

CATALYST OF CHANGE? PRESIDENT OBAMA'S IMPACT ON PUBLIC
OPINION OF SAME-SEX MARRIAGE

A thesis submitted to the
Kent State University Honors College
in partial fulfillment of the requirements
for Departmental Honors

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December, 2013

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ACKNOWLEDGMENTS

This thesis is one of the most challenging undertakings of my undergraduate career, and would have been impossible without a lot of helpful people. I would first like to thank Jim and Celeste King for their unconditional support.

I would like to thank the Mrs. Karen Clement, the College of Arts & Sciences Learning Community and Kent State College Democrats for everything. Thank you Bryan Staul, Schad Dalton, Molly Knight, Matthew Rinear, Matthew Chernesky, and Emiko Waight for your help and encouragement throughout this process. I could not ask for better friends.

I appreciate the staffs on both FreedomOhio and Organizing for America who have taught me so much about both politics and life. Special thanks go to Lora Rae Anderson; it was a pleasure working for you. In addition, thanks go to Generation Progress and the Washington Program in National Issues class of 2013.

Thank you, Dr. Gabriella Paar-Jakli, Dr. Sara Newman, and Professor Matthew Shank. I appreciate all of you serving on my thesis committee, and your willingness to work with me.

My greatest appreciation goes out to Dr. Richard Robyn. Without him, I never would have begun or completed this project. Learning from him in Washington affirmed my passion for politics and helped me narrow down my career choices. Dr. Robyn, I can never thank you enough for all you have done for me.

CHAPTER I

INTRODUCTION

Throughout the short history of the United States, campaigns and struggles toward greater equality are present. Since the dawn of the country, the abolition movement was a force until President Abraham Lincoln emancipated the slaves in 1863. The women's rights movement was legitimized by the Seneca Falls Convention in 1848, and after achieving suffrage in 1920, transformed into the modern feminist movement still intact today. In the 1950s, a civil rights movement was born which struggled to achieve the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Throughout these campaigns, various presidents were entangled, their role ranging from either ardent supporter to immovable obstacles. When looking at the ongoing campaign for marriage equality, it's easy to draw comparisons from historical movements. Like the other movements, the LGBT rights movement had a launching point, although marriage equality was never really the main objective, making this campaign distinctly unique. Instead of focusing on passing a constitutional amendment or even a federal law, the campaign has waged a national effort to turn the tide of public opinion on the issue of same-sex marriage. While less ambitious than a fully-fledged nationwide legalization campaign, this approach has drawn the issue into electoral races throughout the country, including the presidential races.

Though same-sex marriage was not a major political issue until the presidential campaign of 2004; the Democratic base would largely come to embrace the issue, making 2008 much more dynamic. The Republican Party, whom remained staunchly opposed to marriage equality, contrasted this. While Barack Obama won the election, supporting civil unions was far from the political norm, and most Democrats were unhappy, perceiving Obama as tiptoeing around marriage equality, while Republicans were angry he gave even tepid support of the issue at all. The most pressing issues during Obama's first term happened to be economic, but something strange happened during his first term: support for same-sex marriage doubled each year under his presidency to four percent a year ("Gallup"). It seemed clear to many analysts that support for marriage equality had been steadily rising for the past two decades, but nothing explained the rapid leap during Obama's first term. Many reporters immediately made assumptions about Obama's role in the rising support. Some have even claimed President Obama's support for marriage equality helped France legalize same-sex marriages, due to Obama's high popularity there (Edaburn). This thinking was extremely convenient as well; a pro-LGBT president who passed several important laws for the LGBT community would have an immediate effect on public opinion. However, this political calculus is muddled by other variables.

As president, Barack Obama has been an unwavering advocate for the LGBT community, though other activists were already in this arena long before he entered the White House. The various LGBT organizations had been thrust into the marriage equality fight during the 1990s, and this equality became the main goal after the Massachusetts Supreme Court legalized marriage equality in the Northeastern state in 2004. In addition,

equality for LGBT individuals was the main focus of some Democratic lawmakers, who had advanced equality bills in various legislatures across the country. However, the most important factor of the marriage equality movement is the LGBT population themselves. During the coming out phenomenon, which started in the 1990s. Americans who were apathetic or opposed to this issue were confronted with the knowledge that a close friend or family member was LGBT; and after soul-searching, many would change their positions on the issue (Wade). Despite the changes of policy the president pushed for and signed into law, could other groups have affected more change than President Obama? This is the key question this composition seeks to answer, and viewing historical comparisons, it's unlikely Obama made much of an impact (DiClerico).

After Obama's first term, however, the political landscape around marriage equality is hardly recognizable. While still a moderately risky issue in 2008, it became a centerpiece of the Democrat's platform (Peters). In addition, a dozen states that encompass one-third of Americans have legalized same-sex marriage (LGBT). In 2012, history was made when three states approved of marriage equality at the ballot in Maine, Washington, and Maryland. Less noted, but still important, a ban of same-sex marriage was defeated in Minnesota; quite remarkable, as the previous 31 had passed by significant margins (Minnesota would come to legalize same-sex marriage in 2013). In 2014, many Americans could see a same-sex marriage issue again on the ballot again, but to legalize it, rather than ban it (Chauncey A). The Supreme Court, while not ruling officially on the constitutionality of same-sex marriage, has still shown some support by striking down a major section of The Defense of Marriage Act (DOMA). Congress passed a comprehensive hate crimes bill to include LGBT Americans and repeal the

“Don’t Ask, Don’t Tell” (DADT) policy of the military. However, one of the most important victories for LGBT organizations was President Obama’s endorsement of same-sex marriage during the summer of the 2012 election.

Anticipation had been building around the president since his first inauguration, as LGBT organizations craved a marriage equality endorsement from the president. Of course, this created a complicated political calculus, as the administration had to factor in the public’s reaction, the impact on the election, and more importantly: how would the president’s base would react and how would the Republican Party use the endorsement for their own political gain. All of these factors, and more, made the decision extremely risky, yet Obama did endorse marriage equality. At first glance, the president’s endorsement seemed not to have any effect on the political field; yet several smaller demographic groups showed shifts in support: African-Americans and Democrats (Frumin). Did the president bolster support for marriage equality from these two groups? One must also factor in the other political parties and Latinos, one of the fastest growing demographic groups in the nation.

While embarking upon the research of the effect President Obama has made in the public opinion of same-sex marriage, one must specify certain questions necessary to explore. In an effort to establish a comprehensive understanding of the current political reality surrounding the issue of same-sex marriage, a distinction must be made clear. President Obama’s role must be examined due to his unprecedented support for the LGBT community. This work will seek to determine the impact, if any, of the president when examining the increasing support for same-sex marriage. Understanding the thought process of the president involves establishing the political and cultural realities

he faces when looking at this issue; including the president's own personal history, the history of the campaign for marriage equality, and the history of public opinion of same-sex marriage. Closely linked and extremely important to the listed goals involves the process a president directs himself to establish a level of success when shifting positions on a controversial social issue. This issue deals with intraparty politics and also along demographic lines across the country, such as the trends of various minority and age groups. The ultimate goal and the main purpose of this research is to formulate an understanding of President Obama's impact on public opinion about same-sex marriage. Once completed, the question can be resolved, which involves around the question of the rapidly rising support for same-sex marriage in public opinion polls, and President Obama's impact, if any.

CHAPTER II

LITERATURE REVIEW

Public opinion is a crucial indicator for both average citizens and policymakers. Polls capture the ever-changing mood of the nation on a variety of issues, especially controversial ones. While some seem to doubt the accuracy of polls, as technology has advanced, so had the methodology behind polling. Nate Silver, a statistician whose algorithms were able to predict the 2012 election with almost complete accuracy, best demonstrates this. While an analysis of President Obama's actions is crucial to this paper, the review of literature must also include a solid background of polling regarding same-sex marriage and the rapid movement over the past decade. While keeping a certain level of exploration into public opinion, attention must also be applied towards President Obama, and his actions. This effort is employed to investigate and analyze the decisions President Obama could have made and how any might have affected the public opinion of same-sex marriage.

The movement for LGBT rights began more than four decades ago after the Stonewall riots in New York; however, the campaign for marriage equality formally began in the 1990s after Hawaii contemplated legalizing same-sex marriage (Chauncey B). Many in the LGBT community were hesitant about this strategy, figuring it could actually lead to backlash against LGBT Americans. This was an atypical movement, as LGBT Americans already had both the right to vote and equal access to facilities, unlike

women and African-Americans, whose twentieth century movements for equality were sparked by those demands. In addition, the women and civil right movements had began a nearly a century before; by following trends set by those examples, the campaign for marriage equality should still be decades from accomplishing their goal. However, they have achieved it faster than ever conceived. This has been achieved with little help from the nation's executive, the only president who even moderately supported LGBT rights: Bill Clinton, though he was forced to sign both "Don't Ask Don't Tell" and the Defense of Marriage Act into law due to political pressures of the 1990s (Sullivan).

During this time, polls regarding same-sex marriage began amongst all the major polling firms. The earliest appeared in 1989, it was relatively infrequent, and mostly showed dismal support for marriage equality amongst the American public (Grant). Polls only improved for the LGBT community incrementally during the Clinton and Bush administration. While support did increase about 13 percent, it topped only 40 percent by the end of the second Bush administration. However, during Obama's first term it jumped another 13 points, and whether this jump was organic or effected by another factor, such as President Obama, is the main question.

Research points to his advocacy for same-sex marriage, established in 1996, was also stunted by conventional politics of the 1990s (Baim). Whereas previous presidents played against LGBT Americans for their own political gains, President Obama spent much of his political capital expanding rights of the LGBT community including military service, hospital visitation, and federal hate crimes protection. This approach was to fulfill campaign promises, but also to expose the government's disenfranchisement of LGBT Americans to the wider American public. Before, only Americans with an LGBT

community member in the family reconsidered their societal positions; the escalation of the marriage equality fight alongside Obama's policy initiatives encouraged a whole new swath of Americans to reconsider either their apathy or opposition to same-sex marriage (Von Drehle). This alone could have drastically increased the public's acceptance of marriage equality.

