

# THE JOURNEY TO MARRIAGE EQUALITY IN THE UNITED STATES

Est. Time: 45-60 minutes

Subjects: Civics, History/Social Studies

Age Range: Middle & High School

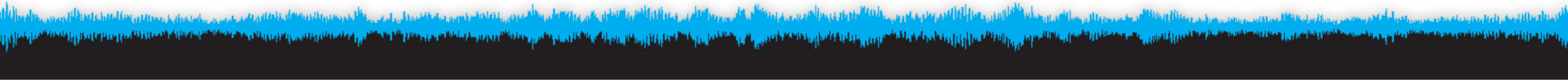
See the full lesson [here!](#)

★ *TEACHROCK* ★



How did same-sex marriage become legal in the United States of America?

In this lesson, you will:

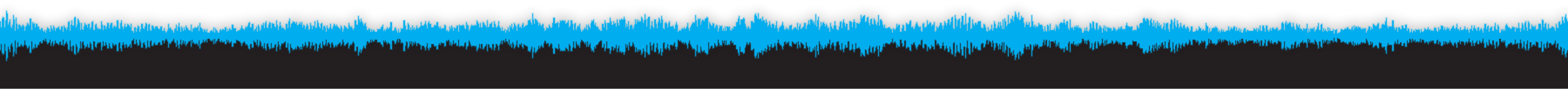
- Explore the events that led to marriage equality in the United States
  - Identify the court cases involved in the marriage equality debate
  - Examine how the judicial system is organized
  - Distinguish legislation passed in favor of and against marriage equality
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This is an image of Marcia Kadish and Tanya McCloskey getting married in Boston, MA on May 17, 2004





Consider or ask a friend:

- How long has it been possible in American history for same-sex couples to marry?
  - In what way might have activists fought for the right of same-sex marriage?
  - Through what civil process (a method by which citizens seek legal action) might have same-sex couples achieved the right to marry?
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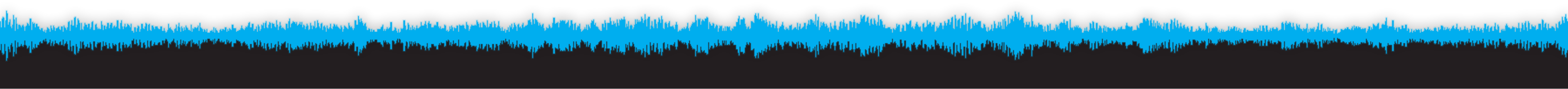


## MARRIAGE EQUALITY

Watch [this video](#) of news organizations and individuals reacting to the United States Supreme Court's decision legalizing same-sex marriage nationwide.



Consider or ask a friend:

- What part of the United States Government ruled on the legality of same-sex marriage?
  - What branch of the government does the Supreme Court represent?
  - What was important about achieving same-sex marriage?
  - How might the legality of same-sex marriage ultimately have arrived before the Supreme Court?
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Examine this illustration outlining the federal judicial system.



**Supreme Court:**

- **Highest level court** in the federal judicial system
- 9 justices that meet in Washington, D.C.
- Appeals jurisdiction for certain cases
- Original jurisdiction for certain cases



**Courts of Appeals:**



- **Intermediate level courts** in the federal judicial system
- 13 regional "circuit" courts throughout the U.S.A., including Washington, D.C.
- Appeals jurisdiction
- No original jurisdiction



**District Courts:**

- **Lowest level courts** in the federal judicial system
- 94 district courts throughout the U.S.A., Washington, D.C., and territories
- No appeals jurisdiction
- Original jurisdiction

