



UWSC



Badger Poll™ #14, Release #5
University of Wisconsin Survey Center
University of Wisconsin Madison
April 12, 2004

NOTE: When using material from this release please cite the Badger Poll™ conducted by the University of Wisconsin Survey Center, paid for by private funds at the University. The Capital Times (Madison) and the Milwaukee Journal-Sentinel are the poll's media sponsors.

COURTS, HOMOSEXUALITY, AND GAY MARRIAGE
by G. Donald Ferree, Jr.

The Wisconsin public continues to voice disquiet on the morality of homosexual behavior. Specifically, when asked to choose one of several descriptions of sexual relations between adults of the same sex, half (52%) say it is basically wrong. On the other side one in five (20%) say it is not wrong, while another one in five (21%) say it depends on the situation.

Men tend to disapprove more than women. There is growing condemnation (or lessening acceptance) as one moves up the age ladder. Four in ten Democrats, half of Independents, and two thirds of self-described Republicans say that homosexual behavior is "basically wrong".

At the same time, most residents would NOT translate any more misgivings they have into legal prohibition; a certain laissez-faire attitude is evident. Thus, six in ten residents say that "homosexual relations between consenting adults in private should be legal". This group is twice as large as those (30%) who feel such relations should not be legal. It is worth noting that the question noted both the notion that the relations were between consenting adults, and that they were private. Both dimensions are important in understanding current views of homosexuality and society.

There was less of a distinction between men and women as to the whether the law should allow homosexual behavior than there was when it came to the moral code. Partisan differences were also muted, with Republicans (two thirds of whom called homosexual behavior wrong) endorsing its legality by a five to three margin. Only the eldest group was closely split, the other three had substantial majorities favoring the legality of homosexual behavior.

The situation looks quite different when it comes to "laws allowing homosexual people to marry members of their own sex", which the public disapproves by about a five to three (66%-27%) margin. On the present survey, none of the demographic groups examined favored this notion on balance. Women, however, were twice as likely as men to approve Democrats came close to splitting (48%-40% against), while opposition grew sharply as one moved to Independents and from them to Republicans. The youngest group was the only age-based one to come close to splitting, in opposition by about the same margin as Democrats, while majorities ranging from about two thirds to about eight in ten came down disapproving the notion of gay marriage.

It would appear that "marriage", with its societal approval and equal standing with one-man/one-woman relationships, is a key factor. When the focus

shifts to "... civil unions, where without calling it marriage, people of either sex can register partnerships that give them most of the legal advantages husbands and wives now have", opinion is closely split (50%-45% in approving) among residents overall.

Gender seems to have only limited impact, with men extremely narrowly negative and women only a bit less narrowly positive. Partisans divide, however, opinion moves from almost two to one approval among Democrats to almost two to one opposition among Republicans. The balance starts off approving by nine to five among the youngest falling as one moves up the age ladder until it reverses to disapproval among the oldest group by about three to two.

Civil liberty and anti-discrimination seem to apply when it comes to civil rights (explicitly in housing) for homosexuals, however. "Laws guaranteeing homosexuals the right to live wherever they want to, just like anyone else" come in for a six to one (82%-14%) approval. Gender, partisan and age distinctions (save for a minor tailoff among the eldest) are virtually invisible on this dimension.

Basic Attitudes Relevant to Homosexuality

	AUGUST	DECEMBER	MARCH
Morality of homosexuality			
BASICALLY WRONG	58%	54%	52%
NOT WRONG	21	23	20
DEPENDS ON SITUATION	16	18	21
DON'T KNOW	3	2	4
REFUSED	2	3	4
Relations for consenting adults			
LEGAL	60%	58%	60%
ILLEGAL	30	32	30
DON'T KNOW	6	7	6
REFUSED	4	2	4
Gay marriage			
APPROVE	32%	30%	27%
DISAPPROVE	60	62	66
DON'T KNOW	6	6	4
REFUSED	2	2	3
Civil unions			
APPROVE	48%	44%	50%
DISAPPROVE	47	48	45
DON'T KNOW	4	5	4
REFUSED	2	2	2
Housing antidiscrimination			
APPROVE	83%	80%	82%
DISAPPROVE	12	14	14
DON'T KNOW	3	4	2
REFUSED	2	2	2

The Badger Poll™ has put some of these questions to the Wisconsin public on one or more occasions since August of last year, when the issue began to heat up in the courts and in other arenas such as the debate about homosexual relationships in various religious bodies. The accompanying chart summarizes

the results from three polls in three separate columns.

