

Educator Guide: The Battle Over Same-Sex Marriage

Although the battle over same-sex marriage has raged for decades, it's made big waves in recent years with the passage of laws in various states that either limit or extend the traditional definition of marriage. In May 2012, the national debate took a sharp turn when President Barack Obama said he supported same-sex marriage. Currently, same-sex marriage is legal in six states and Washington D.C. And in 2012 Election, voters in three additional states also moved to legalize it. In California, a heated debate continues: the state legalized same-sex marriage in 2008, only to have the law reversed by popular vote (Proposition 8). In early 2012, a federal court ruled Prop 8 unconstitutional, and the U.S. Supreme Court announced in December that it would take up the issue.

CONTENT STANDARDS

Common Core State Standards: Reading Standards for Literacy in History/SS (9-12)

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

Integrate and evaluate content presented in diverse formats and media.

Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

California History/SS Content Standards

United States History and Geography: Continuity and Change in the Twentieth Century; 11.11: Students analyze the major social problems and domestic policy issues in contemporary American society.

United States History and Geography: Principles of American Democracy; 12.1: Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens



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MULTIMEDIA TEACHING RESOURCES ABOUT THIS ISSUE

Visit *The Lowdown*, KQED's News Education blog for explanations and background context on the same-sex marriage issue in California and nationally. The site includes multimedia resources and embedded radio and video clips. Posts include:



- The latest developments on this issue
- Interactive timeline of California's same-sex marriage struggle
- Interactive map of each state's marriage laws
- Interactive map of countries that have legalized same-sex marriage
- Video timeline detailing President Obama's gay marriage policy evolution

GLOSSARY

Same-Sex Marriage

The legal union of two people of the same gender, allowing them the same legal rights and recognition as any other married couple.

Proposition 8

A California ballot initiative passed by the voters in 2008 banning same-sex marriages.

Endorsement

When an individual or organization publicly approves a political position or candidate.

Constitutional Amendment

A formal change to the text of a constitutional document.

Equal Protection Clause

Part of the Fourteenth Amendment to the United States Constitution, it provides that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws.” A federal court determined that Prop 8 violated this clause.

U.S. District Courts

The general trial courts of the federal court system, located throughout the country. They hear both civil and criminal cases, which can then be challenged (challenged) to the U.S. Supreme Court.

Evolution

A change over time

TOPIC BACKGROUND

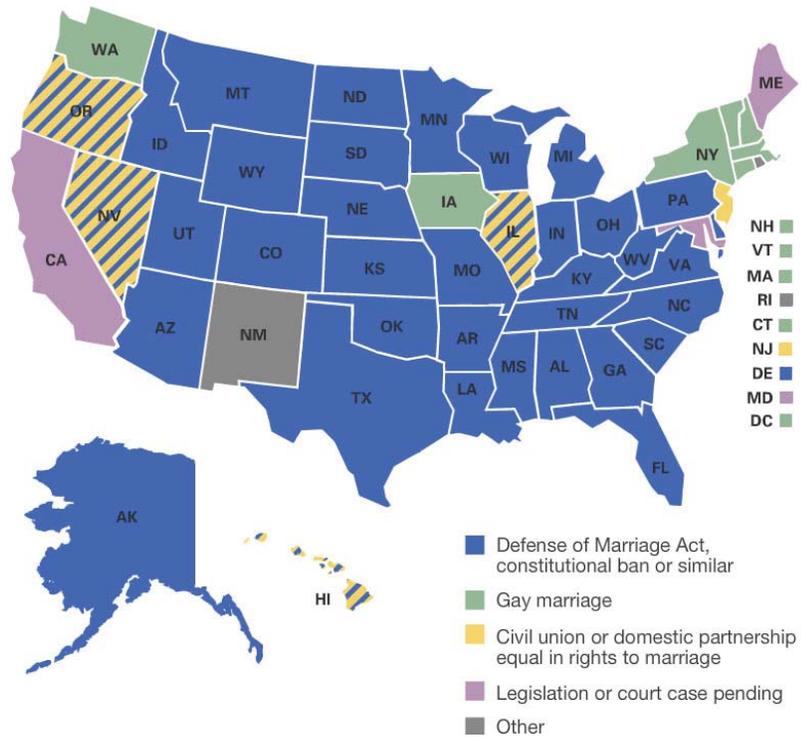
- President Obama has wavered in his position on same-sex marriage. While he opposed when running for the U.S. Senate, he most recently expressed support for it during a May 2012 interview.
- Support for same-sex marriage has steadily increased, and now almost half of Americans are in support of it, according to a Pew Research Center poll.
- 30 states have supported state constitutional amendments defining marriage as a heterosexual union.
- Same-sex marriage is now legal in nine states and Washington D.C.
- Same-sex marriage has been nationally legalized in 10 countries around the world, including Iceland, South Africa, and Argentina.
- Legally, marriage is a binding agreement that can impact everything from health care and social security benefits to taxes, adoption and hospital visitation rights.
- In California, same-sex marriage was briefly legalized in the spring of 2008, but voters reversed the law a few months later by approving Proposition 8.
- A federal court later ruled that California’s ban on same-sex marriage violated the U.S. Constitution’s Equal Protection Clause.
- Proponents of same-sex marriage argue that the freedom to marry – and the privileges it grants – is a fundamental right that should extend to all couples regardless of gender.
- Opponents argue that marriage is a cherished institution historically defined as a union between a man and a woman. Some argue that same-sex marriage is a sin.



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INTRODUCTORY QUESTIONS

- What are other words and concepts that have become major controversial issues? (Examples: life, death, juvenile, handicap, right of way.)
- Like Obama did with the same-sex marriage issue, people over time often change their opinions or beliefs. What factors could account for that? (Examples: maturity, new knowledge, change in circumstances, persuasive influences.)
- What are some of the biggest concerns of people who oppose same-sex marriages?
- What do same-sex marriage supporters mean when they argue that this is a civil rights issue? What specific rights are they referring to?
- Is it fair to have laws that limit what certain segments of our population are allowed to do? What are arguments for or against this?
- What are some historical examples that this issue could be compared to?



FOCUS QUESTIONS (USE BLOG)

- What factors do you think led to President Obama's change in thinking about same-sex marriage?
- What are some of the biggest concerns of people who oppose same-sex marriages?
- What is the Defense of Marriage Act?
- Even though President Obama's May 2012 statement in support of same-sex marriage doesn't change any existing laws, it still was big news. Why?
- What are the key reasons why a federal district court ruled that Proposition 8 was unconstitutional?
- If Californians had voted on Prop 8 again during the 2012 Election, would the outcome have been the same?
- What are some of the central arguments of opponents/supporters of same-sex marriage?
- How do you think the U.S. Supreme Court will rule on Prop 8? Why?