

The New York Times

THURSDAY, NOVEMBER 20, 2003

Conservatives Mobilize Against Ruling on Gay Marriage

By KATHARINE Q. SEELYE

Published: November 20, 2003

WASHINGTON, Nov. 19 — Galvanized by a Massachusetts ruling on Tuesday allowing gay marriage in that state, representatives from half a dozen conservative groups met here on Wednesday to plan a national strategy to counter it, focusing their initial efforts on a federal constitutional amendment to ban gay marriage.

From Capitol Hill to talk radio stations and Internet sites, conservatives seized on the issue, which for many has supplanted abortion as the most important battle in the nation's cultural wars. They said they were determined not only to overcome the ruling by the state's highest court but also to take other steps to prevent advocates of gay rights from making gains.

As a start, they said they would lobby for efforts already under way for an amendment to the Constitution. Such a move would require passage by two-thirds of the House and Senate and three-fourths of the states, but the groups said they were bolstered by polls showing that a majority of Americans oppose gay marriage.

Republican members of Congress met on Wednesday to discuss the language for an amendment and whether to introduce it before the Senate adjourns, which is expected early next week. Senator Sam Brownback, Republican of Kansas, is expected to steer the issue in the Senate, while Representative Marilyn Musgrave, Republican of Colorado, is expected to lead it in the House.

But several top Republicans who indicated sympathy for the idea of limiting the designation of marriage to unions of a man and a woman, stopped short of calling for an amendment, apparently concerned about alienating some moderates.

For example, Representative Tom DeLay of Texas, the majority leader, said an amendment should be a last resort. "As a basic philosophical point, he doesn't like amending the Constitution," his spokesman, Stuart Roy, said.

Still, conservative groups said an important part of their strategy would be to lobby Congress and the White House for the amendment and to convince the Massachusetts Legislature to override Tuesday's ruling. By a 4-to-3 vote, the court found that gay marriages were permissible under the State Constitution and gave lawmakers 180 days to pass enabling legislation.

The lobbying campaign is to include extensive use of fund-raising on the Internet, appeals through direct mail and support on talk radio, which was afire Wednesday with discussion of the ruling and how to fight it.

"We will equip you, we'll help you organize to fight back on this issue," Sandy Rios, president of the Concerned Women for America, a conservative religious policy group, declared on her radio program, which reaches one million listeners.

She added: "The time is now. If you don't do something about this, then you cannot in 20 years — when you see the American public disintegrating and you see our enemies

overtaking us because we have no moral will — you remember that you did nothing."

The strategy the groups discussed on Wednesday includes drawing in those opposed not only to gay marriage but also to what many conservatives perceive as excessive judicial activism. Kenneth W. Starr, the former independent counsel who appeared as a guest on Ms. Rios's radio program, said: "This is a terrible judicial usurpation of the power of the people through their elected representatives to fashion social policy. It really is quite revolutionary."

Anticipating the Massachusetts ruling, two dozen conservative groups that oppose gay marriage met here last week and agreed on three elements they want in a constitutional amendment.

Lou Sheldon, chairman of the Traditional Values Coalition, one of the groups, said they had agreed that an amendment should ban same-sex marriage, ban same-sex unions and ban gays from receiving benefits of any such unions.

Mr. Sheldon also said his coalition was encouraging Gov. Mitt Romney of Massachusetts, who has already indicated his support for a state ban on gay marriage. But the groups differ on how supportive they expect top lawmakers to be of a federal constitutional amendment.

Several Republicans seemed to put a damper on the idea. For example, Senator Bill Frist of Tennessee, the majority leader, said in a statement that the Massachusetts decision was wrong and eroded the traditional meaning of marriage as the union of a man and a woman.

But, he added, "The Congress has already codified this principle in the Defense of Marriage Act, passed overwhelmingly by 85 votes in the Senate and signed by President Clinton."

In a statement on Tuesday, President Bush said only that marriage should be between a man and a woman and that he would "do what is legally necessary to defend the sanctity of marriage."

Mr. Sheldon said that Mr. Bush's statement was strong enough, even as he was mindful of the political complications the issue presented.

"He's president, and he has to remember that 35 percent of the people don't support that, and he's president of those people, too," Mr. Sheldon said. "He doesn't have to rub their noses in it. We are convinced that he is with us."

He added, "The whole point here is to be generic on the issue but specific in the wording" in the legislative language.

Others saw the statements as a signal that Mr. Bush and some lawmakers would resist a constitutional amendment.

"We fully intend to use this as a litmus test for offices from president to street sweeper," Ms. Rios said. She said that if Mr. Bush did not support an amendment, some evangelicals and Roman Catholics would withhold their votes next year. "We would see people staying home in droves if he does not show strength on this," she said.

