THE ROLE OF CONGRESS IN ADVANCING CIVIL RIGHTS: LESSONS FROM TWO MOVEMENTS*

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It's wonderful to be here today. This is an exciting time in the marriage equality movement. Just yesterday a Texas judge struck down that state's ban on marriage between same-sex couples. This comes on the heels of Virginia's and Oregon's Attorneys General announcing that they will not defend their state's anti-marriage laws.

This is the perfect time to take stock of where we've been, where we are, and where we'd like to go. I'd like to thank Professor Suzanne Goldberg, the Center for Gender and Sexuality Law, and the Law School for convening this symposium. I've been lucky for the opportunity to work closely with my fellow panelists on issues at the core of who we are as a nation and as individuals. I'd also like to thank my colleague Edward Edney for his assistance with these remarks.

For the past seven years, I have been counsel to the Democratic Members of the House Judiciary Committee, working primarily on constitutional law and civil rights matters. While I am excited for this opportunity to share what I have learned, in speaking here today I do not represent the views of any particular House Member or the House Judiciary Committee. Rather, my views—though unquestionably informed by my work on the Hill—are solely my own.

My work for the Committee has included LGBT and reproductive rights, disability rights, sex and race discrimination, First Amendment speech and religion issues, Fourth Amendment search and privacy issues, and an array of national security matters.

The House is a majoritarian body. The party with the numerical majority generally has the power to work its will. The majority members set the legislative agenda: they choose the hearings to be held, decide what bills will move through committee, and what will be brought to the floor for a vote. Strategy necessarily shifts depending on whether a party is in the majority or the minority. When in the majority, an issue must have or gain sufficient visibility and support—and the sustained interest of a sufficient number of members—to move through both chambers of Congress. In the minority, the goal may not be defeating legislation (as this is often numerically impossible) but creating a robust legislative record that tells your side of the story, and provides guidance to agencies and courts later called

upon to implement and interpret the law.

This means that—even when fighting battles that you will lose because you don't have the votes—how you fight a battle and long-term strategy are critically important. You have to talk about the issue in a way that will win over hearts and minds in the long run, and you have to build a grassroots and a grasstops movement that will support members when they support you.

So what has and does this mean for marriage equality and reproductive rights at the federal legislative level?

I. Marriage Equality

When I started with the Committee in 2007, there was no active discussion about repealing the Defense of Marriage Act ("DOMA").[1] Repeal bills had been introduced in prior Congresses, as had bills on the other side of the issue that sought to amend the Constitution to define marriage as including only opposite-sex couples.[2] These bills would have taken the extraordinary step of stripping states of the authority to decide who to marry, something within the purview of the states since this nation's founding. These measures also sought to strip courts of jurisdiction to hear cases challenging DOMA or seeking marriage equality.[3]

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* These remarks were presented at the Center for Gender & Sexuality Law's Symposium on Marriage Equality and Reproductive Rights: Lessons Learned and the Road Ahead, held at Columbia Law School on February 28, 2014.

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1 Defense of Marriage Act, 104 Pub. L. No. 104-199, 110 Stat. 2419 (1996) (codified in 1 U.S.C. § 7 and 28 U.S.C. § 1738C), *invalidated in part by* United States v. Windsor, 133 S. Ct. 2675 (2013) [hereinafter DOMA].

2 *See, e.g.*, State Regulation of Marriage Is Appropriate Act, H.R. 6115, 110th Cong. (2008) (repealing Section 3 of DOMA).

3 *See, e.g.*, H.R.J. Res. 22, 110th Cong. (2007) (proposing amendment of the Constitution to declare that marriage in the United States shall consist only of the union of a man and a woman and prohibiting the Constitution or any law from being construed to require legal recognition of same-sex couples).

A. Federal Legislation to Repeal DOMA: The Respect for Marriage Act

Though it may be hard to believe in light of the incredible progress of the last two years, it took vision and dedication to start the campaign to repeal DOMA in 2008. At that point, court cases had achieved marriage equality only in a handful of states, limited to the East Coast and California. Only California had moved in a positive legislative direction, passing marriage equality bills in 2005 and 2007.[4] But Governor Schwarzenegger had vetoed both measures. Anti-marriage ballot referenda were still popular and still passing. For example, California voters approved Proposition 8 and amended California's Constitution to ban marriages of same-sex couples just six months after the California Supreme Court struck down the state's marriage ban.[5] The federal bill to repeal Section 3 of DOMA had no co-sponsors in the 110th Congress, while the bill to amend the United States Constitution to ban marriage between same-sex couples had 92.

