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Betraying the Cause?

COMMENTARY: Author Chandler Burr accuses gay rights leaders of sabotaging marriage equality by refusing to use one potent political weapon: the fact that being gay is not a choice.

By Chandler Burr



Recently I received a mass e-mail from Equality California executive director Geoff Kors about the fight to restore marriage equality. The subject heading was: "How are we going to win in California?" It began, "Dear ____," and posed a question: "I get asked all the time ... 'Why do we keep losing at the ballot box?'" Kors answered with this political strategy: "We'll win when enough people get to hear our stories."

There are two very odd things about Kors's e-mail.

First, it may surprise you to know that we already have — and have had for more than a decade — a political strategy that will win us marriage at the ballot box with mathematical certainty. It's not telling voters our stories. The correct strategy is answering, clearly and consistently, the only question about gay people that the American voter fundamentally cares about. The way a voter answers this question — yes or no — determines with almost ironclad certainty whether he'll vote for or against our rights.

Second, it will surprise you more to hear that our leaders and gay rights activists have systematically, adamantly refused to use this strategy. They didn't deploy it on California's Proposition 8, nor Maine's Question 1, nor on ENDA, nor on "don't ask, don't tell." In fact, they've never followed this strategy on any issue nor in any campaign. If our central political strategy were to give voters the right answer, we could virtually guarantee our victory.

What is the strategy that will win us equal rights in every battle on every issue?

Back in 1997, *U.S. News & World Report* conducted a poll on how much American voters change their votes when they're shown evidence that traits are inborn. The issues they used were mental illness, alcoholism, drug addiction, and homosexuality. The results were dramatic. Of all Americans surveyed, only 41% strongly favored funding for alcohol and drug rehab. But if you looked at those people who believed these traits were biological, you found that they supported funding at 51% and 54%, respectively — more than 10 percentage points higher.

But these statistics were nothing compared to homosexuality. Out of those surveyed, only 45% favored gay rights. And at 45% — or the 47% we got from voters in Maine's Question 1 ballot measure — we lose. But if you looked at the voters who understood that homosexuality is an inborn orientation, 70% were with us. That's not a 10-percentage-point difference. That's 25 percentage points higher.

During the 2004 Bush-Kerry presidential debates, the most explosive question came from CBS's Bob Schieffer. "Do you believe homosexuality is a choice?" Schieffer asked. Because of the uproar, Lake, Snell, Perry, & Associates conducted a poll the following month on how Americans answered this question, yes or no. Startlingly, the data showed that the way a voter answered this question virtually determined their vote on gay rights: Of voters who thought sexual orientation was a choice, 22% favored civil unions or marriage equality; of people who thought it was inborn, 80% of them supported us.

Three years later, Gregory B. Lewis of the Andrew Young School of Policy Studies at Georgia State University published a work of political analysis. "This paper," Lewis began dispassionately, "analyzes ... data from 24 surveys ... since 1977 to try to determine whether convincing more heterosexuals of a biological basis for homosexuality will increase support for gay rights."

The rights Lewis looked at ranged from legalizing homosexual sex to, among others, employment protections, military service, and marriage. His statistical models controlled for variables like morality bias and whether subjects knew gay people. After noting studies showing that voters' positions on virtually all policy questions regarding conditions and behaviors — alcoholism, AIDS, drug addiction, obesity, racial inequality, poverty, crime, terrorism — flowed directly from whether people could or could not voluntarily determine those behaviors, Lewis flatly gave his conclusion: "[Voters] who believe people are born homosexual are always more likely to support gay rights. ... Establishing that homosexuality is inborn and immutable ... undercut[s] the belief that homosexual sex is unnatural [or] morally wrong, as moral responsibility generally requires choice."

Lewis noted not only the "substantial research literature" on the topic, he observed that the effect is only growing stronger every year. "Belief that homosexuality is something one is born with seems to influence support for gay rights more now than before 1990." Even more, "demographic, educational, religious, and political differences between those who do and do not believe that homosexuals are born that way do not account for much of the difference in support for gay rights." Which means it comes down to the one simple question: Are gay people born gay? "The evidence seems overwhelming that this belief has a direct effect on support for gay rights, even when other attitudes toward homosexuality are controlled."