Gay marriage looms large for '04

Massachusetts case could be a wedge issue along the lines of 'Roe' ruling

By Susan Page, USA TODAY

WASHINGTON — Gay marriage is now poised to rival abortion as an issue that inflames and divides American voters.

The 4-3 decision Tuesday by Massachusetts' highest court recognized a right for same-sex couples to marry. One conservative activist calls it "the starting gun" for a debate that pits cultural and religious traditions for one side against principles of equality for the other.

The repercussions have the potential to energize millions of conservative Christians in next year's elections, exacerbate the political polarization evident in 2000 and make it impossible for leaders in either party to downplay the issue.

"It could very well be as big an issue as *Roe v. Wade*," says John Green, a University of Akron political scientist who studies the intersection of politics and religion. The 1973 Supreme Court decision in *Roe* established abortion rights and has provoked a fierce debate ever since. Gay marriage sets up a similar conflict between rights and values.

The issue is likely to be problematic for Democrats. While polls show an overwhelming majority of Republicans oppose gay marriage, Democrats are split. Some analysts say support of gay marriage or civil unions could be a "wedge" issue that separates moderate voters from Democratic candidates the way school busing and welfare reform once did.

A senior Democratic strategist, speaking on condition that he not be identified, says Democrats haven't figured out how to finesse an issue they expect Republicans to use as a "hammer" next year — not only in the presidential election, but also in contests for Congress and state legislatures.

There are complications for Republicans as well. "If Republicans become too harsh in their language, it creates an appearance of intolerance, which is not attractive to swing voters," Republican pollster Whit Ayres says, although he says the problems are greater for Democrats.

President Bush has sidestepped questions about a constitutional amendment that would define marriage as between a man and a woman, and advisers have said in the past that he has had no appetite to make the issue a priority. One other factor that White House aides say has had some impact: Vice President Cheney has an openly gay daughter who runs his campaign office.

'The ultimate litmus test'

The White House delayed making a statement on the court ruling for more than six hours Tuesday. Bush's travel to London may have been one reason, though communications with Air Force One are instantaneous.

"Marriage is a sacred institution between a man and a woman," Bush said in a brief statement issued in late afternoon. "I will work with congressional leaders and others to do what is legally necessary to defend the sanctity of marriage."

Including a constitutional amendment? White House spokesman Trent Duffy replied, "I would just let the statement speak for itself."

That calibrated comment probably won't satisfy conservative Christians, who are up to 40% of the Republican base.

"This is going to be a great divider and the ultimate litmus test," says Sandy Rios, president of Concerned Women for America. "We have a freight train coming down the pike, and a federal constitutional amendment is the only way to stop it." If Bush fails to take the lead, she says, "I think that conservative evangelicals will stay home" on Election Day.

"The president, I hope, recognizes that there are two wars raging: one in Iraq and the other a battle over our culture

and our values," says Gary Bauer, president of American Values. He is a co-founder of the Arlington Group, a coalition of evangelical Christian and other conservative organizations that has been meeting since July in anticipation of the Massachusetts decision.

Advocates of gay marriage are equally impassioned. The decision "will enhance the lives of thousands, maybe tens of thousands of Massachusetts citizens and will have no negative effects on anyone else," says Rep. Barney Frank, D-Mass., who is openly gay.

The Human Rights Campaign, an advocacy group for gays, has begun buying newspaper ads that show gay couples as neighbors and parents.

A Pew Research Center poll on attitudes toward homosexuality, released Tuesday, found that 78% of voters who favor Bush's re-election oppose gay marriage. That sentiment is likely to be reflected in the GOP platform next year, says Ed Gillespie, the Republican national chairman.

Among those who want to see a Democrat elected in 2004, however, there is no consensus: 46% favor gay marriage, and 48% oppose it.

That helps explain Democratic presidential candidates' own careful statements:

- "Although I am opposed to gay marriage, I have also long believed that states have the right to adopt for themselves laws that allow same-sex unions," Connecticut Sen. Joe Lieberman said.

- "While I continue to oppose gay marriage, I believe that today's decision calls on the Massachusetts state Legislature to take action to ensure equal protection for gay couples," Massachusetts Sen. John Kerry said.

- "I do not support gay marriage, but I hope the Massachusetts Legislature will act in a manner that is consistent with today's ... ruling," Missouri Rep. Richard Gephardt said.

Former Vermont governor Howard Dean's statement mentioned his history on the issue: "I was proud to sign the nation's first law establishing civil unions for same-sex couples." That bill was enacted after a Vermont court sent the issue to the Legislature.

A broader battle

The Massachusetts court also sent the issue to its Legislature. But the decision is sparking a national reaction because it is viewed as the most dramatic step in what critics see as a concerted challenge to traditional values.

