

Winning Marriage: What We Need to Do

June 21, 2005

Introduction: Great Opportunity and Great Peril.

This is a pivotal moment in the movement for LGBT rights.

The last few years have brought stunning success on a wide range of issues, from parenting to schools to ending discrimination on the job. In just the last 18 months we saw the United States Supreme Court overrule itself, strike down all of the nation's remaining "sodomy" laws, and declare in ringing words that the Constitution protects the relationships of gay people. We saw the Massachusetts Supreme Court rule that the Massachusetts constitution requires that same-sex couples be allowed to marry, and we saw the first state-sanctioned marriages of gay and lesbian couples in America. We saw the California and Connecticut legislatures, without any directive from a court, pass sweeping protections for same-sex relationships. More nondiscrimination bills passed this year than in any year since 1992. The last few years have also brought some serious setbacks. Eighteen states now have amendments in their constitutions that ban marriage for same-sex couples, and many of those ban civil unions and other forms of family-recognition as well. There have been more attempts to censor LGBT students than at any time in years, a federal appeals court upheld a ban on adoption by gay people, and a slew of restrictive parenting laws have been proposed in the states.

These two somewhat contradictory trends are the result of two opposing forces. Persistent, thoughtful work on all major LGBT issues has brought steady progress over the last ten years or so, and, in the last two years, these important breakthroughs. These changes are both a cause and a result of rapidly changing attitudes, as society has come more and more to accept LGBT people as legitimate members of society. The changes in the law, in social norms, and in attitudes so far gives us today the very real opportunity to obtain full equality and full acceptance in the foreseeable future.

Our opponents, on the other hand, are energized as never before. They read the same polls and hear the same things from focus groups that we hear: Americans believe that full equality, including marriage for same-sex couples, is inevitable. So like us, our opponents believe that time is on our side. For them that means their only hope is to stop us now; not delay us, not limit our success, but stop us. To them, this is truly a last stand. Thus, as we try to take advantage of the best opportunity for progress we have ever had, we are met by the most determined opposition we have ever faced.

They will not stop at marriage. As their sweeping state constitutional amendments show, they want America to treat same-sex couples as strangers. They hope to use success in stopping marriage as a basis for rolling back progress in schools, parenting, and discrimination generally. Today, their favorite argument against letting LGBT people adopt or be foster parents is that we cannot provide children with the stability of marriage. They no sooner pass amendments excluding same-sex couples from marriage and banning any other relationship than they insist that children be taught that any intimate relationship other than marriage is wrong. LGBT organizations in states that have passed amendments say the referenda are treated, by moderates as well as by our opponents, as votes on LGBT people and all of our issues.

If we don't stop our opponents now, we will see not just a stall in our progress on marriage; we will likely find ourselves fighting fiercely to hang on to all the progress we have made over the last generation. On the other hand, if we do stop our opponents now, we can achieve true equality—in the workplace, in schools, in parenting, and in marriage in a generation.

As the “Long-Term Strategy” section of this concept paper shows, we can achieve marriage for same-sex couples nationwide in 15 to 25 years. And while the purview of this working group was limited to marriage,¹ we have little doubt that we can achieve equality in the workplace, parenting, and safe schools at the same time. But we cannot stop our opponents, if we simply continue doing what we are doing now. As the “Things We Need To Do” section of this paper explains, success will depend on our ability to mount sweeping public education, field and political efforts, efforts for which we do not have the capacity today.

If we are going to succeed, we need to become as energized as our opponents, not to fight a last stand, but to surmount a final great hurdle. We need to have a coordinated, national campaign, building on the work that is already being done, but going way beyond it to take on the comprehensive national work that is not being done today but that is crucial to success. This must be a thoroughly professional campaign, professionally staffed and run, with the enthusiastic support of the organizations working on marriage today.