The most important work, relative to this composition, was the that of George Chauncey, published in 2005. While this book only offered the history of the gay rights movement, it laid out clear events, which would eventually help contribute acceptance of marriage equality into a political norm. The most event was of these was the coming out phenomenon of the 1990s, which built up the numbers of the LGBT community and also exposed a whole new swath of Americans to the disenfranchisement LGBT Americans faced, and many quickly changed their minds. Another would be the tolerant churches, and their acceptance of the LGBT community; this is especially important in the African-American community, which is the most religious group amongst Americans.

Research about the campaign for marriage equality is already woefully outdated. The most recent and accurate came from a book published in 2005 by Chauncey. To put this source into perspective, in 2005, only one state had legalized same-sex marriage. Currently, there are sixteen in addition to the District of Columbia, which shows how far the campaign for marriage equality has come in eight years since the novel by Chauncey was published. With this in mind, the best sources of research came from periodicals and polling firms. From the wide variety offered, Gallup, the Pew Research Center, and polls by the Associated Press were used widely through this paper to determine whether President Obama has had any impact on these polls.

Delving into research about President Obama was far more bountiful, as there have been many reports conducted about his tenure as president. However, hardly any looked into his efforts on behalf of same-sex marriage. The most relevant and insightful articles actually had nothing to do with same-sex marriage, but rather looking at how Obama has been able to affect partisan attitudes on issues more than his predecessors (Jacobson, 2012); this work could further explain his influence regarding public opinion of same-sex marriage. Other reports uncovered were lacking in the topic areas of public opinion and President Obama to and were of any use for this paper.

There were several good examples of classic work from political science, most notably by John Zaller and his book, *The Natures and Origins of Mass Opinion*. Zaller argues that public opinion is directly influenced by exposure to elite discourse on political issues. His work argues the positive correlation between a consistent and stable political opinion and political awareness.

With sufficient background information surrounding the specific areas to be explored within this investigation are the presidency of Barack Obama, public opinion of same-sex marriage, and the history of the gay rights movement. There are few literary works on this topic, and the available sources weren't designed with scholarly application in mind. Barack Obama has been covered by numerous scholars (Jacobson, DiClerico, Chauncey, and Baim), and includes his political positions and beliefs. This work is an effort to make an addition to the research regarding whether a president can have an impact on public opinion. In this effort, a focus is given to the history of the gay rights movement, President Obama, and the polling surrounding the issue of same-sex marriage, particularly between 2008 and 2013.

CHAPTER III

CONTEXT

- The History of the Marriage Equality Movement:

The history of the marriage equality movement is often a puzzling topic to address. While the Stonewall Riots are considered by most to be the beginning of the gay rights movement, marriage was never really a priority of advocates; they sought to tackle less divisive issues such as homosexuals serving in the military. Instead, the calls of marriage equality stemmed from two men in Minnesota-Jake Baker and Michael McConnell-who in 1970 applied for a marriage license in Minneapolis. The clerk of the Hennepin County District Court, Gerald Nelson, denied them on the sole ground the two were of the same sex. *Baker v. Nelson* (1971), decided by the Minnesota Supreme Court, ruled the law restricted marriage to heterosexual couples and did not violate the United States Constitution. Though they appealed, the United States Supreme Court dismissed the case “for want of a substantial federal question.” The first venture into the territory of marriage was undoubtedly a failure for the gay rights movement (Chauncey B).

During the 1970s, gay rights advocates targeted a number of issues: ending the police harassment of gay spaces (such as bars and clubs), ending the stigmatization of homosexuality, and ending discrimination in employment and other arenas including the military. Advocates succeeded at a wide range of these objectives through court action and legislation to stop police raids on gay clubs. In addition, activists worked with

doctors and social scientists; in 1973, the American Psychiatric Association voted to remove homosexuality from its list of mental disorders. The American Medical Association and American Psychological Association quickly followed. Some churches also changed their attitudes toward homosexuality, and many Protestant denominations issued public and official statements decrying legal discrimination against homosexuals. Last, and possibly most important, were victories advocates made were passing gay rights ordinances across the country. The ordinances simply added sexual orientation to the list of grounds such as race, marital status, and religion that could not serve as grounds for discrimination. In effect, this added the LGBT community as a recognized minority in the cities passed these ordinances (Chauncey B).

Perhaps the most important aspect of the gay rights movement in the 1970s to realize that victories were largely concentrated in certain areas and regions; with few national organizations and hadn't registered on the national stage of political and moral debate. In addition to the growing backlash in the 1980s from social conservatives, the gay rights movement would be rocked by the Acquired Immunodeficiency Syndrome (AIDS) epidemic. While activists were struggling in legislatures and courts to have the federal, local, and state governments recognize and help combat AIDS, they were flanked by conservative organizations who targeted the newly passed gay rights laws across the nation. The anti-gay activists played into two common depictions of gays. Firstly, as a wealthy and powerful elite which controlled the media, and weren't deserving of protection. Secondly conservatives revived the demonic stereotypes of homosexuals as sex-crazed perverts who preyed upon children and would ruin the moral character of the nation (Mucciaroni).

The most important development in the gay rights movement in the 1980s came from the assault on gay rights and the AIDS crisis: an enormous number of people came out to their heterosexual colleagues, family, and friends. This trend continued into the 1990s and, as a result, the visibility as well as acceptance of gay people increased. As a result of this new visibility, political clout, and other efforts, a growing number of Democratic politicians from big cities and college towns started to appear and participate in gay pride marches. All of these advancements, though marginal at best when compared to the devastating AIDS crisis, set the stage for the 1990s, when both the military and marriage captured the attention of Congress and the overall public (Chauncey B).

In 1993, the Hawaii Supreme Court nearly legalized gay marriage. While the court ruled the marriage ban did violate the state's Equal Rights Amendment, it remanded the case to determine if there was a "compelling state interest" in denying marriage equality in the state. Some celebrated this case, but many feared the consequences of a "premature" victory. The fear proved to be true; on the first day of the lower court's trial in Hawaii to decide if the state had an interest in marriage, the U.S. Senate passed DOMA. The act enshrined a federal definition of marriage as the union of one man and one woman: it also recognized that gay marriages did not carry across states lines. Then-President Clinton signed the bill unceremoniously. As a result, states began to pass their own versions of DOMA to restrict the state's recognition of same-sex marriages; the Vermont legislature, prompted by the state's supreme court, however, passed legislation establishing "civil unions" which provided same-sex couples some legal benefits of marriage without the name. Many gay rights advocates were dismayed at the outcome in Vermont: the unions only provided some rights of marriage in the state and many

activists insisted this created a separate, unequal category of marriage for gay couples (Mucciaroni).

2003 was a year of progress for the rights of LGBT Americans. First, the Supreme Court wiped away the nation's sodomy laws in the case *Lawrence v. Texas* (2003), in a 6-3 decision. This decision changed the status of homosexual acts and was one of the first significant protections for the LGBT community. However, progress for marriage equality came from the Massachusetts Supreme Court on November 18, 2003 with Chief Justice Margaret Marshall writing for the majority declared, "The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens. In reaching our conclusion we have given full deference to the arguments made by the Commonwealth. But it has failed to identify any constitutionally adequate reason for denying civil marriage to same-sex couples (Chauncey B)." There were also consequences for this victory. As a result, then-President George W. Bush called for a constitutional amendment that would declare marriage between a man and woman. Across the nation in 2004, anti-gay activist placed numerous constitutional bans of same-sex marriage on the ballot in eleven different states, and all eleven passed. While this was an obvious setback, the march for equality continued over the next four years with no majors victories, but no further setbacks either (Chauncey B).

In retrospect, 2008 was extremely important for gay rights. Connecticut and California's Supreme Court both ruled same-sex couples could marry in their states. In addition, the three major candidates in the Democratic Party's primary supported civil unions for gay couples; this was the first time any candidate, let alone all, had endorsed any form of same-sex unions. Election day in 2008 proved bittersweet for advocates of

same-sex marriage; Senator Barack Obama was elected, the first pro-gay rights president since Bill Clinton. However, Proposition 8 passed in California, stripping gay couples of their newfound freedom to marry. Nonetheless, despite the defeat in California, electing President Obama proved much more important (Von Drehle).

With a pro-gay rights president in office, state governments were prompted to legalize same-sex marriage, since challenges from the Justice Department were much less likely. In 2009, four locations in the United States passed gay marriage legislation or state courts struck down previous statutes. Vermont, New Hampshire, the District of Columbia, and Iowa all passed marriage equality, with Iowa being the most significant of the bunch. When the Iowa Supreme Court struck down their state's gay marriage ban, it was the first state outside New England to legalize equality; this was extremely important because it proved advocates could win outside traditionally progressive states (Kaczynski).

Progress for marriage equality was a little slower in 2011; however, two important events did happen. First, New York legalized gay marriage through its legislature, and became the largest state to have legal gay marriage, since California's was still blocked by the litigation revolving around Proposition 8. Also, Gallup found public support of same-sex marriage topped 50 percent, which was a monumental improvement since they began tracking the issue in 1996 (Jones).

The last two years have proven to be the most significant for marriage equality. In Minnesota, voters made history by voting down an amendment to ban gay marriage. Wisconsin elected the first openly LGBT senator in United States' history, Tammy Baldwin, and more LGBT individuals were elected to the U.S. House of Representatives. In addition, President Obama, who endorsed same-sex marriage in May, won re-election

in November. Most significantly, at the ballot box in 2012, Washington, Maine, and Maryland all voted for the freedom to marry; this was the first time a ballot initiative bestowed marriage for same-sex couples, spreading marriage equality to other states outside of New England. Finally, all six New England states have legalized marriage equality (Mosbergen).

Though 2013 hasn't concluded, it has been an incredible year for marriage equality. Three states-Minnesota, Delaware, and Rhode Island-have legalized marriage equality through their legislatures and signed by their respective governors. In addition, the Supreme Court declared the Defense of Marriage Act unconstitutional, bestowing same-sex couples the federal benefits of marriage, including social security benefits, immigration rights, and joint taxation among others. The Court also declared that the opponents of Proposition 8, which had been tied up in litigation since its passage in 2008, did not have proper standing to bring it before the court. With this decision, same-sex marriage was reinstated in California. As a result, over one third of the United States' population now lives in a state with marriage equality. In addition, numerous states have also begun legislative and referendum campaigns to overturn their same-sex marriage bans. There has also been a rapid evolution in the U.S. Senate, where sixteen senators have changed their views on same-sex marriage, including three Republicans, the highest-ranking officials in the country to support same-sex marriage (Chauncey A).

