

# THE Nation.

Published on *The Nation* (<http://www.thenation.com>)

---

## What's Right With Utah

Lisa Duggan | June 24, 2009



DAVID DANIELS Utah gays protest

Proposition 8 in Salt Lake City's Temple Square.

### *Salt Lake City*

Forget everything you think you know about Utah. Yes, it's the reddest state in the union and the headquarters of The Church of Jesus Christ of Latter-day Saints (LDS). For the past twenty-five years, Republicans have had a virtual lock on statewide offices. Utah hasn't voted for a Democrat for president since 1964, and last year the state chose John McCain over Barack Obama by almost a 2-to-1 margin.

But here in Salt Lake City, it's a different story. The city and surrounding counties are a lovely blue. The current and previous mayors--Ralph Becker and Rocky Anderson--are well-known progressive Democrats with excellent records on the environment, gay and civil rights, disability access and other municipal issues, and Salt Lake County, home to four of the five most populous cities in the state, went for Obama in 2008.

Then there's Salt Lake City's queer community, whose smart, creative and coalition-building strategies could provide a model for gay activists across the country.

That last claim requires a bit of explanation. Last fall I lived in Salt Lake City. As a leftist and New York City dyke, I had expected to find a conservative city and a quietly assimilationist gay community. Instead, I was repeatedly blown away by the progressive politics and outright queerness of the capital city, which is about 40 percent Mormon.

I was in Salt Lake City in November when the passage of California's Proposition 8 generated national outrage against the Mormon Church for its role in sending money and volunteers to help antigay forces take away the right of California's same-sex couples to marry. A few national LGBT figures, most notably gay pundit Dan Savage, called for a boycott of Utah to punish its majority Mormon population. In Salt Lake City, I joined a furious crowd, including many gay Mormons and ex-Mormons, at a November 7 protest at the LDS Temple. The scene was a jumble of mixed messages, with signs ranging from Love Makes a Family, to Separate Church and State, to Brigham Young Had 55 Wives, I Want 1! But no one I saw advocated a boycott. Most seemed to agree with KRCL-FM public radio station personality Troy Williams, referred to by some Utahns as their homegrown Harvey Milk, who challenged Savage on his hourlong program, calling for an influx of queer migrants to the state rather than a boycott. Perhaps a New Queer Pioneer movement, modeled on the sanctified Mormon pioneers of the nineteenth century, would do more to shrink the impact of LDS antigay bigotry than any boycott ever could.

Not that Utah needs new queer residents to spark political, social or cultural creativity. The city is home to a floridly queer and unusually politically unified LGBT community. Salt Lake City hosts numerous gay bars and businesses, a busy assortment of queer artists and intellectuals, a thriving drag culture and an "extreme" BD/SM school. At this year's pride rally, after the annual dyke march on June 6, the city's residents flocked to the downtown Federal Building to hear local drag celebrity Sister Dottie S. Dixon (Mormon mother of a gay son, as embodied by actor Charles Frost) beseech "the almighty diva S&M Goddess of her Most High," among other deities, to "help our surgeons ta discover how to perfarm a complete brain transplant, so that Mitt Romney can live with hope fer a better future." And "while yer at it," Sister Dixon implored, "if you've got any more of them plagues of locus--please send them ta every household that voted fer Preperation 8!"

The rally was sponsored by the rapidly expanding Utah Pride Center, which under executive director Valerie Larabee has more than doubled its budget in the past five years. At the Pride Center, a broad range of local activist groups and LGBT individuals actually talk to each other--in stark contrast to the balkanized landscape of national LGBT organizations. Indeed, perhaps more than in any other city, Salt Lake City's queer scene resembles the storied days of ACT UP, when mainstream assimilationists collaborated with radical activists to develop talking points, coordinate strategy and change homophobic policy.

This conversation across boundaries is a product of savvy activists and, paradoxically, of the formidable political and cultural barriers created by the Mormon Church and the statewide strength of the Republican machine. In such a political arena, queer flamboyance and tough-minded seriousness have to coexist in order to get anything done. In that sense, as gay activists nationwide take stock of where the gay rights movement has come in the forty years since the Stonewall riots and plot a political future, they should look to Salt Lake City for pointers instead of Boston or New York.

