

Time and Reality Could Change the Outcome for Same-Gender Couples in California

Contributed by Byron Williams
Monday, 09 June 2008

"Gas prices did not begin to rise in California until gay and lesbian couples started demanding equal protection under the law."

California gay couples can officially set a date to be married. Unlike 2004, when an excess of 3,000 couples engaged in an act of civil disobedience by exchanging vows at City Hall in San Francisco, they will have the law on their side. This week, the California Supreme Court removed any lingering legal doubts about whether same-sex couples can marry in California. Beginning June 16 at 5:00PM any couple, regardless of orientation, can exchange nuptials with all rights thereto and pertaining.

Conservative groups had urged the justices to delay its recent ruling that allowed gay marriage until after voters consider a ballot measure in November, which would amend the state constitution to restrict marriage to a man and a woman. They unsuccessfully argued that it would create legal confusion if gay couples marry over the next several months only to have such marriages rendered null if voters once again outlaw same-gender marriage.

Opponents of same-gender marriage have already submitted more than 1.1 million signatures on petitions for an initiative that would limit the definition of marriage to men and women, enshrining it into the state constitutional.

Eight years ago, voters overwhelmingly passed a similar initiative. But a recent Field Poll indicates the highest level of support for same-gender marriage since they began polling the wedge issue.

The poll found 51 percent of registered voters favor the idea of allowing gay and lesbian couples to wed, while 42 percent disapprove.

Not surprisingly, the poll breaks down along generational lines.

Californians age 18-29 favor the idea of allowing gay and lesbian couples to marry--68 percent to 25 percent. Those in the 30-39 age group also approve of such marriages by 24 percentage points. However voters age 65 or older disapprove by a wide margin--55 percent to 36 percent. The problem for those supporting same-gender marriage is their largest base of support has traditionally been the group least likely to vote.

Recent polling also indicates that there is something about the word "marriage" that many Americans are just not willing to grant same-gender couples.

A national Pew Research poll shows if asked about same-gender marriage on a straight up or down vote, 38 percent favor and 48 percent oppose. But when the same poll asks if an individual favors gay couples entering into legal agreements, 51 percent favor and 41 percent oppose.

Over the last several years, polling has consistently indicated majority support for some type of legal recognition of same-gender relationships. It remains unclear if a majority is willing to bestow the M-word to those unions.

In spite of the public's incongruent feelings about marriage there are few things that supporters of same-gender marriage in California have in their favor that were not present when the initiative was on the ballot in 2000, specifically time and reality.

Wedge issues tend to work best when bolstered by the fear of the unknown. This allows hyperbole and emotion to have more sway over the voter than logic and data.

Wedge issue arguments are often based on what could happen in the nebulous future. In doing so, they take the worst-case scenarios, presenting it as what the voter should expect if passed. Without anything to compare, such fear-based arguments, appealing to one's emotions can sound reasonable.

But there will be something to compare, which ultimately will be nothing because nothing will change. There will be legions of same-gender couples, married, paying taxes, and getting on with life--that's about it!

The sun will continue to rise, the Legislature will have their annual budget stalemate into the summer, and we will all feel the impact of rising gas prices. That is unless someone is willing to put forth the argument that gas prices did not begin to rise in California until gay and lesbian couples started demanding equal protection under the law.