



## First Choice 2004: Know *What You Want* Before You Choose *Who You Want*

**1** Extend equal rights to all our citizens, including gay people

**2** Let states and communities choose their own solutions

**3** Protect traditional institutions and values



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### ▶ *How to Use This Guide*

Most voters' guides compare the candidates. That's useful, but how can you decide *who* you want in office until you're sure about *what* you want that politician to do? And these days that's harder to figure out than it should be.

When politicians present their plans, they naturally play up the quick, easy, cheap part of their program and downplay the messy, expensive, risky parts. In reality, however, many problems don't get solved without facing harsh choices; the government can't avoid pleasing some people and offending others.

First Choice 2004 is designed to help you make the most of your vote by having strong, informed opinions about what those choices might be. With these guides, you can find out more about the problems facing the nation and weigh your values against the policies politicians put forward.

With First Choice 2004, we're not claiming to have the "correct" solution to a problem. What you'll

find here are some key facts along with three different points of view about how to address the issue. We call this section Chicework. Each point of view comes with the arguments for and against, along with some potential costs and tradeoffs. We focus on what each problem means to the average person – and because Public Agenda isn't pushing a particular solution, we're not interested in sugarcoating any options or trashing other points of view.

That doesn't mean, by the way, that the broad choices we present are the only ways of dealing with a problem. Many people would mix and match from different perspectives, and you may have your own ideas we haven't considered. We're also not suggesting that you should go looking for a candidate who agrees with you on every single issue. What we are suggesting is that it'll be easier to judge the candidates if you've considered where you want the country to go in the next four years – and what you're willing to do to get there.



Originally launched in 1992, "Choose or Lose" is MTV's comprehensive pro-social campaign to inform young adults about the political process, voice their most urgent political concerns, compel leading Presidential candidates to address those concerns, and organize young adults aged 18-30 to register and vote. In 2004 the campaign is dubbed "20 Million Loud," a movement to mobilize more than 20 million people aged 18-30 to vote in the 2004 election.

You can find out more about Choose or Lose at our Web site, [www.mtv.com](http://www.mtv.com).



Founded in 1975, Public Agenda is a nonpartisan, nonprofit organization devoted to public opinion and citizen education. Public Agenda's two-fold mission is to help American leaders better understand the public's point of view, while also helping citizens know more about critical policy issues so they can make thoughtful, informed decisions.

You can find out more about us at our Web site, [www.publicagenda.org](http://www.publicagenda.org).

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### Choicework In Brief: What Are the Options?

#### Approach One

*Extend Equal Rights to All Our Citizens, Including Gay People*

##### What should be done

- ▶ Provide the same rights to gay and lesbian couples that are currently only given to straight couples – including the right to marry and adopt children.
- ▶ Enact federal legislation barring discrimination against gays and lesbians in employment or housing.
- ▶ Broaden hate crime legislation to include sexual orientation.
- ▶ Require that employee benefits be offered to people with domestic partners.
- ▶ Permit gays and lesbians to serve openly in the military.

##### Arguments for this approach

- ✓ There's no justification for treating people as second-class citizens simply because of their sexual orientation.
- ✓ Strong long-term relationships ultimately strengthen society, whatever the gender of the people involved.

##### Arguments against this approach

- ✗ The government should not be extending rights to people based on behavior, including sexuality.
- ✗ Recognizing gay and lesbian unions will erode the institution of marriage.

#### Approach Two

*Let States and Communities Choose Their Own Solutions*

##### What should be done

- ▶ Rather than dictating a solution, the federal government should let individual communities decide whether to allow same-sex marriages or civil unions.
- ▶ Communities should decide for themselves whether they need hate crime laws.
- ▶ Government should let individual communities decide, based on community sentiment, whether to include discussion of gays and lesbians in sex education.