And while what we propose here is a campaign for marriage, this campaign is central to achieving all our aims. To win, we'll have to show America that LGBT people are parents, and can be just as good at it as anyone else. We'll need to show America that LGBT people have basically the same aspirations for a good life, the same dreams, hopes and fears that other Americans have. The change in attitude that a campaign like that will bring about is the change we need for success on all LGBT issues. Moreover, to win we'll need to build the kind of infrastructure that is essential to translating attitude change into policy. And that is the structure we'll need for success on all LGBT issues.

Nothing quite like this has been done in the LGBT movement so far. But the LGBT community has never faced a challenge so ripe with the prospect for success and carrying such risks if we fail. Our time is short; our opponents have already seen the possibilities and the dangers of this moment. We must give this everything we've got, and we must do it now.

1. The Long-Term Strategy

a. Winning the Public

Public acceptance is crucial to making enduring change in a democratic nation as large and diverse as the United States. Earlier civil rights battles make that clear. To win marriage nationwide, we need to change the way the public thinks about LGBT individuals, couples, and families and convince the American people that it is wrong to exclude same-sex couples from marriage.

¹ A second working group on winning the fight for nondiscrimination laws is to begin its work shortly.

A climate of acceptance will lead to more wins in state courts and legislatures, which in turn will build momentum and reinforce the already widespread belief that marriage for same-sex couples is inevitable. Ultimately, we must build public acceptance on a large enough scale to stop the enactment of state constitutional amendments, end the threat of a federal amendment, and reverse some of the state amendments that have already been passed. Only with widespread public acceptance will the Supreme Court and/or Congress be ready to take marriage nationwide.

Since winning the public is crucial, it must be both a major focus of any marriage campaign, and a unifying strategy. Winning the public cannot be something that is deferred to some more convenient time down the road. Changing the way the public thinks must be a major part of any sustained effort to win marriage for same-sex couples, whether in court, in a legislature or a city council, or in an election campaign.

b. 10/10/10/20

The long-term strategy for achieving marriage nationwide is grounded in an intermediate goal: in 15 to 20 years, get 10 states with marriage, 10 states with civil union or “all but marriage” protection by some other name, 10 states with some more limited protection like domestic partnership, some “whittling away” at anti-marriage amendments, or nondiscrimination laws, and significant “climate change” including local nondiscrimination laws, hate crimes laws or changes in attitudes about LGBT people in the remaining 20.²

This goal is eminently achievable. To understand how it is, the working group that created this concept paper identified illustrative states based on what kind of relationship recognition system could conceivably be achieved in them over the next 20 years. This process was not meant to be either a prediction or a strategic choice for particular states. Much more study would be needed for that. Some states listed under civil union could get marriage in that time frame, some vice versa. Similarly, some not listed might make significant progress while some of those listed might not. The resulting categorized list is not a fixed set of state-by-state goals or even predictions. This is just to suggest that the 10/10/10/20 aim is achievable.

² Although the terms “civil union” and “domestic partnership” have no hard and fast definitions, here civil union will mean a system that gives a couple all or nearly all the same state legal protections that marriage laws do. Domestic partnership will mean more limited systems, like Hawaii’s and New Jersey’s that require registering the relationship with the state but offer limited legal rights.

Marriage
CA, CT, MD,
MA, NJ, NY, OR,
RI, VT, WA

Civil Union
DE, HI, IA, IL,
ME, MN, NH,
NM, PA, WI

**Other Rel., Civil
Rights**
AK, AZ, CO, DC,
FL, MI, MT, NE,
OH, UT

Climate Change
AL, AR, FL, GA,
ID, IN, KS, KY,
LA, MS, MO,
NE, NC, ND, OK,
SD, SC, TX, TN,
VA, WV, WY

This intermediate 10/10/10/20 goal can be reached in essentially two stages. In the first stage (already well underway), we will seek marriage in states where our chances of winning are strongest, and where (either because of the law, the politics or both) we have the best chance to keep any win from being subjected to a constitutional amendment. Our opponents will go for state constitutional amendments in their best states. In working for marriage, we may end up with civil unions as an intermediate step (as in Connecticut). Our challenge will be to use civil unions, which provide tangible and important benefits, as a stepping stone and not an end goal in those states where marriage is a realistic political and legal possibility in the near or medium term.

