

# SELLING HOMOSEXUALITY TO AMERICA

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"[I]nstitutional sites from which discourse proceeds must be identified . . . . [D]iscourse is power itself, and the power to control discourse is thus the master power in any society."<sup>1</sup>

"Truth is not the issue. The issue is power."<sup>2</sup>

## I. INTRODUCTION

Among America's culture wars, one of today's most intense controversies rages around the issue alternatively identified, depending on one's point of view, as "normalizing homosexuality" or "accepting gayness." The debate is truly a social-ethical-moral conceptual war that transcends both the scientific and legal, though science and law most often are the weapons of choice. The ammunition for these weapons, however, is persuasion.

This article explores how *gay rights*<sup>3</sup> activists use rhetoric, psychology, social psychology, and the media—all the elements of modern marketing—to *position* homosexuality in order to frame what is discussed in the public arena and how it is discussed. In essence, when it comes to homosexuality, activists want to shape "what everyone knows" and

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<sup>1</sup> BARRY BRUMMETT, *READING RHETORICAL THEORY* 817 (2000) (describing Michel Foucault's theories on power and sexuality). Foucault was a noted French scholar who died of complications from AIDS in 1984. *Id.* "Foucault's own homosexuality and his discovery that sexuality has been an issue of power throughout much of history led him to write a series of works on the history of sexuality." SONJA K. FOSS ET AL., *CONTEMPORARY PERSPECTIVES ON RHETORIC* 214 (2d ed. 1991).

<sup>2</sup> GENE EDWARD VEITH, JR., *POSTMODERN TIMES: A CHRISTIAN GUIDE TO CONTEMPORARY THOUGHT AND CULTURE* 57 (1994).

<sup>3</sup> The very use of the phrase "gay rights" illustrates both the rhetorical success of pro-gay activists and the rhetorical problem facing those opposing the homosexual movement's campaign to legitimize homosexuality as a protected class status. While the origins of the term "gay" to substitute for homosexual are debated, the term itself is a preferred euphemistic construct because it de-emphasizes sex and make more palatable the basic idea of homo-sex-uality. Likewise, use of the term "rights" presumes, or at least frames any discussion with, a pro-gay bias; homosexuals either are entitled to or are being deprived of something. In either case, the opposition is already at a linguistic disadvantage and put on the defensive. For that reason, homosexual or homosexuality, are most often used in this text as correct, unloaded nomenclature.

"what everyone takes for granted" even if everyone does not really know and even if it should not be taken for granted.<sup>4</sup>

The first strategy of persuasion is to establish a favorable climate for your message so that the communicator (marketer) can influence the future decision without even appearing to be persuading. Pratkanis and Aronson refer to this as pre-selling.<sup>5</sup> This is at the heart of the homosexual campaign: to get consent via social construct today to determine whose idea of personal freedoms will prevail in our legal codes tomorrow.

Part II of this article provides a brief overview of the social climate and politics that ultimately led to the American Psychiatric Association's (APA) imprimatur of homosexual behavior. The declassification of homosexuality as a disorder by the APA provides context for the propaganda war proposed by Kirk and Madsen's homosexual manifesto fifteen years later. The section ends by reviewing the main elements of the campaign including the call to specifically discredit, intimidate, and silence opponents with particular attention paid to conservative Christians.

Part III presents the connection between persuasion and democratic processes. Rhetoric, persuasive communication, propaganda, and social psychology theories are foundational to the concept of *selling* homosexuality as presented in this article. The purpose of this section is to provide a greater understanding of *why* persuasion works in order to strengthen the later discussion of *how* it is applied in the mass persuasion techniques evidenced in today's "gay rights"-style marketing.

Part IV moves to the "4-P's" of the traditional marketing paradigm—Product, Price, Place, and Promotion—to deconstruct and to illustrate how homosexuality is packaged and sold as a competitive product in the marketplace often through *education*<sup>6</sup> and through positive media coverage. "What is pitched is different—a product brand versus an issue—but the method is the same. In each case, the critical thing is not to let

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<sup>4</sup> ANTHONY R. PRATKANIS & ELLIOT ARONSON, *AGE OF PROPAGANDA: THE EVERYDAY USE AND ABUSE OF PERSUASION* 51 (rev. ed. 2001).

<sup>5</sup> *Id.*

<sup>6</sup> The relationship between education and marketing can not be overemphasized. That the *institution* of education is a prime marketing communications channel is demonstrated by companies like Apple Computer which hopes to create lifelong consumers by making Apple products the first computers children use. Channel One Communications gave schools a satellite dish, a cable hookup, a television monitor for each classroom, and an agreement to service the equipment for three years in exchange for just two minutes of age appropriate ads delivered into the classroom. While some state school systems originally said no to Channel One, the Consumers Union Education Services (CUES) notes that Channel One Communications reports that its program is viewed in 350,000 classrooms." AMY ADIMAN, *ADVERTISING IN THE SCHOOLS* (1995), ERIC Digest 389473, available at [http://www.ed.gov/databases/ERIC\\_Digests/ed389473.html](http://www.ed.gov/databases/ERIC_Digests/ed389473.html) (last visited Apr. 10, 2002).

the public know how it is done,"<sup>7</sup> states Tammy Bruce, a self-described lesbian feminist and ex-president of the Los Angeles chapter of the National Organization for Women.<sup>8</sup>

Part V presents several real examples of how this strategy is employed in five important markets of social influence. The areas examined, which touch every citizen in America, are government, education, organized religion, the media, and the workplace.

Part VI concludes by recapping some achievements of the gay rights campaign and discussing what these may portend for their opponents and American society in the future.

## II. GETTING HERE FROM THERE

### A. Kinsey to the APA Victory of 1973

A basic understanding of how the social definition of homosexuality has seen change over the course of this century is important. Homosexuality was considered criminal under the law and evil by the church. Homosexuals were rescued by the medical establishment when the condition was "medicalized" early in the 1900s and redefined as a pathological condition, a disease. Then, beginning in the 1950s, scientific and political forces converged.<sup>9</sup>

Until Alfred Kinsey claimed that the *large majority* of Americans had homosexual interests and John D. Rockefeller's empire marketed Kinsey's voluminous *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953) studies<sup>10</sup> five decades ago,

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<sup>7</sup> TAMMY BRUCE, *THE NEW THOUGHT POLICE* 196 (2001). Ms. Bruce is an example of a credible voice within the gay rights ranks who believes the far left has taken war for gay rights over the line into a war against free speech. Why—"not letting the public know how it is done"—is important is discussed later in this article.

<sup>8</sup> *Id.* at xi.

<sup>9</sup> David Hawkins, *Psychotherapy for Gay and Lesbian Clients*, *PSYCHIATRIC TIMES*, Jan. 1998, available at <http://www.psychiatrictimes.com/p980142.html> (last visited Apr. 8, 2002).

<sup>10</sup> Kinsey actually claimed that sexuality was a continuum from strictly heterosexual to strictly homosexual. Neither category made up the majority. See JUDITH A. REISMAN, *KINSEY: CRIMES AND CONSEQUENCES* 31 (1998). There is significant evidence that these publications were marketing masterpieces of seriously flawed, possibly even fraudulent, research that had a predetermined goal of engineering a social-sexual revolution in America. A division of the Rockefeller Foundation underwrote the studies. Many salient results have never been corroborated by independent research and the raw data has never been released to other researchers for verification. Many meta-studies of peer-reviewed research have run counter to Kinsey's reported findings especially as to the prevalence of homosexuality. See, e.g., STANTON L. JONES & MARK A. YARHOUSE, *HOMOSEXUALITY: THE USE OF SCIENTIFIC RESEARCH IN TODAY'S MORAL DEBATE* § 2 (2000).

In fact, Kirk and Madsen themselves as much as admitted in their 1989 work that the "10% of the population is gay" *fact* is actually propaganda. MARSHALL KIRK & HUNTER MADSEN, *AFTER THE BALL: HOW AMERICA WILL CONQUER ITS FEAR AND HATRED OF GAYS IN THE 90S* 15 (1989). Researchers who are critical of the validity of the studies suggest that

few ever spoke of homosexuality in public let alone as a public possibility. It certainly was not "O.K. to be gay" openly in America.

Even so, several years after the Kinsey bombshells, the Group for the Advancement of Psychiatry (GAP), an organization of esteemed physicians founded by the noted psychiatrist William C. Menninger, still defined homosexuality as a treatable disease, a sexual perversion, and as psychological (not biological) in nature.<sup>11</sup>

As late as 1960, all fifty states maintained laws criminalizing sodomy. In 1963 the New York Academy of Medicine Committee on Public Health, restated that not only was homosexuality a disease (disorder), "some homosexuals have gone beyond the plane of defensiveness and now argue that deviancy is a 'desirable, noble, preferable way of life.'"<sup>12</sup> In 1970, it was estimated that 84% of Americans agreed homosexuality was a "social corruption."<sup>13</sup> In fact, far from homosexuality being considered just a social aberration, it was still officially defined by the American Psychiatric Association as a mental disorder.

Years of disruptive homosexual protests at APA annual conferences, some openly backed by the Gay Liberation Front, and aggressive internal homosexual activism finally changed all that in 1973.<sup>14</sup> This political and non-scientific decision was "simply the opening phase of a

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Kinsey may have had a personal stake in what his "research" revealed since it appears that he was an omniseual, i.e. a bisexual and pederast (homosexual pedophile) who engaged in group sexual orgies with the other researchers as part of the "research." See generally, JUDITH A. REISMAN, *KINSEY: CRIMES AND CONSEQUENCES* (1998). See *id.* at 33-34 in particular for an in-depth discussion of problems of methodology, commission, and omission and complaints of "absolutely basic fault" regarding statistical integrity raised by The Rockefeller Foundation staff at the time.

<sup>11</sup> See Group for the Advancement of Psychiatry, *Homosexuality and the Mental Health Profession: The Impact of Bias* (2000), available at <http://www.groupadpsych.org/publications.html> (last visited Apr. 10, 2002). These descriptions are included in this current Group for the Advancement of Psychiatry (GAP) monograph. The tone of the authors seems to be a group mea culpa for their previous findings regarding homosexuality. GAP notes that in the middle of the century, "scientists, scholars, and researchers . . . began the process of *advancing new models* of homosexuality, opened up *new knowledge* and raised *new questions* that were not considered by psychiatrists in 1955." *Id.* The verbiage suggests a movement in attitudinal and bias shift in interpretation rather than scientific discovery occurring. Meanwhile, although both of Kinsey's so-called "landmark" sexuality studies had already been published years before the group's position paper in 1955, the GAP states "new knowledge, models, and new questions that were not considered by psychiatrists in 1955" explains the difference in their position then and now. *Id.* This contradiction would seem to leave open the possible criticism of political revisionism in GAP's explanation of its own change of position.

<sup>12</sup> JEFFREY SATINOVER, *HOMOSEXUALITY AND THE POLITICS OF TRUTH* 32 (1998).

<sup>13</sup> Tony Marco, *What does the Bible REALLY say about Homosexual issues?* (1995), Leadership University, available at <http://www.stonewallrevisited.com/issues/marco2.html> (last visited Apr. 10, 2002).

<sup>14</sup> SATINOVER, *supra* note 12, at 35.

*war with normality*. It was part of a two-phase sexual radicalization, the second phase being the raising of homosexuality to the level of an alternative lifestyle."<sup>15</sup> It appears that this war analogy is justified. The success of the effort to neutralize the APA's disapproval gave the homosexual movement just the weapon they needed for the campaign we see today.

### *B. Sans Facts, Logic, or Proof*

#### 1. The Need for War

"In February 1988, a 'war conference' of 175 leading gay activists, representing organizations from across the land, convened in Warrenton, Virginia, (near Washington, D.C.) to establish a four-point agenda for the gay movement."<sup>16</sup> After that meeting, Harvard-trained social scientists and homosexual activists Marshall Kirk and Hunter Madsen wrote a homosexual manifesto that proposed "[d]ismissing the movement's outworn techniques in favor of carefully calculated public relations propaganda . . . lay[ing] groundwork for the next stage of the gay revolution, and its ultimate victory over bigotry."<sup>17</sup>

The strategies they promulgated are best understood by peering into the authors' shared fundamental belief: "Any society that flatly denies the fact that one or two citizens in every ten have strong homosexual interests, and structures its laws and values around this denial, is, to this extent, seriously ill."<sup>18</sup> Driven by a worldview of victimization, the need for revolution and the establishment of a cultural identity, their strategy was unabashed and blunt: manipulate and control public discourse in order to unite and legitimate one group even at the expense of others.

The war goal was to force acceptance of homosexual culture into the mainstream, to silence opposition, and ultimately to convert American society. This "stunningly systematic and controversial blueprint . . . of carefully calculated public relations propaganda,"<sup>19</sup> has value as a template to guide discussion of how the homosexual movement<sup>20</sup> hopes to achieve social power and codify homosexual behavior as a *right*.

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<sup>15</sup> Charles W. Socarides, *Thought Reform and the Psychology of Homosexual Advocacy*, NARTH 1995 COLLECTED PAPERS (NARTH, Encino, Cal.), Saturday, 29 July 1995, available at <http://www.narth.com/docs/1995papers/socarides.html>.

<sup>16</sup> KIRK & MADSEN, *supra* note 10, at 163.

<sup>17</sup> *Id.* at cover.

<sup>18</sup> *Id.* at xvii.

<sup>19</sup> *Id.* at cover.

