



**DISARM HATE**

# THE NEW BATTLE OVER LGBTQ

Donald Trump Calls Gays “Wonderful Americans,” but His Conservative Allies Are Pushing to Reverse Their Hard-Won Rights

*By Lillian Faderman*

In 1999, a wealthy 54-year-old businessman announced that he was exploring a run for the American presidency as a Reform Party candidate. Established by the tech billionaire and politician Ross Perot four years earlier, the Reform Party’s major concerns had been fiscal: a balanced budget, job promotion, an end to the North American Free Trade Agreement. But rightwing populist and social conservative Pat Buchanan made a grab for party leadership, and the party’s moderates believed that the businessman was their best hope for preventing Buchanan from getting the party’s presidential nomination in 2000. To distinguish himself on social issues from Buchanan—who had famously characterized the AIDS epidemic as nature’s way of exacting retribution from homosexuals—the businessman granted an interview in February 2000 to the *Advocate*, a slick gay magazine with a national circulation.

The businessman was Donald Trump, and he explained to *Advocate* readers that he’d grown up in New York City, a cultural metropole known for its tolerance. If he were president, he said, there would be a place for gays in his administration because he would be “looking for brains and experience. If the best person for the job happens to be gay, I would certainly appoint them.” He would promote pro-gay policies for the country, too. For instance, he was in favor of hate crimes legislation that would make it a federal offense to attack an individual because of animosity toward his or her sexual orientation. He also declared himself to be the first presidential candidate to propose a sweeping new approach to social justice for gays. As president, he declared, he would promote amending the 1964 Civil Rights Act to “grant the same protection to gay people that we give to other Americans—it’s only fair.” His idea of fairness even extended to the repeal of the so-called “Don’t Ask, Don’t Tell” policy of tolerating gays in the armed forces as long as they did not announce their sexual

◀ LGBTQ groups and allies protest outside Trump Tower, New York, July 18, 2016. *Pacific Press/Alamy*

orientation. Gays should be allowed to serve openly in the military, he said, just as they do in many European countries.

Trump's views on the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ) people proved to be disquietingly malleable after he became the frontrunner for the Republican nomination for president in 2016. He has backtracked on his former embrace of LGBTQ rights, courted political alliances with the anti-gay religious right, and chosen people with strong anti-gay track records for key positions in his administration. Given Trump's past clear sympathy for gay rights, now that he has won the presidency, will he resist the push by his administration, the Republican Party, and the conservative movement to reverse progress? If he gives in to the right on social issues, there will surely be a sharp escalation of the civil rights struggle, pitting LGBTQ activists, strengthened by decades of progress, against conservatives and the religious right inside and outside government who have been emboldened by their political triumph.

### **Bathroom Behavior**

As Trump was taking office in January, we could only speculate on how his administration would address hot-button social issues. Making confident predictions was difficult, if only because of Trump's own cognitive dissonance on LGBTQ rights. Consider his flip-flopping over the course of a single day on the campaign trail, last April 21.

At 7:30 a.m., Trump appeared live at a town hall on NBC's *Today* show, where he was asked his opinion of North Carolina's controversial H.B. 2, known as the "bathroom bill." Signed the preceding month by Republican Governor Pat McCrory, the bill prohibited transgender people from using public bathrooms that didn't match the gender on their birth certificate. A boycott of North Carolina quickly ensued. PayPal cancelled plans to open a new facility that would have created hundreds of jobs in North Carolina; Lionsgate halted a scheduled film production; Cirque du Soleil, Ringo Starr, and Bruce Springsteen cancelled their shows in the state—the list of boycotting companies and entertainers grew by the day. On *Today*, Trump offered his gut response as a businessman, a New Yorker, and a longtime LGBTQ sympathizer: he regarded the North Carolina law, which had brought "economic punishment" down on the state, as unnecessary and foolish: "People go, they use the bathroom that they feel is appropriate. There has been so little trouble because of it," he scolded North Carolina, adding that if transwoman Caitlyn Jenner, who had been Olympic gold medalist Bruce Jenner, came into Trump Tower, she could use any bathroom she wished.