##### Arguments for this approach

- ✓ This is democracy in action – the reason some states and cities have strong protections for gays and lesbians is because they have large gay populations that organized and persuaded the public to pass better laws.
- ✓ Many important problems – ranging from education to the death penalty — have been left to the states to decide, and that should be the case with gay rights.

##### Arguments against this approach

- ✗ African-Americans would never have received civil rights protection if it had been left up to local authorities.
- ✗ We will end up with a patchwork of laws that offer gays and lesbians protection in some places but not in others.

#### Approach Three

*Protect Traditional Institutions and Values*

##### What should be done

- ▶ Enact legislation to strengthen and support traditional families — like a constitutional amendment defining marriage as a union between a man and a woman.
- ▶ Allow employers and landlords to live by their moral and religious codes.
- ▶ Reinstate the ban on gays and lesbians serving in the military.
- ▶ Ban adoptions by gay parents.

##### Arguments for this approach

- ✓ We shouldn't be granting special rights to people based on their behavior.
- ✓ Religious employees, employers and citizens should not be forced into the dilemma of either violating their faiths' teachings or breaking the law when they refuse to hire or rent to homosexuals.

##### Arguments against this approach

- ✗ People have a right to their own personal beliefs, but the government has a responsibility to take action when people are being treated unfairly simply because of their sexuality.
- ✗ Studies have shown that gay and lesbian parents can provide a stable, nurturing home life for children.

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### Chicework: Approach One

## Extend Equal Rights to All Our Citizens, Including Gay People

In 21st century America, it's shameful that we allow gays and lesbians to be denied the same basic rights as every other citizen. Gays and lesbians are routinely denied employment and housing, unable to marry, and even become the victims of hate crimes. The United States has long struggled with how to provide equal rights to all of its citizens — blacks, women and the disabled, to name a few. Equality under the law must extend to gays and lesbians as well. It is the only way to ensure that all citizens enjoy full human rights, and that is what America is all about.

#### What should be done

- ▶ Provide the same rights to gay and lesbian couples that are currently only given to straight couples — including the right to marry and adopt children.
- ▶ Require states to recognize same-sex marriages conducted elsewhere.
- ▶ Enact federal legislation barring discrimination against gays and lesbians in employment or housing.
- ▶ Broaden hate crime legislation to include sexual orientation.
- ▶ Require that employee benefits be offered to people with domestic partners.
- ▶ Permit gays and lesbians to serve openly in the military

#### Arguments for this approach

- ✓ There's no justification for treating people as second-class citizens simply because of their sexual orientation. Eliminating discrimination against gays and lesbians is no different from granting voting rights to blacks or women.
- ✓ Strong long-term relationships ultimately strengthen society, whatever the gender of the people involved. The government has always worked to strengthen such social bonds before and it's only fair that it offer a helping hand to "nontraditional" families as well.
- ✓ Hate crimes laws have given law enforcement a powerful tool against crimes that are all the more heinous because they are driven by bigotry. It's time to send a message to bigots that we won't tolerate attacks against any minority group, including gays and lesbians.
- ✓ People once argued that it would harm military discipline for black and white soldiers to serve together. Now some make the same arguments for excluding gays from the armed forces. It was wrong to do that to blacks and it's wrong to do it to gays. The military adapted remarkably well to integrating blacks and women into its ranks; it can adapt to gays as well.

#### Arguments against this approach

- ✗ The government should not be extending rights to people based on behavior, including sexuality. Protections for blacks, women and the disabled — who are born with those traits — cannot be compared with homosexuals, who can control how they act. No one else gets benefits based on behavior.
- ✗ Recognizing gay and lesbian unions will erode the institution of marriage. For thousands of years, marriage has been a sacred bond between a man and a woman, and the foundation of a stable society.
- ✗ If we give "domestic partner" benefits to same-sex couples, we'd also have to give benefits to unmarried men and women living together. And what would be the point of marriage then? This will introduce an endless battle over whose "relationship" is serious and whose is not.
- ✗ Granting rights to gays and lesbians sends the message that their lifestyle is condoned in our society. Many Americans have strong personal beliefs, often based on deep religious values, that such behavior is unacceptable. It's one thing to live and let live, but it's another to actually endorse these relationships.