To get through the next few years of this first phase of getting to the 10/10/10/20 goal, we will need a stable of professional consultants, in addition to the current staff of national and state organizations, who know the issue, know the research, and who can be deployed to help local and state organizations with education, lobbying, organizing and mobilizing allies, and designing and mounting ballot campaigns. Short-term goals for this first phase should include:

1. Preserving marriage in Massachusetts. This must remain a top priority on which all else depends.
2. Achieving marriage rights for same-sex couples in 2 - 3 more states in 4 to 5 years.
3. Defeating the expected anti-gay-relationship initiative(s) in California. California is a state where marriage through the legislature, or even at the ballot, is a real prospect. A successful initiative, especially if it rolled back protections we've already won, would delay crucial progress.
4. In moderate states with ballot measures, moving at least into the mid to high 40s in '06, winning at least one state in '08, and winning all the moderate states by '10. If 30 or 35 states pass constitutional amendments, we will likely have to repeal a significant number of them before we can turn to the federal government to address holdouts.

As we are moving for marriage in the strongest states, we need to be laying the groundwork—still in the first phase—for future progress elsewhere. Laying that groundwork means vastly enhanced public education and organizing, along with legislation and litigation focused on basic protections, i.e., hate crimes laws, nondiscrimination laws, health, pension, and recognition at death for couples, and statewide or local domestic partnership registries. Hate crimes laws, nondiscrimination laws and domestic partnership are laws that are vitally important for their own sake, and in that sense stand independent of the movement for marriage. But

history shows, they are also a critical element in the change in attitudes toward fairness that is essential for marriage. In some states, especially in the first years, where legislation and litigation don't make sense, the effort should focus on general public education to change the climate in the state toward LGBT people. ***There is no state in which we should be doing nothing.***

In the second stage of getting to 10/10/10/20, the effort to get marriage, civil union, or domestic partnerships must move to more moderate states. In some states, that may begin with efforts to get the state to give equal treatment to marriages from other states. As this stage goes forward, some states that have one kind of recognition may move to a more comprehensive kind. In this phase, the political climate in some of those states may leave us no choice but to push proactively for civil union or domestic partnership, while still laying groundwork for marriage. In some states we'll be able to work on relationship recognition within the confines of existing amendments. In others, the amendments may need to be narrowed by subsequent initiatives to get significant relationship recognition. Eventually, we'll get some amendments overturned by the voters (much as voters overturned the initiative against discrimination laws in Cincinnati).

While we focus on the strategies we need to get to 10/10/10/20, the primary goal of changing the way people think has to remain at the forefront. We won't get past this intermediate goal (or even reach it) without it. In addition, we must do two more things. First, lose as few court cases as possible. To keep winning, especially as the efforts move beyond our strongest states, we will need to have established a strong legal trend our way. Moreover, the near uniform support of courts would reinforce our claim that justice and fairness require ending the exclusion. Second, start winning in state legislatures as well as in courts. That will make it easier for legislatures, cities, businesses, and courts in more moderate states to do the right thing. It will also deflate the charge that opening marriage is the work of elitist "activist" courts. Particularly in states that have passed amendments, domestic partnership and civil unions are victories that put us in a stronger political position. We've also got to do a better job promoting awareness of our successes in blocking bad measures in states legislatures.

c. Getting to the Marriage Threshold

To get past 10/10/10/20, we'll need to start working in some states that have limited protection to go beyond and move to marriage (most likely, we'll begin pushing some states even before), through both legislatures and courts. This part of the strategy depends on the assumption that once a state has recognized same-sex couples, it will be easier to get marriage. In part, that depends on making sure that the public education and political work continues in states where some progress has been made. (The assumption that we should move all states to marriage is explained in the "Why Marriage" addendum at the end of this paper).

