

5-1-2001

## The Take Back Vermont Campaign: A Classic Case of Media Manipulation

Linda J. Lacey

Follow this and additional works at: <http://elibrary.law.psu.edu/psilr>

---

### Recommended Citation

Lacey, Linda J. (2001) "The Take Back Vermont Campaign: A Classic Case of Media Manipulation," *Penn State International Law Review*: Vol. 19: No. 3, Article 4.  
Available at: <http://elibrary.law.psu.edu/psilr/vol19/iss3/4>

This Article is brought to you for free and open access by Penn State Law eLibrary. It has been accepted for inclusion in Penn State International Law Review by an authorized administrator of Penn State Law eLibrary. For more information, please contact [ram6023@psu.edu](mailto:ram6023@psu.edu).

# The “Take Back Vermont Campaign”: A Classic Case of Media Manipulation

Linda J. Lacey\*

The gap between rhetoric and reality can be illustrated by the events in Vermont following the Vermont Supreme Court’s decision in *Baker v. Vermont*.<sup>1</sup> In that case, the Vermont Supreme Court held that the Common Benefits Clause of the state’s constitution required Vermont to provide gays and lesbians with all the benefits of marriage.<sup>2</sup> As soon as the court handed down the decision, members of far right organizations immediately began to reshape a relatively modest decision into a symbol of all that was wrong with the judiciary. In fact, the holding was explicitly linked to a unique clause in the Vermont Constitution and could not have major legal implications outside Vermont.<sup>3</sup> The court did not decide that discrimination against gays and lesbians was an unconstitutional violation of the Due Process or the Equal Protection Clauses of the U.S. Constitution.<sup>4</sup> It did not decide that gays and lesbians had a constitutional right to marry, under either the U.S. or the Vermont Constitution.<sup>5</sup> Nevertheless, members of the far right were successful in creating the illusion that the opinion did all of these things.

---

\* Professor of Law, University of Tulsa. J.D., University of California at Los Angeles School of Law (1978). Executive Director, Comparative and International Law Center

1. 744 A.2d 864 (Vt. 1999).

2. *Id.*

3. Baker, 744 A.2d 864. See generally Christopher S. Hargis, *Queer Reasoning: Immigration Policy, Baker v. State of Vermont and the (Non) Recognition of Same-Gender Relationships*, 10 LAW & SEXUALITY 211 (2000); and Mark Strasser, *Equal Protection at the Crossroads: On Baker, Common Benefits and Facial Neutrality*, 42 ARIZ. L. REV. 935 (2000).

4. The majority opinion stated, “[i]n considering this issue, it is important to emphasize at the outset that it is the Common Benefits Clause of the Vermont Constitution we are construing, rather than its counterpart, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.” Baker, 744 A.2d at 870.

5. *Id.* at 889.

“Take It To the People,” one of the most active anti-civil union groups in Vermont, described its state as being in “Constitutional crisis.”<sup>6</sup> The opinion was described as “What’s Happenin Now Jurisprudence” and the group compared it to the infamous *Dred Scott* decision.<sup>7</sup> Gary Bauer, one time presidential candidate and head of the Family Research Council, wrote “I think that what the Supreme Court did last week was in some ways worse than terrorism.”<sup>8</sup>

The anger and the rhetoric created over *Baker* was minor compared to the furor generated when the Vermont legislature eventually passed a bill making Vermont the first state to legalize same-sex relationships—not through marriage, but through civil unions.<sup>9</sup> Immediately and predictably, opposition mobilized and hardened. This opposition eventually created the well-publicized “Take Back Vermont” campaign. Thousands of black and white signs and bumper stickers stating “TAKE BACK VERMONT” appeared throughout the state, on barn doors and in backyards.<sup>10</sup> The campaign attempted to defeat any politician who had voted for same-sex union. Five legislators who voted for the unions did in fact lose their seats.<sup>11</sup>

---

6. *Is Vermont In Constitutional Crisis?*, Press Release, at <http://www.takeittothepeople.org/pres.htm> (last visited Sept. 12, 2001).