For better or worse, national LGBT politics is now focused on marriage equality. This spring, gay marriage advocates were emboldened by the legalization of same-sex marriage in Iowa, Vermont, New Hampshire and Maine, which joined Massachusetts and Connecticut in the gay marriage column. New York is poised to become the seventh state on that list, and there are a few other states--New Jersey, Rhode Island, Washington and Oregon--where activists can reasonably expect to pick up another marriage win in the future.

But then they hit a daunting wall: forty states define marriage as being between a man and a woman; and twenty-nine of those, including Utah, have that definition embedded in their constitution, putting such restrictions beyond the jurisdiction of state courts. Absent a Supreme Court decision or Congressional same-sex-marriage legislation, individual state-by-state campaigns to repeal these amendments and pass pro-gay bills remain the best avenue to secure partnership rights for same-sex couples in these states. (The legal odd couple, David Boies and Theodore Olsen, opponents in *Bush v. Gore*, have filed a federal lawsuit challenging Prop 8 and seeking to legalize gay marriage nationwide, but most gay legal experts consider it a long shot.) Unfortunately, very little national attention or political talent has been devoted to these states, where the vast majority of Americans live.

<!--pagebreak-->

Utah suffers with a so-called Super DOMA (Defense of Marriage Act), passed in 2004 by 66 percent of voters as Amendment 3 to the state Constitution. Amendment 3 goes beyond barring same-sex marriage to bar any "marriage like" legal relationship between same-sex couples. Domestic partnerships offering broad benefits, like those in California, as well as civil unions are off the table, along with marriage, at all levels of government in the state.

You might think that such draconian restrictions would hobble LGBT legislative action in states saddled with constitutional bans that cannot be overturned except by another amendment, especially in those eighteen states with a Super DOMA. But not in Utah! In the wake of the Prop 8 protests last fall, an energized LGBT policy organization, Equality Utah, formulated an ingenious strategy. Drawing on the claims of LDS officials and some conservative state politicians that their support of "traditional" marriage isn't antigay, and their assurances that they support other basic protections for LGBT citizens, Equality Utah drew up a list of just such protections. University of Utah law professor Cliff Rosky, a member of Equality Utah's legal panel, branded it the Common Ground Initiative (CGI).

Equality Utah then invited supporters of Prop 8 to demonstrate their lack of antigay rancor by supporting six legislative initiatives on the CGI platform: healthcare rights, fair workplace rights, fair housing rights, inheritance rights, domestic partnerships and clarification of Amendment 3 (removal of the "Super" part of the DOMA). Equality Utah activists also launched a mass public relations campaign to build the Common Ground identity, and now Common Ground buttons, stickers and signs can be seen all over Salt Lake City, gracing shirts, cars, homes, businesses and lawns.

Polling by the *Salt Lake Tribune* and Equality Utah showed majority support for the core CGI issues not only in Salt Lake City and County but statewide. In an early January Equality Utah poll,

62 percent of voters supported employment nondiscrimination laws, 56 percent supported fair housing laws and 73 percent supported granting adult designees of state employees health insurance coverage. The *Tribune* poll also found that 56 percent backed legal protections like inheritance rights and job protection for LGBT people.

The CGI also won the backing of wildly popular Republican Governor Jon Huntsman, who on February 9 surprised the national press by calling for civil unions for same-sex couples and endorsing CGI's first package of legislation. Huntsman had endorsed Amendment 3 when he ran for office in 2004, but his recent change of mind and support for civil unions is out in front of Utah public opinion, which still opposes civil unions by 70 percent. Many pundits surmise that Huntsman's switch is aimed at courting a national public as he prepares to run for president (from his likely perch as ambassador to China). But Huntsman didn't change his position in a political vacuum in Utah. Clearly established public support for most of the CGI issues, disarticulated from the national drive for marriage equality, makes Huntsman's call for civil unions politically viable. The soon-to-be-former governor retains an 84 percent approval rating in his home state.