Once enough Americans agree that it is wrong to exclude same-sex couples from marriage, and enough states give complete legal protection to same-sex couples (mostly, but not entirely, through marriage), with others giving limited protection as well, the push to get the

federal government to require all states to open marriage should probably get under way.³ That effort may begin by getting states that have so far declined to provide equal treatment to marriages of same-sex couples from other states, just as they do with other marriages. It will eventually focus on requiring that marriage be non-discriminatory in every state. It is impossible to tell now whether the primary focus of these efforts will be on Congress or the courts. To some extent, both will have to be involved. (The implicit assumption here—that we should not call on Congress or the Supreme Court for national resolution until fairly late in the process—is explained in the “The Roll of the Federal Government” addendum at the end of this paper).

2. Things We Need to Do

10/10/10/20 in 15-20 years is possible. Marriage nationwide is possible five years later. It could all happen more quickly. But while we have already mounted the most significant and collaborative effort the LGBT movement has ever made on an issue, and while we have made significant progress, we will not reach these goals unless we do things that are not being done now. These are things that we do not do now, and for the most part, do not have the capacity to do now.

To reach these goals and overcome the threats we now face, we need to be able to launch significant new efforts in field, public education, electoral and other political work, and fundraising. We will need to get the advice of a diverse group of experts, in each of these areas, to decide exactly what we should be doing to reach these goals. We’ll need to sift through that advice to decide which efforts to mount and when, and we’ll need to create a comprehensive campaign plan. But it is possible to get some idea of the scope of the challenge now. Here are some of the things in public education and field that right now seem essential if we are to get even to our intermediate goal of 10/10/10/20.

a. Public Education

We need a high-level, coordinated, national communications strategy that successfully instills the conviction that same sex couples need and deserve the right to marry.

To be successful, we need at least three distinct kinds of public education: 1) education that secures the support of the “movable middle” of the American public; 2) education that will make those who already support us care deeply and get involved; and 3) education that explains to our own community why marriage is critical and why working for it now is essential. While we have some efforts in each area now, they are not sufficiently resourced, they are not coordinated, and they are not national in scope. We have nothing like what we need.

³ Some of us believe that a majority of Americans will have to support ending the exclusion, and that half the states will have to have already given full legal protection to same-sex couples before we’ll successfully be able to get federal help. Others believe either or both of those thresholds may be lower. We all agree that some critical mass of public support higher and more engaged than what we have now will be necessary, along with marriage in a substantial number of states. And we all agree on what we need to do now if we are to get whatever numbers are needed.

First and foremost, we need to learn how to create conventional wisdom on marriage both by crafting the content of that wisdom and engineering the structures that effectively disseminate it across our target audiences (i.e. the “movable middle”). We must replace the current conventional wisdom that has been so effectively implanted by our opponents (“marriage is between a man and a woman,” “children need a mother and father,” “the people should decide, not unelected activist judges”) with our own.

An effective public education campaign should aim to reframe the terms of the marriage debate so that our side is more pro-active and less defensive. We need to reduce societal fears and ignorance about same-sex couples getting married so that most Americans will resolve the “values conflict” (i.e., fairness vs. tradition) in our favor. While a significant body of research exists on the marriage issue, much of it has focused on how to defeat particular constitutional ballot measures and not on how to move public opinion on the issue of marriage for same-sex couples itself. An innovative, in-depth and creative approach to research, message development and message dissemination—particularly messages that focus on why marriage represents fairness and the full measure of equality and how to get people to care more deeply about it—is critical.

We need to know who works as messengers with which audiences: couples, parents, families and friends, leading allies, clerical leaders, business leaders, labor leaders, etc. We may need to develop some consistent high profile spokespeople (LGBT and straight). We need to disseminate endorsements we get to the particular audiences which will care about them. Continuous measurements of the efficacy of our public education efforts is resource intensive but critical. The more we can test not only the messages, but the methods of delivering those messages, the more effective our public education efforts will be. Flexibility will be essential to tweak and change messages as the research (and experience) suggests.

