

April 2007

<p><b>TO:</b> Interested Parties</p> <p><b>FROM:</b> Rachel Laser, Director of the Culture Project; Scott Winship, Research Consultant; and Michael Earls, Policy Advisor</p> <p><b>RE:</b> Four Steps to Supporting Same-Sex Relationship Recognition</p>
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## Introduction

Legal recognition of same-sex relationships remains a central front in the culture wars. After a huge wave of ballot initiatives in 2004, the mid-term 2006 elections saw ballot initiatives banning same-sex marriage in eight states—seven of which passed—and a first-of-its kind same-sex domestic partnership initiative in Colorado, which failed. Unlike previous years, however, the ballot measures in 2006 appeared to have lost some of their power as a political “wedge.” Candidates supportive of gay equality issues mostly fared well in these states; candidates opposed often performed poorly. This is, in part, due to a general national warming trend on issues relating to gays and lesbians. But despite this movement, many Americans still maintain a great deal of ambivalence on gay and lesbian issues. If not addressed, this ambivalence could impede the progress that America is making in this arena both legally and socially and could lead to a return of gay and lesbian issues as a potent wedge issue in American life and politics.

This memo seeks to analyze and answer this ambivalence. It offers a series of insights on how to win support for legal recognition of same-sex couples and to move forward on other gay and lesbian issues. It defines a key group of the population that we call the *Grays*—those who find gay issues morally and emotionally complex. We explore the notion of progress and whether people feel that America is on the “right” or “wrong” path to the future on this subject. And last, we discuss the three arguments that proponents need to win to further gay and lesbian legal recognition.

For this analysis, we conducted both quantitative and qualitative research. Third Way, together with the Gay and Lesbian Victory Fund, commissioned Zogby International to conduct post-election polls in Colorado, Virginia and across the nation on gay equality issues.<sup>1</sup> Third Way also commissioned the marketing firm Olson Zaltman Associates to conduct a series of in-depth one-on-one interviews to uncover Americans’ deepest thoughts and feelings about gay and lesbian issues.<sup>2</sup>

# Four Steps to Winning Support for Same-Sex Relationship Recognition and other Gay Equality Issues

## 1. Understand the Unmistakable Trend Toward Gay Equality

The numbers seem startlingly good: nearly 90% of Americans now believe gays and lesbians should have equal job opportunities.<sup>3</sup> A broad majority of Americans support gays serving openly in the military—including nearly 80% in a 2005 Gallup poll.<sup>4</sup> Seventy-two percent of Americans approve of expanding hate crimes laws to include protections for gays and lesbians.<sup>5</sup> Forty-nine of the Fortune 50 Corporations include sexual orientation in their non-discrimination policies, and over half of Fortune 500 Corporations offer domestic partner benefits.<sup>6</sup> It is clear that public opinion has come a long way in recent years and is continuing its warming to gays and lesbians and many of the issues relating to them.

This positive trend also extends to same-sex relationship recognition. Pew Research polling shows that support for civil unions has risen steadily since 2003—from 45% to nearly 55%.<sup>7</sup> In Third Way's 2006 national poll, when asked to choose between same-sex marriage, civil unions or no legal recognition, by a 65-33% margin, voters supported either civil unions or same-sex marriage over no legal recognition. This represents a solid and growing majority: the margin was 60-37% in the 2004 national exit polls. Our poll also found that when given a narrower, two-part choice between civil unions and no legal recognition, voters preferred civil unions 61-35%.<sup>8</sup> Three in four voters under age 35, 71% of Catholics, two-thirds of Independents, and majorities of whites, blacks, and Hispanics favored civil unions over no recognition.

Additionally, by a 53-39% margin, respondents in our national poll preferred that their congressional representative vote against a federal constitutional amendment banning same-sex marriage. The Third Way/ZMET qualitative research also validated the notion that Americans are warming on gay equality issues. Even those deemed to be "less-tolerant" overwhelmingly opposed workplace and housing discrimination. Many also supported same-sex couples gaining specific legal protections such as insurance coverage, inheritance, and medical decision-making.

This warming trend, in part, explains why same-sex marriage failed as a "wedge" issue in the 2006 cycle—even in states with ballot initiatives. It would be hard to find more than a handful of candidates (and no incumbents) that lost this cycle because of their support for same-sex relationship recognition. For example, gubernatorial candidates Bill Ritter in Colorado, Ted Strickland in Ohio, and Jim Doyle in Wisconsin, and U.S. senatorial candidate Jim Webb in Virginia all opposed their state's anti-marriage ballot initiative but won their elections. Likewise, several ardent opponents of gay equality lost elections, and many others just barely held on. We note, however, that the 2006 election cycle was a particularly favorable environment for progressives. We also caution that warming trends can become chilly and that wedge issues can lay

dormant and then reemerge with ferocity. (Recall that after a campaign that turned on middle-class pocketbook issues, Bill Clinton surely did not expect to spend much of his first month in office discussing gays in the military.)

