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Gay Marriage: The Tide Has Turned and There's No Going Back

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Next Tuesday the Supreme Court will take up the issue of gay marriage. Major court decisions on controversial social issues are sometimes far behind their times and occasionally ahead of public opinion, as they were more than a half-century ago when they struck down laws banning interracial marriage.

Although no one can be sure how the current Supreme Court justices will vote, the American public has already made up its mind. Public support for gay marriage has hit a new high. According to a new *Washington Post*/ABC News poll, conducted earlier this month, 58 percent of Americans now believe it should be legal for gay and lesbian couples to get married; 36 percent say it should be illegal. Only ten years ago, those numbers were reversed, with 37 percent favoring same-sex marriage and 55 percent opposed.

Although nobody believes that homophobia has disappeared, the gay rights movement has clearly won Americans' hearts and minds. The tide has turned. Opponents can try, but they can't push it back.

Moreover, support for gay marriage is much higher among younger Americans, indicating that the future belongs to the advocates, not the opponents, of same-sex marriage. Soon, conservative politicians and groups will no longer be able to use gay marriage as a "wedge" issue to stir controversy and win elections.

Among Americans age 18 to 29, support for gay marriage is overwhelming, hitting a record high of 81 percent in the new poll, up from 65 percent just three years ago. Support has also been increasing among older Americans. Three years ago, 66 percent of Americans aged 65 years old and up opposed same-sex marriage. This year, 55 percent of that age group oppose gay marriage, 44 percent support it, and 6 percent have no opinion.

Gay marriage is now legal in nine states and the District of Columbia. According to the *Washington Post*, in the states that allow gay marriage, 68 percent say such same-sex marriages should be legal, but so do 56 percent of Americans in states where gay marriage is not legal.

The battle for gay marriage is often compared with the struggle to end the prohibition against marriage between blacks and whites. In fact, Americans' attitudes about same-sex marriage has changed much more quickly.

In 1948, when California's Supreme Court legalized interracial marriage (the first state to do so) in *Perez v Sharp*, most Americans opposed it. In the 1950s, when half the states still had laws prohibiting interracial marriage, over 90 percent of Americans still considered it wrong. By 1967, when the U.S. Supreme Court, in *Loving v. Virginia*, knocked down state anti-miscegenation laws everywhere, 16 states still had such laws on the books and 72 percent of the public still opposed interracial marriages.

It wasn't until the 1990s that even half of Americans said they approved of marriage between blacks and whites. In 2007, the most recent poll on the topic, 77 percent of Americans supported interracial marriage. It may be shocking to some that 17 percent of Americans still disapprove of black-white marriages (6 percent had no opinion), but the shift in public opinion over five decades has been steady and irreversible.

The civil rights movement laid the foundation for the gay rights crusade, which adopted many of its strategies and tactics, including grassroots organizing, protest and civil disobedience, fighting for justice in the courts, lobbying for legislation, and campaigning to elect sympathetic candidates.

After the gay rights movement burgeoned in the 1970s more and more public figures - politicians, entertainers, teachers, judges, journalists, businesspersons, athletes and clergy -- acknowledged their homosexuality. TV sit-coms began to have openly gay characters. Businesses began to appeal to gay consumers. When Gerry Studds came out of the closet in 1983, he was the first member of Congress to do this. Now there are six openly gay and lesbian members in the House, and Tammy Baldwin, elected in November, is the first open homosexual in the U.S. Senate.

It took time for public opinion about homosexuals to shift. But as gay activism accelerated, and more and more people (including public figures) came out of the closet, attitudes changed, reflecting a profound transformation in public opinion. In 1994, 40 percent believed that people choose to be gay, and in 2004, 33 percent thought so. In this year's poll, 62 percent of those surveyed agreed that "being homosexual is just the way they are," while only 24 percent believed that "being

homosexual is something that people choose to be."

As advocates began to put specific issues on the agenda, public support increased for such questions as allowing openly gays and lesbians to teach in public schools, providing health benefits for gay partners, permitting gay couples to adopt children, ending anti-sodomy laws, outlawing job and housing discrimination against gays, funding for research to combat AIDS, and imposing penalties for people who commit hate crimes against gays. In 1993, for example, only 44 percent of Americans believed that gays should be allowed to openly serve in the military, according to a *Washington Post*/ABC News poll. Three years ago, more than 75 percent thought so. In 2010, President Obama signed legislation ending the 17-year "don't ask, don't tell" policy.

More and more people have confronted their own values and views about a subject that was once taboo in their own lifetimes. In the past decade, a growing number of Americans began realizing that they knew gay people. In 1992, only 52 percent of Americans said that they knew someone who is gay or lesbian. By 2010, that figure had increased to 76 percent. People under 30 were more likely to stay they knew a homosexual (84 percent) than those between 30 and 64 (77 percent), and those 65 and older (66 percent). Not surprisingly, people who know someone who is gay or lesbian are less likely to disapprove, and more likely to feel comfortable around, homosexuals.

