

# A Closer Look: Gay marriage

## Bush enters murky area of culture

Eroding support left president in need of new issue

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The Washington Post

WASHINGTON — With President Bush's embrace yesterday of an amendment to ban same-sex marriage, the compassionate conservative of 2000 has shown he is willing, if necessary, to rekindle the culture wars in 2004.

Bush's plan was to run for a second term on the basis of his performance as a war leader and as a tax cutter, eschewing divisive social issues as he did in 2000 while campaigning as a "uniter, not a divider." But in the end, Republican strategists said, Bush had no choice but to change course and add a highly charged cultural issue at the center of the campaign.

Bush's conservative base of support, despite three years of cultivation, had grown restless over the budget deficit, government spending and his plan to liberalize immigration. At the same time, he was on the defensive over the economy and Iraq, and facing an uncharacteristically unified Democratic party. So when Massachusetts and San Francisco agreed to allow same-sex marriages, Bush felt a need to respond to the cries of social conservatives — even if it meant losing the support of some of the swing voters he needs in November.

"Ultimately, I don't think he had any choice," said Gary Bauer, a religious conservative who challenged Bush for the Republican nomination in 2000. "The president has never really shown an enthusiasm about the wars over the culture.

"It would've been inconceivable that a president so associated with traditional values would have sat idly by while marriage was being redefined. He had to act," Bauer added.

As a result, Bush is turning with some reluctance to a technique his father used in 1988, when issues such as the Pledge of Allegiance, flag desecration, Willie Horton and the American Civil Liberties Union competed with the usual mix of national security and economic concerns.

Such social issues — abortion, prayer, patriotism, homosexuality and popular culture — have often worked

### The issues at a glance

#### The amendment process:

■ The Constitution provides that an amendment can be proposed either by Congress with a two-thirds majority vote in both the House and Senate, or by a constitutional convention called for by two-thirds of the state legislatures. So far, none of the 27 amendments to the Constitution has been proposed by constitutional convention.

■ In the case of a congressional vote, after passage in the form of a joint resolution, the archivist of the United States submits the proposed amendment to the states for their consideration.

■ A proposed amendment becomes part of the Constitution if it is ratified by three-fourths, or 38, of the 50 states.

#### Where same-sex marriage stands:

■ No U.S. state yet recognizes same-sex marriages. However, the Massachusetts Supreme Judicial Court ruled last year that the state constitution did not bar such marriages and ordered the state to begin recognizing them as of May 17.

■ Among other states, Vermont has gone furthest by instituting civil unions, which, at the state level, extend marriage-like rights and responsibilities to same-sex couples. California, Hawaii and New Jersey also grant various state-level spousal rights to same-sex couples registered as domestic partners.

■ In San Francisco, more than 3,200 same-sex couples have been married since Mayor Gavin Newsom decided to give out the licenses Feb. 12. However, state officials are moving to overturn those marriages.

■ In Cleveland Heights, Ohio, the nation's first voter-approved domestic-partner registry went into effect in January. However, the recognition is not binding on courts, governments or employers — and is being challenged in a lawsuit.

■ Same-sex marriages are recognized in the Netherlands, Belgium and parts of Canada; many Western European countries have some form of civil unions.

— The Associated Press

to the GOP's advantage by mobilizing the partisans.

"This is an attempt, probably successful, to make sure their base remains with them," said Democratic pollster Stanley Greenberg. The strategy will still be a "net positive" for Bush, he said, but won't work as well as it did in 1988.

"The cultural war gets you to even, but it doesn't get you to a Bush-Dukakis election, because the country is more diverse and more tolerant," Greenberg said.

Democrats were already squirming yesterday after Bush's announcement. Sen. John Kerry, D-Mass., the Democratic frontrunner to be Bush's November opponent, coupled his announcement that he would oppose the amendment with many qualifiers.

He said he believes marriage is be-

tween a man and a woman" but supports "civil unions" and believes decisions on same-sex marriage should be left to the states. Kerry also complained that Bush was "trying to drive a wedge."

But if the move made Democrats uneasy, a Senate Republican with ties to the religious conservative movement said "the last place Bush wanted to be" at this time in the electoral cycle was wooing his base of support.

"He should be coasting on being the war president and deliverer of tax cuts; instead, he has to take a divisive role on a contentious social issue that could undercut him as a compassionate conservative," the senator said.

Concern was evident in some of the public caution voiced by Bush allies yesterday on Capitol Hill.

House Majority Leader Tom DeLay,

R-Texas, while applauding Bush's "moral leadership" on the issue, said "we're not going to take a knee-jerk reaction to this. We are going to look at our options and we are going to be deliberative about what solutions we may suggest."

Rep. David Dreier, R-Calif., said he is "not supportive" of an amendment and suggested the matter go through the court system first.

This reticence is not surprising, said Andrew Kohut, whose nonpartisan Pew Research Center has polled extensively about homosexual marriage.

While recent polls, including a new Washington Post-ABC survey, show majorities oppose the concept, the public is divided on the need for a constitutional amendment. It ranked 23 out of 24 policy priorities in a January Pew poll.

At the same time, Kohut said, "there are a fair number of swing voters who take a libertarian point of view, and if Republicans are seen as taking rights away, it's not a good thing."

In the 2000 campaign, Bush himself opposed federal intervention on the subject, saying in a Feb. 15 interview with CNN's Larry King that states "can do what they want to do" on same-sex marriage.

Vice President Dick Cheney, similarly, said in 2000 that "I don't think there should necessarily be a federal policy in this area."

Republican pollster David Winston said Bush likely would have preferred to let the issue make its way through the courts, but the San Francisco situation "forced his hand" by infuriating conservatives.

Though Bush's opposition to same-sex marriage has the support of the "overwhelming majority of Americans," Winston said, such social issues can mutate in unpredictable ways. "It's a very difficult balance," he said.

Already, some conservatives are pushing Bush to go further by backing an amendment that outlaws civil unions, too.

"In the last couple of months the base has been hungry for moral leadership to come out of the White House and was urging him to do something strong like he did today," said Robert Knight, director of the Concerned Women for America's Culture and Family Institute.

But Knight said conservatives will balk if Bush sanctions an amendment allowing civil unions. "Creating counterfeits by any name hurts the real thing," he said.