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### Choicework: Approach Two

## Let States and Communities Choose Their Own Solutions

This is a huge, diverse country and that diversity helps make us strong. Different communities hold different values on dozens of issues, including homosexuality, and that should be respected. Besides, solutions only work if they come from the grassroots and reflect the values of the people. Some places have chosen to offer protections for gays while others have imposed bans on same-sex behavior. That's their right, particularly with our tradition of federalism. Those who disagree with local decisions can either persuade their neighbors to change their minds or, in the worst case, move elsewhere. On this issue, the federal government should follow, not lead.

#### What should be done

- ▶ Rather than dictating a solution, the federal government should let individual communities decide whether to allow same-sex marriages or civil unions.
- ▶ The government should let individual states, communities and businesses decide whether they want to offer domestic-partner benefits.
- ▶ Communities should decide for themselves whether they need hate crime laws or whether current laws are sufficient. If they do adopt them, the laws should cover hate crimes against all minorities, including gays and lesbians.
- ▶ Government should let individual communities decide, based on community sentiment, whether to include discussion of gays and lesbians in sex education.

#### Arguments for this approach

- ✓ This approach has been the norm in the U.S. forever, and not just on gay rights. New York's laws differ from Iowa's in a lot of ways and for a lot of good reasons: What's right for one place isn't necessarily right for another. It makes no more sense for Greenwich Village to tell Des Moines how to act than for Des Moines to dictate to Greenwich Village.
- ✓ This is democracy in action – the reason some states and cities have strong protections for gays and lesbians is because they have large gay populations that organized and persuaded the public to pass better laws. That's the way things are supposed to work.
- ✓ It may seem harsh, but in reality people move from state to state seeking a better quality of life all the time. There's a long American tradition of picking up and moving to a more welcoming place.
- ✓ Many important problems – ranging from education to the death penalty – have been left to the states to decide, and that should be the case with gay rights. In fact, it's an established principle that while a state can't take away rights promised by the U.S. Constitution, it can add on new ones. In most states, for example, a free public education is guaranteed by the state constitution. This is no different.

#### Arguments against this approach

- ✗ African-Americans would never have received civil rights protection if it had been left up to local authorities. This is another case where the federal government needs to step in to guarantee the rights of a minority.
- ✗ Without federal action, we will end up with a patchwork of laws that offer gays and lesbians protection in some places but not in others. Either gays and lesbians are American citizens deserving of full civil rights or they are not — you can't split the difference.
- ✗ This kind of attitude may eventually lead to a better life for gays and lesbians, but it could take decades. In the meantime, discrimination continues every day.
- ✗ Government has to take a stand at some point about marriage being a union between a man and a woman, if for no other reason than to provide some consistency about our morals and laws. Once this definition of marriage is abandoned, there is no logical reason for limiting it to two people. Why not have multiple wives? Multiple husbands?

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### Chicework: Approach Three

## Protect Traditional Institutions and Values

There is a big difference between tolerating private behavior between consenting adults and giving it a legal seal of approval. Permitting same-sex marriage, or even benefits for domestic partners, legitimizes these relationships even though they can't create children, which is the major reason for government's traditional protection of marriage. Same-sex relationships are also deeply offensive to many Americans, often based on religious beliefs. Marriage is not just about love and commitment, but about the stability of family, which is the linchpin of society. Granting new rights and benefits to gays and lesbians would crush one of the pillars of stable, civil society. And we should not force religious groups and other private organizations to make accommodations to a lifestyle they find offensive.

#### What should be done

- ▶ Enact legislation to strengthen and support traditional families — like a constitutional amendment defining marriage as a union between a man and a woman.
- ▶ Allow employers and landlords to live by their moral and religious codes.
- ▶ Prevent gays and lesbians from getting any special legal rights or protections
- ▶ Reinstate the ban on gays and lesbians serving in the military.
- ▶ Ban adoptions by gay parents.
- ▶ Prohibit public schools from incorporating discussions about homosexuality into curriculum.

