

**FACTORS CONTRIBUTING TO INCREASED SUPPORT FOR  
STATE CONSTITUTIONAL AMENDMENTS BANNING SAME-SEX  
MARRIAGE WITHIN THE FIFTY UNITED STATES**

**By**

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## **Abstract**

*Purpose:* The purpose of this explanatory study is to determine the factors that contribute to increased support for state constitutional amendments banning same-sex marriage in each of the fifty United States. Scholarly literature suggests that the determinants for level of support for state constitutional amendments banning same-sex marriage are: the percentage of the state's population identifying religion as an important part of their daily lives, the percentage of the population, age twenty-five and older, without a college degree; the percentage of the state's population identifying as politically conservative; the percentage of the state's population residing in rural areas; the percentage of the state's population age sixty-five and over; and the percentage of the state's population that is male. Six hypotheses were developed to test each of these factors. *Methodology:* This study used existing data to assess how each of these factors impacted the level of support for states' constitutional amendments banning same-sex marriage. Multiple regression analysis was used to analyze the data, determining whether the hypotheses were supported or rejected. *Results:* The results showed that after controlling for other possible intervening factors, only one of the independent variables, level of Religiosity within the state, was significant. *Conclusion:* The hypothesis that higher level of religiosity in a state leads to support for constitutional amendments banning same-sex marriage is supported by this study.

### **About the Author**

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## **Chapter 1**

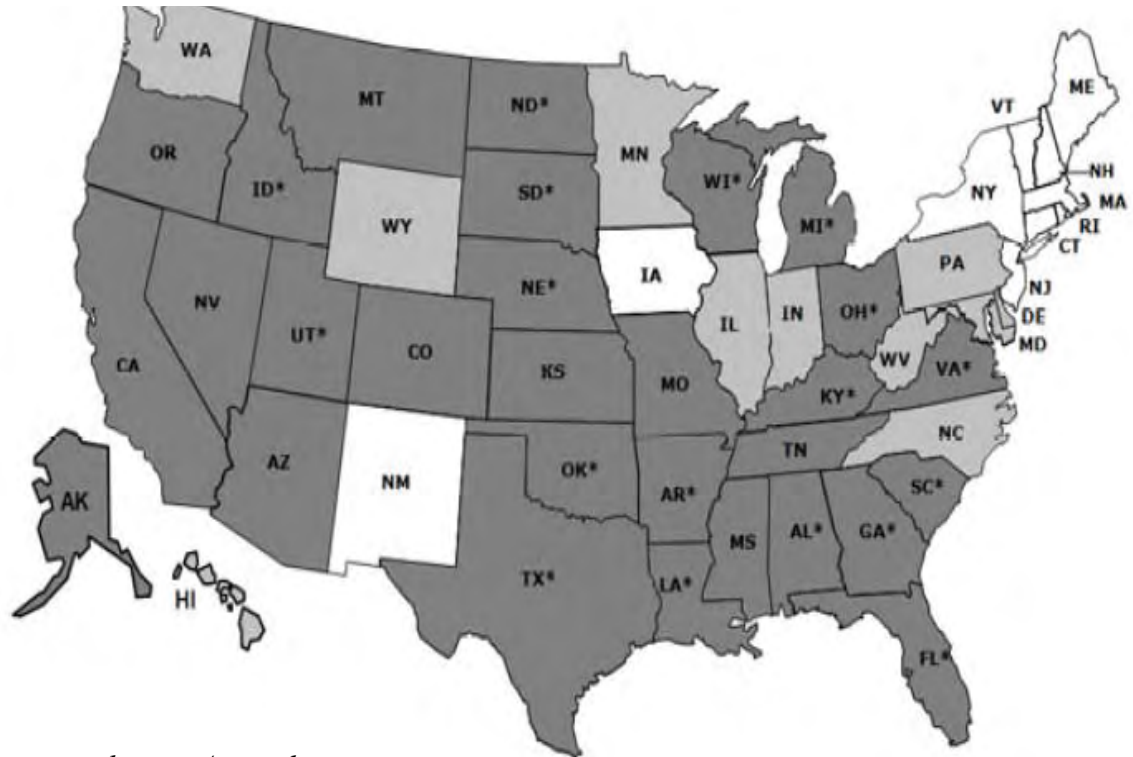
### **Introduction**

One of the most polarizing issues in the United States today at both the state level and federal level is the issue of same-sex marriage. As polarizing an issue as same-sex marriage is today, interracial marriage was equally polarizing over forty years ago when the United States Supreme Court decriminalized interracial marriage in the landmark case *Loving v. Virginia* (*Loving v. Virginia*, 388 U.S. 1, 1967). For the last thirty years same-sex couples, like interracial couples before them, have struggled to gain legal recognition of their relationships and to gain access to the benefits of marriage. Same-sex couples have utilized the court system to challenge the refusals of states to issue marriage licenses as discriminatory and as a violation of their rights. The initial reaction of the majority of states was to revise marriage statutes to define marriage as restricted between a man and a woman.

In 1996, President Bill Clinton signed the Defense of Marriage Act (DOMA) which officially defined marriage as exclusively between one man and one woman and declared that states were under no obligation to recognize same-sex marriages performed in other states (Defense of Marriage Act-- H.R. 3396, 1996). This was an unprecedented action by the federal government to legislate marriage, something that had previously been left to the states to decide. Following this action, states revised the marriage statutes again to specify that same-sex marriages performed in other states would be “void” in their state. Beginning in Alaska in 1998 and continuing for the next ten years, twenty-nine states would add amendments to their state constitution banning same-sex marriage,

thus depriving same-sex couples of the right to marry and the associated benefits of marriage (Keck 2009, 172).

**Figure 1.1: States with Constitutional Amendments Banning Same-Sex Marriage**



Source: [www.hrc.org/state\\_laws](http://www.hrc.org/state_laws)

- States with constitutional amendments restricting marriage to one man and one woman. (29 states)  
*Alabama (2006), Alaska (1998), Arizona (2008), Arkansas (2004), California (2008), Colorado, Florida (2008), Georgia (2004), Kansas (2005), Idaho (2006), Kentucky (2004), Louisiana (2004), Michigan (2004), Mississippi (2004), Missouri (2004), Montana (2004), Nebraska (2000), Nevada (2002), North Dakota (2004), Ohio (2004), Oklahoma (2004), Oregon (2004), South Carolina (2006), South Dakota (2006), Tennessee (2006), Texas (2005), Utah (2004), Virginia(2006) and Wisconsin (2006).*
- States with law restricting marriage to one man and one woman. (11 states)  
*In addition to those listed above, Delaware, Hawaii, Illinois, Indiana, Maryland, Minnesota, North Carolina, Pennsylvania, Washington, West Virginia and Wyoming.*

\* Broader Consequences: States where the law or amendment has language that does, or may, affect other legal relationships, such as civil unions or domestic partnerships. (18 states): *Alabama, Arkansas, Florida, Georgia, Kentucky, Idaho, Louisiana, Michigan, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia and Wisconsin.*

Figure 1.1 illustrates the states with constitutional amendments banning same-sex marriage and the year in which each of the amendments were passed. Many states put

constitutional amendments on the ballots during the 2004 general election in reaction to Massachusetts becoming the first state to allow same-sex marriage in May of 2004 (*Goodridge vs. Department of Public Health*, 2003).

As of November 2009, four states in the United States issue marriage licenses to same-sex couples: Massachusetts, Connecticut, Iowa, and Vermont. In Maine, same-sex marriage was approved by the legislature and the Governor, but is on hold pending a vote by the citizens of Maine to take place on November 3, 2009<sup>1</sup>. New Hampshire has approved same-sex marriage and will begin issuing licenses for same-sex couples on January 1, 2010. However, until the Defense of Marriage Act is repealed, same-sex couples will not have the federal protection or full benefits that marriage provides. On September 15, 2009, a bill was introduced in the House of Representatives that would repeal the Defense of Marriage Act (DOMA). The Respect for Marriage Act, if passed, would ensure that “no matter where a family decides to travel or move, lawfully married same-sex couples will be eligible for the same federal benefits available to all other married couples and won’t lose them simply for crossing state lines” (American Civil Liberties Union 2009, 1).

### ***Research Purpose***

Twenty-nine states have passed state constitutional amendments banning same-sex marriage. Additionally, while Hawaii has not passed a state constitutional amendment specifically banning same-sex marriage, the voters did achieve the same goal by giving the legislature the authority to determine the legality of same-sex marriages

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<sup>1</sup> On November 3, 2009, Maine voters, by a margin of 53-47 percent, decided to repeal the law legalizing same-sex marriage which was passed by the legislature and signed by the governor on May 6, 2009.



(Clarkson-Freeman 2005, 6). The purpose of this research is to determine what factors influence the level of support for state constitutional amendments banning same-sex marriage.

### ***Chapter Summaries***

This study is divided into six chapters. Chapter two provides information about the history of marriage in the United States, the utilization of the court system by gays and lesbians to gain access to marriage, the benefits of same-sex marriage, the state and federal legislative efforts to block same-sex marriage, the movement for constitutional amendments to ban same-sex marriage, and the current state of same-sex marriage in the United States.

Chapter three provides a review of existing scholarly literature regarding the issue of same-sex marriage; specifically the factors that may contribute to increased support for state constitutional amendments banning same-sex marriage within each of the fifty United States. Chapter four describes the research methodology and how the variables of the formal hypotheses identified in the conceptual framework are operationalized and tested. Chapter five provides results and the answer to the question: Which factors influence the state population's support for state constitutional amendments banning same-sex marriage? Chapter six concludes the study by summarizing the paper and the research findings, and suggesting areas for future research.

## Chapter 2

### Policy History

#### *Chapter Purpose*

“It is an act of hubris to believe that marriage can be infinitely malleable, that it can be pushed and pulled around like silly-putty without destroying its essential stability and what it means to our society, and if marriage goes, then the family goes, and if the family goes, we have none of the decency or ordered liberty which Americans have been brought up to enjoy and to appreciate” (Cott 2000, 219). This was the view of the majority of legislators, as expressed by Congressman James M. Talent of Missouri, prior to Congress approving the federal “Defense of Marriage Act”. However, contrary to Talent’s statements, as American society has changed, so have the laws governing marriage. Marriage laws have been frequently challenged throughout the history of the United States. They are again being challenged, this time by gays and lesbians, as the states and the federal government act to bar same-sex couples from what they believe is their fundamental right as guaranteed by the equal protection clause of the United States Constitution. “The Constitution has long been held to protect a fundamental right to get married. This right protects everyone, from interracial couples, to



‘deadbeat dads’, to felons who are still in prison. It also protects the right to get divorced and is not limited to protecting the ‘traditional family structure’,” (Gerstmann 2008, xiii).

The purpose of this chapter is explore the evolution of marriage in the United States, the recruitment of the court system by gays and lesbians to gain access to marriage, the benefits of same-sex marriage, the state and federal legislative efforts to block same-sex marriage, the movement for constitutional amendments to ban same-sex marriage, and the current state of same-sex marriage in the United States.

### ***Marriage in the United States***

Marriage was once “concerned primarily with the control of labor and the transmission of property, now it is supposed to nurture happiness and mutual commitment. Once governed by custom alone, it has been alternately regulated by kin, slave owners, masters, church, and state” (Chauncey 2004, 59). As a result of the cumulative effect of fundamental changes to marriage, beginning in the nineteenth century through the last half of the twentieth century, gays and lesbians began to pursue the right to marry. First, the right



Source: [http://nicholeheady.typepad.com/capture\\_the\\_moment/2008/11/honoring-women.html](http://nicholeheady.typepad.com/capture_the_moment/2008/11/honoring-women.html)

to choose one's partner in marriage, regardless of race or religion, became a possibility as a result of historic legal battles like *Loving v. Virginia*. Second, a change took place in the marital roles assigned to husbands and wives as women gained more rights, such as the right to vote, and became more independent, viewed as equal partners in marriage not subservient to their husbands. Third, "marriage became a crucial nexus for the allocation of public and private rights and benefits, so that the exclusion of same-sex couples from marriage imposed increasingly significant economic and legal consequences" (Chauncey 2004, 60).

### ***Consent***

The belief that the freedom to marry represents a civil right originated in colonial America. During the Revolutionary era, marriage was considered a contract, and a critical element of the contract was the consent by both the man and the woman to the marriage.