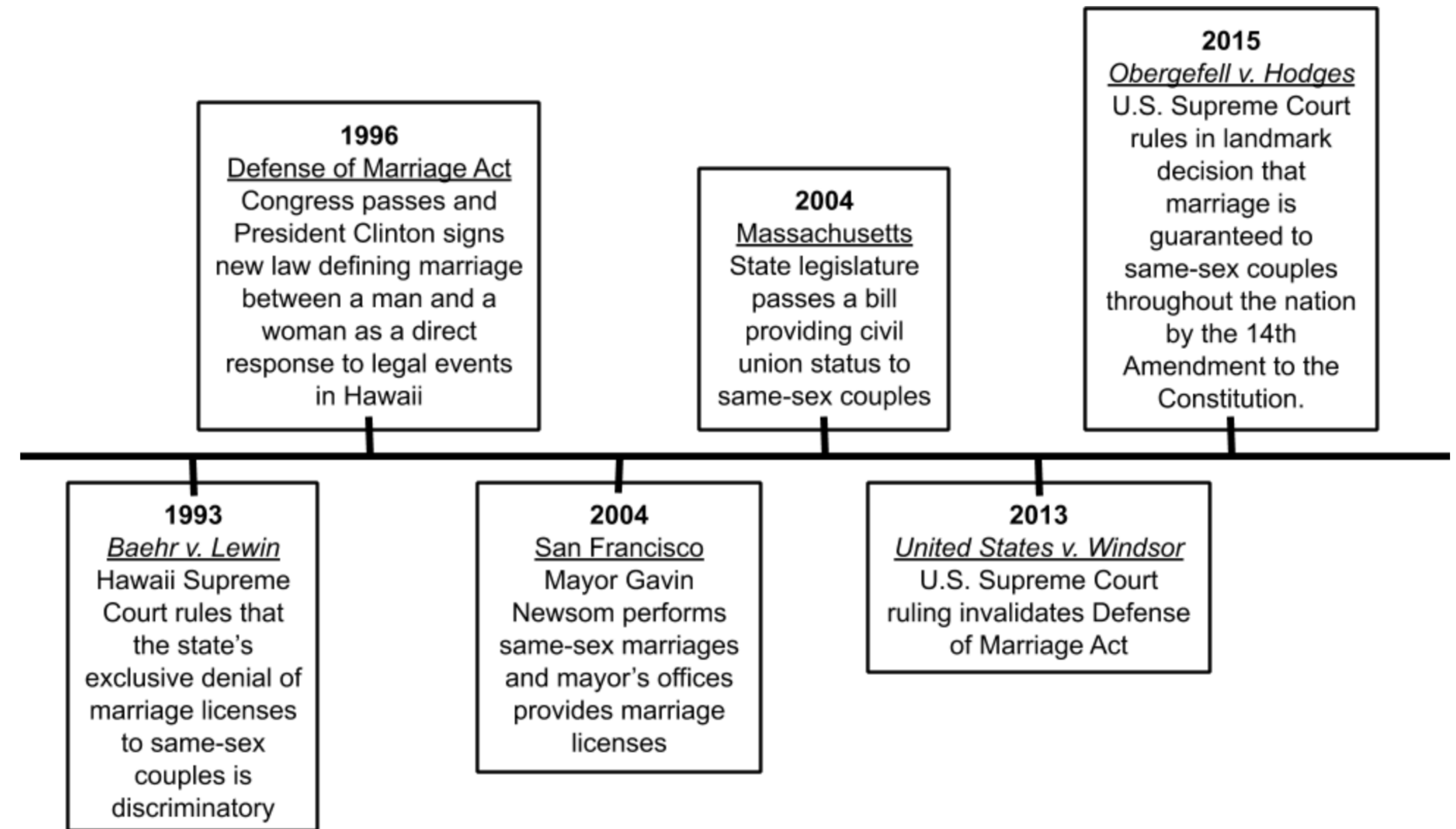


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- The federal judiciary is a multi-level system.
  - Legal cases typically begin at the lower level and then proceed to the next higher level based on the status of the case.
  - Each level is a “jurisdiction” for certain legal cases. Courts on that level have the authority to make certain legal determinations and judgements.
  - An “appeal” is a challenge to a court’s legal determination and judgement.
  - The United States Supreme Court is at the highest level of the system and is the final authority for legal determinations and judgements.
  - State judicial systems are similarly organized with lower level courts and a state supreme court.
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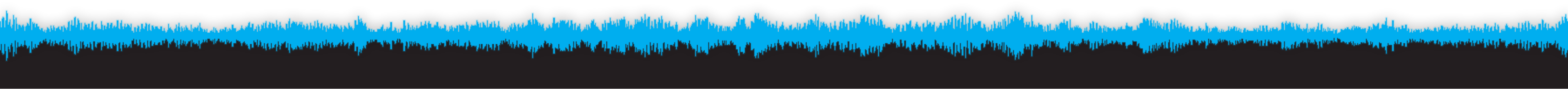
Explore this timeline of events in the legal and civic journey to marriage equality.

## MARRIAGE EQUALITY TIMELINE





For each event on the timeline, consider or ask a friend:

- When and where did the event take place?
  - Who were the parties involved?
  - What level of government was involved (city, state, or federal)?
  - What branch of government was involved (legislative, executive, judicial)?  
(Note: see **this image** if you are unsure the differences between these three branches of government.)
  - In what way did the event have an effect on the legal and civic journey to marriage equality?
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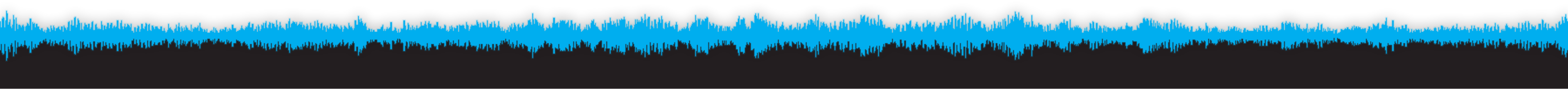




## BORN THIS WAY

Watch [this video](#) about Lady Gaga's song "Born This Way" while considering the role that popular culture and the arts played in the journey to marriage equality.