## 2. Recognize and Persuade the “Grays”

Heterosexual Americans fall into three categories when it comes to gay issues:

**Pro-Gay Polars:** They believe that being gay is a natural occurrence. They do not ascribe any moral, ethical, or societal negativity on people being gay. They often know gay people and may be close to them. Many describe and are proud of their own personal journey—from being anti-gay or ambivalent as a child or adolescent, to becoming tolerant, and then fully accepting. They want America to take this very same journey. They believe that providing legal parity to gays and lesbians is a moral imperative. And in their minds, achieving equality for gays and lesbians leads to a stronger America. Pro-gay polars believe that legal recognition of same-sex couples leads to stable, committed relationships, which lead, in turn, to the adoption of children into loving and healthy homes. These children grow up to be emotionally healthy adults who in turn raise their own children well. This makes America a better and more enlightened country.

**Anti-Gay Polars:** They believe that being gay is unnatural and against God. They view gays as *fighters* (for rights), *predators* (trying to convince people to be gay), and societal *outlaws* (wanting to explode traditional customs and rules). Most anti-gay polars see gays and lesbians as the “other,” but they believe in fairness. They predominantly oppose violence and bigotry directed toward gays. But they fear that extending legal parity to gays and lesbians and to same-sex relationships could put America on a dangerously wrong path. In their minds, legal recognition of same-sex couples leads to an unnatural household. Adopted children face unrelenting teasing and abuse from their peers and learn the wrong lessons at home. They grow up to be emotionally unhappy and unstable adults who have their own children that they raise in unhealthy families. This makes America a weaker and more troubled country.

**Grays:** Those who are “gray” on gay issues see both sides and are internally conflicted. They are torn between their desire to be fair, open-minded, and respectful of others’ liberties and their lingering discomfort toward gays and lesbians and the “fight” for the rights they seek. On the one hand, they are sympathetic to, and bear no animus toward, gays and lesbians. On the other, they are simply uncomfortable with the issue in their gut. They generally understand that no one chooses to be gay, but they wonder if society is moving too fast and whether we are carefully considering the repercussions of changing societal customs and structures.

The Grays distrust both sides of the debate. They feel that the pro-gay polars sweep their concerns under the rug and ascribe their ambivalence to bigotry and small-mindedness. They see the anti-gay polars as too hostile toward gays and rigid in their beliefs. They don’t want to be a part of their club.

The Grays tend to comprise about one third of Americans. In our national poll, for example, 36% of voters were "very comfortable" with gay adoption, and 31% were "very uncomfortable"; the "somewhats" were the one-third that comprised the Grays. Similarly, in our Colorado 2006 post-election poll, Third Way averaged respondents' positions on seven questions testing people's attitudes about same-sex relationships and concluded that 34% of Coloradans were Grays.<sup>9</sup>

Grays see movement in favor of gay equality (including civil unions) as inevitable, but they are not sure that this journey constitutes progress. They are persuadable, but they need to be reasoned with, not lectured to.

But their ambivalence and nuance should not be misinterpreted for lack of influence. Indeed, the Grays hold the key to further progress on gay equality.

### 3. Court Older and Married Persons

Unsurprisingly, opposition to legal recognition for same-sex relationships is strongest among the most traditional segments of society: self-identified conservatives and the very religious. But advocates must understand that such opposition also runs deep among older voters and those in married households.

The chart below, using data from Third Way's 2006 national post-election poll, helps illuminate the significant differences between respondents based on age and marital status. On the five "bellwether" questions, there was, on average, a 23-point differential between voters under 35 years of age and voters 65 and older. Similarly, single respondents differed from married respondents by an average of 24 points.

<b>Differences in Acceptance by Age and Marital Status in Third Way's 2006 National Poll</b>		
	<b>Under 35 vs. 65+</b>	<b>Single vs. Married</b>
<b>Civil unions would be progress for America</b>	<b>+22</b> (62% vs. 40%)	<b>+24</b> (65% vs. 41%)
<b>Comfortable with gay adoption</b>	<b>+25</b> (65% vs. 40%)	<b>+27</b> (70% vs. 43%)
<b>Congress should strengthen antidiscrimination laws</b>	<b>+23</b> (57% vs. 34%)	<b>+25</b> (59% vs. 34%)
<b>Would definitely vote for a gay candidate sharing my views</b>	<b>+25</b> (60% vs. 35%)	<b>+22</b> (62% vs. 40%)
<b>Prefer congressional representative vote against FMA</b>	<b>+18</b> (65% vs. 47%)	<b>+23</b> (70% vs. 47%)