<sup>20</sup> It is important to remember that the national leaders and organizations of the "gay rights" movement do not necessarily speak for all or even necessarily the majority of homosexuals, just as the National Organization of Women does not speak for all feminists

Warfare-type tactics are espoused to counter such evils as "homohatred" from being induced in children at an early age, even children who later turn out to be homosexual. People who dissent based on faith are defined as *religious homohaters*. Heterosexuals and even homosexuals who do not tow the gay rights line are also the enemy. Both are labeled as *gay homophobes*<sup>21</sup> who place "the needs of their own cowardice above the reputations and even the lives of millions of others, a failing of the ethical test of life so great that if the [Christian] fundamentalists are even half right they'll go straight to hell."<sup>22</sup>

## 2. Desensitize, Jam, and Convert

The extensive three-stage strategy to Desensitize, Jam and Convert the American public is reminiscent of George Orwell's premise of goodthink and badthink in *1984*.<sup>23</sup> As Kirk and Madsen put it, "To one extent or another, the separability—and manipulability—of the verbal label is the basis for all the abstract principles underlying our proposed campaign."<sup>24</sup>

Desensitization is described as inundating the public in a "continuous flood of gay-related advertising, presented in the least offensive fashion possible. If straights can't shut off the shower, they may at least eventually get used to being wet."<sup>25</sup> But, the activists did not mean advertising in the usual marketing context but, rather, quite a different approach: "The main thing is to *talk about gayness until the issue becomes thoroughly tiresome*."<sup>26</sup> They add, "[S]eek desensitization and nothing more. . . . [I]f you can get [straights] to think [homosexuality] is just *another* thing—meriting no more than a shrug of the shoulders—then your battle for legal and social rights is virtually won."<sup>27</sup> This planned hegemony is a variant of the type that Michael

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or all women. The "Gay rights movement" in the context of this article refers to the loudest and most public voices that propel the national debate.

<sup>21</sup> Note the powerful complexity of this assertion: if one is against homosexual behavior, it is because that person is in fact homosexual and homophobic simultaneously. That is, such a person has *internalized* their own homophobia to hide their own homosexuality from themselves. Although perhaps with merit in some cases, it certainly is a difficult accusation for anyone to counter. Protestations of heterosexual behavior by the accused simply *validate* the accusation of self-delusion. This is an example of what is known as a double bind in psychology or self-reflective paradox (communication theory) that can require a quite sophisticated defense which is often beyond the capabilities of the average person.

<sup>22</sup> KIRK & MADSEN, *supra* note 10, at 127.

<sup>23</sup> GEORGE ORWELL, *1984: A NOVEL* (1949).

<sup>24</sup> KIRK & MADSEN, *supra* note 10, at 129.

<sup>25</sup> *Id.* at 149.

<sup>26</sup> *Id.* at 178.

<sup>27</sup> *Id.* at 177.

Warren describes in *Seeing Through the Media* where it "is not raw overt coercion; it is one group's covert orchestration of compliance by another group through structuring the consciousness of the second group."<sup>28</sup>

Jamming makes use of the rules of Associative Conditioning . . . and Direct Emotional Modeling.

. . . .  
 . . . [T]he bigot need not actually be made to believe . . . that others will now despise him . . . [r]ather, our effect is achieved without reference to facts, logic, or proof. . . . [W]hether he is conscious of the attack or not. Indeed, the more he [the bigot] is distracted by any incidental, even specious, surface arguments, the less conscious he'll be of the true nature of the process—which is all to the good.<sup>29</sup>

Jamming is psychological terrorism meant to silence expression of or even support for dissenting opinion. According to one knowledgeable source, "Dr. Laura is only the most visible victim of this new assault on free speech and thought."<sup>30</sup>

The final stage, Conversion, means the "conversion of the average American's emotions, mind, and will, through a planned psychological attack, in the form of propaganda fed to the nation via the media." With Conversion, the bigot is shown images of "his crowd actually associating with gays in good fellowship."<sup>31</sup> The alleged bigot "is repeatedly exposed to literal picture/label pairs . . . of gays . . . carefully selected to look either like the bigot and his friends, or like any one of his other stereotypes of all right guys."<sup>32</sup>

Another tactic is to claim that famous historical figures were homosexual. This associates homosexuals with positive images (symbols) just like advertisers use celebrity endorsements.

Famous historical figures are considered especially useful to us for two reasons: first, they are invariably dead as a doornail, hence in no position to deny the truth and sue for libel. Second, and more serious, the virtues and accomplishments that make these historic gay figures admirable cannot be gain said or dismissed by the public, since high school history textbooks have already set them in incontrovertible cement.<sup>33</sup>

The negative variant is to portray all detractors as victimizers by pairing them with negative images (symbols) of "[k]lansmen demanding that gays be slaughtered[,] . . . [h]ysterical backwoods preachers[,] . . .

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<sup>28</sup> MICHAEL WARREN, *SEEING THROUGH THE MEDIA: A RELIGIOUS VIEW OF COMMUNICATION AND CULTURAL ANALYSIS* 182 (1997).

<sup>29</sup> KIRK & MADSEN, *supra* note 10, at 152-53.

<sup>30</sup> BRUCE, *supra* note 7, at 2 (2001) (discussing the campaign by homosexual advocates to harass Dr. Laura Schlessinger and to keep her new television show from airing). *See also* discussion *infra* Part V.A.

<sup>31</sup> KIRK & MADSEN, *supra* note 10, at 155.

<sup>32</sup> *Id.* at 154.

<sup>33</sup> *Id.* at 188.

[m]enacing punks[,] . . . [and a] tour of Nazi concentration camps where homosexuals were tortured and gassed."<sup>34</sup> In essence, they use positive or negative icons (symbols) and not the actual words for their persuasive message.<sup>35</sup>

### 3. Dust Off the Unholy Alliance

Perhaps the most menacing focus of the campaign is the special treatment reserved for the religious dissenters. The strategy is to "[j]am homohatred by linking it to Nazi horror."<sup>36</sup>

Most contemporary hate groups on the Religious Right will bitterly resent the implied connection between homohatred and Nazi fascism. *But since they can't defend the latter, they'll end up having to distance themselves by insisting that they would never go to such extremes.* Such declarations of civility toward gays, of course, set our worst detractors on the slippery slope toward recognition of fundamental gay rights.<sup>37</sup>

. . . [Furthermore] gays can undermine the moral authority of homohating churches over less fervent adherents by portraying . . . [them] as antiquated backwaters, badly out of step . . . with the latest findings of psychology. Against the atavistic tug of Old Time Religion one must set the mightier pull of Science and Public Opinion . . . . Such an 'unholy' alliance has already worked well in America against the churches, on such topics as divorce and abortion. . . . [T]hat alliance can work for gays.<sup>38</sup>

Although some might label such virulent persuasion tactics as antisocial, the form of government that we enjoy has persuasion at its roots.

## III. PERSUASION, SOCIETY, AND DEMOCRACY

### A. Rhetoric

The ancient civilizations of Greece and Rome are often considered the cradle of modern Western democracies. In Greece, a direct democracy, decisions were made through serious public discussion and open debate. Hence, the ability to personally persuade others to accept one's point of view was an essential skill. The Sophists filled the demand (marketplace) for the *teaching* of this public speaking skill called rhetoric.<sup>39</sup>

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<sup>34</sup> *Id.* at 189.

<sup>35</sup> See EM GRIFFEN, A FIRST LOOK AT COMMUNICATION THEORY 53-63 (4th ed. 2000).

<sup>36</sup> KIRK & MADSEN, *supra* note 10, at 221.

<sup>37</sup> *Id.* (emphasis added).

<sup>38</sup> *Id.* at 179.

<sup>39</sup> BRUMMET, *supra* note 1, at 22-23.

When Rome later arose as a representative republic,<sup>40</sup> "[p]ower was very often exercised not through bottom line legalities but through the persuasiveness and force of argument of particular office holders or assemblies."<sup>41</sup> The Roman marketplace now required not only teachers but also professional persuaders for hire. Sophists were reborn as lawyers and lawmakers.

Modern America is very much like the Roman Republic. Romans were primarily interested in the practical uses of the art of persuasion just as Americans are immersed in advertising and spin doctoring—"[]less interested in . . . absolute truth and more interested in what 'works.'"<sup>42</sup> Therefore, those that most influence society today, from lawyers to lawmakers, lobbyists to marketers, descend from the sophists, the experts in rhetoric and the artists of persuasion.

Modern rhetorician Richard M. Weaver "was a champion of conservative . . . ideas."<sup>43</sup> "One of the mainstays of conservative thought is a concern for values. Weaver felt that American culture was losing many values worth preserving."<sup>44</sup> These very same concepts underlie the resistance by society at large to affirmation of the homosexual community. The homosexual movement is formed and driven in that conflict.

Weaver's book, *Ideas Have Consequences*, has been described as "a profound diagnosis of the sickness of our culture."<sup>45</sup> Certainly, this diagnosis is a common argument in opposition to homosexuality. Weaver's defense of language as the touchstone to enduring human values and universal truths is recurring and central to the conception of the role of rhetoric.

Weaver describes four ways to interpret a subject rhetorically: "define its nature"; "place it in a cause-and-effect relationship"; interpret it "in terms of relationship of similarity and dissimilarity"; or interpret it "by credit of testimony or authority."<sup>46</sup>

The gay rights movement draws upon this strategy in the hope of reshaping American society and laws. Recall Kirk and Madsen's candid admission that, "[T]he separability—and manipulability—of the verbal

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<sup>40</sup> The republic represented the powerful families and businesses, not the average person.

<sup>41</sup> BRUMMET, *supra* note 1, at 193.

<sup>42</sup> *Id.* at 196.

<sup>43</sup> *Id.* at 772.

<sup>44</sup> *Id.*

<sup>45</sup> Ralph T. Eubanks, *Richard M. Weaver, Friend of Traditional Rhetoric: An Appreciation*, in LANGUAGE IS SERMONIC: RICHARD M. WEAVER ON THE NATURE OF RHETORIC 3 (Richard L. Johannesen et al. eds., 1970) (quoting Reinhold Niebuhr).

<sup>46</sup> Richard M. Weaver, *Language is Sermonic*, in LANGUAGE IS SERMONIC, *supra* note 45, at 209 (1970).

label is the basis for all the abstract principles underlying our proposed campaign."<sup>47</sup>

The current debate, then, is framed differently by both sides. Is homosexual behavior normal or abnormal? Are the maladies commonly associated with the homosexual condition (depression, AIDS, suicide, cancer) caused by the behavior itself or society's reaction to it? Are homosexuals just the same as heterosexuals? Should science or society determine the acceptability of "gayness"?

If history repeats itself, the point of view that holds sway in America's courts will first hold sway in the minds and hearts of individual citizens, judges, and lawmakers. And the heart and mind of society is the target market that the gay rights campaign means to capture in order to win the courts.

### *B. Modern Persuasion Theory: The Elaboration Likelihood Model (ELM)*

#### 1. Credibility of the ELM

"Persuasion is the essence of marketing . . ." <sup>48</sup> and the "Elaboration Likelihood Model of persuasion has emerged in the last decade as a central focus of research on communication and persuasion."<sup>49</sup> The ELM is the most comprehensive modern theory of how persuasion works. "For a given topic and setting, the ELM has the benefit of suggesting which kinds of source descriptions would or would not have effects similar to traditional message arguments."<sup>50</sup>

#### 2. To Think or Not to Think: Elaboration

Petty and Cacioppo theorized a framework for two relatively distinct routes to persuasion (i.e. attitude change) as the central route and the peripheral route.<sup>51</sup> These two routes are differentiated by the level of cognitive processing undertaken (i.e. amount of conscious examination or "elaboration" of the message) by a person exposed to persuasive communication. The central route is high level processing "based on a careful and thoughtful assessment . . . . [The low level peripheral route] is based on some cognitive, affective, or behavioral cue."<sup>52</sup> As underlying

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<sup>47</sup> KIRK & MADSEN, *supra* note 10, at 129; *see infra* text accompanying note 24.

<sup>48</sup> TERENCE A. SHIMP, *PROMOTION MGMT & MARKETING COMMUNICATIONS* 96 (3d ed. 1993).

<sup>49</sup> Editor's Note, *Specifying the ELM*, 3 COMM. THEORY 50 (1993).

<sup>50</sup> Duane T. Wegener & Heather M. Claypool, *The Elaboration Continuum by Any Other Name Does Not Smell as Sweet*, 10 PSYCHOL. INQUIRY 178 (1999).

<sup>51</sup> RICHARD E. PETTY & JOHN T. CACIOPPO, *COMMUNICATION AND PERSUASION: CENTRAL AND PERIPHERAL ROUTES TO ATTITUDE CHANGE*, at vii-viii (1986).