Nonetheless, Representative Jerrold Nadler, then the Chairman of the House Judiciary Committee's Subcommittee on Constitution, Civil Liberties and Civil Justice and a longtime champion on civil rights issues, decided that the time had come to start a serious effort to repeal DOMA, and he tasked me with convening the key stakeholders to talk about doing so. Our goal was to build unanimous stakeholder and community support for a federal legislative approach that would complement the marriage equality movement at the state level, and to begin education and outreach to members of Congress.

It took nearly a year of discussion, debate, and research to settle on an approach that gained full support of all the key LGBT community stakeholders. That process—as is true of all consensus-building efforts—had its ups and downs, moments when I believed it would not go forward, and last-minute wrenches in the plan. But in September 2009, Representative Nadler introduced the Respect for Marriage Act in the 111th Congress with 107 original co-sponsors. Our goal was to reach at least a hundred original co-sponsors in order to show that this was a serious effort. We reached that goal prior to introduction, and continued building support for the rest of that Congress and into the next.

As a reminder, DOMA has two operative sections. Section 2 purports to excuse the states from recognizing marriages of same-sex couples performed by other states. Section 3 defines marriage for purpose of federal law as between "one man and one woman as

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4 Assemb. B. 43, 2007 Leg. (Cal. 2007); Assemb. B. 849, 2005 Leg. (Cal. 2005).

5 *In re* Marriage Cases, 183 P.3d 384 (Cal. 2008) (superseded by constitutional amendment, CAL. CONST. art. I, § 7.5, *invalidated by* Perry v. Schwarzenegger, 704 F. Supp. 2d 921 (N.D. Cal. 2010)).

husband and wife."[6] As a result of Section 3, married same-sex couples are excluded from all federal responsibilities and rights, including critical programs like Social Security, that other married couples can rely upon for long-term planning and security.

The Respect for Marriage Act strikes both sections.[7] It also includes a choice-of-law rule that requires recognition of marriages for purposes of federal law based on the "place of celebration." This means that if a marriage is valid where performed or "celebrated," it will be recognized for purposes of federal law. This approach was taken after extensive legal research, including discussions with choice-of law and family law experts from all over the country. This work made clear that a "place of celebration" approach is the best legal and policy option because it promotes certainty and stability for all couples (whether same or opposite sex) and for the federal government.

After reaching consensus on an approach, we worked to gain Senate support for a companion bill so that the initial introduction in 2009 would be bicameral. We also urged the Administration to support the bill or at least recognize it as a step forward on this critical issue, particularly given President Obama's call for DOMA's repeal. We got neither in 2009, but by introducing the bill and continuing to build support, we got both when we reintroduced in 2011. That bill—introduced by Representative Nadler and Senator Dianne Feinstein in the 112th Congress—gained the support of 160 House Members and 32 Senators.[8] President Obama endorsed it in July 2011.[9] Currently, the Respect for Marriage Act enjoys the support of 183 House Members and 45 Senators.[10]

Congress has not yet repealed DOMA, but that day will come. And introduction of the Respect for Marriage Act in 2009—and the corresponding education and outreach campaign—laid the groundwork for a robust congressional *amicus* effort in court cases challenging DOMA.

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6 Defense of Marriage Act, 1 U.S.C. § 7 (2012), *invalidated by* United States v. Windsor, 133 S. Ct. 2675 (2013).

7 *See* H.R. 3567, 111th Cong. (2009).

8 Respect for Marriage Act, H.R. 1116, 112th Cong. (2011); Respect for Marriage Act of 2011, S. 598, 112th Cong. (2011).

9 *President Obama Supports Respect for Marriage Act*, WHITE HOUSE (July 19, 2011), http://www.whitehouse.gov/blog/2011/07/19/president-obama-supports-respect-marriage-act [http://perma.cc/8ACF-6X35].

