefers one or both of those definitions may indicate where they stand on the notion of gay rights, more specifically same se marriage. Whatever the sexual orientation of the person, people get married for a variety of reasons, from love, to money. Other reasons could include security, children, sex and power and sometimes even society status. Some cultures even have arranged marriages that are done for social recognition such as royalty. With the verity of reasons what remains consistent it that “marriage is a system of organized and allocation rights and public resources” (Kandaswamy, 2008). Advocates for same sex marriage understand what is to be gained by the act of marriage. “In the 1990s gay activist in the U S began to see marriage as vehicle to procuring social recognition and rights” (Kandaswamy). Some of these rights include access to Social security survivor’s benefits and receiving healthcare through a spouse’s employer. Others include not being denied hospital visitation as a legitimate spouse and others seek parental rights. While issues around gay rights are not new to the modern world, the notion of same sex marriage has been making its way to the mainstream for the past ten or so years now. “When the issue was used in the presidential campaign of 2004 to drive a wedge between red and blue states, it thrust the issue into American politics and has remained there ever since” (Ghoshal 2009). Some people see the institution of marriage as sacred between a man and a woman, while others see the idea of same sex marriage as a natural progression in the advancement of civil rights for gay Americans.

There are people in this country that are as normal as you and I, but there is only on defining deference in these people: there preference in matrimony. Some people with same gender want to become life partners’ such as in husband and wife. Same sex marriage is against the law of the land in most of the United States.

1. **PAST POLICY**

From the early days of Catholicism St. Augustine wrote that marriage is intended for children, faith, and stability. “The church argues that gay couples cannot procreate. They also argue that they are going against the intentions of God which essentially destroys the point of marriage.” Wardle, Strasser, Duncan & Coolidge, 2003). Thus gay couples had to prove the point that marriage is not just for procreation, nor can only Catholics be happy in marriage. In a case presented to the State of Vermont, A gay couple presented in writing from the great Aristotle, “Aristotle examined that marriage is not of spiritual faith but faith of justice. If it is consummated faithfully by your partner, by sexual intercourse, be it with the same sex or not, is in itself a good act” (Wardle et al. 2003). They argue that the Catholic point of view is negated because gay people understand they cannot procreate, but they want to unite to show their faith for their partner. While these teaching from Aristotle did not sway the opinions of Catholics, one thing it did bring about was gay friendly churches.

“Though 50% of religious conservatives believe that the church should stay out of politics opponents of same sex civil marriages base their definition of marriage mostly from Christian perception that one man one woman was ordained by God” and is therefore inherently superior to same sex unions” (Wilson, 2007). A fear still exists that God will send fire and brimstone upon those who support or live a homosexual lifestyle: a repetition of Biblical Old Testament story of Sodom and Gomorrah.” At the midlevel, religious originations such as Catholics Charities and Ministries have reasons to fear the legalization of same sex marriage rights because churches may be forced to comply with the law by performing same sex marriages. They may also be mandated to cease anti- homosexual sermons at the cost of risking the los of government funding” (Wilson 2007).

1. **CURRENT POLICY**

“In 1996 then President Bill Clinton signed the Defense of Marriage Act. It essentially declared that no state would be required to recognize same sex marriages conducted by other states” (104th Congress, 1996). This essentially stopped all progress toward federal recognition of same sex marriages. This issue remained alive, however, through state ballots measures. In Ohio, the issue has been trying to be passed for many elections back since 1992. It was put on the ballot as recent as 2004 as State Issue 1. If passed, it would allow for legal recognition of same sex marriages in the State of Ohio. The policy to legalize same sex marriage in Ohio actually had an edge at one point, but ultimately the bill was not passed. Numerous Ohio politicians cited the Ohio Constitution and that people would use this just to reap the benefits of marriage which would in turn hurt the economy. All of the State in the union has their own Constitution and the State politicians intrepid the States constitution.

With the belief that homosexuals are notorious for promiscuity and transmission of sexually transmitted diseases, politicians have attempted to oppose same sex marriage rights by imposing their logic that discouraging same sex marriage will keep sexually transmitted diseases under control and lower heath care cost. “Therefore, promoting heterosexual relationships in society reduces disease and is, in the end, promoting social good” (Wilson, 2007). In 2006, a research study was conducted by doctors from the University of California and San Francisco Department of Health looking for possible associations between same sex domestic partnerships and lower risk behavior for STD,s including HIV. They found that “men in domestic partnerships had decreased risk behavior for sexually transmitted diseases, including HIV infections, suggesting but not proving, that conferring legal status to same sex unions might decrease sexual behaviors’ (Klausner,2006). The violation of civil rights is a on going battle for our nation as a whole. Still today in this date and time some people are being discriminated against because of their preference of marriage. This is not the first or the last act of discrimination or the violation of citizens wellbeing are violated in our country but, the right to marry whom ever you feel comfortable with is a natural passion. As long as a person is a constant positive productive part of society civil rights violations should not be part of their productive lives. At one time African Americans civil rights were violated just by the mere fact of slavery then along came the Jim Crowe laws of the segregated south. At the same time female in this country was living with almost the same type of civil rights violations (i.e.) voting right. The violation of civil rights should not be tolerated especially when people use the church and financial gain to violate civil right.