#### Arguments for this approach

- ✓ We shouldn't be granting special rights to people based on their behavior, particularly when it involves activities that many Americans find deeply disturbing. Civil rights protections should extend to citizens based only on qualities no one can help, such as their color, gender or disability, not their behavior. New hate-crime legislation is unnecessary because gays and lesbians already are protected by laws against murder and assault
- ✓ Government has a responsibility to protect relationships that strengthen society. While tolerance for gays has varied historically, there's a reason societies have never considered same-sex couples to be married, with full property and child-rearing rights.
- ✓ Requiring employers to grant domestic partner benefits not only legitimizes such relationships, but also imposes financial burdens. For example, health insurance premiums might go up. It also would encourage endless haggling over who should share in employee benefits.
- ✓ Religious employees, employers and citizens should not be forced into the dilemma of either violating their faiths' teachings or breaking the law when they refuse to hire or rent to homosexuals.
- ✓ Allowing gays and lesbians to serve openly in the military will undermine the armed forces' ability to preserve order and morale among the troops, and thus the ability to fight wars.

#### Arguments against this approach

- ✗ People have a right to their own personal beliefs, but the government has a responsibility to take action when people are being treated unfairly simply because of their sexuality.
- ✗ Multiple studies have shown that gay and lesbian parents can provide a stable, nurturing home life for children. If the government wants to protect children, it should support and encourage long-term relationships, no matter what gender.
- ✗ Recognizing same-sex marriages, barring discrimination and allowing gays to serve in the military aren't "special rights." They are no different than bringing an excluded group such as women and blacks into full citizenship.
- ✗ People with disabilities are given special rights because they have unique characteristics. Gays deserve special rights, too, because sexual orientation is a very deeply rooted trait that cannot be changed.
- ✗ Marriage is about more than just bearing children. It's about love and companionship. We don't differentiate between heterosexual couples who intend to have children, and those who don't, whether they are infertile or childless by choice.
- ✗ Most major religions prohibit various sexual choices, including adultery, but we don't criminally prosecute adulterers anymore. Why should people be allowed to discriminate against homosexuals and not adulterers?

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### Status Report: Where Are We Now?

The year 2003 may prove to be a turning point in gay rights, with the Episcopal Church naming its first gay bishop and court decisions opening the way to full-fledged same-sex marriages. Perhaps most importantly, the U.S. Supreme Court issued its most sweeping decision ever on gay rights, striking down anti-sodomy laws and declaring gays are "entitled to respect for their private lives."

A mere 30 years ago, being gay was all but illegal and officially labeled a behavioral disorder by psychologists. Permitting same-sex marriage would place gay and lesbian relationships on a legal par with traditional families for the first time in Western history.

Roughly half of Americans say in surveys that homosexuality should be considered an acceptable alternative lifestyle. At the same time, though, surveys indicate

Americans have mixed feelings about how far the government should go in establishing rights for gays and lesbians. Many Americans still view homosexuality as objectionable — even a sin. And many feel the family is already under threat without redefining what it means. With "civil unions" for same-sex couples legal in Vermont and full-fledged gay marriages allowed in Canada, Americans will be forced to decide what place gays and lesbians will have in society.

#### Orientation or Behavior?

Studies suggest that anywhere from 2 percent to 10 percent of Americans are gay or lesbian. Nobody really knows for sure, since people often lie or refuse to answer survey questions about their sex lives. And even social scientists disagree about how to categorize someone as homo-



The AIDS epidemic galvanized the gay community in the mid-1980s. To read more about AIDS and the gay community, see our issue guide.

sexual.

For many Americans, the issue hinges on the question of whether homosexuality is a choice or an innate characteristic — in other words, is being gay something you do, or something you are?

