

Seven in Ten Adult Americans Support U.S. Supreme Court Overturning Same-Sex Sodomy Laws

New Witeck-Combs/Harris Interactive Research Shows Broad Public Support on Right to Privacy

Rochester, NY – May 6, 2003 – Seventy-four percent of American adults surveyed last month favor the U.S. Supreme Court overturning state laws that criminalize private, consenting sexual relations between same-sex couples, yet allows that same private conduct to occur between opposite-sex couples. This was the latest finding of a national online poll released today by Witeck-Combs Communications and Harris Interactive®.

The new survey also reveals that Americans almost equally oppose laws regulating consenting sexual relations that occur in the private homes of opposite-sex and same-sex couples. Nearly nine out of 10 Americans (87%) oppose state laws regulating private, sexual relations that are applied to opposite-sex married adult couples and almost as many (82%) oppose such laws that are applied to same-sex adult couples in a domestic partnership.

“Even when we exclude respondents who self-identify as lesbian, gay, bisexual or transgender, support for overturning state sodomy laws does not change significantly,” said Darin Johnson, vice president at Witeck-Combs Communications. “It is clear that an overwhelming majority of Americans believe the Supreme Court should overturn all state laws that interfere with private sexual relations between consenting adults, whether same-sex or opposite-sex couples.”

These are highlights of a nationwide survey of more than 2,000 adults, of whom approximately seven percent self-identified as gay, lesbian, bisexual or transgender (GLBT). The survey was conducted online between April 17 and 23, 2003 by Harris Interactive, with analysis of GLBT data provided by Witeck-Combs Communications, Inc., a strategic public relations and marketing communications firm with special expertise in GLBT issues.

“These numbers tell the same story we’ve been telling courts in this country for years: the vast majority of Americans support the right to privacy of all people, including gays and lesbians, and oppose anti-gay discrimination,” said Kevin Cathcart, executive director of Lambda Legal Defense and Education Fund, the national gay rights organization bringing the Supreme Court challenge to consensual sex laws.

Across the board, regardless of income, gender, age, region of the country, or political philosophy, Americans overwhelmingly oppose state laws that regulate sexual relations that occur in the private home of an adult same-sex couple.

Key findings from this survey include:

- 75% of self-described Republicans oppose state laws that regulate sexual relations that occur in the private home of an adult same-sex couple in a domestic partnership (as do 88% of self-labeled Democrats). In addition, seven out of 10 Americans (70%) who characterize their personal ideology as “conservative” also oppose such laws.
- Americans from all regions in the U.S. express opposition to state sodomy laws, including 76% of Southerners; 80% of Midwesterners; 88% of Westerners; and 89% of Easterners who say they oppose state laws that regulate the private, sexual relations of adult same-sex couples in a domestic partnership.
- 66% of adults over the age of 50 agree the U.S. Supreme Court should overturn state sodomy laws that apply solely to same-sex couples.
- A majority of all American adults surveyed said same-sex couples who engage in private, consenting sexual relations should not be denied basic rights and opportunities: 82% opposed denial of health benefits to a couple; 87% opposed denial of rental housing; 74% opposed denial of certain jobs, such as teaching; and 59% opposed denial of the right to adopt children.

“These results are not surprising,” commented David Krane, senior vice president at Harris Interactive. “They closely align with findings from previous studies we have conducted with Americans on privacy. The public feels very strongly that the government should not interfere with matters related to their personal privacy – and particularly, as this study shows, with their choices related to sexual practices.”

On March 26, 2003, the U.S. Supreme Court heard oral arguments testing Texas same-sex sodomy statute. This case, *Lawrence v. Texas*, will examine the constitutionality of Texas law (and other similar state laws) that imposes criminal charges on same-sex couples who have consenting sexual relations in the privacy of their home.

Editorial Note: The national online survey was conducted between April 17 and 23, 2003 – and therefore, most of the data was collected prior to the prominent media attention given to Senator Rick Santorum’s (R-PA) interview last month with the Associated Press on sodomy laws and sexual privacy.

Notes on reading tables

GLBT refers to gay, lesbian, bisexual and transgender respondents. The percentage of respondents has been included for each item. An asterisk (*) signifies a value of less than one-half percent. A dash represents a value of zero. Percentages may not always add up to 100% because of computer rounding or the acceptance of multiple answers from respondents answering that question.