Everyone spoke of the marriage *contract*. Yet as a contract it was unique, for the parties did not set their own terms. The man and woman consented to marry, but public authorities set the terms of the marriage, so that it brought predictable rewards and duties. Once the union was formed, its obligations were fixed in common law. Husband and wife each assumed a new legal status as well as a new status in their community. That meant neither could break the terms set without offending the larger community, the law, and the state, as much as offending the partner. (Cott 2000, 46)

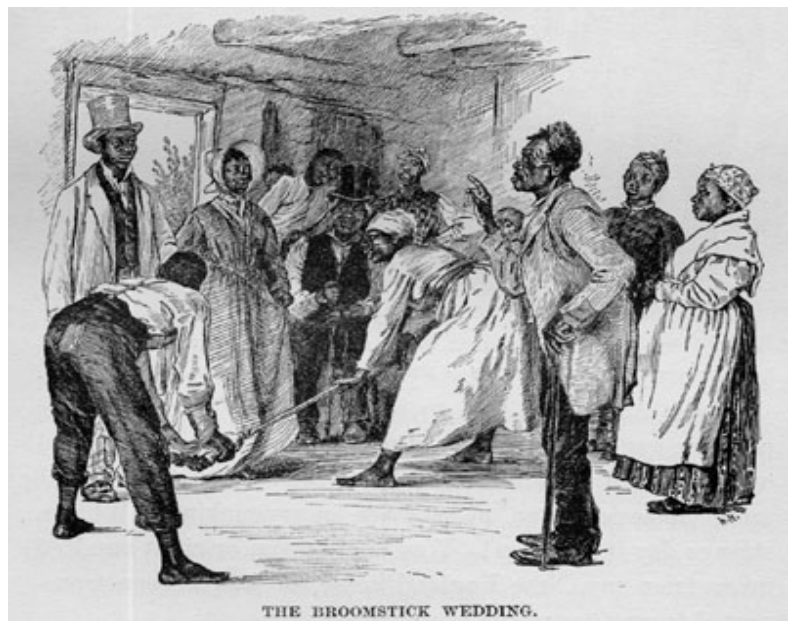
### ***Divorce***

A change to marriage laws occurred after the American Revolution when most states granted the right to a divorce. The Revolutionary era model of marriage required

that the parties to the marriage be allowed to withdraw their consent to the contract if a party to the contract had been injured (usually adultery). “In altering the terms of marriage, legislators saw themselves as not interrupting but polishing, refining, and perfecting an ongoing institution...even when they [the legislators] provided more and more ways to *terminate* a relationship that had traditionally been conceived as lifelong” (Cott 2000, 47). Divorce laws were again altered in 1969, when California introduced “no-fault” divorce, removing the injury requirement. By 2000 most states had changed their marriage laws to allow for “no-fault” divorce.

### ***Marriage Freedom for Slaves***

During the nineteenth century, a debate erupted over the freedom of slaves to marry. Because slaves had no standing to enter into contracts, they had no right to marry. Most slaves would enter into informal marriages that would be recognized by other slaves and sometimes by slave owners. Following emancipation, slaves secured the right to marry. The freedom to marry created the potential to convey any benefits earned as a result of fighting in a war to the families of soldiers. Henry Bibb, a former slave, wrote of the freedom to marry: “There



Source: [http://www.upress.state.ms.us/images/books/books/fall2007/broomstick%20wedding\\_fmt.jpg](http://www.upress.state.ms.us/images/books/books/fall2007/broomstick%20wedding_fmt.jpg)

[is] no class of people in the United States who so highly appreciate the legality of marriage as those persons who have been held and treated as property” (Cott 2000, 84).

The emancipation of slaves caused grave concern among white men as to whom the former slaves would choose to marry. As early as the colonial period, statutes banning interracial marriage appeared. The first state to enact such a ban was Maryland in the 1660s. During the Civil War and Reconstruction, white fears of race-mixing, known as miscegenation, prompted more states to pass legislation which criminalized marriages that crossed the color line. “More laws of this sort were passed during the Civil War and Reconstruction than in any comparably short period” (Cott 2000, 99).

### ***Civil Rights Act of 1866 and the Fourteenth Amendment***

After the Civil War and Reconstruction, the United States Congress began the process of reversing the decisions that led to the loss of citizenship rights to slaves. The Thirteenth Amendment abolished slavery in the United States. “The Civil Rights Act of 1866 and the Fourteenth Amendment conferred citizenship on and secured the civil rights of all qualified, natural-born, and naturalized Americans, including former slaves and free blacks.” The Fourteenth Amendment prohibited the states from denying citizens the right to due process and equal protection under the law (Kaczorowski 1987, 45).

This legislation proved to be problematic for the states with anti-miscegenation laws. The Federal government now dictated that the states could not impede the civil rights of citizens. Former slaves became citizens and could make contracts. Marriage is a contract between two consenting adults and is considered to be a civil right. “Contracts formed by free consent were supposed to be private matters; they gave lifeblood to a

private property system, and states were not to interfere in them” (Cott 2000, 101). As a result, interracial couples began using the courts to contest the statutory bans against interracial marriage which infringed upon their constitutional rights.

Statutory bans were not limited to excluding marriages between blacks and whites. “Fourteen states, primarily in the West, extended the ban to include marriages between whites and Asians, and twelve states to white marriages with American Indians. Forty-one states or territories had enacted such bans by 1913, when Wyoming became the last state to do so” (Chauncey 2004, 63).

There were also efforts to adopt an amendment to the United States Constitution banning interracial marriage. The most notable attempt was made on December 11, 1912, by Congressman Seaborn A. Roddenberry of Georgia. At the time, there was a national uproar caused by the marriage of Jack Johnson, the first black professional heavyweight boxing champion, to a white woman. In his speech to congress, Representative Roddenberry said:

No brutality, no infamy, no degradation in all the years of southern slavery, possessed such villainous character and such atrocious qualities as the provision of laws of Illinois, New York, Massachusetts, and other states which allow the marriage of the negro, Jack Johnson, to a woman of Caucasian strain...Gentleman, I offer this resolution...that the States of the Union may have an opportunity to ratify it...Intermarriage between whites and blacks is repulsive and averse to every sentiment of pure American spirit...It is subversive of social peace. It is destructive of moral supremacy....Let us uproot and exterminate now this debasing, ultra-demoralizing, un-American and inhuman leprosy (Gilmore 1973, 32).

As a result of Congressman Roddenberry's efforts, several states introduced anti-miscegenation bills. While neither the federal amendment nor the state laws gained approval, both Vermont and Massachusetts passed laws during this time "forbidding couples whose marriage would be prohibited in their home states from traveling to [Massachusetts or Vermont] to get married" (Chauncey 2004, 64).

### ***The United Nations Universal Declaration of Human Rights - 1948***

Another significant development that would spark a wave of change started on December 10, 1948, when the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. This declaration was in reaction to the horrific experiences of Jews during World War II. Article 16 of the declaration specifically addresses marriage in response to the Nazi laws which had forbidden Jews from marrying non-Jews.

(1) Men and women of full age, without limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. (The Universal Declaration of Human Rights 1948, 1)

### ***Perez v. Sharp - 1948***

In 1948, the California Supreme Court overturned the state's anti-miscegenation law making it the first state in the twentieth century to do so. The case which resulted in this decision began in 1947 when Andrea Perez, who was Mexican-American and legally white, and Sylvester Davis, who was African-American, were denied a marriage license



based upon California's anti-miscegenation law. In this case, *Perez v. Sharp*, the California Supreme Court found that the state's ban on interracial marriage was in violation of the constitutional guarantee of equality (*Perez v. Sharp*, 1948). In its decision the state supreme court cited not only the Fourteenth Amendment but also the recently adopted United Nations Declaration of Human Rights (Dailey 2009).

As illustrated in Figure 2.1, prior to the ruling in *Perez v. Sharp*, “between 1887 and 1948, no state eliminated a ban, either legislatively or judicially” and even though there was a wave of decriminalizations in the West following the decision in

**Figure 2.1: Date When Anti-Miscegenation Laws Were Overturned**



Source: <http://mapscroll.blogspot.com/2009/04/anti-miscegenation-laws-precursor-to.html>

California in the “1950s and 1960s, seventeen states still had bans in place when *Loving v. Virginia* reached the U.S. Supreme Court in 1967” (Novkov 2008, 353).

### ***Loving v. Virginia - 1967***

In June 1958, Mildred Jeter, an African-American woman, and Richard Loving, a white man traveled from their home state of Virginia, where interracial marriage was not legal, to the District of Columbia and were married. Upon returning to Virginia they were charged with violating Virginia's ban on interracial marriage. They were sentenced to jail but received a suspended sentence under the condition that they leave and not return to Virginia for a period of twenty-five years. In 1967 after years of appeals, the case of *Loving v. Virginia* was heard by the U.S. Supreme Court. In this historic decision the Supreme Court found that:

Marriage is one of the "basic civil rights of man" fundamental to our very existence and survival...To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State's citizens of liberty without due process of the law. The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discriminations. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State. (*Loving v. Virginia*, 388 U.S. 1 (1967))

All remaining anti-miscegenation statutes were overturned as a result of *Loving v. Virginia*. "In the coming years, the Court continued to extend the reach of that freedom, deciding, for instance, that even prisoners could not be denied their civil right to marry" (Chauncey 2004, 65).

### ***Same-Sex Marriage: Early Court Cases – 1970s***

Starting in 1970, inspired by the successful elimination of anti-miscegenation laws and the cultural revolution of the 1960s, gays and lesbians began to take action and demanded their civil right to marry. “Lesbians and gay men seek legal marriage for some of the same reasons ex-slaves did so after the Civil War, to show that they have access to basic civil rights. The exclusion of same-sex partners from free choice in marriage stigmatizes their relationship, and reinforces a caste supremacy of heterosexuality over homosexuality just as laws banning marriages across the color line exhibited and reinforced white supremacy” (Cott 2000, 216).

The first case in the United States to address same-sex marriage was *Baker v. Nelson*. On May 18, 1970, Richard Baker and Mike



Photo by R. Bertrand Heine  
Courtesy Minnesota Historical Society

McConnell, as seen in photograph, went to the county clerks office in Minneapolis, Minnesota to apply for a marriage license. Their application was denied. They filed a lawsuit seeking to obtain a marriage license. The plaintiffs, Baker and McConnell, “contended that an absence of a specific prohibition on same-sex marriage signified a legislative intent to recognize them and that any prohibition of same-sex marriage violated the Fourteenth Amendment to the Federal Constitution and its guarantee of equal

protection of the law” (Clarkson-Freeman 2005, 3). The Minnesota Supreme court ruled against the plaintiffs. In the ruling Justice Peterson differentiated between the ruling in this case from that of the U.S. Supreme Court ruling in *Loving v. Virginia* stating that “Loving does not indicate that not all state restrictions upon the right to marry are beyond the reach of the Fourteenth Amendment. But in commonsense and in a constitutional sense, there is a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex” (*Baker v. Nelson*, 291 Minn. 310 (1971)).

The Minnesota Supreme Court also addressed the argument by the plaintiffs that there was not a specific legislative prohibition to same-sex marriage by stating in the decision that “in the absence of an express prohibition of same-sex marriages, it is unrealistic to think that the original draftsmen of our marriage statutes, which dated from territorial days, would have used the term marriage in any different sense than between heterosexual couples” (A. K. Wilson 1991, 542). It was this argument that was of concern to other states when they proactively began passing legislation declaring that marriage would only be recognized between a man and a woman.

In the 1660s, Maryland was the first state in the United States to ban interracial marriage by statute. Three hundred years later Maryland became the first state in the United States to ban same-sex marriage via statute when “during the 1973 legislative session, the General Assembly passed Senate Bill 122, a same-sex marriage prohibition, which is now codified as §2-201 of the Family Law Article. The statute reads, ‘Only a marriage between a man and a woman is valid in this State.’” (Washington Post 2006, 1).

A handful of states including Alabama, Minnesota, Montana, Texas, and Virginia passed similar legislation in the 1970s.

***Same-Sex Marriage: AIDS - 1980s***

Marriage for same-sex couples is “highly significant in the United States because marital status is the gateway to access more than 1,100 federal benefits, rights, and protections, such as the ability to cover a partner under Medicare and Social Security, obtain health and retirement benefits from a partner’s employer, and make medical decisions for a partner who falls ill” (Oswald and Kuvalanka 2008, 1055). The devastating impact of AIDS during the 1980s caused a significant number of same-sex couples to realize how vulnerable they were without the benefits of marriage (Chauncey 2004).

During this time, the average age of people with AIDS was thirty-six, an age at which most people have not planned for catastrophic illnesses, estate planning, or death. “Couples whose relationships were fully acknowledged and respected by their friends suddenly had to deal with powerful institutions - hospitals, funeral homes, and state agencies - that refused to recognize them at all” (Chauncey 2004, 96). Often, following the death of a partner, the surviving partner would find that they could be evicted from their home if the lease was in the deceased partners name. If a home was jointly owned, the IRS treats a surviving same-sex partner differently than a surviving spouse. A surviving spouse is taxed on half of the value of the home for the purpose of estate taxes but pays no taxes due to the marital deduction. In the case of the surviving same-sex partner, the partner must prove that he or she paid for half the cost of the home and must pay taxes on the half of the home paid for by the deceased partner (Chauncey 2004).

Surviving same-sex partners were not legally recognized as parents or guardians of the children of a deceased partner. Some of the most heartwrenching cases involving non-recognition of same-sex partnerships involved children who were removed from the home of a surviving partner by the family of the deceased partner. These cases were devastating for the children, who lost one parent to death and were taken from the other parent by the biological grandparents. The horror stories arising from the 1980s prompted many gays and lesbians to prepare legal documents such as medical and financial powers of attorney, living wills, and traditional wills to help protect them in the event of a catastrophic illness or death. Unfortunately in the event of an emergency, contracts are not always readily available, and even if they are medical staff, may choose to ignore the documents. Documents and contracts do not provide the same protection and recognition as that provided by marriage (Chauncey 2004).

In 1989, the New York Court of Appeals took a huge step toward legal recognition of same-sex partners when it held that a “gay couple who had lived together for a decade could be considered a family under New York City’s rent-control regulations” (Gutis 1989, 1). The case *Braschi v. Stahl*, involved Miguel Braschi who had shared an apartment with his partner for more than a decade when his partner died of AIDS in 1986, at which time the landlord attempted to evict Mr. Braschi. In his majority opinion, Judge Vito J. Titone wrote that “in the context of eviction...a more realistic, and certainly equally valid, view of family includes two adult lifetime partners whose relationship is long-term and characterized by an emotional and financial commitment and interdependence” (Gutis 1989, 1).