But despite this outpouring of support and despite dogged work by Equality Utah executive director Mike Thompson (since moved to San Francisco) and staffers Will Carlson, Lauren Littlefield and Keri Jones, who mobilized an army of volunteers energized by the passage of Prop 8, the first three bills to come out of the Common Ground Initiative failed in committee during the 2009 legislative session. A coordinated cadre of antigay legislators schemed to undercut the three bills--covering wrongful death, eliminating housing and employment discrimination and establishing an "Adult Joint Support Declaration" registry--before they could come to a vote on the floor of the Legislature.

The brilliance of the CGI strategy, however, does not lie in the likelihood of immediate or enthusiastic endorsements from conservative opponents in the Legislature or the Mormon Church. Rather, the brilliance of the strategy is its ability to refocus public opinion, put conservative opponents on the defensive, shift public perception of the barriers to LGBT equality and broaden the scope of action to include the needs of people living in nonconjugal households, be they straight, gay or other.

Utah's activists are looking beyond marriage equality in a variety of other ways. Sometimes forced by Amendment 3 to ask for less than marriage would provide, they are also pushing ahead to ask for more. Challenged in public venues by conservative claims that CGI is just a step toward marriage equality, Equality Utah organizers repeatedly stress a simple but often overlooked fact: many basic rights and protections for LGBT citizens, including some on the CGI list, are not guaranteed by marriage. Housing and employment discrimination, for example, could continue against married or cohabiting couples as well as single people. That point is very well taken in the current political climate, when marriage equality often stands in for all civil equality.

The CGI legislative initiatives also include provisions that allocate benefits to Utahns living in nonconjugal households, those whose primary "next of kin" and interdependent relations are not with romantic or sexual partners--elderly caretaker households or close friends who live together and share finances, for example. Building on the existing provision in Salt Lake City that grants health insurance benefits to the "adult designees" of city employees, one of the CGI proposals

would create an Adult Joint Support Declaration. Such declarations would provide a legal mechanism for adults who take responsibility for each other to have hospital visitation, medical decision-making and inheritance rights. Though designed to get around Amendment 3, which bars recognition of "marriage like" relationships, including domestic partnerships, the Adult Joint Support Declaration bill would actually extend rights to a far broader range of households than marriage or even domestic partnerships do.

Such proposals begin to make the diversity of households and interdependent relationships visible and highlight the limits of a marriage-focused gay rights agenda that prioritizes the needs of the conventionally coupled. Such provisions could also make coalition-building easier: get the AARP on board to lobby for medical next of kin, tax and inheritance rights for "Golden Girls" households, or attract libertarians who want to take the state out of the business of "recognizing" sexual or romantic relationships entirely.

<!--pagebreak-->

Activists took on the conservative opposition in some new ways as well. During the 2009 legislative session, notoriously Neanderthal Republican state legislator Chris Butters was recorded making another in a long series of offensive antigay remarks:

They're probably the greatest threat to America goin' down I know of. Homosexuality will always be a sexual perversion, but you say that around here now and everybody goes nuts. But I don't care. What is the morals of a gay person? You can't answer that, because anything goes. They wanna talk about being nice? They're the meanest buggers I've ever seen.

Rather than resort to earnest denunciation, gay and progressive Utahns got together to throw a big party--Butters-Palooza--to thank the legislator for clarifying the nature of the opposition and bringing them all together. Troy Williams of KRCL and Michael Mueller of Utahns for Marriage Equality brought together a coalition of organizations including Utah Jobs With Justice, the Healthy Environment Alliance, the Brown Berets, Trans Action Utah, the Utah Pride Center and the state branches of Planned Parenthood, the Human Rights Campaign and the ACLU. On a soundstage powered by a giant Solar Saucer, speakers mixed with bands and break dancers. Below, on the lawn of the state Capitol, an unprecedented range of progressive forces gathered to demand social justice across all their issues.

