

# Opinion: Time is now for marriage equality

By Janice Eastburn

A recent column written by Tiffany Miller takes as its basic premise that marriage equality “should not be solved in court.” She justifies her argument, in part, by saying, “Most of us simply believe that no government can define marriage because God has already defined it as a sacred union between a man and a woman.”

I will leave the theological debate on the definition of marriage to the clergy and religious scholars, as it has no bearing on the legality of marriage. Our country is founded on the separation of church and state. Marriage is, by legal definition, a binding contract between two people and the state in which they reside. As such, it is subject to state laws; not religious tenets.



Marriage involves the filing of a marriage license with the county clerk and entitles the parties to a variety of legal protections and requirements. Some of these legalities include rights to property, inheritance, immunity from testimony,

support, and presumed parentage to name a few. Divorce requires the involvement of the legal system.

If a particular church does not sanction the joining of any two people as a marital union that is their prerogative. Whatever the Supreme Court decides about marriage equality this will not require a given church to change their policy or practice of performing marital rites. Churches will not be

required to perform marriage rites for same gender couples if doing so is in violation of their church doctrine, just as certain churches are entitled to refuse marital rites between people of different faiths or when there is a history of marital dissolution via divorce.

I do not deny or disparage the passion and conviction that people of faith feel. The line must, however, be drawn where those beliefs are used to justify the mistreatment of others or to deny others their civil rights. Gay and lesbian people are entitled to basic civil rights and protections. We pay taxes. We work. We raise children. We vote. We are your family, friends, co-workers, fellow congregants, and children.

In the fight for equality, we do not demand that anybody change his or her religious beliefs. What we do demand is that we are treated equally under the law, as any American, as defined by the equal protection clause and the fourteenth amendment of our constitution. This is a civil rights issue and, therefore, it is entirely appropriate that the Supreme Court hear the issue of marriage equality. What is not appropriate is for civil rights to be decided by public opinion (as in the case of Proposition 8 for example).

Civil rights cannot be determined by popular vote. What would be the effect on history if the right of women to vote had been determined by popular opinion? If the right to own slaves were decided in this manner? If the right to interracial marriage had been thus determined?

Miller attempted to make the case that the rights of gay and lesbian Americans should not even be considered a civil rights issue because, according to her, gay and lesbian people have not suffered the severity of indignities that African Americans have suffered. In our country's history I have never encountered the argument that the rights of minority people must be held to a litmus test to determine whether that group has "suffered equally" nor is that argument appropriate here.

Gay and lesbian people have suffered, and continue to suffer, not only various indignities (i.e. bullying, violence, rejection from families, friends, and religious institutions), but also loss of legal stature throughout this great country.

In 30 states it is perfectly legal to fire somebody on the basis of sexual orientation. In only 13 states is adoption by gay and lesbian parties clearly legal (and three of these states do not allow joint adoption). The decision to overturn the arbitrary discharge of military personnel based on sexual orientation happened only two years ago. As for marriage equality, even in the handful of states that do recognize the legality of same gender marriage, gay and lesbian married couples are denied more than 1,138 federal rights that the married (heterosexual) couple who lives next door enjoys (and likely takes for granted). Rights that, when denied, carry real consequences for real people.

Marriage equality is not an issue of religion. It is a matter of basic fairness and justice. I am optimistic that our supreme court will do the right thing by deciding the matter of marriage equality in favor of liberty and justice for all.

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