So here's the question for our movement: Why do none of the gay rights groups to which you give your money — such as the Human Rights Campaign, Lambda Legal, and the National Gay and Lesbian Task Force — use the political strategy that works?

The answer is simple. Liberals are philosophically opposed to the idea that biology determines us, that traits like IQ, violent tendencies, and gender differences are inborn.

Homosexuality is inborn. The problem is that this contradicts liberal ideology. The leaders of the gay rights movement are (logically) almost all liberals, and so viscerally opposed to the idea that behavioral traits are innate. Yet those 25 percentage points we get from making voters understand that homosexuality is innate are exactly what will make us win. Result: We've got a serious problem here.

(To clarify my own politics: I've voted for every Democratic presidential candidate from Carter to Obama. I think George W. Bush is the worst president in U.S. history, I oppose the Iraq war, am pro-choice, an environmentalist, and an avid — and now disappointed — supporter of single-payer health care reform. But I have no problem with the reality that biology determines certain human traits.)

The political bias of the people running our movement condemns us to endless, self-destructive, failed campaigns. They've developed one that has proven so lethal in California and Maine that the Associated Press described it as a "punch-to-the gut ... the Achilles' heel of the gay-marriage movement." In the Prop. 8 fight, the antigay side hired political consultants Frank Schubert and Jeff Flint of Sacramento-based Schubert Flint Public Affairs to create its public campaign. When they first looked at the polling data, Schubert and Flint knew they had a problem. Antigay organizations were running TV ads calling marriage "a sacred institution between a man and a woman." But Californians didn't react much to this message and had no real problem with gay relationships, including, for many, gay marriage. Forty percent of voters were solidly for us, and 40% solidly against. That left a crucial 20% of California voters leaning or undecided. The question was how to move that 20% into the antigay voters group. So the consultants started focus-grouping the issue and looking for clues.

That's when the strategy snapped into focus.

Schools in pro-gay states like Massachusetts had begun using books like *King and King* to educate children on this aspect of American diversity. The consultants found that if you presented gay marriage as having a huge impact on education, voters now had a viscerally strong negative reaction.

So Schubert and Flint took an old strategy and brilliantly repackaged it. They stopped the "sacred institution" spots and bombarded voters in California, and subsequently in Maine, with ads that claimed gay marriage would force schools to "teach" homosexuality. Fox News began running headlines like "Democratic Candidates Say They're OK With Second-Grade Teacher Reading Gay Prince Fairy Tale." "We bet the campaign on consequences," Schubert said last year, "especially on education."

charges. We need to hit them back." Yes. But Hildebrand simply raised the question: What with?

We know perfectly well what with. In fact, Wanda Sykes explicitly gave Hildebrand the answer at a post-Prop. 8 political rally in 2008. "I'm sick of this stuff about, 'Oh, well you make that choice, that's your choice,'" she said. "Being gay is not a choice! That's like telling me I chose to be a woman, I chose to be black. Are we saying that people are straight because they chose not to be gay? ... I love you all, now let's go get our damn equal rights!"

If we actually want to win, that is exactly the strategy we must adopt. It takes out their guns one by one.

An excellent example: The Reverend John Hagee, who believes that Hurricane Katrina was God's punishment for a gay rights event in New Orleans, once said, "The Bible teaches that homosexuality is not a righteous lifestyle." The word "lifestyle" is devastating to us, as Angela Pattiucci, a lesbian geneticist then at the National Institutes of Health, once concisely noted to me, "precisely because it's so inaccurate and implies that sexual orientation is something you choose, something frivolous or faddish, what you do as opposed to what you are." Antigay activists calling our sexual orientation a "lifestyle" moves voters against us, but if we'd listen to Sykes and make sure Americans listened to her too, they'd move into our column. "Lifestyle" is idiotic when applied to sexual orientation," Pattiucci pointed out. "Would you refer to left-handedness as an 'alternative lifestyle'?"

Our enemies are fighting the "redefinition" of marriage; if sexual orientation is analogous to handedness, gay people marrying redefines marriage as much as left-handed people marrying. Right-wing Oklahoma state representative Sally Kern has urged the people of her state not to "cede victory" by granting rights "based on changeable homosexual behavior." Sarah Palin says that homosexuals have "made a choice that isn't a choice I would have made." As Sykes points out, being gay is no more changeable or chosen than being black or female. That, and only that, will move the 20% into our column.