5. **PROPOSED SOLUTION(S)**

Preparing an intelligent response by understanding the arguments and controversy of same sex marriage rights will become more important in protecting minority rights from the majority will. People of the future will be addressing the transaction occurring within these eco-systems in a dynamic way. Civil unions and same sex unions still occur, legalized or not, and there remains a challenge in helping the participants find a way to accept themselves as a natural out branching of society rather than a graft onto the tree of society. Even if a state allows civil unions, the can be contested elsewhere. These people face legal and custodial challenges heterosexual couples do not. The custodial factor has the potential to affect the country and the judicial system as a whole. By legalizing same sex marriages we would save much need federal dollars and minimize legal frustration. Also attacking to the problem of adoption legalization of same sex is an option. With so many kids on waiting list for foster care or adoptive homes, recognizing same sex unions would naturally enlarge the pool of prospective home available. So not only would the couples themselves benefit from legalization of their unions, but also an innumerable amount of children. A mentioned earlier, another benefit to society is the potential public health benefits that occur when the mental health and self efficacy of a disadvantaged group improves significantly with acceptance from their society. Change in our culture is coming. And it always will be coming. We have to change with our environment in order to survive. Many of the changes that have taken place in our American history were extremely controversial and political topics in their time. An example would be anti-miscegenation laws. “Before these were overturned in 1967 by the U S Supreme Court, it was illegal for whit individuals to marry, and often have sex with, members of other races (Anti-miscegenation laws, n d). Leading up to this decision, some state had begun to overturn this law on their own, reviewing on state by state basis. That pattern was similar to what is happening now with same sex unions. Let us hope our nation once again has the fortitude and straight to do the right thing again.

6. **KEY ORGANIZATIONS/INDIVIDUALS**

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7. **GLOSSARY**

**Advocates:** On behalf of someone who is at risk of being discriminated against

**Anti-miscegenation laws:** Laws that banned interracial marriage and sometimes interracial sex between whites and blacks.

**Aristotle:** Is a Greek Philosopher born in Stagire in Macedonia in 384. He discussed Philosophical theories of his teacher Plato.

**St. Augustine:** He was a philosopher and a theologian. He framed the concepts of original sin and just war:

**Catholic Church:** The Roman Catholic Church officially known as the Catholic Church it the worlds largest Christian church.

**civil Union:** Legally recognized unions similar to marriage beginning in Denmark in 1989.

**Gay Couples:** People in a relationship same sex.

**Gay friendly:** Refers to places, policies, or institutions that actively seek to create an environment **friendly** toward LGTB people.

**Gay Rights:** The rights for gay people and same sex couples.

**Lesbian:** A term widely used in English language to describe sexual and romantic desire between females.

**Homosexual:** refers to attraction or sexual behavior between people of same sex or to a sexual orientation.

**Marriage:** For the sacrament of liturgical rite in Christianity.

**Ohio Constitution:** A system of government often codified as a written document that establishes the rules and principal of an autonomous political entity.

**Proposition 8:** A California ballot proposition passed in the November 4, 2008 general election it changed the state constitution to restrict the definition of marriage.

**Supreme Court:** Of the United States is the highest judicial body in the United States and leads the federal judiciary system.

**Same Sex:** Marriage: A term for legally or socially recognizing marriage between people of the same sex

**Traditional:** With an emphasis on the restoration of values need to maintain strong unified

**families.**

**Asexuality** – describes individuals that do not experience sexual attraction to others or do not have interest in sex.

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April 26, 2009

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Subject: Legalization of same sex unions in the State of Ohio

Dear Congressman Kucinich:

I am a student attending Cleveland State University at the College of Social Work. I am writing on the behalf of same sex marriage in the State of Ohio. I believe that same sex marriage should be legalized not just in the State of Ohio, but throughout the nation as well. People get married for a number of reasons. Some of the reasons are power, money, and social status and yes even today we still have arranged marriages. However, I do understand that as late as 1996 then President Bill Clinton signed in to law The Defense of Marriage Act.

But, sir state after state is starting to endorse, support, and embrace not just civil unions but, same sex marriages. The first State that was brave enough to Legislature this idea was Vermont. Other states soon followed Vermont’s bold, gallant, and outspoken ideas. But one hindrance to states doing so is the belief that the law of the land is that marriage is between a man and a woman, due to existence of the Defense of Marriage Act and many hundreds of federal Social Security and other benefits which apply only to married couples who are the opposite sex.

With so many kids on waiting list for foster care or adoptive homes, recognizing same sex marriage would naturally enlarge the pool of prospective homes available. So not only would the couples themselves benefit from legalization of their marriage, but also innumerable amount of children would benefit as well. Many of the changes that have taken place in our American history were controversial political topics in their time. An example would be anti-miscegenation laws. Before these were overturned in 1967 by the US Supreme Court, it was illegal for white individuals to marry, and often have sex with, members of other races. Leading up to this decision, some states had begun to overturn this law, reviewing on a state by state basis. This pattern was similar to what is happing now with same sex marriage. Let us hope our nation one again has the fortitude and strength to do the right thing. Ohio is one of the leading states in the union. Ohio can show its great leadership ability by having one our own leaders in Congress. Take charge and introduce a very controversial bill, such as the legalization of same sex marriage. This law would not only change the State of Ohio but the nation as well. So, I urge you sir to ask for help from Ohio State House, Senate and members of Congress for their support for this very controversial yet crucial topic.