While support and success for same-sex marriage has happened organically for decades, after 2009, the number of significant achievements for advocates drastically increased. Arguably, the most important was the Supreme Court striking down Section 3 of the Defense of Marriage Act; this was the first time the court had recognized same-sex

couples, though they still haven't ruled on those couples' constitutional right to marry. President Obama has also been a more active advocate for legalization, and began pushing for state legislatures in 2011 when the New York legislature was debating their same-sex marriage bill.

- *The History of Polling on Marriage Equality*

Most Americans take policy polling with a grain of salt; it has proven to indicate where the public stands. The first poll on gay marriage was taken in 1989 by *Time* in an article by Walter Issacson and found 69% of respondents said they disapproved of gay marriage with only 23% approving (Chauncey B). While the finding isn't surprising, it should be noted current polls find gay marriage with 55% approving of same-sex couples with only 40% disapproving ("Poll"). The rapid evolution in less than twenty-five years cannot be overstated. Many historians have been struggling to find comparisons, as no other issue has shifted as quickly (Chauncey B).

Gallup conducted the first formal poll in 1996, and found only 27% approved of gay marriage (Chauncey B). Unsurprisingly, it shows how deeply unpopular the issue was, and this was reflected legislatively through the Defense of Marriage Act. Though former President Bill Clinton signed the bill, he later condemned the law in an editorial in *The Washington Post* in 2013, before the Supreme Court oral arguments in *United States v. Windsor* (2013), which would eventually destroy the most controversial portions of law. Seeing the issue as beneficial with voters, over forty states enacted their own versions of DOMA, and thirty-seven are still in effect. The most important influence on future same-sex marriage polls came from regular LGBT citizens who came out to their heterosexual colleagues, family, and friends. While coming out didn't immediately

influence the polls, the visibility of the gay community increased, which gradually added to those supporting gay marriage (Mucciaroni).

As noted previously, 2003 was an important year for same-sex marriage, since the Massachusetts Supreme Court legalized gay marriage and the United States Supreme Court wiped out the remaining sodomy laws. These were important milestones, only 32% of respondents in a Pew Research Poll found gay marriage acceptable, making these victories even more surprising (Gallup). It should be noted, however, the U.S. Supreme Court has protections against public opinion since they never face elections, which, in theory, allows them to focus on the cases' constitutional questions without fear of retaliation. However, the justices do care about their public opinion, and most of the current sitting justices have acknowledged the public's faith in the court has dropped since the decision in *Bush v. Gore* in 2000. While the anti-sodomy laws were declared unconstitutional, it is surprising the court would take a stance that many considered judicial activism. After *Lawrence v. Texas* (2003), the court would remain silent on LGBT issues for a decade, until this past spring's decision to dismantle DOMA.

The public's attitude toward marriage equality has shifted with shocking speed. As noted previously, only 27% of respondents supported marriage equality in 1996. This number has nearly doubled, with a Pew Research poll showing 51% of Americans approving of marriage equality. Perhaps more interesting data is from the same poll, where 72% of Americans believe legal recognition of same-sex marriage is inevitable. In 2004, that number was only 59%. Some ponder why individuals have changed their mind on this issue. Of the fourteen percent of respondents who said they have shifted their view on same-sex marriage. The overwhelming opinion said knowing someone who is

LGBT has changed their mind, and a quarter said they've become more tolerant and more aware of the challenges LGBT people face. Only two percent of respondents said they have switched their view to oppose gay marriage, because of religious views ("Growing").

The large portion of the public who changed their minds did so because they know an individual who identifies as LGBT, this circumstance supports the notion that as the community gained visibility, and the attitude of Americans began to change. This "coming out" phenomenon began in the 1990s, after the AIDS epidemic, and made the community impossible to ignore. With both growing visibility and personal connections to LGBT individuals, the attitudes of many Americans began to change. According to Pew Research, from 1996 to 2001, the percent of Americans who supported same-sex marriage jumped from 27% to 35% of Americans, an 8% increase. In addition, the number of American who opposed same-sex marriage fell from 65% to 57% (Gallup). While those who opposed marriage equality were still a majority of voters, it shows how rapidly the polls were shifting, 16% in total in just five years.

After 2001, the polls on same-sex attitudes remained somewhat stagnant, boosting only 2% by 2009 to make those supporting same-sex marriage 37% of the population. Those opposed hadn't gained any ground either, shifting one or two percentage points back and forth over the years. While those years were productive for gay rights, the legalization of same-sex marriage didn't advance outside of New England, with other states quickly ratifying constitutional amendments banning gay marriage. This lack of change isn't surprising. No candidate had emerged whom championed gay rights; as the Republican Party endorsed banning gay marriage, the Democrats mostly remained silent

and didn't prioritize the issue during President Bush's terms. Though the Democratic Party opposed banning same-sex marriage, their platform on the issue was largely confusing, as reflected in Senator John Kerry's presidential campaign in 2004. Kerry opposed banning same-sex marriage, yet supported civil unions, creating a strange situation most Americans saw as straddling the fence (Chauncey B).

Once President Barack Obama was inaugurated, public opinion of marriage equality began to change, rising to unprecedented levels. In 2009, only 37% of Americans supported gay marriage, according to Pew Research. However, in only four years, that number has shifted 13%, showing that half the nation supports same-sex marriage in Pew Research's poll ("Changing"). This increase is larger than the one in the late 1990s and left social scientists struggling to come up with a comparison. This rapid shift has also contributed to marriage equality spreading to thirteen states and a majority of states supporting same-sex marriage. In addition, a majority of senators now support marriage equality, after sixteen of them changed their stance before the Supreme Court heard the two arguments regarding the LGBT community in 2013. Among these senators are three Republicans, Rob Portman of Ohio, Mark Kirk of Illinois, and Lisa Murkowski of Alaska. They are now the highest-ranking officials in the Republican Party to endorse same-sex marriage (Johnson). Most political observers believe this wave of senators switched their positions because to the changing public opinion, except for Portman, who changed his position after his son, Will, came out as gay.

Public opinion on same-sex marriage is one of the biggest sources of progress on this issue. Officials who once quivered at the idea of being of supporting this issue have now wholeheartedly embraced it; and though support has grown organically, there have

been some discrepancies, namely around 2009 to the current time. While marriage equality had steadily grown at about a percentage point or two a year, this number shot up to about three to four percent in 2009, breaking a decades long trend of consistent public polling. The question remains: what caused this dramatic rise in support for same-sex marriage?

- *The History of President Barack Obama and Marriage Equality*

As he has described himself, Barack Obama is an unusual American outlier. Born to a white Kansan mother and Kenyan father on Hawaii is quite different from the norm. In addition, he lived in Indonesia for several years and was also raised by his grandparents for much of his life. While many perceived his upbringing and origin as different, he barely noticed, as he describes in his 2005 memoir, *Dreams From My Father*, “that my father looked nothing like the people around me—that he was black as pitch, my mother white as milk—barely registered in my mind” (Obama 23). Many, including Obama himself, have credited his multicultural and multiracial upbringing as a crucial reason for his support of the LGBT community since he’s been in public service. However, his own record regarding the issue has been quite complicated, ever since his first campaign to be state senator in Illinois.

Running in a local election allows for much more flexibility than a statewide or congressional race. Since Obama was only appealing to an extremely small population of mostly liberal, Democratic voters, he felt secure enough to indicate he supported full marriage equality in 1996; this information was based on a questionnaire he filled out for a local newspaper. While his position was admirable, it was far from the mainstream view, especially since his district was predominantly African-American, and many in that

group had been very much against same-sex marriage because of their religious views. Yet, Obama had felt comfortable enough to declare his support in very clear terms by saying: "I favor legalizing same-sex marriages, and would fight efforts to prohibit such marriages" (Baim). However, like many politicians, his clear answer wasn't final; he changed his position when he declared his run for Congress in 2000. In addition to losing the primary, Obama also had to regress his position on same-sex marriage: this happened because of the enlarged district he was competing in, and the additional scrutiny he faced vying for a federal office. He kept this opposition through 2004, including when he ran successfully for U.S. Senator. However, during the campaign, he faced questions about his sudden opposition to same-sex marriage:

What I'm saying is that strategically, I think we can get civil unions passed. I think we can get SB 101 passed. I think that to the extent that we can get the rights, I'm less concerned about the name. And I think that is my No. 1 priority, is an environment in which the Republicans are going to use a particular language that has all sorts of connotations in the broader culture as a wedge issue, to prevent us moving forward, in securing those rights, then I don't want to play their game. (Baim)

Obama's position in 2004 is the same Senator John Kerry attempted to juggle during his run for the presidency. However, Obama's race in Illinois was less scrutinized, and was overshadowed by the presidential race. In addition, Obama was running in Illinois, and expected to win; his original opponent, Jack Ryan, dropped out after his embarrassing divorce records were made public. The Republicans replaced him with Alan Keyes, who was originally from Maryland. This was the first senate race in American history where both candidates were African American. However, Keyes was seen as a carpetbagger, and had little ties to Illinois political leaders, which allowed Obama to trounce him by 53% on Election Day, winning 70% of the vote (Baim).

After winning his seat, Obama was still questioned about his switch on same-sex marriage, albeit much more infrequently. In addition, his reason for supporting civil unions, but not gay marriage, shifted dramatically. During his 2000 and 2004 race, Obama stated that his lack of support for full marriage equality was simply due to strategy, not principle. Yet as the 2008 election neared, and Obama was being hyped as a potential candidate, he changed his tone, saying it was more of a religious and state issue. His reasoning was that marriage had a religious connotation, which made most Americans uneasy:

“I am a fierce supporter of domestic-partnership and civil-union laws. I am not a supporter of gay marriage as it has been thrown about, primarily just as a strategic issue. I think that marriage, in the minds of a lot of voters, has a religious connotation. I know that's true in the African-American community, for example. And if you asked people, 'should gay and lesbian people have the same rights to transfer property, and visit hospitals, and et cetera,' they would say, 'absolutely.' And then if you talk about, 'should they get married?', then suddenly. (Baim)

This way of thinking was embraced by many Democrats, since the LGBT community was an important voting demographic to them and also crucial in fundraising efforts. In fact, until the Massachusetts Supreme Court legalized marriage equality, the LGBT community had advocated for civil unions, figuring they offered some protections and, in time, would progress to marriage equality. In addition, public opinion of same-sex marriage had remained mostly stagnant from 2001 through 2009, with only 35%-37% supporting marriage equality (which also factored into the acceptance for civil unions).