<sup>52</sup> *Id.* at vii-viii.

motivations on how each route is used, Petty and Cacioppo list seven postulates in the ELM:

1. People are motivated to hold correct attitudes.
2. Although people want to hold correct attitudes, the amount and nature of issue-relevant elaboration in which they are willing or able to engage to evaluate a message vary with individual and situational factors.
3. Variables can affect the amount and direction of attitude change by . . . affecting the extent or direction of issue and argument elaboration [i.e. cognitive effort to evaluate].
4. Variables . . . [have an affect] by either enhancing or reducing argument scrutiny.
5. Variables affecting message processing in a relatively biased manner can produce either a positive (favorable) or negative (unfavorable) motivational and/or ability bias to issue-relevant thoughts attempted.
6. As motivation and/or ability to process arguments is decreased, peripheral cues become relatively more important determinants of persuasion.
7. Attitude changes that result mostly from processing issue-relevant arguments (central route) will show greater temporal persistence, greater prediction of behavior, and greater resistance to counterpersuasion . . .<sup>53</sup>

Although the ELM is often graphically illustrated as two distinct routes, the theory actually describes a continuum bounded on one end by "a person's careful and thoughtful consideration of the merits of the information presented" (the central route) and on the other by no "scrutiny of the central merits of the issue-relevant information presented ([the] peripheral route),"<sup>54</sup> but rather a reliance on cues. Persuasive communications can move the recipient to arrive at a similar final attitude by either route or by something in between.<sup>55</sup>

With the "mindless acceptance"<sup>56</sup> of cues at the end of the continuum bounded by the peripheral route, it is put forward that any attitude change achieved via this process is more transitory and subject to counterpersuasion and counterargument. At the opposite end, "attitudes formed or changed via . . . central route [processes are predicted to be more] persisten[t], [more] resistan[t], and [more] predict[ive] of behavior."<sup>57</sup> So, although Petty and Cacioppo believe central route attitude change is "quite desirable, the ELM makes it clear that this is a difficult persuasion strategy."<sup>58</sup> And, while they argue that

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<sup>53</sup> *Id.* at 5.

<sup>54</sup> *Id.* at 3.

<sup>55</sup> *Id.* at viii.

<sup>56</sup> GRIFFEN, *supra* note 35, at 198.

<sup>57</sup> PETTY & CACIOPPO, *supra* note 51, at 173.

<sup>58</sup> *Id.* at 22.

"enhanced thinking produces persistence," they believe that "processing may proceed in either a relatively objective or a relatively biased manner."<sup>59</sup>

Applied to this discussion of marketing the concept of gay rights, it is noteworthy that "in targeting an attitude for change, the ELM suggests that it is more important to know something about the underlying qualities of the attitude than simply knowing if a person has an attitude or not."<sup>60</sup> In short, knowing how to influence attitude is more important than knowing what attitude, opinion, or belief is held.

### 3. Which Thinking Route to Take: Variables and Moderators

Fleming and Petty make it clear that "many variables are capable of moderating the route to persuasion, either central or peripheral."<sup>61</sup> Petty explains that moderators influence the strength or direction of a relationship. The moderator variables in the ELM (e.g. issue involvement, distraction, and need for cognition) can serve as variables "that can moderate the route to persuasion."<sup>62</sup> For different topics, situations, and audiences the same communication sources can serve as central merits, bias the interpretation, or generate additional arguments to evaluate the persuasive communication.<sup>63</sup>

Moderators can include speaker source or credibility,<sup>64</sup> distraction,<sup>65</sup> strength of argument,<sup>66</sup> personal relevance,<sup>67</sup> the recipient's mood, and

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<sup>59</sup> *Id.* at 173.

<sup>60</sup> Richard E. Petty et al., *Conceptual and Methodological Issues in the Elaboration Likelihood Model of Persuasion: A Reply to the Michigan State Critics*, 3 COMM. THEORY 336, 337 (1993).

<sup>61</sup> Monique A. Fleming & Richard E. Petty, *Identity and Persuasion: An Elaboration Likelihood Approach*, in ATTITUDES, BEHAVIOR, AND SOCIAL CONTEXT: THE ROLE OF NORMS AND GROUP MEMBERSHIP 171, 181 (Deborah J. Terry et al eds., 2000).

<sup>62</sup> Richard E. Petty et al., *supra* note 60, at 344-45.

<sup>63</sup> Wegener & Claypool, *supra* note 50, at 178.

<sup>64</sup> This is one reason why Tammy Bruce stated that it is important not to let the public know how "it's done." See *supra* text accompanying note 7. Hearing about the need for gay rights from a presumably neutral newscaster, educator or clergy is far more credible and therefore persuasive. "News" is more persuasive than "advertising." The same message delivered via one of the "elite priesthood" such as (so-called) *unbiased* journalists, educators, or a professional guild like the APA, may be accepted and become a cognition (belief or attitude) without giving it any thought whatsoever. Gay rights opponents are often assigned a negative label such as ignorant or hateful to undermine source credibility. Extremists on the "traditional values" side who think that labeling all homosexuals as faggots, evil incarnate or some other extremely pejorative term is productive are grossly mistaken. Such labeling immediately screams lack of source credibility and only validates in the undecided segment of public psyche the much more sophisticated labeling used by many (not all) prominent gay rights activists.

<sup>65</sup> Including inundation of information, specious arguments, communication "noise," attaching other issues and messages.

<sup>66</sup> Including facts, figures, science, quality of presentation and logic.

the recipient's ability or motivation to process.<sup>68</sup> However, "[O]ne cannot place [these] variables into simple lists because, depending upon the meaning of the variable in the specific context, and the overall elaboration likelihood, variables can sometimes act as cues, sometimes act as arguments, and sometimes affect the extent or direction of elaboration."<sup>69</sup>

Homosexual strategists want lasting attitude change in society toward their behavior, but know that many people see their arguments as weak, such that a successful appeal to the central route (high processing) is unlikely. Since ELM predicts that attitude changes via the peripheral route (using cues) are less durable, gay rights activists have a different answer as to how longer lasting attitude change can still be achieved—cognitive dissonance.

#### 4. Control Behavior, Change Attitudes: Cognitive Dissonance

Another psychosocial concept is helpful in discussing the actual marketing of homosexuality. Leon Festinger, "one of social psychology's most important theorists,"<sup>70</sup> theorized that people hold a multitude of cognitions: beliefs, pieces of knowledge held as appropriate or true, values, memories or emotions.<sup>71</sup> Most cognitions are irrelevant to others, such as liking the color blue but not liking hot dogs. Some are consonant, like believing in God and believing in honesty. However, an uncomfortable psychological state called cognitive dissonance sets in when people hold inconsistent (dissonant) ideas, beliefs, or opinions.<sup>72</sup>

Dissonance is a conflict of inconsistent or "nonfitting" relations among cognitions. Consonance is consistency or balance between cognitions. The magnitude of pressure to change is relational to the importance of the dissonance.<sup>73</sup> Because there is a tendency among people to seek consistency between *attitude* and *behavior*, something must change in the case of a discrepancy to resolve the conflict and to eliminate the dissonance. There are three ways people resolve dissonance: (1) reduce the importance of the dissonant beliefs, (2) add more consonant beliefs to outweigh the dissonant beliefs, or (3) change

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<sup>67</sup> Meaning how important or relevant the subject or issue is to the listener. For example WWII was not relevant to many Americans until Pearl Harbor.

<sup>68</sup> Including education level, familiarity with the issue, access to other sources of information, and the amount of time or desire to actually "think" about the issue would be examples of ability and motivation.

<sup>69</sup> Richard E. Petty et. al, *supra* note 60, at 354.

<sup>70</sup> PRATKANIS & ARONSON, *supra* note 4, at 42.

<sup>71</sup> LEON FESTINGER, A THEORY OF COGNITIVE DISSONANCE 3 (Stanford Univ. Press 1962) (1957).

<sup>72</sup> *Id.* at 12-15.

<sup>73</sup> *Id.* at 17.

the dissonant beliefs so they are no longer inconsistent with one another.<sup>74</sup>

When it comes to mass persuasion in the name of gay rights, two particularly important concepts from Festinger's work are applicable. The first is threshold reward/punishment. The second concept is forced compliance. Maximum dissonance, the maximum psychological need to rationalize inconsistent beliefs or replace them with new beliefs, sets in if *only just enough* reward/punishment is used to gain public compliance.<sup>75</sup> Then, forced compliance occurs when, due to their environment, a person must exhibit overt behavior or the verbal expression of opinions that conflicts with *privately* held original beliefs.<sup>76</sup>

Perhaps counterintuitively, attitude change often follows behavioral change and not vice-versa. This explains why the gay rights movement often focuses on negative labeling (bigot, ignorant, intolerant) in the marketplace of competing ideas; a social environment is created that is unfriendly to anti-homosexual speech. Like Chinese water torture rather than brute force, only socially enforced public compliance at a minimum level, through continued application, can ultimately change the privately held attitude or belief.

Thus, to psychologically propel societal attitude change regarding homosexuality, America is deluged with pro-homosexual messages, education campaigns, positive images, and sympathetic news in the media creating an antecedent condition that can be called societal dissonance.<sup>77</sup> "The existence of dissonance gives rise to pressures to reduce the dissonance . . . . Manifestations . . . of these pressures include behavior changes . . . and new opinions."<sup>78</sup>

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<sup>74</sup> A sales professional would recognize this process in the way they are trained to overcome customers' objections: (1) Persuade the perspective customer that the particular objection about the product is not that important; "Do you really want to pay more just to get it in blue?" (2) Introduce additional positive benefits to outweigh the objection; "Sure the price is higher but the guarantee is better, has more accessories, and my product will last longer." (3) Change the perception of the customer; "It's not price you should be concerned about. It's *value*."

<sup>75</sup> FESTINGER, *supra* note 71, at 95.

<sup>76</sup> *Id.* at 84.

<sup>77</sup> This is analogous to rhetoric, which once applied only to the few that were in hearing distance. With technological advances, rhetoric is now applied on a societal scale via marketing communications.

<sup>78</sup> FESTINGER, *supra* note 71, at 31.

## IV. MARKETING 101

## A. Defining Marketing

## 1. Propaganda, Persuasion, Education and the 4 P's

It is not common practice to think of social movements in terms of marketing. Perhaps this is because using terms like "selling" or "marketing" seems to denigrate noble activities that usually portray themselves in terms of grass roots and the will of the people.<sup>79</sup> However, the American Marketing Association defines marketing as "the process of planning and executing the conception, pricing, promotion, and distribution of *ideas*, goods and services to create exchanges that satisfy individual and organizational goals."<sup>80</sup>

There are many variations of the definitions related to the theory of marketing but generically they all fall into one of four categories—the easy-to-remember 4-P's: product (conception), price, promotion (marketing communications), and place (distribution). Each is interrelated and each also has a persuasive function.<sup>81</sup>

The concept of product is formally defined in marketing to include all "functional, *social*, and *psychological* utilities and benefits."<sup>82</sup> Ideas (as products) are defined as concepts, *philosophies*, images, or *issues*.<sup>83</sup>

Pricing of a product has several functions. Price is a pre-persuader. It *positions* the product versus the competitor. For example, "good" perfumes are expected to be more expensive; whereas, generic brands are expected to sell for less. When pricing is related to policy issues, it is often framed in terms of *competing interests*: the *cost* to the environment in drilling in pristine wilderness versus the *cost* to America of remaining dependent on unreliable foreign energy.

A new pricing concept called exaction pricing is introduced in this article. Rather than the mutually satisfying exchange relationships proposed in marketing theory, exaction pricing is defined as the economic or emotional price that is exacted from targeted groups for *not* buying the gay rights idea.

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<sup>79</sup> Just as opposing politicians are always telling us what the "American people" want or feel or know.

<sup>80</sup> DICTIONARY OF MARKETING TERMS (Peter D. Bennett ed., 1998), *reprinted in* WILLIAM M. PRIDE & O. C. FERRELL, *MARKETING: CONCEPTS AND STRATEGIES* 4 (8th ed. 1993) (emphasis added).

<sup>81</sup> Marketing often is framed as a discipline that meets consumer needs. Sometimes that means *discovering* the needs but more and more often it means *creating* a need that the marketers' products can then fill.

<sup>82</sup> PRIDE & FERRELL, *supra* note 80, at 250 (emphasis added).

<sup>83</sup> *Id.* Certainly, gay rights is both an *issue* and *philosophy*. This also addresses why positive images of gays need to be associated with the idea.

Promotion includes the different methods for getting the persuasive message to the target audience: advertising (paid persuasive messages), personal selling (which would include lobbying), publicity (working the media for positive coverage), and direct inducements.

Place is shorthand for the distribution channel (place) where consumers can buy the product.<sup>84</sup>

"Marketing communicators—as well as all persuaders (politicians, theologians, parents, teachers)—attempt to guide people toward the acceptance of some belief, attitude, or behavior by using reasoning or emotional appeals."<sup>85</sup> And, if education is learning new ideas and information, then "every time we turn on the radio or television, every time we open a book magazine or newspaper, someone is trying to *educate* us."<sup>86</sup> Therefore, marketing is rhetoric on steroids—the commercialized, technologized, and systematized application of persuasion, propaganda, or education (depending on who is doing the naming).

## 2. The Marketing Environment

There are five broad forces that often are considered uncontrollable: social, economic, technological, regulatory and competitive.<sup>87</sup> However, the gay rights movement seeks to change the social and regulatory, exploit the economic and technological, and silence or convert the competition. Therein lies the brilliance and power of their marketing campaign.

In this postmodern society "[t]ruth is not the issue. The issue is power. The new [social] model[ ] 'empower[s]' groups formerly excluded,"<sup>88</sup> and "the power to control discourse is thus the master power."<sup>89</sup> By 1990, half of all marriages from twenty years earlier had ended in divorce, and the traditional family, and its values, did not look so traditional anymore.<sup>90</sup>

The explosion of communications technology, including the advent of Internet, allowed the homosexual movement to exploit society's

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<sup>84</sup> For example, a vacuum-cleaner manufacturer can sell via their own retail, discount, department or exclusive stores, via mail order, using door-to-door sales people like Kirby, over the Internet, etc. Each distribution channel carries its own persuasive message and expectations for the consumer. For distribution, homosexuals have particularly focused on schools, the workplace and the mass media.

<sup>85</sup> SHIMP, *supra* note 48, at 96.

<sup>86</sup> PRATKANIS & ARONSON, *supra* note 4, at 3.

