
Gay Marriage Rights in Constitution and the Declaration of Independence

Remember in school, preferably in your history class, how you learned about the Constitution and the Declaration of Independence? Yeah, you know, that one document with all amendments in it, and that other document that had a song written about it? No? You don't remember? Well, I'll just have to remind you about it then. With all the uproar about same-sex marriage, I think it's safe to say that now, you'll probably need to reference back to your history textbook.

Same-sex marriage is not only known to be a basic civil right for (wo)man, it's also protected by our Constitution and our Preamble. The right to have same-sex marriage is also backed up by the 14th Amendment (Section 1). Gay marriage is protected by the US Constitution's commitments to Liberty and Equality. The US Supreme Court in 1974 ruled 7-2 in the Cleveland Board of Education v. LaFleur case that the "freedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause." US District Judge Vaughn Walker wrote on Aug. 4, 2010, that Prop. 8 in California banning gay marriage was "unconstitutional under both the Due Process and Equal Protection Clauses." (ProCon, 2016)

There was also the Due Process Clause in both the Fifth and 14th Amendments of the US Constitution states that no person shall be "deprived of life, liberty, or property, without due process of law." The Equal Protection Clause in the 14th Amendment states that no state shall "deny to any person within its jurisdiction the equal protection of the laws." (ProCon, 2016) There's also the Preamble of the Constitution that supports same-sex marriage. To "secure the blessings of Liberty" means "to secure freedom". (Constitution of the United State, 1789)

Blessings can also be interpreted as happiness, liberty, or anything that's considered a benefit to an individual's freedom, as long as it doesn't harm others. That means that in the constitution, as a whole, this phrase was included as a way to help protect its citizen's rights of freedom/liberty/pursuit of happiness from a tyrannical government. To deny a person's way of freedom, or in this case, liberty would be going against the Preamble of the Declaration of Independence. If someone wants to marry another of the same gender, then the law secures their liberty/freedom to do so. According to Amendment 14 Section 1, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

No state shall make or enforce any law which shall abridge the privileges or immunities of

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citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Constitution of the United States, 1789) This means that under the law, everyone must be treated equally regardless of their sexuality, race, religion, or sexual orientation. Same-sex marriage is protected by both the Constitution and the Preamble, "-secure the Blessings of Liberty, to ourselves and our Posterity-", and Amendment 14.

The Constitution supports same-sex marriage by the US Constitution's commitments to both Liberty and Equality. The Preamble overviews how we all have the unalienable right to benefits from our freedoms as a citizen of this country. Our Amendments also supports/protects same-sex marriage, for instance, Amendment 14 Section 1 explains that no state can make or enforce any law which shall abridge the privileges or immunities of a citizen of the US. This also means that no person can be denied under the law to be equal.

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