After being elected president, Obama began to face pressure from the LGBT community, which realized the power they had over the Democratic Party. He stopped this successfully for the first three years of his presidency by signing legislation that directly impacted the LGBT community. The most notable examples were the Matthew

Sheppard and James Byrd Hate Crimes Prevention Act and the repeal of “Don’t Ask, Don’t Tell.” Though these acts had no direct impact on marriage equality, they gave LGBT activists and organizations attainable goals to advocate and persuade members of Congress to pass the bills (Kaczynski). In addition, during this time both Obama and the White House stated the president was “evolving” on the issue of same-sex marriage. While not entirely clear what this entailed, it became the favorite response to persisting questions about Obama’s opinion of same-sex marriage.

Clearly the tide was going to rise and, during the 2012 elections, it did. Before the election in 2012, polling indicated a majority of the public supported marriage equality, which was historic. In addition, a number of states had legalized same-sex marriage during this time, and the most significant was New York. Lastly, LGBT activists had grown tired of waiting on the president’s “evolution” and threatened to stop fundraising for the president (Sullivan). While they weren’t going to direct their votes to a third candidate, the LGBT community’s money was more of an impact than the vote. One in six of Obama’s bundlers were in the LGBT community, which meant that each brought in a huge sum of money for the campaign. The fundraising prowess of the LGBT bundlers was weighted more heavily than their votes, even though 75% of the LGBT community voted for the president. Granted the portion of the LGBT vote is an extremely large percentage, the LGBT community is still comparatively small to other minorities like Hispanics or African Americans.

It’s clear that President Obama has always believed in same-sex marriage, he also realized the political reality of the issue. Supporting full marriage equality in a congressional, senatorial, or presidential race was tantamount to political suicide. A vast

majority of politicians who supported same-sex marriage had to perform similar political contortions of Obama's. Of course, the current discussion on same-sex marriage in the Democratic Party has changed dramatically after Obama's announcement of support for marriage equality. Support for same-sex marriage has been included in the platform during their 2012 convention; before the Supreme Court cases in 2013, more than a dozen senators amended their positions to match the Party's and Obama's official stance (Peters). In fact, during Obama's first term as president, the entire Party's position rapidly changed from halfheartedly supporting civil unions to demanding legalization of marriage equality. Though this isn't entirely surprising, the radical change in three years is far from usual; and Obama seems to be the predominant force behind this shift. While he had been reluctant in addressing the issue previously, after his announcement, Obama has begun to persuade and advocate for the legalization of marriage equality in a multitude of states. As Andrew Sullivan said in *Newsweek*, President Obama will forever be known as "the gay president" for his progressive actions on this issue.

CHAPTER IV

ACTION

-The First Actions: Hate Crimes, Memorandums, and Repealing DADT

When he was elected, it was not a secret; President Obama was going to take progressive action when it came to the LGBT community. The question remained about how aggressive he would be in addressing the issue. The result was a rather cautious approach to marriage equality, but forceful on other issues regarding the LGBT community. The methods President Obama utilized to tackle the issues varied greatly. The easiest action was simply through an executive order, as he could act without the Congress' input or approval. However, he only approved of rather noncontroversial measures, which included requiring hospitals receiving Medicare or allowing Medicaid funds to let patients choose who is able to visit them, include a same-sex partner or spouse (Kaczynski).

Obama also signed a memorandum extending federal benefits to same-sex partners of Foreign Service and executive branch employees. While not earth-shattering actions, these memorandums were the first to expand benefits to same-sex partners, which were only reserved to heterosexual couples beforehand. These were also the first notable advances in the LGBT community since the Clinton administration-the signing of DOMA marred his presidency-and President Bush held significant anti-LGBT views, endorsing a constitutional ban on same-sex marriage among other actions. This created

an extremely low threshold for Obama to appear as a “pro-gay” president, as no other had really embraced this mantle. These executive actions served as a launching point for expanding rights to the LGBT community and further led to other actions and bills.

Passing a hate crimes bill protecting the LGBT community had been attempted before President Obama was sworn into office. The first bill was introduced in 2001 and died after it failed to pass in committee. Subsequently, the bill was reintroduced in every Congressional session; all, unfortunately, met the same fate. The bill did eventually pass the House in 2007; however, President Bush opposed the bill, and the Senate Democrats dropped the measure because it did not garner much support and faced stringent opposition from nearly every Republican. As a response to the death of hate crimes bill in the 107th Congress, during his campaign, then-Senator Obama stated on his website he would see the bill passed if elected president; this was a clear stance about Obama’s feelings on the LGBT community, although his stance on civil unions/marriage was much more murky. However, he did stand by his progress after his inauguration, urging the 111th Congress to pass a comprehensive hate crimes bill, which included sexual orientation and gender identity under protected groups (Stein B).

The passage went smoothly compared to previous sessions, mostly because of the overwhelming Democratic majorities in both houses of Congress. It should be noted that the new Attorney General, Eric Holder, actually testified in support of the bill; this was the first time an Attorney General supported the legislation. The hate crimes bill was tacked onto the Defense Appropriations bill for 2010 and passed relatively easily given the Democrats’ majorities in Congress. President Obama signed the law on October 28,

2009 and fulfilled one of his first promises to the LGBT community through legislation (Von Drehle).

Of course, there were other actions the president could easily have taken as chief executive, and he has used this power quite liberally with bestowing rights unto the LGBT community. The use of presidential memorandums and executive orders is far from uncommon in any presidency. However, Obama has been the first president to use these tools to expand rights for the LGBT community; however, the measures have mostly been non-controversial and small in scope. Nonetheless, presidential memorandums remain one of the most frequently used tools by President Obama in expanding certain rights to same-sex couples.

The first presidential memorandum expanding the rights of LGBT individuals was to spouses of Foreign Service Employees, often serving in dangerous positions abroad. The memorandum came shortly after his inauguration on June 17, 2009 and expanded the identified benefits to same-sex spouses. Obama supplemented this memorandum with another a year later, expanding benefits to same-sex spouses in other agencies to include as many benefits as they could. Of course, after the repeal of DOMA by the Supreme Court in their decision in 2013, the limited approach was tossed out, and every branch of government bestowed full rights to same-sex couples. The Defense Department granted equal benefits to spouses of LGBT service members. The Treasury Department and Internal Revenue Service now allow same-sex couples in any state to file joint taxation. The last important measure granted to same-sex couples was the State Department and Homeland Security Department's change in policy allowing same-sex individuals to sponsor their partners for green cards. However, the President's continued action

equalizing same-sex partnerships in the eyes of the federal government played an important role in the first three years of his term to both appease his supporters and help advance the conversation on same-sex marriage.

Perhaps the most important action during Obama's first two years was advocating the repeal of the military's "Don't Ask, Don't Tell" policy. The policy, which was enacted in 1993, prohibited open LGBT individuals from military service. The justification and rationale for this policy was that having openly gay members would "create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion are the essence of military capability" (Hornick). Though both Congress and the American public accepted this policy in 1993, by 2008 public opinion on the law began to turn. During the presidential campaign, Obama stated he wanted a full repeal of the law, though after he was elected the process was pushed back until 2010 so the newly elected president could confer with his new Defense Department and other military officials (Kaczynski). The first sign of action was during Obama's first State of the Union Address in 2010 where he stated "This year, I will work with Congress and our military to finally repeal the law, which denies gay Americans the right to serve the country they love because of who they are" (Hornick). After his speech, then-Defense Secretary Robert Gates and then-Joint Chiefs Chairman Michael Mullen endorsed the repeal of DADT. Those endorsements were significant as they represented the most two senior officials in the Pentagon. This was a groundbreaking moment adding momentum to the LGBT organizations and Democratic Congressmen who were spearheading the repeal. The majority of the battle was convincing Republicans to vote for the repeal, and only eight Republican senators sided with the Democrats. The passage of the repeal was

hardly an overwhelming vote, only 65-31; however, it ensured the bill couldn't be filibustered and arrived on President Obama's desk on December 22, 2010 and was promptly signed into law (Sullivan).

Although DADT took many months to repeal, the task was completed on September 20, 2011 and remains one of Obama's remarkable accomplishments regarding the LGBT community. However, during May 2012, something even more incredible happened that few were anticipating, would change the presidential election, and become a keystone in Obama's legacy.

- Breakthrough: President Obama's Endorsement of Same-Sex Marriage

Although many knew about Obama's endorsement of same-sex marriage in 1996, LGBT advocates and other Democrats were seeking a full endorsement of marriage equality from the president. They finally received their wish in a rather unorthodox manner, when Vice President Joe Biden revealed he supported gay marriage during a Sunday morning talk show interview on May 6, 2012:

Look, I am Vice President of the United States of America. The president sets the policy. I am absolutely comfortable with the fact that men marrying men, women marrying women and heterosexual men marrying women are entitled to the same exact rights. All the civil rights, all the civil liberties. And quite frankly I don't see much of a distinction beyond that. (Hartinger)

Immediately after Biden's statement, the White House released statements clarifying the vice president's statements did not reflect the president views or positions. On May 7, 2012, Education Secretary Arne Duncan also backed marriage equality, becoming the second member in Obama's Cabinet after Housing & Urban Development Secretary Shaun Donovan, who endorsed same-sex marriage in 2011.

The carefully constructed edifice regarding President Obama's public discussion of marriage equality quickly crumbled only two days after Duncan's comments and about two years after Obama stated that his views on same-sex marriage were "evolving." The White House quickly decided the President would endorse same-sex marriage when he appeared on *The View* on May 14; however, pressure proved too great, and the administration scheduled an interview quickly. On May 9, during an interview with ABC News, Obama finally declared his support for marriage equality, becoming the first sitting president to do so.