### ***Hawaii and the Defense of Marriage Act – 1990s***

Since the early 1970s, same-sex couples had been filing lawsuits to gain access to marriage and the rights associated with marriage, and for the most part these court battles received little if any national attention. Beginning in 1990, a lawsuit filed in Hawaii gained national attention when it appeared that the Hawaii Supreme Court might rule in favor of same-sex marriage. The lawsuit, *Baehr v. Lewin*, was filed by three same-sex couples who had all applied for marriage licenses and were all denied. The plaintiffs argued that Hawaii's marriage license rules were discriminatory (*Baehr v. Lewin*, 1993). The trial court dismissed the case, which was subsequently appealed to the Supreme Court of Hawaii. "In 1993, the Hawaii Supreme Court ruled that same-sex marriage bans violate the equal protection clause of the state's constitution and argued that the state needed to offer a compelling reason for denying these couples marriage licenses" (Soule 2004, 455). The Hawaii Supreme Court stunned the nation with this decision and helped to "instigate an organized national political response" as well as mobilize conservative religious groups to start a nationwide campaign to ban same-sex marriage (Haider-Markel Spring 2001, 8).

As the nation awaited the Hawaii trial court decision, congressional opponents of marriage for [same-sex] couples, introduced the federal DOMA on May 7, 1996. DOMA defined federal marriage as exclusively heterosexual and declared that states are not required to recognize [same-sex] marriages performed in other states. DOMA moved quickly through both the House and the Senate and was signed by President Clinton on September 21, 1996 (Oswald and Kuvalanka 2008, 1053).

### The Defense of Marriage Act

“prevents same-sex couples from receiving any of the federal rights or benefits of marriage, even if a state eventually allows same-sex marriage” (Gerstmann 2008, 7).

The supporters of the Defense of Marriage Act were fearful that the decisions of



Source: <http://laermer.com/2009/07/23/straight-talk-on-gay-marriage/>

Hawaii would impact all the other states arguing that “if any same-sex couple could go to Hawaii to be married, and return to their home state to live, then Hawaii was strong-arming the other states, setting marriage policy for the nation” (Cott 2000, 218). The Defense of Marriage Act eliminated that possibility.

The Defense of Marriage Act was extraordinary for two reasons. First, Congress had never before passed legislation curtailing full faith and credit for marriage laws, but with this act “Congress interpreted the Full Faith and Credit Clause to mean that they possessed the power to decide how states granted full faith and credit to the acts, records, and proceedings of their sister states”. Second, Congress has traditionally left domestic relations matters to the states (Clarkson-Freeman 2005, 10).

On December 3, 1996, the Hawaii Trial Court ruled that the state had failed to justify the denial of marriage licenses to same-sex couples. Judge Kevin Chang ordered the “state to cease its denial of marriage licenses to same-sex couples but stayed his ruling pending the state’s appeal to the Supreme Court” (Clarkson-Freeman 2005, 6). Before the Hawaii Supreme Court issued the final decision on the case, in November



1998, the voters of Hawaii approved a state constitutional amendment giving the state legislature the authority to restrict marriage to men and women only. On December 10, 1999, the Hawaii Supreme Court ruled that the *Baehr* case was closed by the passage of the state constitutional amendment authorizing the state legislature to restrict marriage to men and women only (Clarkson-Freeman 2005).

*Baehr v. Lewin* was the first same-sex marriage case to garner national attention. There was significant backlash. By the end of 1999, the State of Hawaii produced a constitutional amendment giving the legislators the right to ban same-sex marriage, a federal law was created stating that the federal government would not recognize same-sex marriage, and statutory bans on same-sex marriage and recognition of same-sex marriages from other states (mini-DOMAs) were enacted in more than 30 states.

### ***Hawaii: The Backlash***

Prior to *Baehr v. Lewin*, states had taken action based upon earlier litigation to define marriage as restricted to a man and to a woman. Following *Baehr v. Lewin*, many states took it one step further by adding the provision that same-sex marriages performed in other states would be void. The state of Utah was the first state to take such action even before the passage of the Federal Defense of Marriage Act. In March 1995, Utah Governor Mike Leavitt (R) signed the first state Defense of Marriage statute into law. Beginning in 1996, more states updated their statutes “with post-1993 mini-Defense of Marriage Acts (mini-DOMAs), so called because they mimic the effort of the federal Defense of Marriage Act of 1996 to contain the interstate effect of one state’s recognition of same-sex marriage. Three states have pre-1993 statutes barring same-sex marriage:

Maryland (1973), New Hampshire (1987), and Wyoming (1977)” (Koppelman 2007, 265). The states enacting “mini-DOMAs” from 1996-1999 are as follows:

AK, AZ, DE, GA, ID, IL, KS, MI, MO, NC, OK,  
PA, SC, SD, TN (1996); AR, FL, IN, ME, MN, MS,  
MT, ND, TX, VA (1997); AL, IA, KY, WA (1998);  
LA (1999). (Keck 2009, 172).

### ***Vermont - 1999***

On December 20, 1999, “the Supreme Court of Vermont added new complexity and momentum to the issue when it held that same-sex couples are entitled to all of the legal benefits of marriage if not access to the institution of marriage itself” (Gerstmann 2008, 5). This decision was rendered during *Baker v. State*, which involved three same-sex couples who were refused marriage licenses and appealed the decision of the lower court to the Supreme Court of Vermont. The plaintiffs contended that the trial court erred in concluding that state marriage statutes rendered them ineligible for marriage licenses.

The Supreme Court of Vermont in its decision found that:

Plaintiffs may not be deprived of the statutory benefits and protections afforded persons of the opposite sex who choose to marry. We hold that the State is constitutionally required to extend to same-sex couples the common benefits and protections that flow from marriage under Vermont law. Whether this ultimately takes the form of inclusion within the marriage laws themselves or a parallel “domestic partnership” system or some equivalent statutory alternative, rests with the Legislature. Whatever system is chosen, however, must conform with the constitutional imperative to afford all Vermonters the common benefit, protection, and security of the law (*Baker v. State* 1999).

The state legislature passed the Vermont Civil Union law creating the institution of “civil unions”. According to the Vermont Secretary of State, civil unions provide the

same benefits, protections, and responsibilities under Vermont law for gays and lesbians as are granted to spouses in marriage (Vermont Secretary of State - Civil Unions 2008). The Governor of the State of Vermont, Howard Dean (D), signed the Vermont Civil Union law in April 2000, which made Vermont the first



Source [http://thelittlegreenblog.blogspot.com/2009\\_08\\_01\\_archive.html](http://thelittlegreenblog.blogspot.com/2009_08_01_archive.html)

state to provide all of the benefits of marriage available from the state. The law went into effect in July 2000.

In reaction to the events in Vermont, in 2000 the State of Nebraska approved a constitutional amendment banning same-sex marriage. Statutory restrictions on same-sex marriage were also enacted in California, Colorado, Connecticut, South Dakota, West Virginia, and Texas. In 2001, the State of Missouri enacted statutory restrictions on same-sex marriage. In 2002, the voters in the State of Nevada approved a constitutional amendment banning same-sex marriage (Keck 2009, 172).

### ***Lawrence v. Texas - 2003***

On June 26, 2003, the United States Supreme Court, in the case *Lawrence v. Texas*, held that “the Texas statute making it a crime for two persons of the same sex to



Massachusetts. In each case, the city clerk either refused the application or denied the application on the basis that Massachusetts does not recognize same-sex marriages. On April 11, 2001, the plaintiffs filed suit in Superior Court against the Department of Health, which is in charge of issuing marriage licenses in the State of Massachusetts. The Superior Court judge ruled in favor of the Department of Public Health. The plaintiffs appealed. In the case *Goodridge vs. Department of Public Health*, the Massachusetts Supreme Court found:

Marriage is a vital social institution....For those who choose to marry, and for their children, marriage provides an abundance of legal, financial, and social obligations. The question before us is whether, consistent with the Massachusetts Constitution, the Commonwealth may deny the protections, benefits, and obligations conferred by civil marriage to two individuals of the same sex who wish to marry. We conclude that it may not. 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....Our concern is with the Massachusetts Constitution as a charter of governance for every person within its reach. 'Our obligation is to define the liberty of all, not to mandate our own moral code, (*Lawrence et al. v. Texas* 2003). (*Goodridge v. Department of Public Health* 2003)

The Massachusetts Supreme Court gave the state legislature time to conform the state marriage statutes to the ruling. Before the Massachusetts legislature took action, President George W. Bush on February 24, 2004, announced that he would support a federal constitutional amendment defining marriage as a union between a man and a woman. His efforts were designed to stop "activist judges", as in the case of the

Massachusetts Supreme Court, from changing the definition of the institution of marriage. The amendment would require the approval of two-thirds of Congress and also the approval of three-fourths of the state legislatures. The proposed amendment died on July 13, 2004. Senator John McCain (R) from Arizona said that the decision in Massachusetts to legalize same-sex marriages does “not represent the death knell to marriage. What evidence do we have that states are incapable of further exercising an authority they have exercised successfully for over 200 years?” (Henry and Broffman 2004, 1).



Reuters Limited  
President Bush, speaking from the Roosevelt Room of the White House, announces he will support a constitutional amendment banning gay marriage, Feb. 24, 2004.

The Massachusetts legislature enacted legislation allowing for same sex couples to marry on May 17, 2004. The Massachusetts legislature chose this date for this historic step toward equality of rights for gays and lesbians because this date was the fiftieth anniversary of *Brown v. Board of Education*, the landmark decision by the United State Supreme Court striking down segregation (Brown v. Board of Education 1954). The legalization of same-sex marriage in Massachusetts, as well as the push by President Bush for an amendment to the U.S. Constitution banning same sex marriage, led to significant backlash in the polls beginning in November, 2004. State Constitutional bans on same-sex marriage were passed in Arkansas, Georgia, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon, and Utah. Statutory restrictions were also added to marriage laws in 2004 in New Hampshire and Ohio. In 2005, the voters in the Kentucky and Texas approved state constitutional

bans on same-sex marriage. In June 2006, state Constitutional Amendments banning same-sex marriage were approved in Alabama and in November, 2006, in Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin (Keck 2009, 172). By the end of 2006, twenty-six states had approved state constitutional amendments banning same-sex marriage, and the State of Hawaii had given the legislature the authority to ban same-sex marriage.

### ***Connecticut, New Jersey, New Hampshire – Civil Unions***

While no other state legalized same-sex marriage until 2008, a few states in the Northeast began taking action to provide recognition and benefits for same-sex couples equivalent to that of marriage but stopped short of calling it marriage. In April, 2005, Connecticut Governor M. Jodi Rell (R) signed a bill that “created civil unions as an alternative to marriage for same-sex couples while simulataneously defining marriage as exclusively between one man and one woman” (Levi 2009 , 2). This action made Connecticut the first state to grant marriage like recognition and benefits without judicial intervention; however, litigation for full marriage recognition for same-sex couples was underway. Following the decision in Massachusetts, eight same-sex couples in Connecticut filed suit to challenge the denial of access to marriage. It would be three years before a decision on this case was reached.

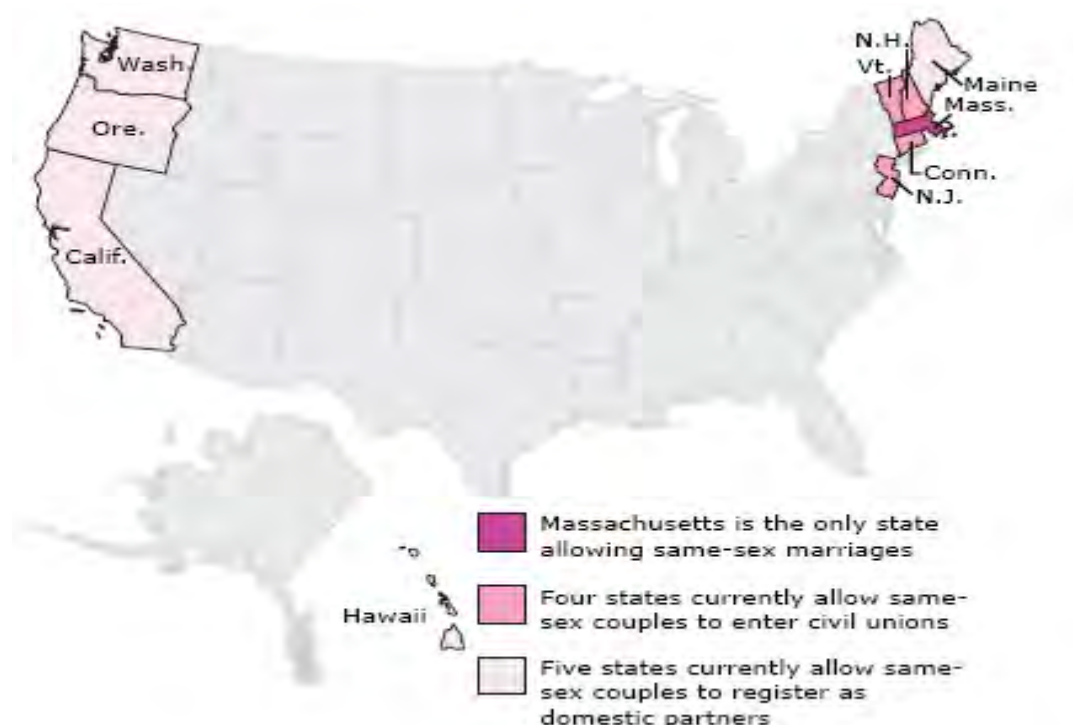
On October 25, 2006, the New Jersey Supreme Court issued a ruling on *Lewis v. Harris*, a suit brought by couples seeking the right to marry in New Jersey. The decision stated:

Denying committed same-sex couples the financial and social benefits and privileges given to their married heterosexual counterparts bears no substantial relationship to legitimate governmental purpose. The court holds that under the equal protection guarantee...of the New Jersey Constitution, committed same-sex couples must be afforded on equal terms the rights and benefits enjoyed by opposite-sex couples under the civil marriage statutes. The name to be given to the statutory scheme that provides full rights and benefits to same-sex couples, whether marriage or some other term, is a matter left to the democratic process (*Mark Lewis and Dennis Winslow, et al. v. Gwendolyn L. Harris, etc., et al.* 2006)

The New Jersey legislature, in response to the New Jersey Supreme Court ruling, chose to establish civil unions, which provided same-sex couples with the same rights and benefits as heterosexual couple but not the equivalent social recognition that comes with marriage. On December 21, 2006, Governor Jon Corzine signed the civil union bill (New Jersey State Library 2006) . On May 31, 2007, New Hampshire Governor John Lynch signed a bill creating civil unions for same-sex couples in the state of New Hampshire. Although Massachusetts was still the only state to allow same-sex couples to legally marry, by the end of 2007, four New England states (Vermont, Connecticut, New Jersey, and New Hampshire) offered the equivalent rights and benefits of marriage to its citizens in the form of civil unions. Five states, at the end of 2007, allowed same-sex couples to register as domestic partners providing same-sex couples some of the rights granted to heterosexual married couples but not all rights of civil unions. The states offering some type of domestic partnership status by the end of 2007 were California, Oregon, Washington State, Maine, and Hawaii (see Figure 2.3).