TABLE 1

OVERTURN OR UPHOLD STATE LAWS

“Do you think that the U.S. Supreme Court should overturn or uphold state laws that criminalize private, consenting sex between same-sex couples, but allow that same conduct between opposite-sex couples?”

Base: All Respondents

| | Total % | Heterosexual % | GLBT % |
|----------|--------------------|---------------------------|-------------------|
| Overturn | 74 | 72 | 97 |
| Uphold | 26 | 28 | 3 |

TABLE 2

FAVOR OR OPPOSE STATE LAWS REGULATING CONSENTING SEXUAL RELATIONS

“Do you favor or oppose state laws that regulate consenting sexual relations that occur in the private home of an...?”

Base: All Respondents

| | Favor % | Oppose % |
|---|--------------------|---------------------|
| Adult married opposite-sex couple | | |
| Total | 13 | 87 |
| Heterosexual | 13 | 87 |
| LGBT | 8 | 92 |
| Adult unmarried opposite-sex couple | | |
| Total | 14 | 86 |
| Heterosexual | 14 | 86 |
| LGBT | 9 | 91 |
| Adult same-sex couple in a domestic partnership | | |
| Total | 18 | 82 |
| Heterosexual | 18 | 82 |
| LGBT | 9 | 91 |
| Adult same-sex couple not in a domestic partnership | | |
| Total | 18 | 82 |
| Heterosexual | 18 | 82 |
| LGBT | 9 | 91 |

TABLE 3A

FAVOR OR OPPOSE STATE LAWS REGULATING CONSENTING SEXUAL RELATIONS

“Do you favor or oppose state laws that regulate consenting sexual relations that occur in the private home of an...?”

Base: All Respondents

Percentage Who Oppose

| | Region % | | | | Age % | | | | | Gender % | |
|---|----------|----------|-------|------|-------|-------|-------|-------|-----|----------|--------|
| | East | Mid-west | South | West | 12-24 | 25-29 | 30-39 | 40-49 | 50+ | Male | Female |
| Adult married opposite-sex couple | 90 | 87 | 83 | 91 | 88 | 89 | 86 | 88 | 86 | 87 | 87 |
| Adult unmarried opposite-sex couple | 90 | 84 | 81 | 91 | 86 | 86 | 86 | 87 | 85 | 86 | 86 |
| Adult same-sex couple in a domestic partnership | 89 | 80 | 76 | 88 | 86 | 87 | 84 | 81 | 80 | 81 | 84 |
| Adult same-sex couple not in a domestic partnership | 88 | 80 | 76 | 88 | 88 | 88 | 84 | 80 | 79 | 81 | 84 |

TABLE 3B

FAVOR OR OPPOSE STATE LAWS REGULATING CONSENTING SEXUAL RELATIONS

“Do you favor or oppose state laws that regulate consenting sexual relations that occur in the private home of an...?”

Base: All Respondents

Percentage Who Oppose

| | Race % | | | Party ID % | | Political Philosophy % | | | |
|---|--------|-------|----------|------------|----------|------------------------|--------------|----------|---------|
| | White | Black | Hispanic | Republican | Democrat | Independent | Conservative | Moderate | Liberal |
| Adult married opposite-sex couple | 87 | 84 | 91 | 85 | 88 | 89 | 87 | 88 | 90 |
| Adult unmarried opposite-sex couple | 86 | 85 | 90 | 80 | 90 | 89 | 80 | 90 | 90 |
| Adult same-sex couple in a domestic partnership | 82 | 80 | 86 | 75 | 88 | 86 | 70 | 86 | 92 |
| Adult same-sex couple not in a domestic partnership | 82 | 80 | 89 | 74 | 88 | 86 | 70 | 86 | 92 |

TABLE 3C

FAVOR OR OPPOSE STATE LAWS REGULATING CONSENTING SEXUAL RELATIONS

“Do you favor or oppose state laws that regulate consenting sexual relations that occur in the private home of an...?”