Advocates of gay rights say sexual orientation, like race or disability, can't be changed, and therefore homosexuals should be protected like any other minority group. Opponents argue that homosexuality is a lifestyle choice that shouldn't be rewarded.

Gay rights activists say it's a matter of equality: They say that homosexuals should have the same rights and protections as heterosexuals, including protection against discrimination, an expansion of hate crime laws to specifically include sexual orientation, the ability to serve openly in the military and the right to marry or at least have their relationships legally recognized.

Others, though, say special rights shouldn't be granted on the basis of behavior — particularly one that many Americans find offensive. And some say that current laws are adequate to protect all

#### Civil unions

Demographics of Vermont civil unions, 2001

Number of Civil Unions	1,875
Number of out-of-state couples participating	1,631
Male couples	612
Female couples	1,263

Note: In July 2000, Vermont became the first state to pass a law allowing same-sex couples to have a "civil union," which includes some of the same rights as marriage. Source: "State of Vermont 2001 Vital Statistics," Vermont Department of Health

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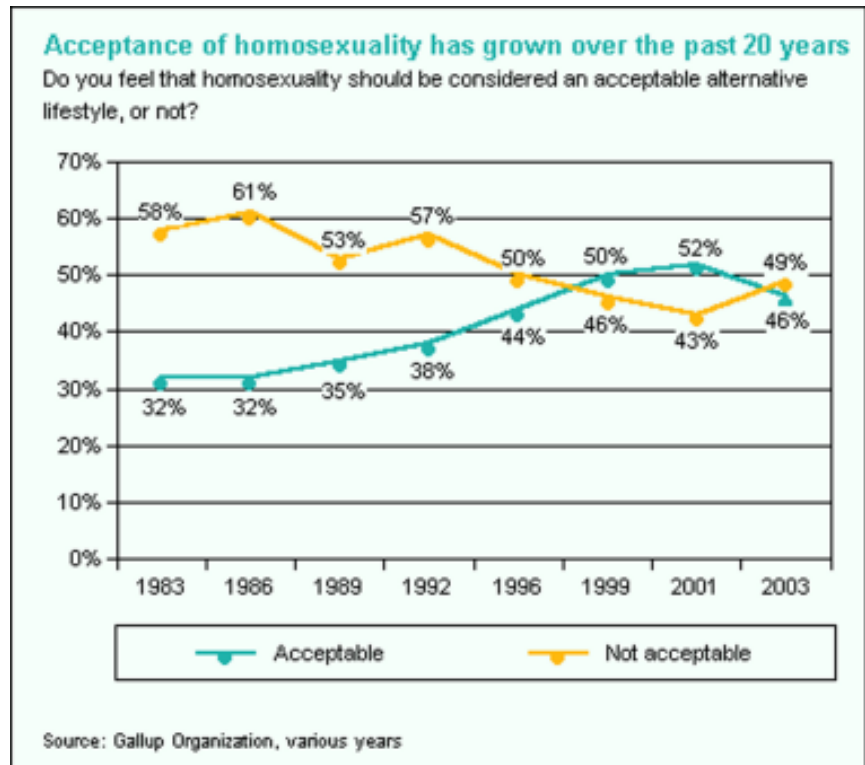
Americans, regardless of their sexual orientation.

The Supreme Court's decision that everyone, gays and lesbians included, has a right to sexual privacy may undermine laws that limit the rights of gays in adoption, child custody and workplace discrimination. But that will only become clear as the case is used in new lawsuits across the country.

### At the Church's Door

Many objections to gay rights have religious roots. Most major religions oppose homosexuality as a violation of the law of God, and point to human anatomy and reproduction as proof that same-sex intercourse is unnatural. Same-sex marriage brings out even stronger objections. For many, marriage is a religious ceremony (after all, people who rarely set foot in a church or synagogue will insist on being married there). The Vatican has led worldwide opposition to same-sex marriages and called on Catholic politicians to oppose it.

