

A shifting landscape: Gay rights, RFRA and the GOP

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WASHINGTON – Gov. Mike Pence’s opinions on gay rights and religious freedom haven’t changed in two decades of public life.

Like many socially conservative Republicans, Pence — who often describes himself as “a Christian, a conservative and a Republican, in that order” — has long argued that special anti-discrimination protections for gays run counter to religious freedom.

It’s a position that invigorated his evangelical Christian base during 12 years in Congress and never really hurt him publicly among Indiana’s GOP moderates — until March 26, that is.

It was then that powerful Republican business interests started joining a widespread political backlash against Pence’s signing of the Religious Freedom Restoration Act, a bill that was pushed by evangelical lobbyists largely as a way to protect Christians from being forced to participate in same-sex weddings.

Analysts say the social media firestorm that was visited on Pence and Indiana is the latest example of just how fast public opinion is changing on the wedge issue of gay rights, even among some Republicans.

“The national shift in views of gay rights has been lightning fast,” said Amy E. Black, a political science professor at Wheaton College. “Positions which were mainstream in both parties only a few years ago are quickly becoming marginalized.”

What that might mean for American politics is something of a guessing game. Some Democrats, who had often shied away from gay rights issues, are now embracing them. But for the GOP the shift raises a more serious question, said Dan Schnur, communications director for U.S. Sen. John McCain’s 2000 presidential campaign.

How much longer will Republicans be able to make inroads with voters by waging this particular culture war, as increasing numbers of mostly young, social-media savvy voters see gay rights as a modern-day version of the 1960s Civil Rights Movement?

“This issue,” Schnur said, “is a ticking demographic time-bomb for the Republican Party.”

A long record

opposing gay rights

Pence’s support of Indiana’s controversial “religious freedom” law was hardly surprising.

The law was perceived by opponents and proponents alike as being a reaction to court rulings that paved the way for same-sex marriage.

And Pence has long taken the stance that special civil rights protections cannot be extended to gays and lesbians without infringing on the First Amendment rights of the faithful.

Throughout Pence’s term in Congress and as governor, he has opposed providing special protections for gays as trampling on religious rights.

His spokeswoman, Christy Denault, takes umbrage with those who equate Pence’s stances with discrimination.

“I don’t think that providing special rights should be a litmus test for discrimination,” she said.

But that’s not how others see it.

“He has opposed LGBT equality at every opportunity,” said Stephen Peters, spokesman for the Human Rights Campaign, a pro-gay rights group.

Pence’s congressional record shows case after case in which he cited worries about gay rights impeding on the faithful as well as a general disapproval of the gay lifestyle.

In 2000, for example, Pence's campaign website went so far as to declare that he wouldn't support federal funding to care for people living with HIV/AIDS unless money was cut to programs "that celebrate and encourage the types of behaviors that facilitate the spreading of the HIV virus."

Instead, he wanted funding to go to programs that would seek to change "sexual behavior."

Pence, who has said he believes that being gay is a "lifestyle choice," also worried that a bill to protect gays and lesbians from workplace discrimination could be used to discriminate against Christians.

"If an employee keeps a Bible in his or her cubicle, if an employee displays a Bible verse on their desk, that employee could be claimed by a homosexual colleague to be creating a hostile work environment," he said in 2007 on the floor of the U.S. House of Representatives.

Likewise, he was concerned that expanding the definition of a hate crime to include a victim's sexual orientation could make a pastor's sermon condemning gay sex hate speech.

"This will have a chilling effect on religious expression, from the pulpits, in our temples, in our mosques and in our churches," Pence said in 2009. "And it must be undone."

Pence was more outspoken than many Republicans in his championing of a federal constitutional amendment defining marriage as the union of a man and a woman, insisting it was not a form of discrimination. Marriage, he said in multiple floor speeches, was "ordained by God."

