

History of Same-Sex Marriage in the United States

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Lesson Plan

Unit Topic: Legalization of Same-Sex Marriage; A Human Rights Issue

Lesson: History of Same-Sex Marriage in the United States

Rationale for the Lesson: Same-sex marriage is a fundamental human right, based on the concept of non-discrimination. Yet, today, many same sex couples may not get legally married, which constitutes a violation of human rights. By studying the history of same-sex marriage, students will learn why it is a human rights issue, how people have fought to gain this right in the United States, and why it is important today.

New Jersey Common Core State Standards:

6.1 U.S. History: America in the World: All students will acquire the knowledge and skills to think analytically about how past and present interactions of people, cultures, and the environment shape the American heritage. Such knowledge and skills enable students to make informed decisions that reflect fundamental rights and core democratic values as productive citizens in local, national, and global communities.

- **Social Studies:** 6.1.4.A.2 - Explain how fundamental rights guaranteed by the United States Constitution and the Bill of Rights (i.e., freedom of expression, freedom of religion, the right to vote, and the right to due process) contribute to the continuation and improvement of American democracy.
- **Social Studies:** 6.1.4.A.9 - Compare and contrast responses of individuals and groups, past and present, to violations of fundamental rights (e.g., fairness, civil rights, human rights).
- **Social Studies:** 6.1.4.A.3 - Determine how “fairness,” “equality,” and the “common good” have influenced new laws and policies over time at the local and national levels of United States government.

Essential Question: Why is same-sex marriage categorized as a human rights issue? What progress has been made in the United States legally and culturally? What progress would we like to see around the world?

Objectives

- Students will be able to explain why same-sex marriage is categorized as a human rights issue.
- Students will be able to identify when same-sex marriage was first legalized in the United States.
- Students will be able to identify when same-sex marriage was legal in all 50 states.

Launch/Beginning: Students will begin with an interactive group activity. They will be separated into six groups. Each group will be provided with a giant sticky note, a large marker and a term to define. The words to be defined are as follows:

- Sexual Orientation
- Gay
- Lesbian
- Bisexual
- Marriage
- Gay Marriage

Students will define their term collectively as a group. Each group will share the definition with the class. After brief discussion, transition into the PowerPoint to provide students with the definitions for each of the above terms. Each of the above terms are defined as the following for the purpose of this lesson:

- Sexual Orientation: The inner feelings of who we are attracted or oriented to sexually and emotionally (GLSEN)
- Gay: A sexual orientation and/or identity of a person who is male identified and who is sexually and emotionally attracted to some other males (GLSEN).
- Lesbian: A sexual orientation and/or identity of a person who is female identified and who is sexually and emotionally attracted to some other females (GLSEN).
- Bisexual: A sexual orientation and/or identity of a person who is sexually and emotionally attracted to some males and some females (GLSEN).
- Marriage: the state of being united as spouses in a consensual and contractual relationship recognized by law (Merriam-Webster Dictionary)
- Gay Marriage: the state of being united as spouses in a consensual and contractual relationship with someone of the same-sex, recognized by law.

Learning Activities/Middle:

1. Students will explore the concept of marriage and gay marriage beginning with a brief discussion. Ask the students the following question:

- **“Why do people want to get married?”**
- **“What are the legal, economic, and social benefits of marriage?”**

Through discussion create a list on the board with the students answering the question. After brief discussion, move forward with the PowerPoint Presentation. The next slide on the presentation will contain the following prepared list answering the above question:

- **Legal Decision-Making Benefits**
 - **Grants Next of Kin Status**
- **Inheritance Benefits**
 - **Can inherit without tax consequences**
- **Joint Parenting**
- **Joint Adoption**
- **Marital Tax Deduction**
- **Filing Taxes Jointly**
- **Social Security Benefits**
- **Longer Life**
- **Less Chance of Developing Depression**
- **Increased Serotonin Levels**

2. Transition into the next activity by asking the students the following question:

- **In the United States today same-sex couples can marry and enjoy the benefits of marriage. Until recently, this was not the case. Why?**

Following the PowerPoint presentation, briefly discuss a few of the reasons with the class. After brief discussion, move to the next slide in the PowerPoint presentation. The slide will serve as an introduction to the timeline activity by asking the following question:

- **Popular culture did not always positively portray gay/lesbian individuals. In recent years progression can be seen in terms of portrayal and acceptance. Can you guess the dates of the following television shows and movies aired in the United States?**

Additionally, can you guess when same-sex marriage was first legalized in the Netherlands, the first US state and all 50 states?