7. See Testimony of Hal Goldman, Esq., Before the House Committee of the Judiciary Regarding *Baker v. State of Vermont*, Wednesday, January 12, 2000, available at <http://www.takeittothepeople.org/goldman.htm> (last visited August 23, 2001).

8. Associated Press, *Bauer Criticizes Vermont Court Over Ruling on Gay Couples’ Rights*, CHICAGO TRIB., Dec. 28, 1999, at N20.

9. See generally, Mary Bonauto, *Marriage and Civil Unions* (2001). J.M. Lawrence, *Vt. House Approves Same-Sex Civil Union*, THE BOSTON HERALD, Apr. 26, 2000, at 7; David Goodman, *A More Civil Union*, MOTHER JONES, July 1, 2000, at 48; Mary Bonauto, *A Historic Victory: Civil Unions for Same-Sex Couples* (2000), at <http://www.glad.org/Publications/CivilRightProject/HistoricVictory.PDF> (last visited Sept. 12, 2001); and Mary Bonauto, *Marriage Fact Sheet*, (2000), at <http://www.glad.org/Publications/CivilRightProject/FactSheet.PDF> (last visited Sept. 12, 2001).

10. See, e.g., Michael Powell, *Riled Up in Old Vermont; Law Allowing Gay Unions Stirs a Counter-Revolution*, THE WASH. POST, Oct. 17, 2000. The author described the atmosphere following the passage of the civil union law: “The counter-revo has come to Ben and Jerry Land. Campaign signs are stolen along dirt roads. A debate in downtown Burlington has the feel of a World Wrestling Foundation meet, boos and hisses, screams of applause, and shouted insults.” *Id.*

11. Hanna Rosin, *Same-Sex Union Divides Small Vermont Community*, THE WASH. POST, Oct. 11, 2000, at A1.

Vermont is not a traditional Bible Belt state.<sup>12</sup> The state is relatively liberal, unlike Oklahoma, where legislators who voted to renumber parts of the criminal code found their votes described as legalizing sodomy and were subsequently defeated for re-election.<sup>13</sup> Why then, absent a deeply religious constituency, was the Take Back Vermont campaign able to generate so much support? What I found was a classic case study of the strategy that the far right organizations, and especially the Christian right, have chosen to use in their opposition to gay and lesbian rights.

In her groundbreaking book, *The Antigay Agenda*,<sup>14</sup> Didi Herman traces the approaches taken by the Christian right in their efforts to oppose the gay and lesbian movement. Focusing on the conservative publication Christianity Today, Herman describes how initially homosexuality was viewed as a tragic condition.<sup>15</sup> Practicing gays and lesbians were depicted as pitiful, misguided souls, deserving of compassion.<sup>16</sup> However, as the gay movement gained strength and influence, it generated a predicable shift in attitude by the Christian right. The image of gays changed dramatically. Gays were no longer sad creatures to be pitied. They became predatory monsters to be feared. The predominant book in the antigay literature changed from *Unhappy Gays*, with its obvious connotations, to William Dannaer's *Shadow in the Land*.<sup>17</sup> The cover of Dannaer's book shows two gay males, fists clenched, behind a red banner proclaiming gay power.<sup>18</sup> This image became the symbol for the far right—angry, evil men bent on corrupting and destroying children. Lesbians, on the other hand, were almost invisible.<sup>19</sup>

This image of the gay male as predator was the popular right-wing image for almost twenty-five years. However, in the last decade, some of the leaders on the far right began to recognize that

---

12. Vermont has the only socialist congressman, Bernie Sanders, and in another highly publicized event, a senator, James Jeffords, left the Republican party because of its increasingly conservative bent.

13. Rhett Morgan, *Glenpool Senator Files Libel Suit*, TULSA WORLD, Nov. 16, 2000 (legislator suing Christian Coalition for misrepresentation of his vote regarding sodomy).