I have to tell you that over the course of several years as I have talked to friends and family and neighbors when I think about members of my own staff who are in incredibly committed monogamous relationships, same-sex relationships, who are raising kids together, when I think about those soldiers or airmen or marines or sailors who are out there fighting on my behalf and yet feel constrained, even now that Don't Ask Don't Tell is gone, because they are not able to commit themselves in a marriage, at a certain point I've just concluded that for me personally it is important for me to go ahead and affirm that I think same sex couples should be able to get married. (Earnest)

The endorsement itself, while historic, was not too surprising. This is especially true when examining Obama's earlier career, notably his 1996 state senate race in Illinois. In addition, when viewing this endorsement from a political standpoint, Obama didn't have much to lose in his upcoming election with this decision. The vast majority of same-sex marriage opponents were and remain Republicans and conservatives who had already decided to vote against Obama for either his handling of the economy, the 2010 healthcare bill, or other reasons. However, the endorsement did reignite Obama's key bases, namely traditional liberal voters and young Americans, who disproportionately favor same-sex marriage. The only unknown factors were how the African American and Latino populations would react; the endorsement didn't really affect their vote, especially

on Election Day. Obama carried the African American vote with 93 percent and the Latino vote with 71 percent in the 2012 elections (“Poll”).

Moreover, it is clear President Obama was eventually going to endorse same sex marriage; however, nobody quite knew the timeline for the announcement. Most assumed it would happen sometime during the summer before the Democratic convention in August. Others assumed the president would endorse same-sex marriage after he secured his re-election, when he didn’t face judgment by voters. The actual endorsement may have been a bit earlier than most projected, but also served the President rather well for two reasons; the first and most obvious being he could take control of the issue itself, which had plagued him in the past with his non-committal statements. Second, it served his campaign well: one in six of Obama’s bundlers were LGBT; while they were still committed to the president’s re-election, the endorsement served as an effective bolt of energy (Edaburn).

There is also the perception that when endorsing marriage equality, Vice President Biden acted completely in error, which is extremely unlikely. The White House and campaign meticulously planned out every action the President and Vice President would make during the entire election season. Senior officials admitted plans had been in the works at the beginning of year. Also, the senior officials clarified Biden’s interview was pre-recorded two days before airing, and the president was not agitated about the statement. Rather, the president and a small group of advisers—six to seven individuals—quickly planned out an interview for the president to clarify his position and to identify what format he would issue his endorsement, the final step in his “evolution.” There were several reasons President Obama’s statement had to be clarified; the Democratic

Convention was being hosted in North Carolina, which just a week earlier had passed a discriminatory same-sex marriage ban. Once officials factored in the viciousness of the coming campaign and three presidential debates, it was clear an endorsement would come during the summer (Stein B).

The administration's actions after the endorsement showed how delicately they were handling the topic. They quickly stated this was Obama's personal decision to speak out, and would not affect his policies as president. They also gave the endorsement some context, saying the president had been affected by a fundraising trip to New York in 2011, shortly after the state had legalized marriage equality; they also reflected on how Obama would have voted as a state legislator. In addition, they bolstered the claim using part of the president's interview, where he said his daughters, who had friends with same-sex parents, couldn't fathom why the issue of same-sex marriage would be controversial (Edaburn).

Following President Obama's statement, Congressional Democrats began to announce their support for same-sex marriage. The President serves as the leader of his party, because of this, dozens of senators and representatives, who included rank-and-file as well as leadership, began to clarify their position on marriage equality. The Democratic Party embraced same-sex marriage and, as a result, marriage equality would be ratified into the Party platform in August. A wave of support like this would happen again, during the Supreme Court hearings in 2013 regarding DOMA and California's Proposition 8 (Socarides).

The most interesting reaction was from the Democratic Party, as many of their officials were hoping the president would wait until after the election to make a

statement; concern had emerged over how Obama's endorsement could effect Democrats down the ticket, as well as the possibility of driving away conservative leaning voters in the swing states. In addition, the chance of Republican operatives using the issue like they did in 2004 against John Kerry weighed heavily. One official even stated, "The question is, is there a risk? It is not nationwide [polling] we are talking about. We are talking about Virginia, North Carolina and other swing states" (Stein A).

Campaign officials did not make statements reflecting on the rapid progression of same-sex marriage, stating it was too early to read into the reaction of the electorate. The first reason for this was the position Mitt Romney (who was then the presumptive GOP nominee) had taken – a Constitutional amendment stating marriage is between a man and a woman – was unpopular around the nation. Also, President Obama's statement was personal, not political, and he remained reluctant to take any aggressive action, such as signing an Executive Order that would ban discrimination on the basis of sexual orientation against federal contractors. The last reason for the hesitant reaction was the historical nature of public opinion of same-sex marriage, which officials stated progressed more rapidly than any other issue during their career (Stein B).

Those officials proved to be correct. The majority of those polled after the president's comments said the endorsement did not effect how they would vote in November, and very few said it reinforced voting for or against Obama. Rather, the issue proved non-controversial; with hardly any negative reaction-and those were subdued, at best ("Polling"). President Obama had managed to endorse a once controversial issue four years previous, that neither he nor his opponents in the Democratic primary would go near.

The rate at which same-sex marriage evolves continues to astound social scientists and policy makers; the entire Democratic Party has embraced the issue and the Republican Party's position continues to be under constant criticism, much like the Democrats had been in 2004. President Obama's endorsement of marriage equality completely altered the political landscape regarding the issue, and made the idea of legalization throughout the country not just a possibility, but an inevitable outcome through his argument, which combined Constitutional ideals and the notion of fairness.

-President Obama's Second Term and Marriage Equality

Promptly after his prompt re-election, President Obama's endorsement of marriage equality was old news, but nonetheless the issue still reverberated throughout the nation. In Minnesota, a ban on same-sex marriage was defeated, the first time this happened in the United States. In Maryland, Washington, and Maine, voters legalized marriage equality at the ballot, a historic feat, which shocked opponents of same-sex marriage. In Wisconsin, voters elected an open lesbian, Tammy Baldwin, to the United States Senate. Throughout the nation, it was obvious proponents of marriage equality were gaining momentum, but the upcoming Supreme Court cases regarding DOMA and California's Proposition 8 loomed over their victories.

President Obama quickly sided with the advocates for same-sex marriage, mentioning LGBT rights twice in his inaugural address, the first time a president had done so. The first time he mentioned the Stonewall Uprising, which happened in 1969, and considered the beginning of the gay rights struggle: "We, the people, declare today that the most evident of truths – that all of us are created equal – is the star that guides us still; just as it guided our forebears through Seneca Falls, and Selma, and Stonewall"

(Signorile). While simply mentioning Stonewall was remarkable in and of itself, Obama placed it as a signature event in the continuing civil rights movement, saying it was a historical turning point like Seneca Falls for women's rights and the Selma March for racial equality. The next invocation of LGBT rights was Obama's call for full equality for the community:

It is now our generation's task to carry on what those pioneers began. For our journey is not complete until our wives, our mothers, and daughters can earn a living equal to their efforts. Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law – for if we are truly created equal, then surely the love we commit to one another must be equal as well.
(Signorile)

These mentions are important for several reasons. First, they associated the LGBT struggle with other civil rights battles, which historically, have had greater legitimacy. They also showed President Obama was on the offensive when it came to same-sex marriage.

President Obama's first battle came with various states legalizing same-sex marriage. In the beginning of the year, Delaware, Minnesota, and Rhode Island all legalized marriage equality. While the president issued statements of support, he largely remained out of the battle as all three states had large Democratic majorities and passage was never really in doubt. However, the president got more active with his home state, Illinois. Supporters were attempting to legalize marriage equality there, but have run into opposition from the remaining socially conservative African Americans who are opposed to same-sex marriage. These groups have enough sway over lawmakers to prevent passage of a bill, although the governor has stated he'd sign it. President Obama actually commented publicly on this issue quite powerfully:

Here in Illinois, we've got a vote on same-sex marriage that's going to be coming up in the state legislature. And I just want to say for the record it's something that

I deeply support. I wrestled with this for a long time and I am absolutely convinced it is the right thing to do. And we have to make sure that wherever we go, we are reminding people that the essence of America is that everybody is treated equally under the law without exception. (Sweet)

Although the bill has been tabled until the next session, Obama has displayed much more force than he has previously. He will most likely continue to be vocal when it comes to states that he has a connection.

The second battle revolved around the Supreme Court hearings regarding DOMA and California's Proposition 8. With this, the Obama administration reacted quite early, saying they wouldn't defend the Defense of Marriage Act during the *Windsor v. United States* (2013) on February 23, 2011. While coming under some scrutiny from Congressional Republicans, who took the mantle of defending DOMA, the announcement barely impacted on the national dialogue. In the other case, *Hollingsworth v. Perry* (2013), a similar situation took place. The Democratic governor of California, Jerry Brown, and Democratic Attorney General, Kamala Harris, also stated they would not defend Proposition 8; this duty fell to Dennis Hollingsworth, a Republican politician in California who was affiliated with a conservative group, ProtectMarriage.com. In both cases, an outside actor had to step in to defend the law.

After the oral arguments, the president made quite a powerful statement regarding bans on same-sex marriage, which thirty-eight states had during this time. During an interview with reporters after releasing their amicus brief against Proposition 8, Obama stated that the California law, "doesn't provide any rationale for discriminating against same-sex couples other than just the notion that, well, they're same-sex couples" (Stohr). Only four years before, the president had been tackling an LGBT hate crimes prevention bill, and now in 2013 he was asserting it's extremely implausible for any state to have a

legitimate reason to ban marriages between same-sex couples. While still holding off direct action, the president was forcefully asserting his opinion and using equality and fairness as reasons to overturn constitutional bans of gay marriage in the states. Granted, there isn't much he can do in the various states-his speech in Illinois is probably about as active as he can get into state decisions-however, the president has remained extremely important in the overall discussion of the legalization of same-sex marriage throughout the country (Socardes).

The other Supreme Court case, *Windsor v. United States* (2013), effectively demonstrates how quickly and forcefully the president can act on behalf of the LGBT community. Besides not defending the law, the Obama administration, Congressional Democrats, and former President Bill Clinton (the individual who made DOMA law) all requested the Court strike down the law. The section of the law that caused the outright discrimination of LGBT couples was Section 3; it defined marriage as between a man and a woman. This defined systematic disenfranchisement of LGBT citizens throughout the federal government, whether it involved immigration, taxation, Social Security, or Medicare benefits. Once the Supreme Court ruled in Windsor's favor, President Obama instructed his Cabinet to act as swiftly as possible to bestow the federal benefits of marriage onto LGBT couples. This action had several ramifications and raised initial questioning, if it would extend to married same-sex couples nationwide, or simply in the states which had already legalized marriage equality.