**Figure 2.3: Map of States Providing Recognition to Same-Sex Couples as of 2007**



Source: <http://www.stateline.org/live/details/story?contentId=347390>

### ***California and Connecticut – 2008***

In 2008, California became the second state to legalize same-sex marriage. On May 15, 2008, the California Supreme Court ruled in the case of *In Re: Marriage Cases* that “limiting the designation of marriage to a union ‘between a man and a woman’ is unconstitutional and must be stricken from the statute, and that the remaining statutory language must be understood as making the designation of marriage available to both opposite-sex and same-sex couples” (*In Re Marriage Cases* 2008). On June 16, 2008, California began issuing marriage licenses to same-sex couples. An anti-marriage initiative, Proposition 8, received strong support from evangelical Christians and

Republicans, and qualified to be placed on the ballot in the November 2008 general election (Baldassare, et al. December 2008, 3).

Connecticut, which had approved civil unions for same-sex couples in 2007, revisited the issue of same-sex marriage on October 10, 2008, when the Connecticut Supreme Court ruled on the case, *Kerrigan v. Commissioner of Public Health*. In that decision, the Court held that “because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes...harm” (*Kerrigan v. Commissioner of Public Health* 2008). On November 12, 2008, Connecticut began issuing marriage licenses to same-sex couples and became the third state in the United States to legalize such unions.

While Connecticut continued to move towards full equality of marriage rights for same-sex couples, California took a step backward when on November 4, 2008, Proposition 8 passed. Proposition 8 added an amendment to the California Constitution eliminating the right to marry for same-sex couples which had been granted six months earlier by the Supreme Court of California. The California vote “marks the first time marriage rights have been



granted and then rescinded, and it calls into question more than 18,000 California marriage licenses...that were issued in the six months since [the] state high court legalized gay weddings” (Gramlich and Vestal 2008, 1). Arizona and Florida also voted on November 4, 2008, to ban same-sex marriage. With the addition of California, Arizona, and Florida, thirty states in the United States had now passed constitutional amendments banning same-sex marriage.

### ***Victory and Defeat - 2009***

The same-sex marriage movement experienced significant victories across the country beginning in early 2009. On April 3, 2009, the Iowa Supreme Court overturned the same-sex marriage ban which had been in place for a decade in Iowa, ruling that the law prohibiting same-sex marriage violated the state constitution’s equal protection clause and, in doing so, did not further any valid governmental objective. The Court held that full marriage equality must be provided; civil unions or domestic partnerships were rejected. In comments on the Iowa ruling, Richard Socarides, a former senior adviser to President Bill Clinton on Gay civil rights said, “I think it’s significant, because Iowa is considered a Midwest state in the mainstream of American thought,...unlike states on the coast, there’s nothing more American than Iowa. As they say during the presidential caucuses, ‘As Iowas goes, so goes the nation’” (Eckhoff and Schulte 2009, 1). Starting on April 24, 2009, Iowa began issuing marriage licenses to same-sex couples.

On April 7, 2009, Vermont which had been the first state in the United States to adopt a same-sex civil union law in 2000, became the first state in the United States to legalize same-sex marriage with a legislative vote rather than by court ruling. With this

action, Vermont became the fourth state to issue marriage licenses to same-sex couples. The bill from the Legislature had initially been vetoed by Republican Governor Jim Douglas, but the Vermont Legislature achieved the needed two-thirds votes in each chamber to override the veto. This bill made same-sex marriage officially legal in Vermont on September 1, 2009, and repealed the existing Vermont Civil Union law (Szep 2009).

On May 6, 2009, Maine became the fifth state to legalize same-sex marriages when Governor John Baldacci (D) signed legislation authorizing marriage between two people rather than between one man and one woman. Governor Baldacci said, “[i]n the past, I opposed gay marriage while supporting the idea of civil unions...I have come to believe



that this is a question of fairness and of equal protection under the law, and that a civil union is not equal to civil marriage” (The Associated Press 2009, 1). The Maine law was scheduled to take effect but has been postponed due to “Maine’s provision for a ‘people’s veto’ – any newly passed law can be subject to repeal by voters if enough valid signatures are obtained to trigger a referendum” (Crary 2009, 1). Enough signatures were obtained and on November 3, 2009, Maine voters will decide whether to uphold or repeal the law

legalizing same-sex marriage which was passed by the legislature and signed by the governor<sup>2</sup>.

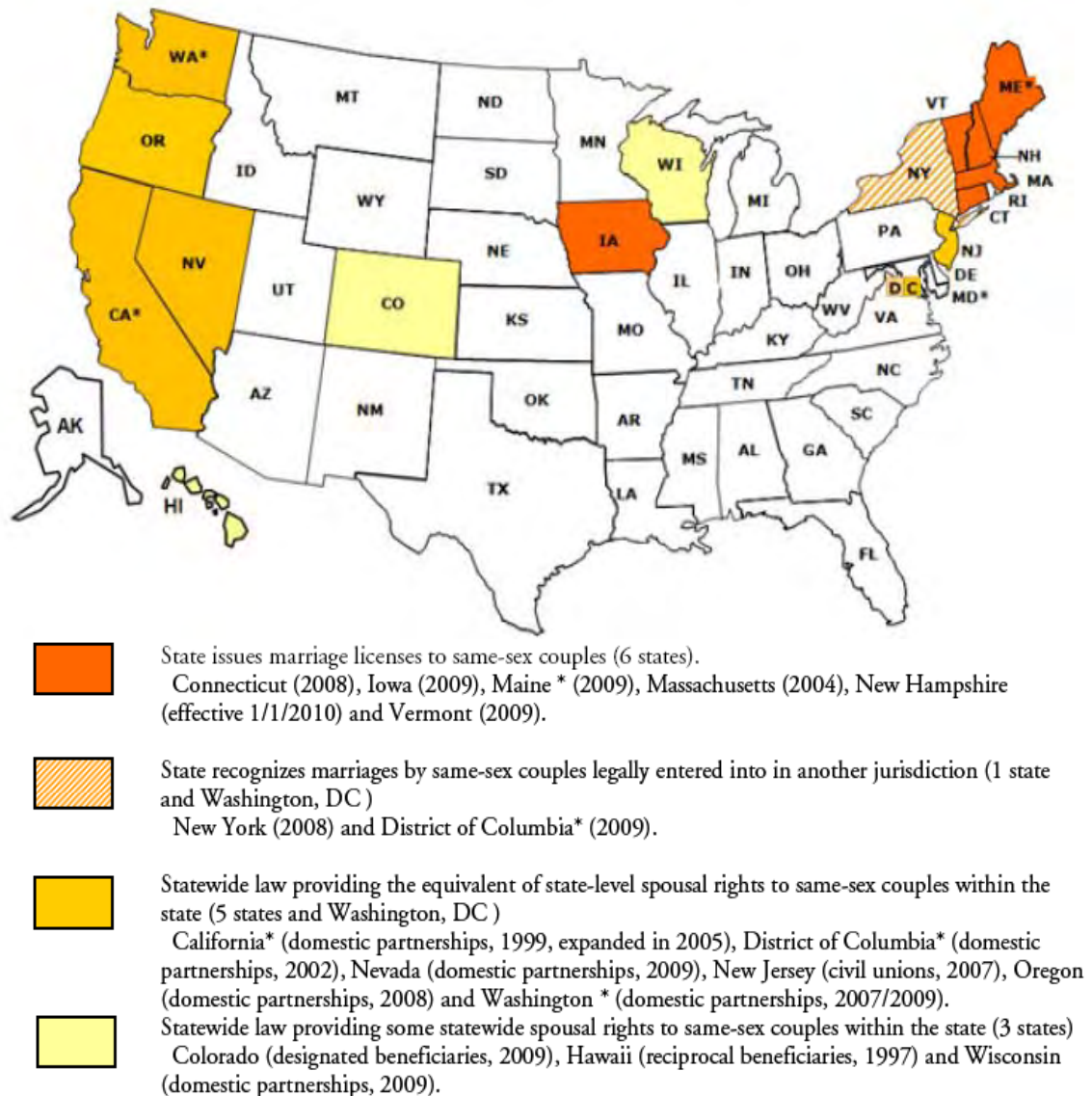
On May 26, 2009, the California Supreme Court ratified the decision of the voters of California to constitutionally prohibit same-sex marriage. While prohibiting any future marriages, the court did preserve the 18,000 same-sex marriages that were performed in the period of time between the Supreme Court ruling in favor of same-sex marriage in June of 2009 and the voters' passage of Proposition 8, banning same-sex marriage, in November of 2008. The Justices found that the "18,000 existing marriages can stand...because Proposition 8 did not include language specifically saying it was retroactive" (Schwartz 2009, 1).

On June 3, 2009, New Hampshire Governor John Lynch (D) signed legislation legalizing same-sex marriage. This action made New Hampshire the sixth state to do so. The law is scheduled to take effect on January 1, 2010. Governor Lynch had previously supported civil unions but not full marriage recognition for same-sex couples. In a statement, the governor said that he had heard "compelling arguments that a separate system is not an equal system...today we are standing up for the liberties of same-sex couples by making clear that they will receive the same rights, responsibilities – and respect – under New Hampshire Law" (Goodnough 2009, 1). See Figure 2.4 for the current state of Marriage Laws in the United States.

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<sup>2</sup> On November 3, 2009, Maine voters, by a margin of 53-47 percent, decided to repeal the law legalizing same-sex marriage which was passed by the legislature and signed by the governor on May 6, 2009.

**Figure 2.4: Marriage Laws in the United States as of October 2009**



\* California: Same-sex marriages that took place between June 16, 2008 and November 4, 2008 continue to be defined as marriages. On October 12, 2009, Gov. Schwarzenegger signed into law a bill that recognizes same-sex marriages from out of state that occurred between the June to November 2008 time frame as marriages in California, and all other out of state same-sex marriages as domestic partnerships.

\* District of Columbia: Washington, DC, allows same-sex couples in the District to enter into domestic partnerships and recognizes marriages by same-sex couples entered into in other jurisdictions.

\* Maine: Gov. John Baldacci signed marriage equality legislation May 6, 2009. The new law was scheduled to become effective in mid-September 2009; however, it now faces a repeal effort in a ballot measure before voters in November 2009.

\* Washington: Gov. Chris Gregoire signed the Domestic Partnership Expansion bill May 18, 2009. Most provisions were scheduled to become effective July 26, 2009; however, it now faces a repeal effort in a ballot measure before voters in November 2009.

\* Maryland does not have a registry but does provide certain benefits to statutorily defined domestic partners.

[www.hrc.org/state\\_laws](http://www.hrc.org/state_laws)

Updated October 20, 2009

## *Chapter Summary*

This chapter described the evolution of marriage in the United States, the recruitment of the court system by gays and lesbians to gain access to marriage, the benefits of same-sex marriage, the state and federal legislative efforts to block same-sex marriage, the movement for constitutional amendments to ban same-sex marriage, and the current state of same-sex marriage in the United States. The history presented proves that state legislatures have reacted as society demanded changes to marriage laws to honor the spirit of the Fourteenth Amendment's guarantee of equal protection under the law for all citizens. Changes have been made to reflect the freedom to choose regardless of race, and changes are being made to reflect the freedom to choose regardless of gender without destroying the "essential stability" of marriage. In 2007, on the fortieth anniversary of the historic decision in *Loving v. Virginia*, Jeter Loving issued a statement which best reflected her struggle and the ongoing struggle of all gays and lesbians to gain equal access to marriage:

My generation was bitterly divided over something that should have been so clear and right. The majority believed...that it was God's plan to keep people apart, and that government should discriminate against people in love. But...[t]he older generation's fears and prejudices have given way, and today's young people realize that if someone loves someone they have a right to marry. Surrounded as I am now by wonderful children and grandchildren, not a day goes by that I don't think of Richard and our love, our right to marry, and how much it meant to me to have that freedom to marry the person precious to me, even if others thought he was the 'wrong kind of person' for me to marry. I believe all Americans, no matter their race, no matter their sex, no matter their sexual orientation, should have that same freedom to marry (Nussbaum 2009, 48).

