

HOMOSEXUALS: June 11, 2006

Conservatives are losing on gay rights

After the Senate's rejection of the Marriage Protection Amendment Wednesday, supporters tried to portray it as nothing more than a temporary setback. "We are making progress," announced Kansas Republican Sam Brownback, noting that since the last vote two years ago, 14 states have approved bans on same-sex marriage.

IF THIS IS PROGRESS, it's on the order of a shipwreck survivor swimming toward the nearest island, 500 miles away: going in the right direction, but with no chance of getting there. All the leading indicators suggest that the smartest thing the amendment's supporters could do is pack it in.

They are getting no traction in the Senate. In 2004, 48 senators went on the record in support. This time, the number in favor was ... 49. Approving a constitutional amendment requires a two-thirds vote, or 67 out of

100 senators. At the current rate of progress, Tallahassee will be hosting the Winter Olympics before this measure is ratified.

Contrary to the hopes of supporters, last week's vote is about as good as things will get. Brownback seems oblivious to the obvious — which is that when states ban gay marriage, they undermine rather than strengthen the case for the amendment.

If states can limit marriage to heterosexual couples, and if they can refuse to recognize same-sex weddings performed elsewhere (meaning Massachusetts), there is no need to fiddle with the work of the founders. That helps to explain why seven Republicans — including the apparent front-runner for the 2008 GOP presidential nomination, John McCain — were willing to stand against the proposal.

The state-level successes on gay marriage are about the only ones his side can boast. On other fronts, the portents are anything but auspicious.

Start with public attitudes, which are growing more and more favorable to gays and gay rights. The hard Right thinks the citizenry absolutely detests "activist judges," but when the Supreme Court issued a stunning decision overturning state laws against sodomy in 2003, the public barely blinked.

IN FACT, 74 percent said they favored striking down such statutes. If Brownback and his allies think the public is with them on gay issues, where is the federal anti-sodomy amendment?

The greatest consolation for them is that same-sex marriage is still un-

popular. But more than half of Americans endorse either gay marriage or civil unions, which are marriages in all but name. Two states (Vermont and Connecticut) have legalized civil unions, without attracting 1 percent of the attention that has gone to Massachusetts. Once considered a radical step, this has taken on the look of a soothing, sensible compromise.

A more telling sign is the huge shift in opinion on discrimination. In 1977, when Gallup asked if homosexuals should have "equal rights in terms of job opportunities," 56 percent said yes and 33 percent no. Nowadays, opposition to this form of gay rights has only slightly broader appeal than the Socialist Workers Party. This year, 89 percent of Americans favored equal employment rights, with only 9 percent disagreeing.

That evolution suggests attitudes on gay marriage are likely to grow more positive, not less. The battle for tolerance has largely been won among young people, who will be guiding policy in the not-too-distant future. "They're much, much, much more accepting" of gay rights than their elders, says American Enterprise Institute polling expert Karlyn Bowman.

Growing tolerance presents a huge obstacle to another cause of social conservatives. Earlier this year, they were trumpeting a multi-state push to ban adoption by same-sex couples — to prevent homosexuals from "experimenting on children through gay adoption," in the words of Russell Johnson, head of the Ohio Restoration Project.

It seemed a shrewd and logical follow-up to the state-by-state offensive against gay marriage. Since Florida was alone in explicitly outlawing adoptions by same-sex couples, the opponents of gay adoption thought they had a target-rich environment — not to mention a winning issue with voters.

But they had a little problem launching the campaign. Kent Markus, director of the National Center for Adoption Law and Policy at Capital University Law School in Ohio, says that in state after state, "it peeked above the surface and got knocked right back down. Nothing has gained any momentum anywhere in the United States."

RIGHT NOW, the defeat of the marriage amendment is a disappointment to opponents of gay rights. But someday, it will look like the good old days.

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