Messaging is transformed into conventional wisdom through an “echo chamber,” so we must create a network of outlets, speakers, and writers who will echo our messages over and over again until they are rolling off the tongues of those in the movable middle as reflections of their own values. To accomplish this, we need to have not just the right messages, but also an organized campaign to pitch opinion leaders, columnists, editorial boards, talk show hosts, and less traditional opinion leaders. We need to have people whose job it is to pitch earned media—national as well as local—with the stories we know can move people. There should be stories somewhere in the media almost every day.

Establishing a strong linkage between field work (and all the folks who are doing it) and media will be important to taking full advantage of the communications opportunities that field work can create. We need to have operations that can train spokespeople, and then deploy them, at the national, state and local levels.

A serious public education effort will also need:

- The active participation of non-gay groups as soon as possible.

- A well thought-out internet strategy.
- A way to weave marriage equality into pop culture.
- A plan to disseminate research on families and children that shows we're good parents;
- A paid media campaign.

b. Field

Building on the existing infrastructure of state and local organizations, we must significantly increase the capacity of the LGBT community and our allies to do on-the-ground organizing. We need to have some capacity for it in virtually every state. Writing a comprehensive field plan for each state would be a top priority for a national marriage campaign. Elements of such a plan would include:

- Recruiting and training armies of volunteers.
- Building capacity to identify supporters efficiently.
- Establishing a robust speaker's bureau.
- Organizing and regularizing community events not just on marriage, but on related issues where marriage can play a significant part. We need to organize visibility events and co-ordinate them with communications tactics so they can be pitched.
- Registering and turning out young voters.
- Organizing the LGBT and allied communities to pass resolutions in their cities and towns in support of marriage equality. Recruiting local opinion leaders. We need to systematically reach out to potential allies, to explain the issue, get their support and, hopefully, get their help. We may need to help create ally organizations dedicated to opening marriage.
- Developing the capacity to deploy volunteers interstate (i.e., have Alabaman volunteers making calls in a Wisconsin fight).
- Building our online organizing and fundraising capacity.
- Organizing in communities of faith.

The campaign must also be able to use its field and education resources to help politicians who support us, and to hurt those who do not. This will doubtless include the capacity to deploy these resources on other issues, including issues that have nothing to do with the particular rights of LGBT people at all.

3. A Marriage Campaign

To accomplish the short and long-term goals sketched out in this document we need to mount a national campaign to win marriage. The campaign should build on the work that is

already being done nationally and in the states, but it cannot be limited by existing structures. It should be a new effort to do new work. The campaign will have to facilitate co-ordination among existing organizations, manage consultants and generally, get the work the campaign plan calls for done.

Building a campaign to do all this won't be easy, and, if we are going to get to our goal, we don't have much time to spare. This statement offers some guiding principles, and some elements needed for success that we think any campaign will need. It then proposes two alternate ways to structure the campaign. The last section will outline the process for choosing a structure and getting the campaign underway.

a. Some Guiding Principles

The campaign must be designed and structured to run an effective, long-term winning campaign. That will require a co-ordinated national structure that can be sustained over time yet be flexible enough to operate efficiently. The campaign cannot simply be a different version of existing coalitions working on marriage. The campaign will have to work with groups that exist now, but it should be run by a professional campaign manager, and it needs to have its own staff and resources. The campaign needs to balance its autonomy and its need to bring in new energy with its need to be connected to, and supported by, organizations that are already working hard on the issue and putting significant resources into it. The structure must strike a balance between the autonomy the campaign will need to be effective, and the accountability, input, and commitment it will need to be accepted as a partner.

The campaign must be focused on the long-term goal of winning marriage. It must have the capacity to do 501c3 work as well as 501c4 work. Much like a national candidate campaign, this is a national structure that will largely be executing state-specific plans and strategies. Therefore, state players must have a meaningful voice in all aspects of the campaign. The campaign must be racially diverse at all levels and must be designed to bring in new faces and new energy, both LGBT and straight. Finally, the campaign should add to our movement the ability to play political "hardball" through electoral work.