## **Chapter 3**

### **Literature Review**

#### ***Chapter Purpose***

The purpose of this chapter is to provide a review of existing scholarly literature regarding the issue of same-sex marriage, specifically the factors that may contribute to increased support for state constitutional amendments banning same-sex marriage within each of the fifty United States. From the review of existing scholarly literature, six factors have been identified that may determine the level of support for constitutional amendments banning same-sex marriage within each state.

According to the literature, the factors that determine the level of support for constitutional amendments banning same-sex marriage are: the percentage of the state's population identifying religion as an important part of their daily lives (Religiosity), the percentage of the state's population age twenty-five and over without a college degree, the percentage of the state's population identifying as politically conservative, the percentage of the state's population residing in rural areas, the percentage of the state's population age sixty-five and older, and the percentage of the male population of the state.

#### ***Level of Religiosity***

The review of scholarly literature on the topic of religiosity reveals that the primary source of "opposition to gay rights--and thus of support for marriage restriction legislation--comes from conservative Evangelical Christians" (Camp 2008, 717).

Conservative religious groups have taken the lead in legislative efforts to ban same-sex



marriage. Evangelical Christians “tend to view same-sex ballot measures, which restrict the rights of gays, as a tactic to battle against a way of life they perceive as threatening to their own social and cultural values” (Smith, et al. 2006, 82). Smith, et al. suggest that states with a larger percentage of the population identifying as Evangelical Christians will be more supportive of movements which prevent or limit equality of rights for gays and lesbians (2006, 82). In a recent survey of voters who participated in the November 2008 California General Election, the Public Policy Institute of California (PPIC) found that “Evangelical or born-again Christians (85%) were far more likely than others (42%) to vote yes” in support of Proposition 8, the constitutional amendment to ban same-sex marriage in the state of California (Baldassare, et al. 2008, 3).

Seymour Lipset describes Americans as “the most churchgoing in Protestantism and the most fundamentalist in Christendom....Americans are utopian moralists who press hard to institutionalize virtue, to destroy evil people, and eliminate wicked institutions and practices” (1959, 61). The literature suggests that people who attend church frequently and who identify religion as an important part of their daily lives have significantly less tolerant attitudes toward gays and lesbians (Brumbaugh, et al. 2008, 348). Prior studies have found that less tolerant attitudes can be attributed to exposure to sermons, typically in Conservative Protestant churches, which preach on the immorality of sexual behaviors associated with gays and lesbians. (Burdette, et al. 2005, 181).

Mega-churches, which are defined as churches attracting at least 2,000 people per week to worship services, have been identified as “major seedbeds” of support for constitutional amendments banning same-sex marriage (Fleischmann and Moyer 2009,

140). Mega-churches are typically led by highly influential and charismatic ministers who preach with passion and enthusiasm against perceived threats to traditional family values (Fleischmann and Moyer 2009, 140). Recent Polling by the Gallup Organization finds that a large percentage of the population in the United States acknowledges that their lives revolve around the church (Newport 2009). Therefore, it is not surprising that the world views of these Americans are shaped by the messages of the church ministry and the opinions of their fellow congregants. Relevant research finds that “more religious people--those for whom religion, prayer, and attendance at religious services are more important--tend to be more condemning of homosexuality, especially if they belong to more fundamentalist Protestant denominations” (Lewis and Gossett 2008, 9).

Conservative Protestants believe in a literal interpretation of the Bible. They believe the Bible is the literal word of God. Prior research finds biblical literalists to be “on average less tolerant than those who hold other views of the Bible” (Burdette, et al. 2005, 181). The Southern Baptist Convention follows a strict interpretation of the Bible and routinely preaches “that all homosexual behavior is immoral” (Finlay and Walther 2003, 370).

The scholarly research shows that conservative Protestants consider homosexuality a threat to traditional family values. Conservative Protestants strongly believe that in order to preserve the moral fiber of America, they must publicly take a stand on issues that threaten their perceived traditional values. These individuals do not see morality as a private issue, but as a public concern, believing it is the moral obligation of political leaders to address these issues. Therefore, conservative Protestants “may feel

an obligation to mobilize politically to oppose groups defined by religious leaders and interpreted by biblical texts as posing a threat to society” (Burdette et al. 2005, 183).

The Christian Right is a national organization dedicated to fighting perceived threats to organized religion and traditional family values. Christian activists first aligned with Republican politicians in the 1990s, pursuing constitutional amendments at the state and national level to protect the sanctity of traditional marriage. They did so out of fear that judges, in response to growing litigation by gays and lesbians for access to the right to marry, would rule in some states that failure to allow same-sex marriage was an equal rights violation and that other states would be required to recognize these marriages (Fleischmann and Moyer 2009, 136). The Christian Right organization is the political force behind the conservative Protestant movement.

While Christian activists and “conservative denominational leaders have increasingly expressed hostility and rejection of homosexuality as a sin and a sign of moral decay” some denominations such as Presbyterian, Methodist, and Episcopalian have begun to be more openly accepting of gay and lesbian church members (Finlay and Walther 2003, 371). There has been an overall increased acceptance of gays and lesbians in the United States over the last few decades, and this change has had an impact on religious denominations. General Social Survey data report that conservative Protestantism reached its peak during the mid-1980s. Since that time, Protestantism has been on the decline. Meanwhile, the numbers who claim to be liberal Protestants or who claim no religion at all have increased since the early-1970s (Loftus 2001, 765).

Scholars attribute the decline in conservative Protestantism to an increase in the overall education level and to the migration of rural populations to suburbs and cities. These changes in the demographics of the United States have lead to an increase in liberal ideas by religious and non-religious persons. Religious liberals “tend to hold more positive attitudes toward homosexuality, and thus the increase in these segments of the population should indicate a positive shift in attitudes” (Loftus 2001, 765). Thus it is expected that:

**H<sub>1</sub>:** There is a significant positive relationship between the level of support for constitutional amendments banning same-sex marriage and the level of importance of religion in the daily lives of the citizens of the state.

### ***Level of Education***

According to scholarly literature, people “with greater levels of education are less disapproving of homosexual relations than are less educated persons” (Ohlander, et al. 2005, 782). A statewide survey of voters conducted by the Public Policy Institute of California (PPIC) supports this claim. The study found that 62 percent of voters without a college degree were in support of Proposition 8, the California state constitutional amendment to ban same-sex marriage, while only 43 percent of voters with a college degree would support the Proposition. (Baldassare, et al. 2008, 3).

In a study conducted by Ohlander, Batalova, and Treas in 2002, findings indicate the percentage of the population disapproving of same-sex relationships was higher for those who did not finish high school as compared to those with an advanced degree. “[T]he percent strongly disapproving was 77% for less than high school, 58% for high school graduates, 49% for those with some college, 41% for those finishing college, and

32% for those who went on to graduate degrees” (Ohlander, et al. 2005, 789). This survey and the PPIC survey both show that education does significantly impact attitudes towards gays and lesbians and, therefore, the level of support for state constitutional amendments banning same-sex marriage.

Scholarly research indicates that higher education exposes students to an array of diverse lifestyles and ideas; therefore, “it is not surprising that a longstanding finding shows a positive relationship between education and social tolerance” (Andersen and Fetner October 2008, 944). Education creates profound lifelong changes in “people’s beliefs and values” (Ohlander, et al. 2005, 782). These changes are the result of exposure to people different from themselves. It is through this exposure that students develop tolerance and compassion for others (Ohlander, et al. 2005). These findings suggest that, as a person adds years of education, he or she becomes more socially conscious and more aware of violations to the civil liberties of others. Education helps to create a desire in people to be more informed. “[P]eople who are more informed about social issues are not only better able to express their attitudes about an out-group’s rights, but are also more likely to discuss a social issue in terms of civil liberties” (Ohlander, et al. 2005, 783).

Research shows that individuals with less education typically lack information regarding gays and lesbians and, therefore, formulate their attitudes and opinions based upon a sense of moral superiority. Ohlander found that individuals with less than a college degree will choose this approach “because everyone can claim to be an expert on morality” (Ohlander, et al. 2005, 784). Bobo and Licari argued that tolerance reflects the

quality of the reasoning process, enabling individuals to better evaluate new ideas, and thus promoting acceptance of nonconformity. That is, people acquire “conceptual complexity and sophistication” with higher levels of education, thus explaining why people who are less educated are also less tolerant of diversity (Bobo and Licari 1989, 290).

The less educated are greatly concerned with conformity and are, therefore, less open minded, while more educated people are more open minded and tolerant of non-conformists. According to Ohlander et al., “These educational differences in attitudes about conformity are even reflected in the socialization goals that people hold for their children. Compared to better educated parents, less-educated parents are more likely to view obedience as important preparation for adulthood and less likely to endorse thinking for oneself” (2005, 783). The general consensus of the literature is that individuals with more years of education are more tolerant of people who are different from themselves, and people who have fewer years of education are inclined to be intolerant of those who are different from themselves.

Over the last few decades, there have been demographic changes in the United States that have created a trend of more positive attitudes toward gays and lesbians (Loftus 2001, 762). The education level has increased significantly. “Between 1970 and 1997, the percentage of adults with at least a college degree more than doubled, while the percentage with less than a high school degree decreased” (Loftus 2001, 762). An increased level of education across the nation results in more open acceptance of gays and lesbians, creating positive movement toward more favorable policies. Increased

acceptance of same-sex couples should result in less support of state constitutional amendments banning same-sex marriage throughout the country (Haider-Markel 2001). However, in those states with a lower percentage of the population age twenty-five and over with a college degree, the support for state constitutional amendments banning same-sex marriage will continue to be strong (Smith, et al. 2006, 83). In light of this finding, it is expected that:

- H<sub>2</sub>:** There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population age twenty-five and older without a college degree.

### ***Level of Conservatism***

Scholarly research shows that a person's political ideology "reflects and reinforces" attitudes, values, beliefs, and "orientations toward the world" (Carney, et al. 2008, 808). Politically active people identify as being either conservative, moderate, or liberal. According to the literature, liberals are considered to be "open minded, creative, curious, and novelty seeking" while conservatives are considered to be "orderly, conventional, and better organized" (Carney, et al. 2008, 808). The values that are typically associated with liberals are considered to be most closely aligned with the Democratic Party, while typically conservative values are considered to be more closely aligned with the Republican Party.

Prior research finds that "liberal Democrats tend to be more accepting than conservative Republicans, especially as the 'family values' agenda of social conservatism has become a more dominant aspect of political conservatism" (Lewis and Gossett 2008, 9). In general, policies that favor gays and lesbians would be considered liberal and,

therefore, are more likely to be supported by members of the Democratic Party (Soule 2004, 459). Conservative policies supporting traditional family values will likely receive more support by members of the Republican Party.

The survey conducted by the Public Policy Institute of California (PPIC), targeting voters in the November 2008 general election, found that three out of four Republicans (77%) voted yes in support of Proposition 8, the constitutional amendment to ban same-sex marriage in the state of California, while two out of three Democrats (65%) voted against Proposition 8 (Baldassare, et al. December 2008, 3). The PPIC survey illustrates the fact that liberal Democrats are generally open to granting equal rights to gays and lesbians while conservative Republicans are protecting traditional family values from the perceived threat posed by gays and lesbians.

Research finds that liberal Democrats “have most often taken the initiative in forwarding civil liberties and in advancing the status of social minorities” (Adam 2003, 265). Liberal Democrats have been the major players working toward the advancement of equality of rights for gays and lesbians and “have often been first to bear the political brunt of early controversy, making subsequent reform easier for more timid liberal and conservative parties” (Adam 2003, 265). The research shows the probability of passage of legislation banning same-sex marriage is significantly reduced in states where there is a strong liberal base and Democrats are the majority in the in the state legislature (Lewis and Oh 2008, 50).

A trait often associated with conservative Republicans is authoritarianism. “Authoritarianism is associated with more negative attitudes toward gay men and



lesbians” (Brumbaugh, et al. 2008, 348). The Republican Party’s support of the concept of traditional family values and their opposition to gays and lesbians guarantees that more conservative Republicans will be supportive of same-sex marriage bans (Haider-Markel 2001, 14). In fact, most legislation in support of same-sex marriage bans has been sponsored by members of the Republican Party. The research finds “the more Republican a county is, the higher its support for an amendment” banning same-sex marriage (Fleischmann and Moyer 2009, 139).

Opposition to same-sex relationships has always existed, but in recent decades, there has been some change in levels of acceptance by both liberals and conservatives. Even though liberals have always been the most openly accepting of gays and lesbians, and conservatives were seen to be the least accepting, liberals have not always been completely accepting of same-sex relationships. According to Keleher and Smith, research indicates, beginning in the late 1980s, there was significantly increased acceptance of gays and lesbians by liberals. In the early 1990s, there appeared to be a slight increase in the level of acceptance of gays and lesbians by conservatives. As expected, liberals and conservatives have increased their acceptance of same-sex relationships at significantly different rates. “From 1990 to 2006, acceptance of gays and lesbians grew 14 percent among conservatives, 22 percent among moderates, and 26 percent among liberals” (Keleher and Smith 2008, 7).

Liberals and Conservatives are passionate in their positions regarding the necessity of equality of rights for gays and lesbians. This divergence often leaves little room for common ground as indicated below:

On the July 25, 2005 episode of *The Daily Show*, liberal host John Stewart tried in vain to convince conservative U.S. Senator Rick Santorum that banning gay marriage was an injustice. Quickly realizing the futility of this effort, Stewart remarked, “It is so funny; you know what’s so interesting about this is ultimately you end up getting to this point, this crazy stopping point where literally we can’t get any further. I don’t think you’re a bad dude, I don’t think I’m a bad dude, but I literally can’t convince you.” The stopping point Stewart felt was the invisible wall separating liberal and conservative moralities. Santorum’s anti-gay-marriage views were based on concerns for traditional family structures, Biblical authority, and moral disgust for homosexual acts (which he had previously likened to incest and bestiality). To Stewart...it was impossible to see why a decent, moral person (or at least not a bad dude) would want to violate the rights of a group of people who weren’t hurting anyone (Haidt and Graham 2007, 111).