Students will then be provided with a blank time line that they will fill in estimating the appropriate dates. The timeline will include blank spaces for each of the following:

- The year the first gay person was depicted on television in the show “All in the Family” – **1971**
- The year the first gay dads were shown on television in the show “Soap” – **1977**
- The year the first same-sex ceremony aired on television in the show “The Real World” – **1994**
- The year the first lead character came out on television – **1997**
 - Who was the character? – **Ellen**
- The year one of the first television shows depicted a gay couple and their adopted daughter in the show “Modern Family” – **2009**
- The year the first country in the world legalized same-sex marriage – **2000**
- Which country was the first in the world? – **Netherlands**
- The year the first state in the United States legalized same-sex marriage – **2004**
 - Which state was the first? – **Massachusetts**
- The year that the United States legalized same-sex marriage in all fifty states – **2015**

The answers to each of the above questions are bolded.

Timeline Discussion: After students have filled out timeline, lead a class discussion that includes an overview of how and when Americans fought for and won the right to marry people of the same sex.

Step-By-Step Procedures with Time Allocations:

- **Lesson Opener (Approximately 10 minutes)**
 - Have the groups of students define their assigned term (2 minutes)
 - Discuss the definitions (8 minutes)
- **Discussion #1 – Why do people want to get married? (5 minutes)**
 - Create a list on the board with students answering the question (3 minutes)
 - Briefly review the PowerPoint Slide with the previously prepared list (2 minutes)
- **Discussion #2 – Timeline Activity (20 Minutes)**
 - Briefly discuss the reasons same-sex couples were discriminated against (3 Minutes)
 - Read aloud the statement/question regarding popular culture and laws (2 minutes)
 - Pass out the blank timelines and have students fill them out (2 minutes)
 - Fill in the timeline with students briefly discussing each of the important dates utilizing the PowerPoint presentation (6 minutes)
 - Engage students in a brief discussion focusing on the progress that has been made, specifically in the United States (7 minutes)

Closer (10 Minutes)

Discussion – Why is same-sex marriage a human rights issue?

- Reading from the PowerPoint presentation, provide students with the Universal Declaration of Human Rights article on marriage (2 minutes). Explain what the Universal Declaration of Human Rights is.
 - Article 16 states:

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
 - (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
 - (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- Have a discussion with students regarding how the Universal Declaration of Human rights applies to same-sex marriage (8 minutes)
 - Hand out and review a list of resources for gay rights and human rights, including non-profit organizations like GLSEN, Human Rights Campaign, and ACLU.

Materials and Equipment Needed:

- Computer and projector for PowerPoint presentation
- Large Markers
 - For opening activity
- Large Post-It Notes
 - For opening activity
- Blank timelines printed out activity
- Printed handouts with information from the lesson including the important dates for same-sex marriage, the Universal Declaration of Human Rights and resources for additional information.
- Printed handouts containing a brief overview of the history of same-sex marriage worldwide.

Summative Assessment: Students will be provided with a handout with information from the lesson including the important dates for same-sex marriage, the Universal Declaration of Human Rights and resources for additional information. Furthermore, students will be provided with a handout containing a brief overview of the history of same-sex marriage worldwide. Additionally, students can go back and look at completed post-it notes.

Modification(s)/UDL:

- **Students with Disabilities:** Students who require mobility assistance; the position of groups can be altered to allow everyone to actively participate. Students with vision issues; larger copies can be printed to make reading easier.

