

The Washington Post

Wonkbook: The very different fortunes of abortion and gay marriage

By: Ezra Klein and Evan Soltas – March 27, 2013

This quote brought me up short: "As recently as 2004, we talked about abortion and same sex marriage in the same breath. They were the values issues. Now, it doesn't make sense to lump them together anymore. We've seen a decoupling."

That's Daniel Cox, research director at the Public Religion Research Institute, talking to my colleague Sarah Kliff. As Sarah notes, there were two major "social issue" stories in the country yesterday. The gay marriage arguments before the Supreme Court, and 1,500 miles west of Washington, North Dakota's enactment of a (probably unconstitutional) law banning all abortion procedures after six weeks.

The "decoupling" Cox refers to is this: Attitudes on abortion and gay marriage used to go hand-in-hand. Today, they don't. Attitudes on gay marriage have shifted dramatically — to the point that the attitudes of the young look nothing like the attitudes of the old. According to Pew, 78 percent of millennials support gay marriage, while support among seniors hovers in the mid-30s.

On abortion, however, the views of millennials tracks the public at large. As Sarah writes, "Fifty-two percent of the general public thinks abortion is 'morally wrong.' Among Millennials, that number stands at 50 percent. Fifty-six percent of all Americans think abortion ought to be legal, compared to 60 percent of the younger crowd."

It's not just polling. Almost a dozen states have legalized gay marriage since 2000. But no state has liberalized its abortion laws since then, and the last decade has, in fact, seen a sharp uptick in the passage of abortion regulations.

Changes in public opinion, in other words, are going to decide the gay marriage issue no matter what the Supreme Court does. The same can't be said for abortion.

Wonkbook's Number of the Day: \$450 million. That's the estimated deficit reduction from legalizing same-sex marriage, according to the CBO. More on the Supreme Court and same-sex marriage below.

Wonkblog's Graph of the Day: Number of people living in jurisdictions where same-sex marriage is legal, by year.

Wonkbook's Top 5 Stories: 1) Defense of Marriage Act gets its day in court; 2) payroll tax increase earns sound of silence; 3) can tech save medicine?; 4) should a secure border and citizenship path go hand in hand?; and 5) Obama signs CR.

1) Top story: Supreme Court hears DOMA arguments today
Supremes listen in on Prop 8 arguments. "A cautious and conflicted Supreme Court on Tuesday seemed wary of a broad constitutional finding on whether same-sex couples

have the right to marry, and some justices indicated that it may be premature for them to intervene in a fast-moving, unsettled political environment...The court's historic review of same-sex marriage continues Wednesday with a more limited question: May Congress withhold federal benefits from same-sex couples married in those states where it is legal?" *Robert Barnes in The Washington Post.*

Read: A full transcript of the Supreme Court's oral arguments on same-sex marriage. *Dylan Matthews in The Washington Post.*

Or read a little less: These are the excerpted exchanges you need to see from today's oral argument. *Dylan Matthews*

Listen: An audio recording of oral arguments. *Matt DeLong in The Washington Post.*

Wonkblog explainer: Everything you need to know about the Supreme Court's same-sex marriage cases. *Dylan Matthews in The Washington Post.*

Wonktalk: Will the Supreme Court support gay marriage? *Dylan Matthews and Sarah Kliff in The Washington Post.*

How opinion is changing on same-sex marriage, and what it means. "Support for same-sex marriage is increasing — but is it doing so at a faster rate than in the past? Is it now safe to say that a majority approves it? How much of the shift is because people are changing their minds, as opposed to generational turnover? Is there still a gap between how well same-sex marriage performs in the polls and at the ballot booth? How many states would approve same-sex marriage today, and how many might do so by 2016?" *Nate Silver in The New York Times.*

@BuzzFeedAndrew: Bill O'Reilly on legalizing gay marriage: "The compelling argument is on the side of the homosexuals."

Social scientists short on data on effects of same-sex parenting on children. "Researchers have been delving into the effects of same-sex parenting only since the 1980s and 1990s. Most of the studies involve relatively small samples because of the rarity of such families. Still, there is a growing consensus among experts that the sexual orientation of parents is not a major determinant in how well children fare in school, on cognitive tests and in terms of their emotional development. What matters more, researchers found, is the quality of parenting and the family's economic well-being" *Sandhya Somashekhar in The Washington Post.*

Explainer: 9 charts that show gay marriage is winning in the "court of popular opinion." *Sarah Kliff in The Washington Post.*

What's with the disconnect in popular opinion between abortion and gay marriage, two social issues? "For decades, support (or opposition) for gay marriage and abortion went hand in hand. They were the line-in-the-sand "values" issues that sharply divided the political parties...Younger Americans have become increasingly supportive of gay marriage in a way that hasn't necessarily happened for abortion rights. Young Americans' views on same-sex unions look nothing like previous generations. But when it comes to abortion rights, Millennials look a lot more like their parents." *Sarah Kliff in The Washington Post.*

@jbarro: We get it, you support gay marriage. Now change your avatar back to a picture of your face so I can tell you all apart.