<sup>87</sup> PRIDE & FERRELL, *supra* note 80, at 7.

<sup>88</sup> VEITH, *supra* note 2, at 57.

<sup>89</sup> BRUMMET, *supra* note 1, at 817.

<sup>90</sup> See FRANK BROWNING, *THE CULTURE OF DESIRE: PARADOX AND PERVERSITY IN GAY LIVES TODAY* 152 (1994).

changing values. It enabled a disparate homosexual community representing "less than 3% (and perhaps less than 2%) of the population"<sup>91</sup> to act as a cohesive group to project persuasive power into society.

### B. Conceptualizing the Product

#### 1. Repackaging the Product: A New Identity for Homosexuality

In 1989 two strategies on how to totally repackage homosexual *behavior* as a rights *issue* were unveiled to the gay rights community.

[F]irst, you get your foot in the door, by being as *similar* as possible; then, and only then—when your one little difference [orientation] is finally accepted—can you start dragging in your other *peculiarities*, one by one. You hammer in the wedge narrow end first. As the saying goes, [a]llow the camel's nose beneath your tent, and his whole body will soon follow.<sup>92</sup>

Pederasts, gender-benders, sado-masochists, and other minorities in the homosexual community with more extreme "peculiarities" would keep a low profile until homosexuality is in the tent. Also, common homosexual practices such as anal-oral sex, anal sex, fisting, and anonymous sex—that is to say what homosexuals *actually do* and with how many they do it—must never be a topic.

Rather, only strongly favorable images of homosexuals should be displayed, even "paint[ing] gay men and lesbians as *superior*—veritable pillars of society. . . . Famous historical figures are especially useful . . . for two reasons: first, they are invariably dead . . . hence in no position to deny the truth . . . [and] high school history textbooks have already set them in incontrovertible cement."<sup>93</sup>

In other words, change the basic offer and do a marketing practitioner's job; only "provide positively valued information . . . that will increase the odds of [the consumer] ultimately choosing the marketer's offering over competitive options."<sup>94</sup> Both ELM and Weaver would refer to this as associating the right symbols with your communication.

The second strategy was even more powerful.

[T]he public should be persuaded that gays are *victims of circumstance*, that they no more chose their sexual orientation than . . . their height . . . . ([F]or all practical purposes, gays should be considered to have been *born gay*—even though sexual orientation, for

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<sup>91</sup> JONES & YARHOUSE, *supra* note 10, at 46; see also REISMAN, *supra* note 10; SATINOVER, *supra* note 12, at 34.

<sup>92</sup> KIRK & MADSEN, *supra* note 10, at 146 (emphasis omitted) (third emphasis added).

<sup>93</sup> *Id.* at 188 (emphasis added).

<sup>94</sup> SHIMP, *supra* note 48, at 72.

most humans, seems to be the product of a complex interaction between innate predispositions and environmental factors during childhood and early adolescence.) To suggest in public that homosexuality might be *chosen* is to open the can of worms labeled 'moral choice and sin' and give the religious right Intransigents a stick to beat us with.<sup>95</sup>

America takes pride in being a country where tolerance for others and individual freedom is held in high regard. It is both part of our laws and our culture. Today's homosexual marketer has properly recognized this environment and has aggressively followed these strategies in promoting the idea of "homosexuality" by directing the consumer away from the specifics of (especially male) homosexual behavior while also advertising that the choice to pursue such behavior is normal, innate, unchangeable, and prevalent. It is even healthy and desirable so it deserves *protection* as a *right*. What made such a campaign even thinkable was presaged more than fifteen years earlier.

## 2. Redefine Abnormal as Normal

In the early 1970s, homosexual activists unleashed a "violent and extortionary political campaign."<sup>96</sup> Homosexual activists reasoned that if the influential American Psychiatric Association (APA) were to redefine homosexuality, other professional guilds (like the several times larger American *Psychological* Association) and then the rest would follow.<sup>97</sup> When the APA leadership finally capitulated and agreed to allow the membership to consider the removal of homosexuality as a disorder, a mass mailing to 30,000 members by the pro-homosexual faction encouraged all members to agree to the change. With only one-third responding, the resolution was passed.<sup>98</sup>

"The acceptance of homosexuality by the American Psychological Association in 1973 was preceded by an unquestioning acceptance of [Dr. Alfred] Kinsey's work and under heavy political pressure by the nascent gay lobby, which recognized that to normalize homosexuality, they had to get it taken off the list of psychological disorders."<sup>99</sup>

Charles Socarides, a psychiatrist and reparative therapist who is an anathema to homosexual activists, recounted his perspective in *The*

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<sup>95</sup> KIRK & MADSEN, *supra* note 10, at 184.

<sup>96</sup> REISMAN, *supra* note 10, at 245.

<sup>97</sup> SATINOVER, *supra* note 12, at 31.

<sup>98</sup> *Id.* at 35.

<sup>99</sup> Steven A. Schwalm, Kinsey, Kids, and 'Gay' Sex: Why Schools are Teaching Your Kids About Homosexuality?, Address at St. Paul's' Girls School, Baltimore MD (May 14, 1998) (transcript on file with the author).

*Journal of Human Sexuality* on how the classification of homosexuality was changed in the early seventies:<sup>100</sup>

[Homosexual activists] targeted members of the worldly priesthood,<sup>101</sup> the psychiatric community, and neutralized them with a radical redefinition of homosexuality itself. . . . [T]hey co-opted the leadership of the American Psychiatric Association and, through a series of political maneuvers, . . . [t]hey got the APA to say that same-sex sex was "not a disorder." It was merely "a condition"—as neutral as left-handedness.<sup>102</sup>

The much larger American *Psychological* Association followed suit two years later. As homosexuals predicted, over time other professional guilds from counseling to education to pediatrics accepted the lead of both APAs and *de-diagnosed* homosexuality as a disorder.<sup>103</sup>

What was not known at the time was that the National Gay Task Force (NGTF) played a central, though secretive, role both financially and strategically.<sup>104</sup> The mailing by the pro-homosexual faction to the 30,000 APA members encouraging members to vote yes was apparently

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<sup>100</sup> The normalizing of homosexuality actually took several steps that went mostly unnoticed outside the APA. Diagnostic Statistical Manual of Mental Disorders (*DSM I*) described homosexuality as a "sociopathic personality disorder." AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (1st ed. 1952). *DSM II*, published in 1968, had listed homosexuality to a "sexual deviation." AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (2d ed. 1968). The *DSM III* limited the diagnosis only to individuals who were distressed about their homosexual feelings, i.e., "ego-dystonic homosexuality." This was quite powerful because feeling *negative* about your own homosexuality *was* a disorder, *not* homosexuality itself. AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (3d ed. 1980). The *DSM-III-R* in 1987 deleted homosexuality in total. AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (rev. 4th ed. 1987).

<sup>101</sup> "Priesthood" has special non-religious meaning for rhetoric and communications scholars. The significance of an "elite priesthood" are those that are keepers and protectors of the commodity of knowledge. The rest of the population must seek them out for knowledge, power and truth, just as it was before the Bible and other religious texts were translated into common languages. Certainly, it is aptly used in this context of *mental health professionals*.

<sup>102</sup> Charles W. Socarides, *How America Went Gay*, AMERICA, Nov. 18, 1995, at 20, available at <http://www.leaderu.com/jhs/socarides.html> (last visited Apr. 8, 2002).

<sup>103</sup> See GAY AND LESBIAN STRAIGHT EDUCATION NETWORK (GLSEN), JUST THE FACTS ABOUT SEXUAL ORIENTATION AND YOUTH: A PRIMER FOR PRINCIPALS, EDUCATORS & SCHOOL PERSONNEL (2000) (listing on the cover the organizations associated with the flyer), available at [http://www.glsen.org/binary-data/GLSEN\\_ARTICLES/pdf\\_file/424.pdf](http://www.glsen.org/binary-data/GLSEN_ARTICLES/pdf_file/424.pdf) (last visited Apr. 13, 2002).

<sup>104</sup> In this case, the contrived appearance that the "vote pro-gay" mailing was simply an effort of fellow psychiatrists probably had a disarming effect on the opposing forces. They did not know that this mailing was really a "get out the vote" promotion campaign backed directly by the NGTF. This is a common example of how marketers and propagandists use or support proxies to achieve the acceptance of their persuasive messages that might otherwise be rejected outright or examined (elaborated) more closely.

paid for by funds raised from a letter sent to NGTF's membership.<sup>105</sup> Later it was also found that the Council on Research and Development of the APA did not actually investigate the issue thoroughly before it gave formal approval for deletion of homosexuality from the DSM and the Committee on Nomenclature had *never formally approved the change*.<sup>106</sup>

The de-classification was accomplished without the general membership ever knowing the machinations behind the scenes. This might explain why four years after the APA vote, the journal *Medical Aspects of Human Sexuality* reported that a survey it conducted showed 69% psychiatrists disagreed with the vote and still considered homosexuality a pathological adaptation.<sup>107</sup>

### 3. Polish the Idea

The sanitizing and repositioning of the product was not over. Few today remember that AIDS (Acquired Immuno Deficiency Syndrome) was still known in the medical community as late as 1981 as GRID (Gay-Related Immune Disorder) along with other unequivocally homosexual related conditions such as "Gay-Related Bowel Syndrome." As GRID spread and the threat to the homosexual community became apparent, homosexuals mobilized against the term. However, their "first priority remained to *protect homosexuality itself as a perfectly acceptable, normal and safe way of life*. . . . So the first move in the early eighties was to eliminate the earlier name . . . . [P]ressure was swiftly generated to rename 'gay-related immune disorder' to AIDS: 'Acquired Immune Deficiency Syndrome.'<sup>108</sup>

### 4. Reposition the Product

The remake goes on. A recent term introduced into the message mix is "sexual minority."<sup>109</sup> Homosexual activists now routinely name

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<sup>105</sup> SATINOVER, *supra* note 12, at 34.

<sup>106</sup> Charles Socarides, *New Business: NARTH Los Angeles*, NARTH MEMO (NARTH, Encino, Cal.) at <http://www.leaderu.com/orgs/narth/1996papers/socarides.html> (updated Aug. 5, 1999).

<sup>107</sup> SATINOVER, *supra* note 12, at 35.

<sup>108</sup> SATINOVER, *supra* note 12, at 15-16. See also Richard M. Weaver, *The Phaedras and the Nature of Rhetoric*, in *LANGUAGE IS SERMONIC* *supra* note 45, at 57, 59 (referring to the rhetorical device of disassociating negative symbols with the concept—recognizing that words have meaning and carry with them a power of association that goes far beyond the word itself). ELM theory would categorize this persuasion tactic as eliminating negative peripheral cues just as the tobacco industry disclaimed any connection between their product and cancer in order to protect sales.

<sup>109</sup> This is an accurate description that is obviously meant to reinforce the idea that it is a group with rights. If society and its lawmakers legitimate homosexuality as a legally protected class minority, it would seem to raise questions about the rights of other sexual

themselves as often and as publicly as possible as they wish to be defined. They strive to make the language used to describe them indicate that same-sex couples are "families" with the same values and child-rearing potential as heterosexuals. Paula Ettelbrick, legal director of the Lambda Legal Defense and Education Fund proposes: "The norm in this society should be recognizing families in the way that they are *self-defined*."<sup>110</sup> Just how far can repositioning of this idea go? Elizabeth Birch, executive director of the Human Rights Campaign, tells us: "[Homosexuals] hold sacred seeds. . . . [T]o be gay, lesbian, bisexual, or struggle around gender is literally a gift from God and we [homosexuals] have an enormous amount to teach this nation."<sup>111</sup>

### C. *Setting the Price*

#### 1. Two-Tiered "Exaction" Pricing: Emotional

As with much of the national persuasion campaign, very original applications of psychology and marketing theory have been used by homosexual activists. An extremely effective tool has been what is defined here as "exaction pricing."

When a marketer speaks of pricing, it is understood that he is referring to the price that is set for the product and therefore being asked of the consumer. One role price has in consumer decision making is in the positioning of the product against competitors (other ideas). So, from a marketing perspective, how does one set a price in the marketplace or, in this case, in the minds of an entire populace, that will encourage people to buy an idea rather than reject it?

People make buying decisions to satisfy both psychological and physical or utilitarian needs. First, it is useful to consider Pride and Ferrell's term "psychological pricing"<sup>112</sup> which encourages "emotional rather than rational responses."<sup>113</sup>

Buying the homosexual idea, in place of one's own beliefs, family teachings, or those taught by Christianity and other faiths is a high price indeed, but gay rights marketers have found a way to exact that high

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minorities: necrophilia, pedophilia, fetishism, as well as practitioners of incest, bestiality, etc.

<sup>110</sup> BROWNING, *supra* note 90, at 154.

<sup>111</sup> Elizabeth Birch, Address given at the "Exposed" Conference, University of California, Santa Cruz (Feb. 7, 1998), at <http://www.americansfortruth.com/lambda3.htm> (last visited Apr. 8, 2002).

<sup>112</sup> PRIDE & FERRELL, *supra* note 80, at 623. This type of pricing is based on perception rather than reality. One type of pricing that falls into this category, "prestige pricing," is described as setting a price artificially high to provide a quality or prestigious image by the nature of the price itself.

<sup>113</sup> *Id.*

price by their own version of emotional pricing. Exaction pricing is unsupported by facts, logic or proof. With the help of the media, they portray those who refuse to buy, and especially any who dare to publicly oppose (competitively react to), the gay rights idea as bigots, homophobes, heterosexists, ignorant, hateful, intolerant and so on. They position the accused in the same category as racists, sexists, elitists and other pejorative classes.