Teaching Kit:

- Large Post-It Notes (22in by 22in) - \$18.49
 - https://www.amazon.com/Post-Sticky-BN11-Sticking-Resticks/dp/B072N5V2DJ/ref=sr_1_2?ie=UTF8&qid=1522026371&sr=8-2&keywords=giant%2Bpost%2Bbit%2Bnotes&th=1
- Large Markers (Box of 12 Pro King Size Chisel Tip) - \$8.91
 - https://www.amazon.com/Sharpie-15001-Chisel-Permanent-Markers/dp/B00006IFGP/ref=sr_1_7?s=office-products&ie=UTF8&qid=1522026541&sr=1-7&keywords=large+markers
- Andre Clapham, *Human Rights: A very Short Introduction* - \$8.58

- https://www.amazon.com/Human-Rights-Short-Introduction-Introductions/dp/0198706162/ref=sr_1_1?s=office-products&ie=UTF8&qid=1522026720&sr=8-1&keywords=andrew+clapham
- *Courting Equality: A Documentary of America's First Lega Same-Sex Marriages* by Patricia A. Gozemba and Karen Kahn - \$20.00
 - https://www.amazon.com/Courting-Equality-Documentary-Americas-Marriages/dp/0807066214/ref=sr_1_1?s=office-products&ie=UTF8&qid=1522026814&sr=8-1&keywords=courting+equality
- *Same-Sex Marriage* by David E. Newton – Used \$20.00
 - https://www.amazon.com/Same-Sex-Marriage-Reference-Handbook-Contemporary/dp/1598847074/ref=sr_1_2?s=office-products&ie=UTF8&qid=1522026895&sr=8-2&keywords=same+sex+marriage+newton

Brief Overview of the History of Same-Sex Marriage Worldwide

- Loving v. Virginia (1967) – The U.S. Supreme Court states, “Marriage is one of the ‘basic civil rights of man,’ fundamental to our very existence and survival” (Gozemba & Khan XXV). The court stressed, “the freedom to marry a person of another race resides in the individual and cannot be infringed by the state” (Gozemba & Khan XXV).
- Netherlands (1979 – 2000)
 - 1979 – Same-sex couples could enter into a common-law-type arrangement. This arrangement provided them with a variety of rights including: rent law, social security, income tax, immigration rules, state pension, and death taxes (Newton 87).
 - 1997 – Registered partnership was created for both heterosexual and homosexual couples. This partnership afforded the couples with additional rights.
 - December 2000 – The Netherlands legalized same-sex marriage. They were the first in the world to do so.
- Spain – On July 1st, 2005, Spain legalized full marriage rights for homosexual couples
- Sweden (1988-2009)
 - January 1988 – Extended rights of common law marriage to homosexual couples
 - June 1994 – Granted homosexuals to ability to have registered partnerships
 - April 2009 – Full marriage rights were extended to homosexual couples
- Norway (1989-2008)
 - January 1989 – Same-sex couples could have common-law marriage status
 - April 1993 – Same-sex couples legally could enter into registered partnerships
 - June 2008 – Same-sex couples were granted equal marriage rights
- Lawrence v. Texas (June 2003) – The U.S. Supreme Court states under the U.S. constitution, “the core concept of human dignity...preludes government intrusion into the deeply personal realms of consensual adult expressions of intimacy and one’s choice of an intimate partner” (Gozemba & Khan XXVI).
- Goodridge Decision (November 2003) – Dealt with two people who were prevented from marrying because they were of the same-sex. This case was vital in the fight to legalize same-sex marriage in the United States. The court concluded that moral judgments regarding homosexuality were not enough to deny homosexuals their basic civil right to marry.
- May 17th, 2004 – First same-sex weddings take place in Massachusetts
- Obergefell v. Hodges – On June 26th, 2015, the U.S. Supreme Court ruled that states cannot prohibit homosexual couples from marrying. This decision legalized same-sex marriage in all fifty states.
- Seventy-Nine Jurisdictions with Laws Criminalizing Consensual Sexual Conduct between People of the Same-Sex (2014) – Afghanistan, Algeria, Angola, Antigua and Barbuda, Bangladesh, Barbados, Belize, Bhutan, Botswana, Brunei, Burundi, Cameroon, Comoros, Cook Islands (New Zealand Associate), Dominica, Egypt, Eritrea, Ethiopia, Gambia, Gaza (Occupied Palestinian Territory), Ghana, Grenada, Guinea, Guyana, India, Indonesia (South Sumatra and Aceh Province), Iran, Iraq (status unclear), Jamaica, Kenya, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Morocco, Mozambique, Myanmar (Burma), Namibia, Nauru, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, St Kitts & Nevis, St Lucia, Saint Vincent & the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Swaziland, Syria, Tanzania, Uganda, United Arab Emirates, Uzbekistan, Yemen, Zambia, Zimbabwe (Clapham 144).