Credible non-gay groups will need to get behind the campaign early. The campaign must be structured so that there is a place for key national organizations, gay and non-gay, representatives of state organizations, experts in various fields the campaign will work in (but not consultants who would work for the campaign), and people who can represent important constituencies (i.e, clergy, labor, business). The campaign's governance structure should have no one who brings to the table only views, no matter how sage. Specific commitments of support (not necessarily financial) will probably be a requirement.

The campaign will have to have a formal mechanism by which state and national organizations that are not on its governing committee (at any given moment) can be a part of the campaign process. The campaign must be designed to add value to the work being done and will need to co-ordinate by providing indispensable assistance rather than by directive.

b. Structural Models

1) The Collaboration Model

a) Purpose and Function

The centerpiece of the campaign in this model is a staffed, structured, enhanced collaboration between existing state and national groups, gay and non-gay, working on marriage. The purpose of the collaboration will be to facilitate the creation of state campaign plans and to build out of this concept paper, modified over time by those state plans, a national campaign plan to win marriage. The Collaborative's purpose will then be to see to it that the plan is implemented, and to help the many state and national organizations (gay and non-gay), which directly do the work to be as efficient and effective as possible.

Both the national and the state campaign plans should be comprehensive. They should cover the educational, legal, legislative, and electoral work that will be needed to win marriage.

The Collaborative will provide a vehicle for organizations working on marriage to share research, intelligence and plans for the work they hope to do. Information sharing should allow each group to maximize its effectiveness. Sharing plans should help groups avoid duplication. It is especially important to avoid duplication of expensive research efforts, and avoid overlapping or, where possible, inconsistent campaign activities. As important, sharing plans will allow the collaborative to identify critical tasks that are not being done, and to attempt to find the organizations and the resources necessary to get them done.

The collaboration should go past information sharing and provide a structure that allows organizations to co-ordinate both research and campaign activities. Since the Collaborative represents all (or most all) groups seriously working on marriage, it should be able to help mediate among groups with clashing or overlapping plans by being an honest broker.

b) Overall Structure

The goal would be in every state to convene a collaboration of leading gay and non-gay players on marriage (in some states, the goal of these collaborations will be "climate change," work aimed at changing attitudes toward LGBT people but not in any immediate sense at either marriage or recognition of couples). In some states, national organizations that are part of the national Collaborative, may, if they are doing sufficient work in the state, be part of the state collaboration as well.

This state collaboration, assisted with information and professional advice provided by the national Collaborative will create the state campaign plan. Hopefully, the Collaborative will then help facilitate its execution on a state level. Different states may structure their collaborations differently.

The national Collaborative will consist of those national organizations (including the Federation) that are doing serious work and devoting serious resources to the fight for marriage. To belong, each group will have to make a serious commitment to the work of the Collaborative

(this could take the form of a “pay to play” requirement or some other serious commitment of resources). Members would have to sign a Memorandum of Understanding both to make sure that all the work of the Collaborative meets increasingly complex legal requirements, but to spell out roles and commitments as well.

The organizations that make the commitment will form the Collaborative’s steering committee. The Collaborative will have a staff, consisting of a campaign manager and a few professionals. It is that staff that will make the information sharing possible, that will facilitate the co-ordination of groups, that will help with the state plans, and that will mediate when necessary.

The structure could allow any organization that seriously supports marriage to join as a “member” of the Collaborative (but not the steering committee). Membership will carry certain basic responsibilities, such as formal endorsement of the Collaborative’s goals, alerting the organization’s members to relevant activities, etc.

c) The Field/Education Operation

Although much of the work in the state plans and in this concept paper can be done by the state and national Collaboratives described above, the national public education strategy and the national field capacity should be created by an independent organization created for that purpose alone.