This was an incredibly overarching task for the Obama administration, as it had to uphold state's rights it disagreed; yet it wanted to extend marriage benefits as far as they possibly could. What resulted was relatively narrow in scope: the federal government

would only allow most rights of marriage for same-sex couples in states that had already legalized marriage equality. Although only one right was extended throughout the country, it is also perhaps the most important in civil marriage: the right to file joint taxation with the Internal Revenue Service. Some estimates determined that a same-sex couple living in a state without same-sex marriage was spending about six thousand in additional taxes, a significant dent in most American families' budgets (Levs).

While President Obama remained mostly silent on the issue of marriage equality in his first term, during the first months of his second term, he has taken much more direct action in fighting for same-sex couples vocally. Besides filing two amicus briefs with the Supreme Court, arguing for the LGBT community to receive "heightened scrutiny" much like racial minorities and women are granted under the equal protection clause of the Fourteenth Amendment, and that the bans on same-sex marriage should be subjected to this standard. These actions were unimaginable even a year before, after he endorsed same-sex marriage, but the president, now freed from facing voters, was able to take a much more progressive and dynamic stance on the issue of same-sex marriage. However, as public opinion for marriage equality has climbed over his five years as president, the extent to which the president himself has affected the American public's perception of marriage equality is still questionable. It should be noted, however, that the president has become an extremely staunch advocate of same-sex marriage over the course of his presidency, and has seized control of the national dialogue surrounding the role of the federal government as well as the constitutional rationale for marriage equality. Although these declarations from Obama were historic, the impact they've had on public opinion is harder to quantify.

CHAPTER V

IMPACT

-President Obama's Impact on Political Parties

The fallout after President Obama's endorsement of marriage equality was quite stark across party lines, and while it didn't change the political landscape surrounding the issue, his endorsement definitely drew clear lines within the two major parties and among Independent voters.

Democrats

Surprisingly, the president was becoming more conservative on same-sex marriage than many members of his own party. Dozens of Congressional members had been advocating on behalf of same-sex marriage long before the president even won his first election. One of the most notable would be Congresswoman Nancy Pelosi; during her tenure as Speaker, she helped spearhead the hate crimes bill and repeal of DADT. Moreover, as Speaker in the last two years of President George W. Bush's tenure, she was seen as the highest-ranking leader in the Democratic Party. Hailing from an extremely liberal district in San Francisco, noted as a "gay mecca" on the West Coast, the former Speaker of the House has been one of the most vocal champions of same-sex marriage, which included voting against DOMA in 1996. She had also urged the Democratic Party to finance pro-marriage equality measures in various states and also combat anti-LGBT measures (Peters).

While President Obama's record on same-sex issues was not terrible by any measure, he paled in comparison to Pelosi. Though he could advocate for various LGBT issues like hospital visitation, open service in the military, and a hate crimes bill, Pelosi and other Congressional Democrats were supporting those and then some. This did not go unnoticed by the LGBT advocacy organizations such as the Human Rights Campaign, arguably the most powerful: they put pressure on the president after the midterm elections in 2010 to openly endorse same-sex marriage. The endorsement reverberated through the Party, and was rightly praised by Pelosi and other Congressional Democrats because the president finally joined their ranks. Among other Democrats, most issued brief and quick statements adjusting to their Party leader's change in heart, and this encompassed many notable Democrats, including Senate Majority Leader, Harry Reid from Nevada (Stein A).

There was still a holdout of about fifteen Democratic senators, most of who were retiring or running for re-election. After the election and before the Supreme Court hearings on *Windsor v. United States* (2013), nearly a dozen senators shifted their views. Only three members of the Senate Democrats currently haven't endorsed marriage equality, and two of them face re-election in 2014. In the House, there are about twenty Congressional Democrats who haven't endorsed same-sex marriage, though most hail from the South. The president's endorsement of same-sex marriage basically institutionalized the belief into the Party and was officially added to the platform during the 2012 convention. This is extremely notable as support for marriage equality is a litmus test for Democrats seeking office, and seeing opponents of marriage equality outside the South win, as a Democrat, is a rarity at best. In addition, support for same-sex

marriage was always highest amongst Democrats, and shows the impact the president's endorsement had. In 2010, Democrats supported same-sex marriage at 56 percent, yet in 2013, Democrats have increased to 69 percent ("Changing). Though a majority of Democrats have supported marriage equality for some time, this shows the direct impact the president's endorsement and Party's embrace of the issue.

Republicans

Republicans, especially their social conservative constituency, have been the most reluctant to accept marriage equality. During the 2012 election, former Massachusetts Governor Mitt Romney endorsed a constitutional ban on same-sex marriage, although this policy was enormously unpopular across the country. However, a large section of the Republican base, who control grassroots efforts and donations, use opposition of same-sex marriage to evaluate how conservative candidates are.

Amongst political parties, President Obama's endorsement of same-sex marriage has had the least effect amongst members of the Grand Old Party. In fact, it has seemed to *decrease* support for same-sex marriage. Gallup reported that in 2010, 28 percent of Republicans believed same-sex marriage should be legal, an improvement, albeit, a small one from 1996, with only 16 percent of Republicans endorsing same-sex marriage. However, in 2013, only 26 percent of Republicans believe that same-sex marriage should be legal, a two percent drop from 2010 (Gallup). It should be noted, many Libertarians who identify as Republican have helped bolster these numbers, and the few elected have been attempting to change the Party's official position on the issue. One such politician would be Rand Paul, the junior senator from Kentucky; he does not support same-sex marriage, but wants to leave the issue to various states. Though not embracing the issue,

he has shied away from a national law or constitutional amendment banning same-sex marriage, which is somewhat progressive.

It should be noted that during the course of the Supreme Court's hearing on *Windsor v. United States* (2013), three Republican Senators have endorsed same-sex marriage, yet their support has failed to make a big change in Republican policy. However, many top-level Republicans realize the political landscape has shifted around this issue, and their pure opposition has soured many Americans, including the youngest generation, which supports same-sex marriage by about 70 percent. Though many high-ranking Republican officials acknowledge the party's position must change, the largest obstacle happens to be the Party's likely voters. The Republican Party's core demographic groups and likeliest voters happen to be Caucasian, older, more religious, and Southern; all of these are groups which haven't shifted their attitude on same-sex marriage since polling began in the 1990s. Americans who identify as Conservative have barely changed their views, only 14 percent originally approved of marriage equality in 1996. Though that number has risen to 28 percent in 2013, it is much less when compared to the evolution and progression of public opinion on same-sex marriage of Liberals and Moderates, who now approve by 80 and 60 percent in 2013 respectively (Gallup).

The Republican Party itself is currently struggling to appease its moderates, who don't see opposition to same-sex marriage as a smart stance, they seek to appeal to the conservative culture warriors, who believe the Party's opposition to marriage equality is one of the most important positions in their platform. These conflicting demands have made transitioning to even moderate positions on same-sex marriage difficult for the Republican Party. Ironically, they find themselves in the same position the Democratic

Party was in during the early 2000s. Liberal activists demanded that Democratic leaders support same-sex marriage, the moderates and conservatives within the Party were in strident opposition; this lead to a weak, confusing stance by the Democrats to appease both factions, splitting the Party wide open during the 2004 election. Though the Republican Party has more supporters of same-sex marriage than in the past, it seems the GOP will hold steadfast to their opposition because of their base's demands.

Independents

Independent voters are the most important voters during elections, and some of the most interesting to study when it comes to different policies. There is no uniform platform for the Independents; most usually vote for either the Democrats or Republicans in elections for various reasons. Some are staunchly conservative on fiscal issues, but more liberal on social issues, while others are liberal on fiscal issues and conservative on social issues. This breadth on the ideological scale has lead to very interesting polling regarding same-sex marriage. In 1996, support among Independents for same-sex marriage was at 32 percent, and in 2013 it has jumped to 58 percent. Surprisingly, this reflects the Democratic Party more than the Republican Party. In 1996, Democrats were only at 33 percent support for same-sex marriage, nearly identical to Independents. While Democrats now support same-sex marriage, 11 points more than Independents, the fact that nearly six in ten Independents support same-sex marriage speaks volumes about the issue (Gallup).

Another reason Independents are unique is they lack a political organization or leaders, unlike Democrats or Republicans. While they are not immune from persuasions from various influences, Independents are much less inclined to listen to either of the

major parties. In a way, the Independent's support for same-sex marriage has impacted America's overall approval quite dramatically. With about 38 percent Americans identifying as Democrats and 32 percent Americans identifying as Republicans, approval of same-sex marriage is at 42 percent. However, with a majority of Americans who identify as Independents supporting same-sex marriage, the overall approval jumps to 54 percent ("President"). The rate of Republican and Democratic voters has largely remained stagnant during presidential elections for decades; it was not until President Obama's first election that Democrats had an outright majority over Republicans. However, Independents still remained critically important, as they still comprise about 40 percent of the electorate.

American Independents lack outright political allegiance, although some identify as lean-Republican or lean-Democrat. One of the most likely reasons for the decline of Americans who identify with the Republicans is that the socially moderate Republicans label themselves as Independent because of the Party's stance on same-sex marriage as well as other issues such as abortion and immigration. This stance has bolstered the number of Independents in elections while also suppressing the number of those whom identify as Republicans, which has dropped 5 points from the 2004 election to the 2012 election ("President" and "Exit").

The support of same-sex marriage for those who identify as moderates has also increased exponentially from 1996. In the past, only 32 percent of moderates supported same-sex marriage, and currently in 2013, the number of moderates who support same-sex marriage is at 56 percent. Of course, not all moderates identify as Independents; yet moderates are usually flexible with both fiscal and social issues, and the increase of those

supporting same-sex marriage seems to reflect how the country itself has largely accepted the legalization of national same-sex marriage. In this way, moderates are a political thermometer; in the 1990s, moderates were ardently opposed to same-sex marriage, as were most other Americans; however, in 2013, a majority of moderates support same-sex marriage, which reflects how the country feels. While the political importance of moderates and Independents cannot be overstated, they also measure the mood of the country regarding the issue of same-sex marriage (Gallup).

-President Obama's Impact on Minority Opinions of Same-Sex Marriage

Minority approval of same-sex marriage has been historically low. However, in recent years, the number of African Americans and Hispanics supporting marriage equality has risen to unprecedented levels, much like the country itself. During the presidential election in 2008, California had Proposition 8 on the ballot, an effort to overturn the legalization of same-sex marriage by the state supreme court. Many pollsters and political analysts believe African Americans and Latinos may have actually been the reason why Proposition 8 passed (Izaldi). While examining the outcome of one state's issue isn't indicative of the entire community's position, until recently a clear majority of Latinos and African Americans opposed same-sex marriage; President Obama might have made his biggest impact within these minority groups.

