

... AN UNENFORCEABLE PROHIBITION

IN 1948 Dr. Alfred Kinsey ignited a firestorm with his book *Sexual Behavior in the Human Male*. Five years later, he came out with a companion book on females. Few have read more than a few pages of either, but it was Kinsey who concluded that about 10 percent of all males have had homosexual experiences.

That finding has been excoriated, praised, disputed and questioned over the years. Actually, Kinsey did not say 10 percent of the population was gay. He used a seven-point scale ranging from exclusively heterosexual, through predominantly heterosexual or homosexual, to exclusively homosexual. Later research has challenged Kinsey's data and countered that only about 1 percent fall into the exclusively homosexual category.

Nevertheless, Kinsey's report started Americans looking at each other and wondering. It was shocking to think about the possibility. If one in 10 were gay, it meant that a lot of our acquaintances, family and friends were probably "guilty."

Whether accurate or not, the Kinsey report publicly broke the ice about the incidence of homosexuality and paved the way for those people we now call gays to feel less freakish.

In the past few weeks of increasing ruckus over legally sanctioning gay marriages, that old, possibly flawed, Kinsey data still resonates loudest



Dr. Alfred Kinsey: 1 in 10 is gay?

among straights and gays. It angers homophobes. It rattles those who would rather not think about it if possible. But it has become an article of faith among gay people of both genders.

The social implications are enormous. If even only 1 percent of the population is gay, that would still mean an enormous number of human lives. Is it OK to withhold basic rights from them? Legislators at the state and federal levels have long since decided it is not OK, and codified protections against discrimination because of sexual orientation.

Ah, but now comes marriage, and that shakes the old cornerstones of society as we know it. The fact is that many homosexuals have been getting married unofficially for years, with ceremonies in homes, back yards and churches by sympathetic clerics. They make vows, exchange rings, invite their fam-

ilies, have receptions and go on honeymoon.

This raises eyebrows and provokes snickers in many quarters. But these unofficial unions haven't caused an outcry like the licensed gay marriages in California and New York did, or the Massachusetts Supreme Court ruling that mandates gay marriage as a civil right. Not even the controversial Vermont civil union law caused as much trouble.

Even if a constitutional ban against gay marriage were to succeed — and it's a very long shot — chances are that gays who feel the need to be married would continue to do so outside the law. A lot of us wish they would settle for that.

Gay marriage is an unacceptable social revolution to people who believe homosexuality is a perversion. It doesn't mean so much to people who take the live-and-let-live approach.

One thing is becoming clear, though. Gay marriage is not as big a bugaboo among younger Americans. They tend to see it primarily as access to legal and civil rights. Many of us older Americans concede the need for the legal rights but still draw back from social approval of sanctioned gay marriage.

We may never get it, but we won't be around forever, either. In our absence, we know that eventually younger attitudes will prevail. They always do.

But a constitutional amendment is meant to last forever, and I suspect we fence-sitters will duck that one. We know an unenforceable prohibition when we see one.

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