There's an important tactical aspect here: A gay rights leader objected to me that "We don't choose to be gay" won't convince religious conservatives. That's obviously correct and totally irrelevant. Political strategy is only about math, specifically one number: 51%. I have zero interest in right-wing religious voters, nor do any pragmatic, responsible gay leaders or lawyers. This strategy is a game changer precisely because it is focused on, and moves, the middle, which gets us to 51%. And at 51% we win and they lose. The rest? Meaningless.

But the most important thing about Sykes's strategy is that it's our own punch-to-the-gut: It derails the opposition's education strategy. Schools can't "teach" homosexuality any more than they can "teach" handedness. (Although they can teach understanding and acceptance.) Teachers can't "promote" innate traits like being black or female, and if your TV spots claim they can, it reveals antigay forces to be the idiots that they are. A prince-and-princess fairy tale will have exactly no more — and no less — impact on children than a prince-and-prince version. The education play suddenly becomes the antigay side's Achilles' heel.

In Uganda, where a brutal battle is being fought over gay rights, Sykes's strategy is being used. In an audio interview with *The New York Times*, Stosh Mugisha, a Ugandan gay rights activist, stated this clearly to the Ugandan government: "Being gay is not something you just enter. It is something you are, it is how you are born."

Yet we refuse to use it. The answer is staring us in the face, and we are being systematically betrayed by our leaders, who take our millions and prefer to watch us lose state after state than pick up our loaded gun. No on 1 and its allies spent \$5.7 million in Maine, and they didn't spend a single cent on ads communicating that being gay is not a choice. They couldn't. Our movement is sick with an autoimmune disease.

And yet we must use this weapon right now. During the testimony phase of the federal suit against Prop. 8, plaintiffs' experts testifying about the immutability of sexual orientation took up an entire day of the trial. This is because of the way American constitutional law works: In the 1944 case *Korematsu v. United States* — about the relocation of Japanese Americans — the Supreme Court for the first time held that laws were almost never constitutional when they curtailed rights on the basis of an immutable trait. And the court noted that this was in part because race is an immutable trait. In the 1967 case *Loving v. Virginia*, the Supreme Court struck down all laws that prohibited marriages based on this immutable trait. As Erwin Chemerinsky, dean of the University of California, Irvine, Law School, notes, "Constitutional jurisprudence gives less deference to the government when it discriminates on the basis of immutable characteristics." In other words, if the courts understand that homosexuality is immutable, they will almost certainly tell the government it can forget about curtailing our civil rights.

And yet even though the very heart of our movement's legal cases concerns an immutable trait, exactly as in *Korematsu*, our lawyers never include this crucial piece in their briefs to the courts. Liberal lawyers argue that it shouldn't matter whether sexual orientation is immutable or not; courts should rule for us on the pure principle of personal liberty and equal treatment. And this is not at all a crazy strategy. It's merely a losing one.

Eighty percent of voters who believe people are born homosexual vote yes on gay rights. Our strategists intentionally ignore this. Economists call this opportunity cost: what we could and should be doing strategically instead of what we are. It is shocking to realize it, but the "empathy" and "letting people hear our stories" ads that Garden State Equality and the Empire State Pride Agenda use our money to run are, in their political opportunity cost, just as toxic to us as the ads run by Schubert Flint and the National Organization for Marriage. We're being killed by friendly fire because our own people dislike the fact that Bob Schieffer's question, "Do you believe homosexuality is a choice?" moves voters. So they don't ask it.

What we are doing wrong is simple. We're failing the Schieffer test. We're refusing to answer the only question America is asking us. This is political suicide.

In an interview with Rex Wockner six weeks before voting day in Maine, Jesse Connolly, No on 1's campaign manager, dismissed the other side's strategy: "These are the same old doomsday tactics that opponents of equality have been using ... in every state." In an e-mail to Connolly, Wockner observed, "And those tactics worked in every state." Connolly: "Question 1 is only about fairness and equality." Wockner: "'Fairness' and 'equality' are lovely words and beautiful high-minded concepts. But they were beyond useless ...".