Hispanics and Latinos

During the past decades, Latinos have become the largest minority in America and increased their political power. In certain states, this group has become a political force, sending many politicians to office. This group has rapidly shifted their support to same-sex marriage: in 2013, Pew Research Center reported 52 percent of Latinos favor

legalization of same-sex marriage while 34 percent remain opposed. This is a drastic reversal from 2006, and only 31 percent of Latinos favored legalization while 56 percent were fervently opposed (Lee).

Non-religious Latinos favor legalizing same-sex marriage 71 to 18 percent. Also, young Latinos (18-29) also overwhelmingly support the legalization of same-sex marriage 68 to 25 percent (Lovitz). In addition, in accordance with other groups, 60 percent Latinos who affiliate with the Democratic Party report supporting marriage equality, as well as 63 percent with some higher education.

The most surprising aspect of the recent polling involves Catholics. Most individuals assume that Latinos as Catholics inherently oppose same-sex marriage, as the Church's hierarchy does. In fact, a large majority of Latinos are Catholic, and though the precise number is unknown, analysis believe around 50-90 percent are Catholic. The Pew Poll found of those Catholics, 54 percent favor same-sex marriage and only 31 percent oppose it. Contrary to popular belief, Catholic Latinos are much more likely to favor same-sex marriage than oppose it (Lee).

In addition, the alignment between LGBT and immigration groups may have also contributed to this rise in support. During the immigration battles during President Bush and President Obama's second term, pro-LGBT groups have worked with Hispanic and Latino groups. Each group hosts forums to educate its constituents on important issues, and each has begun public outreach efforts as well. The most notable organizations to bring the Latino and LGBT movement closer would be Gay & Lesbian Alliance Against Defamation, the Human Rights Campaign, and the National Council of La Raza.

Despite popular belief, Latinos and Hispanics have become an extremely important demographic group both in elections and in supporting same-sex marriage. Though President Obama seems to have little impact on this group's increased support of same-sex marriage, he used the issue to his advantage during his campaigns to prime the Democrats' base.

African Americans

Unlike Latinos and Hispanics, African Americans have been more reluctant to support same-sex marriage. Polling on same-sex marriage among blacks has always yielded mixed results: a Pew Research study found 40 percent of African Americans support gay marriage, with 48 percent opposing; however, an NBC and ABC poll both found a majority over 50 percent of African American voters supporting same-sex marriage. Nevertheless, the issue is affecting African Americans as well: in 2003, Pew found only 27 percent of African Americans favoring gay marriage (Izaldi).

The most interesting aspect of African Americans and their attitude about same-sex marriage involves religion. While it doesn't entirely explain African Americans' reluctance to support marriage equality, opposition to gay marriage is statistically higher amongst religious Americans; at the same time, African Americans tend to be more religious than the American populace. However, religion does not explain the existing gap between white and blacks when it comes to their opinion of same-sex marriage: Pew found 60 percent of Americans who don't attend church regularly supported same-sex marriage, though the number shrinks to 42 percent when African Americans are polled (Frumin).

As in other sectors of the population, younger African Americans register higher support for same-sex marriage, and senior citizens report lower approval numbers. Yet within the Pew study, many individuals have shifted their position on the issue, mainly citing that knowing a member of the LGBT community increased both tolerance and awareness. In addition, many individuals who changed their minds said they did so for several reasons: they accepted the world has changed, legalizing marriage equality is harmless, or individuals should have more freedoms (Lovitz).

The impact of President Obama's change in same-sex marriage policy on African Americans remains questionable. Though it is clear his endorsement resonated throughout the community, the exact impact is unknown. There are three polls suggesting Obama's remarks had a direct impact in the correlation of African American's support of marriage equality: in North Carolina, Public Policy Polling surveyed blacks, where voters overwhelmingly approved a ban on same-sex marriage the day before Obama's announcement. While opposition to same-sex marriage remained high at 59 percent, it dropped 11 points since the state's ban passed. A *Washington Post/ABC News* poll found African American support increased from 41 percent before Obama's announcement to 59 percent, a rise of 18 percent. Last, PPP released another poll of African Americans in Maryland, during the referendum to uphold marriage equality in 2012. In March, 56 percent of blacks stated their opposition to marriage equality. However, four weeks after Obama's announcement, 55 percent of black voters said they would vote to enact the law, reversing the poll taken only two months previously (Dade). These polls demonstrate the power the president's endorsement had over African Americans. Some polls even show a complete flip in African American opinion: an *NBC/Wall Street Journal* poll showed in

2009 African American voters opposed to gay marriage by 32 percent to 53 percent, and in 2013 a newer poll found a majority favoring marriage equality 51 percent to 37 percent (Dade).

There are many possible reasons why President Obama had such an impact on the African-American community, yet the main could be the most obvious: the community respects him. As political analyst Joy Reid stated in an interview, the opinions of those we respect “does have the power to move people” (Frumin).

-President Obama's Impact of Overall Public Opinion

Among the American people, support for same-sex marriage has been rising steadily since polling began in the 1990s. However, after President Obama took office, the overall support of same-sex marriage quickly rose, becoming a majority opinion in three short years. There has been argument regarding Obama's role in this rise, whether it be direct or indirect. In the past, presidents have had notable trouble in swaying public opinion on any issue. The best comparison to Obama's role in public opinion of same-sex marriage would be Kennedy and Johnson's struggle with civil rights. Both intensely debated issues regarding expanding protections to minorities in America. It wasn't until the violence at Birmingham spread by means of televised images to get a reaction out of the American public, and support for civil rights legislation to rise (DiClerico).

Though support for marriage equality has been steadily on the rise for nearly two decades, many journalists have pointed to President Obama as the catalyst. Though having a pro-LGBT president who publicly endorsed marriage equality hasn't hurt the movement, it most likely hasn't been a the cause either. Though it appears his support solidified the Democratic and African-American feelings toward same-sex marriage, they

do not represent a majority of Americans. Studies have shown that President Obama has been able to effect partisan attitudes more than any other president: this may actually have served as a double-edged sword (Jacobson). It appears Obama's endorsement of same-sex marriage has enshrined support of marriage equality for Democrats; it appears to have had little effect on Independent and Republican voters. In fact, with the Republican's complete opposition to the president, Obama's endorsement may have actually *hampered* support of same-sex marriage among Republicans. In turn, this lowers the overall public acceptance of same-sex marriage. Though there are Americans who will always oppose marriage equality, conservative acceptance of same-sex marriage has halted below 30 percent, and appears to have stopped increasing. According to political analyst, Joy Reid's, comments, which stated opinions of those groups respect have the power to influence it, will take a high-ranking Republican to begin to raise support for same-sex marriage, which seems unlikely due to the factions within the party (Frumin).

While President Obama's endorsement has impacted some group's opinions on same-sex marriage, an effect on the public's overall opinion seems to have remained at a steady, incremental increase. During President Obama's first term, polls indicated a 3-4 percent rise of support for same-sex marriage every year; however, after taking into account the other factors including knowing someone who is LGBT, it's clear these factors had more impact than the president. In fact, according to Pew, knowing an LGBT individual was the main reason why an individual would change their stance on same-sex marriage ("Changing"). This demonstrates how important personal relationships are to the advocates for marriage equality. With only about 3.5 of the adult population

identifying as LGBT, it's remarkable the amount of Americans have changed their position.

It should also be noted how equality in an individual state impacts the general population. Iowa is a great example, as it isn't an extremely progressive state and advanced indicator state for many presidential elections. In 2010, one year after their Supreme Court legalized same-sex marriage, only 44 percent of residents supported this policy. However, only four years later, a 2013 poll found an overwhelming majority of Iowans (60 percent) now supports marriage equality. This rapid shift shows the impact of having same-sex marriage legalized in a state, as many residents remain apathetic to the issue. It's clear when the issue is made legal; many residents who were neither pro- or anti- same-sex marriage come to support the equality (Jensen). In addition, a report from the Williams Institute found each state has seen an average increase of 13.6 percent since 2004, and 64 percent of Americans think this issue should be decided on the basis of the U.S. Constitution rather than a state-by-state or case-by-case basis (Flores and Barclay).

Perhaps this is why President Obama has been able to swing the voters of his own party and race. When Obama addressed same-sex marriage after his second election, he spoke on the constitutional merits rather than his personal feelings, a departure from his first term. The most effective example would be his comments on the Proposition 8 case before its oral arguments at the Supreme Court, when Obama expressed his dissatisfaction with the various constitutional bans in the states, saying he couldn't envision a scenario where banning marriage equality could be legally justified. Several of the Supreme Court Justices reinforced this belief; Associate Justice Ruth Bader Ginsburg compared civil unions and other piecemeal options offered to LGBT Americans as "skim

milk” marriages (Davidson). This shows the evolution of the marriage equality campaign as a whole: first gay rights advocates argued about the various rights denied, such as jointly filing taxes and social security benefits. Though those are obviously important to Americans, this approach didn’t really tug at the heartstrings. The next phase was discussing personal stories and the commitment of LGBT couples to each other; despite being together for decades, still couldn’t get married. This approach lasted quite a long time, and only recently transitioned into the constitutional argument most commonly heard today. In fact, the endorsement of President Obama may have aided in this transition, as the president has a special platform to speak about the constitution. This shift in strategy shows remarkable transition in the campaign for marriage equality, and the innovative ways they are reaching swaths of new Americans with each messaging strategy they adapt. Legalizing a social issue such as this would be unthinkable twenty years ago, but around 70 percent of Americans believe legalization is inevitable (Jones).

It’s clear in examining the impact on general public opinion the overall campaign for marriage equality has reached more Americans and changed their views than any single individual, even one with the power and influence of President Obama. Though the president is a powerful figure, he comes with varying factors including his own personal images and a swath of Americans who oppose anything he says or does. When President Obama endorsed same-sex marriage, it was historic; but politics were invariably involved in the announcement, especially because it was an election year (Sullivan). Since President Obama hadn’t initially endorsed same-sex marriage during his first campaign, many Americans viewed his transition as calculated; corresponding with the correlation of the rising support for the issue across the country in addition to the various states

legalizing it throughout his first three years in office. Though it's clear through research President Obama supported same-sex marriage in 1996, the politics of the time forbade him from publicly acknowledging his views as he ran for higher offices of government (Bain). However, by only accepting civil unions, Obama gave up any credibility he had on the issue. Granted, he could have stuck with his beliefs, but it's unlikely he would have been elected as a U.S. senator, especially in Illinois, a Midwestern state which is currently debating marriage equality in their legislature. These examples show the strange crossroads our country is at regarding the issue of same-sex marriage: while a clear majority of Americans support this issue, some states are unable to legalize it through legislative means and might not for several more years.