10 Respect for Marriage Act, H.R. 2523, 113th Cong. (2013); Respect for Marriage Act, S. 1236, 113th Cong. (2013).

B. Congressional Involvement in Court Cases Challenging DOMA

In February 2011, and facing several cases challenging Section 3 of DOMA, Attorney General Eric Holder informed Congress that President Obama had determined that Section 3 of DOMA was unconstitutional. As a result, while the Administration would continue to enforce the law until Congress repealed it or the Supreme Court struck it down, the Administration would no longer defend DOMA in court. Over the objection of many House Members, and by virtue of a 3-2 vote of the Bipartisan Legal Advisory Group, Republican Speaker of the House John Boehner decided to continue defending the law. [11]

In response, Representative Nadler asked me to spearhead an amicus effort to ensure that Members who disagreed with the Speaker, and who did not believe that the House should be defending DOMA, would have a chance to have their voices heard.

We filed briefs as each case reached the appellate court level. Through these briefs, Members provided a different perspective than that being presented by the lawyers hired by Speaker Boehner to defend DOMA. Those briefs made it clear that the Congress was not united on this issue, that the House lawyers did not speak for the entire institution, and that many Members did not believe that the federal government has any legitimate interest in denying married same-sex couples the legal security, rights, and responsibilities that federal law provides to couples who are married under state law. When one of these cases—the challenge brought by Edie Windsor—got to the Supreme Court, 212 Members of Congress signed a bicameral amicus brief arguing that Section 3 is unconstitutional and should be struck down.[12] That brief is appended to this piece.

This was no small feat. Congress, as an institution, is usually reluctant to support heightened judicial review of its laws or to argue that a law it passed is unconstitutional. Our amicus brief did both. And it came from some Members who had voted for DOMA in 1996. Among other things, we needed to explain why these Members had changed their

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11 The Bipartisan Legal Advisory Group (BLAG) is a standing body of the U.S. House of Representatives that directs the activities of the House Office of General Counsel. The BLAG consists of five members of House leadership: the Speaker, majority and minority leaders, and majority and minority whips. The BLAG vote on whether to defend DOMA was split 3-2 along party lines, with the Republican leaders voting to defend and Democratic leaders voting against the continued defense of DOMA. Felicia Sonmez, *House to Defend the Defense of Marriage Act in court*, WASH. POST (Mar. 9, 2011, 7:26 PM), http://voices.washingtonpost.com/2chambers/2011/03/house_to_defend_the_defense_of.html [http://perma.cc/JD4Y-DNAN].

12 Brief of 172 Members of the U.S. House of Representatives & 40 U.S. Senators as Amici Curiae in Support of Respondent, United States v. Windsor, 133 S. Ct. 2675 (2013) (No. 12-307), 2013 WL 840029.

minds.

The why now seems simple, and you've heard other panelists comment on it: many Americans in 1996 believed they didn't know anyone who was gay or lesbian, making it easier for reflexive fear and negative stereotypes to dominate the debate. But that has changed. Most people now have friends, family, neighbors, or colleagues who are openly LGBT. As a result, fears and stereotypes have given way to greater understanding that same-sex couples seek the same basic opportunities as their neighbors, including the desire to take on the serious legal commitment of marriage. As we argued in our brief, denying these couples federal recognition does not rationally serve any legitimate federal interest.

The Supreme Court agreed, finding that Section 3 violates federal equal protection guarantees.[13] Since that decision, the Administration has worked to ensure robust recognition of married same-sex couples for purposes of federal law, as the *Windsor* decision demands. It is heartening that the Respect for Marriage Act's "place of celebration" approach is at the core of that work. But Congress still needs to enact the Respect for Marriage Act to clarify and ensure that the "place of celebration" rule applies across-the-board, and to repeal Section 2 of DOMA and restore the status quo pre-DOMA with regard to interstate recognition of marriages.

II. Reproductive Rights

During the first few years of my work for the Committee and while Democrats were in the majority, women's equality issues were getting positive attention and gaining momentum. I was lead Judiciary Committee counsel on the Ledbetter Fair Pay Act, which was Congress's response to the Supreme Court's decision that Lilly Ledbetter's sex discrimination claim under Title VII was filed too late.[14] Ms. Ledbetter filed suit shortly after discovering that she had been paid far less than her male counterparts during her entire career. The Supreme Court ruled, however, that because she did not file within 180 days of the date she was first paid less than her male colleagues, her claim was time barred. Congress overturned that ruling, and the Ledbetter Fair Pay Act was the first bill that President Obama signed into law.[15]

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13 United States v. Windsor, 133 S. Ct. 2675, 2682 (2013).