Consider or ask a friend:

- Why might “Born This Way” be considered an anthem for the LGBTQ+ community?
  - Why might anthems be important in any type of movement, community event, or public gathering?
  - Can the message in a song improve how marginalized communities are understood and treated?
  - How might music be an effective tool in influencing direct democratic action toward those in positions of authority?
  - Can you think of any other anthems that are played at public events? Why might these public broadcasts of anthems be important for these events?
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- On June 15, 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges* that marriage is guaranteed to same-sex couples throughout the nation by the 14th Amendment to the Constitution.
  - *Baehr v. Lewin* was a landmark decision in the journey to marriage equality by the Supreme Court of Hawaii in 1993
  - The Defense of Marriage Act (D.O.M.A.) was bipartisan legislation signed into law by President Bill Clinton in 1996 in response to *Baehr v. Lewin*
  - State legislatures and city government leaders challenged D.O.M.A. by passing marriage equality legislation at the state level and performing same-sex marriage ceremonies and issuing marriage certificates at the city level
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# SUMMARY

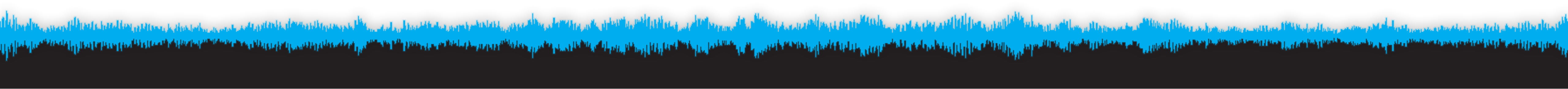
- The federal judiciary is a multi-level system
- The United States Supreme Court is at the highest level of the system and is the final authority for legal determinations and judgements
- In 2015, U.S. Supreme Court ruled in *Obergefell v. Hodges* that marriage is guaranteed to same-sex couples throughout the nation by the 14th Amendment to the Constitution
- From the *Baehr v. Lewin* case in 1993 to the U.S. Supreme Court's ruling in 2015, the legal journey to marriage equality lasted nearly a quarter of a century

# BE CURIOUS

- How does equality for the LGBTQ+ community vary around the United States? Open [this website](#) and examine various states and regions, then compare and contrast equality profiles.

# BE CURIOUS

Consider or ask a friend:

- What states tallied high for equality policies in their profile?
  - What states tallied low for equality policies in their profile?
  - Do regions of the nation tend to trend certain ways?
  - How can citizens affect the equality profile for their state?
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# BE CREATIVE

Compare and contrast these definitions of “equality” and “equity”.

E·qual·i·ty /ə'kwälədē/ noun: the state of being equal, especially in status, rights, and opportunities.

Eq·ui·ty /'ekwədē/ noun: the quality of being fair and impartial.

Now considering the definition of equity, what is an equity issue that you believe deserves more attention? Research your choice and continue to the next slide.



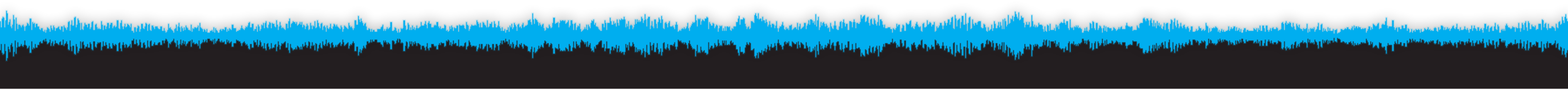
# BE CREATIVE

- Create an anthemic message summarizing the issue you chose.
- Your anthem could be a brief chant that gets your message across simply and will be memorable by rhyming. Or you can compose a song or poem that expresses your message in a bit more detail. A drawing or painting could also be a creative way to summarize your message with a few words and an image.
- Once complete, record your anthem with a voice memo app or make a video of you performing it! If it is a drawing or painting - take a picture of it!



# CONNECT

Share it with us! Either you or an adult in your life can share your work with TeachRock on **Instagram** or **Facebook**, email to **info@teachrock.org**, or Tweet it to **@TeachRock**





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