In an hour or so, Trump's closest rival for the Republican presidential nomination, Ted Cruz, was already taking advantage of the frontrunner's pro-LGBTQ comments to create a wedge issue. On a morning radio interview with rightwing pundit and

Cruz supporter Glenn Beck, and immediately afterwards during a rally that Beck had organized for him in Maryland, Cruz launched his new offensive, opining that Trump was bowing to political correctness and succumbing to “the left’s agenda, which is to force Americans to leave God out of public life while paying lip service to false tolerance.” The Trump team evidently panicked: if Trump didn’t walk back his *Today* statements he risked losing the important religious right vote. By 3 p.m. the same day, Trump appeared on the Fox News show of conservative host Sean Hannity and did a 180-degree turn. “I think that local communities and states should make the decision,” Trump told Hannity. “I feel very strongly about that.”

Hannity, a consistent champion of Trump, whom he considered “a one-man wrecking ball against our dysfunctional and corrupt establishment,” made sure that Fox News viewers did not miss Trump’s metamorphosis: “In other words, let the state decide,” Hannity emphasized. “Kind of like your position on education. Give it back to the states.” Erasing the sin of that morning’s tolerance in no uncertain terms, Trump responded, “Yeah, let them decide. Absolutely.”

By June, Trump was in bed with the premier homophobic representatives of the religious right. He met with Tony Perkins of the Family Research Council, which claims that homosexuality is harmful, unnatural, and a threat to society. He met with James Dobson of Focus on the Family, which claims that homosexuality is a serious disorder that can be cured by “ex-gay” therapy. He spoke at the Road to Majority Conference, sponsored by the anti-gay organizations Faith and Freedom Coalition and Concerned Women for America, where he assured his audience that he was “100 percent with you” on the issues of “marriage and family” and “religious freedom,” code for state-sanctioned permission to discriminate against LGBTQ people based on “sincerely held religious beliefs.”

For the remainder of his ultimately winning campaign, Trump periodically flirted with the LGBTQ community. When an apparently homophobic Muslim man and sympathizer of the Islamic State terrorist group slaughtered forty-nine patrons of a gay nightclub in Orlando, Trump cast himself as the defender of gay lives—pointing to his proposed ban on Muslims, “who murder gays,” entering the United States. Accepting the presidential nomination at the Republican National Convention in July, Trump reeled off the crimes of Muslim terrorists including the attack in Orlando where “forty-nine wonderful Americans were savagely murdered.” His dual message was again intended to be assuring to LGBTQ people (“wonderful” Americans) and rousing to his base (Muslims are “savages”). When the delegates cheered though he’d dared say “protect our LGBTQ citizens,” Trump looked surprised for a moment, and then uttered what seemed an unscripted and heartfelt response: “I have to say, as a Republican, it is so nice to hear you cheering for what I just said.”

Yet for all his attempted nuancing, Trump positioned himself with the religious right on LGBTQ issues. That seemed to be clear with his choice of a running mate, Mike Pence, the governor of Indiana and a former congressman from the state, which was of major concern to the LGBTQ community. Pence had racked up a record that made him one of the most blatantly homophobic politicians in America.

Running for Congress in 2000, his “Pence Agenda,” as he called it, included a vow to abolish “Don’t Ask, Don’t Tell”—not because he thought gay people shouldn’t have to keep their sexuality a secret, but because the policy prohibited witch hunts of homosexuals whose “presence in the ranks weakens unit cohesion.” Pence’s plan also promised to “strengthen the American family” by opposing any effort to recognize homosexuals as a minority group entitled to the protection of anti-discrimination laws similar to those extended to women and ethnic minorities. He specified too that if elected he would halt federal funds to AIDS organizations that “celebrate and encourage the types of behavior that facilitate the spreading of the HIV virus.”

Once elected, Pence proved as good as his word, voting every chance he got against any measure that smacked of increasing the civil rights of LGBTQ people. In 2006, for example, he supported a proposed constitutional amendment that defined marriage as between a man and a woman. In 2007, he opposed the proposed Employment Non-Discrimination Act, which would have prohibited discrimination against LGBTQ workers; such a law, Pence argued, “wages war on freedom of religion in the workplace.” He opposed the 2009 Hate Crimes Prevention Act, which made hate-motivated crimes against gays and other minorities a federal offense.