Until the late 1990s, gay marriage wasn't even an issue, and most pollsters didn't bother asking the public how they felt about it. (One exception was the Field Poll, which first asked Californians in 1977 if they approved of extending marriage laws to same-sex couples. By a 59 percent to 28 percent margin, they said no).

But eventually the question of gay partnerships -- civil unions and marriage -- emerged as a topic of public debate and private conversations in every corner of the country. Initially, the idea of civil unions broke the comfort zone barrier.

In 2002, the *New York Times* began to publish announcements of same-sex civil unions and weddings. The following year -- just seven years ago -- a *Washington Post*/ABC News poll asked Americans if gay and lesbian couples should be allowed to form "legally recognized civil unions, giving them the legal rights of married couples in areas such as health insurance, inheritance and pension coverage." Only 40 percent agreed. When they asked the same question in 2010, 66 percent agreed.

Not surprisingly, in the past decade, support for legalizing gay partnerships has skyrocketed. A growing number of politicians, including President Obama and even some Republicans, have voiced their endorsement. President Obama has urged the Supreme Court to overturn the same-sex marriage ban.

The legal status of gay marriage depends not only on public opinion but also on grassroots activism and the willingness of politicians and judges to tackle the issue. Thirty-one states have amended their constitutions to ban same-sex marriage. In most states, it was the opponents, not the advocates, of gay marriage that forced the issue into the public debate. Hoping to whip up fears and energize conservative voters to go to the polls and help elect Republicans, they put measures on the ballots to ban same-sex marriage.

Until last year, in every state where the issue had been put to the voters, they rejected legalizing gay marriage. But in November, voters in Maine, Minnesota, Maryland and Washington approved ballot measures supporting same-sex marriage. Gay marriage is now legal in Connecticut, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New York, Washington, Vermont and Washington, D.C..

There is, of course, a hard core of anti-gay Americans who may be more fervent in their views than their pro-gay marriage counterparts. Their activism has fueled the campaigns against extending wedding vows to gays and lesbians. But many people who have voted against gay marriage are not haters. They support other aspects of gay rights and may eventually change their views on same-sex marriage.

Public support for same-sex marriage is strongest in the East and West and weakest in the South. But even in the most conservative parts of the country, support for same-sex marriage has grown steadily. In 2009, in 38 states a majority of those age 18-29 supported same sex marriage, according to a analysis by Columbia University political scientists Jeffrey Lax and Justin Phillips. The 12 other states (except Utah) are all in the South, and in six of those states (Texas, North Carolina, South Carolina, Louisiana, Georgia, and Kentucky) more than 44 percent supported gay marriage. In the subsequent four years, it is likely that support for gay marriage has increased in those states, especially among the younger demographic group.

What is clear is that the future belongs to marriage equality. Seventy percent of Americans between 18 and 39 - and 81 percent of those between 18 and 29 -- believe gay marriages should be legal, according to the *Washington Post*-ABC News poll. So do 55 percent of Americans between 40 and 64. The younger generation have grown up in a culture that is increasingly supportive of gay rights. Many baby-boomers over 64, and a majority of the in-between generation of those between 40 and 64 -- have shifted their views.

In other words, the time when conservatives can use same-sex marriage as a "wedge" issue is coming to an end. For sure, some politicians - especially in some conservative states, Congressional districts, and state legislative districts - will continue to find it useful to bash gay marriage in order to win votes. But the days of gay-bashing as a political strategy are numbered.

Given the composition of the current Supreme Court, it is possible that a majority will rule to maintain bans on same-sex marriage. But if they do, they will be even further behind where the American people are. It may set back the fight for social justice by a few years, but it will surely not reverse growing support for gay marriage.

We've seen dramatic changes in public opinion before -- on such issues as women's suffrage, sexual harassment, interracial marriages, racial and sexual discrimination in jobs and housing, women's roles at home and work, government's role in protecting the environment, fuel efficiency in cars, and disability rights.

In each case, grassroots movements made a big difference. Their role is to put new issues on the public agenda - to make people think about things they hadn't thought about before. Initially, this makes people feel uncomfortable. It sometimes even triggers a backlash among some people who resist change. But eventually most people come to accept the reality -- and fairness -- of new ideas and behaviors. The radical ideas of one generation become the common sense of the next.

When children born this year reach voting age 18 years from now, they will surely wonder how it was even possible that America once deprived gays and lesbians the right to marry. They will take same-sex marriage for granted.

Hopefully, however, they will learn in their history classes and on TV about the grassroots movement that catalyzed the dramatic changes in public opinion, laws and court rulings that made America a more humane country, especially for the married gay and lesbian couples they call their neighbors, friends, aunts and uncles, brothers and sisters, and parents.

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