Wockner, by contrast, made the cool, ballot-box-math, matter-of-fact observation: "They like us better if we're born gay." And they just do.

If we want to win, our strategy is clear.

Acknowledge Wockner's observation.

Pose Schieffer's question.

Give Sykes's and Mugisha's answer: "Being gay is not a choice."

I love you all. Now let's go get our damn equal rights.

On the next page, Burr's sample script for a marriage equality ad.

TV SPOT #1: "WHY WOULD YOU DISCRIMINATE AGAINST SOMEONE BECAUSE OF THE WAY THEY WERE BORN?"

WHITE BACKGROUND against which we see a series of people, all friendly, nicely dressed, articulate. Each one looks and speaks directly to the camera.

OPEN ON CHINESE-AMERICAN WOMAN facing the camera.

CHINESE-AMERICAN WOMAN

In America we don't believe in making people second-class citizens because of their ethnicity.

JEWISH-AMERICAN WOMAN

Or their hair color or the shape of their eyes.

IRISH-AMERICAN MAN

Or their eye color.

INDIAN-AMERICAN MAN and HISPANIC-AMERICAN MAN, grinning/laughing, are both bouncing tennis balls on rackets. (And pretending in a very "guy" way to be competitive about it.) The INDIAN-AMERICAN MAN holds his racket with his left hand, the HISPANIC-AMERICAN MAN with his right.

HISPANIC-AMERICAN MAN

Or the color of their skin.

INDIAN-AMERICAN MAN standing next to CHINESE-AMERICAN WOMAN. He is a full foot taller than she is.
INDIAN-AMERICAN MAN

Or if they're tall.

CHINESE-AMERICAN WOMAN

Or short.

They put their arms around each other and grin up/down. They're a married couple.

AFRICAN-AMERICAN MAN

[*sings and speaks*]

If people discriminated against Americans because of the way they were born, they'd be bigoted.

JEWISH-AMERICAN WOMAN

Irrational.

INDIAN-AMERICAN MAN

Un-American.

HISPANIC-AMERICAN MAN

But there's something really strange going on.

INDIAN-AMERICAN MAN

There's one group of us Americans some people think it's OK to discriminate against based simply on the way they're born.

AFRICAN-AMERICAN MAN

[*sings and speaks*]

People with the minority sexual orientation. Homosexuality.

IRISH-AMERICAN MAN

[*turns to African-American Man*]

Why would anyone think it's not OK to do that to people born Asian or left-handed or heterosexuals, but it's OK to do it to people who happen to be born homosexual?

BLACK MAN

[*sings and speaks; shrugs to Irish-American Man*]

Because they're irrational.

INDIAN-AMERICAN MAN

Un-American.

CHINESE-AMERICAN WOMAN

Why would you think that's good? Or right? Or constitutional?

HISPANIC-AMERICAN MAN

Why would you want to make them legal second-class citizens in any way?

CHINESE-AMERICAN WOMAN

Because they were born with a sexual orientation that's different from yours?

From left to right: the INDIAN-AMERICAN MAN holds hands with the JEWISH-AMERICAN WOMAN, the AFRICAN-AMERICAN MAN has with his arm around the CHINESE-AMERICAN WOMAN, the HISPANIC-AMERICAN MAN, and the IRISH-AMERICAN MAN.

CHINESE-AMERICAN WOMAN (CONT'D)

Because of the people they were born to love?

A beat. The two straight couples look over at the HISPANIC-AMERICAN MAN and the IRISH-AMERICAN MAN, who look back at them. Hold a beat. The HISPANIC-AMERICAN MAN and the IRISH-AMERICAN MAN take each others' hand. A beat.

They turn and together walk off right. The straight couples watch the gay couple leave — there's an empty space where they were — then turn back to face the camera.

INDIAN-AMERICAN MAN

Why would you think that's right?

FADE OUT
FADE IN

Words appear in a clear, strong font:

Why would you discriminate against someone because of the way they were born?

FADE OUT
FADE IN:

Marriage equality.

FADE OUT SLOWLY
END

Chandler Burr is The New York Times' scent critic. His recent novel, You or Someone Like You, is being made into a movie.

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