14. DIDI HERMAN, *THE ANTIGAY AGENDA* (University of Chicago Press 1996).

15. HERMAN, *supra* note 14, at 23-59.

16. *Id.*

17. *Id.*

18. *Id.*

19. See note 41 *infra*, and accompanying text.

this strategy was no longer working. Tony Marco, an influential Christian strategist, wrote:

[w]e need to immediately drop the “disgust” and “public health” arguments we have been depending on for 25 years. Besides being irrelevant to the issues the gay militants are really raising, these arguments are now no longer credible, appeal only to the “choir” and actually allow our opponents to once again tar us with the role of aggressors—and clumsy, lying ones at that.<sup>20</sup>

The work of the far right in Vermont, in creating the Take Back campaign, is confirmation that the far right has changed its strategy in its war against gays and lesbians. There is a recognition that as our culture has become more accepting of gay liaisons, the attempt to appeal purely to a fear of imaginary predatory gay males will no longer be successful with mainstream Americans. A new strategy was called for, and the right wing, which has always been good at media manipulation,<sup>21</sup> created one. The “New Gay” became a powerful, wealthy,<sup>22</sup> educated elitist snob, bent on obtaining “special rights” for his undeserving group. A statement by one of the leaders of the Massachusetts Family Institute, which appeared on the web pages of Vermont antigay groups is typical:

There has never been any slavery or segregation of gays in this society-ever. And gays have none of the indicia [sic] of a disadvantaged class. As a group, they’re better educated than most heterosexuals and they earn more as a group and have more disposable income. They’re smart and they’ve got money and connections and all those things that come with being part of an elite group. It’s amazing that they’ve gotten away with presenting themselves as victims, hiding under the mantle of the civil rights movement.

As Herman points out, in many ways the new stereotype of gays resembled the stereotype of Jews—rich, powerful, pushy, too smart for their own good. She argues convincingly that the “effects of ‘Jewing’ representations engender a populist envy, resentment, anger and rebellion. The ‘gay community’ thus becomes synon-

---

20. HERMAN, *supra* note 14, at 114.

21. Jason DeParle, *The Myth of the Welfare Queen*, WASH. MONTHLY 29, 42 (1997) (book review); Bill Turque, *Gore’s Truth Troubles*, NEWSWEEK, Sept. 22, 2000, at National Affairs; Jesse L. Jackson Jr., *George Bush’s Democrats*, THE NATION, Jan. 22, 2001, at 272; David Mills, *The West Alternative*, THE WASH. POST, Aug. 8, 1993, at W14; and Barbara Ehrenreich, *Welfare: A White Secret*, TIME, Dec. 16, 1991, at 84. A classic example is Ronald Reagan’s welfare Queen.

22. HERMAN, *supra* note 14, at 116-17.

ymous with the world of elite, overly privileged people who take more and more for themselves and have no comprehension of the problems of ordinary folk."<sup>23</sup> In Vermont, this depiction of gays, tailored to meet the unique climate of the state, found a receptive audience.

The construction of gays as elitist outsiders seeking special rights was the strategy used by conservative groups in Vermont. The groups also attempted to distance themselves from any accusations that they were homophobic. This point can be illustrated by the names of the groups formed to oppose civil unions: "Take It To The People;" "Who Would Have Thought;" "Standing Together and Reclaiming the State;" "Vermonters Taking a Stand" and "Vermonters for Traditional Marriage." None of these names mention gays or appear antigay on the surface and only one even refers to civil unions.