Denault said, however, that many of his votes were "multifaceted" and not entirely driven by his stance on gay-rights issues. For instance, she said, Pence also cited worries about those who condemned adultery as a reason to oppose "thought crime" legislation, which is how he characterizes the hate-crime expansion. And, Denault said, as a small government conservative, Pence also opposed new workplace regulations out of principle.

Still, Pence's opposition to gay rights — a position shared by most members of his party — resonated with one of his largest and most dependable groups of political supporters: white evangelical Christians. The single largest religious group in Indiana, they represent a unified bloc that votes — and that leans overwhelmingly Republican.

Pence's views helped him win easy re-election in his conservative east central Indiana congressional district, assisted in his gubernatorial campaign and pushed his name into presidential discussion.

While Pence and lawmakers have said RFRA was not about gay rights, its most vocal backers made no secret of their intentions. In fact, they used many of the same arguments Pence had used for years in opposition to gay rights.

Christian lobbyists — three of whom flanked Pence at a private bill signing — repeatedly claimed that, without RFRA's protections, the extension of new rights to gays by various courts would trample long-held religious freedoms.

That rhetoric was repeated during testimony in the Statehouse.

Whether true or not, Pence's denial and claim that he was misunderstood were overwhelmed by the perceptions created by both Pence's own record and the statements of the bill's most ardent supporters.

After business leaders expressed outrage and threatened to pull away from Indiana, Pence insisted that he abhorred discrimination, yet declined to say whether RFRA would allow businesses to discriminate on the basis of sexual orientation.

When asked to clarify that stance on Friday, Pence's office issued a statement, saying now "is a time for healing in Indiana."

"Hoosiers love our neighbors as ourselves, we are kind toward each other, and we respect our diverse, yet strongly held beliefs," he said. "As we move forward, I am confident that Hoosiers will continue to resolve differences over these questions in a manner that honors the character and goodness of our people."

Some GOP political analysts say Pence had made a gross miscalculation of just how fast the political landscape had shifted.

Big business and 'corporate thuggery'

Until fairly recently, Pence's positions weren't seen as particularly radical — even among Democrats.

It was President Bill Clinton, a Democrat, who signed the Federal Defense of Marriage Act, which prevented federal recognition of gay marriages until the Supreme Court struck down that part of the act in 2013.

In the last decade, however, public support for gay marriage has climbed from 31 to 54 percent, according to polling in September by the Pew Center.

And young voters are far more likely to support gay rights. Nearly 7 out of 10 millennials, Americans born after 1980, support gay marriage.

In the years since Pence became governor in 2012, gay marriage has become legal — either through legislation or legal mandate — in 28 states, including Indiana.

After straddling the fence on the issue for years, President Barack Obama in 2012 became the first president to support gay marriage. And in 2013, Indiana's Democrat U.S. Sen. Joe Donnelly said he, too, had changed his position.

Such developments have emboldened the LGBT community and its supporters and caused concern among evangelical Christians such as Pence.

"They're the biggest religious tradition in the state, but yet they often see themselves as embattled culturally, because there are these shifts that are occurring," said Daniel Cox, research director at the nonpartisan [Public Religion Research Institute \(http://publicreligion.org/\)](http://publicreligion.org/).

"They're sort of paddling against this stream, and this stream is becoming a river. It's really putting them in this position of thinking that no one is standing up for their beliefs."

Polling numbers show 72 percent of Americans think religion is losing influence in American life. And most who think religious influence is declining consider that a bad thing, a sentiment strongest among evangelicals, who account for almost one in three Hoosiers.

The same Pew poll from September found the country remains narrowly split on whether Christian business owners should be able to deny services for gay weddings, providing evangelicals a political opening on that issue. At that time, 49 percent said businesses should be required to provide services, compared to 47 percent who said they should not be required.

Showing just how quickly public opinion is shifting, however, a Reuters/Ipsos poll conducted last week — after the Indiana RFRA flare-up — revealed significant shifts: 52 percent now say it is wrong to refuse services, compared to only 28 percent who said businesses should have that right. The percentage of Americans believing businesses should be able to refuse service represents a 40 percent drop from September.