After Pence was elected governor in 2012, he continued his war on LGBTQ people. In 2013, for instance, he signed a bill that made it a felony for same-sex couples to apply for a marriage license. In 2015, he signed into law a Religious Freedom Restoration Act, which allowed business owners, on the basis of their religious convictions, to refuse to serve homosexuals. Clearly, Trump’s choice for his vice president—the man who is a heartbeat from the presidency—would gladly reverse every bit of progress that has been made toward the achievement of LGBTQ civil rights.

### *Obergefell v. Hodges*

In the 1950s, every state in the union had a sodomy law, which meant that all homosexuals, simply because of their private sexual expression, were de facto criminals. They were also considered a threat to the nation—a moral menace at a time when conformity was seen as the antidote to the upheavals of the war years; a security menace because homosexuality was thought to be so reprehensible that a blackmailer sent by the Soviet Union could convince a homosexual to betray the country just by threatening to reveal his or her awful secret. Homosexuals had a hard time keeping a job. Private businesses

didn't want them: snoop companies were hired by employers to ferret them out so they could be fired before they infected other employees. They were hounded out of all government employment too, and out of the teaching profession.

Almost all gay Americans at that time were too scared to fight back. In the summer of 1950, when Harry Hay—who first conceptualized homosexuals as being sort of like blacks and Jews, “an oppressed cultural minority”—was struggling to organize them, he couldn't get anyone to join him. Finally, Hay, a leftist, had a brainstorm. He went to a gay beach in Los Angeles with a Communist Party-sponsored petition that demanded that U.S. troops be withdrawn from Korea. He got more than five hundred signatures. After a person signed, Hay asked if he or she would also be interested in joining a group to talk about “sexual deviancy.” Not a soul said yes. Apparently everyone thought it was less dangerous to sign a Communist Party petition than it was to join a group associated with homosexuality.

Hay was finally able to establish the Mattachine Society with a few other gay men. Its aim was to unify homosexuals, raise their social consciousness, and come to the aid of persecuted gays. The Mattachine Society grew modestly and spread to only a half-dozen cities, but it was the opening salvo in the battle for gay rights. In 1961, Frank Kameny, an astronomer fired from his civilian job with the Army Map Service because he was a homosexual, co-founded Mattachine Society Washington, DC. Through the organization, he helped other sacked federal employees sue the U.S. Civil Service Commission, which had jurisdiction over the hiring and firing of government workers. It was one of the first significant victories for gay rights when Judge David Bazelon, the chief judge of a federal appeals court, ordered a fired homosexual employee reinstated, declaring that U.S. citizens had a right to privacy and did not need to answer questions about their sexuality—and that unless there was a nexus between private conduct and job performance, the private conduct was irrelevant. Bazelon's ruling became a precedent; the courts continued to reinstate fired homosexuals until the Civil Service Commission finally issued a directive to all federal agencies which said that an individual may not be found “unsuitable for federal employment merely because that person is a homosexual.”

The year 1969 saw further dramatic developments in the gay rights movement. In response to a police raid on the Stonewall Inn in Greenwich Village, a common occurrence targeting gay bars in the area, young gay people followed the lead of blacks, anti-war protesters, and radical feminists and took their grievances to the streets. The Stonewall riot—a “hairpin drop heard round the world,” as wags of the day described it—was the start of a mass exodus from the shadows. More and more gay people became willing to openly acknowledge their sexual orientation, participate in massive public demonstrations such as pride parades, and demand all the rights of citizenship.

Beginning in 1973, large national gay rights organizations were established, including the Lambda Legal Defense and Education Fund, the National Gay Task Force, and the Gay Rights National Lobby (forerunner of the Human Rights Campaign). With money donated by the gay community, the organizations hired legal and governmental experts not only to fight for gay rights in the courts, but also to lobby politicians to support gay issues. Gay litigators from all over America began meeting regularly as “The Roundtable,” where they strategized long-term plans to advance gay rights.