On all three, there is significant sentiment that homosexual behavior is not morally acceptable. To be sure, the most recent asking shows a very slightly lower majority taking this stance that is it always wrong -- although the proportion saying it is "not wrong" has moved less. In any event any poll to poll differences are quite small and would not provide much evidence of a "real" shift in views as opposed to the luck of the draw as to which respondents came into the survey.

There has also been a good deal of stability in the overall sentiment about whether homosexual relations -- apart from any moral consideration -- should be legally permitted or not. By two to one on each occasion, the answer seems to be "yes, it should".

Gay marriage has always come in for disapproval, and while differences across polls are small, it seems relatively safe to conclude there has been no short term INCREASE in backing for gay marriage. At the same time, opinion has been rather more accepting of civil unions, and the present survey shows at least as much support for this notion as the earlier two. Opinion favorable to barring housing discrimination against homosexuals appears to have also been holding steady.

As noted earlier, attitudes to gay marriage are built on a generally "tolerant" view, along with a disapproval of homosexuality as a legitimate form of relationship. Respondents were reminded of the Massachusetts Supreme (Judicial) Court decision that "the state constitution of that state required that same sex couples should be able to get married the same way a man and woman can now", and asked for their reactions. Overall, three in ten favor the decision (14% strongly, 16% somewhat). On the other side, two in three oppose it (15% somewhat, 52% strongly), with the size of the group viewing the decision strongly negatively being noteworthy. With one exception (those under thirty) a majority of each group examined opposed the decision, though the amount by which this is true, and the strength of opposition varies. Consistent with earlier patterns, men oppose the decision more than women. Opposition is sharper among Republicans (three in four of whom strongly oppose it) than Democrats who come much closer to an even split. The youngest group is essentially quite split, but the balance becomes more and more negative as one moves up the age scale.

The Massachusetts decision directly affected only that state, but there is something of a view among Wisconsin residents that a court decision here or elsewhere (perhaps via "full faith and credit") might bring about gay marriage here. Overall, half think it either very likely (15%) or somewhat likely (34%) that -- if the law is not changed a court decision will, in fact, legalize gay marriage here. Gender differences are small, there is higher concern (or, strictly speaking, higher expected likelihood) among Republicans than Democrats. The younger one is the more likely one tends to be (but only relatively modestly so) to think the courts may well settle the issue here.

The legislature has passed (for the first time) a marriage amendment which goes beyond what many states are doing or have proposed. Respondents were told that there is a proposed constitutional amendment in Wisconsin which defines marriage as being between one man and one woman and which bans so-called civil unions between members of the same sex. Do you Overall, this is favored (in principle) by about a three to two (53%-38%) majority, and a handful (2%) volunteered that they would favor an amendment if it left out civil unions one way or the other.

Age makes little clear difference, women are not much different overall than men in their opinions on this matter. But party does seem to count for something. Democrats narrowly oppose such a state amendment. Independents narrowly favor it, Only among Republicans is there a clear majority position (favoring the amendment).

Those who had not volunteered that they would favor a limited amendment were asked specifically about "an amendment that said nothing about civil unions but defined marriage as being between one man and one woman", which proposal garnered 64%-28% support. If one counts in the two percent who had said they favored this in response to the previous broader proposal, one accounts for two residents in three.

The passage of time has not brought with it any greater acceptance of the decision of the Massachusetts Supreme Judicial Court. As on a number of items the absolute differences from December to March are not large, but discomfort with it seems at least to be as strong in March 2004 as it was last December.

There does, however, seem to be some limited tempering of the concern that the courts may force the issue here in Wisconsin. Concern was not overwhelming, and it has by no means disappeared, but the expressed likelihood may have lessened a bit.

All groups on balance had a majority favoring the more limited amendment. Men were stronger, however, in their backing than women. Backing oved from a narrow five to four among Democrats to more than four to one among Republicans. All age groups favored it, but the margin grew as one moved older on the ladder.

This means that, despite a spirit of toleration that opposes at least some form of discrimination on its face, and that would allow behavior of which individuals disapprove, the positive societal approval represented by gay marriage, and especially the prospect of its being imposed by the courts, carries a lot of baggage. This poll measured general sentiment rather than exhaustive examination of the consequences of specific actions such as constitutional amendments. Clearly, an amendment that focused on marriage would gain support more easily. Nonetheless, it is noteworthy that the negatives of gay marriage as such seem strong enough at present to cause many residents to favor in principle an amendment which would also ban civil unions, a practice which a majority of the public favors.

One cannot exactly compare the sentiment in March and December on the consitutional amendment. In December, before the actual legislation was moving, residents favored a state constitutional amendment defining marriage as one man and one woman by a 64%-29% margin. The (broader) amendment which actually passed the legislature (for the first time) went beyond that to ban civil unions (though the words do not appear) as well. Stated that way, sentiment know is somewhat less pro-amendment. But if one looks at the followup question on a more narrow amendment, and adds in those who volunteered that they would like a constitutional amendment leaving out anything about civil unions, one gets a 64%-29% majority, which is essentially unchanged.