***We believe that married voters and older Americans represent the biggest opportunities for advocates of same-sex relationship recognition and gay equality to make advances.*** There is not an underlying belief system that accounts for elderly and married underperformance. We suspect that these two groups have not been sufficiently targeted for persuasion by advocates of gay equality. Notably, in 2006, when Arizona became the first state to defeat a proposed state constitutional amendment to ban gay marriage and domestic partnership status, opponents' messaging included targeted overtures to elderly voters.<sup>10</sup>

#### **4. Argue that the Problem is Real, Marriage is Safe, and the Path Forward is Progress**

If the key to advancing gay equality issues and same-sex relationship recognition is to persuade the Grays (in particular the elderly and married couples), there are three crucial arguments to win:<sup>11</sup>

**A. Legal Protections for Same-Sex Relationships Address a Real, Not Made Up Problem:** One fundamental hurdle advocates face is that Americans are generally unconvinced that same-sex couples lack basic legal protections. By a 56-39% margin in our national poll, voters believe gays and lesbians "have mostly the same rights as everyone else." In Colorado, where domestic partnership advocates spent millions of dollars to convince the public that same-sex couples lack basic legal protections, two-thirds of voters either expressed some doubt or total certitude that domestic partnerships were "a solution in search of a problem."

Americans' reluctance to believe that same-sex couples face real legal barriers is paralleled in their uncertainty that gay and lesbian individuals have a real need for protections. In our national poll, by a 52-42% margin voters preferred that Congress not pass new job and housing anti-discrimination laws protecting gays and lesbians. This doubt fuels the notion that gay equality advocates are seeking "special" rights, rather than basic rights.

**B. Same-Sex Relationship Recognition Does Not Undermine the Institution of Marriage:** On the surface, Americans do not seem concerned that same-sex relationship recognition would hurt traditional marriage. But under the surface are lingering doubts that become more pronounced as the issue comes to a head. For example, in our national poll, by a 64-33% margin voters said civil unions would not weaken traditional marriage. Yet in our poll in Colorado—where the issue was heavily debated—half of voters said "domestic partnerships are counterfeit marriages that redefine what it means to be married and to be a spouse." And even among those who disagreed with that statement, only 33% *strongly* disagreed.<sup>12</sup> Thus, two-thirds of Coloradans either agreed that domestic partnerships were counterfeit marriages or were not wholly convinced otherwise. Similarly, 45% of Coloradans said that "legal

recognition of same-sex relationships is a slippery slope that will weaken traditional marriage.” (Only 38% *strongly* disagreed with that proposition.)<sup>13</sup> These support numbers must be significantly higher for a sufficient number of Americans to ‘pull the lever’ for real social change.

- C. Same-Sex Relationship Recognition Represents Progress:** In our national poll, while 70% of voters believed the country will legalize civil unions within 10 years, only 49% thought that would represent progress—a 21-point gap. So while Americans believe that movement in favor of gay equality is *inevitable*, they don’t necessarily view that as *positive*.

Our Colorado poll also confirmed that Americans are deeply ambivalent about whether same-sex relationship recognition is truly progress. Forty-two percent of Coloradans felt that legalizing domestic partnerships would represent “the wrong course” for the state, and an additional 9% were unsure. Thus, half of Coloradans were not convinced that domestic partnerships were a good thing.

Similarly, participants in the Third Way/ZMET study uniformly agreed that the country is on an inevitable journey toward greater acceptance of gays and lesbians (regardless of their personal views), yet nearly all interviewees expressed concerns about the journey. While the more tolerant thought that America would be better for having made the journey, they were worried about going too fast and “tripping over a speed bump” on the way. The less tolerant feared and were confused by the changes taking place around them. They saw this journey as disruptive, painful and harmful for America. Their concerns ranged from the erosion of moral codes to social turmoil to concerns about damaged children.

This was especially true when they inevitably made the connection between legalizing same-sex relationships and adoption. Third Way’s ZMET research revealed that pro-gay advocates will have to address concerns that same-sex couple adoption robs children of emotional resources, confuses and hurts them. Not surprisingly, given these types of concerns, voters in our national poll split 51-47% on whether they are comfortable with gay couples adopting children, with majorities of men, senior citizens, parents, married couples, and southerners opposed.

## Conclusion

The good news is that there is a pronounced warming trend in America on same-sex relationship recognition and other gay equality issues. Younger Americans are particularly supportive and many other Americans have moved beyond a reflexive, fear-based opposition to gay issues. The challenge, however, is addressing the ambivalence and assuaging the deep concerns many Americans feel when thinking (and feeling) about gay equality. To move forward most effectively on these issues, proponents must convince the Grays—with a particular focus on the elderly and

married individuals—that gays and lesbians in America have real problems in need of fixing, and that finding solutions to these problems will not be harmful to society but instead will lead the nation down the right path toward progress.