Research suggests that the liberal definition of morality is based upon a general sense of equality and fairness. There is an expectation by liberals of equality of rights for all. Conservative morality, however, centers on the concept of authoritarianism — in-group loyalty, purity, sanctity — in general traditional family values (Haidt and Graham 2007, 112-113). Research has found that states with a predominantly conservative population will fight to preserve traditional family models and traditional marriages through the use of state constitutional amendments banning same-sex marriage. States with predominantly liberal populations will fight for equality of rights and will work to block constitutional amendments that ban same-sex marriage. Therefore, it is expected that:

- H<sub>3</sub>:** There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state’s population identifying as politically conservative.

### ***Rural Population***

Scholarly research has found a strong correlation between the size of the city in which a person lives and the ability of that person to be accepting of those different from themselves. An even stronger correlation exists between level of acceptance and the size of the city in which a person lives at the age of sixteen (Stephan and McMullin 1982, 411). The literature suggests that the community in which one lives during his/her formative years will have a greater influence on one's attitude and opinions than the community in which one chooses to live during adulthood. This suggestion is illustrated by the classic saying that, "you can take the boy out of the country but you can't take the country out of the boy".

General Social Survey data indicate that the number of people "who lived on a farm when they were 16 years old decreased by half between 1973 and 1998, while those who lived in a big city suburb nearly doubled" (Loftus 2001, 764). Now, more than at any time in the past, people are migrating to suburban and urban areas from rural areas. Even with this demographic change, rural Americans still comprise a significant portion of the nation's population at nearly 17 percent or one-fifth (Dillon and Savage 2006, 2). Thus, it is important to understand what factors influence the attitudes and opinions of rural Americans.

Historically, intolerance correlated to people who live in rural areas and to individuals who are native to the South (Burdette, Ellison, and Hill 2005, 178). Typically people who live and grow up in rural communities "are largely in contact with people similar to themselves and are thus generally preoccupied with individualistic or close

community issues, rather than issues that pertain to the larger world” (Andersen and Fetner 2008). People who live in rural areas are more inclined to be suspicious of, or feel threatened by, people who have different value systems and lifestyles. Urban and even suburban dwellers, according to Andersen and Fetner, are more exposed to diverse lifestyles and opinions. The urban dweller, due to population density, does “rub shoulders with more people who have ideas different from his own” and learn out of necessity how to “live and let live” (Stouffer 1955, 222). Rural dwellers are less open-minded than urban dwellers primarily due to a lack of exposure to outside groups due in large part to less population density (Andersen and Fetner 2008, 313).

Not only are rural Americans’ opinions and views different than the opinions and views of urban Americans, they are also different from other rural Americans, depending upon region.

Rural Southerners are undoubtedly the most conservative, and the gap in their views and those of their rural compatriots in the East and West is especially striking. Rural Midwesterners tend to be less conservative than their Southern neighbors but more conservative than rural Americans in the East and the West. Nevertheless, depending on the issue, it is also the case that religiously involved rural Americans can share the same views as their religious peers living in cities and suburbs; homosexuality is one such issue domain (Dillon and Savage 2006, 9).

Research shows that “people who have a homosexual person among their personal networks are more likely to be tolerant than those without lesbian or gay acquaintances” (Andersen and Fetner 2008, 944). Urban dwellers have greater

opportunity to develop acquaintances with gays and lesbians because “cities encourage the expression of unusual, bizarre, or different tastes and interests by providing a place in which persons who have them can congregate and thereby mutually reinforce one another” (Park 1915, 610). More gays and lesbians work and live in urban areas because of the greater sense of acceptance. It is therefore more likely that urban dwellers will interact with and develop friendships with gays and lesbians which will continue to influence and reinforce positive attitudes. More frequent exposure to gays and lesbians helps city residents become more tolerant than rural residents (Thomlinson 1969, 59).

A question posed by researchers is, “do urban people tolerate deviance because they now live in big cities, or did they learn tolerance by growing up in big cities?” (Stephan and McMullin 1982, 411-412). Research demonstrates that “exposure to urban life occurring throughout one’s past as well as that experienced in the present influences personality in general and tolerance levels in particular” (Wilson 1991, 117-118). The more individuals are exposed to diverse lifestyles, the more friendships they develop with people who are unlike themselves, the more tolerant and accepting they become. People who move from small rural communities to larger communities will typically become more accepting of diversity over time due to increased “exposure to greater social heterogeneity” (Wilson 1991, 121-122).

“[G]iven the small town life of rural residents, the church is the focal point for many, a place where neighbors worship, socialize, and reflect on the state of the country” (Dillon and Savage 2006, 2). Through the influence of church leaders and fellow congregants, most rural Americans perceive same-sex marriage as a threat to traditional

marriage. Because of this perception, they are more inclined to support movements for constitutional amendments banning same-sex marriage which are largely supported by “Christian Right” organizations (Adam 2003, 269). Research shows that a state’s “population density (population per square mile) is negatively related to” support for same sex marriage bans (Fleischmann and Moyer 2009, 138). Thus it is expected that:

**H<sub>4</sub>:** There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state’s population residing in rural areas.

### ***Age of Residents***

A review of literature shows that age and generation of an individual are important in determining support for state constitutional amendments banning same-sex marriage. Research finds that levels of support for same-sex marriage vary considerably by generation. The most support typically comes from younger generations, with older generations exhibiting the least amount of support. Recent evidence supporting this finding comes from the statewide survey, conducted by the Public Policy Institute of California (PPIC), of voters who participated in the November 2008 general election. Proposition 8, the measure that banned same-sex marriage in the state, passed with 52 percent of voters voting yes and 48 percent of voters voting no. Researchers found that support for Proposition 8 increased as the age of the voters increased. Forty three percent of voters age 18-34 voted yes, 50 percent of voters 35-54 voted yes, and 56 percent voters age 55 and older voted yes (Baldassare, et al. December 2008, 3).

Since the 1980s, there have been increasingly positive portrayals of gays and lesbians on television and in movies (Williams, et al. 2007, 4). There has also been more

open debate by the media over the question of granting civil rights to gays and lesbians. The increased positive media exposure has lead to an overall decrease in the level of intolerance towards gays and lesbians in every age group (Keleher and Smith 2008, 4). “Many famous entertainment and sports personalities have gone from hiding their sexuality to outwardly embracing it” (Williams, et al. 2007, 3). When public personalities reveal they are gay or lesbian, they create an opportunity for the general public to put a face to a concept by which they are threatened. If the public has a generally positive attitude about those public persons, they will be inclined to develop a more tolerant attitude toward gays and lesbians in general. The literature finds that “as society has become more accepting of gay people and the media has presented increasingly positive images of gay men and lesbians, succeeding generations are raised with more tolerant attitudes” (Lewis and Gossett 2008, 9).

Researchers find that attitudes are shaped by socialization experiences early in adulthood and once shaped these attitudes remain relatively resistant to change (Alwin and Krosnick 1991, 170). The attitudes of each generation are shaped by the economic, political, social, and cultural influences of their time. Growing up during tough economic times creates an entirely different perspective on life from that of someone growing up during times of economic prosperity.

Generations experiencing poor economic conditions and limited economic opportunity are expected to be permanently affected by these experiences-leading them to value material survival over self-expression. In contrast, cohorts who experience economic expansion in young adulthood will be more prone to amplify self-expression...cohorts who experienced the depression and World War II in their formative years would be more apt to

value traditional authority and to reject sexual rights as an undue self indulgence. In contrast, we might expect generations that experienced the post-war boom and the economic expansion of the 1990s would be more tolerant of sexual rights (Williams et al. 2007, 4).

Educational opportunities and expectations have changed in each succeeding generation. As previously discussed, the level of education greatly influences the level of acceptance exhibited by individuals. Older Americans typically have fewer years of education than younger generations and as a result typically have less tolerant attitudes toward diversity. Older generations of Americans often did not have the luxury of pursuing education beyond high school; they went to work, they got married, and they raised a family alongside friends and neighbors similar to themselves. They were not exposed to people of diverse lifestyles in their daily lives or through the media, which was not as pervasive as it is today (Keleher and Smith 2008, 6). Studies show that people's opinions are formed during early adulthood and then become relatively stable for the rest of their lives. People in older generations are less tolerant than those of younger generations due to less overall exposure to gays and lesbians during their formative years. The literature finds that people do not dramatically change their attitudes as they grow older. However, public opinion is changing, and it is changing in a more positive direction toward gays and lesbians. "[A]s older generations die off and are replaced by younger people, public opinion as a whole comes to resemble the view of successive generations"(Keleher and Smith 2008, 2). These findings show that society will continue to evolve and develop more tolerant attitudes, but the pace will be slow (Alwin and Krosnick 1991, 171).



Research indicates that “younger and more educated people are more likely to feel positively about gays and lesbians and, as a result, more likely to support policies that extend rights to homosexuals” (Wallstein 2005, 10). With each succeeding generation, Americans should expect to see increased acceptance of same-sex relationships and a corresponding increased support for equal rights for same-sex couples which would include marriage. Thus it is expected that:

**H<sub>5</sub>:** There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state’s population over the age of sixty-five.

### ***Gender***

Controlling for all other influencing factors, the literature suggests that heterosexual men tend to be less accepting of gays and lesbians than heterosexual women. One possible explanation for this finding is that heterosexual women may empathize with the plight of gays and lesbians as a minority group and be inclined to be more supportive of their fight for civil rights. Studies find that as a general rule, heterosexual women are more willing to extend some form of recognition to same-sex couples (Herek 2002, 58). Heterosexual men are more likely to believe that gay men “are unable to have loving and committed relationships” and, therefore, are less inclined to support recognition of same-sex couples (Herek 2002, 58).

Scholarly literature shows that heterosexual men, as compared to heterosexual women, have more negative perceptions of gays and lesbians because they perceive a violation of gender roles. Gender roles are defined as an expectation that others will “fit into a relatively stable set of gender roles, traits, and physical attributes, generally

believing, for example, that a person who is either masculine or feminine in one aspect of behavior is similarly masculine or feminine in other aspects of behavior” (Whitley 2001, 692). Generally speaking, people view a stereotypical gay male as being more closely aligned with feminine characteristics than with masculine characteristics. In keeping, a stereotypical lesbian is viewed as being more masculine than feminine. Because heterosexual men are more likely to abide by traditional gender roles, “the more hostility they will express toward individuals who presumably violate these norms” (Ratcliff, et al. 2006, 1326). People who believe strongly in traditional gender roles believe that “homosexuality poses a threat to their world view that places ‘masculine’ and ‘feminine’ at opposite ends of a bipolar dimension” (Whitley 2001, 692).

“[T]he male sex role in contemporary America explicitly emphasizes the importance of heterosexuality to masculinity, and many males also feel the need to affirm their masculinity by rejecting men who violate the heterosexual norm” (Herek 1988, 471-472). The literature finds that heterosexual men view gay men as a threat to their masculinity. To protect their masculinity, heterosexual men, especially younger heterosexual men, are inclined to act aggressively toward gay men (Herek 1988). Heterosexual men limit their contact with gay men in order to not diminish their masculinity. Heterosexual men, however, do not perceive the same threat from lesbians (Herek 1988). Heterosexual men through their actions greatly limit their own ability to develop some level of understanding of gay men and, therefore, continue to display higher levels of intolerance than heterosexual women. These negative attitudes “presumably result from ideological concerns (religious beliefs, family-and gender-

ideology) rather than gender-identity needs” (Herek 1988, 472). Where men may feel a threat to their masculinity, women may feel a threat to core traditional values. Women may see gays and lesbians as sinners who are a threat to traditional moral values and to the traditional family structure.

Heterosexual women typically do not perceive the same threat to their sexuality as heterosexual men. “Because heterosexual females are less likely to perceive rejection of lesbians and gay men to be integral to their own gender-identity, they probably experience fewer social pressures to express hostile attitudes” (Herek 1988, 472). “Heterosexual women may regard lesbians and gay men alike as sharing a common characteristic that makes them members of a single group” (Herek 2002, 60).

Heterosexual women are, therefore, more inclined to have positive attitudes toward and be more supportive of gays and lesbians because of the historical shared plight of being a minority group fighting for equal rights. In states where women are the dominate gender, there should be less support for state constitutional amendments banning same-sex marriage. Thus it is expected:

**H<sub>6</sub>:** There is a positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state’s male population.

### ***Conceptual Framework***

A review of the literature identified six factors that may influence the level of support for state constitutional amendments banning same-sex marriage. Literature suggests that the determinants for level of support for state constitutional amendments banning same-sex marriage are: the percentage of the state’s population identifying

religion as an important part of their daily lives, the percentage of the population age twenty-five and older without a college degree, the percentage of the state's population identifying as politically conservative, the percentage of the state's population residing in rural areas, the percentage of the population age sixty-five and over, and the percentage of the state's male population. The purpose of this study is to analyze available population data for each of the fifty United States to assess the impact of factors identified in literature as determinants of support for state constitutional amendments banning same-sex marriage. This research is explanatory in nature and uses six hypotheses. Table 3.1 summarizes the hypotheses and links them to the literature.