As part of their overall strategy, the groups utilized two major themes.<sup>24</sup> The first was a strong appeal to the Vermonters' sense of independence and distrust of "Big Government," a strategy used successfully by the far right for a variety of issues. This theme was remarkably successful. A local newspaper polled some representative supporters of the "Take Back Vermont" campaign, asking "[a]s a 'Take Back Vermont Supporter', what does that slogan mean to you?" Their responses were illustrative of the pervasiveness of the anti-government theme. Dolly Reagan of Moreton stated that "[t]he reason we have that (sign) has nothing to do with civil unions. It's too much government taking too many rights away."<sup>25</sup> Similarly, Janos Lawrence of Waitsfield complained that "I vehemently resent it when voting issues are rushed to the legislature for the sake of what's politically correct."<sup>26</sup> A letter to the editor of the Rutland Herald stated that:

[t]he civil unions issue did not create [the]"Take Back Vermont" [campaign]; it merely arrived that the fears of many concerning judicial activism were rational. Increasingly, the Vermont voter has almost no role in establishing the social or economic direction of the state. Non-elected committees,

---

23. HERMAN, *supra* note 14, at 127.

24. The "family values" motif, which was an important part of far right rhetoric in the 1990s, was used, but more as a background theme than the central focus of the anti-civil union campaigns.

25. As a "Take Back Vermont" supporter, what does the slogan mean to you? VALLEY REP., available at <http://www.cybertopia.net/reporter/viewpoint/3024vv.html> (last visited Sept. 27, 2001).

26. *Id.*

commissions and boards largely control our destiny. That's what "Take Back Vermont" is concerned about."<sup>27</sup>

Another letter from George Rowley supporting the Take Back Vermont movement did not even discuss civil unions. Instead the author complained about the EPA and his septic system.

Take It To the People, probably the most influential of the anti-civil union organizations, skillfully exploited anti-government sentiment. It conducted polls, asking who should decide whether same-sex unions should be legalized. When two-thirds of the people said "the people," this result was triumphantly announced with great fanfare.<sup>28</sup> Of course, the Take It To the People group disregarded the fact that the people, through their elected legislators, had made the decision.

The anti-civil union forces also skillfully manipulated native Vermonters' fear of outsiders. Native Vermonters, who call themselves "woodchucks," have grown increasingly wary of the changes that newcomers to the state, or "flatlanders," impose. For many, the civil union legislation was the last straw. Edward Hoagland, writing for the *Washington Post*, provides an eloquent summary of the underlying tension gripping Vermonters:

There has been nationwide publicity and much local controversy about "sodomy" being "sanctified." But the Take Back Vermont signs that have blossomed on the roadsides don't just mean take it back to traditional values. They also refer to a nettlesome edge of hostility toward the so-called New Vermonters, the "flatlander" who have moved in with far-fetched ideas from places like New Jersey—a flood of Bambilovers, tree huggers, birdwatchers, cyber-commuters, wealthy retirees and year-round summer people. "Where will it stop" they [the Vermonters] ask. "If you legalize a pseudo marriage endorsing unnatural behavior and a biblical abomination, will they ban our snowmobiles because the noisy motors irritate those city-bred extremists? Will they take our guns away?" (I think if the New Vermonters tried to pass any kind of gun

---

27. Bruce P. Shields, *Letter to the Editor*, RUTLAND HERALD, Sept. 17, 2000, available at [http://rutlandherald.nybor.com/To\\_Print/12842.html](http://rutlandherald.nybor.com/To_Print/12842.html) (last visited Sept. 27, 2001). In the same vein, Pat Gilman wrote, "[m]ost of us that want to take Back Vermont want to take it back to the Constitution. Away from activist judges and a dictatorial governor. Most of us wanted a fair debate and a fair voice," Pat Gilman, *Letter to the Editor*, RUTLAND HERALD, Oct. 4, 2000, available at [http://rutlandherald.nybor.com/To\\_Print/13573.html](http://rutlandherald.nybor.com/To_Print/13573.html) (last visited Sept. 27, 2001).