But even within denominations, there are many who call for tolerance. The Episcopal Church in the U.S. may split into



two churches over the election of V. Gene Robinson, who is openly gay, as bishop of New Hampshire.

### Partners, Parents and Spouses

Europeans have led the way on recognizing same-sex relationships, with Denmark became the

first nation to grant legal rights to gay couples in 1989. The Netherlands went a step further in 1999, legalizing actual marriages between same-sex couples. A Canadian court struck down Ontario's ban on same-sex marriages in 2003, attracting couples from the U.S. to marry in

### The Public's Viewpoint

There's no question that the American public is much, much more accepting of gays and lesbians than it was 20 years ago. Yet surveys find that this is a topic that still splits the country. In the most recent surveys, **the public is almost evenly divided on whether being gay is an "acceptable alternative lifestyle," while about four in 10 disagree.** Surveys also suggest many Americans still struggle between their desire to be fair to those who are different from themselves and a lingering unease

with homosexuality itself. For example, almost all Americans say gays should have equal employment rights, but support drops for occupations like teaching and the clergy. **Roughly a third of Americans say homosexuality should be illegal, but most of these people change their minds when asked whether that means consenting adults having sex in private should be prosecuted.**

Support for gay rights measures also varies depending on how the survey question is worded – which

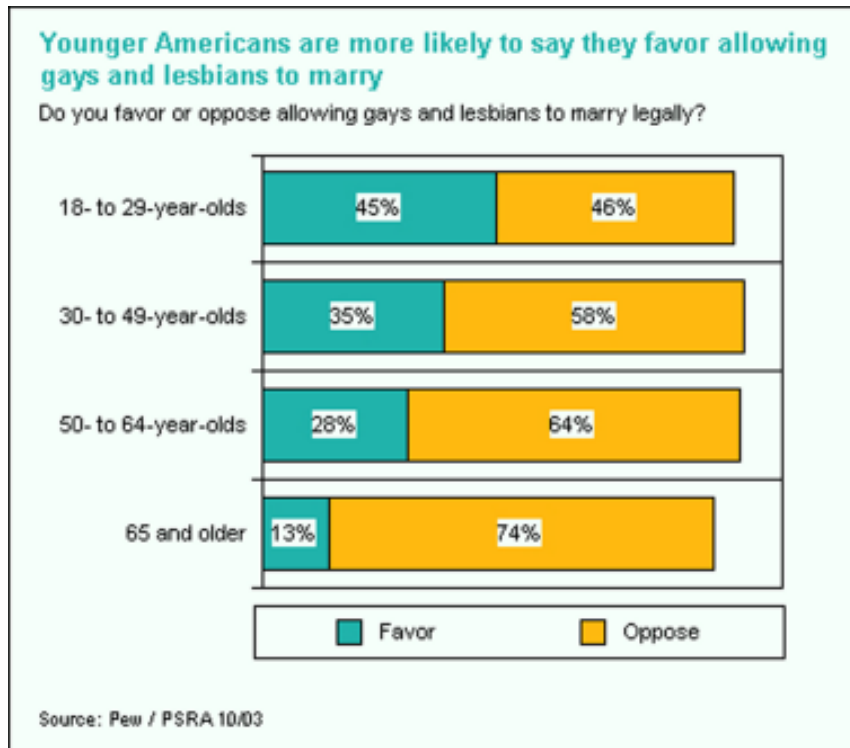
to pollsters is a classic sign that the public is still making up its mind on an issue. This is particularly true with same-sex marriage, where the word "marriage" proves to have a significant impact on survey results. **Majorities of Americans say they oppose allowing gay marriage. But most would allow same-sex couples to have the specific legal benefits that come with marriage,** such as inheriting property and sharing health insurance and pension benefits.

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Toronto.

