

Using NewsHour Extra Feature Stories

STORY

California Supreme Court Overturns Same-sex Marriage Ban, 05/19/08

http://www.pbs.org/newshour/extra/features/us/jan-june08/marriage_5-19.html

Estimated Time: One 45-minute class period with possible extension

[Student Worksheet](#) (reading comprehension and discussion questions without answers)

PROCEDURE

1. WARM UP

Use initiating questions to introduce the topic and find out how much your students know.

2. MAIN ACTIVITY

Have students read NewsHour Extra's feature story and answer the reading comprehension and discussion questions on the student handout.

3. DISCUSSION

Use discussion questions to encourage students to think about how the issues outlined in the story affect their lives and express and debate different opinions.

INITIATING QUESTIONS

1. What is marriage? How is it different from a civil union?

2. Are same-sex couples allowed to marry? Who decides whether they can marry or not?

3. How is a state law different from a federal law? What happens if a state law is different from a federal law?

READING COMPREHENSION QUESTIONS – [Student Worksheet](#)

1. What significant legal event occurred in California last week?

ANSWER

The California Supreme Court overturned a ban on same-sex marriages, declaring it unconstitutional and paving the way for the state to become the second to permit same-sex couples to marry.

In a 4-3 decision, the state's highest court said gay and lesbians have a constitutional right to marry.

"The California Constitution properly must be interpreted to guarantee this basic civil right to all Californians, whether gay or heterosexual, and to same-sex couples as well as to opposite-sex couples," Chief Justice Ronald George wrote in the majority opinion.

2. What is the current state law and when was that law enacted and reaffirmed?

ANSWER

The current state law says that marriage is limited to a man and a woman. However, same-sex couples can form legal domestic partnerships, with nearly all of the benefits and burdens of marriage.

But the court declared that current law, which was enacted in 1977 and reaffirmed by a voter referendum in 2000, discriminates against people due to their sexual orientation.

3. What are the origins of the case in question?

ANSWER

The case in question began in February 2004 when the mayor of San Francisco, Gavin Newsom, called on the city clerk to issue marriage licenses to couples, opposite-sex or same-sex.

Nearly 4,000 same-sex couples were married before the state stopped the practice a month later amid legal challenges. By August 2004, the court annulled those marriages, declaring that the city mayor did not have the authority to super cede state law. But the court did not rule at that time on the legality of the law banning same-sex marriages.

The city of San Francisco and 23 same-sex couples from that city and Los Angeles eventually became the plaintiffs in the case before the California State Supreme Court.

4. When will the law most likely go into effect? What is a major obstacle to the law?

ANSWER

The decision doesn't go fully into effect for 30 days and it will be at least that long before California same-sex couples can marry.

And it could be overturned again in November when Californians will vote on an amendment to the state Constitution that would ban same-sex marriage.

5. How have 26 states prevented same-sex marriage?

ANSWER

Critics of the ruling have asked the Supreme Court to postpone putting its decision into effect until after the fall election and potential amendment vote.

"The remedy is a constitutional amendment," Glen Lavy of the Alliance Defense Fund, told the Associated Press.

Twenty-six other states have passed constitutional amendments banning same-sex marriage.

6. Where do all three of the major presidential candidates fall on this issue?

ANSWER

All three major presidential candidates – Senator John McCain of Arizona, Senator Barack Obama of Illinois and Senator Hillary Clinton of New York – all oppose same-sex marriage.

McCain says marriage is "between a man and a woman" and opposes legal recognition of same-sex relationships. Obama and Clinton both support civil unions – many of the rights and responsibilities of nuptials -- without technically having a marriage.

DISCUSSION QUESTIONS (more research might be needed)

1. What do you think? Do you agree with the California court's ruling that says it is unconstitutional to deny same-sex couples the right to marry? Why or why not?

2. Opponents of this ruling are looking to a possible amendment to the California Constitution that would ban same-sex marriages. Do you think this is a good idea? Why or why not?

3. Compare this case in California to the U.S. Supreme Court case Loving v. Virginia, that ruled that laws against interracial marriages were unconstitutional. How are they similar or different?

For more information on Loving go to the NewsHour transcript

http://www.pbs.org/newshour/bb/remember/jan-june08/loving_05-06.html

Extension Activity

Have students write a 300-500 word essay on this topic providing clear examples. Send your completed editorial to NewsHour Extra (extra@newshour.org). Exceptional essays might be published on our Web site.