Base: All Respondents

Percentage Who Oppose

| | Education % | | | | Income % | | | | | |
|---|--------------|-----------|-----------|-----------|-----------------|---------------|---------------|-------------|---------------|--------|
| | H.S. or Less | Some Col. | Col. Grad | Post Grad | Less Than \$15k | \$15k-\$24.9k | \$25k-\$34.9k | \$35k-49.9k | \$50k-\$74.9k | \$75k+ |
| Adult married opposite-sex couple | 82 | 88 | 92 | 95 | 87 | 81 | 82 | 84 | 88 | 91 |
| Adult unmarried opposite-sex couple | 80 | 88 | 90 | 91 | 84 | 80 | 84 | 83 | 86 | 91 |
| Adult same-sex couple in a domestic partnership | 78 | 81 | 89 | 90 | 81 | 77 | 81 | 82 | 83 | 86 |
| Adult same-sex couple not in a domestic partnership | 78 | 82 | 87 | 91 | 81 | 79 | 81 | 82 | 83 | 85 |

TABLE 4

OVERTURN OR UPHOLD STATE LAWS CRIMINIZING PRIVATE, CONSENTING SEX BETWEEN SAME-SEX COUPLES

“Do you think that the U.S. Supreme Court should overturn or uphold state laws that criminalize private, consenting sex between same-sex couples, but allow that same conduct between opposite-sex couples?”

Base: All Respondents

| | Age 18-24 % | Age 25-29 % | Age 30-39 % | Age 40-49 % | Age 50+ % |
|----------|-------------|-------------|-------------|-------------|-----------|
| Overturn | 76 | 90 | 79 | 73 | 66 |
| Uphold | 24 | 10 | 21 | 27 | 34 |

TABLE 5

DENYING SAME-SEX COUPLES FROM CERTAIN ACTIVITIES

“Do you favor or oppose denying adult same-sex couples any of the following because they have engaged in private, consenting sexual relations...?”

Base: All Respondents

| | Favor % | Oppose % |
|--|--------------------|---------------------|
| Denying certain jobs, such as teaching | | |
| Total | 24 | 76 |
| Heterosexual | 26 | 74 |
| LGBT | 2 | 98 |
| Denying the right to adopt children | | |
| Total | 39 | 61 |
| Heterosexual | 41 | 59 |
| LGBT | 6 | 94 |
| Denying rental housing | | |
| Total | 12 | 88 |
| Heterosexual | 13 | 87 |
| LGBT | 1 | 99 |
| Denying health insurance coverage | | |
| Total | 17 | 83 |
| Heterosexual | 18 | 82 |
| LGBT | 1 | 99 |

Methodology

This survey was conducted online within the United States by Harris Interactive between April 17 and April 23, 2003, among a nationwide cross section of 2,046 adults. Of those adults surveyed, 140, or approximately seven percent, self-identified as gay, lesbian, bisexual or transgender (GLBT). Figures for age, sex, race, education and number of adults in the household were weighted where necessary to bring them into line with their actual proportions in the population. “Propensity score” weighting was also used to adjust for respondents’ propensity to be online.

In theory, with a probability sample of this size, one can say with 95 percent certainty that the results have a statistical precision of plus or minus two percentage points (for the overall sample) and plus or minus eight percentage points (for the GLBT sample) of what they would be if the entire adult population had been polled with complete accuracy. Unfortunately, there are several other possible sources of error in all polls or surveys that are probably more serious than theoretical calculations of sampling error. They include refusals to be interviewed (non-response), question wording and question order, interviewer bias, weighting by demographic control data and screening (e.g., for likely voters). It is impossible to quantify the errors that may result from these factors. This online survey is not a probability sample.

These statements conform to the principles of disclosure of the National Council on Public Polls.

About Witeck-Combs Communications, Inc.

Witeck-Combs Communications, Inc. (www.witeckcombs.com) is the nation's premier strategic marketing communications firm, specializing in reaching the gay and lesbian consumer market. With over nine years experience in this unique market, Witeck-Combs Communications has developed respected relationships throughout the community and serves as a bridge between corporate America and gay and lesbian consumers. In April 2003, American Demographics named Bob Witeck and Wes Combs as two of the nation's top 25 most notable leaders in demographic, market research and niche trends of the past 25 years.

About Harris Interactive®

Harris Interactive (www.harrisinteractive.com) is a worldwide market research and consulting firm best known for **The Harris Poll**®, and for pioneering the Internet method to conduct scientifically accurate market research. Headquartered in Rochester, New York, U.S.A., Harris Interactive combines proprietary methodologies and technology with expertise in predictive, custom and strategic research. The Company conducts international research through wholly owned subsidiaries—London-based **HI Europe** (www.hieurope.com) and Tokyo-based Harris Interactive Japan—as well as through the Harris Interactive Global Network of local market-and opinion-research firms, and various U.S. offices. **EOE M/F/D/V**

To become a member of the Harris Poll OnlineSM and be invited to participate in future online surveys, visit www.harrispollonline.com.

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