14 Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007).

15 Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5 (2009).

During this time period, abortion came up at the federal legislative level primarily in the context of the Affordable Care Act ("ACA"). There, anti-abortion legislators—some of whom also vehemently opposed the ACA (also known as "Obamacare")—insisted that taxpayer dollars would now be used to pay for abortion, something that Congress has prevented for more than 30 years through restrictions originally put in place in 1978 by the Hyde Amendment. Though many Members vehemently disagreed with the claim that the ACA would result in federal funding for abortion, a compromise was reached in order to pass the law. That compromise requires strict segregation of money used to pay for abortion coverage in insurance plans but preserves access to insurance that covers abortion.[16] Given the fact that the vast majority—approximately 87%—of the plans that employees obtain through their employers provide such coverage,[17] preserving access to the insurance that women and their families currently have and rely upon is critically important.

The story for women's equality measures has been decidedly different since 2010, when Republicans gained majority control of the House. Rather than enhancing protections and rights, the Committee Majority has moved several bills that would further restrict access to abortion and reproductive services.[18] This has included legislation that, for the first time ever, would penalize the use of purely private funds when used to purchase insurance that covers abortion or to pay for abortion-related health care services.[19]

At the same time, the Committee majority has portrayed measures that increase access to contraception as an attack on religious liberty.[20] This effort is also being used by opponents of marriage equality and laws that provide civil rights protections to the LGBT

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16 Patient Protection and Affordable Care Act, Pub. L. No. 111-148, §§ 1303, 1334(a)(6), 124 Stat. 119, 168–71, 899 (2010).

17 A federally-reported study by the Guttmacher Institute found that in 2002, eighty-seven percent of employer-based insurance plans covered abortion. *Memo on Insurance Coverage of Abortion*, GUTTMACHER INST., http://www.guttmacher.org/media/inthenews/2009/07/22/index.html [http://perma.cc/P7JN-B3XN] (last visited Jan. 8, 2015).

18 *See, e.g.*, No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act of 2014, H.R. 7, 113th Cong. (2013); Pain-Capable Unborn Child Protection Act, H.R. 1797, 113th Cong. (2013); Child Interstate Abortion Notification Act, H.R. 2299 112th Cong. (2011); Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2012, H.R. 3541, 112th Cong. (2011).

19 H.R. 7, 113th Cong. (2013); see also H.R. REP. No. 113-332, at 25 (2014) (dissenting views).

20 *See, e.g., Executive Overreach: The HHS Mandate Versus Religious Liberty: Hearing Before the H. Comm. on the Judiciary*, 112th Cong. 1–2 (2012) (statement of Rep. Lamar Smith, Chairman, H. Comm. on the Judiciary).

community.

A clear example of this is the opposition to the inclusion of contraception as part of required preventive services under the Affordable Care Act. In the ACA, Congress required newly issued health care plans to cover preventive health services at no cost to patients to ensure access to services that improve health and well-being.[21] Because the existing preventive care guidelines otherwise incorporated into the ACA leave significant gaps in coverage for women, Congress required—through the Women's Health Amendment—the Department of Health and Human Services (HHS) to identify additional preventive health services that should be covered and provided to patients at no cost. HHS asked the Institute of Medicine (IOM)—a nonpartisan organization that operates as part of the congressionally chartered National Academy of Sciences to provide authoritative, unbiased advice to the federal government on health and medical issues—to review the available evidence and recommend additional women's preventive health services.

The IOM gathered evidence, deliberated, and held several public meetings before issuing eight recommendations. [22] One of those was provision of "the full range of Food and Drug Administration-approved contraceptive methods, sterilization procedures, and patient education and counseling for all women with reproductive capacity."[23]

On August 1, 2011 HHS's Health and Services Administration adopted all eight recommendations, including the recommendation for the full range of FDA-approved contraceptive services. Over the next year, the Administration worked to craft rules that would accommodate religious employers and religiously-affiliated non-profits who objected to coverage for contraception on religious grounds. These rules exempt those who qualify as "religious employers" from the coverage requirement altogether while also excusing non-profit religious institutions (such as religiously-affiliated charities, hospitals, and universities) from providing insurance that includes contraception. For these entities, coverage for contraception must come directly

21 Patient Protection and Affordable Care Act, Pub. L. No. 111–148, § 2713, 124 Stat. 119, 131 (2010) (codified at 42 U.S.C. § 300gg-13 (2012)).