**Table 3.1**  
**Conceptual Framework**

<i>Hypothesis</i>	<i>Supporting Literature</i>
<b>H<sub>1</sub>:</b> There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the importance of religion in the daily lives of the citizens of the state.	Loftus 2001; Smith, DeSantis, and Kassel 2006; Lewis and Gossett 2008; Camp 2008; Fleischmann and Moyer 2009; Brumbaugh, Sanchez, Nock, and Wright 2008; Baldassare, Bonner, Paluch, and Petek 2008; Burdette, Ellison, and Hill 2005; Finlay and Walther 2003; Lipset 1959
<b>H<sub>2</sub>:</b> There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population age twenty-five and older without college degrees.	Smith, DeSantis, and Kassel 2006; Baldassare, Bonner, Paluch, and Petek 2008; Haider-Markel 2001; Andersen and Fetner Summer 2008; Bobo and Licari 1989; Loftus 2001; Ohlander, Batalova, and Treas, 2005
<b>H<sub>3</sub>:</b> There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population identifying as politically conservative.	Haidt and Graham 2007; Carney, Jost, Gosling, and Potter 2008; Lewis and Oh 2008; Soule 2004; Lewis and Gossett 2008; Fleischmann and Moyer 2009; Brumbaugh, Sanchez, Nock, and Wright 2008; Baldassare, Bonner, Paluch, and Petek 2008; Adam 2003; Keleher and Smith 2008; Haider-Markel 2001
<b>H<sub>4</sub>:</b> There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population residing in rural areas.	Adam 2003; Fleischmann and Moyer 2009; Burdette, Ellison, and Hill 2005; Andersen and Fetner Summer 2008; Andersen and Fetner October 2008; Stephan and McMullin 1982; Stouffer 1955; Loftus 2001; Thomlinson 1969; Park 1915; Wilson 1991; Dillon and Savage 2006
<b>H<sub>5</sub>:</b> There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population over the age of sixty-five.	Lewis and Gossett 2008; Wallstein 2005; Baldassare, Bonner, Paluch, and Petek 2008; Keleher and Smith 2008; Alwin and Krosnick 1991; Williams, Sherkat, and Maddox 2007
<b>H<sub>6</sub>:</b> There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's male population.	Herek 2002; Whitley 2001; Ratcliff, Lassiter, Markman, and Snyder 2006; Herek 1988.

## **Chapter 4**

### **Methodology**

#### ***Chapter Purpose***

The purpose of this chapter is to describe how the variables of the formal hypotheses identified in the conceptual framework are operationalized and tested. This study uses existing data to assess the factors that influence the level of support for states' constitutional amendments banning same-sex marriage. Data for this study are collected from both state and national sources. The unit of analysis for this study is "states" in the United States. Data on states' populations are available through a variety of sources. This study, therefore, analyzes existing data from states' election websites, states' Legislature websites, state public opinion polls, national public opinion polls, the U.S. Census Bureau, and the U.S. Department of Agriculture.

The dependent and independent variables are operationalized in Table 4.1. The operationalization table outlines the variables used in the study and their relationship to the hypotheses (positive/negative). The measurement for each variable is defined as well as the source of the data used in the measurement of the variable.

#### ***Dependent Variable***

The dependent variable, state support of same-sex marriage ban, is measured by the percentage of state voters, state legislators, or state survey respondents who supported a constitutional amendment banning same-sex marriage. Data for this variable are derived from states' Election websites, states' Legislature websites, and from public opinion polls conducted within the state.

**Table 4.1**  
**Operationalization of the Hypotheses**

<b>Dependent Variable</b>	<b>Expected Direction</b>	<b>Measurement</b>	<b>Data Source</b>
<b>Same-sex Marriage Ban Support</b>		Percentage of state voters, state legislators, or survey respondents who supported a constitutional amendment banning same-sex marriage.	State Election Results Websites. State Legislature Websites. State Opinion Polls.
<b>Independent Variables</b>			
<b>H<sub>1</sub>: Religiosity of the State</b>	+	Percentage of state population identifying religion as an important part of daily life.	Gallup Poll - State of the States: Importance of Religion, 2009
<b>H<sub>2</sub>: Education Level of the State</b>	+	Percentage of state population twenty-five and over without a college degree.	U.S. Census Bureau - 2007 American Community Survey
<b>H<sub>3</sub>: Level of Conservatism in the State</b>	+	Percentage of state population identifying as politically conservative.	Gallup Poll – State of the States: Midyear 2009
<b>H<sub>4</sub>: Rural Population of the State</b>	+	Percentage of state population residing in rural areas.	USDA Economic Research Service – State Fact Sheets, 2009
<b>H<sub>5</sub>: Age of the State's Population</b>	+	Percentage of state population age sixty-five and older.	U.S. Census Bureau - 2007 American Community Survey
<b>H<sub>6</sub>: Dominant Gender</b>	+	Percentage of state population that is male.	U.S. Census Bureau - 2007 American Community Survey

Thirty states have placed the question of same-sex marriage on the ballot. In twenty-nine states, the question was whether or not to add a constitutional amendment banning same-sex marriage in the state. The results of those votes are included in this analysis. In Hawaii, the question was whether to give the state legislators the authority to limit marriage to a man and a woman. The results of that vote are used in this analysis. Of the remaining twenty states, twelve state Legislatures have voted on the question of same-sex marriage, those votes are used as representative of the will of the people for the purposes of this study. Results of states' opinion polls were used for the remaining eight

states. All polls used for this study addressed the question of support for same-sex marriage. The results of these polls are used as a surrogate for the states without a vote related to same-sex marriage. Appendix A provides the sources of data for each of the fifty states.

### ***Independent Variables***

Scholarly literature suggests a possible association between support for state constitutional amendments banning same-sex marriage and each of the six independent variables of this study. The variables are level of religiosity of the state, education level of the state, level of conservatism in the state, percentage of the population of the state living in rural areas, percentage of the population of the state age sixty-five and older, and the percentage of the male population of the state. The data for each state and the data source are referenced in Appendix A.

Level of Religiosity of the State ( $H_1$ ) refers to the percentage of the state population identifying religion as an important part of daily life. It is expected, based upon the scholarly research, that there is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the level of importance of religion in the daily lives of the citizens of the state. Data on each state's level of religiosity are taken from the *Gallup Poll - State of the States:*

*Importance of Religion, 2009.*

Education level of the state ( $H_2$ ), for the purposes of this study, is the percentage of the state population age twenty-five and over without a college degree. Based upon the findings in the literature review, it is expected that there is a significant positive

relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of a state's population age twenty-five and older without a college degree. The *U.S. Census Bureau - 2007 American Community Survey* provides the data for the education level of each state.

The variable, level of conservatism in the state ( $H_3$ ), reflects the percentage of state population identifying as politically conservative. Data are derived from the *Gallup Poll – State of the States: Midyear 2009*. This poll assesses the political ideology of each state. Based upon the findings of the literature review, it is expected that there is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population identifying as politically conservative.

The percentage of the population of the state living in rural areas ( $H_4$ ) is obtained from the U.S. Department of Agriculture and the data are reported in the *USDA Economic Research Service – State Fact Sheets, 2009*. The previous scholarly literature indicates rural populations are more inclined to support state constitutional amendments banning same-sex marriage. Therefore it is expected that there is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population residing in rural areas.

The variable, the age of the state's population ( $H_5$ ), is the percentage of state population age sixty-five and older. Data for this hypothesis came from the *U.S. Census Bureau - 2007 American Community Survey*. Based upon the finding of the scholarly research, it is expected that there is a significant positive relationship between the level of



support for state constitutional amendments banning same-sex marriage and the percentage of the state's population over the age of sixty-five.

The percentage of states, male population ( $H_6$ ), is the sixth variable which is considered influential in determining the level of support within a state for constitutional amendments banning same-sex marriage. The scholarly research indicates that there is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's male population. This measure is derived from the *U.S. Census Bureau - 2007 American Community Survey*.

### ***Statistics***

Multiple regression analysis is conducted to determine the impact of each independent variable (religiosity, education, conservatism, ruralism, age, and gender) on the level of support for the state constitutional amendments banning same-sex marriage. This statistical method is used to analyze the data, determining whether the hypotheses are supported or rejected. Multiple regression is used to measure the effects on the dependent variable of multiple independent variables.

### ***Human Subjects Protection***

This study uses data analysis to assess the factors that influenced the level of support for state constitutional amendments banning same-sex marriage. No human subjects were used.

### *Chapter Summary*

This chapter presents the methodology used to determine factors that contribute to the level of support for state constitutional amendments banning same-sex marriage in each of the fifty United States. Multiple regression analysis is used in order to take into account the effect of more than two independent variables on a single dependent variable.<sup>3</sup> In the following chapter, the results of the multiple regression analysis are presented.

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<sup>3</sup> To see other Texas State Applied Research Projects using multiple regression analysis see Erin Tresner, 2009; Lewis Stewart, 2009; Colin Rice, 2007; Tessa Sue Doehrman, 2007; and Glenn Neal, 2002.

## **Chapter 5**

### **Results**

#### ***Chapter Purpose***

This chapter provides the answer to the question: Which factors influence the state population's support for state constitutional amendments banning same-sex marriage? Table 5.1 shows the correlation among all variables, and Table 5.2 shows the results of the multiple regression analysis.

#### ***Correlation – Interpretation of the Results***

Correlation is a statistical technique that is used to measure and describe a relationship between two variables. Many significant relationships of varying degrees of strength were found in the data analysis. Table 5.1 details these relationships. Table 5.1 also provides the Mean of all data for each variable. Details of the relationships found in Table 5.1 are listed below:

- The dependent variable, percentage of support for constitutional amendments banning same sex marriage, has significant positive relationships with three of the independent variables. These relationships have varying degrees of strength. The correlations with the dependent variable range from a relatively weak relationship with the education variable (.483\*\*), to a moderate relationship with the conservative ideology variable (.598\*\*), to a relatively strong relationship with the religiosity variable (.649\*\*). These findings show that as the percentage of the population identifying religion as an important part of their daily lives increases,

the level of support for state constitutional amendments banning same-sex marriage will also increase.

- The strongest of all the relationships found in the correlation exists between the independent variable for level of Conservatism and the independent variable for Religiosity (.752\*\*). The next strongest correlation is between the variable for level of Conservatism and the level of Education (.712\*\*). This result indicates that as the percentage of the population identifying as politically conservative increases, the percentage of the population identifying religion as an important part of their daily lives and the percentage of the population age twenty-five and over without a college degree also increases.
- A significant positive relationship was found between level of Education and level of Religiosity (.626\*\*). This relationship means that in typically higher percentages of the population age twenty-five and over without a college degree will lead to higher percentages of the population identifying religion as an important part of their daily lives.
- Weak, yet still significant, relationships exist between the level of Conservatism (.385\*\*) and the level of Education (.418\*\*) with the percentage of the rural population of a state. These findings suggest that states with higher percentages of the population living in rural areas also will have correspondingly higher percentages of the population without a college degree and higher percentages of the population identifying as politically conservative.

**Table 5.1**  
**Support for State Constitutional Amendments Banning Same-Sex Marriage:**  
**Correlation Matrix**

	Percentage of Support for Constitutional Amendment Banning Same-Sex Marriage	Percentage of State Population identifying religion as important part of daily life.	Percentage of State Population twenty-five and Over without a College Degree.	Percentage of State Population Identifying as Politically Conservative.	Percentage of State Population Residing in Rural Areas.	Percentage of State Population Age sixty-five and Older.	Percentage of State's Population that is Male.
Percentage of Support for Constitutional Amendment Banning Same-Sex Marriage.	.58504M						
Percentage of State Population identifying religion as important part of daily life.	.649**	.64060M					
Percentage of State Population twenty-five and Over without a College Degree.	.483**	.626**	.73260M				
Percentage of State Population Identifying as Politically Conservative.	.598**	.752**	.712**	.38900M			
Percentage of State Population Residing in Rural Areas.	.113	.107	.418**	.385**	.26752M		
Percentage of State Population Age sixty-five and Older.	-.250	.021	.162	-.117	.207	.12754M	
Percentage of State's Population that is Male.	.078	-.289*	.018	.099	.208	-.508**	.49736M

\*\*Significant at  $\alpha < .01$

\*Significant at  $\alpha < .05$

M = Mean of all data used in analysis for all fifty states.

- Significant negative relationships were found between Age (-.508\*\*) and Religiosity (-.289\*) with the Dominant Gender Variable. These relationships indicate that as the percentage of the male population increases, the percentage of the population age sixty-five and older and the percentage of the population identifying religion as an important part of their daily lives decreases. Conversely, as the percentage of the population decreases, this relationship indicates that the percentage of the population age six-five and older and the percentage of the population identifying religion as an important part of their daily lives increases.

***Multiple Regression Analysis - Interpretation of Results:***

Table 5.2 displays the results of the multiple regression analysis that tested the influence of the six independent variables (religiosity of the state, education level of the state, level of conservatism of the state, rural population of the state, age of the population of the state, and the dominant gender) on the dependent variable (support for state constitutional amendments banning same-sex marriage).

The adjusted *R* square reveals that about 52.5 percent of the variation in the support for state constitutional amendments banning same-sex marriage is explained by the variables included in the regression model. The results of the multiple regression show that five of the independent variables of this study do not have significant impact on support for state constitutional amendments banning same-sex marriage when controlling for the impact variables have on each other. Hypotheses  $H_2 - H_6$ , therefore, are not supported by the analysis. The multiple regression found that the level of

religiosity of the state, has a significant direct impact on the support for state constitutional amendments banning same-sex marriage when the influence of other variables of the study are partitioned out. Thus the hypothesis that higher level of religiosity in a state leads to support for the constitutional amendments banning same-sex marriage is supported by this study.