Universal Declaration of Human Rights Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Additional Resources

ACLU - <https://www.aclu.org/>

GLSEN - <https://www.glsen.org/>

Human Rights Campaign - <https://www.hrc.org/>

LGBT National Help Center - <https://www.glbthotline.org/>

United Nations - <http://www.un.org/en/index.html>

Annotated Reference List

Cave, Damien and Jacqueline Williams. "Australia Makes Same-Sex Marriage Legal." *The New*

York Times. The New York Times, 7 Dec. 2017.

<https://www.nytimes.com/2017/12/07/world/australia/gay-marriage-same-sex.html> . Accessed 17 February 2018.

The article "Australia Makes Same-Sex Marriage Legal" by Damien Cave and Jacqueline Williams recounts a defining event in the fight to legalize same-sex marriage. The authors recount Australia's struggle to legalize gay marriage. They write, "Australia's Parliament voted overwhelmingly to legalize same-sex marriage on Thursday, overcoming years of conservative resistance to enact change that the public had made clear that it wanted". Parliament legalized same-sex marriage on December 7th, 2017; fourteen years after the struggle to legalize same-sex marriage began. The brief overview of this historical event provides information for both the timeline activity and the second discussion.

Chappell, Bill. "Supreme Court Declares Same-Sex Marriage Legal in All 50 States".

The two-way Breaking News from NPR, 26th June 2015, <https://www.npr.org/sections/thetwo-way/2015/06/26/417717613/supreme-court-rules-all-states-must-allow-same-sex-marriages> . Accessed on 24 March 2018.

"Supreme Court Declares Same-Sex Marriage Legal in All 50 States" by Bill Chappell, documents a monumental moment in both United States and LGBTQ history. The Supreme Court ruled on June 26th, 2015, "States cannot keep same-sex couples from marrying and must recognize their union". This ruling legalized same-sex marriage in all fifty states. Prior to this ruling, same-sex marriage was legal in thirty-seven states and the District of Columbia. The Supreme Court's ruling led to the legalization of same-sex marriage in all fifty states by expanding the Fourteenth Appendment to include couples of the same-sex.

Clapham, Andrew. *Human Rights: A Very Short Introduction*. Oxford University Press, 2015.

In *Human Rights: A Very Short Introduction*, Andrew Clapham defines human rights and those who are entitled to them. He references the Universal Declaration of Human Rights by quoting, "Everyone is entitled to the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status" (141). Furthermore, he argues that without the freedom to make choices about sex, identity and association, it is impossible for a person to develop their personality to its full potential. Clapham's reference of the Universal Declaration of Human Rights and his argument regarding free and its effect on personality, are important elements in defining human rights and their relationship with same-sex marriage. In his book, Clapham includes text from Amnesty International. The text states, "One of the most powerful features of the human rights framework is the core principle that human rights are universal – all people have equal rights by virtue of being human". This quote makes a powerful statement that can be used to argue that same-sex marriage is a human rights issue.

Gozemba, Patricia A., and Karen Kahn. *Courting Equality: A Documentary History of America's*

First Legal Same-Sex Marriages. Beacon Press, 2007.

Courting Equality: A Documentary History of America's First Legal Same-Sex Marriages by Patricia Gozemba and Karen Kahn, provides a detailed account of the Goodridge Decision. The Goodridge Decision was the beginning of legalization in the United States. The Goodridge Decision legalized same-sex marriage in Massachusetts; the first state to do so. The authors write, "The court concluded that the marriage ban appeared to be based wholly on moral judgements about homosexuality – an insufficient reason for denying an entire class of individuals their basic civil rights" (XXVI). Through this quote, the authors connected the issue of same-sex marriage to human rights. In addition to detailed recount of the legal battle leading up to the Goodridge Decision, the authors also provide brief histories and photos of homosexual couples whose lives were altered because of this decision. The information on the Goodridge Decision and the individual histories provide necessary details for the second discussion in this lesson. Furthermore, this is a great resource for students who are interested in learning more about the history of the legalization of same-sex marriage.