But if Pence saw no need to moderate his own views, he failed to account for the change happening even within his own party.

Driven in large part by businesses, some Republicans worried about being able to attract workers and clients if Indiana were seen as intolerant. "The business community is outraged," Indianapolis Mayor Greg Ballard, a Republican who was a vocal opponent of the law, told NPR. "And a large, large number of them are Republicans."

The condemnation meted out by business leaders left Pence struggling to explain how he could "abhor discrimination" and stand by the law.

In the end, Pence was forced to make a Solomon's choice — between two pillars of Republican support, evangelicals and business leaders. After praying "earnestly for wisdom and compassion," Pence agreed April 2 to change the law so it would no longer override local anti-discrimination ordinances.

As he was leaving town to vacation in Europe, social conservative groups that have been among his biggest backers cried foul.

"It is ironic that on Holy Week, when Jesus was betrayed for 30 pieces of silver, we are watching our Republican leadership betray the Hoosier people to big business and corporate thuggery," Ron Johnson, pastor at Living Stones Church in Crown Point, told The Star.

Assessing the fallout from RFRA

The RFRA blow-up provided a lesson for other GOP hopefuls, said Schnur, McCain's former campaign communications director.

And the lesson wasn't lost on Republicans around the country.

Georgia's GOP backed off a similar bill. After receiving intense pressure from the business world, including home-state powerhouse Wal-Mart, Arkansas' governor would sign only a watered-down version.

While many of the potential 2016 GOP presidential candidates backed Pence initially in the RFRA aftermath, as the opposition intensified in Indiana, former Florida Gov. Jeb Bush backed off. He'd later say a "consensus-oriented approach" would have been the better call for Pence.

Louisiana Gov. Bobby Jindal, another Republican exploring a presidential run, last week backed a bill in his state that would allow private businesses to refuse to recognize same-sex marriage and not provide the same benefits to gay couples.

But former Republican California governor Arnold Schwarzenegger in a column in The Washington Post declared: “Hasta la vista, culture wars.”

He said he was “furious” that Republicans might alienate young and moderate voters by “fighting for laws that fly in the face of equality and freedom.”

Pence’s spokeswoman Denault, though, downplays such concerns.

“We probably shouldn’t assume,” she said, “that millennials or any voter are single-issue voters.”

Schnur, who is now director of the University of Southern California’s Unruh Institute of Politics, said Indiana’s RFRA controversy reveals a “critical challenge” faced by Republicans. They must learn to talk about the issue of LGBT rights “in a way that does not condemn same-sex marriage or other related issues.”

At the same time, he acknowledges, evangelicals remain critical to the GOP primary.

“The danger is that in order to secure the nomination,” he said, “a mainstream conservative candidate is going to feel it necessary to veer so far right that he can’t recover in time for a general election.”

Not coincidentally, Democrats are now trying to take a page from the Republican playbook and use the culture wars to their advantage, says Kevin Madden, a veteran crisis management consultant and top adviser to Mitt Romney’s 2012 campaign.

“Which is different from past political cycles like 2004 when things like gay marriage were on the ballot, or issues like gun control were part of the discussion, that it hurt Democrats,” Madden said.

Madden says the RFRA uproar showed just how easy it is for a candidate to lose control of the message in the world of 140-character Twitter conversations.

“Things move very fast,” he said. “You can lose the debate right as it’s only starting. That’s something that many campaigns and candidates have to be hyper aware of.”

In such an environment, Schnur said the challenge for Republicans is to find a better way than Pence to craft a message that satisfies evangelical conservatives and businesses and others who want to embrace gay rights.

“There might not be a perfect answer,” he said, “but there is certainly a better way to handle it than he has.”

Star researcher Cathy Knapp contributed to this story.

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