No doubt, once a national public education strategy has been created, various parts of the strategy will be carried out by existing organizations, co-coordinating through the Collaborative. However, the “innovative, in-depth and creative approach to research, message development and message dissemination” that is “critical” to success is beyond the scope of any existing organization, and does not lend itself to the coalition type of approach that the proposed Collaborative uses. Co-coordinating disparate efforts will not give us the in-depth work we need. Trying to create it through a collaboration is likely to take far more time than we can afford to spend.

Similarly, while much of the field work will ultimately be done by existing state and national organizations, creating the capacity for a field operation in virtually every state, even if much of the work is done through existing organizations, is a task to which none of them is equal now. Moreover, to create this essential field and public education capacity, very significant new funding will have to be raised. That too is likely to be difficult through a collaboration.

The basic field and public education components of the marriage campaign should be created by an organization that is devoted to that purpose alone. While it should be a member of the Collaborative, it must be independent. Its board—which should be relatively small—should be selected by the steering committee of the Collaborative, but it should consist of individuals, not group representatives. While there is likely to be some overlap between the Collaborative’s steering committee and the field/education operation’s board, the field/education organization should be self-governing.

The field/education operation should be staffed, and ultimately, should operate through regional offices. It should work through existing organizations to the extent that it can. But its critical job is to do the work covered by this concept paper.

2) The Campaign Organization Model

a) The Essential Difference

The purpose and function would remain the same: the campaign organization would facilitate the creation of state campaign plans (by state based collaboratives), and evolve out of the concept paper, modified over time by those state plans, a national campaign to win marriage. The campaign organization's job is to see to it that the plans are implemented as effectively and efficiently as possible. As with the collaboration, the campaign organization would provide a vehicle for organizations working on marriage to share intelligence, avoid duplication, and identify unmet needs. It should also be able to mediate among existing organizations.

The essential difference between the collaboration model described above and this campaign organization model is that in this model, both the new field/public education work essential to the campaign and facilitation/coordination/mediation work will be carried out by one organization that, while other organizations participate in its creation and governance, is a completely independent organization.

b) Basic Structure

The general direction of the campaign organization would be set by a steering committee. The committee should adopt and oversee the campaign plan and decide basic policy issues. It should be the place for big-picture input from other coalitions and groups. It should approve budget and set fundraising policy. It should be a sounding board for the staff on policy as it applies to operations. The committee would be made up of key national organizations working on marriage (gay and non-gay), representatives of state organizations, experts in various fields the campaign will work in, and people who can represent important constituencies (i.e., clergy, labor, business). Some clusters of key organizations (perhaps grouped by function, i.e., litigation groups, state groups, political groups) may have to name one of their members to be on the committee to keep it from getting unwieldy. Specific commitments of support (not necessarily financial) will probably be a requirement.

The campaign organization will be run by a campaign manager. The steering committee would create an executive committee, whose job it would be to hire and supervise the campaign manager and administer the budget. The steering committee would create a finance committee to supervise fundraising and to recommend the budget.

4. Making it Happen

The first draft of this concept paper was distributed to representatives of all the groups who were involved in creating the working group that put it together. Those groups endorsed in principle the "Long-Term Strategy" and the "Things We Need To Do" set out in this paper. At their direction, the working group then put together the two structural models for a

marriage campaign. Now, the working group will:

1. Seek the expert advice that would be essential to creating a true campaign plan;
2. Begin more widespread discussion of the concept with key activist groups in the LGBT community and with non-gay allies and seek feedback;
3. Have conversations with a few individuals and organizations that fund much of the marriage work now, to explore the potential base of support for the campaign.

The group will then report back with recommendations for structure. Once a general structure has been agreed upon, the group will refine it and add details. After input and revision, it can then be used as the basis of a funding feasibility study. Provided that study, should we decide to go ahead with it, tells us the funding exists, we can have the working group launch the process of starting the collaboration and the field/education mechanism.

Addenda

1. Two Critical Assumptions

a. Why Marriage

Many people in the LGBT community would have preferred not to have made marriage a leading issue now. Many would have preferred to have addressed the legal and social recognition of same-sex couples with different tactics and/or with different conceptual models. Some members of the working group that drafted this concept paper are among those people.