Nonetheless, the barriers to progressive action are as formidable as the powers arrayed against them. Activists are up against an intransigent LDS hierarchy active in state politics and a state legislature as reactionary as any in the country. LGBT kids in Utah still must cope with an often devastatingly hostile environment outside Salt Lake City. A 2008 survey by the Utah Volunteers of America showed that 48 percent of homeless youth in its outreach program identified as LGBT or nonheterosexual. (A documentary by Salt Lake City filmmaker Natalie Avery tracing the difficult plight of these young people was broadcast last year on the public television station KUED.) Yet until recently, it was illegal to offer shelter to a homeless minor in Utah without parental permission. But now, thanks to the passage of HB22 during the 2009 legislative session, homeless or abandoned youth, including runaways from polygamous families and queer kids, can be sheltered by individuals or organizations; notification of the Division of Child and Family Services

will prevent criminal charges.

Changing public opinion and shifting demographics lie behind such legislative change, slow as it is. Along with the soaring popularity of departing moderate Republican Governor Huntsman, such changes indicate that the LDS hierarchy and conservative Republican moralists are increasingly out of touch with their constituencies. Most optimistically, my education in Utah leads me to believe that what's happening here can be a model not only for queer progressive politics in the DOMA states but for organizing at the federal level as well.

Every state has specific local conditions to contend with. But many states, Georgia and Texas for example, might profit from a close look at Utah's CGI. Both states have Super DOMAs and no statewide job or housing protections for LGBT residents, but they are also home to dedicated activists and vibrant queer communities in Atlanta and Dallas.

CGI's inclusive strategy might also work well at the national level. During three speeches at the Utah Pride Festival, Cleve Jones, former Harvey Milk protege and founder of the NAMES Project, the AIDS Memorial Quilt, called for an October 11 march on Washington. Jones said that the march would be for "full civil equality," but he never mentioned marriage equality specifically. Though some news outlets reported that he called for a "gay marriage" march, Jones later confirmed in an e-mail to me that though full civil equality includes the right to marry, he intentionally left out a specific appeal on the marriage issue in favor of a single, more all-encompassing sentence. "We seek equal protection under the law, in all matters governed by civil law, in all fifty states," he wrote.

The crowds in Salt Lake City reacted to Jones's call for full civil equality with the kind of energy and emotion that only marriage politics have been generating at LGBT gatherings for nearly a decade. It can be daunting to try to mobilize constituencies with lists of rights, benefits and a more democratic menu of partnership and household recognitions than marriage only. Even universal healthcare, though broadly desired by queer Americans as much as by any others, fails to generate fiery rhetoric or stoke the energy of crowds. It remains to be seen whether a call for full civil equality can produce mass mobilization, or whether it might soon be reduced to a call for gay marriage only, or worse, to the production of just another commercially sponsored gay parade. The devil will be in the details, which will be settled in the weeks to come.

But my months in the Beehive State have taught me that a call for basic fairness and full civil equality, made in terms that include queers but are not limited to them, can rally progressive action in even the most arid conditions. Such outside-the-box strategy, focusing on concrete material benefits that cut across constituencies, can help sidestep the polarizing ferocity of gay-marriage politics, which engulfed California last year. "Full civil equality" expressed in these terms extends beyond the conventional conjugal couple to include the distribution of rights and resources to other individuals and households, to homeless youth, transgendered workers, hounded immigrants, impoverished single parents and beyond.

More ambitious, a close analysis of the CGI agenda's list of benefits can help us realize that universalizing some of those benefits, especially access to healthcare, would obviate the need to attach them to partnerships, households or employment in the first place. Universalized benefits and

broader basic household and partnership recognition beyond the conjugal couple might ultimately make marriage less necessary and desirable across the board. Indeed, this vision at the center of the right-wing nightmare (we'll all become unmarried socialists, like in Sweden!) appears to leftist dykes like me as a dream. Perhaps defining queer issues as those that address the needs of most of us (like healthcare or childcare), rather than merely those that address only gay people, can move us out of isolation and into overlapping alliances that might change all our lives for the better.

Instead of advocating domesticity and promoting consumption under the name of equality politics, as the mainstream LGBT movement currently does, we might do something truly weird and definitely queer: look to Utah for inspiration.

---

**Source URL:** <http://www.thenation.com/article/whats-right-utah>