28. *Support for Traditional Marriage Remains Strong in VT*, Press Release (Dec. 16, 1999), at <http://www.takeittothepeople.org/pres.htm> (last visited Sept. 12, 2001).

control, it would make the fight over civil unions look like a rehearsal.)<sup>29</sup>

One farm-born historian remarked on the existence of "a class of people who feel they've been closed out by the computer/maple-sugar industrial complex. These are the peoples [sic] who haul your SUV out of the ditch in December and they've had it."<sup>30</sup> Another native Vermonter says "[a] lot of people feel like Vermont is being used because its liberal and its small. Vermont is part of a national strategy."<sup>31</sup> Responding to a pro-civil union letter to the editor, one person wrote:

[c]heck out whose lawns these signs are on. You might find out that they belong to the people who helped build highways 89 and 91, people who helped bring GE, Husky, and other large companies to Vermont, people who own computer companies and tourist resorts, people who teach in Vermont schools and are deeply concerned about the future of this state . . . By the way, the best misunderstanding of those signs was from some visiting flatlanders who thought we were trying to get them to take back maple syrup.<sup>32</sup>

In letters to the editors, the woodchucks supported their perspective with anger and humor. One writer chided his opponents, "[m]aybe you've been reading the Burlington Free Press and listening to VPR too long. We forgive you. Try 98.5."<sup>33</sup>

As Emile Netzhammer points out in her essay, *Competing Strategies in the Gay and Lesbian Video Wars*,<sup>34</sup> the basic strategy used by both pro and anti-gay activists involves "an overall us/them strategy of argumentation: similar/dissimilar, moderate/extremist, good guy/villain." This use of dichotomies was certainly part of the Take Back Vermont campaign. Not only were the pro-civil union advocates depicted as outsiders, the anti-unionists tried to portray themselves as victims. Letter writer after letter writer portrayed

---

29. Edward Hoagland, *How It Became So Very Uncivil*, THE WASH. POST, Oct. 29, 2000, B01.

30. Powell, *supra* note 10, at CO5. It is interesting that the blatant appeal to class envy used by anti-civil union groups is promulgated by members of the far right, who constantly accuse liberals of creating class warfare.

31. Brooks Egerton, *Vermont Breaks Rural Mold on Homosexual Rights Issues*, THE TIMES UNION, March 5, 2000, at D13.

32. Dave Pagani, *Listening to VPR*, VALLEY REP., Aug. 31, 2000, available at <http://www.cybertopia.net/reporter/letters/3016let1.html> (last visited Sept. 27, 2001).

33. *Id.*

34. EMILE C. NETZHAMMER, *SEXUAL RHETORIC: MEDIA PERSPECTIVES ON SEXUALITY, GENDER, AND IDENTITY* 213 (1999).

himself as being unfairly branded as bigoted by outsiders. In a typical statement, Harold Noyes of Athens wrote “[t]hose of us who have the “Take Back Vermont” signs in our yards or on our own property have been labeled intolerant, bigoted, judgmental and others that I cannot put in print.”<sup>35</sup>

This was the primary theme that the anti-civil union advocates used—we are the true Vermonters, they are the outsiders. This was stoked by visions of swarms of gays and lesbians coming from out of state to enter into civil unions.<sup>36</sup>

Again, we see the gap between rhetoric and reality. In fact, almost all the anti-civil union groups were supported by outside groups, such as the Family Research Council. In fact, the very name “Take Back Vermont” has its roots in another far right campaign—“Take Back Cincinnati.”<sup>37</sup> The anti-civil union groups did their best to divorce themselves from this reality. When Randall Terry, founder of Operation Rescue and an anti-abortion activist, appeared in Vermont to protest civil unions, the other groups were extraordinarily eager to disassociate themselves from him. In a press release, Michelle Cummings, the president of the Take It To The People campaign, stated that “[t]his debate is between Vermonters and we do not appreciate anyone coming in from out of state and telling us what we should do, regardless of what side of the issue they’re on.”<sup>38</sup>

Although my initial focus in researching this paper was on the anti-gay aspects of the Vermont civil union debate, in the course of our research, my research assistant and I discovered another example of the gap between rhetoric and reality. In *The Antigay Agenda*, Didi Herman pointed out that in the Christian right rhetoric, lesbians were virtually invisible.<sup>39</sup> It was only when they were identified with feminism that lesbians became viewed as a

