



TALKING TO THE MIDDLE ABOUT REPEALING THE DEFENSE OF MARRIAGE ACT

This week, the Senate Judiciary Committee will vote on the *Respect for Marriage Act*, which would repeal the so-called *Defense of Marriage Act* (DOMA) passed in 1996. In the decade and a half since the passage of DOMA, our country has seen a remarkable transformation in both views towards gay and lesbian couples and in laws that recognize their relationships. There are two major things to remember when talking about DOMA repeal to moderates and others in the middle.

#1 Our country has seen a seismic shift since DOMA was passed.

Five significant changes have taken place in the United States which demonstrate why DOMA is now an outdated relic of an earlier era.

- **Americans went from skeptical to accepting of gay and lesbian couples.** Public support for marriage has doubled, from 27% in 1996 to 53% today. And supermajorities of Americans now support specific protections that are banned by DOMA, including social security (67%) and health care (73%) protections for gay couples.
- **Laws recognizing gay couples went from isolated to widespread.** The number of people living in jurisdictions that provide legal recognition to gay couples has leapt more than ten-fold, from 13 million to 147 million. That means that more than 48% of the country now lives in a place that recognizes gay couples' relationships, and if marriage laws passed in Maryland and Washington go into effect, more than 15% will live in a state where gay couples can marry. Of the more than 581,000 gay couples living in the United States, 28% are in legally recognized marriage or state equivalent relationships.
- **Public employee benefits for gay couples went from an anomaly to the norm—even in politically conservative states.** The number of states offering protections and benefits to gay state employees and their partners has jumped more than ten-fold, from 2 to 22, and such protections are now offered by local governments even in red states like Georgia, North Carolina, and Texas. More than 49% percent of the U.S. population now lives in a state that offers domestic partner protections and benefits to public sector employees.
- **Private sector recognition of gay couples increased from practically nonexistent to virtually standard practice.** The number of Fortune 500 companies offering protections and benefits to gay employees and their partners has increased more than fifteen-fold, from 19 to 291 companies. Today, more than 80% of Fortune 100 companies, almost two-thirds of Fortune 1000 companies, and more than half of all surveyed private sector companies recognize gay couples' relationships and extend benefits to them.
- **Political leaders who once ran away are now running to support gay couples.** In 1996, President Bill Clinton—considered at the time to be the most gay-friendly President in history—signed DOMA into law. Just 15 years later, President Barack Obama has now determined he can see no basis upon which to defend that law in

court, and he recently endorsed the *Respect for Marriage Act* repealing it. Even former Republican Congressman Bob Barr, the original author of DOMA, has endorsed its repeal and now supports marriage for gay couples. As these leaders evolve, they seem to be speaking for an entire nation.

#2 Marriage is about lifetime commitment and responsibility—not just rights.

When talking about DOMA to moderates and others in the middle, it is crucial to remember that it's not just about the 1138 federal rights of marriage. Instead, there are three key lessons when speaking about marriage to the middle:

- **For the middle, marriage = commitment.** Most Americans think that marriage is about commitment and responsibility. When asked in our research “What does marriage mean to you?” people in the middle volunteered words like “commitment,” “responsibility,” “fidelity,” and “a big step.” The most frequently cited description of marriage was “a lifetime commitment between two people through good times and bad.”
- **The middle isn't yet clear on why gay couples want to marry.** Advocates have often focused on rights and benefits, not commitment, when talking about why gay couples want to marry. This mismatch may have exacerbated a disconnect in the minds of the middle, implying that gay couples want to marry for different reasons than other couples. When asked why “couples like you” might want to get married, they overwhelmingly said “to publicly acknowledge their love and commitment to each other.” But when asked why gay couples might want to get married, just as many people said “for rights and benefits, like tax advantages, hospital visitation, or sharing a spouse’s pension.” Over 3/5ths of those who thought gay couples wanted to marry for rights and benefits opposed allowing them to do so, but more than 3/5ths of those who thought gay couples wanted to marry for commitment supported it.
- **The middle needs to hear about commitment, not rights.** The rights frame appeals to our base supporters, but to move the middle, we must convince them that gay couples want to marry for similar reasons that other couples do—to make a public promise of love and commitment. The message to use with moderates and others in the middle is this:

Gay and lesbian couples who are truly committed to each other want similar things from marriage as the rest of us—to build a life together based on love and commitment, staying together through thick and thin. If a couple is willing to stand up in front of family and friends and make a lifetime promise of fidelity to each other, it's not for us to judge, or to deny them that opportunity.

Conclusion

People who believe gay couples want to marry for commitment overwhelmingly support allowing them to do so. But people who believe gay couples want to marry to obtain a set of rights largely oppose allowing those couples to marry. If advocates of DOMA repeal can help move the middle into the former category, they will be able to shore up soft supporters and persuade those still in the middle. By focusing on commitment and reminding the middle how far our country has already come on this issue, we can hasten America’s journey toward repealing the outdated limitations of DOMA and ensuring that federal law respects the marriages of all committed couples.



All data from two Third Way reports, “Commitment: The Answer to the Middle’s Questions on Marriage for Gay Couples,” and “Then and Now: How the State of Relationship Recognition Has Changed Since DOMA.” For more information please visit www.thirdway.org.