Advocates for gay men and lesbians have been heartened by a series of developments this year. The U.S. Supreme Court struck down an anti-sodomy law. The Episcopal Church ordained an openly gay bishop. A Canadian appeals court ruled that it was unconstitutional to deny same-sex couples the same marriage rights as opposite-sex couples.

But each of those events caused controversy, and surveys show that there has been some backlash. While Americans are increasingly opposed to discrimination against gays, 59% now oppose gay marriage, according to the Pew survey, up from 53% in July. Nearly one in three say greater acceptance of gays and lesbians would be bad for the nation.

The Pew survey found that attitudes were most negative among members of evangelical churches. They were most positive among young people.

Next year, gay marriage may well be a "wedge" issue, says Elizabeth Birch, executive director of the Human Rights Campaign: "It will take much longer than a year for the American people to give this thought and consideration."

Contributing: Andrea Stone •

assessed that the world's navies did not possess a shallow-water torpedo capability. Naval experts believed that, based on the British experience, aerial torpedoes would run to depths of eighty to ninety feet. Chief of Naval Operations Admiral Harold R. Stark wrote Kimmel in February 1941, "A minimum depth of water of seventy-five feet may be assumed necessary to successfully drop torpedoes from planes. A hundred and fifty feet of water is desired." Pearl Harbor was only thirty-feet deep and dropped off to only forty-five feet in the channels.

Unless modified, the Navy believed that Japanese aerial torpedoes "would dive uselessly into the muck at shallow Pearl." Based on this assumption, the Navy saw no requirement for anti-torpedo nets at Pearl Harbor. As Stark had written, "It is considered that the relatively shallow depth of water limits the need for anti-torpedo nets in Pearl Harbor." None was provided and

Pearl Harbor lacked the capability to make such nets. But Gannon says that he has learned that naval experts in Washington knew that the British navy had modified an aerial torpedo that operated in water as shallow as 24 feet. The Navy knew that the British had made shallow-water aerial torpedo attacks on Italian targets in 1940 and early 1941. All this was known in Washington by July 1941, but withheld from Kimmel. The Japanese modified their aerial torpedoes and subsequently scored 25 hits during the attack.

Gannon said that this information was not only withheld prior to the Pearl Harbor attacks, but Kimmel was denied access to the reports four years later when he was preparing for the congressional hearings on the attack.

Smoking Guns

At the press conference, members of the Kimmel family argued that this

new information represents a "smoking gun" that, taken with earlier findings, should substantiate the case for Kimmel. Kimmel's eldest surviving son said that this represents "a pattern of new information that progressively exonerates and vindicates my father and General Short. Representatives of the President of the United States have asked for such information, and today we have provided" it.

Endorsements for the vindication and advancement in rank for Kimmel and Short come from the Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Commission.

Those endorsements make the Pentagon's unwillingness to reverse the injustice inflicted on Kimmel and Short even harder to comprehend.

MEDIA BEHIND PUSH FOR "GAY MARRIAGE"

In a long article on November 23, David Von Drehle of the Washington Post claimed to have discovered why the idea of "gay marriage" has entered "the American consciousness." He attributed it to the determined legal maneuvers of homosexual activists in the courts. He ignored how the major media have acted as a virtual house organ of the homosexual movement, running announcements of homosexual "weddings" and unions. The "gay rights" movement would not have achieved this "progress" without the support of powerful news organizations like the Washington Post and New York Times, which have run editorials supporting "gay marriage."

In the case of the Massachusetts Supreme Court ordering the legislature to approve "same-sex marriage," few in the media have noted that Chief Justice Margaret Marshall is married to liberal former New York Times

columnist Anthony Lewis. Her appointment to the court was promoted by the Boston Globe, a subsidiary of the Times.

On July 23, the Washington Post

The media are pushing "gay marriage" at a time when cases of AIDS are rising among homosexuals.

Weddings section had featured the wedding announcement of nationally syndicated columnist Deb Price and her "partner," Joyce Murdoch, both of them former Post editors. They got "married" in Toronto, Canada, but the Post considered it a valid wedding here. The New York Times embraced the policy more than a year ago, when it published an announcement about a "civil union" in presidential candidate Howard Dean's home state of Vermont. As governor, Dean signed

the nation's first civil union law.

Duane McCallister, publisher of the Gaston Gazette in North Carolina, had said in a column that "publication of these announcements legitimizes a practice that offends many of us in that it leads in a direction different than our personal compass heading." Although local reaction to his position was "almost wholly positive,"

his bosses in Irvine, California at the headquarters of Freedom Communications reversed his stand, enacting a policy ordering all of its 35 papers to print same-sex union announcements.