---

35. Harold Noyes, *Letter to the Editor, Make a Statement by Voting Nov. 7*, THE BRATTLEBORO REFORMER, Oct. 13, 2000.

36. This perception has some basis in reality. Most civil unions have been formed by out-of-state couples. As of June, 2001, 2,126 civil unions had been entered into. Of these, 443 unions were composed of Vermont residents; 1683 unions were comprised of individuals from other states. 1365 were lesbian couples and 783 were gay male couples. Although it is true that the majority of civil unions were entered into by out-of-staters, 2126 total unions is hardly the massive onslaught feared by civil union opponents. Additionally, many Vermonters welcomed the extra business civil unions have brought. Some owners of bed-and-breakfast establishments offer civil union weekend packages.

37. HERMAN, *supra* note 14, at 127.

38. Take it to the People, *Statement on Randall Terry's Presence*, Feb. 3, 2000, at <http://www.takeittothepeople.org/pres.htm#Terry> (last visited Sept. 12, 2001).

39. HERMAN, *supra* note 14, at 93-98.

threat.<sup>40</sup> However, at least in the context of sympathetic media coverage of Vermont civil unions, the reverse is true. If one were to go by the media, one would think that the only people entering civil unions are women. Story after story features well-educated, professional lesbians, usually women who have a lengthy relationship.<sup>41</sup> Men are rarely mentioned and usually only in passing. This is not really surprising when we consider that generally the first depictions of gays in the mainstream media have been women—Ellen DeGeneres being the predominant example. The first major gay character on a soap opera—Bianca Montgomery on *All My Children*—is also a lesbian.<sup>42</sup> This reflects the implicit understanding by people both sympathetic and hostile to gay issues that our patriarchal society finds gay men much more threatening than gay women. Similarly, in television depictions of interracial couples, it is widely accepted that it is far less controversial to show a white man with a black woman than to show a black man with a white woman. Because women generally are marginalized and of less importance, society is less threatened by women who are different by virtue of their race or sexual orientation than by men with the same differences.

Ultimately, the Take Back campaign did not even achieve its major goal. Governor Howard Dean was re-elected and civil unions still exist.<sup>43</sup> The campaign was described by *Time* magazine as "failed."<sup>44</sup> The themes of the campaign are not unique. It can hardly come as a major surprise that fear of big government and fear of outsiders are effective means of appealing to many average Americans. What is perhaps surprising—and disappointing—is that the anti-gay groups keep getting away with distortions of fact and misrepresentations of group characteristics. It is important for progressives to look at cases like Take Back Vermont so that we

---

40. *Id* at 103-08.

41. See for example, *Newsweek* magazine.

42. *Yep, She's Gay*, SOAP OPERA DIGEST, [phone # for subscription 1-800-829-9095]

43. Felicity Barringer, *National Spotlight for Vermont Paper*, N.Y. TIMES, April 16, 2001, at C7; Michael Paulson, *Dean Wins in VT., and Civil Union Fans Exult*, THE BOSTON GLOBE, Nov. 8, 2000, at B1; Carey Goldberg, *Quiet Anniversary for Civil Unions*, N.Y. TIMES, July 31, 2001, at A14; The Associated Press, *Vermont Governor Re-Elected Despite Gay-Rights Flap*, CHATTANOOGA TIMES, Nov. 8, 2000, at A8; Catherine Edwards, *Social Measures Do Well on Ballot*, INSIGHT ON THE NEWS, Dec. 11, 2000, at 20; Shannon P. Duffy, *Pushing the States on Gay Unions*, THE NAT'L L.J., Dec. 4, 2000, at A1.

44. Tammerlin Drummond, *The Marrying Kind*, TIME, May 14, 2001, at 52.

can form our own counter-strategy and even our own rhetoric to present the reality of our issues.