Mitchell, Bea. "Who was the First Openly Gay Character on TV?". *Pink News*, 28th July

2017, <https://www.pinknews.co.uk/2017/07/28/first-gay-lgbt-character-tv-show/> . Accessed 24 March 2018.

In her article, "Who was the First Openly Gay Character on TV?", Bea Mitchell provides a descriptive history of the progression of television and movies regarding the LGBTQ community. Her article includes: the first gay character on a tv show, the first gay couple in a tv movie, the first gay couple in a tv show, the most well-known early gay character on tv and the first recurring gay character on tv. Each of these television shows and movies played a vital role in the progression of television. The inclusion of gay characters on television and in movies demonstrates important progress for the LGBTQ community. The timeline Mitchell provides was useful in the creation of the timeline activity for this lesson. Furthermore, it will provide students with examples that they may already be familiar with.

Newton, David. *Same-Sex Marriage*. ABC-CLIO, LLC, 2010.

In his book, *Same-Sex Marriage*, David Newton provided a detailed progression of the legalization of same-sex marriage in countries around the globe. His book provided a worldwide perspective of same-sex marriage. Specifically, chapter three of this book detailed the legalization of same-sex marriage beginning in the Netherlands in 2000. Newton writes, "Finally, in December 2000, the Dutch parliament became the first country in the world to open marriage to same-sex couples" (87). In addition to the Netherlands, Newton provided a timeline for legalization of same-sex marriage and equal rights in Sweden, Norway, Belgium and other countries worldwide. This book was a great resource. It was extremely helpful in the creation of discussion two in the lesson plan. Furthermore, the back of the book contained a large annotated bibliography. The resources provided would be useful for students and teachers who were interested in furthering their knowledge of this subject.

Shattuck, Kathryn. "14 TV shows that Broke Ground with Gay and Transgender Characters."

New York Times, 16 February 2017, <https://www.nytimes.com/2017/02/16/arts/television/14-tv-shows-that-broke-ground-with-gay-and-transgender-characters.html> . Accessed on 24 March 2018.

“14 TV Shows that Broke Ground with Gay and Transgender Characters” by Kathryn Shattuck provides a forty-five-year timeline of important media events. Each of these events was supportive of the LGBTQ community. In her article, Shattuck quotes Sarah Kate Ellis, the president and chief executive of GLAAD. Sarah Kate Ellis states, “All of these moments are very important in one way or another, either in progressing our lives as LGBTQ people, or being able to help understand who we are, especially in all those times when so many people lived hidden and invisible”. GLAAD, the Gay & Lesbian Alliance Against Defamation, collects data and releases reports. One such report focused on diversity on the small screen. In her article Shattuck mentions this data. The detailed, but abbreviated timeline that Shattuck provided was useful in the creation of the timeline activity. Furthermore, students could utilize this resource to familiarize themselves with popular television shows, both from the past and more recent, that were instrumental in the evolution of the LGBTQ community’s representation in the media.

Title _____

Date _____

Name _____

The year the first gay person was depicted on television in the show "All in the family"

The year the first same-sex ceremony aired on television in the show "The Real World"

The year one of the first television shows depicted a gay couple and their adopted daughter in the show "Modern Family"

Which Country was the first in the world?

The year that the United States legalized same-sex marriage in all fifty states

The year the first gay dads were shown on television in the show "Soap"

The year the first lead character came out on television

Who was the character

The year the first country in the world legalized same-sex marriage

The year the first state in the United States legalized same-sex marriage

Which state was it

Title _____

Date _____

Name _____

Answer Key

The year the first gay person was depicted on television in the show "All in the family"
1971

The year the first same-sex ceremony aired on television in the show "The Real World"
1994

The year one of the first television shows depicted a gay couple and their adopted daughter in the show "Modern Family"
2009

Which Country was the first in the world?
Netherlands

The year that the United States legalized same-sex marriage in all fifty states
2015



The year the first gay dads were shown on television in the show "Soap"
1977

The year the first lead character came out on television
1997
Who was the character
Ellen

The year the first country in the world legalized same-sex marriage
2000

The year the first state in the United States legalized same-sex marriage
2004
Which state was it
Massachusetts