Gay groups became larger and savvier. For the sake of the struggle, activists learned to organize gays of every stripe, from radicals and lesbian-feminists to mainstreamers. In 1977, pop singer and Christian fundamentalist Anita Bryant led a charge to repeal the recent addition of the words “sexual or affectional preference” to an existing Miami-Dade County non-discrimination ordinance; when she prevailed, successful copycat campaigns spread across the country. The next year in California, State Senator John Briggs, ambitious to become governor and inspired by those examples of voter animosity toward gays, sponsored what seemed to be a surefire ballot initiative to ban homosexual teachers, and any teacher who said anything nice about homosexuals, from California classrooms. Early polls showed the Briggs Initiative would win by a landslide. But gays knew that if they didn’t stop Briggs, campaigns against their rights would keep proliferating. They worked relentlessly and defeated the initiative by a comfortable margin. Their ballot success became a turning point and a model for gay activism all over America.

Taking a page from Martin Luther King, Jr.’s 1963 March on Washington for Jobs and Freedom, the first March on Washington for Gay and Lesbian Rights was held in 1979 and drew one hundred thousand participants. The second march, in 1987, drew six hundred thousand. The third march, in 1993, drew almost a million, signaling to the nation growing LGBTQ unity, numbers, and willingness to fight. Recent years have seen phenomenal results. Sodomy laws, which had made all homosexuals de facto criminals, were declared unconstitutional by the Supreme Court in 2003. In 2009, Congress passed the first federal pro-LGBTQ law in American history: a hate crimes bill making crimes motivated by a victim’s sexual orientation or gender identity a federal offense. The following year, Congress repealed all barriers to gays serving openly in the military. In 2015, the Supreme Court handed down a landmark ruling in *Obergefell v. Hodges* that same-sex couples had a constitutional right to marry. By then, lesbians and gays were truly beginning to feel like first-class American citizens.

Legal tactics, mass organizing, and huge public demonstrations have all been crucial to the struggle for gay rights; but perhaps most important was the demolition of the “closet,” which has helped change the hearts and minds of the American people. If you believe that homosexuals are nasties who skulk in the shadows ready to pounce

on children, you support laws that criminalize and punish them. But if you know that your beloved brother or kindly aunt or good neighbor is a homosexual, you're likely to support their desire for equal rights. In the 1950s homosexuality was a deep, dark secret that gay people kept from practically everyone but other gay people. In 1985, 24 percent of Americans said they had friends, relatives, or coworkers who told them personally that they were lesbian or gay. By 2013, 75 percent of Americans said they'd been told by a friend, relative, or coworker that they were lesbian or gay. Support for lesbians and gays serving openly in the military, marrying their same-sex partner, and enjoying equality in the workplace rose spectacularly with the rising knowledge that most Americans know and love someone who is gay, lesbian, bisexual, trans, or queer. And the growing popular sentiment in favor of equality has been a powerful influence on the legislative, executive, and judicial branches of government, which in the last years have moved LGBTQ people closer to first-class citizenship than could possibly have been imagined just a few decades ago when hardly any straight people knew that they knew someone gay.

### Indiana Values or New York Values?

Donald Trump's election to the presidency caused widespread panic among LGBTQ people. Would Trump nullify the hard-won expansion of their civil rights? The GOP platform—which called for overturning *Obergefell v. Hodges* and supported the right of businesses to discriminate against LGBTQ people as well as the right of parents to force their LGBTQ kids into “conversion therapy”—did not bode well. However, a president has no legal obligation to follow his party's platform.

Trump's mixed messages have created deep uncertainty about his intentions toward the LGBTQ community. In early 2016, just before the Iowa caucuses, Trump went on Fox News where he assured the right that if elected he would “strongly consider” nominating Supreme Court justices who would overturn *Obergefell v. Hodges*. Yet in November, five days after he won the general election, he told Leslie Stahl of CBS's *60 Minutes* program that the issue of same-sex marriage had already been decided by the Supreme Court—it was “settled,” and he was “fine” with it.