22 INSTITUTE OF MEDICINE, CLINICAL PREVENTIVE SERVICES FOR WOMEN: CLOSING THE GAPS iv (2011), *available at* http://books.nap.edu/openbook.php?record_id=13181 [http://perma.cc/Z2WS-8ZRN] [hereinafter IOM REPORT].

23 IOM REPORT, *supra* note 22, at 8–12. IOM also recommended: well-woman visits, screening for gestational diabetes, testing for human papillomavirus (HPV), counseling for sexually transmitted infections, counseling and screening for HIV, breastfeeding support and counseling, and screening and counseling for domestic violence.

from insurance companies.[24] President Obama announced that this compromise would assure that: (1) free preventive care includes access to contraceptive care for women; and (2) non-profit organizations with religious objections will not have to provide these services directly or to pay for them.[25]

Many religiously-affiliated entities supported this accommodation.[26] Others still objected to inclusion of contraception services as part of any insurance plan provided to their employees. [27] Some of the objecting entities sued HHS, arguing that any rule requiring coverage for contraception violates the First Amendment and the Religious Freedom Restoration Act of 1993 (RFRA), passed by Congress to restore the balancing test requiring that laws burdening religion serve a compelling government interest.[28] These non-profit entities were soon joined by some for-profit businesses, whose owners similarly argue that requiring insurance that covers contraception violates RFRA and their First Amendment

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24 Accommodations in Connection with Coverage of Preventive Health Services, 26 C.F.R. § 54.9815-2713A (2014).

25 *Remarks by the President on Preventive Care*, WHITE HOUSE, OFFICE OF THE PRESS SECRETARY (Feb. 10, 2012), http://www.whitehouse.gov/the-press-office/2012/02/10/remarks-president-preventive-care [http://perma.cc/RP8W-E3HU].

26 Groups like the Catholic Health Association, the Sisters of Mercy, Catholics United, Network-National Catholic Social Justice Lobby, and the Leadership Conference of Women Religious praised the administration for working with the religious community to reach a compromise. Several other groups—including Catholic Charities USA, the Association of Jesuit Colleges and Universities, and the president of the University of Notre Dame—praised the administration for addressing concerns raised by the religious community while indicating that some clarification was required. Nicolas Cafardi of Duquesne University said of the compromise, "The bishops have prevailed . . . [and] should be gracious in their victory." Cheryl Wetzstein, *Obama contraception mandate gets support from Catholics*, WASH. TIMES, Feb. 15, 2012, *available at* http://www.washingtontimes.com/news/2012/feb/15/obama-contraception-mandate-gets-support-catholics/ [http://perma.cc/5V29-TUVJ]. Stephen Schneck, director of Catholic University of America's Institute for Policy Research and Catholic Studies, noted that "the very remoteness of our participation in those contraception offerings . . . [ensures that] we are not in any way morally compromised." *Id.* Schneck continued, "I feel completely satisfied" with the administration's solution. *Id.*

27 Richard Wolfe and Cynthia Lynn Grossman, *Obama Mandate on Birth Control Coverage Stirs Controversy*, USA TODAY (Feb. 9. 2012, 10:36 AM), http://usatoday30.usatoday.com/news/washington/story/2012-02-08/catholics-contraceptive-mandate/53014864/1 [http://perma.cc/8WUL-WE6F] (reporting general counsel for the U.S. Conference of Catholic Bishops as demanding removal of the provision from the health care law altogether); *see also* BECKET FUND, *HHS Mandate Information Central*, www.becketfund.org/hhsinformationcentral/ [http://perma.cc/74QZ-UMER] (last visited Jan. 9, 2015).

