



Faith and Family Equality

An Analysis of Arkansas's 2008 Battle Over
Same-Sex Adoption

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Introduction and summary

An estimated 3,700 children in Arkansas were living in state custody—far more than the 1,045 homes available for foster care placement—when voters in the state went to the polls during the 2008 presidential election contest.¹ One of the items on the ballot was an initiative that would ban adoption or foster parenting by “unmarried individuals in cohabiting relationships.” The adoption ban initiative was the most recent attempt by conservatives in the state to make it illegal for gays and lesbians to be foster parents or adopt children in need. Certainly, the need was great. Social workers were putting children in temporary shelters, group homes, even juvenile detention centers while hunting for more permanent places.²

Yet on November 4, 2008, Arkansas voters approved the adoption ban. The initiative, called Initiated Act 1, passed with 57 percent of the vote and came after a prolonged battle by religious organizations and advocacy groups on both sides of the issue.

Leaders in the fight supporting Act 1 came from conservative religious and political organizations with strong grassroots capacities and a history of working together on “culture war” issues in Arkansas. In 2004, conservatives had been successful in a ballot initiative campaign to ban same-sex marriage. For years, they had been working through state policies and legislation to ban adoption and foster parenting by same-sex couples. Although some of their previous efforts had failed, Act 1 was a success. Opponents of Act 1 included gay, lesbian, bisexual, and transgender advocacy organizations, medical professionals, children’s rights advocates and experts, and an interfaith alliance comprised mainly of mainline and progressive faith leaders.

Sadly, the situation for children in state custody in Arkansas mirrors that of the nation as a whole, where the number of children in need far outstrips the supply of available foster and adoptive homes. For instance, in 2006, there were approximately 123,000 children in the United States living in foster care waiting for adoptive families.³

One might think that faith communities, whether conservative or liberal, would support increasing the number of homes for children in need—and encourage placing children in loving adoptive and foster families eager to bring children into their lives. Conservative churches, especially, are known as strong supporters of adoption. Unfortunately, such support tends to evaporate in certain faith communities when the prospective parents are gay, lesbian, or bisexual.

In Arkansas, conservative religious leaders announced the launch of their campaign in January 2008. Although they initially had difficulty getting enough signatures for the adoption ballot initiative, they made up for this initial weakness during the campaign, with strong grassroots outreach and collaborations with churches, religious advocacy groups, and political organizations. Their messaging emphasized religious teachings and traditional values. The day after they won, a leader of the Act 1 campaign sent a message to allies, claiming that God’s divine providence and their hard work had made victory possible.

Going into the battle, progressive opponents of Act 1 also had a number of strengths. Their campaign was better funded than that of conservatives. Opinion polls were seemingly in their favor, and they had endorsements from an array of experts, including judges and social workers. Act 1 opponents also had an arsenal of poignant stories about children in need and nontraditional families eager to adopt or be foster parents for children without homes.

In some ways, the battle centered on how to define family. Although the language of the ballot initiative was generalized—referring to “unmarried individuals in cohabiting relationships”—its intended targets were lesbian, gay, and bisexual prospective parents. During the campaign, progressives highlighted how the ban would harm children in need, as well as heterosexual couples, but they were outmatched by the efforts of conservative religious forces.

Progressives also had problems of their own. Their campaign was hindered from the start by differing philosophies as to what their messaging and communications strategies should be, conflicting advice from campaign experts, and lack of outreach into the state as a whole. A serious deficit was their lack of strong partnerships with faith communities around the state to rebut conservative messaging. Many of the coalition participants noted their inability to match the extensive built-in networks that their opponents were able to capitalize on.

Soon after the election, the American Civil Liberties Union in Arkansas filed a complaint on behalf of 29 plaintiffs, known as *Cole v. Arkansas*.⁴ The plaintiffs included Arkansas families who’d been hurt by the passage of Act 1. One was a heterosexual woman who wanted to be a foster parent but couldn’t because she wasn’t married to her male partner. Another plaintiff was a lesbian grandmother who couldn’t adopt her grandchild, despite the fact there were no other family members able to provide care.

On April 16, 2010—more than two years after the adoption ban won at the polls and went into effect—a state judge struck down the adoption ban, claiming it “infringes upon the fundamental right to privacy guaranteed to all citizens of Arkansas.”⁵ Conservatives quickly condemned the ruling and vowed they would appeal the decision to the state Supreme Court.⁶ The state attorney general announced that the state would also appeal, while at the same time the Arkansas Department of Human Services told its staff to begin accepting applications from unmarried couples who wanted to be foster or adoptive parents.

“Faith and Family Equality” provides an analysis of the battle over Act 1. In particular, the report looks at the strategies, tactics, messaging, and outreach of religious groups on both sides of the fight. We examine the efforts of Act 1 supporters who sought to ban same-sex adoption—and of Act 1 opponents who wanted to defeat the ban.

An analysis of the battle over same-sex adoption in Arkansas points out the importance of several key factors necessary for success. These factors include:

- Early mobilization
- Statewide grassroots outreach
- Alliances between faith and advocacy groups
- Rapid response to conservative scare tactics
- Faith-based messages targeted to particular faith communities with messengers from those communities.

But perhaps the most important factor we found is the need to build strong partnerships among faith communities and advocacy groups—ones that can create effective faith-based messaging. Such efforts should be undertaken not for their strategic value but because it is the right thing to do.

It is the right thing to do because equality and justice for lesbian, gay, bisexual, and transgender people is more than a civil rights and human rights issue. It is also a deeply moral issue. For people of faith, such equality is premised upon the fact of being worthy and good in God’s eyes. Accordingly, justice stems from the truth that every person—gay or straight—is created in the image of God. To call sinful a person’s core identity is to challenge the wisdom and judgment of God, rather than to celebrate the diversity of God’s creation.

To see this elemental aspect of human rights and equality as separate from essential religious truths is to distort the essence of the issue, especially for people of faith. Religion and faith are embedded in the struggles of gay, lesbian, bisexual, and transgender people for equality and justice. They are inherent in the battle to form families and to parent with dignity.

Not to claim religion as intrinsic to this struggle is to miss the mark and allow opponents to monopolize the moral high ground. A progressive minister who worked against the ballot initiative banning same-sex adoption in Arkansas said, “Religion is hijacked by whomever you allow to hijack it. Without a counter-argument, they win.”⁷

This report offers a cautionary tale for faith communities and advocates, along with lessons that are relevant to states considering similar measures. The report is a reminder that grassroots mobilization of faith communities is crucial in these struggles, that messages must be targeted to key communities with messengers from within those communities—and that in battles so steeped in issues of morality, the cost of minimizing moral parameters is high.

The report should also be cause for hope. An examination of the ballot initiative battle in Arkansas suggests that there is receptivity, even among conservative faith communities, to outreach and targeted messages that support same-sex adoption. As other states consider these measures—and as federal legislation is introduced in Congress—it is crucial for faith communities and advocates to work together to transform the moral vision of family equality and justice into reality for all Americans.

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