Accusations of "...ist" are used by militant gay rights advocates in this powerful pricing technique to exact an emotional price for refusing to accept the gay rights proposition. Wood and Pearce explain that a distinct characteristic of the "...ist" accusation is that it is almost impossible to refute.<sup>114</sup> While it seems simple enough to be accused in this way, this type of label "in actuality, is an intricate form of argument" which, to defend against, requires a particularly sophisticated and, hence, both rare and precarious form of argument.<sup>115</sup> Ergo, all those gay rights opponents who do not have the capacity to counter the accusation, even if they feel it is untrue, pay the emotional price both internally and externally of being branded an "...ist." To regain the prestige of not being an "...ist" (and ultimately Festinger suggests an individual will) the even higher price of moderating one's personal beliefs is exacted.

Remember that people want to hold right opinions, beliefs, and attitudes. A conflict arises between their own beliefs and a continuous flood, a shower, of homosexual-positive messages that cannot be turned off. The emotional price (the exaction price) is an uncomfortable mental state of perpetual cognitive dissonance through forced compliance. By comparison, the idea of accepting homosexuality is presented as a prestige product, only for those who, by inference, do not want to be seen as any of the above "...ists"-type negative personalities.

The favorite exaction-pricing weapon is to accuse anyone who publicly expresses competing ideas of being a homophobe. Its complexity is particularly effective; by definition it includes unnatural fear plus all the mechanisms of an "...ist" label. The exaction power of the tactic is even more powerful as it is often coupled with the idea that most homophobes use anti-homosexual attitudes as a smokescreen to disguise their own homosexual feelings.<sup>116</sup>

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<sup>114</sup> Julia T. Wood & W. Barnett Pearce, *Sexists, Racists, and Other Classes of Classifiers: Form and Function of "...ist" Accusation*, 66 Q. J. SPEECH 239, 239 (1980).

<sup>115</sup> *Id.*

<sup>116</sup> Henry E. Adams et al., *Putting Freud to the Test*, 105 J. ABNORMAL PSYCHOL. 440 (1996), available at <http://www.pbs.org/wgbh/pages/frontline/shows/assault/roots/freud.html> (last visited April 8, 2002). This is a common area of research in the study of the causes of homophobia. Heterosexuals who score "high" on a homophobia test are exposed to homoerotic. Any arousal, as measured by a penile response, is seen to indicate some

## 2. Two-Tiered "Exaction" Pricing: Economic

The economic pricing of the homosexual idea takes the carrot and stick approach.<sup>117</sup> Since homosexuals are "twice as likely as the general population to have a household income between \$60,000 and \$250,000," one of the obviously powerful tools the homosexual community has is the economic empowerment of where to spend money.<sup>118</sup>

Pertman reports that the recognition of this market is obvious. From 1997 to 1999, advertising in homosexual publications soared 20.2% to \$120.4 million.<sup>119</sup> Now such corporate mainstays as John Hancock Financial Services, Fleet, American Express, Levi-Strauss, Alamo Rent-a-Car, MTV, and General Motors consider sexual orientation when creating target marketing groups.<sup>120</sup> And, the homosexual marketer knows, social prejudice is eroded by mainstream advertising aimed at homosexuals.<sup>121</sup>

Of course, as homosexuals have dollar-power, they also have the power to boycott companies who do not toe the party line. The homosexual community is not bashful about exacting a price when it comes to well-publicized boycotts. Sometimes described as a minefield, even corporate giants have had to compromise and come around to the activists' demands.

One dramatic example of the use of the stick is an incident involving Coors. "Still suffering from a boycott that began in 1977 over

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homosexual interest or anxiety that may be an indication of internalized homosexuality. *Id.* This type of research is often trumpeted by activists as proving that homophobes are hiding their own homosexuality even when the researcher, gay or non-gay, does not make the explicit claim. It remains to be explained why heterosexual arousal by homoerotica is an indication of homosexual interest while orgasm by rape victims is never given credence as evidence that the victim secretly wanted to be raped.

<sup>117</sup> One could argue that the carrot, an inducement, might more easily be classified under the marketing term "promotion" just as coupons or other direct incentives are considered sales promotions.

<sup>118</sup> Jennifer Gilbert, *Ad Spending Booming for Gay-Oriented Sites: Marketers See Niche Group as a Lucrative, No-Risk Target*, ADVER. AGE, Dec. 6, 1999, at 58. Activists claim it is only "homophobic" organizations that frequently cite high income figures to argue that homosexuals do not experience discrimination. Ronald Alsop, *Are Gay People more Affluent than Others? ---Advertisers say Yes, citing Surveys, but Activists call data Overstated, Harmful*, WALL ST. J., Dec. 30, 1999, at B1. See also Sylvia Allegretto & Michelle M. Arthur, *An Empirical Analysis of Homosexual/Heterosexual Male Earnings Differentials: Unmarried and Unequal?*, 54 INDUS. & LAB. REL. REV. 631 (2001). Allegretto and Arthur (2001) estimate a 15.6% gap based on assumptions extrapolated from the 1990 Census. *Id.* at 631.

<sup>119</sup> Adam Pertman, *In Gay Market, Ads Target Big dollars, Not Big Change*, BOSTON GLOBE, Feb. 4, 2001, at E1.

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

alleged mistreatment of homosexual employees, Coors managers are visiting bars to get the word out that Coors wants their business and is the only major brewer offering domestic-partner benefits."<sup>122</sup> This is a picture-perfect example of total conversion accomplished via exaction pricing.

An even more dramatic situation involved United Airlines. The homosexual-dominated City of San Francisco passed an Equal Benefits Ordinance heralded as a landmark anti-discrimination bill.<sup>123</sup> It required all businesses who contracted with the city to offer the same benefits to same-sex partners as offered to married couples.<sup>124</sup>

When United balked, a nationwide boycott including advertising campaigns was instigated by supporters of the bill. The boycott targeted first the Los Angeles and San Francisco markets. The advertisements were a left-right combination punch. First, the advertisements linked United to Pat Robertson, characterizing him as a homosexual discriminator and religious extremist. Second, the activists promoted American Airlines, who had made significant donations to various national homosexual advocacy groups, as the gay-friendliest airline.<sup>125</sup>

This was a powerful emotional and economic version of exaction pricing backed by a homosexual market estimated to spend "\$54.1 billion in annual consumer spending in the U.S. travel industry" or almost 10% of the national total.<sup>126</sup> The strategy got the intended results.

#### *D. Place: Distributing the Idea*

How could a movement ever penetrate a market that consists of the hearts and heads of an entire society? The key was to consider first and foremost the media in everything the homosexual movement did—to control information and images. Only by controlling information could they saturate important centers of influence and thus avoid or beat other ideas in the market.

As Jowett and O'Donnell explain, control of information is essential.<sup>127</sup> Control ruses take the form of "withholding information,

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<sup>122</sup> Ronald Alsop, *Cracking the Gay Market Code—But Brewers Employ In-Your-Mug Approach*, WALL ST. J., June 29, 1999, at B1.

<sup>123</sup> S. F., CAL., ADMIN. CODE ch. 12B (1997).

<sup>124</sup> *Air Transp. Ass'n of Am. v. City of San Francisco*, 1998 U.S. Dist. LEXIS 2937 (N.D. Cal. 1998). United Airlines and the American Center for Law and Justice sued to invalidate the mandate. United lost in a 1998 federal court ruling.

<sup>125</sup> *Gay Activists Launch TV Ad Campaign By Boycotting United Airlines*, BUSINESS WIRE, March 31, 1999.

<sup>126</sup> Bryn Nelson, *Taking on the World: With Unencumbered Dollars and a Growing Infrastructure, Gay and Lesbian Travelers Are Breaking Down Vacation Barriers*, NEWSDAY (New York), Apr. 8, 2001, at E10.

<sup>127</sup> GARTH S. JOWETT & VICTORIA O'DONNELL, *PROPAGANDA AND PERSUASION* (1999).

releasing information at predetermined times, [or] in juxtaposition with other information that may influence public perception, manufacturing information, . . . distorting information," and communicating key information to or through selective audiences.<sup>128</sup> The objective is "(a) control[ ] the media as a source of information . . . and (b) present[ ] distorted information from what appears to be a credible source" and (c) conceal the true purpose.<sup>129</sup>

Altheide and Johnson are cited for a critical control concept they label as "bureaucratic propaganda."<sup>130</sup> In this form of persuasive communication, information that appears to be scientifically gathered and objective is disseminated to influential groups with the purpose of maintaining the legitimacy of the propagandizing organization. Although the information is often contrived, distorted, or falsely interpreted, the information may never be seen by the public. Rather, some congressional committees or citizen's groups use it for actions or programs.<sup>131</sup> The groups used by homosexual activists to distribute the homosexual idea and gay rights issues were those that touched the most Americans and had the highest source credibility. Just like the tremendous leverage they achieved by co-opting the mental health professions, who would then become disseminators of the homosexual agenda through actions and programs, it was planned that the media, the government, educators and liberal, "less fervent" churches would be forced on board. Each of these "channels" carries its own authority and credibility.

Just as importantly, it is hard to imagine that anyone can escape the influence of more than one or two of these institutions. The homosexual idea would be available for purchase to everyone through their local distributor.

### *E. Promotion: Win at All Costs*

#### 1. Setting the Theme: Major Gay Rights Players

Jay Conrad Levinson, a former vice-president and creative director at J. Walter Thompson Advertising and Leo Burnett Advertising, says, "A theme is a set of words that summarizes your identity. . . . The best themes are those that can be utilized for decades. The longer you use them, the more powerful they become. . . . If you have one, lean on it. You'll find it to be a potent weapon."<sup>132</sup>

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<sup>128</sup> *Id.* at 42.

<sup>129</sup> *Id.*

<sup>130</sup> D.L. ALTHEIDE & J.M. JOHNSON, BUREAUCRATIC PROPAGANDA (1980)

<sup>131</sup> *Id.* at 43.

<sup>132</sup> JAY CONRAD LEVINSON, GUERRILLA MARKETING WEAPONS 30-31 (1990).

This potent weapon was recognized in the formulation of the gay rights campaign when it was strategized that the gay "campaign should not demand explicit support for homosexual practices, but should instead take *antidiscrimination* as its theme."<sup>133</sup> That would "[g]ive potential protectors a just cause. . . . Make gays look good. . . . Make victimizers look bad."<sup>134</sup> In fact, that would make the very expression of anti-homosexuality beliefs so socially unacceptable that even the most intransigent opposition would ultimately be silenced in public.<sup>135</sup>

If one just reviews some of the prominent national voices in the movement, it is not difficult to ascertain this recurring gay rights theme.

The Human Rights Campaign (HRC), based in Washington, D.C., is the largest national homosexual lobby in the nation. Claiming 400,000 members, HRC and the Human Rights Campaign Foundation report income<sup>136</sup> over \$16 million. Their activity descriptions are P340 and D050, to propose, support or oppose legislation and the defense of human or civil rights, respectively.<sup>137</sup> Their web site explains that HRC is a vigilant bipartisan "watch dog" dedicated to educate Congress.<sup>138</sup> Some issues that they take on include: advocating for hate crime legislation, fighting HIV/AIDS, protecting our [homosexual] families, and working for better lesbian health.<sup>139</sup> Along with lobbying, intense training of future GLBT political activists is part of the mission.<sup>140</sup>

The Gay and Lesbian Alliance Against Defamation (GLAAD) is the dominant media relations and watchdog lobby of the homosexual movement with income of \$4,199,134.<sup>141</sup> The GLAAD website proudly recounts that "[i]n 1992, *Entertainment Weekly* named GLAAD as one of Hollywood's most powerful entities and the *Los Angeles Times* described the group as possibly the most successful organizations *lobbying* the

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<sup>133</sup> KIRK & MADSEN, *supra* note 10, at 187.

<sup>134</sup> *Id.* at 191.

<sup>135</sup> *Id.* at 189.

<sup>136</sup> Human Rights Campaign Inc., at Associations Unlimited Database, IRS Document Display (Gale Group); Human Rights Campaign Foundation, at Associations Unlimited Database (Gale Group), IRS Document Display.

<sup>137</sup> *Id.*

<sup>138</sup> See Human Rights Campaign, Mission Statement of the Human Rights Campaign, at <http://www.hrc.org/about/mission.asp> (last visited April 9, 2002).

<sup>139</sup> Human Rights Campaign, What We Do: An Overview, at <http://www.hrc.org/about/whatwedo.asp> (last visited April 9, 2002).

<sup>140</sup> Human Rights Campaign, Youth College, at <http://www.hrc.org/about/pac/ycapp.asp> (last visited April 9, 2002).

<sup>141</sup> Gay & Lesbian Alliance Against Defamation Inc., at Associations Unlimited Database (Gale Group), IRS Document Display.