Subsequent Third Way products will explore messaging to win those arguments and persuade the Grays.

## Endnotes

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<sup>1</sup> Zogby International/Third Way/ Victory Fund internet poll of 18,734 actual voters nationwide. November 7—12, 2006 (margin of error +/- 0.7 percentage points); Zogby International/Third Way/Victory Fund poll of 800 Colorado voters via phone. November 7—12, 2006, (margin of error, +/- 3.5 percentage points); Zogby International/Third Way/Victory Fund poll of 800 Virginia voters via phone. November 7-13 2006 (margin of error +/- 3.5 percentage points).

<sup>2</sup> Olson Zaltman Associates (OZA) uses its patented Zaltman Metaphor Elicitation Technique (ZMET) to uncover deep beliefs and emotional reactions that underlie opinions with respect to a particular topic. In contrast to focus groups, OZA works with participants in one-on-one interviews so that they are able to get beneath the surface of people's views as well as beyond the interactive dynamics that can color focus group findings. OZA's research is based on the premise that, to quote them, "approximately 95% of all thought and emotion occurs in the unconscious" and "most of these important, but hidden factors are missed by traditional research methods."

This summer, OZA interviewed 18 pre-screened participants, evenly split between Detroit and Phoenix, each of whom engaged in a one-on-one two hour session with an OZA interviewer. The interview population was chosen to represent those voters in the "middle" on this issue, but with strong enough opinions on either side to lend useful insights. Nine of the interviewees were classified as "more tolerant" towards gay and lesbian issues, and nine as "less tolerant."

<sup>3</sup> CNN/Gallup/USA Today, May 2005 Poll. Accessed via <http://www.glaad.org/media/guide/infocus/polls.php>.

<sup>4</sup> Ibid.

<sup>5</sup> Gallup Poll, September 11-13, 2000. Data accessed via <http://www.hrc.org/Template.cfm?Section=Home&Template=/ContentManagement/ContentDisplay.cfmContentID=13351>.

<sup>6</sup> Human Rights Campaign. "State of the Workplace: 2005-2006." [http://www.hrc.org/Template.cfm?Section=Get\\_Informed2&CONTENTID=32941&TEMPLATE=/ContentManagement/ContentDisplay.cfm](http://www.hrc.org/Template.cfm?Section=Get_Informed2&CONTENTID=32941&TEMPLATE=/ContentManagement/ContentDisplay.cfm).

<sup>7</sup> Pew Research Center for People and the Press, "Pragmatic Americans Liberal and Conservative on Social Issues." Polling Summary, August 3 2006. <http://pewforum.org/publications/surveys/socialissues-06.pdf>.

<sup>8</sup> Polls and research have shown that civil unions are most popular when viewed as a middle ground between no legal protection and same-sex marriage. Gallup specifically designed a poll, conducted from May 2-4 2004, to study the effect of question order on support for types of same-sex relationship recognition. They found a striking net-15 point gap (a 7% increase in support for civil unions and an 8% decrease in opposition to them) when respondents were first able to express opposition to same-sex marriage. When one half of respondents were asked about civil unions before a question on marriage, only 49% supported the arrangement while 48% opposed it. When the other half of respondents were asked about civil unions directly after a question on marriage, support increased to 56%, while opposition dropped to 40%. Professor Clyde Wilcox of Georgetown University, a leading expert on public opinion around culture issues, also concluded in "If I Bend This Far Will I Break? Public Opinion on Same Sex Marriage" that "once people can voice opposition to full marriage rights, they tend to be more supportive of civil unions."

<sup>9</sup> See "Colorado in 2006: A Case Study of How to Win Same-Sex Relationship Recognition in the Future", available on Third Way's website at [www.third-way.com](http://www.third-way.com).

<sup>10</sup> See "Marriage Ban Heads to Arizona Ballot," The Advocate September 1, 2006. [http://www.advocate.com/news\\_detail\\_ektid36203.asp](http://www.advocate.com/news_detail_ektid36203.asp).



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<sup>11</sup> We focus here on civil unions/domestic partnerships because we have relied heavily on our Colorado polling on the domestic partnerships ballot initiative in that state. The concepts, however, are transferable into other gay equality contexts.

<sup>12</sup> Thirty percent of Coloradans “somewhat” instead of “strongly” agreed or disagreed and thus were “gray” on this question.

<sup>13</sup> Twenty-nine percent of Coloradans “somewhat” instead of “strongly” agreed or disagreed and thus were “gray” on this question.