Gay Marriage, the Courts and the Constitution

	DECEMBER	MARCH
Views of MA decision		
STRONGLY FAVOR	15%	14%
SOMEWHAT FAVOR	18	16
SOMEWHAT OPPOSE	15	15
STRONGLY OPPOSE	46	52
DON'T KNOW	4	2
REFUSED	2	2
Likelihood courts legalize gay marriage		
VERY LIKELY	13%	15%
SOMEWHAT LIKELY	41	34
NOT VERY LIKELY	27	30
NOT LIKELY AT ALL	12	17
DON'T KNOW	5	3
REFUSED	1	1
State one man/one woman amendment		
FAVOR	64%	
OPPOSE	29	
FAVOR FEDERAL (VOL.)	--	
DON'T KNOW	5	
REFUSED	2	
Federal one-man/one woman amendment		
FAVOR	58%	
OPPOSE	35	
DON'T KNOW	5	
REFUSED	2	
Wisconsin proposed amendment (broad)		
FAVOR		53%
OPPOSE		38
FAVOR IF ALLOWS CIV. UNION.		2
DON'T KNOW		5
REFUSED		2
If civil unions left out		
NOT ASKED (FAVOR LIMITED)		2%
FAVOR		64
OPPOSE		28
DON'T KNOW		4
REFUSED		2

Statewide Marginals and Percentages for Key Groups

What follows is the exact question wording for each of the items referred to in the release. All results shown are for the basic sample of state residents. The first column is the percentage of the entire sample giving each response. The second and third reports the percentages for men and women separately. The fourth, fifth, and sixth columns show self-described Democrats, Independents, and Republicans. Columns seven through ten group respondents by age.

Q01. INTERVIEWER: (DO NOT ASK) Enter respondent's gender

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
MALE	49%	100%	--%	37%	60%	47%	45%	54%	52%	44%
FEMALE	51	--	100	63	40	53	55	46	48	56

GAY02. On a different topic... What is your opinion about sexual relations between two adults of the same sex--is it basically wrong, not wrong, or does it depend on the situation?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
BASICALLY WRONG	52%	59%	45%	40%	51%	67%	45%	46%	52%	61%
NOT WRONG	20	14	25	30	18	12	38	22	17	10
DEPENDS ON SITUATION	21	19	22	25	19	16	12	25	23	20
DON'T KNOW	4	5	4	2	7	3	5	3	4	6
REFUSED	4	3	4	4	4	2	--	3	5	4

GAY06. Do you think homosexual relations between consenting adults in private should be legal or not?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
LEGAL	60%	58%	62%	60%	62%	55%	64%	71%	61%	47%
ILLEGAL	30	31	30	29	26	39	33	22	27	41
DON'T KNOW	6	8	4	7	7	4	2	5	7	8
REFUSED	4	3	4	4	5	2	2	2	6	4

GAY07. Do you approve or disapprove of laws allowing homosexual people to marry members of their own sex?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
APPROVE	27%	18%	35%	40%	28%	12%	45%	27%	27%	16%
DISAPPROVE	66	75	57	48	70	82	53	65	62	79
DON'T KNOW	4	4	5	7	1	3	2	6	6	3
REFUSED	3	3	2	5	1	2	--	2	5	2

GAY08. And how about what have been called civil unions, where without calling it marriage, people of either sex can register partnerships that give them most of the legal advantages husbands and wives now have.

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
APPROVE	50%	45%	54%	59%	54%	34%	63%	55%	50%	37%
DISAPPROVE	45	48	41	32	41	61	35	40	44	56
DON'T KNOW	4	6	2	7	4	3	2	5	2	5
REFUSED	2	1	2	3	1	1	--	*	4	1

GAY09. How about laws guaranteeing homosexuals the right to live wherever they want to, just like anyone else. Do you approve or disapprove of such laws?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
APPROVE	82%	84%	81%	83%	82%	80%	85%	86%	86%	73%
DISAPPROVE	14	14	14	12	14	17	15	13	11	18
DON'T KNOW	2	1	3	4	1	2	--	1	1	6
REFUSED	2	1	2	2	3	1	--	1	3	3