*media*.<sup>142</sup> One illustration is that GLAAD takes credit for getting the *New York Times* to change their editorial policy in 1987 to use the word *gay*.<sup>143</sup>

GLAAD claims that it has not only reached industry insiders, but has also influenced millions through newspapers, magazines, motion pictures, television and visibility campaigns.<sup>144</sup> Training homosexual organizations how to deal with the media is GLAAD's mission.<sup>145</sup> It supports positive portrayals of gay, lesbian, bisexual, and transgender<sup>146</sup> (GLBT) issues or images in the media but attacks any negative press. They are particularly proud of their campaign to derail Dr. Laura Schlessinger's move to television.<sup>147</sup>

The National Gay and Lesbian Task Force (NGLTF, previously the same NGTF involved in the APA effort) reports income in excess of \$3.5 million.<sup>148</sup> Whereas HRC has an emphasis in national government and GLAAD in media, NGTLF's additional focus is also at the community level. The organization's website describes the organization's work this way: "We're proud of our commitment to the linkages between *oppressions* based on race, class, gender, and sexual orientation. . . . NGLTF is waging a campaign against anti-GLBT *hate* crimes, which will focus on coalition-building and legislative work in key states . . . [and ending] institutionalized *homophobia*."<sup>149</sup>

Key strategies include *public education*, grass roots training for activist skills, monitoring and reporting on legislation and building coalitions for advocacy.<sup>150</sup>

"To discover what a thing is 'called' according to some system is the essential step in knowing, and to say that all education is learning to

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<sup>142</sup> Gay & Lesbian Alliance Against Defamation (GLAAD), About GLAAD, A Brief Introduction to GLAAD, at <http://www.glaad.org/org/about/index.html?record=65> (last visited April 14, 2002) (emphasis added).

<sup>143</sup> *Id.* This is another example of excellent marketing leverage. Similar to the influence of both APA's in mental health, journalistic/editorial guidelines set by major market newspapers are often adopted throughout the industry.

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.* Like gay instead of homo-*sexual*, transgender has become the preferred replacement version of transsexual. *See id.*

<sup>147</sup> National Gay and Lesbian Task Force, About NGLTF, at <http://www.nglftf.org/about/work.htm> (last visited Apr. 9, 2002); *see also* Gay and Lesbian Alliance Against Defamation, GLAAD's Laura Resource Center, at <http://www.glaad.org/org/topics/index.html?topic=108> (last visited April 11, 2002).

<sup>148</sup> National Gay & Lesbian Task Force Foundation, at Associations Unlimited Database (Gale Group), IRS Document Display.

<sup>149</sup> National Gay and Lesbian Task Force, *supra* note 147 (emphasis added).

<sup>150</sup> *Id.*

name rightly . . . would assert an underlying truth."<sup>151</sup> Lesbian author Patricia Nell Warren put it much more succinctly: "Whoever captures the kids owns the future."<sup>152</sup>

Two highly effective organizations who specialize in the K-12 education channel of influence are Parents, Families, and Friends of Lesbians and Gays (PFLAG) and the Gay, Lesbian, and Straight Education Network (GLSEN).

PFLAG, with income of just under \$1.5 million,<sup>153</sup> claims membership of over 76,000 with 425 local groups. PFLAG promotes the idea that *ignorance* of homosexuality has bred a climate of torment, fear and *hatred* in our schools. They allege that the average high school student hears twenty-five anti-homosexual slurs daily<sup>154</sup> and that homosexual youth *may* account for 30% of all teen suicides.<sup>155</sup> Through "support," they implore an *adverse* society, an *ill-informed public*, to help create a more healthy and respectful society.<sup>156</sup>

GLSEN, with income exceeding \$1.8 million<sup>157</sup> states that their mission is to fight the *homophobia and heterosexism* that undermine *healthy* school climates.<sup>158</sup> They work to *educate* teachers, students and the public at large on how these issues have similar adverse impacts as racism and sexism.<sup>159</sup> They educate the educators on how to stop discrimination and harassment based on sexual orientation and to help GLBT teachers and students fight for their rights.<sup>160</sup> Their resources include such training as Homophobia 101 and 102.<sup>161</sup> The organization asserts that they have trained 400 school staffs around the country and that the first statewide Safe School for Gay and Lesbian Students

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<sup>151</sup> Richard M. Weaver, *The Power of the Word*, in LANGUAGE IS SERMONIC, *supra* note 45, at 34.

<sup>152</sup> Patricia Nell Warren, *Future Shock*, ADVOCATE, Oct. 3, 1995, at 80, 80.

<sup>153</sup> Parents Families & Friends of Lesbians and Gays, Inc., at Associations Unlimited Database (Gale Group), IRS Document Display.

<sup>154</sup> Parents, Families and Friends of Lesbians and Gays, Schools & Youth, at <http://www.pflag.org/education/schools.html> (last visited Apr. 12, 2002).

<sup>155</sup> *Id.*

<sup>156</sup> Parents, Families and Friends of Lesbians and Gays, PFLAG's Vision and Mission, at <http://www.pflag.org/about/mission.html> (last visited April 12, 2002).

<sup>157</sup> GLSEN Inc., at Associations Unlimited Database (Gale Group), IRS Document Display.

<sup>158</sup> Gay, Lesbian and Straight Education Network, About us, at <http://www.glsen.org/templates/about/index.html?section=25> (last visited April 11, 2002).

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*

<sup>161</sup> Gay, Lesbian and Straight Education Network, Resource Center, Staff Development, at <http://www.glsen.org/templates/resources/index.html?section=18> (last visited Apr. 11, 2002).

sponsored by the Commonwealth of Massachusetts is a result of and modeled closely on their work.<sup>162</sup>

The Lambda Legal Defense and *Education* Fund reports income over \$10,000,000<sup>163</sup> and is the homosexual-specific equivalent of the American Civil Liberties Union (ACLU). The ACLU is also very active in gay rights and reports income of over \$25 million.<sup>164</sup>

## 2. Summary of a Common Theme

Hate speech and hate crime, homophobia and heterosexism, oppression versus tolerance, diversity versus discrimination, ignorance versus education, fear versus safety—all of the old and new "...ists" and "...isms"—are the thematic vernacular found in all homosexual persuasive communication. Homosexuals are innocent victims. Dissent, even by homosexuals, is *always* due to ignorance, bigotry, or some variant of homophobia.

If NGLTF is taking credit for linkages of sexual orientation to accepted discrimination categories, then it follows that NGLTF created linkages where none previously existed. GLAAD is proud of its public ranking as being the most powerful (*a la* Foucault "controlling discourses") in influencing media.<sup>165</sup> HRC works to insure safety, openness, and equality. By inference, the opposite must exist and need fixing.<sup>166</sup>

Just as the sales professional is only there to help, HRC, GLAAD, NGLTF, PFLAG, and GLSEN are there to help *educate* everyone else, thereby helping to protect homosexuals from all the ignorant "...ists" who are intolerant and victimizers.<sup>167</sup> It is never called advertising, lobbying, public relations, or—heaven forbid—spin. It is always about a need for more education.

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<sup>162</sup> Liberty Counsel, SSA General Counsel Rules for Religious Freedom (Aug. 4, 1999), at <http://www.lc.org/hotissues/1999/hot080599.html>.

<sup>163</sup> Lambda Legal Defense and Educational Fund, at Associations Unlimited Database (Gale Group), IRS Document Display.

<sup>164</sup> ACLU, at Associations Unlimited Database (Gale Group), IRS Document Display.

<sup>165</sup> See generally, Gay & Lesbian Alliance Against Defamation (GLAAD), at <http://www.gladd.org> (listing many press releases).

<sup>166</sup> Human Rights Campaign, Mission Statement of the Human Rights Campaign, at <http://www.hrc.org/about/mission.asp>.

<sup>167</sup> Weaver would define this standard theme of good and evil concepts as using "god" terms—expressions about which all other expressions are ranked as subordinate and "devil" terms—those concepts that are perceived as the lowest and most unacceptable. Richard M. Weaver, *Ultimate Terms in Contemporary Rhetoric*, in LANGUAGE IS SERMONIC, *supra* note 45, at 87-89. In a "sound bite" culture, such terms are worth a thousand words. Devil terms are associated with competing ideas and values. God terms are associated with your own idea.

## V. GAY RIGHTS MARKETING: THE AGENDA AT WORK

## A. Stop Dr. Laura

## 1. The Direct Marketing Approach

"[T]he left-wing power elite is small and interconnected. Different groups have overlapping constituencies and share a similar history and tactics, allowing for tacit agreements about attitude and approach."<sup>168</sup> How powerful and how far the left-wing power elite is willing to go is illustrated by the Stop Dr. Laura "public education" campaign that was "designed and controlled by as few as a half dozen people."<sup>169</sup>

Upon converting to Judaism later in life, the Jewish counselor changed her stance from pro- to anti-homosexual behavior. Homosexual activists became infuriated at Dr. Laura for publicly stating that she felt homosexuality was a "biological" mistake<sup>170</sup> even though a couple sentences later she also specifically stated that homosexuals should not be hated or attacked.<sup>171</sup> Hate speech, bigot, intolerance and all the "...ism" accusations flooded out of the homosexual promotion machine.

Exaction pricing was brought into play. Homosexual web sites called for all homosexual supporters to complain to every local station carrying Dr. Laura. A special StopDrLaura.com web site was established with the help of free hosting by GAYBC.com, a generous donation by the HRC, support from Hollywood celebrities<sup>172</sup> like Susan Sarandon,<sup>173</sup> and intense media coverage framed as a national "uproar" by homosexual-friendly news media such as the *Los Angeles Times*<sup>174</sup> and the *New York Times*.<sup>175</sup>

GLAAD's site launched a "Dr. Laura Watch" (along with other homosexual advocacy sites) which monitored every word of the

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<sup>168</sup> BRUCE, *supra* note 7, at 78.

<sup>169</sup> *Id.* at 79.

<sup>170</sup> *Id.* at 60.

<sup>171</sup> *Id.* at 82. Dr. Laura stated, "Love the Sinner, hate the sin." *Id.*

<sup>172</sup> Tammy Bruce knows the Hollywood scene well . . . as she should having been president of the LA chapter of the National Organization of Women (NOW). She says, "There are two closets in Hollywood: one for gays and the other for conservatives. These days, the conservative closet is more jammed than the gay one." TAMMY BRUCE, *THE NEW THOUGHT POLICE* 196 (2001).

<sup>173</sup> Katherine Lemons, *Stopping Dr. Laura*, *ALTERNET*, July 6, 2000 (quoting Sarandon, on the Dr. Laura situation, saying, "I'm totally against wasting the airwaves to giving visibility to a person who is clearly in dire need of compassion, education, and a good shrink herself."), at <http://www.alternet.org/story.html?StoryID=9427>.

<sup>174</sup> See e.g., Brian Lowry, *On TV; Dr. Laura: All is Fair in Syndication*, *L.A. TIMES*, Jan. 11, 2000, at F1.

<sup>175</sup> See, e.g., Christian Berthelsen, *Taking Aim at Dr. Laura*, *N.Y. TIMES*, Mar. 6, 2000, at C 14.

conservative talk show host and then posted every statement she made judged to be "anti-gay."<sup>176</sup> In addition, each day every advertiser that supported her new television program was *listed for action*. Sponsor telephone numbers were published and links to sponsor email addresses were included in homosexual web sites.

Actions taken against advertisers included phoning every advertiser to make sure the advertiser knew their ads were running (since many are placed via ad agencies), sending anti-Laura (i.e. claiming hate speech and bigotry) emails, complaining directly to the advertiser and threatening boycotts of the sponsor's products.<sup>177</sup> Proctor and Gamble, AT&T, Sears, Robuck & Co., Xerox and ultimately dozens of major advertisers pulled out.<sup>178</sup>

Nine GLAAD updates during November and December of 2000 heralded Dr. Laura's deteriorating ratings, downgrading of time slots and nose-diving advertising revenues.<sup>179</sup> Actions in local markets and all positive and negative media reports were posted for further action.

On March 30, 2001, GLAAD hailed the demise of the Dr. Laura show as a culmination of GLAAD's "three-year *public education* campaign . . . against [her] defamation and anti-gay tolerance."<sup>180</sup>

Dr. Laura's competing idea was silenced by a well executed promotion using print and electronic media that promoted the homosexual product as superior (tolerance versus hate-speech) and set a price to be exacted for not buying (boycotts and complaints). The Internet was exploited to help facilitate a "pull strategy"<sup>181</sup> of complaints to sponsors, local stations, and local media.

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<sup>176</sup> Gay & Lesbian Alliance Against Defamation, GLAAD Laura Watch, at <http://www.glaad.org/org/publicaitons/drlaura/index.html>.

<sup>177</sup> Perceived to be an affluent target market, homosexuals are known to be socially motivated consumers who vote with their pocketbooks. Research shows that nearly 90% of homosexuals said they would participate in boycotts against anti-gay corporations. John Knoebel, *Nontraditional Affluent Consumers*, AM. DEMOGRAPHICS, Nov. 1992, at 10.

<sup>178</sup> Gay & Lesbian Alliance Against Defamation, *Schlessinger loses more advertisers*, GLAAD Alert, (August 3, 2000), at <http://www.glaad.org/org/publications/alerts/index.html?record=2456>.

<sup>179</sup> Gay & Lesbian Alliance Against Defamation, GLAAD's Laura News Update, at <http://www.glaad.org/org/topics/index.html?topic=108>.

<sup>180</sup> Gay & Lesbian Alliance Against Defamation, *GLAAD applauds Cancellation of Dr. Laura* (Mar. 30, 2001) (emphasis added), available at <http://www.glaad.org/org/press/index.html?record=2737> (last visited Apr. 8, 2002).

<sup>181</sup> "Pull strategy" refers to getting consumers to ask an intermediary, such as a store, to carry a brand they currently do not sell—or in this case, to not carry a competing product. Such a strategy "pulls" the product through the distribution channel.

## 2. Stop Dr. Laura: Indirect Marketing

A powerful and well-disguised example of "negative branding" as part of the homosexual promotion is the October 18, 2000 episode of *The West Wing*.<sup>182</sup> The popular drama, which has a homosexual character, has won gay awards because it "regularly addresses issues of discrimination against the lesbian and gay community. . . ."<sup>183</sup> The particular episode was titled *The Midterms* but it became known in homosexual chat rooms as the slam Dr. Laura show.