Jeb Bush wants to keep this a state issue. “The day before the U.S. Supreme Court hears arguments on the constitutionality of gay marriage, former Florida Gov. Jeb Bush tells Newsmax TV in an exclusive interview that the issue should be decided by the states.” *Todd Beamon and John Bachmann in Newsmax.*

SUNSTEIN: Four possible paths for Court on same-sex marriage. “In its 1971 decision in *Reed v. Reed* – its first serious effort to engage the problem of sex discrimination – the court took the path of minimalism. Striking down an odd Iowa law that gave a preference to men over women as administrators of estates, the court declined to issue a broad pronouncement that would immediately threaten all discrimination on the basis of sex. Instead it began a long series of case-by-case rulings – accompanying, but not preempting, democratic judgments – that ultimately produced strong safeguards against such discrimination. With respect to same-sex marriage, the court might be able to adopt a similar approach.” *Cass R. Sunstein in Bloomberg.*

@TheStalwart: If SCOTUS imposes gay marriage on everyone, are those of us who are already married exempt?

RAUCH: The ‘off-ramp’ option on gay marriage. “The justices did show a lot of interest in a fourth option: an off-ramp. They would decide that the plaintiffs lack standing to bring the case, because California had chosen not to appeal a district court’s decision overturning Proposition 8. The effect would be to knock down California’s gay-marriage ban on a technicality, without affecting the rest of the country. Politically the off-ramp presents problems of its own. As several justices pointed out, it implies that if state officials don’t like the result of a voter initiative, they could subvert it by defending it badly, baiting a court to overturn it, and then choosing not to appeal.” *Jonathan Rauch for the Brookings Institution.*

KUZNICKI: A new view of civil marriage. “When the federal government must act in this area, it should do so only with a view toward preserving individual rights. This paper considers federal marriage policy in a new light by suggesting that some, though far from all, of the federal provisions governing marriage may be understood as protections of this kind, or as guarantees of individual responsibility, as in the case of children. When marriage acts in such a way, it merits federal recognition, but not otherwise.” *Jason Kuznicki for the Cato Institute.*

BARRO: What’s the fiscal impact of gay marriage? “How would same-sex marriage affect government budgets? There’s been a surprisingly large amount of research into this question, and the answer is that same-sex marriage would probably improve governments’ fiscal situations a little...The CBO’s findings suggest that federally recognized gay marriage would reduce the budget deficit by about \$450 million a year, or roughly 0.01 percent of total federal spending. So, I’m sorry, straight America: We’re not going to balance your budget by getting married, but we’ll help a little bit.” *Josh Barro in Bloomberg.*

MILBANK: Why gay marriage is unstoppable. “In the case the justices are hearing Wednesday, it is widely expected that they’ll strike down the discriminatory Defense of Marriage Act, which allows states to ignore other states’ same-sex unions. In Tuesday’s case, justices appeared to be looking for a narrow way to rule – something that would apply to Proposition 8 and nothing else.” *Dana Milbank in The Washington Post.*

@pouremecoffee: If you were exposed to pro gay marriage arguments today, you should procreate with opposite sex spouse in next 24 hours just to be safe.

DOWD: Courting cowardice. "Their questions reflected a unanimous craven impulse: How do we get out of this? This court is plenty bold imposing bad decisions on the country, like anointing W. president or allowing unlimited money to flow covertly into campaigns. But given a chance to make a bold decision putting them on the right, and popular, side of history, they squirm...If this court doesn't reject bigotry, history will reject this court." *Maureen Dowd in The New York Times.*

BALZ: Parties scramble as political winds shift on gay marriage. "The political and legal systems are caught between past and future. Public opinion has shifted rapidly, and a majority of Americans now back legalizing same-sex marriage. Among those younger than 40, support is overwhelming. The question is when and in what form the future arrives...Today, it is considered perilous for any Democrat with national aspirations not to support same-sex marriage" *Dan Balz in The Washington Post.*