**Table 5.2**  
**Support for State Constitutional Amendments Banning Same-Sex Marriage:**  
**Multiple Regression Results**

<b>Independent Variable</b>	<b>Unstandardized Coefficient</b>	<b>t-value</b>
H <sub>1</sub> : Religiosity of the State	1.040	2.950*
H <sub>2</sub> : Education Level of the State	.437	.712
H <sub>3</sub> : Level of Conservatism of the State	.043	.062
H <sub>4</sub> : Rural Population of the State	.005	.043
H <sub>5</sub> : Age of the State's Population	-2.091	-1.450
H <sub>6</sub> : Dominant Gender	2.986	.932
Constant	-1.627	-.974
R square	.525	
F	7.936**	

\*\*Significant at  $\alpha < .01$

\*Significant at  $\alpha < .05$

### ***Chapter Summary***

This chapter discussed the results of the multiple regression analysis. The results showed that only one of the independent variables, Level of Religiosity of the State, significantly affects the level of support of state constitutional amendments banning same-sex marriage. The next chapter discusses conclusions drawn from this study. The chapter summarizes the findings of the research, future possible topics in this area, and strengths and weaknesses of this study.

## **Chapter 6**

### **Conclusions**

The purpose of this research was to determine what factors influence the level of support for state constitutional amendments banning same-sex marriage in each of the fifty United States. The first chapter introduced the research subject for this study. Chapter two provided information about the history of marriage in the United States, the utilization of the court system by gays and lesbians to gain access to marriage, the benefits of same-sex marriage, the state and federal legislative efforts to block same-sex marriage, the movement for constitutional amendments to ban same-sex marriage, and the current state of same-sex marriage in the United States.

Chapter three provided a review of existing scholarly literature regarding the issue of same-sex marriage, specifically the factors that may contribute to increased support for state constitutional amendments banning same-sex marriage. Chapter three also presented the conceptual framework and six hypotheses used in this research.

- H<sub>1</sub>:** There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the importance of religion in the daily lives of the citizens of the state.
- H<sub>2</sub>:** There is a significant positive relationship between the level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population age twenty-five and older without college degrees.
- H<sub>3</sub>:** There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population identifying as politically conservative.



- H<sub>4</sub>:** There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population residing in rural areas.
- H<sub>5</sub>:** There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's population over the age of sixty-five.
- H<sub>6</sub>:** There is a significant positive relationship between level of support for state constitutional amendments banning same-sex marriage and the percentage of the state's male population.

Chapter four described how the variables of the hypotheses were operationalized and the statistical procedures used to test the hypotheses. Chapter five presented the results of the multiple regression analysis. The results showed that only one of the independent variables, level of Religiosity of the State, significantly affected the level of support of state constitutional amendments banning same-sex marriage when controlling for the impact of other variables.

### ***Strengths and Weaknesses***

The strength of this study is that all the data needed to analyze the factors which influence level of support for state constitutional amendments banning same-sex marriage are accessible on-line, making this type of research inexpensive. An additional strength of this study is the ability to replicate and update the study as new information becomes available.

Voters in thirty states have gone to the polls to vote on a question of same-sex marriage. The general election results show the level of support in each state for state constitutional amendments banning same-sex marriage. In the remaining twenty states,

surrogate data, legislative votes and public opinion polls, were used in the absence of a popular vote which could be considered a weakness in the data.

### ***Suggested Future Research***

This research reviewed factors which influence the level of support for state constitutional amendments banning same-sex marriage. One suggestion for future research is to evaluate how states handle the issue of divorce for legally married same-sex couples. “States that don’t allow gay marriage have been struggling with whether to grant divorces for marriages performed in states that do...a judge in New Jersey ruled that gay marriages performed outside the state are recognized in New Jersey in the case of divorce. But courts in Rhode Island and judges in Oklahoma and Texas have refused to grant divorces” (Fischler 2009, 1). However in October 2009, a Texas judge ruled that she would grant a divorce in Dallas for two men married in Massachusetts on the basis that the state’s ban on same-sex marriage violated the right to equal protection under the Fourteenth Amendment. This case highlights a complication for same-sex couples: “gay couples who have managed to marry in the few states where it is legal have trouble divorcing and dividing their property if they move to a state where it is not” (McKinley 2009, 1).

### ***Final Conclusion***

The issue of same-sex marriage is one of the most polarizing issues in the United States today at both the state and the federal level. To help understand how same-sex marriage became such an important issue, this study began with a history of marriage in the United States to create an understanding of how the marriage laws of states have

evolved as society has changed. With an understanding of the history of marriage and its importance to the gay and lesbian community, the focus of this paper shifted to the purpose of this research, which was to determine what factors influence the level of support for state constitutional amendments banning same-sex marriage in each of the fifty United States.

According to the literature reviewed for this study, factors that determine the level of support for constitutional amendments banning same-sex marriage are; the percentage of the state's population identifying religion as an important part of their daily lives, the percentage of the state's population age twenty-five and over without a college degree, the percentage of the state's population identifying as politically conservative, the percentage of the state's population residing in rural areas, the percentage of the state's population age sixty-five and older, and the percentage of the state's male population.

Data were collected for each factor/variable and analyzed to determine if the research agreed with the literature. After analyzing the data, it was determined that there were positive relationships between the level of support for state constitutional amendments banning same-sex marriage and the level of education of the state, and the level of conservatism of the state. However, a more rigorous analysis shows that level of religiosity has a significant impact on these two factors. Controlling for the influence of religion, levels of education and conservatism by themselves have no impact on support for state constitutional amendments banning same-sex marriage. In other words, this study highlights the fact that level of religiosity is the underlying factor in determining the level of support for state constitutional amendments banning same-sex marriage.

Appendix A								
Data Used to Test Influential Factors in the Passage of								
State Constitutional Amendments Banning Same-Sex Marriage								
States	Marriage Ban		H1: Religiosity	H2: Education	H3: Conservatism	H4: Rural	H5: Age	H6: Gender
	Percentage of state voters*, state legislators**, or survey respondents*** who supported a constitutional amendment banning same-sex marriage.		Percentage of state population identifying religion as an important part of daily life. <i>Source: Gallup Poll: State of the States - Importance of Religion, 2009</i>	Percentage of state population 25 and over without a college degree. <i>Source: U.S. Census Bureau - 2007 American Community Survey</i>	Percentage of state population identifying as politically conservative. <i>Source: Gallup Poll: State of the States - Midyear 2009</i>	Percentage of state population residing in rural areas. <i>Source: USDA Economic Research Service - State Fact Sheets, 2009</i>	Percentage of state population age 65 and older. <i>Source: U.S. Census Bureau - 2007 American Community Survey</i>	Percentage of state population that is male. <i>Source: U.S. Census Bureau - 2007 American Community Survey</i>
		<i>Marriage Ban: Sources</i>						
Alabama	0.810	*(Alabama General Election Results 2004)	0.820	0.786	0.490	0.286	0.135	0.484
Alaska	0.681	*(Alaska 1998 General Election Results 1998)	0.510	0.740	0.400	0.326	0.069	0.523
Arizona	0.562	*(Arizona 2008 General Election Results 2008)	0.610	0.747	0.410	0.103	0.129	0.501
Arkansas	0.750	*(State of Arkansas Certification Report 2004 General Election 2004)	0.780	0.807	0.430	0.402	0.140	0.489
California	0.523	*(CA Secretary of State Vote - 2008)	0.570	0.705	0.330	0.023	0.109	0.500
Colorado	0.550	*(State of Colorado Cumulative Report 2006)	0.570	0.650	0.370	0.138	0.101	0.504
Connecticut	0.285	** (Bill Status Report for Substitute for Raised S.B. No. 899 2009)	0.550	0.653	0.310	0.087	0.135	0.487
Delaware	0.450	*(Delaware General Assembly 2009)	0.610	0.739	0.420	0.215	0.135	0.484
Florida	0.619	*(Florida Marriage Protection Amendment 05-10 2008)	0.650	0.742	0.390	0.064	0.170	0.491
Georgia	0.762	*(Georgia Election Results 2004)	0.760	0.729	0.420	0.186	0.099	0.492
Hawaii	0.692	*(Hawaii.gov Election Results 1998)	0.570	0.708	0.290	0.297	0.144	0.503
Idaho	0.634	*(Idaho 2006 General Results statewide 2006)	0.610	0.755	0.440	0.344	0.117	0.502
Illinois	0.690	*(The 2005 Report on the Illinois Policy Survey 2005)	0.640	0.705	0.350	0.129	0.120	0.493
Indiana	0.813	*** (Indiana Legislative Services Agency Bill Info 2008)	0.680	0.779	0.390	0.218	0.125	0.493
Iowa	0.410	*** (Clayworth and Beaumont 2009)	0.640	0.757	0.410	0.436	0.147	0.493
Kansas	0.699	*(Kansas Definition of Marriage Constitutional Amendment Ballot Question 2005)	0.700	0.712	0.400	0.363	0.129	0.495
Kentucky	0.745	*(Kentucky 2004 General Election Results and Statistics 2004)	0.740	0.800	0.400	0.426	0.129	0.489
Louisiana	0.780	*(Louisiana Official Election Results 2004)	0.780	0.796	0.470	0.257	0.122	0.486
Maine	0.388	** (State of Maine Legislature Summary of LD 1020 2009)	0.480	0.733	0.360	0.415	0.148	0.487
Maryland	0.810	*** (Burns 2008)	0.650	0.648	0.340	0.054	0.118	0.483
Massachusetts	0.232	*** (Massachusetts Legislative Bill Tracking System, Mass Senate, No. 800 2008)	0.480	0.621	0.300	0.004	0.133	0.485
Michigan	0.586	*(Official Michigan General Election Results-State Proposal - 04-2: Constitutional Amendment 2004)	0.640	0.753	0.370	0.185	0.127	0.492
Minnesota	0.330	*** (Same-Sex Marriage in Minnesota 2009)	0.640	0.690	0.360	0.269	0.122	0.498
Mississippi	0.860	*(Mississippi 2004 General Election Results 2004)	0.850	0.811	0.480	0.559	0.124	0.484
Missouri	0.706	*(State of Missouri - Ballot Issues 2004)	0.680	0.755	0.390	0.265	0.134	0.487
Montana	0.666	*(Montana Secretary of State Official Election Results 2004)	0.560	0.730	0.410	0.647	0.137	0.500
Nebraska	0.701	*(Nebraska Statewide General Election Results, Constitutional Amendments and Initiative Measures 2000)	0.670	0.725	0.390	0.417	0.133	0.495
Nevada	0.672	*(Nevada Official General Election Results 2002)	0.540	0.782	0.370	0.102	0.111	0.508
New Hampshire	0.482	** (New Hampshire General Court Bill Status 2009)	0.460	0.675	0.340	0.376	0.126	0.492
New Jersey	0.430	*** (More New Jersey Voters Back Same-Sex Marriage, Quinnipiac University Poll Finds. 2009)	0.600	0.661	0.320	0.000	0.131	0.490
New Mexico	0.595	** (New Mexico Legislature Regular Session 2009)	0.660	0.752	0.420	0.338	0.128	0.496
New York	0.369	** (New York State Assembly Summary - A07732 2009)	0.560	0.683	0.320	0.079	0.132	0.485
North Carolina	0.433	*** (Elon University Poll 2009)	0.760	0.744	0.400	0.297	0.122	0.488
North Dakota	0.732	*(ND Secretary of State Election Management System - Statewide Election Results 2004)	0.680	0.743	0.450	0.514	0.144	0.505
Ohio	0.617	*(Ohio Election Results 2004)	0.650	0.759	0.390	0.193	0.135	0.487
Oklahoma	0.756	*(Oklahoma State Election Board General Election Summary Results 2004)	0.750	0.772	0.470	0.362	0.132	0.496
Oregon	0.566	*(Oregon Secretary of State Elections Division Official Results General Election 2004)	0.530	0.717	0.330	0.221	0.130	0.496
Pennsylvania	0.440	*** (Institute of Public Opinion Muhlenberg College 2009)	0.650	0.742	0.380	0.159	0.152	0.487
Rhode Island	0.310	*** (Taubman Center for Public Policy: Most Rhode Islanders Support Same-Sex Marriage, Survey Finds. 2009)	0.530	0.702	0.310	0.000	0.138	0.483
South Carolina	0.780	*(South Carolina Elections Returns 2006)	0.800	0.765	0.460	0.237	0.130	0.485
South Dakota	0.520	*(South Dakota Statewide Election Results 2006)	0.680	0.750	0.440	0.540	0.143	0.500
Tennessee	0.813	*(Tennessee Election Results 2006)	0.790	0.782	0.430	0.267	0.128	0.488
Texas	0.763	*(Texas 2005 Constitutional Amendment Election 2005)	0.740	0.748	0.430	0.123	0.100	0.498
Utah	0.659	*(Utah General Election Results 2004)	0.690	0.713	0.470	0.109	0.088	0.505
Vermont	0.329	** (Vermont Legislative Bill Tracking System 2009)	0.420	0.664	0.290	0.664	0.135	0.491
Virginia	0.571	*(Commonwealth of Virginia General Election Results 2006)	0.680	0.664	0.370	0.143	0.117	0.491
Washington	0.361	** (Washington State Bill Information > SB5688-2009-10 2009)	0.520	0.697	0.330	0.123	0.117	0.499
W. Virginia	0.309	** (West Virginia House of Delegate Bill Status 2009)	0.710	0.827	0.390	0.445	0.155	0.491
Wisconsin	0.594	*(Wisconsin State Elections Board Results of Referendum 2006)	0.610	0.746	0.380	0.271	0.132	0.497
Wyoming	0.417	** (Wyoming Legislative Service Office 2009)	0.580	0.766	0.440	0.698	0.120	0.510

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