

## Multimedia Primary Source Discussion Set

URL: [https://americanarchive.org/primary\\_source\\_sets/marriage-equality](https://americanarchive.org/primary_source_sets/marriage-equality)

### Teaching Tips

This set can be understood as consisting of two layers: the historical and the ideological. For the historical layer, a number of the clips allow viewers to track the evolution of the marriage equality debate from the 1970s to the *Obergefell v. Hodges* decision in 2015 (with special focus on key historical moments, such as the aftermath of the Massachusetts Supreme Judicial Court decision in 2004). There is also an ideological layer, as a number of clips feature proponents and opponents of marriage equality articulating their views. Watching these clips allows the viewer to understand the range of arguments used to criticize or defend marriage equality. Some clips feature both historical and ideological layers. Collectively, the sources in the set introduce viewers to the contours of the marriage equality debate and how the terms of that debate changed over time.

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### Background Information

Before engaging with this resource set, students should be familiar with the following:

- Defining features of the U.S. Constitution
- Some history of the LGBTQ+ rights movement
- The major social and political beliefs of Americans, specifically American Christians

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## Essential Questions

Why and how did marriage become legal for same-sex couples in the United States?

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## General Discussion Questions

- What arguments did some Americans make in favor of marriage equality? What arguments did other Americans make in opposition?
- What features of the U.S. Constitution shaped political battles over marriage in the United States?
- What factors might explain why public opinion shifted so dramatically in favor of marriage equality between the 1990s and 2010s?

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## Classroom Activities

### The Debate Over Marriage Equality

Have students watch 3-5 of the sources in which people explain their support or opposition for marriage equality. You can pick whatever clips you feel are best suited for your class (virtually all of them include people making arguments either for or against), but a good collection might be:

[1970s LGBTQ Rights Advocates Make the Case for Marriage Equality \(1974\)](#)

[Two Reverends Give Competing Views of Christianity and Marriage \(1994\)](#)

[Same-Sex Couples Sue for Marriage Equality in Massachusetts \(2003\)](#)

[Dueling Advocates Make Mainstream Appeals on Marriage Equality \(2004\)](#)

[Two Lawyers Make the Legal Case for Marriage Equality \(2010\)](#)

[The Obergefell v. Hodges Decision Legalizes Same-Sex Marriage \(2015\)](#)

After students watch those clips, discuss the following questions:

- What are some arguments that people made in favor of marriage equality? How are these arguments typical of those often made by political liberals about the rights of minority groups?
- What are some arguments that people made in opposition to marriage equality? How are these arguments typical of those often made by political conservatives?
- What do you think of these arguments: should same-sex marriage be legal? Why or why not?

### **The 2004 Moment**

Have students watch the following clips from 2003 and 2004.

[Same-Sex Couples Sue for Marriage Equality in Massachusetts \(2003\)](#)

[Massachusetts Ruling Shakes Up Marriage Equality Debate \(2004\)](#)

[Dueling Advocates Make Mainstream Appeals on Marriage Equality \(2004\)](#)

[Same-Sex Couples Sue for Marriage Rights in New Jersey \(2004\)](#)

[Political Mobilization Against Marriage Equality in the 2004 Election \(2004\)](#)

Discuss the following questions:

- Why did the court decision legalizing same-sex marriage within Massachusetts provoke such a strong response outside the state?
- What might have motivated Republicans at this time to propose amending state constitutions to codify marriage as between a man and a woman? Why might Republicans like President Bush have felt it was important to pass a national constitutional amendment banning same-sex marriage? Given that these efforts were being pursued in the midst of the 2004 campaign, what role might political motivations be playing here?
- For many gay marriage advocates, the 2004 election seemed like a major step backward. Why might they have felt that way?

- Some commentators argued that the gay marriage issue was important for Republican victories in the 2004 election. Why might they have believed that?

## **The Marriage Debate and American Governance**

In a civics or government class, teachers might want to use sources from this set to discuss marriage equality in light of specific features of the American political system, such as federalism and the Constitutional protections of the 14th amendment. Have students watch some or all of the following clips:

[Hawaii Court Decision Puts Marriage Equality in the National Spotlight \(1996\)](#)

[Same-Sex Couples Sue for Marriage Equality in Massachusetts \(2003\)](#)

[Massachusetts Ruling Shakes Up Marriage Equality Debate \(2004\)](#)

[Same-Sex Couples Sue for Marriage Rights in New Jersey \(2004\)](#)

[Two Lawyers Make the Legal Case for Marriage Equality \(2010\)](#)

[The Obergefell v. Hodges Decision Legalizes Same-Sex Marriage \(2015\)](#)

[Kim Davis and Conservative Claims to "Religious Liberty" \(2015\)](#)

Discuss the following questions:

- Why did many courts find that bans on same-sex marriage were unconstitutional?
- Why did the supreme court decisions in Hawaii and Massachusetts provoke responses in other states and on the federal level? Why did some elected officials feel it was important to change state constitutions to protect "traditional marriage"?
- On several occasions, state and federal courts overturned laws that were approved by voters and legislators. Why did critics of marriage equality argue that this was unfair? How did defenders of marriage equality argue that such judicial action was necessary?
- What do you think? When is it appropriate for the Supreme Court to override laws created through democratic processes?

## Why Did Things Change?

Pick some sources from different time periods in the set for students to watch. For example, consider this collection:

[Hawaii Court Decision Puts Marriage Equality in the National Spotlight \(1996\)](#)

[Massachusetts Ruling Shakes Up Marriage Equality Debate \(2004\)](#)

[Political Mobilization Against Marriage Equality in the 2004 Election \(2004\)](#)

[President Obama Comes Out in Favor of Marriage Equality \(2012\)](#)

[The Obergefell v. Hodges Decision Legalizes Same-Sex Marriage \(2015\)](#)

Then have students read some of the data from the Pew Research Center about [Public Attitudes on Same-Sex Marriage](#). Ask them to combine this data with what they've learned from sources in the set, then discuss the following questions:

- What trends in the data do you notice in public opinion about same-sex marriage?
- What do the sources indicate about how the political popularity of same-sex marriage changed over time?
- What possible social explanations can you offer for why popular support for same-sex marriage grew over time?
- Do you think changes in public opinion could have shaped Barack Obama's decision to only support civil unions in 2008 and then support full marriage equality in 2012? Why or why not?
- To what extent do you believe that the changing social and political environment was responsible for the Supreme Court's decision in *Obergefell*?
- If the Supreme Court were to overturn *Obergefell*, returning legal decisions about same-sex marriage to the states, what might happen? Where might same-sex marriage remain legal? What might the federal government do?