In the U.S., the pattern has been for state courts to question why same-sex couples can't get

### Face the Facts

**More than half (55 percent) of Americans say it should be illegal for gay and lesbian couples to marry, but most (60 percent) don't think it's worth amending the U.S. Constitution to ban gay marriage.**

married, forcing state officials to come up with a plan to accommodate them. That's how Vermont ended up with its "civil

unions" law, after a long and bitter debate.

Vermont's civil unions, enacted in 1999, give roughly the same legal rights as marriage. But the Vermont unions aren't legally binding anywhere else in the country. Under the U.S. Constitution, states are required to offer "full faith and credit" to legal actions in other states, including marriages. But Vermont's civil unions are not called "marriage," and the clause may not apply since many experts argue there is an exception if states believe an out-of-state decision violates their own public policy. For example, if some state or foreign country allowed bigamy or underage marriages, other states could refuse to recognize it. After a Hawaii court struck down a same-sex marriage ban in 1996, Congress passed the Defense of Marriage Act specifically to allowing states to refuse to recognize same-sex marriage. So

far, 35 states have passed legislation banning recognition of same-sex unions.

What that most likely means is a series of state-by-state fights as same-sex couples either seek to have local marriage bans overturned or force states to recognize their unions. Massachusetts is the most recent state where the courts have struck down a same-sex marriage ban and will have to come up with an answer this year.

### The Meaning of Family

Many Americans oppose granting legal recognition to same-sex couples, saying it would mark a fundamental shift in the definition of marriage. They say marriage between a man and a woman sanctifies the creation of new life and establishes the cohesive family unit necessary for any stable society. But groups such as the American Civil Liberties Union and the National Organization for Women say marriage is a fundamental right under the Constitution and denying it to homosexuals is wrong.

Of course, hand-in-hand with the issue of marriage comes the issue of children. Gay couples — or for that matter, gay individuals — hoping to adopt can face legal and societal hurdles from those who say homosexuality presents a clear danger to a child's development and a healthy sexual identity. The vast majority of states no longer routinely deny custody or visitation based on sexual orientation, but two states — Utah and Mississippi — bar same-sex couples from adopting. And a federal judge in Florida ruled in August 2001 that no homosexual individual could adopt a child.

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### Additional Resources

- ▶ Visit our partner, [The New York Times Learning Network](#) for the latest campaign news, stories, and information on what the candidates are saying about these issues. Read the day's top stories and check out the "Issues in Depth" section for additional information.
- ▶ Even more information about the candidates and the campaign is available from our partner, [MTV's Choose or Lose](#).
- ▶ For more information on gay rights, visit [Public Agenda Online's issue guide](#).
- ▶ Think you know this topic? Try our [Test Your Knowledge](#) feature.
- ▶ Think these choices don't go far enough? Do you want to mix and match options? Visit Public Agenda Online and try our [Create Your Own Choicework](#) feature.
- ▶ Want to find organizations on all sides of this issue? Visit [Sources and Resources](#).

#### Set Your Own Priorities

Making public policy decisions isn't just about choosing the best way of attacking a problem – you also have to consider which problem should be tackled first. There are lots of things the government *could* do, and many it *should* do, but not even the federal government can do everything at once. So priorities have to be set. With our [First Things First](#) feature on Public Agenda Online, you can work through what you think the next administration should do – and what it should do first. Find out more at:

[www.publicagenda.org/firstchoice2004/first-things-first.cfm](http://www.publicagenda.org/firstchoice2004/first-things-first.cfm)

#### Find Out More About the Issues

If you like this edition of *First Choice 2004*, read some of our companion guides on:

- ▶ Terrorism and Foreign Policy
- ▶ Health Care
- ▶ Race and Affirmative Action
- ▶ Gay Rights
- ▶ Paying for College
- ▶ The Environment
- ▶ Jobs and the Economy
- ▶ Taxes and the Deficit
- ▶ Immigration

For even more detail, visit [Public Agenda Online](#), which offers nonpartisan issue guides on 21 issues ranging from abortion to welfare reform.