The pressure to accommodate the homosexuals came from the Gay & Lesbian Alliance Against Defamation (GLAAD), probably best known for leading the successful campaign to force Dr. Laura's television program and Michael Savage's MSNBC show

off the air. GLAAD's campaign has resulted in 219 newspapers now running notices of homosexual "unions" or "marriages."

A group called Tradition, Family & Property, which defends marriage between a man and a woman as natural and a cornerstone of Western civilization, has waged a "They Aren't Married Campaign" that reminds newspapers that homosexual "marriage" is not recognized in the United States and that the press is going beyond journalism to "preparing a culture where this behavior will eventually be accepted."

That is, of course, the goal. Most media are influenced not only by GLAAD but by the National Lesbian & Gay Journalists Association (NLGJA). And most media—ranging from Fox News to the New York Times—provide special health and other benefits to homosexual "partners" of news employees.

In the wake of the Massachusetts ruling, the Post on November 20 said it didn't want to generate "a truckload of indignant letters," but it nevertheless tried to compare opposition to homosexual marriage to old laws against blacks getting married to whites. On the same day, the New York Times editorialized that any effort to amend the constitution to prohibit the practice would be an effort to deny "minority rights."

"I think the major media have tended to support the gay side on this," admits veteran homosexual activist John Aravosis, "but I've been surprised by how many of the conservatives [in the media] have also come on board as well."

David Brooks, the "conservative voice" on public television's NewsHour and the New York Times op-ed page, has endorsed homosexual marriage, and Jonah Goldberg of National Review and former New-Leftist David Horowitz announced their opposition to an amendment protecting traditional marriage.

Ironically, the push for "gay marriage" is gathering steam as the

federal Centers for Disease Control (CDC) has issued new figures showing that, despite federal spending of \$90 million a year on "safe sex," condom promotion, and HIV prevention efforts, "HIV diagnoses for gay and bisexual men have increased by 17.7 percent since the lowest point in 1999." This is the group that knows the most about condoms.

The San Francisco "Stop AIDS Project," which received nearly \$700,000 in federal funds in one year,

Massachusetts Supreme Court Justice Marshall is married to former Times columnist Anthony Lewis.

sponsored HIV "prevention workshops" that encouraged sexual activity and met the "legal definition of obscene material," according to a report from the Inspector General of the Department of Health and Human Services. But CDC Director Julie Gerberding and House Democratic Party leader Nancy Pelosi, who represents San Francisco, defended the group. Rep. Dave Weldon calls the anti-AIDS programs "abject failures" and says that sexual abstinence is what the government should be advising.

That wasn't the message when the Today Show featured an interview with former basketball star "Magic" Johnson on World AIDS Day, December 1. Johnson, who admittedly got AIDS through sexual promiscuity, urged AIDS testing and more "safe sex."

Homosexual media influence was demonstrated on November 16 when correspondent Morley Safer and CBS's 60 Minutes went to bat for Col. Steve Loomis, who violated the military's rules against homosexual conduct and fraternization, was expelled from the service, and is now suing the federal government for military benefits. He is hoping that a liberal judge will use his case to overturn the military's anti-homosexual

policy.

Loomis, 45-years-old at the time, was ousted after 19-year-old Army Private Michael Burdette set a fire in Loomis' home in an attempt to destroy nude photos that Loomis had taken of him during a homosexual relationship. A video discovered in the rubble had images of Loomis engaged in sexual acts with three other enlisted men.

The New York Times followed on November 28 with an op-ed, "Why We Need Gays in the Military," by Nathaniel Frank, an official of the Center for the Study of Sexual Minorities in the Military at the University of California, Santa Barbara. He wrote that U.S. allies such as Britain had "lifted bans on gay soldiers without undermining unit cohesion or combat readiness."

However, he ignored the case of Sam Wyatt, a lesbian in Britain's Royal Air Force posted in Canada who announced she was getting "married" to a woman and applied for married quarters at the base there. Wyatt said, "Gays are allowed to be in the military now—so why can't they recognize same-sex marriages?"

The Post agrees, declaring in a November 30 editorial that the military's anti-homosexual policy should be repealed. It then ran a December 3 front-page article lamenting the loss of homosexuals from the military ranks.

This media campaign shows no sign of abating.

What You Can Do

Send the enclosed cards or cards and letters of your own choosing to Larry DiRita, Special Assistant to the Secretary of Defense, Alan J. Bell of Freedom Communications, and Sig Gissler of the Pulitzer Prize Board.

AIM REPORT is published twice monthly by Accuracy In Media, 4455 Connecticut Avenue, N.W., Washington DC 20008, and is free to AIM members. Membership dues are \$40 a year. Dues and contributions to AIM are tax deductible. Corporate membership is \$100.