In conclusion, though public support for marriage equality has risen dramatically over the past four years, other factors, along with President Obama seem to have caused this shift. Though he's the face of the country, presidents come with capabilities themselves, making them less than ideal figures to endorse controversial social issues, especially as President Obama affects partisan attitudes more than other presidents. In addition, the campaign for marriage equality (including the various organizations and figures it encompasses) has adopted innovative campaign strategies to change the opinions of Americans; their strategy of storytelling has effectively helped turn public opinion. This may undercut Obama's influence as a messenger; however, presidents have rarely adequately affected public opinion about social issues in any drastic ways. However, they've proven more influential with economic policies, such as President Franklin Delano Roosevelt and his New Deal. As with other presidents, he turned a few demographic groups (in this case Democrats and African-Americans), but other

Americans changed their positions for other reasons, with the most common simply knowing an LGBT individual. A previous Pew poll found 49 percent of Americans supporting marriage equality, and though 33 percent stated they always believed in the issue, 14 percent had shifted their views. Although far from the majority of supporters, it's a clearly significant number, as it pushed the issue toward majority approval. Though President Obama hasn't played a large role in this, his leadership on the issue was desperately needed, and undoubtedly helped during the Supreme Court cases and the changes in governmental policy and procedure that resulted.

CHAPTER VI

CONCLUSION

The progression of public opinion of same-sex marriage is nothing short of a revolutionary, unprecedented shift from the riots of Stonewall to the steps of the Supreme Court during the 2013 cases. Throughout much of this time, opinion was slow to change, and numerous events-each lawsuit or election-had impacts both small and large concerning the issue. For decades, bickering factions, the Conservative Resurgence in the 1970s and 1980s, and the beginning of the AIDS epidemic in the 1980s besieged the movement for equality. Until the election of President Obama, the LGBT organizations had no distinct leader in the American government; despite Obama's reluctance to openly endorse same-sex marriage for much of his first term, his actions ushered in historical progress. Though support for same-sex marriage has risen throughout the 1990s and early 2000s, it was a glacial pace, one or two percent per year. However, after Obama's election, in four short years, support has increased by 13 percent, making a solid majority of Americans comfortable with the idea of marriage equality. This change has spurred a majority of U.S. senators to support marriage equality, and 13 states to legalize it. Yet this groundbreaking support has also led to many presumptuous remarks about how revolutionary President Obama actions has aided this issue: *Newsweek* going so far as to label him "The Gay President." Although his actions have been historic, presidents often have a rather difficult time in directly and empathetically shifting public opinion.

Perhaps the most notable example of this kind of outsized impact would be President Lyndon Johnson's relationship with public opinion regarding Civil Rights. Though the president attempted to favorably increase public opinion, real change only came through the public witnessing the violence in Birmingham on television and newspaper photographs. Visual evidence and displays did more for public opinion on Civil Rights than any one politician. The public opinion of same-sex marriage is comparable, though the battle for marriage equality had nothing as atrocious as fire hoses, dogs, and organized police brutality. However, there has been a series of violent hate crimes against the LGBT community, the most notable being Matthew Shepard's murder. Yet, when LGBT individuals started coming out in the 1990s, the progressive change began. Apathetic Americans, who discovered they knew an LGBT individual, were forced to think about their position on marriage equality and the government's outright discrimination around LGBT citizens. The previously apathetic citizens have changed the public opinion of same-sex marriage, even perhaps more than President Obama himself.

Granted, Obama's contributions and actions on behalf of LGBT Americans have had a positive societal effect, they just haven't been compelling enough to change public opinion significantly. Although he has had some effect in certain demographic groups such as Democrats and African-Americans, the argument is that his influence to the broader American public is much more limited. Though Obama didn't radically shift the opinion of the Party, his endorsement rather ratified same-sex marriage into a Democratic litmus test and into one of the Party's priorities. Amongst African-Americans, Obama's has had a much larger impact, completely changing the community's perspective on

same-sex marriage. While there are many theories about this impact, the most likely was the African-American community placed Obama in high regard and as their de facto leader, so his endorsement had a lot of impact. The communities never challenged their beliefs regarding same-sex marriage because they were never challenged to do so until Obama's endorsement. With the question provoked, African-Americans began to change their views, supporting the issue. In addition, many African-American churches also changed their perspective. Among these groups, President Obama seems to have a clear, positive impact on their support of marriage equality.

Historically, resolving contentious social issues like same-sex marriage is a long struggle, sometimes even stretching into centuries. In this regard, it's remarkable how quickly this issue has gained public acceptance in society, since the formal campaign began in the 1990s. For much of the 2000s, politicians shrouded their views on the issue, instead promising civil unions or being generally pro-LGBT issues. Granted, there were some outliers, mostly Democrats from extremely progressive states; but the vast majority of politicians, especially those thinking about running for the presidency, were decidedly mainstream in their public statements. When Obama ran for president, he was no different, promising civil unions and tackling tough, but less controversial issues such as the hate crimes bill and the repeal of DADT. Accomplishing both these acts was fairly easy, given the Democratic tilt of Congress during his initial term as president; however, after the Republican sweep in 2010, progress seemed to halt. The last bill the LGBT organizations were clamoring for was an expansion of employment non-discrimination legislation to include the LGBT community. While this legislation has been revitalized in

2013, it will most likely die in the Senate, as sponsors will be unable to attain a filibuster-proof majority.

Despite the initial setbacks, President Obama has continued to advocate for the LGBT community in more symbolic ways, such as mentioning gay rights and the Stonewall riots in his inauguration address. In addition, the decision to not defend the Defense of Marriage Act before the Supreme Court indicated his support for same-sex marriage, similarly filing an amicus brief against Proposition 8. While these decisions seem to have little or no impact on broader public opinion about same-sex marriage, it never seemed to be the intent, as presidents generally have had limited influence over public opinion of any issue. Rather, it brought these issues and the stories of disenfranchisement to the forefront of the conversation.

While President Obama seems to have had an impact amongst African-Americans and Democrats, he has also contributed something more important to the marriage equality movement: the vast majority of Americans now believe the legalization of marriage equality to be inevitable. In 2013, over 70 percent of Americans believe same-sex marriage legalization is inevitable, which is higher than the actual support for same-sex marriage. Through his advocating for LGBT Americans, it's clear that President Obama has had an impact on this issue. When the leader of the nation speaks out for an issue, many Americans realize it will most likely become law. Even opponents of same-sex marriage realize they're fighting a losing battle, as about 60 percent believe legalization to be inevitable.

After the Supreme Court decisions in 2013, most Americans seemed to supported the decision; and they were heralded by the Obama administration through every level of

government. While public opinion polls of same-sex marriage have remained stagnant after the Court's decisions, it's clear the campaign for marriage equality has moved into new territory. Before, the campaign was mostly focused on gaining public opinion and helping legislative efforts regarding same-sex marriage. Now, it's clearly moved toward increasing the number of states with marriage equality. Currently, over a dozen states have legislative and referendum efforts and judicial cases proceeding forward. One of the best examples would be New Jersey, where a court legalized same-sex marriage in October 2013. The effort began as a bill passed through the legislature and was vetoed by their Republican governor. After the veto, two campaigns began, the first to overturn the veto through the state legislature, and the second to place marriage equality on the ballot in the state. However, a state judge actually made marriage equality law in New Jersey through a case presented to her. This exemplifies how battles for marriage equality have shifted away from the federal government back to each state.

In the remainder of 2013, Hawaii, Illinois, and New Mexico will see marriage equality fights in their legislatures and courts, and most are expected to legalize marriage equality. In 2014, during the midterm elections, eight states will attempt to place marriage equality on the ballot, including Ohio, Pennsylvania, Virginia, Florida, Wisconsin, Michigan, Arizona, and Alaska, and even more have cases are moving through their court systems. While the president has little impact on these actual decisions, he could act as a cheerleader from the sidelines. Many of these states are relying on Republican voters to help legalize same-sex marriage, and none are too keen on President Obama.

Despite the various battles in the future, it is the view of this paper that President Obama will again have little impact on the public opinion of same-sex marriage. Though it is easy and convenient to believe so, presidents have not been able to shift public opinion on controversial issues in the past, despite herculean efforts. During the civil rights movement, President Kennedy's attempts paled in comparison to the public's reaction to the violence in Birmingham. Only by being exposed to the disenfranchisement of others does public opinion seem to shift. While things have gotten better for same-sex couples around the country, there are some benefits only a marriage recognized by the state and federal government offers, and Americans are beginning to realize this. In fact, Gallup notes the tipping point of same-sex marriage happened in 2012, where a clear majority of Americans now supported the issue. Yet the issue remains highly divisive.

Through President Obama has made an impact amongst the laws and policies of the federal government as they pertain to the LGBT community, it appears he has made little headway on broader public opinion of same-sex marriage. Even with all of the numbers seeming to point toward Obama's influence, without proper context the numbers are simply that, numbers. However, through his advocacy about various issues, Americans were exposed to the systematic disenfranchisement of the LGBT community established decades ago. It is more likely this, combined with knowing a member of the LGBT community, that quickly raised support around the country. Obama's greater effect on partisan attitudes seems to have increased support among the Democrats and African-Americans in particular; but this impact has not affected more broadly the national opinion on same-sex marriage.

History will shine positively on Obama's presidency for being the first to advocate for the LGBT communities; his endorsement is already historic in and of itself. Yet with campaigns for marriage equality moving away from the federal arena, Obama has lost much of his influence in this fight. How he deals with this shift could further affect public opinion; but so far, his impact has been minimal, even when the federal government's role in marriage equality was being debated. Though President Barack Obama has been a historic advocate for same-sex marriage, taking his influence of public opinion into account, he's had the same impact as other presidents on controversial social issues in a modest amount, and cannot explain the rise in tolerance.

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