First, it is important to dispel the myth that gays and lesbians are all wealthy, influential, elitist snobs. As Herman points out, the main source for the right's claim that gays are all wealthy is an article appearing in the *Wall Street Journal*, based on a marketing study done by readers of gay magazines.<sup>45</sup> There are obvious flaws with this type of study. By their nature, the magazines appeal to wealthy, well-educated people. Additionally, most of the existing studies focus on gay men and their income. Since men in general make more money than women, blanket statements about the income of gays that ignore lesbians are completely misleading. In fact, lesbian single mothers are one of the lowest income groups.<sup>46</sup>

Finally, any study about the wealth or educational status of gays and lesbians is inherently flawed, because gays and lesbians, unlike blacks and women, are not automatically identifiable.<sup>47</sup> The gays and lesbians who participate in studies like the one relied upon by the Christian right, are self-identified. It may very well be the case that gays in relatively secure professions like academia feel more comfortable coming out than blue-collar workers whose jobs are more vulnerable to a homophobic boss.<sup>48</sup>

---

45. HERMAN, *supra* note 14, at 116-17.

46. Mildred D. Pagelow, *Heterosexual and Lesbian Single Mothers: A Comparison of Problems, Coping, and Solutions*, 5 J. OF HOMOSEXUALITY 189-204 (1980); M.V. Lee Badgett, *The Wage Effects of Sexual Orientation Discrimination*, 48 INDUS. & LAB. REL. REV. 726-39 (1995); M.V. Lee Badgett, *Income Inflation: The Myth of Affluence Among Gay, Lesbian, and Bisexual Americans*, POL'Y INST. OF THE NAT'L GAY & LESBIAN TASK FORCE & THE INST. FOR GAY & LESBIAN STRATEGIC STUD. (1998), at <http://www.nglftf.org/> (last visited Sept. 12, 2001); Thomas Frank, *Unions of Gays Targeted Panel Acts to Ban Same-Sex Marriages*, THE DENVER POST, Feb. 21, 1996, at B5; and Tom McGeeveran, *Speaking About Economic Justice*, N.Y. BLADE, Aug. 25, 2000, at <http://www.nglftf.org/pi/justicespeaking.htm> (last visited Sept. 27, 2001).

47. Perhaps the best attempt to provide information about gays and lesbians in the U.S. is the recent U.S. census. In the 2000 census, nearly a million gays and lesbians identified themselves as members of same-sex couples. But that study was nevertheless inaccurate, because it didn't even attempt to count single homosexuals or closeted gays. See Margie Mason, *Census Figures on Same-sex Couples*, THE ASSOCIATED PRESS. D'Vera Cohn, *Count of Gay Couples Up 300%*, THE WASH. POST, Aug. 22, 2001, at A3; Voon Chin Phua & Gayle Kaufman, *Using the Census to Profile Same-Sex Cohabitation*, 18 POPULATION RES. & POL'Y REV. 373 (1999); David Elliot, *601,209 and Counting: Census Figures on Same-Sex, Unmarried Partner Households Released for All 50 States*, NAT'L GAY & LESBIAN TASK FORCE (2001), at <http://www.nglftf.org/news/printed.cfm?releaseID=402> (last visited Sept. 27, 2001); U.S. Census Figures Continue to Show National Trend, HUM. RTS. CAMPAIGN (2001), at <http://www.hrc.org/newsreleases/2001/census/010627.asp> (last visited Sept. 27, 2001).

48. One obvious example is the oft-cited observation that gays are dominant in

It is important for gay advocates to emphasize through media that gays are not all wealthy and well-educated. Additionally, they are not all white. One of the things that the Christian right has tried to do in its anti-gay strategy is appeal to religious blacks.<sup>49</sup> Mary Egan has argued that it is important to "re-racialize the homosexual."<sup>50</sup>

Second, as has been discussed, the idea that anti-gay groups are "grassroot" is usually nonsense. Conservative think tanks actually fuel campaigns like Take Back Vermont and this reality deserves much greater exposure than it has received. In this connection, the Christian right's ties to organizations that are racist and classist should be exposed. This should lessen their appeal in states like Vermont.