Many other people of course disagree, and think that marriage is the right issue at the right time. But all of us in the working group believe that no matter how we would have liked to work through relationship issues, crucial legal, political, and social issues are being debated and decided in the framework of marriage. We believe that while we may be able to frame those debates and influence those decisions, we do not think we can move the central focus away from marriage.

However, we also believe that the LGBT community and our allies should not enter this debate believing that we do so only because we have no choice. Excluding same-sex couples from marriage creates enormous practical obstacles for gay people. Right now, marriage is the legal and social system that provides the most comprehensive protection for the relationship of two people who make a life together. Right now, marriage is the primary institution we use to identify two people who have decided to make a life together, to treat two people who are not related by blood as the most important members of each other's families. There is no way that gay people can be full participants in American life as long as society and the law treat our relationships as if they were inferior or as if they did not exist.

Civil unions and domestic partnerships are valuable personal choices for couples who prefer them to marriage. Americans, LGBT and straight, ought to have the ability to build lives together outside of marriage and still protect their relationships. For our community, civil unions and domestic partnerships can also be important steps on the road to marriage. But they aren't a substitute for the right to marry. Even when they have the same legal rights as marriage under the laws of the states that create them, it will be considerably more difficult to get other states to treat them as legally valid. And even though the federal government does not recognize the marriages of same-sex couples now, it will probably be easier to get it to recognize marriages than it will be to get it to give the treatment it gives marriages to civil unions and domestic partnerships.

While many people might choose domestic partnership or civil union, it has to be a choice. As long as marriage is closed to same-sex couples, same-sex civil unions and domestic partnerships will in part be institutions accepted by mainstream America to embody the judgment that same-sex couples are unworthy, that the relationships of same-sex couples are not as good. This is not a mere statement; this is structuring inequality into the law, and using that legal structure in turn to shape society's understanding of who gay people are. It is profoundly wrong.

b. The Role of the Federal Government and the States

At first, marriage will have to be won in the states, through state courts and state legislatures. Only after we have won in many states are we likely to be able to get the Supreme Court or Congress to insist that "hold out" states get in line. Despite widespread beliefs to the contrary, historically, Congress and the Supreme Court have been much more willing to insist that "hold out" states abide by widely accepted social norms than they have been willing to set norms for the nation generally. That was true with ending sex discrimination, racial segregation and, more recently, with laws against intimacy for same-sex couples. (And with race and sex, Congress was ultimately as important a catalyst for change as federal courts were). The federal government is likely to play a similar role here in fostering the eventual national resolution.

Moreover, in the relatively near term, even a favorable Supreme Court decision might push the federal marriage amendment out into the states. While we would probably win the ratification battle, it would become the exclusive focus of our work for five to seven years, and would result in votes in state legislatures. It might be possible to make a ratification fight work for us; by putting the issue on the public agenda in many states, it would create a real public education opportunity. If we could defeat ratification in many states, we might be able to keep the movement for change going or even accelerate it. But a campaign much more significant than that suggested here would probably be required to make ratification a positive process. If many legislatures voted against us, it could slow down our progress considerably.

Efforts to get the federal government to end discrimination against same-sex relationships that have been sanctioned by the states—both of married couples and couples with civil unions and domestic partnerships—will likely go forward in courts and Congress before any attempt to get the federal government to bring "hold out" states into line. This can be a crucial part of

winning the public. But apart from that, until fairly late in the process, the focus for establishing marriage will be on creating the national context for change—a climate of receptivity—and making change through state legislatures and state courts.

2. A Note on the Process

This statement was created by a working group that met in Jersey City, New Jersey on May 10th and 11th, 2005. The meeting was underwritten by the Gill Foundation. The participants in the working group were:

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Alexander Robinson	The National Black Justice Coalition
Roey Thorpe	Basic Rights Oregon
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