GAY13. Recently, the Massachusetts Supreme Court decided the constitution of that state required that same sex couples should be able to get married the same way a man and a woman can now. Do you strongly favor this decision, somewhat favor it, somewhat oppose it or strongly oppose it?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
STRONGLY FAVOR	14%	8%	19%	22%	14%	4%	28%	16%	13%	4%
SOMEWHAT FAVOR	16	13	18	22	14	9	25	14	16	12
SOMEWHAT OPPOSE	15	17	13	16	16	13	22	20	12	10
STRONGLY OPPOSE	52	60	45	33	54	72	26	48	54	70
DON'T KNOW	2	2	3	4	1	1	--	2	2	3
REFUSED	2	1	2	2	*	1	--	*	3	2

GAY14. If existing laws are not changed, how likely do you think it is that a court decision in the future will legalize same sex marriages here in Wisconsin? Very likely, somewhat likely, not very likely or not likely at all?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
VERY LIKELY	15%	16%	14%	11%	16%	19%	17%	14%	15%	14%
SOMEWHAT LIKELY	34	34	35	28	33	38	42	43	32	25
NOT VERY LIKELY	30	28	31	35	32	20	32	28	29	29
NOT LIKELY AT ALL	17	19	15	19	15	18	9	14	17	25
DON'T KNOW	3	3	3	4	3	4	--	1	4	5
REFUSED	1	1	2	2	--	1	--	*	2	2

GAY17. There is a proposed constitutional amendment in Wisconsin which defines marriage as being between one man and one woman and which bans so-called civil unions between members of the same sex. Do you favor or oppose this state constitutional amendment?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
FAVOR	53%	55%	51%	39%	53%	69%	56%	53%	51%	56%
OPPOSE	38	37	39	51	40	21	39	40	40	31
OK IF OMIT C.U.s (VOL)	2	4	1	*	3	4	--	1	3	3
DON'T KNOW	5	3	6	7	2	4	5	5	3	7
REFUSED	2	1	3	2	1	3	--	*	4	3

GAY18. (UNLESS VOLUNTEERED WANTED AMENDMENT LEAVING CIVIL UNIONS OUT) How about an amendment that said nothing about civil unions but defined marriage as being between one man and one woman?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
NOT ASKED	2%	4%	1%	*%	3%	4%	--%	1%	3%	3%
FAVOR	64	71	56	51	61	74	59	59	63	71
OPPOSE	28	22	35	40	30	17	37	31	28	20
DON'T KNOW	4	3	5	5	3	3	4	7	2	3
REFUSED	2	1	3	3	3	2	--	1	4	3

QD05. Generally speaking, do you consider yourself a Democrat, a Republican, an Independent, or something else?

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
DEMOCRAT	27%	21%	34%	100%	--%	--%	20%	27%	27%	32%
REPUBLICAN	30	29	32	--	--	100	32	27	29	33
INDEPENDENT	27	33	21	--	100	--	29	27	26	27
OTHER	11	15	7	--	--	--	9	14	14	4
NONE	3	2	4	--	--	--	4	4	2	2
DON'T KNOW	1	1	2	--	--	--	5	--	1	*
REFUSED	1	--	1	--	--	--	--	1	--	1

QD11. In what year were you born? (ENTER FOUR-DIGIT YEAR) (Calculated and grouped as below)

	TOT	GENDER		PARTISANSHIP			AGE IN YEARS			
		M	F	DEM	IND	REP	<30	<45	<60	60+
18-29	15%	14%	16%	11%	16%	16%	100%	--%	--%	--%
30-44	23	26	21	23	24	21	--	100	--	--
45-59	34	36	31	34	33	33	--	--	100	--
60 and over	26	24	29	31	27	29	--	--	--	100
DK/REFUSED	1	--	3	1	*	2	--	--	--	--

* denotes less than .5%

-- denotes 0%

HOW THE POLL WAS DONE

This BADGER POLL™ was conducted by the University of Wisconsin Survey Center as part of its ongoing program of research designed to benefit the research community and the people of Wisconsin, under the direction of G. Donald Ferree, Jr., Associate Director for Public Opinion Research of the Center. The media sponsors of the survey are the (Madison) Capital Times, and the Milwaukee Journal-Sentinel. The BADGER POLL™ is intended to be a "poll of record" for the state, investigating matters of concern to Wisconsinites including politics, culture, and their daily lives, adhering to the highest standards of polling methodology and rigorous independence.

A total of 500 randomly chosen state residents were interviewed for this survey by telephone between March 23 and 31, inclusive. Telephone numbers were generated by computer in proportion to the number of adults living in each area of the state. Theoretically, results from this survey have a "margin of error" of a little over +/- 4%. This means that, had we asked every eligible resident in Wisconsin, exactly these questions at the time the survey was conducted, there is only a one in twenty chance that the answers would differ by more than that in either direction from what we report here. There could be differences because of changes in question wording, events occurring in the meantime, or any of the practical difficulties involved in taking a scientific survey. Results based on subgroups are subject to a larger "margin of error".