In this episode's story line, a manifestly obvious Dr. Laura-type character, radio talk show host Dr. Jenna (Jacobs) is meeting with the President of the United States played by Martin Sheen. The climax of the discussion is when it is revealed through the interrogation by Sheen that "Doctor" Jenna is not a *medical* doctor who might be qualified to give advice in the area of homosexuality. In fact, she has no training at all in psychology, theology, social work or health care. She has a Ph.D. in English literature.

Sheen's character, President of the United States Jed Bartlet, says that her talk show audience is probably confused, inferring they must have no idea that she is not qualified to give advice or, specifically, to say that homosexuality is an abomination. Dr. Jenna replies, "It's not me . . . but the Bible."

The President, scripted as well versed in scripture, then severely dresses down Dr. Jenna's character. Sarcastically ridiculing her reference to the proscription of homosexuality in Leviticus, he snaps off several other verses of Old Testament scripture obviously not enforced today, for comparison.<sup>184</sup>

He asks what would be a good price for selling his daughter into slavery as Exodus 21:7 allows. Further, must he kill his colleague who works on the Sabbath, as required by Exodus 35:20? Can the Washington Redskins continue to play football if they wear gloves so they do not touch the skin of a pig, as required by Deuteronomy 14:8?

Dr. Jenna, now *exposed* for what she really is has no defense. Sheepishly she casts her eyes to the floor. The President's tirade ends with a mocking statement that perhaps Dr. Jenna has confused this interview with the President of the United States with her monthly

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<sup>182</sup> *The West Wing* (NBC television broadcast, Oct. 18, 2000).

<sup>183</sup> Press Release, Gay & Lesbian Alliance Against Defamation, GLAAD announces Nominees for 12th Annual Media Awards presented by Absolut Vodka (Jan. 16, 2001), available at <http://www.glaad.org/org/press/index.html?record=2663> (last visited Apr. 8, 2002).

<sup>184</sup> The scriptures quoted were actually apples to oranges since the proscriptions cited were ceremonial law, but it made for good television.

meeting of the "ignorant tight-ass club." He then reminds her that she should stand in his presence.

Because of all the obvious peripheral cues planted in the script, viewers who had heard of Dr. Laura likely would associate her as being represented by the Dr. Jenna character. Without even thinking, it is likely that many who did not know better would now "know" that Dr. Laura's Ph.D. was in literature. And therefore, Dr. Laura must be similarly and equally unqualified to comment on the biology of homosexuality or to offer moral advice as Dr. Jenna.

The not too subtle persuasive message is that Dr. Jenna/Laura is the bad brand of citizen: a deceptive, ignorant, tight-ass, unqualified to give advice let alone make moral judgments. The good brand of citizen is the enlightened, literate, credible President who comes down on the side of homosexuals. Buttressed by flagrant proof-texting, the *good* Christian (Sheen's character is hinted at as possibly Catholic) puts the moralistic right wing bigot in her place.

The problem is that the real Laura Schlessinger actually has exceptional credentials to do what she does. Her education includes a B.S. in Biology Sciences from the State University of New York, an M.S. and Ph.D. in physiology, and an M. Phil. from Columbia.<sup>185</sup> She has a post-doctoral certification in marriage, family, and child counseling from the University of Southern California at Los Angeles, was a member of the graduate psychology faculty at Pepperdine University for eight years, and is licensed in marriage, family, and child counseling in California.<sup>186</sup> She has been in private psychotherapy practice for twelve years.<sup>187</sup>

Focusing on (and distracted by) the obvious pro-homosexual speech of the President, what viewers likely missed was the subtle character assassination of Dr. Laura. Her education was misrepresented in order to destroy her source credibility, and Old Testament ceremonial law was conflated with proscriptions on homosexuality in order to confound biblical arguments. Many viewers would be left with two (subconscious) impressions: Dr. Laura is unqualified *and* only ignorant homophobes claim that the Bible condemns homosexuality. But *The West Wing* is only fiction.

### *B. He Who Controls History...*

Because influencing, even controlling the media, is so central to the marketing of the homosexual idea, it is worthwhile to cite one more example of purposeful yet disguised exploitation of the media. In the

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<sup>185</sup> Premiere Radio Networks, About Dr. Laura, at <http://www.drlaura.com/about>.

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

Home Box Office [HBO] "documentary" *The Celluloid Closet*, the producers purport to document that, even in early ultra-conservative Hollywood in the 1950s and early 1960s, movies were "coded" with subtle homosexual shadings and nuances.<sup>188</sup> Movies mentioned as supposedly including homosexuality as a subtext include *Red River*, *Ben-Hur*, and *Gilda*.<sup>189</sup> "However, when pressed by . . . the Television Critics Association [the producers] said they *had no documentation*—no director's notes or producer's memos—to support their theory . . . ." <sup>190</sup> Nevertheless, the show aired in 1996 suggesting that big stars (credible sources, god words/symbols, cues) like John Wayne, Charlton Heston, and Doris Day winked at homosexuality.<sup>191</sup>

The homosexual product is promoted as good for business, education, and entertainment via the use of free celebrity endorsements—all with greater effect than any advertising money could buy.

### C. *Two Birds with One Stone*

#### 1. Using the Government to Influence Business

Businesses (the workplace), the advertising by businesses, and the credibility of major organizations are all exploited by the homosexual persuasion campaign. Homosexuals have made great strides, especially at the national level, in private business. Hundreds of companies, including many of the Fortune 500, now have policies specifically banning sexual orientation discrimination.<sup>192</sup> In addition to the usual activism one might associate with such equity goals, a rather unique and successful marketing tactic has been developed that combines media influence and a Securities and Exchange Commission (SEC) regulation.

Resolutions are simple. Generally, any shareholder of title owning approximately \$2,000 worth of stock one year before a resolution-filing deadline (generally twelve months before a shareholder meeting) may file a resolution. By SEC regulation, as long as the resolution complies with company guidelines for such filings, the corporation must actually get a waiver from the Securities and Exchange Commission to exclude a shareholder's proposal. While these resolutions almost never win on a vote, they only have to garner three percent support to be reintroduced again at the shareholders meeting the following year. At that time, if

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<sup>188</sup> Larry Bonko, *New TV Focuses on Old Films: HBO explores Gay Themes; PBS relives 'Kane' Battle*, VIRGINIAN-PILOT: TELEVISION WEEK, Jan. 27, 1996, at 1.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> Kim I. Mills, *Shareholder Resolution Information: Taking Stock of Shareholder Resolutions*, HRC Q., Summer 2001, at <http://www.hrc.org/equalityatexxon/shareholder/hrcqsum2001.asp> (last visited Apr. 13, 2002).

they gather six percent, they can be reintroduced again and then again every subsequent year if support is ten percent or above.<sup>193</sup>

Shareholder resolutions were designed by the SEC to give small shareholders a voice since they are, in fact, owners. Trillium Asset Management, a homosexual investment management company, began sponsoring these resolutions. Since then, other homosexuals and homosexual friendly organizations, such as the HRC itself, have taken the same tack. Since 1995, this persuasive maneuver has been successfully used to exact change from giants such as Johnson & Johnson, DaimlerChrysler, American Home Products, McDonalds, and General Electric.<sup>194</sup> ExxonMobil is one of the more recent shareholder resolution "projects" of homosexual activists.<sup>195</sup>

This tactic is another example of exaction pricing. While the stated goal is substantive discussion that will lead to change in corporate policies and behaviors,<sup>196</sup> "even if [the resolutions] are ultimately withdrawn by their [homosexual activist] proponents, proposals are often covered by the press."<sup>197</sup> A price is exacted—either change or bad press.

## 2. Using Business to Influence Government

Why are homosexuals so concerned about big business? It cannot really be about employment discrimination since their higher income level as a group would indicate access to capital, wealth, and power.

First, "[C]orporate actions often serve as models for government and for the popular culture."<sup>198</sup> Second, "[S]ocial prejudice is eroded by mainstream advertising to homosexuals . . . [with] more big-league companies jumping on the gay-advertising bandwagon every day . . ."<sup>199</sup> Third, the more workplaces that adopt anti-discrimination policies, the more the competition is subjected to cognitive dissonance via forced compliance on the job five days per week.

The real goal is to use the workplace and big business to promote and distribute the homosexual agenda.

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<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> *Id.*; see also Equality Project, Recent Corporate Campaigns, at <http://www.equalityproject.org/hist.htm#recent> (last visited Apr. 9, 2002).

<sup>196</sup> Equality Project, What is Shareholder Activism, at <http://www.equalityproject.org/what.htm> (last visited Apr. 13, 2002).

<sup>197</sup> Equality Project, How Shareholder Proposals Work, at <http://www.equalityproject.org/how.htm#f1> (last visited Apr. 13, 2002).

<sup>198</sup> Pertman, *supra* note 119, at E1.

<sup>199</sup> *Id.*

### D. The Education Channel

Public schools, especially elementary schools, are at the forefront of the battle of homosexual tolerance programs. "Recent months and years have witnessed the beginnings of an unprecedented campaign . . . to affirm homosexuality and so-called 'gay youth' in schools . . . . [A]llies argue that students need . . . 'positive' images . . . to counter . . . 'homophobic' society."<sup>200</sup>

PFLAG's *Read this Before Coming Out to your Parents* is described as its "most famous brochure."<sup>201</sup> The stated purpose of the brochure is "to inform gay and lesbian young adults about the process *most parents* go through when their child's homosexual orientation is disclosed."<sup>202</sup> Note how the persuasive message is framed as education to help your parents accept your coming out:

Don't raise the issue unless you're able to respond with confidence [that you are sure you are homosexual].

. . . If you're wrestling with guilt and periods of depression, you'll be better off waiting to tell your parents.

. . . .  
. . . Your parents will probably respond based on a lifetime of information from a homophobic society.

. . . .  
. . . If you suspect they are capable of withdrawing college finances or forcing you out of the house, you may choose to wait until they do not have this weapon to hold over you.

. . . .  
. . . If they tend to see social issues in clear terms of good/bad or holy/sinful, you may anticipate that they will have serious problems dealing with your sexuality. If, however, they've evidenced a degree of flexibility when dealing with other changing societal matters, you may be able to anticipate a willingness to work this through with you.<sup>203</sup>

To what does this message appeal?

PFLAG's (1995) promotional message maintains the theme that any parents who might reject homosexuality as normal are sick. Parents are characterized as possibly homophobic, potential victimizers who may use college finances to oppress the homosexual, or ignorant (needing *education*) because they only see things "in clear terms of good/bad or

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<sup>200</sup> Peter LaBarbera, "Homosexual Correctness" Advances in America's Schools, Briefing on Capitol Hill (July 2, 1996), available at <http://frc.org:80/podium/pd96g0hs.html> (last visited Mar. 3, 1999) (on file with the author).

<sup>201</sup> Queer Resources Directory, *Read This Before Coming Out to Your Parents*, at <http://www.qrd.org/qrd/youth/read.this.before.coming.out.to.your.parents> (last visited Apr. 13, 2002).

<sup>202</sup> PFLAG, *Read This Before Coming Out to Your Parents*, at [http://www.outproud.org/brochure\\_coming\\_out.html](http://www.outproud.org/brochure_coming_out.html) (last visited Apr. 13, 2002) (emphasis added).

<sup>203</sup> *Id.*

holy sinful" and find their own child unlovable.<sup>204</sup> The parents' competing idea of normality is not to be trusted. PFLAG has told the prospective customer to "buy" (make the decision you are homosexual) *before* discussing it with parents.

There are other forms of promotion that education takes. A health educator at a Massachusetts high school included these loaded questions in a sex quiz: "Are you heterosexual because you fear the same sex? How do you know you wouldn't prefer sleeping with someone of the same sex? Do you merely need a good gay experience?"<sup>205</sup>

The promotion can also take the form of self-improvement education. Project 10<sup>206</sup> is a school-counseling program staffed by homosexual counselors. It is positioned as a "dropout prevention program"<sup>207</sup> and "a response to suicide, alcohol/substance abuse and risk of AIDS."<sup>208</sup> Its mission is to identify and provide support in developing positive homosexual identity.<sup>209</sup> Again, the product is positioned as correct. Side effects like AIDS are, at best, a tertiary issue.<sup>210</sup>

One resource is a teacher self-evaluation quiz designed to expose "unconscious biased behaviors."<sup>211</sup> While it asks legitimate questions with possible answers "Always," "Sometimes," and "Never" on using or allowing to be used pejorative language like "dyke" or "faggots," it also asks whether "I use examples in my job showing gay men and lesbians of diverse backgrounds . . ." or do "I supplement inadequate treatment of gays and lesbians [in the classroom]."<sup>212</sup> The requirement is that to be equitable, not an "...ist," teachers must not just tolerate homosexuality but value it enough to make sure that it is included in classroom discussions.

Another promotion strategy is to "help" schools. After monitoring a conference on Reparative Therapy in 1998 (psychotherapy designed to help homosexuals seeking change to achieve that goal), the Gay,

<sup>204</sup> *Id.*

<sup>205</sup> Eugene Narrett, *Educrats Selling Ancient Snake Oil*, INSIGHT ON NEWS, May 13, 1995, at 28-29. See also NARTH, "Making Schools Safe" Means "Refashioning Values" in Massachusetts, at <http://www.narth.com/docs/makingsafe.html> (last visited Apr. 13, 2002).

<sup>206</sup> The name itself is supposed to be persuasive, drawing on the mythical 10% homosexual figures discussed earlier.