Nearly everything else Trump said or did on LGBTQ issues during his transition to the White House is troubling to the LGBTQ community. Of particular concern is his string of appointments of social conservatives with histories of anti-gay sentiments and actions. As the next attorney general Trump selected Senator Jeff Sessions of Alabama, who the *Huffington Post* has described as “one of the most anti-gay politicians in Washington.” From powerful positions on the judiciary and budget committees, he has stood against same-sex marriage, workplace discrimination protections for LGBTQ people, and expanding hate crimes to include attacks related to sexual orientation.



Trump named Republican operative Betsy DeVos to become secretary of education. She headed an effort in Michigan to amend the state constitution to prohibit same-sex marriage; her billionaire family helped the rabidly anti-gay Family Research Council establish a lobbying office in Washington in order to “preserve and advance the heritage of religious belief and family values”—dog whistle phrases for condoning discrimination against LGBTQ people and challenging same-sex marriage and the adoption of children by non-heterosexuals. Trump named Republican Representative Tom Price of Georgia—who never encountered a piece of anti-LGBTQ legislation he didn’t like—to head the Department of Health and Human Services. In 2010, Price told the Conservative Political Action Conference that the right must “beat back” the “vile liberal agenda.” To head the Department of Housing and Urban Development Trump named Ben Carson, a medical doctor who has compared homosexuality to bestiality and pedophilia.

Trump’s picks can do genuine harm to undermine decades of progress toward LGBTQ rights. Sessions, for instance, can rescind the federal government’s lawsuit against North Carolina’s “bathroom bill,” which Attorney General Loretta Lynch initiated last May when she declared that H.B. 2 was “in direct opposition to federal laws prohibiting discrimination on the basis of sex and gender identity.” Sessions can decline to prosecute acts of discrimination against LGBTQ people. As secretary of education, DeVos can reverse President Obama’s order prohibiting school discrimination against transgender students. She can put a halt to public school programs whose purpose is to help LGBTQ kids. As secretary of the Department of Health and Human Services, Price will oversee the policies of the Centers for Disease Control and Prevention, the National Institutes of Health, and the Food and Drug Administration, all of which play important roles on issues relating to HIV and AIDS. Price will have influence over whether the Trump alternative to Obamacare will include provisions that protect LGBTQ people. As secretary of housing and urban development, Carson can refuse to enforce fair housing laws that prohibit discrimination against LGBTQ people; he can even institute a “religious exemption” that would permit landlords to evict tenants because of their sexual orientation or gender identity.

Trump’s words and actions as a candidate and president-elect were a far cry from his interview with the *Advocate* seventeen years ago. Then he seemed to flinch only on the subject of same-sex marriage. Along with almost two-thirds of Americans at that time, he believed that marriage should be between a man and a woman. But, he said, “It’s important for gay couples who are committed to each other to not be hassled when it comes to inheritance, insurance benefits, and other simple everyday rights,” and he pronounced himself in favor of “a very strong domestic partnership law that guarantees gay people the same legal protections and rights as married people.”

Trump withdrew from the Reform Party race shortly before the *Advocate* interview was published, yet on the issue of same-sex marriage he continued to evolve. Indeed, he evolved even more quickly than did Obama, who did not declare himself in favor of same-sex marriage until nearly the end of his first term of office in 2012. In 2005, Trump announced on his “Trump Blog,” which he wrote for Trump University, “There’s a lot to celebrate this holiday season. Elton John married his longtime partner David Furnish on December 21. . . . I’m very happy for them. If two people dig each other, they dig each other.”

Whether or not Trump takes up his “New York values” as president or chooses to repudiate them in office, the LGBTQ community, with its many decades of experience in the struggle for rights, can’t and won’t retreat. In 1997, Kameny, the astronomer fired from the Army Map Service forty years earlier, marveled about the progress he had witnessed: “We started with nothing, and look what we have wrought.” In the years since then, LGBTQ people have wrought so much more. They know how to fight in the courts, in the media, in the streets, and everywhere. Today, most Americans understand that LGBTQ people are their family, friends, and coworkers. Many straight Americans have become allies in the fight.