28 Religious Freedom Restoration Act, Pub. L. No. 103-141, 107 Stat. 1488 (1993) (codified as amended in scattered sections of 42 U.S.C. (2012)).

free exercise rights.[29] In the cases brought by for-profit entities, the plaintiffs seek to convince the Court that for-profit entities operating in the commercial sphere should be exempt from a generally applicable law because of a burden on the religious beliefs of an employer, owner, manager or director. When such an argument has been made in the past, the Court has rejected it.[30]

The challenge to the contraceptive coverage requirement brought by two for-profit entities is now pending before the Supreme Court. As with the DOMA cases, a number of House Members—including many of the Members that I work with on the Judiciary Committee—are participating as *amici* in that case.[31] The House *amici* support the Administration's position that for-profit entities do not have the same protections as are afforded to religious employers or religiously-affiliated not-for-profits, and that the contraceptive coverage requirement does not substantially burden the free exercise of religion. These Members also defend the contraceptive coverage requirement as a narrowly tailored means of achieving the federal government's compelling interests in protecting women's health and ensuring much-needed gender equity in health insurance coverage.[32]

The Supreme Court will rule on these cases this June. That decision may prove harmful if the court breaks new ground and allows for-profit entities operating in the commercial sphere to avoid complying with laws of general applicability based on the religious beliefs of their owners. Such a ruling would also open the door, for example, to claims that a restaurant owner who opposes marriage equality can refuse to serve same-sex couples and their children or that employers who oppose blood transfusions can withhold insurance coverage for that service. In any event, and regardless of how the Court rules in this instance, it is clear that there is more work to be done on the intersection of civil rights and religious accommodation.

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29 *See, e.g.*, Conestoga Wood Specialties Corp. v. HHS, 724 F.3d 377 (3d Cir. 2013), *rev'd and remanded by* Burwell v. Hobby Lobby Stores, 124 S. Ct. 2751 (2014)); Hobby Lobby v. Sebelius, 723 F.3d 1114 (10th Cir. 2013).

30 *See, e.g.*, United States v. Lee, 455 U.S. 252 (1982); Braunfeld v. Brown, 366 U.S. 599 (1961); Newman v. Piggie Park Enterprises, Inc., 377 F.2d 433 (4th Cir. 1967), *aff'd*, 390 U.S. 400 (1968).

31 *See* Brief for 91 Members of the U.S. House of Representatives as Amici Curiae in Support of the Government, Burwell v. Hobby Lobby Stores, 134 S. Ct. 2751 (2014) (No. 13-354), 2014 WL 334439.

32 *Id.*

III. Lessons Learned/The Road Ahead

Advancing marriage equality and reproductive rights through the legislative process will continue to require sustained commitment and increased visibility and engagement. Even when there are insufficient votes to pass positive measures or defeat harmful ones, it is possible to lay the groundwork for change. Some of the successful campaigns that I have seen in my time on the Hill include the following basic components:

- A clear, consistent, compelling message. Good campaigns are built on real people. Putting a human face on the issue is critical, and helps lawmakers understand that what they do can be tremendously helpful, or harmful. For the LGBT movement, the increased ability and willingness of the community to live openly in their families, in the workplace, and in their communities have unquestionably advanced LGBT civil rights. With regard to reproductive rights, telling one's story does not necessarily mean having to "come out" about personal reproductive needs. For example, Sandra Fluke—whose message went viral after she was denied the opportunity to testify at a hearing by the Republican Chairman of the House Oversight and Government Reform Committee—was not talking about her own need for contraception or her own decision whether to carry a pregnancy to term. But she nevertheless made clear the importance of access to contraception and how that impacts the immediate health and long-term life choices of young women in this country.

- Win as much as you can in every loss. Every debate, court case, or hearing provides an opportunity to tell your side of the story. Make that count.

- Work well as a coalition and across coalitions. Fractures within a stakeholder community will kill a campaign as lawmakers will be reluctant to take sides on an internal struggle, particularly when there are also external opponents to confront. It is also important to build long-term relationships with other coalitions, efforts that need to start before you show up on a group's doorstep asking them to get behind you on your issues.

- Frame issues within your audience's comfort zone. People generally like, or are at least comfortable with, what they know and fear the unfamiliar. To the extent possible, it is helpful to position your issues within familiar frameworks. The push for "marriage equality" demonstrates this. Those two words capture an important theme and message: same-sex couples want the same thing as opposite-sex

couples. They do not seek to alter or destroy the institution of marriage but to join and strengthen it. They want the opportunity to show their mutual commitment, gain legal security, and express their love for one another in the manner that is universally understood—by getting married.