<sup>207</sup> Project 10, *Addressing Lesbian and Gay Issues in Our Schools*, at <http://www.project10.org/Flyer.html> (last visited Apr. 13, 2002).

<sup>208</sup> *Id.*

<sup>209</sup> Project 10 Background, at <http://www.project10.org/Backrond.html>.

<sup>210</sup> See SATINOVER, *supra* note 12, at 15.

<sup>211</sup> Project 10, *Teacher's Self-Evaluation of Non-Biased Behavior*, at <http://www.project10.org/SelEval.html>. Note again the positioning of the opposing view via non-defensible accusation/label: unconscious bias.

<sup>212</sup> Project 10, *Teacher's Self-Evaluation of Non-Biased Behavior*, at <http://www.project10.org/Biastest.html>.

Lesbian, and Straight Education Network [GLSEN] distributed almost 15,000 copies of *Just the Facts About Sexual Orientation and Youth* to school superintendents around the country as a "primer."<sup>213</sup>

Once again, the APA declassification in 1973 of homosexuality came into play. With an impressive list of supporting organizations including the National Education Association (NEA) and American Federation of Teachers (AFT), *Just the Facts* devoted an entire section discouraging any reparative therapy type materials (the competing idea) being made available in schools because national associations of "more than 477,000 health and mental health professionals, have all taken the position that homosexuality is not a mental disorder *and thus there is no need for a 'cure.'*"<sup>214</sup> The wishes of a child seeking possible change is irrelevant and documented success of many approaches over the years—including reparative therapy—is not to be considered.<sup>215</sup>

*Just the Facts* flatly states that the "most important fact [to recognize] about 'transformational ministry' is that its view of homosexuality is not representative of the views of *all* people of faith. Many deeply religious people . . . are supportive and accepting [of gays rights needing] to be protected from the discriminatory acts of others."<sup>216</sup> Any discussion of the success of this approach is avoided by the introduction of a specious argument.

Promotion through education packaged as "tolerance" at St. Cloud State University in St. Cloud Minnesota went so far that a policy statement was issued that declared, "It is simply not acceptable for social workers to view homosexual people . . . as sinners . . . . The only legitimate position . . . is to abhor the oppression . . . and to act personally and professionally to end the degradation [of homosexuals]."<sup>217</sup> It suggested that a Catholic student or any students who could not agree should leave the degree program.<sup>218</sup>

It is important to take particular note that the statement, made in direct violation of the students' religious freedom, concerned a social work degree program.<sup>219</sup> Furthermore, the American Psychological

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<sup>213</sup> *JUST THE FACTS*, *supra* note 103 (emphasis added).

<sup>214</sup> *Id.* at 5 (emphasis added).

<sup>215</sup> In addition school officials are cautioned they "should be deeply concerned about the validity and bias of [such] materials." *Id.* at 9.

<sup>216</sup> *Id.* at 7 (emphasis added).

<sup>217</sup> Maura Lerner, *St. Cloud State's Department Statement on Gays Causes Backlash*, STAR TRIB. (Minneapolis-St. Paul), June 1, 1993, at 1A.

<sup>218</sup> *Id.* The policy was criticized for "telling Catholic students they either have to reject a part of their church's teachings or get out of the program." *Id.* The statement said "[i]t is simply not acceptable for social workers to view homosexual people as perverse or as sinners" and "[i]t is not OK in this case to 'love the sinner and hate the sin.'" *Id.*

<sup>219</sup> *Id.* (representing the homosexuals' agenda targeting of the "priesthood" of the mental health profession).

Association accredits schools offering graduate degrees in clinical psychology. Accreditation can be a critical factor for the long-term success of the program.

### *E. The Military Campaign*

The issue of gays in the military is an excellent example of the multifaceted theme continuing to work. In a report on the entire issue of gays in the military, Waldman, Glick, Miller, and Clift, present this picture:

The key, strategists concluded, was to focus on the issue of discrimination [and avoid the actual activity. Do] not attempt to justify the "lifestyle" [and continue to trumpet a biological connection because] [s]everal focus-group participants . . . became more tolerant about gays in the military after hearing [those types of] news reports.<sup>220</sup>

It is for this reason that a constant stream of studies purporting to suggest some sort of biological cause (not necessarily supporting, let alone proving, a causal relationship) are dutifully reported in a cultivated media.

## VI. CONCLUSION

The economics and education of homosexuals makes them prime players in a capitalistic society. Money means power, and education means the knowledge to use that power to gain more. Homosexuals have demonstrated they have access to the leadership in media, government, education, business and other centers of influence as well as access to capital. These are hardly traits of an oppressed minority.

More than twenty-five years after the *leadership* of American Psychiatric Association and the *leadership* of the American Psychological Association proclaimed homosexuality normal, they have not convinced their own members. The Joint Task Force of the American Psychological Association says its new guidelines represent the education needed to change the thinking of psychologists.<sup>221</sup> Presumably, this is needed because, as it states in the guide's introduction, the decision by the American Psychiatric Association "is yet to be fully implemented in practice" a quarter century later.<sup>222</sup> Likewise, an article in *Psychiatric Times* states that "surveys continue to report high levels of *ignorance*

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<sup>220</sup> Steven Waldman et al., *The Battle of the Gay Ban*, NEWSWEEK, Apr. 5, 1993, at 42-43.

<sup>221</sup> Society for the Psychological Study of Lesbian, Gay, and Bisexual Issues, Joint Task Force on Professional Practice Guidelines, at <http://www.apa.org/divisions/div44/research.html>.

<sup>222</sup> *Id.* (noting Feb. 26, 2000 approval by the American Psychological Association).

and prejudice encountered by homosexuals in their contacts with health care providers."<sup>223</sup>

While the marketing campaign continues the drumbeat of normalcy and the valuing of gayness, several recent population-based studies show otherwise.

- Higher rates of major depression, generalized anxiety disorder and substance use in homosexual youth.
- Higher rates of recurrent major depression among homosexual men.
- Higher rates of anxiety, mood and substance [ab]use . . . among people ages 15 to 54 with same-sex partners.
- Higher use of mental health services in men in women reporting same-sex partners.<sup>224</sup>

In addition, even with massive *education* efforts about the devastating effects and prevention of AIDS, "[s]ince protease inhibitors were introduced in the mid-1990s, researchers have [found] a *surge* in the number of young gay men who practice [anal sex without condoms]."<sup>225</sup> In a 1999 study, it was found that the primary reason for unsafe anal sex was "poor intentions to use [condoms] and poor norms [in insisting upon the use of condoms]."<sup>226</sup> Only sharing needles compares with anal sex for risk.

How successful is the valuing diversity and AIDS education effort in schools? Some mental health professionals are beginning to report that more kids are doing worse things at younger ages than they have ever seen. Twelve and thirteen-year-old suburban kids are getting together for group oral and anal sex parties.<sup>227</sup> Certainly this is not *absolute* proof of a causal relationship, but it is powerful evidence that one exists.

The message continues that AIDS today is everyone's disease. It has spread to the heterosexual population. Some probable causes are likely shared needles in drug use and denial of homosexual sex by HIV-positive "heterosexuals." One possibility, as research indicates, is that bisexual men with primary female partners do not disclose their bisexuality to

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<sup>223</sup> Hawkins, *supra* note 9 (emphasis added).

<sup>224</sup> Tori DeAngelis, *New Date on Lesbian, Gay and Bisexual Mental Health*, MONITOR ON PSYCHOL., Feb. 2002, at 46.

<sup>225</sup> Tori DeAngelis, *A New Generation of Issues for LGBT Clients*, MONITOR ON PSYCHOL., Feb. 2002, at 43 (emphasis added).

<sup>226</sup> Margaret Rosario, *Understanding the Unprotected Sexual Behaviors of Gay, Lesbian, and Bisexual Youths: An Empirical Test of the Cognitive-Environmental Model*, HEALTH PSYCHOL., May 1999, at 272-80.

<sup>227</sup> Ron Taffel, *The Wall of Silence: Reinventing Therapy to Reach the New Teens*, PSYCHOTHERAPY NETWORKER, May/June 2001, at 55.

their female partners 75% of the time.<sup>228</sup> They also do *not* modify their sexual behavior to protect female partners 64% of the time.<sup>229</sup>

On the issue of families, contrary to the campaign message, domestic violence in homosexual "domestic partnerships" as a group is several times higher than for heterosexual married couples.<sup>230</sup>

Yet the homosexual campaign is winning in the marketplace. "A little more than a majority [of Americans] now say that homosexual relations should be legal, and [the lifestyle] is acceptable."<sup>231</sup> Half of those polled also now believe that there is a biological link or genetic trait.<sup>232</sup>

Gay journalism largely has been taken over by slick publications that are influenced more by the marketing mentality than by social inquiry.<sup>233</sup> Gay media is flourishing with more main stream advertisers chasing what is perceived as a lucrative market and films about the homosexual struggle such as *Philadelphia* win Oscars. The gay idea has been successfully transformed, elevated to gay heroics, focused on rights rather than what is right, reframed as an issue of discrimination and education, and focus on valuing rather than values.

Concepts introduced through the media, education, government, and courts by the homosexual movement theme have shaped our discourse; homophobia, heterosexism, tolerance and hate speech are now mainstream vernacular." A "gay culture" has been successfully fabricated "through nothing more than naming and renaming, forming and reforming . . . until memory has no possibility of meaning."<sup>234</sup>

Society is bombarded by the A-list wealthy, gay stereotype that has become the image by which even homosexual people increasingly measure themselves.<sup>235</sup> We only see smart, witty, or sympathetic GLBT characters on television while simultaneously being shamed that all suffering and every malady endemic to homosexual behavior is caused by victimization of an ignorant, homophobic society.

"[E]very age and society has dominant media that shape the way the culture thinks."<sup>236</sup> "The content of the mass media sets the public's

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<sup>228</sup> Seth C. Kalichman et al., *Risk for HIV Infection Among Bisexual Men Seeking HIV-Prevention Services and Risks Posed to Their Female Partners*, HEALTH PSYCHOL. July 1998, at 320.

<sup>229</sup> *Id.*

<sup>230</sup> *Gay Domestic Violence Finally Measured*, Family Research Report (Family Research Institute) Dec. 2001, at 1, 2.

<sup>231</sup> Becky Ebenkamp, *Dancing 'round the Gay Poll*, BRANDWEEK, June 11, 2001, at 23.

<sup>232</sup> *Id.*

<sup>233</sup> Sarah Schulman, *Gay Marketeers*, PROGRESSIVE, July 1995, at 28.

<sup>234</sup> BROWNING, *supra* note 90, at xii.

<sup>235</sup> Schulman, *supra* note 233, at 28.

<sup>236</sup> BRUMMET, *supra* note 1, at 809.

political and social agenda."<sup>237</sup> But, it would appear that our mass communications are mainly providing us the illusion of being informed. Rather, it is actually providing "misleading information—misplaced, irrelevant, fragmented or superficial information—information that creates the illusion of knowing something but which in fact leads one away from knowing."<sup>238</sup>

"The way controversial ideas are disseminated makes a big difference in what we think of someone or something and whether we even feel comfortable thinking freely about an issue."<sup>239</sup> Even freedom of thought is being threatened by demands for more hate crimes legislation, which has little to do with defining new crimes or even stopping crime but everything to do with what one is *thinking* when the crime is committed. Public discourse has been influenced to the extent that even expressions of dissent based on the freedom of religion, a constitutional right, are now labeled *hateful*, a tiny step away from being labeled hate speech.

Adolf Hitler understood the cleansing power that comes with the ability to place all of one's ills on a scapegoat. It is especially medicinal to move infirmities outside the self because then "one can battle an external enemy [rather than the] enemy within."<sup>240</sup> In Hitler's Germany, by the use of public discourse, people were convinced to take horrible action to solve a Jewish problem where none existed. Today, homophobes and heterosexists are proclaimed to be the problem. Hate crimes and gay rights legislation are proposed as the solution.

Yet, the purpose of law *is* to discriminate against certain behaviors. It even discriminates against those with *real* pathological behaviors, i.e., alcoholics who drive drunk. Laws discriminate against parents who believe it is normal to exploit their children, companies who justify making false promises or dangerous products, citizens who believe that they should not have to pay higher taxes, incompetent doctors, drug dealers, and ticket scalpers.

The debate is not about the persecution of a political minority but is about the state's right and its duty to regulate against behaviors that are unhealthy and destructive to society at large. "If at the level of civil politics there are homosexual people who do not want to be known solely through what sex they have or where and with how many they have it, it is nonetheless absurd to claim that sex is merely ancillary to the gay . . . agenda."<sup>241</sup>

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<sup>237</sup> PRATKANIS & ARONSON, *supra* note 4, at 84.

<sup>238</sup> NEIL POSTMAN, *AMUSING OURSELVES TO DEATH* 107 (1985)

<sup>239</sup> BRUCE, *supra* note 7, at 192.

<sup>240</sup> BRUMMET, *supra* note 1, at 749.

<sup>241</sup> BROWNING, *supra* note 90, at 100. Frank Browning has lived in, reported on, and written about homosexual culture extensively.

Gay rights is not about the attainment of truth nor social justice but the achievement of power. The battle centers on the control of public discourse through marketing and persuasion, to shape *what* society thinks about and *how* they think about it. Homosexual activists envision that a decision is ultimately made without society ever realizing that it has been purposely conditioned to arrive at a conclusion that it thinks is its own.

Perhaps with the application of common sense, the balance can be regained between right and rights and thereby not only will the few be protected from the whims of the masses but the masses can be saved from the excesses of the few.