Third, the anti-"big government" rhetoric of the Christian right should be countered by the argument that groups like the Christian Coalition actually want big government. They demand that the government act as a moral leader and to enforce their own vision of the ideal society.<sup>51</sup> The Defense of Marriage Act, in which Congress took it upon itself to define marriage, an area previously left to the states, is a classic example.<sup>52</sup>

A comparativist approach should also be useful. It is important for gay rights supporters to document the fact that the increase of rights for gays and lesbians in much of Europe<sup>53</sup> has not resulted in the dire consequences predicted by groups like Take It To The People. Now that same-sex unions are legal in the Netherlands, it would be useful to feature stories on gay married couples, thus humanizing the idea of same-sex marriage.<sup>54</sup>

---

the entertainment media. This may be true, but it is also likely that gays are far more likely to identify themselves in a relatively welcoming environment. It is hardly surprising that there may be more self-identified gays working for a theater company than for a Christian bookstore.

49. Herman, *supra* note 14, at 128-32.

50. Mary Eaton, *Homosexual Unmodified: Speculations on Law's Discourse, Race, and the Construction of Sexual Identity*, in *LEGAL INVERSIONS: LESBIANS, GAY MEN, AND THE POLITICS OF LAW* 46-73 (Didi Herman & Carl Stychin eds., 1995).

51. HERMAN, *supra* note 14, at 184-89.

52. 28 U.S.C. 1738 (1996).

53. Bruce Carolan, *Rights of Sexual Minorities in Ireland and Europe: Rhetoric versus Reality*, 19 *DICK. J. INT'L L.* 387 (2001).

54. This strategy assumes the desirability of using mainstream, assimilationist images in media depictions of gays. As a pragmatic matter, I believe this strategy can be successful and lead to greater public acceptance of same-sex unions. I do not take a position in the debate surrounding the political implications of this strategy. For a discussion of this debate, see JAMES DARSEY, *THE PROPHETIC TRADITION AND RADICAL RHETORIC IN AMERICA* 192-95 (1997). On one side of

One of the major reasons for the initial impact of the Take Back Vermont campaign was the skill in which the anti-union groups exploited the unique characteristics of Vermonters. The far right has always had the critical ability to understand and communicate with their audience. In contrast, the language of the left is often jargon-ridden and incomprehensible to outsiders.<sup>55</sup> A classic example of a failure to communicate is a narrative of an interview between a sociologist and a steel worker during a strike. The sociologist asked “contemporary social theory holds that the modern worker is alienated from the means of production, in a condition of permanent political anomie, fixated on minor ineffective means of control because of the ever widening gap between production and ownership. How do you respond to that?” The steel worker replied: “Well, Alice, I’d have to say I have some good days and I have some bad days.”<sup>56</sup>

The commentators repeating this story concluded, “[t]he point we wish to make here is a simple one: social facts, including those with a strongly rhetorical dimension, must be explained at their own level.”<sup>57</sup> This is good advice for those of us who want to fight the rhetoric that creates campaigns like the “Take Back Vermont Campaign.”

---

the debate, Bruce Bawer argues, “if the heterosexual majority ever comes to accept homosexuality, it will do so because it has seen homosexuals in suits and ties, not nipple clamps and bike pants.” *Id.* at 194. On the other side, Conte and Scarce protest, “Being queer is not about a right of privacy; it is about the freedom to be public, to be just who we are . . . It’s not about the mainstream, profit-margins, patriotism, patriarchy or being assimilated.” *Id.* at 195.

55. Of course this is the criticism most often leveled at types of academic discourse like postmodernism and critical legal studies. I am not making this criticism—academic writing is not designed for a mass audience.

56. BRANISLAV KOVACIC, EMERGING THEORIES OF HUMAN COMMUNICATION 131 (1997). Gerard A. Hauser & Susan Whalen, *New Rhetoric and New Social Movements*, in EMERGING THEORIES OF HUMAN COMMUNICATION 131, 115-40 (Branislav Kovacic ed., 1997).

57. *Id.*